

ACTS
OF THE
One Hundred and Ninety-first Legislature
OF THE
STATE OF NEW JERSEY
AND
Twentieth Under the New Constitution



New Jersey State Library

1967

The following laws, passed by the One Hundred and Ninety-first Legislature and an index of the laws, are published in accordance with Title 1, chapter three, section one et seq. of the Revised Statutes.

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Secretary of State.

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ACTS

PASSED BY THE

One Hundred and Ninety-first Legislature

CHAPTER 1

AN ACT concerning the budget message to be transmitted by the Governor to the Legislature for the fiscal year July 1, 1967 to June 30, 1968.

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

1. Notwithstanding the provisions of any other law, the Governor shall transmit his Budget Message for the fiscal year July 1, 1967, to June 30, 1968 to the Legislature on or before February 20, 1967.

2. This act shall take effect immediately.

Approved January 18, 1967.

CHAPTER 2

AN ACT concerning engineers, and firemen's licenses and amending section 34:7-1 of the Revised Statutes.

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

1. Section 34:7-1 of the Revised Statutes is amended to read as follows:

License necessary; emergencies; exceptions; administration; examinations.

34:7-1. No unlicensed person shall operate a steam generator, similar equipment potentially capable of generating steam having relief devices set over 15 psig. and rated at or developing over 6 boiler horsepower or a steam power generator, if over 6 horse-

power; a hoisting machine regardless of motive power, whenever the boom length exceeds 99 feet; a refrigerating plant of over 24 tons of refrigerating capacity, utilizing refrigerants of a flammable or toxic nature; or a steam or hot water heating plant of which the indicated or rated capacity exceeds either 499 square feet of heating surface or 100 boiler horsepower or 1,000 kilowatts or 4,000,000 British thermal units input regardless of pressure or temperature conditions; and no owner, agent, superintendent, manager or other person having charge of any building or work in which such equipment is located, or used, shall use, or cause or allow to be used, any such equipment described in this section unless the same is in charge of a properly licensed person, except in emergency, and then for no longer than 15 days unless the commissioner in writing extends such time, of which emergency the owner of such equipment, or the agent, superintendent, manager or other person in charge thereof shall promptly notify the mechanical inspection bureau in writing, stating fully the circumstances.

The provisions of this chapter shall not require a license of any person in charge of or operating the following:

- (1) any equipment installed for emergency purposes only, or
- (2) any equipment under the jurisdiction and control of the United States Government, the operation of which is actively regulated by a Federal agency, or
- (3) any railroad locomotive boiler or any type locomotive used in the service of a common carrier, or
- (4) any refrigerating plant utilizing refrigerants classified as being in Group 1 in the Safety Code for Mechanical Refrigeration of the American Society of Refrigerating Engineers approved by the American Standards Association, Inc., or
- (5) any equipment having relief devices set at or under 15 pounds per square inch gauge or reliably regulated to operate at a temperature not greater than 200° F when serving a heating plant in a building which is unoccupied. A building shall not be deemed to be "occupied" solely on the basis of attendance by custodial or security personnel.

The provisions of this article shall be administered by the commissioner through the mechanical inspection bureau. Examinations for license under this article shall be conducted by the examining board or by any member of said board.

2. This act shall take effect immediately.

Approved January 30, 1967.

CHAPTER 3

AN ACT to amend "A supplement to 'The Evidence Act, 1960,' approved June 20, 1960 (P. L. 1960, c. 52)," approved May 24, 1965 (P. L. 1965, c. 56).

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

1. Section 2 of the act of which this act is amendatory is amended to read as follows:

2. Notwithstanding the provisions of section 36 of P. L. 1960, chapter 52, the effective date of the Rules of Evidence adopted by the Supreme Court on September 14, 1964, to become effective July 1, 1965, is postponed to September 11, 1967.

2. This act shall take effect immediately.

Approved January 31, 1967.

CHAPTER 4

AN ACT concerning the printing of the laws, and amending sections 1:3-1, 1:3-2, 1:3-3, 1:3-4, 1:3-5 and 1:3-6 of the Revised Statutes.

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

1. Section 1:3-1 of the Revised Statutes is amended to read as follows:

Preparation for printing by Secretary of State; index to volume of laws.

1:3-1. The Secretary of State shall, as soon as practicable after any law shall be enacted, prepare the same for printing and in so doing, he shall make such corrections in the text thereof, as shall be directed by the Law Revision and Legislative Services Commission, and shall omit from the text thereof all material inserted therein, which is enclosed in bold-faced brackets, together with the brackets and all footnotes relating thereto, and shall cause material, appearing in the text underlined or printed in italics, to

be printed in the same manner as other material is printed. He shall cause the several acts of each year to be designated as chapters, numbered in Arabic according to the order of time when they respectively became laws; and shall cause headnotes, descriptive of the contents, to be printed at the beginning of such sections as he shall deem appropriate, and shall cause such sections of the several acts of each year, as shall be designated by the Law Revision and Legislative Services Commission, to be marked with such compilation numbers as shall be furnished to him by said commission; and he shall, in like manner, cause the joint resolutions of the Senate and General Assembly and the concurrent resolutions of the Senate and General Assembly agreeing to any proposed amendment or amendments of the Constitution or providing for the publication and submission to the people of any such proposed amendment or amendments to be prepared for printing.

The Law Revision and Legislative Services Commission is authorized to correct in the text, but not in the title, of any law, such errors in references to other laws and in punctuation and spelling, and other obvious errors in form, which will not affect the substance of the law, as shall be approved by the Attorney General and when so directed the Secretary of State shall make such corrections in preparing the law for printing.

The Secretary of State shall also cause the Proclamations of the Governor made during the previous year, which the Governor shall direct to be printed, to be copied and prepared for printing.

The Secretary of State shall prepare but one index, alphabetically arranged, to all the acts and joint resolutions of the year and the proclamations of the previous year.

2. Section 1:3-2 of the Revised Statutes is amended to read as follows:

Delivery to printer of copies of laws, joint resolutions and index.

1:3-2. Upon the filing in his office of each act and joint resolution as required by sections 1:2-5, 1:2-6 and 1:2-7 of this Title, the Secretary of State shall forthwith deliver a true copy of the same, prepared in accordance with the provisions of section 1:3-1 of this Title, to the printer having the contract to print the laws. The Secretary of State shall also furnish to such printer copies of such proclamations of the Governor to be printed with the laws, and copy for the index prepared by him pursuant to said section 1:3-1, together with such analyses, tables and schedules indicating changes made in the statute law since the enactment of the Revised

Statutes as shall be furnished to him for that purpose by the Law Revision and Legislative Services Commission, which shall be printed and distributed as part of the pamphlet laws.

3. Section 1:3-3 of the Revised Statutes is amended to read as follows:

Superintendence of printing by Secretary of State.

1:3-3. The Secretary of State shall direct and superintend the printing of the laws, joint resolutions and proclamations.

4. Section 1:3-4 of the Revised Statutes is amended to read as follows:

Style and contents of annual volume of laws.

1:3-4. The laws enacted at each session of the Legislature shall be printed in the same general style as heretofore, subject to such modifications and modernization as the Secretary of State shall from time to time direct. Preceding the first chapter of the public laws, there shall be printed the legislative list of members' names arranged by Senate and General Assembly districts. Following the last chapter of the public laws, there shall be printed first, the joint resolutions of the Senate and General Assembly arranged in numerical order, and such proclamations of the Governor made during the previous year as are to be printed with the laws.

5. Section 1:3-5 of the Revised Statutes is amended to read as follows:

Printing laws as provided in contract.

1:3-5. The printer having the contract to print the laws shall print the acts of the Legislature and such other material as required to be published therewith in such manner and quantity as shall be provided in his contract.

6. Section 1:3-6 of the Revised Statutes is amended to read as follows:

General control and supervision by State Purchasing Department of printing laws, resolutions and proclamations.

1:3-6. The general control and supervision of the printing of the laws, resolutions and proclamations shall be in Division of Purchase and Property in the Department of the Treasury, and shall, as to such printing be governed by the provisions of chapter 36 of the Title State Government, Departments and Officers. (§ 52:36-1 et seq.)

7. This act shall take effect immediately.

Approved February 16, 1967.

CHAPTER 5

AN ACT to amend “An act creating an Election Law Revision Commission, prescribing its powers and duties, repealing chapter 81 of the laws of 1961, and making an appropriation therefor,” approved May 4, 1964 (P. L. 1964, c. 29).

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

1. Section 6 of the act of which this act is amendatory is amended to read as follows:

C. 1:17-16 Final report and proposed revision.

6. The commission shall make its final report to the Governor and the Legislature during the 1967 Session of the Legislature accompanying its report with its final proposed revision of the election law.

2. This act shall take effect immediately.

Approved February 23, 1967.

CHAPTER 6

AN ACT concerning first aid and emergency or volunteer ambulance or rescue squad associations and volunteer fire companies, in certain cases.

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

C. 40:48-9.10 Removal of snow and ice; expense of municipality.

1. The governing body of any municipality may, at the expense of said municipality, remove or provide for the removal of snow and ice from the premises whereon are housed the apparatus and equipment of any duly incorporated first aid and emergency or volunteer ambulance or rescue squad association, or any duly incorporated volunteer fire company, rendering services generally throughout said municipality.

C. 40:48-9.11 Additional contribution by municipality.

2. The cost of the removal of such snow and ice may, at the option of the municipality removing, or providing for the removal

of such snow and ice, be additional to any other contribution which said municipality may be legally empowered to make to said duly incorporated first aid and emergency or volunteer ambulance or rescue squad association, or any duly incorporated volunteer fire company.

3. This act shall take effect immediately.

Approved February 23, 1967.

CHAPTER 7

AN ACT concerning elections and amending sections 19:2-1, 19:5-3, 19:9-2, 19:23-1 and 19:23-40 of the Revised Statutes.

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

1. Section 19:2-1 of the Revised Statutes is amended to read as follows:

Primary for delegates and alternates to national conventions and for general and special elections.

19:2-1. Primary elections for delegates and alternates to national conventions of political parties and for the general election shall be held in each year on the first Tuesday in June, between the hours of 7 ante meridian and 8 post meridian, Standard Time. Primary elections for special elections shall be held not earlier than 30 nor later than 20 days prior to the special elections.

2. Section 19:5-3 of the Revised Statutes is amended to read as follows:

Membership and organization of county committees; vacancies; certification of unit of representation and number of election districts.

19:5-3. The members of the county committees of political parties shall be elected annually at the primary for the general election in the manner provided in this Title for the selection of party candidates to be voted for at the general election by voters of a municipality. The county committee shall consist of one male and one female member from each unit of representation in the county. The male receiving the highest number of votes among the male candidates and the female receiving the highest number of votes among the female candidates shall be declared elected. Members of the county committee shall actually reside in the

districts or units which they respectively represent. The county committee shall determine by its by-laws the units into which the county shall be divided for purpose of representation in the county committee.

The members of the county committee of each of the political parties shall take office on the first Saturday following their election, on which day the terms of all members of such committees theretofore elected shall terminate. The annual meeting of each county committee shall be held on the first Tuesday following the primary election, except that when such meeting day falls on a legal holiday then the said meeting shall be held on the day following, at an hour and place to be designated in a notice in writing to be mailed by the chairman of the outgoing county committee to each member-elect, at which annual meeting the members of such committee shall elect some suitable person as chairman to hold office for 1 year, or until his successor is elected. The members shall also elect a vice-chairman of the opposite sex of the chairman to hold office for 1 year or until his or her successor is elected and the vice-chairman shall perform all duties required of him or her by law and the constitution and by-laws of such committee. Such committee shall have power to adopt a constitution and by-laws for its proper government. The chairman shall preside at all meetings of the committee and shall perform all duties required of him by law and the constitution and by-laws of such committee.

A member of a county committee of any political party may resign his office to the committee of which he is a member, and upon acceptance thereof by the committee a vacancy shall exist. A vacancy in the office of a member of the county committee of any political party, caused by death, resignation, failure to elect or otherwise, shall be filled for the unexpired term by the municipal committee of the municipality wherein the vacancy occurs, if there is such committee, and if not, by the remaining members of the county committee of such political party representing the territory in the county in which such vacancy occurs.

The chairman of the county committee of the several political parties shall before April 1, certify to the clerk of each municipality in the county the unit of representation in such municipality, together with the enumeration of the election district or districts embraced within such unit.

3. Section 19:9-2 of the Revised Statutes is amended to read as follows:

Preparation of books, blank forms and other supplies.

19:9-2. The Secretary of State shall prepare and distribute on or before April 1 in each year prior to the primary election for the general election and the general election the following information and election supplies: pamphlets of the election laws and instructions; precinct returns; electors of President and Vice-President; United States Senator; member of the House of Representatives; Governor; State Senator; General Assembly and county officers; public question submitted to the voters of the entire State; self-addressed envelopes, plain and stamped, to each district; returns for the county board of canvassers for the above officers; primary return sheets.

All other books, ballots, envelopes and other blank forms which the county clerk is required to furnish under any other section of this Title, stationery and supplies for the primary election for the general election, the primary election for delegates and alternates to national conventions and the general election, shall be furnished, prepared and distributed by the clerks of the various counties; except that all books, blank forms, stationery and supplies, articles and equipment which may be deemed necessary to be furnished, used or issued by the county board or superintendent shall be furnished, used or issued, prepared and distributed by such county board or superintendent, as the case may be.

The county board in counties having a superintendent of elections shall furnish and deliver to the county clerk, the municipal clerks and the district boards in municipalities having more than one election district, a map or description of the district lines of their respective election districts, together with the street and house numbers where possible in such election districts. In counties not having a superintendent of elections the municipal clerks shall furnish and deliver such map or description of district lines to the county clerk, the county board and the district board in municipalities having more than one election district.

Nothing in subtitle 2 of the Title, Municipalities and Counties (section 40:16-1 et seq.), shall in anywise be construed to affect, restrict, or abridge the powers conferred on the county clerks, county boards or superintendents by this Title.

4. Section 19:23-1 of the Revised Statutes is amended to read as follows:

State committee to county committees; county committees to municipal clerks.

19:23-1. The chairman of the State committee of a political party shall, on or before March 1 in the year when a Governor

is to be elected, notify in writing the chairman of each county committee of such party that a male and a female member of such State committee is to be elected from the county at the ensuing primary election for the general election, and each such chairman shall, on or before April 1 of such year, send a copy of such notice to the clerk of each municipality within the county.

The chairman of each county committee shall also, on or before April 1 in each year, file with the clerks of the several municipalities the number of committeemen to be elected at the ensuing primary for the general election to the county committee.

5. Section 19:23-40 of the Revised Statutes is amended to read as follows:

19:23-40. The primary election for the general election shall be held for all political parties upon the first Tuesday in June in each year between the hours of 7 ante meridian and 8 post meridian, Standard Time. It shall be held for all political parties in the same places as hereinbefore provided for the ensuing general election.

6. This act shall take effect immediately.

Approved March 10, 1967.

CHAPTER 8

AN ACT reconstituting and continuing a commission known as the "Public and School Employees' Grievance Procedure Study Commission," to study the need for a procedure to be established for the presentation of grievances by public and school employees and to provide for reports and recommendations by said commission to the Governor and the Legislature, created by chapter 170 of the laws of 1966, approved June 18, 1966, and reappropriating an amount for the expenses thereof.

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

1. The commission heretofore created under chapter 170 of the laws of 1966 is hereby reconstituted and continued with the same membership and the same officers as it last had and with the same powers and duties vested in and imposed upon it by the said chapter.

2. Vacancies in the membership of the commission occasioned by any cause shall be filled in the same manner as the original appointments were made.

3. The commission shall report to the Governor and the Legislature during the 1967 session of the Legislature, setting forth the results of its study, and may include therewith recommendations for legislative enactment.

4. The appropriation of \$25,000.00 heretofore made under chapter 170 of the laws of 1966 is hereby continued to carry out the purposes of this act.

5. This act shall take effect immediately.

Approved March 13, 1967.

CHAPTER 9

AN ACT providing for the appointment by the Supreme Court of special counsel in certain cases.

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

C. 2A:1-10 Appointment of special counsel by Supreme Court.

1. In any action involving the constitutionality or validity of a statute providing for the expenditure of public moneys by the State or any instrumentality thereof where the legal issues concerning the constitutionality or validity thereof are genuine and a question arises as to whether the interests of the parties may not be truly adversary, and the issues are of public importance and an adjudication thereof is in the public interest, the Chief Justice of the Supreme Court, or the Supreme Court en banc, may appoint counsel specially to represent any party or interest as may be deemed necessary and appropriate to assure the full presentation of adversary positions and interests with respect to the issues.

C. 2A:1-11 Fees and expenses of the court.

2. The Supreme Court, upon petition of special counsel, shall allow such fees and expenses as the court deems adequate and reasonable. Such allowances shall be paid from any available funds by the chief financial officer of the governmental agency involved in such action. Where more than one governmental body or agency is involved, the court may direct the allocation of the

allowable fees and expenses between such bodies or agencies in such proportionate amounts as it considers appropriate.

3. This act shall take effect immediately.

Approved March 13, 1967.

CHAPTER 10

AN ACT concerning pensions and providing for a pension to the widow of certain former public employees.

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

C. 43:9-36 P.E.R.S.; widow's pension.

1. If any public employee, heretofore having served at least 7 years as a borough solicitor, at least 3 years as an assistant city solicitor, at least 2 years as an assistant county prosecutor, at least 5 years as a juvenile and domestic relations court judge, and having attained the age of 64 years or more, has died, having left a widow surviving him, such widow, upon application therefor, shall receive for the remainder of her life a widow's pension in an amount equal to 25% of the annual compensation said employee received in the last year of his employment.

C. 43:9-37 Payments in lieu of pension and insurance benefits.

2. Any pension payable under this act to a widow shall be in lieu of the pension and insurance benefits which would accrue to the said widow under any retirement system established by the State or any of its political subdivisions.

C. 43:9-38 Budget provisions; widow's share of pension.

3. The payment of pensions granted pursuant to this act shall be provided for in the budget of the employer granting the pension. If the employer was contributing to a retirement system on behalf of said person, the adoption of the provisions of this act and the payment of pension or other benefits provided hereunder shall be considered as a discharge of the employer's liability to the retirement system with respect to such person and his widow so that a credit for the discharge of such liability shall be reflected in the subsequent valuations of the employer's liabilities under the retirement system for all other employees.

Upon the widow's acceptance of the pension granted pursuant to this act, and as a condition thereof, the widow shall pay over to the employer the value of her deceased husband's contribution and interest which was credited to his account in any retirement system established by the State or any of its political subdivisions in order to defray part of the cost of the pension to be paid by the employer.

C. 43:9-39 Definition.

4. For the purposes of this act, the term "public employee" shall be deemed to mean and include a person who has held an office, position or employment in county government.

5. This act shall take effect immediately.

Approved March 13, 1967.

CHAPTER 11

AN ACT concerning municipalities and supplementing chapter 60 of Title 40 of the Revised Statutes.

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

C. 40:60-25.57 Real property for College Medicine and Dentistry.

1. Any municipality in which a State-operated college of medicine or college of medicine and dentistry, is located, or proposed to be located, is hereby empowered to acquire by purchase, gift, grant, devise or otherwise, and to take for public use, any estate or interest in any real property within the municipality by condemnation, in the manner provided by chapter 1 of Title 20 of the Revised Statutes, except as otherwise provided by this act. The municipality may thereupon sell and convey any estate or interest in any real property so acquired to such college for use by the college for the construction of such facilities as may be required by the college in the performance of its teaching, research and treatment functions. Any estate or interest in any real property so acquired may be sold by the municipality to such college for a nominal consideration for the purpose of promoting the health and general welfare of the municipality.

C. 40:60-25.58 Filing of declaration of taking.

2. On or after the institution of an action by the municipality for condemnation of property and to fix the compensation to be

paid for such property, the municipality may file with the Clerk of the Superior Court a declaration of taking, signed by the duly authorized municipal official, declaring that all or any part of such property described in the petition is being taken by and for the use of the municipality. The declaration of taking shall set forth (1) a description of such tract or parcel of property to be taken, to which there may be attached a plan or map thereof; (2) a statement of the estate or interest in the said property being taken; and (3) a statement of the sum of money estimated by the municipality to be just compensation for the property taken, which sum shall not be less than the last assessed valuation for tax purposes of the estate or interest in the property to be taken.

Upon the filing of the aforesaid declaration of taking and the deposit in court to the use of the persons entitled thereto, of the sum of money estimated by the municipality to be just compensation for the property taken as stated above, title to the property described as being taken by said declaration shall vest in the municipality (free from the right, title, interest or lien of all persons), and said property shall be deemed to be condemned and taken for the use of the municipality and the right to just compensation for the same shall vest in the persons entitled thereto.

Upon the filing of the declaration of taking and the making of the deposit as aforesaid, the court shall designate a day not exceeding 90 days after such filing, except for good cause shown, on which persons in possession shall be required to surrender possession to the municipality.

Upon the expiration of the period designated by the court as herein provided, the municipality, without other process or proceedings shall be entitled to the exclusive possession and use of each tract or parcel of property described in the declaration and may forthwith enter into and take possession of said property, it being the intent of this provision that the action to fix the compensation to be paid or any other proceeding relating to the taking of such property or entering therein shall not delay the taking of possession and the use thereof by the municipality for purposes authorized by this act. The municipality shall not abandon any condemnation proceeding pursuant to this act subsequent to the date upon which it has taken possession of the property as herein provided.

The municipality shall cause notice of the filing of said declaration of taking and the making of said deposit to be served upon each party to the action to fix the compensation to be paid, who

resides in this State, either personally or by leaving a copy thereof at his dwelling house or usual place of abode, and upon each such party who resides out of the State by mailing notice thereof to him at his usual place of abode if known. In the event that the usual place of abode of any such party or the name of such party is unknown, such notice shall be published at least once in a newspaper published or circulating in the county or counties in which the property is located. Such service, mailing or publishing, shall be made within 30 days after the filing of the declaration.

Any party in interest after notice to other parties in interest, including the municipality, may make application to a judge of the Superior Court who may order that the money deposited with the Clerk of the Superior Court, or any part thereof, be paid forthwith to the person or persons entitled thereto for or on account of the just compensation to be awarded in said proceeding; provided, that each such person shall have filed with Clerk of the Superior Court a consent in writing and such security as may be required by the court that, in the event the award in the condemnation proceeding shall be less than the amount deposited, the court, after notice and hearing as herein provided, may determine the liability, if any, for the return of such difference or any part thereof and enter judgment therefor.

The ultimate amount of compensation shall be determined pursuant to Title 20 of the Revised Statutes. If the amount so fixed shall exceed the amount so deposited in court by the municipality or otherwise paid to the persons entitled thereto, the court shall enter judgment against the municipality in the amount of such deficiency, together with interest at the legal rate on such deficiency from the date of the vesting of title to the date of the entry of the final judgment (subject, however, to abatement for use, income, rents or profits derived from such property by the owner thereof subsequent to the vesting of title in the municipality), and the court shall order the municipality to deposit the amount of such deficiency in court. The money deposited into court by a municipality shall be secured in such manner as may be directed by the court and shall be disbursed according to the order or judgment of the court to the persons found to be entitled thereto by the final award or judgment of the court. In case the amount deposited in court by the municipality as the estimated compensation for the property shall exceed the amount of the award or judgment, such excess shall be returned to the municipality, unless the amount of the deposit or any part thereof shall have been distributed as

aforesaid, in which event, the court, on petition of the municipality and notice to all persons interested in the award and affording them an opportunity to be heard, shall enter judgment in favor of the municipality for such difference against the party or parties liable for the return thereof. The municipality shall cause notice of the date, fixed for such hearing, to be served upon each party thereto residing in this State in accordance with the requirements of the laws of this State relating to service of process. In the event that the residence of any party or the name of any party is unknown, such notice shall be published at least once in a newspaper published or circulating in the county in which the property is located. Such service, mailing or publication, shall be made at least 10 days before the date fixed for such hearing.

C. 40:60-25.59 Relocation of persons and concerns.

3. (a) Any municipality which acquires, or seeks to acquire, real property pursuant to the provisions of this act for the purposes authorized herein shall do any and all things necessary to assure that a workable relocation assistance program for displaced persons and business concerns, offering the services prescribed by subsection (b) of this section, is available to reduce hardship to those affected, and to reduce delays in public improvements.

(b) Every workable relocation assistance program required by subsection (a) of this section shall include such measures, facilities, or services as may be necessary or appropriate, (1) to determine the needs of displaced persons, business concerns, and nonprofit organizations for relocation assistance; (2) to assist owners of displaced business concerns in obtaining and becoming established in suitable business locations; (3) to supply information concerning programs offering assistance to displaced persons and business concerns; (4) to assist in minimizing hardships to displaced persons in adjusting to relocation; and (5) to secure to the greatest extent practicable, the co-ordination of relocation activities with other project activities and other planned or proposed governmental actions in the community or nearby areas which may affect the execution of the workable relocation program.

(c) A municipality which acquires, or seeks to acquire, real property pursuant to the provisions of this act for the purposes authorized herein shall, within 30 days of the filing of the declaration of taking and the depositing of the estimated compensation as required by section 2 of this act, designate or appoint a public officer of the municipality who shall be charged with the formulation and implementation of the workable relocation assistance program

as required by subsection (a) of this section. The municipality, acting through the public officer so designated or appointed may utilize the facilities, personnel, and services of any other officer or agency of the municipality, or of any agency or authority created or chartered thereby, or may enter into appropriate contracts or agreements with any officer or agency of the Federal, State, county or municipal government, or of any agency or authority created or chartered thereby, or with any nonprofit organization, for the purpose of implementing the workable relocation assistance program.

C. 40:60-25.60 Municipal duties.

4. Any municipality which acquires, or seeks to acquire, real property pursuant to the provisions of this act for the purposes authorized herein shall provide for:

(a) the payment by the municipality to any displaced business concern or nonprofit organization—

(1) of its reasonable and necessary moving expenses and any actual direct loss of property except goodwill or profit for which reimbursement or compensation is not otherwise made; provided, that such payment shall not exceed \$3,000.00 (or if greater, the total certified moving expenses); and

(2) an additional \$2,500.00 in the case of a private business concern with average annual net earnings of less than \$10,000.00 per year which (a) was doing business within the location sought to be acquired pursuant to provisions of this act, (b) is displaced by reason of proceedings pursuant to this act, and (c) is not part of an enterprise having establishments outside the area sought to be acquired pursuant to the provisions of this act. Notwithstanding the provisions of this section, a business concern which is not being displaced from an area sought to be acquired pursuant to the provisions of this act shall be eligible for payments of its certified actual moving expenses with respect to its outdoor advertising displays being removed from the area sought to be acquired pursuant to this act in the same manner as though such business concern were being displaced; and

(b) the payment to any displaced individual or family of his or its reasonable moving expenses and any actual direct loss of property for which reimbursement or compensation is not otherwise made; provided, that such payment shall not exceed \$200.00 and provided further that the municipality may make payments to individuals and families of fixed amounts, but not in excess of

\$200.00 in any case, in lieu of their respective and reasonable moving expenses and actual direct loss of property.

In addition to the payments required by this section, a municipality which acquires, or seeks to acquire land pursuant to the provisions of this act for the purposes authorized herein may pay (in addition to any amount provided under subsection (b) of this section) on behalf of any displaced family, or any displaced individual 62 years of age or over, during the first 5 months after displacement, a relocation adjustment payment, not to exceed \$500.00, to assist such displaced individual or family to acquire a decent, safe and sanitary dwelling. The relocation adjustment payment shall be an amount which, when added to 20% of the annual income of the displaced individual or family at the time of displacement, equals the average rental required, for a 12-month period, for such a decent, safe and sanitary dwelling of modest standards adequate in size to accommodate the displaced individual or family (in the area sought to be acquired or in other areas not generally less desirable in regard to public utilities and public and commercial facilities): Provided, that such payment shall be made only to an individual or family who is unable to secure a dwelling unit in a low-rent housing project assisted under the United States Housing Act of 1937, or under a State or local program found by the public officer designated or appointed pursuant to subsection (c) of section 3 of this act to have the same general purposes.

5. This act shall take effect immediately.

Approved March 13, 1967.

CHAPTER 12

AN ACT validating transfers by municipalities of interests in and to lands in certain cases.

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

Validating Act.

1. Any sale, exchange, agreement, deed, conveyance, lease, or other disposition of the right, title and interest of a municipality in and to certain lands acquired pursuant to chapter 24 of the laws of 1962 and which is not the subject of any judicial proceeding

pending in any court of this State on the effective date of this act, shall if otherwise valid be good, valid and effectual in law and binding upon the parties notwithstanding that same was not in compliance with the requirements of sections 4 and 5 of the aforementioned act; provided that same was in conformity with the requirements of the general laws relating to the sale, exchange, leasing or other disposition of public lands.

2. This act shall take effect immediately.

Approved March 13, 1967.

CHAPTER 13

AN ACT concerning the office of superintendent of elections in counties of the first class and amending section 19:32-1 of the Revised Statutes.

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

1. Section 19:32-1 of the Revised Statutes is amended to read as follows:

Establishment of office; appointment by Governor with advice and consent of Senate; term; salary; vacancy.

19:32-1. The office of superintendent of elections in counties of the first class in which such office has previously been established is continued and in those counties of the first class in which such office has not been previously established, is hereby established. The offices shall be filled by some suitable persons who shall be nominated by the Governor with the advice and consent of the Senate and who shall hold office for the term of 5 years from the date of appointment and until their successors are appointed and have qualified. Each superintendent shall receive a salary of not less than \$5,000.00 or more than \$7,500.00 per annum as the board of freeholders of such county shall determine, to be paid by the county treasurer. The persons so appointed shall have their offices in the counties for which they are appointed. Vacancies shall be filled in the same manner as original appointments, but shall be for the unexpired term only.

2. This act shall take effect immediately.

Approved March 13, 1967.

CHAPTER 14

AN ACT to supplement “An act concerning education, providing for the creation and operation of a New Jersey College of Medicine and Dentistry, authorizing the acquisition of the Seton Hall College of Medicine and Dentistry, creating the New Jersey Council on Medical and Dental Education, providing an appropriation therefor and supplementing Title 18 of the Revised Statutes,” approved December 22, 1964 (P. L. 1964, c. 231).

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

C. 18:22-170 Authorization to acquire site.

1. (a) A local unit (including a city) in which a site has been selected, under the “New Jersey Medical and Dental College Act of 1964,” for a college of the New Jersey College of Medicine and Dentistry (herein referred to as “college”), is hereby authorized to acquire such site and the governing body of such local unit is hereby empowered to incur indebtedness, borrow, appropriate and expend money and issue negotiable bonds for such purpose.

(b) The governing body of such local unit is hereby empowered to enter into an agreement, or declaration of intention, with the board of trustees of the college, for the sale of such site to the college without compliance with the laws relating to the sale of public property.

(c) Any bonds of the local unit authorized under this section for the acquisition of such a site (including land, clearance and relocation) shall be authorized by a bond ordinance in form and adopted by the governing body of the local unit in the manner or mode of procedure prescribed by the Local Bond Law, constituting chapter 2 of Title 40A of the New Jersey Statutes and shall be issued in the manner or mode of procedure prescribed by said law, except that said bond ordinance may be adopted notwithstanding (1) the provisions of section 40A:2-6 of said law or debt or other limit prescribed by any other law, and (2) the provisions of section 40A:2-11 of said law and no down payment shall be required, and (3) the provisions of section 40A:2-8 of said law, may authorize the issuance of bond anticipation notes in anticipation of the issuance of the bonds authorized by the bond ordinance which may mature in not exceeding 1 year and may be renewed from time to

time for periods not exceeding 1 year and all such notes, including renewals, shall mature and be payable not later than the third anniversary of the date of the original note, and (4) the provisions of section 40A:2-22 subdivision (d) and the governing body of the local unit may determine that the period of usefulness for which bonds are authorized pursuant to this section, according to their reasonable life, computed from the date of the bonds, is a period not greater than 40 years.

(d) Any bonds or notes authorized by the local unit pursuant to this section shall constitute a deduction from the gross debt of the local unit and shall not be considered in determining the net debt of the local unit for debt incurring purposes.

2. This act shall take effect immediately.

Approved March 13, 1967.

CHAPTER 15

AN ACT to amend the "State Competitive Scholarship Act," passed May 25, 1959 (P. L. 1959, c. 46).

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

1. Section 10 of the act of which this act is amendatory is amended to read as follows:

C. 18:22-14.11 Use of scholarship.

10. A State competitive scholarship may be used in any institution of collegiate grade in New Jersey which offers a college curriculum leading to or accreditable toward an undergraduate degree and which is accredited by the State Board of Education. Of the total number of scholarships available for initial awards any year not more than 35% of that number may be used in institutions of collegiate grade outside the State which are approved for this purpose by the State Department of Education. A competitive scholarship shall be used in any institution of collegiate grade that discriminates in any of its policies on the basis of creed, color or national origin. Nothing herein shall be construed to bar the use of any State competitive scholarship in any institution of collegiate grade on the basis of

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tion admits or employs any individual where religious affiliation is a bona fide qualification reasonably necessary to the normal operation of such institution.

2. This act shall take effect immediately.

Approved March 13, 1967.

CHAPTER 16

AN ACT to redefine the term "blighted area" to mean and include the term "renewal area" and supplementing Title 40 of the Revised Statutes.

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

C. 1:1-2b "Blighted area" and "renewal area."

1. The term "blighted area" as defined and used in the statutes of this State may also be designated as a "renewal area" and the terms "blighted area" and "renewal area" may be used interchangeably in all ordinances, resolutions, determinations and official actions taken by governmental bodies and agencies in connection with projects and programs for the clearance, planning, development or redevelopment of areas pursuant to law.

2. This act shall take effect immediately.

Approved March 13, 1967.

CHAPTER 17

AN ACT to amend the "Optional Municipal Charter Law," approved June 8, 1950 (P. L. 1950, c. 210).

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

1. Section 1-25 of the act of which this act is amendatory is ended to read as follows:

1:69A-25 Petition and referendum on reversion to prior plan.

25. Any municipality may, subject to the provisions of section of this act, abandon its optional plan and revert to the form

of government under which it was governed immediately prior thereto, upon the filing of a petition and referendum as follows:

(a) Upon petition of the registered voters of the municipality signed by the same number thereof as required in section 1-19, for an election to submit the question of abandonment and reversion as herein provided, the municipal clerk shall provide for submission of the question in like manner as provided in section 1-20.

(b) The form of the question shall be as follows:
Shall abandon

Name of Municipality

its present form of government and revert to its prior form of government, known as

Popular Name of Plan

as provided by?

Statutory Reference of Prior Plan

(c) If a majority of those voting on the question vote in the affirmative the municipality shall revert to its prior form of government as of 12 o'clock noon of the sixtieth day following the election of officers under the form of government to which the municipality will revert. The first officers under such form of government shall be elected at the next regular municipal or general election in the year in which the reversion referendum is adopted or the next year following occurring not less than 60 days following the election at which the reversion to the prior form of government was approved, as the case may be, at which officers under the form of government to which the municipality will revert would be elected if such form were then in effect in the municipality and the term of office of such officers had expired simultaneously with the adoption of the reversionary referendum. It shall be the duty of the municipal clerk to perform all the duties respecting such election as would be required of a municipal clerk for elections under the form of government to which the municipality will revert. Whenever a municipality has reverted to any form of government other than the commission form of government law (R. S. 40:70-1 et seq.) or the municipal manager form of government (R. S. 40:79-1 et seq.), at a later date than the one fixed for the filing of nominating petitions at the primary election, the candidates to be first elected shall be nominated by direct petition in the manner provided by law for nomination by direct petition for a general election.

If a majority of those voting on the question vote in the negative, the question of abandonment and reversion shall not again be submitted for 5 years.

(d) The reversion to a prior form of government shall take effect as provided in section 17-57 through 17-59 of this act for transition to an optional plan hereunder.

2. This act shall take effect immediately and shall be retroactive to January 1, 1967.

Approved March 13, 1967.

CHAPTER 18

AN ACT to amend "An act concerning education, providing for the creation and operation of a New Jersey College of Medicine and Dentistry, authorizing the acquisition of the Seton Hall College of Medicine and Dentistry, creating the New Jersey Council on Medical and Dental Education, providing an appropriation therefor and supplementing Title 18 of the Revised Statutes," approved December 22, 1964 (P. L. 1964, c. 231).

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

1. Section 9 of the act of which this act is amendatory is amended to read as follows:

C. 18:22-158 Powers and duties of board.

9. The board of trustees shall have general supervision over and shall be vested with the conduct of the college. It shall have the power and duty to:

- (a) Adopt and use a corporate seal;
- (b) Sue and be sued;
- (c) Determine the educational curriculum and program of the college;
- (d) Determine policies for the organization, administration and development of the college;
- (e) Study the educational and financial needs of the college, annually acquaint the Governor and Legislature with the condition of the college, and prepare, and file an annual request for appropriation with the State Treasurer in accordance with law;

(f) Disburse all moneys appropriated to the college by the Legislature and all moneys received from tuition, fees, auxiliary services and other sources;

(g) Direct and control the expenditures of the college in accordance with the appropriation acts of the Legislature, and, as to funds received from other sources, in accordance with the terms, of any applicable trusts, gifts, bequests, or other special provisions. All accounts of the college shall be subject to post audit by the State;

(h) In accordance with the provisions of the budget, appoint and fix the compensation and term of office of a president of the college who shall be the executive officer of the college;

(i) In accordance with the provisions of the budget appoint, upon nomination of the president, such deans and other members of the academic administrative and teaching staffs as shall be required and fix their compensation and terms of employment;

(j) In accordance with the provisions of the budget, appoint, remove, promote and transfer such other officers, agents, or employees as may be required to carry out the provisions of this act and assign their duties, determine their salaries, and prescribe qualifications for all positions, and in accordance with the salary schedules of the State Civil Service Commission wherever possible;

(k) Fix and determine, with the approval of the State Treasurer, tuition rates and other fees to be paid by students;

(l) Grant diplomas, certificates or degrees;

(m) Enter into contracts and agreements with the State or any of its political subdivisions or with the United States, or with any public body, department or other agency of the State or the United States or with any individual, firm or corporation which are deemed necessary or advisable by the board for carrying out the provisions of this act. A contract or agreement pursuant to this subsection may require a municipality to undertake obligations and duties to be performed subsequent to the expiration of the term of office of the elected governing body of such municipality which initially entered into or approved said contract or agreement, and the obligations and duties so incurred by such municipality shall be binding and of full force and effect, notwithstanding that the term of office of the elected governing body of such municipality which initially entered into or approved said contract or agreement, shall have expired;

(n) Accept from any government or governmental department, agency or other public or private body or from any other source

grants or contributions of money or property which the board may use for or in aid of any of its purposes;

(o) Acquire (by gift, purchase, condemnation or otherwise), own, lease, use and operate property, whether real, personal or mixed, or any interest therein, which is necessary or desirable for college purposes;

(p) Determine that any property owned by the college is no longer necessary for college purposes and to sell the same at such price and in such manner and upon such terms and conditions as shall be established by the State House Commission;

(q) Exercise the right of eminent domain pursuant to the provisions of Title 20 of the Revised Statutes to acquire any property or interest therein;

(r) Adopt by-laws and make and promulgate such rules, regulations and orders, not inconsistent with the provisions of this act that are necessary and proper for the administration and operation of the college and to implement the provisions of this act.

2. This act shall take effect immediately.

Approved March 20, 1967.

CHAPTER 19

AN ACT to amend "An act concerning hospital service corporations and regulating the establishment, maintenance and operation of hospital service plans, and supplementing Title 17 of the Revised Statutes by adding thereto a new chapter entitled 'Hospital Service Corporations,' " approved June 14, 1938 (P. L. 1938, c. 366).

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

1. Section 5 of the act of which this act is amendatory is amended to read as follows:

C. 17:48-5 Filing copy of certificate of incorporation; qualification of directors.

5. A copy of a certificate of incorporation of a hospital service corporation may be filed in the Department of Banking and Insurance as aforesaid only when there shall be indorsed on or appended to the original thereof the approval of the Commissioner of Banking and Insurance, who is hereby authorized to grant such

approval if, in his judgment, the operation of a nonprofit hospital service plan by such corporation is in the public interest. No certificate of authority shall be issued to any such corporation unless the by-laws provide that at least a majority of the directors of such corporation must be at all times directors or trustees of hospitals designated in section 1 hereof. Any outstanding certificate of authority shall immediately become void if such by-law provision be removed or if there is any failure of compliance therewith.

2. Section 16 of the act of which this act is amendatory is amended to read as follows:

C. 17:48-16 Disputes between corporation and hospitals; review.

16. Any dispute arising between a corporation subject to the provisions of this act and any hospital with which such corporation has a contract for hospital service may be submitted to the Commissioner of Banking and Insurance for his determination with respect thereto. All determinations of the Commissioner of Banking and Insurance made under the provisions of this act shall be subject to review by the Superior Court in a proceeding in lieu of prerogative writ.

3. This act shall take effect immediately.

Approved March 21, 1967.

CHAPTER 20

AN ACT authorizing and directing the Attorney General to make a study of the statutory and case law relating to governmental immunity of the State, counties and municipalities to respond in damages for the negligence of their agents or servants.

WHEREAS, Recent decisions of the courts of this State interpreting the statutory and case law concerning governmental immunity in negligence actions have indicated the need for a thorough review of the law in this field.

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

C. 52:17B-4.1 Study of law authorized; report to the Legislature.

1. The Attorney General is authorized, during the fiscal years commencing July 1, 1966, to study the present general provisions

of the statutes and case law relating to governmental immunity of the State, of counties and municipalities to respond in damages for the negligence of their agents or servants; and to report to the Legislature the results of such study, together with recommendations for amendments and additions to existing statutes intended to modernize procedures relating thereto. For this purpose the Attorney General may employ such technical and clerical assistance as he may find necessary.

C. 52:17B-4.2 Committee to consult and advise the Attorney General; appropriation.

2. The Attorney General is further authorized to appoint an advisory committee of not more than 9 persons representing the State, municipalities, counties, the General Assembly and Senate chairmen of the Judiciary Committees of the Legislature, the New Jersey Bar Association, the American Trial Lawyers Association and the Defense Attorneys Association, to consult with him and advise during the progress of such study; the members of such committee to be paid necessary expenses actually incurred in attending such meetings as shall be called by the Attorney General.

3. There is hereby appropriated the sum of \$10,000.00 or so much thereof as may be necessary to carry out the purpose of this act.

4. This act shall take effect immediately.

Approved March 21, 1967.

CHAPTER 21

AN ACT to validate the creation or joining in the creation of certain sewerage authorities.

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

Validating act.

1. The creation, or joining in the creation, of any sewerage authority, in whole or in part within the district of a county municipal utilities authority by any municipality by ordinance finally adopted prior to January 1, 1966, the validity of which is not the subject of any timely action, suit or other proceeding pending on the effective date of this act, shall be valid and effectual in all respects, and all proceedings had or taken by any municipality and by the sewerage authority with respect to such creation shall

also be valid and effectual in all respects, notwithstanding that the written consent of such county municipal utilities authority to such creation or joining in such creation was not given as required by section 9 of chapter 183, of the laws of 1957, as amended, provided that such written consent of such county municipal utilities authority, which shall be subject to the rights, if any, of the holders of any bonds or other obligations of such county municipal utilities authority outstanding on the date of that consent, shall have been given prior to, or shall be given not later than 60 days after, the effective date of this act.

2. This act shall take effect immediately.

Approved March 21, 1967.

CHAPTER 22

AN ACT concerning elections and amending sections 19:13-3, 19:23-6 and 19:23-8 of the Revised Statutes.

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

1. Section 19:13-3 of the Revised Statutes is amended to read as follows:

To whom petition addressed.

19:13-3. Direct nomination by petition for the general election shall be as follows: Petitions naming candidates for office to be filled by voters of the entire State, or of any congressional district, or of any political division greater than a single county, shall be addressed to the Secretary of State; petitions nominating candidates for election to the Senate or General Assembly shall be addressed to the Secretary of State; petitions naming candidates to be voted for by all the voters of a single county, or more than a single political division thereof, and all other petitions naming candidates to be voted for at the general election, shall be addressed to the clerks of the respective counties wherein the officers nominated are to be voted for.

2. Section 19:23-6 of the Revised Statutes is amended to read as follows:

Petitions addressed to Secretary of State, county or municipal clerks.

19:23-6. Petitions nominating candidates to be voted for by the voters of a political party throughout the entire State or of any subdivisions thereof more than a single county or any congressional district shall be addressed to the Secretary of State. Petitions nominating candidates for election to the Senate or General Assembly shall be addressed to the Secretary of State. Petitions nominating candidates to be voted for by the voters of a political party throughout a county or any subdivision thereof more than a single municipality shall be addressed to the clerk of the county. All other petitions shall be addressed to the clerks of municipalities.

3. Section 19:23-8 of the Revised Statutes is amended to read as follows:

Numbers of signers to petitions.

19:23-8. The petitions for candidates to be voted for by the voters of a political party throughout the entire State shall in the aggregate be signed by at least 1,000 such voters; in the case of candidates to be voted for by the voters of a political party throughout a congressional district by at least 200 of such voters; in the case of candidates for the Senate and General Assembly at least 100 such voters; in the case of candidates to be voted for by the voters of a political party throughout a county by at least 100 of such voters; in the case of candidates to be voted for by the voters of a political party throughout a municipality having a population in excess of 14,000 as ascertained by the last Federal census by at least 50 of such voters; in the case of candidates to be voted for by the voters of a political party throughout all other municipalities or any ward of any municipality by at least 25 of such voters; in the case of a candidate to be voted for by the voters of a political party within a single election district by at least 10 of such voters.

In municipalities containing but one election district the petitions in the aggregate need not be signed by more than 10 of such voters, and the number of signers to any such petition in any case need not exceed 5% in number of the total vote cast at the last preceding general election, held for the election of all of the members of the General Assembly, in such municipality, ward or election district, as the case may be.

4. All petitions nominating candidates for election to the Senate or General Assembly filed before the effective date of this act in

accordance with existing law, shall be considered valid and shall be forwarded by the respective county clerks to the Secretary of the State.

5. This act shall take effect immediately.

Approved March 23, 1967.

CHAPTER 23

AN ACT establishing and concerning the Office of Consumer Protection in the Division of Law of the Department of Law and Public Safety.

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

C. 52:17B-5.6 Establishment of new bureau.

1. There is hereby established in the Division of Law of the Department of Law and Public Safety a bureau which shall be known as the Office of Consumer Protection.

C. 52:17B-5.7 Functions, powers and duties.

2. All of the functions, powers and duties of the Attorney General deriving from chapter 39 of the laws of 1960 as supplemented shall be exercised by him through the Office of Consumer Protection established hereunder.

C. 52:17B-5.8 Director; compensation.

3. The office shall be administered by an executive-director who shall be appointed by and serve at the pleasure of the Attorney General. The Attorney General shall fix the compensation of the executive-director within the limits of available appropriations and shall assign to the office such employees in the Department of Law and Public Safety as may be necessary to assist the executive-director in the performance of his duties and for the efficient operation of the work of the office.

C. 52:17B-5.9 Power and duties.

4. The office shall, in addition to other powers and duties, vested in it by this act, or any other law:

(a) Receive and forward to appropriate agencies of the State for final processing and determination complaints from any citizen relating to consumer affairs. It shall be the further responsibility

of this office to maintain records indicating the final disposition of any matter so referred;

(b) Advise the Governor and the Attorney General as to all matters affecting the interests of the public as consumers;

(c) Review State policies and programs of primary importance to consumers or the unmet consumer needs which can appropriately be met through State action;

(d) Consider the aspects of State policies, programs and operations wherein the view of consumers should be made available to State officials and the manner in which such views can be communicated to appropriate departments and agencies;

(e) Recommend the enactment of such legislation as it deems necessary to protect and promote the interests of the public as consumers;

(f) Appear before governmental departments, agencies and commissions to represent and be heard on behalf of consumer interests;

(g) Cooperate with and establish necessary liaison with consumer organizations;

(h) Assist in the coordination of Federal, State and municipal activities relating to consumer affairs; and

(i) Do such other acts as may be incidental to the exercise of the powers and functions conferred by this act.

C. 52:17B-5.10 Co-operation by other departments.

5. All departments, agencies, officers and employees of the State shall cooperate with the office in carrying out its functions under this act.

C. 52:17B-5.11 Establishment of office.

6. There is hereby established in the Office of Consumer Protection a Citizens' Consumer Advisory Committee which shall consist of the executive-director of the office as chairman and 9 private citizens of the State appointed by the Governor for terms of 3 years; provided that the terms of the members first appointed shall be arranged by the Governor so that 3 of such terms shall expire in each successive year ensuing after such appointments. Members shall serve until their respective successors shall have been appointed and shall have qualified. Vacancies shall be filled in the same manner as the original appointment for the remainder of the unexpired term. Members shall serve without compensation but shall be entitled to be reimbursed for all reasonable and necessary expenses. The committee shall meet at the call of its chairman, the time and place of such meetings to be fixed by the chairman.

C. 52:17B-5.12 Duties of committee.

7. The committee shall consult with and advise the office on issues of broad economic policy of immediate concern to consumers, on governmental programs to meet consumer needs or to protect consumer interests, and on needed improvements in the flow of consumer research material to the public. The committee may arrange through the chairman for fact-finding studies to enable the committee to carry out its responsibilities. In carrying out its functions the committee shall, insofar as practicable, provide interested organizations and individuals an opportunity to present their views and recommendations to the committee for its consideration.

8. This act shall take effect immediately.

Approved March 30, 1967.

CHAPTER 24

AN ACT according exemption from taxation to real and personal property of certain educational television associations and corporations and supplementing chapter 4 of Title 54 of the Revised Statutes.

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

C. 54:4-3.6a Exemption from taxation for educational television.

1. In addition to the exemptions from taxation authorized by Revised Statutes 54:4-3.6 the following property shall be exempt from taxation under the chapter to which this act is a supplement: All buildings and structures located in this State and used exclusively by a nonprofit association or corporation organized under the laws of this or another State for the production and broadcasting of educational television; the land whereon the buildings and structures are erected and which may be necessary for the fair enjoyment thereof, and which is devoted to the foregoing purpose, and no other purpose, and does not exceed 30 acres in extent; the furniture, equipment and personal property in said buildings and structures if used and devoted to the foregoing purpose. The foregoing exemption shall apply only where the associ-

ation or corporation owns the property in question and is authorized to carry out the purpose on account of which the exemption is claimed.

2. This act shall take effect immediately but shall be applicable only to taxes payable in 1968 and thereafter.

Approved April 18, 1967.

CHAPTER 25

AN ACT to amend the "Sales and Use Tax Act," approved April 27, 1966 (P. L. 1966, c. 30).

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

1. Section 3 of the act of which this act is amendatory is amended to read as follows:

C. 54:32B-3 Imposition of sales tax.

3. Imposition of sales tax. On and after July 1, 1966 there is hereby imposed and there shall be paid a tax of 3% upon:

(a) The receipts from every retail sale of tangible personal property, except as otherwise provided in this act.

(b) The receipts from every sale, except for resale, of the following services:

(1) Producing, fabricating, processing, printing or imprinting tangible personal property, performed for a person who directly or indirectly furnishes the tangible personal property, not purchased by him for resale, upon which such services are performed.

(2) Installing tangible personal property, or maintaining, servicing, repairing tangible personal property not held for sale in the regular course of business, whether or not the services are performed directly or by means of coin-operated equipment or by any other means, and whether or not any tangible personal property is transferred in conjunction therewith, except (i) such services rendered by an individual who is engaged directly by a private homeowner or lessee in or about his residence and who is not in a regular trade or business offering his services to the public, (ii) such services rendered

with respect to personal property exempt from taxation hereunder pursuant to subsection (a) of section 8, (iii) services rendered with respect to trucks, tractors, trailers or semi-trailers by a person who is not engaged, directly or indirectly through subsidiaries, parents, affiliates or otherwise, in a regular trade or business offering such services to the public, (iv) any receipts from laundering, dry cleaning, tailoring, weaving, pressing, shoe repairing and shoe shining, and (v) services rendered in installing property which, when installed, will constitute an addition or capital improvement to real property, property or land.

(3) Storing all tangible personal property not held for sale in the regular course of business and the rental of safe deposit boxes or similar space.

(4) Maintaining, servicing or repairing real property, other than a residential heating system unit serving not more than 3 families living independently of each other and doing their cooking on the premises, whether the services are performed in or outside of a building, as distinguished from adding to or improving such real property, by a capital improvement, but excluding services rendered by an individual who is not in a regular trade or business offering his services to the public, and excluding interior cleaning and maintenance services, garbage removal and sewer services performed on a regular contractual basis for a term of not less than 30 days, other than window cleaning, and rodent and pest control.

Wages, salaries and other compensation paid by an employer to an employee for performing as an employee the services described in this subsection are not receipts subject to the taxes imposed under this subsection (b).

(c) Receipts from the sale of food and drink except alcoholic beverages as defined in the Alcoholic Beverage Tax Law, in or by restaurants, taverns or other establishments in this State, or by caterers, including in the amount of such receipts any cover, minimum, entertainment or other charge made to patrons or customers:

(1) in all instances where the sale is for consumption on the premises where sold;

(2) in those instances where the vendor or any person whose services are arranged for by the vendor, after the delivery of the food or drink by or on behalf of the vendor for consumption off the premises of the vendor, serves or assists in

serving, cooks, heats or provides other services with respect to the food or drink; and

(3) in those instances where the sale is for consumption off the premises of the vendor, and consists of a meal, or food prepared and ready to be eaten, of a kind obtainable in restaurants as the main course of a meal, including a sandwich, except where food other than sandwiches is sold in an unheated state and is of a type commonly sold in the same form and condition in food stores other than those which are principally engaged in selling prepared foods.

The tax imposed by this subsection (c) shall not apply to food or drink which is sold to an air line for consumption while in flight.

(d) The rent for every occupancy of a room or rooms in a hotel in this State, except that the tax shall not be imposed upon (1) a permanent residence, or (2) where the rent is not more than at the rate of \$2.00 per day.

(e) (1) Any admission charge where such admission charge is in excess of \$0.75 to or for the use of any place of amusement in the State, including charges for admission to race tracks, baseball, football, basketball or exhibitions, dramatic or musical arts performances, motion picture theatres, except charges to a patron for admission to, or use of, facilities for sporting activities in which such patron is to be a participant, such as bowling alleys and swimming pools. For any person having the permanent use or possession of a box or seat or a lease or a license, other than a season ticket, for the use of a box or seat at a place of amusement, the tax shall be upon the amount for which a similar box or seat is sold for each performance or exhibition at which the box or seat is used or reserved by the holder, licensee or lessee, and shall be paid by the holder, licensee or lessee.

(2) The amount paid as charge of a roof garden, cabaret or other similar place in this State, to the extent that a tax upon such charges has not been paid pursuant to subsection (c) hereof.

2. Section 8 of the act of which this act is amendatory is amended to read as follows:

C. 54:32B-8 Exempt sales.

8. Exempt sales. Receipts from the following shall be exempt from the tax on retail sales imposed under subsection (a) of section 3 and the use tax imposed under section 6:

(a) Sales of medicines and drugs sold pursuant to a doctor's prescription for human use; crutches, artificial limbs, artificial eyes,

artificial hearing devices, corrective eyeglasses, prosthetic aids, artificial teeth or dentures, braces, tampons or like products, orthopedic appliances and artificial devices designed to correct or alleviate physical incapacity, medical oxygen, human blood and its derivatives when sold for human use, wheel chairs, and replacement parts for any of the foregoing;

(b) Sales of food, food products, beverages except liquors, wines and sparkling wines as defined in the Alcoholic Beverage Tax Law, dietary foods and health supplements, sold for human consumption off the premises where sold but not including (i) candy and confectionery, and (ii) carbonated soft drinks and beverages all of which shall be subject to the retail sales and compensating use taxes, whether or not the item is sold in liquid form. Nothing herein shall be construed as exempting food or drink from the tax imposed under subsection (c) of section 3;

(c) Sales of food sold in an elementary or secondary school cafeteria, sales of food sold in an institution of higher education or in a fraternity, sorority or eating club operated in connection therewith, to students of such an institution;

(d) Sales of articles of clothing and footwear for human use except articles made of fur on the hide or pelt of an animal or animals where such fur is the component material of chief value of the article. "Clothing" as used herein, shall also mean and include sales to noncommercial purchasers of common wearing apparel materials intended to be incorporated into wearing apparel as a constituent part thereof, such as fabrics, thread, knitting yarn, buttons and zippers. The director shall prescribe regulations to carry out the provisions of this subsection;

(e) Sales of newspapers, magazines and periodicals;

(f) Casual sales except as to sales of motor vehicles, whether for use on the highways or otherwise, and except as to sales of boats or vessels registered or subject to registration under the New Jersey Boat Act of 1962 (chapter 73, laws of 1962 and all amendments thereto);

(g) Sales of gas, water, steam, fuel, electricity, telephone or telegraph services delivered to consumers through mains, lines, pipe, or in containers or bulk;

(h) Sales of motor fuels as motor fuels are defined for purposes of the New Jersey Motor Fuel Tax Law; and sales of fuel to an airline for use in its airplanes or to a railroad for use in its locomotives;

(i) Tangible personal property sold through coin-operated vending machines at \$0.10 or less, provided the retailer is primarily engaged in making such sales and maintains records satisfactory to the director;

(j) Sales not within the taxing power of this State under the Constitution of the United States;

(k) The transportation of persons or property;

(l) Sales, repairs, alterations or conversion of commercial ships, barges and other vessels of 50-ton burden or over, primarily engaged in interstate or foreign commerce, and of governmentally-owned ships, barges and other vessels and property used by or purchased for the use of such vessels for fuel, provisions, supplies, maintenance and repairs (other than articles purchased for the original equipping of a new ship);

(m) (1) Sales of machinery, apparatus or equipment for use or consumption directly and primarily in the production of tangible personal property by manufacturing, processing, assembling or refining;

(2) Sales of machinery, apparatus or equipment for use or consumption directly and primarily in the production, generation, transmission or distribution of gas, electricity, refrigeration, steam or water for sale or in the operation of sewerage systems;

(3) Sales of telephone lines, cables, central office equipment or station apparatus, or other machinery, equipment or apparatus, or comparable telegraph equipment, for use directly and primarily in receiving at destination or initiating, transmitting and switching telephone or telegraph communication;

(4) The exemptions granted under this subsection shall not be construed to apply to sales, otherwise taxable, of machinery, equipment or apparatus whose use is incidental to the activities described in paragraphs (1), (2) and (3) of this subsection;

(5) The exemptions granted in this subsection (m) shall not apply to motor vehicles or to parts with a useful life of 1 year or less or tools or supplies used in connection with the machinery, equipment or apparatus described in this subsection;

(n) Sales of tangible personal property purchased for use or consumption directly and exclusively in research and development in the experimental or laboratory sense. Such research and development shall not be deemed to include the ordinary testing or inspection of materials or products for quality control, efficiency surveys, management studies, consumer surveys, advertising, pro-

motions or research in connection with literary, historical or similar projects;

(o) Sales or use of wrapping paper, wrapping twine, bags, cartons, tape, rope, labels, nonreturnable containers, reusable milk containers and all other wrapping supplies when such use is incidental to the delivery of any personal property;

(p) Sales of tangible personal property (except automobiles, trucks, trailers, and truck-trailer combinations, and except property incorporated in a building or structure) for use and consumption directly and exclusively in the production for sale of tangible personal property on farms, including stock, dairy, poultry, fruit, fur-bearing animals, and truck farms, ranches, nurseries, greenhouses or other similar structures used primarily for the raising of agricultural or horticultural commodities, and orchards;

(q) Sales of tangible personal property sold by a mortician, undertaker or funeral director. However, all tangible personal property sold to a mortician, undertaker or funeral director for use in the conducting of funerals shall not be deemed a sale for resale and shall not be exempt from the tax imposed by this act;

(r) Sales of films, records, tapes or any type of visual or sound transcriptions to, or produced for exhibition in or use through the medium of, theatres and radio and television broadcasting stations or networks;

(s) Sales of tangible personal property and services taxable under any municipal ordinance heretofore adopted pursuant to chapter 71, laws of 1947, which is in effect on April 27, 1966, but only to the extent such sales are taxable under said ordinance;

(t) Sales of materials, such as chemicals and catalysts, used to induce or cause a refining or chemical process, where such materials are an integral or essential part of the processing operation, but do not become a component part of the finished product;

(u) Sales of school textbooks for use by students in a school, college, university or other educational institution, approved as such by the Department of Education or by the Department of Higher Education, when the educational institution, upon forms and pursuant to regulations prescribed by the director, has declared the books are required for school purposes and the purchaser has supplied the vendor with the form at the time of the sale;

(v) Sales not for resale of catalogs, sales price lists, point of purchase advertising, sales pamphlets or handbills, commonly known as commercial advertising, when produced upon special order of the purchaser;

(w) Sales made to contractors, subcontractors or repairmen of materials, supplies or services for exclusive use in erecting structures, or building on, or otherwise improving, altering or repairing real property of organizations described in subsections (a) and (b) of section 9 of this act, provided any person seeking to qualify for this exemption shall do so pursuant to such rules and regulations and upon such forms as shall be prescribed by the director;

(x) The renting, leasing, licensing or interchanging of trucks, tractors, trailers or semitrailers by persons not engaged in a regular trade or business offering such renting, leasing, licensing or interchanging to the public, provided, that such renting, leasing, licensing or interchanging is carried on with persons engaged in a regular trade or business involving carriage of freight by such vehicles, and further provided, that in the case of any such motor vehicle acquired by the owner or first used by the owner in this State on or after July 1, 1966, any tax presumptively imposed by this act on such acquisition or use shall have been paid at the time of such acquisition or use without claim for exemption;

(y) Sales of cigarettes subject to tax under the Cigarette Tax Act;

(z) Sales of the Bible or similar sacred scripture of a bona fide church or religious denomination;

(aa) Sales of the flag of the United States of America and of the flag of the State of New Jersey;

(bb) Sales of locomotives, railroad cars and other railroad rolling stock, including repair and replacement parts therefor, to a railroad whose rates are regulated by the Interstate Commerce Commission or by the Board of Public Utility Commissioners of New Jersey;

(cc) Sales of buses for public passenger transportation, including repair and replacement parts therefor, to bus companies whose rates are regulated by the Interstate Commerce Commission or the Board of Public Utility Commissioners of New Jersey or to an affiliate of said bus companies or to common or contract carriers for their use in the transportation of children to and from school. For the purposes of this subsection "affiliate" shall mean a corporation whose stock is wholly owned by the regulated bus company or whose stock is wholly owned by the same persons who own all of the stock of the regulated bus company.

3. Section 9 of the act of which this act is amendatory is amended to read as follows:

C. 54:32B-9 Exempt organizations.

9. Exempt organizations.—(a) Except as to motor vehicles sold by any of the following, any sale, service or amusement charge by or to any of the following or any use or occupancy by any of the following shall not be subject to the sales and use taxes imposed under this act:

(1) The State of New Jersey, or any of its agencies, instrumentalities, public authorities, public corporations (including a public corporation created pursuant to agreement or compact with another State) or political subdivisions where it is the purchaser, user or consumer, or where it is a vendor of services or property of a kind not ordinarily sold by private persons;

(2) The United States of America, and any of its agencies and instrumentalities, insofar as it is immune from taxation where it is the purchaser, user or consumer, or where it sells services or property of a kind not ordinarily sold by private persons;

(3) The United Nations or any international organization of which the United States of America is a member where it is the purchaser, user or consumer, or where it sells services or property of a kind not ordinarily sold by private persons.

(b) Except as otherwise provided in this section any sale or amusement charge by or to any of the following or any use or occupancy by any of the following, where such sale, charge, use or occupancy is directly related to the purposes for which the following have been organized, shall not be subject to the sales and use taxes imposed under this act:

(1) Any corporation, association, trust, or community chest, fund or foundation, organized and operated exclusively for religious, charitable, scientific, testing for public safety, literary or educational purposes, or for the prevention of cruelty to children or animals, or as a volunteer fire company, rescue, ambulance, first aid or emergency company or squad, and an association of parents and teachers of an elementary or secondary public or private school exempt under the provisions of section 9, no part of the net earnings of which inures to the benefit of any private shareholder or individual, no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation, and which does not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of any candidate for public office.

(c) Nothing in this section shall exempt the sale of a motor vehicle by an organization described in subsection (b) (1) of this

section or retail sales of tangible personal property by any shop or store operated by such organization from the taxes imposed hereunder, unless the purchaser is an organization exempt under this section.

(d) Any organization enumerated in subsection (b) (1) hereof shall not be entitled to the exemption herein granted unless it has complied with such requirements for obtaining a tax immunity authorization as may be provided in this act.

(e) Where any organization described in subsection (b) (1) hereof carries on its activities in furtherance of the purposes for which it was organized, in premises in which, as part of said activities, it operates a hotel, occupancy of rooms in the premises and rents therefrom received by such corporation or association shall not be subject to tax hereunder.

(f) (1) Except as provided in paragraph (2) of this subsection, any admissions all of the proceeds of which inure exclusively to the benefit of the following organizations shall not be subject to any of the taxes imposed under subsection (e) of section 3:

(A) an organization described in subsection (a) (1) or (b) of this section;

(B) a society or organization conducted for the sole purpose of maintaining symphony orchestras or operas and receiving substantial support from voluntary contributions;

(C) national guard organizations, posts or organizations of war veterans, or auxiliary units or societies of any such posts or organizations, if such posts, organizations, units or societies are organized in this State, and if no part of their net earnings inures to the benefit of any private stockholder or individual; or

(D) a police or fire department of a political subdivision of the State, or a volunteer fire company, ambulance, first aid, or emergency company or squad, or exclusively to a retirement, pension or disability fund for the sole benefit of members of a police or fire department or to a fund for the heirs of such members.

(2) The exemption provided under paragraph (1) of this subsection shall not apply in the case of admissions to:

(A) Any athletic game or exhibition unless the proceeds shall inure exclusively to the benefit of elementary or secondary schools or unless in the case of an athletic game between 2 elementary or secondary schools, the entire gross proceeds

from such game shall inure to the benefit of one or more organizations described in subsection (b) (1) of this section;

(B) Carnivals, rodeos, or circuses in which any professional performer or operator participates for compensation;

(3) Admission charges for admission to the following places or events shall not be subject to any of the taxes imposed under subsection (e) of section 3:

(A) Any admission to agricultural fairs if no part of the net earnings thereof inures to the benefit of any stockholders or members of the association conducting the same; provided the proceeds therefrom are used exclusively for the improvement, maintenance and operation of such agricultural fairs.

(B) Any admission to a home or garden which is temporarily open to the general public as a part of a program conducted by a society or organization to permit the inspection of historical homes and gardens; provided no part of the net earnings thereof inures to the benefit of any private stockholder or individual.

(C) Any admissions to historic sites, houses and shrines, and museums conducted in connection therewith, maintained and operated by a society or organization devoted to the preservation and maintenance of such historic sites, houses, shrines and museums; provided no part of the net earnings thereof inures to the benefit of any private stockholder or individual.

4. Section 17 of the act of which this act is amendatory is amended to read as follows:

C. 54:32B-17 Returns.

17. Returns. (a) Every person required to collect or pay tax under this act shall on or before August 28, 1966, and on or before the twenty-eighth day of each month thereafter, make and file a return for the preceding month with the director. The return of a vendor of tangible personal property or services shall show his receipts from sales and also the aggregate value of tangible personal property and services sold by him, the use of which is subject to tax under this act, and the amount of taxes required to be collected with respect to such sales and use. The return of a recipient of amusement charges shall show all such charges and the amount of tax thereon, and the return of a person required to collect tax on rents shall show all rents received or charged and the amount of tax thereon.

(b) The director may permit or require returns to be made covering other periods and upon such dates as he may specify.

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In addition, the director may require payments of tax liability at such intervals and based upon such classifications as he may designate. In prescribing such other periods to be covered by the return or intervals or classifications for payment of tax liability, the director may take into account the dollar volume of tax involved as well as the need for insuring the prompt and orderly collection of the taxes imposed.

(c) The form of returns shall be prescribed by the director and shall contain such information as he may deem necessary for the proper administration of this act. The director may require amended returns to be filed within 20 days after notice and to contain the information specified in the notice.

5. Section 18 of the act of which this act is amendatory is amended to read as follows:

C. 54:32B-18 Payment of tax.

18. Payment of tax. Every person required to file a return under this act shall, at the time of filing such return, pay to the director the taxes imposed by this act as well as all other moneys collected by such person acting or purporting to act under the provisions of this act. All the taxes for the period for which a return is required to be filed or for such lesser interval as shall have been designated by the director, shall be due and payable to the director on the date limited for the filing of the return for such period, or on the date limited for such lesser interval as the director has designated, without regard to whether a return is filed or whether the return which is filed correctly shows the amount of receipts, amusement charges or rents or the value of property or services sold or purchased or the taxes due thereon. Where the director, in his discretion, deems it necessary to protect the revenues to be obtained under this act, he may require any person required to collect the tax imposed by this act to file with him a bond, issued by a surety company authorized to transact business in this State and approved by the Commissioner of Banking and Insurance of this State as to solvency and responsibility, in such amount as the director may fix, to secure the payment of any tax or penalties or interest due or which may become due from such person under this act. In the event that the director determines that a vendor is to file such bond, he shall give notice to him to that effect, specifying the amount of the bond required. Such person shall file such bond within 5 days after the giving of such notice unless within such 5 days he shall request in writing a hearing before the director at which the necessity, propriety and amount

of the bond shall be determined by the director. Such determination shall be final and shall be complied with within 15 days after the giving of notice thereof. In lieu of such bond, securities approved by the director or cash in such amount as he may prescribe, may be deposited, which shall be kept in the custody of the director who may at any time without notice to the depositor apply them to any tax or interest or penalties due, and for that purpose the securities may be sold by him at public or private sale without notice to the depositor thereof.

6. This act shall take effect on the first day of the month following the month of enactment except that if this act is enacted on the first day of a month it shall be effective on that date; provided, that sections 4 and 5 shall take effect and shall have application as of April 1, 1967.

Approved April 18, 1967.

CHAPTER 26

AN ACT concerning elections and amending sections 19:2-1, 19:5-3, 19:9-2, 19:23-1 and 19:23-40 of the Revised Statutes.

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

1. Section 19:2-1 of the Revised Statutes is amended to read as follows:

Primary for delegates and alternates to national conventions and for general and special elections.

19:2-1. Primary elections for general elections shall be held on the second Tuesday after the first Monday in September in each year, except in any year when a President of the United States is to be elected, and in such year primary elections for delegates and alternates to national conventions of political parties and for the general election shall be held in each year on the first Tuesday in June, between the hours of 7 ante meridian and 8 post meridian, Standard Time. Primary elections for special elections shall be held not earlier than 30 nor later than 20 days prior to the special elections.

2. Section 19:5-3 of the Revised Statutes is amended to read as follows:

19:5-3. The members of the county committees of political parties shall be elected annually at the primary for the general election in the manner provided in this Title for the selection of party candidates to be voted for at the general election by voters of a municipality. The county committee shall consist of one male and one female member from each unit of representation in the county. The male receiving the highest number of votes among the male candidates and the female receiving the highest number of votes among the female candidates shall be declared elected. Members of the county committee shall actually reside in the districts or units which they respectively represent. The county committee shall determine by its by-laws the units into which the county shall be divided for purpose of representation in the county committee.

The members of the county committee of each of the political parties shall take office on the first Saturday following their election, on which day the terms of all members of such committees theretofore elected shall terminate. The annual meeting of each county committee shall be held on the first Tuesday following the primary election, except that when such meeting day falls on a legal holiday then the said meeting shall be held on the day following, at an hour and place to be designated in a notice in writing to be mailed by the chairman of the outgoing county committee to each member-elect, at which annual meeting the members of such committee shall elect some suitable person as chairman to hold office for 1 year, or until his successor is elected. The members shall also elect a vice-chairman of the opposite sex of the chairman to hold office for 1 year or until his or her successor is elected and the vice-chairman shall perform all duties required of him or her by law and the constitution and by-laws of such committee. Such committee shall have power to adopt a constitution and by-laws for its proper government. The chairman shall preside at all meetings of the committee and shall perform all duties required of him by law and the constitution and by-laws of such committee.

A member of a county committee of any political party may resign his office to the committee of which he is a member, and upon acceptance thereof by the committee a vacancy shall exist. A vacancy in the office of a member of the county committee of any political party, caused by death, resignation, failure to elect or otherwise, shall be filled for the unexpired term by the municipal committee of the municipality wherein the vacancy occurs, if there

is such committee, and if not, by the remaining members of the county committee of such political party representing the territory in the county in which such vacancy occurs.

The chairman of the county committee of the several political parties shall before August 1, except that in presidential years it shall be before April 1, certify to the clerk of each municipality in the county the unit of representation in such municipality, together with the enumeration of the election district or districts embraced within such unit.

3. Section 19:9-2 of the Revised Statutes is amended to read as follows:

Preparation of books, blank forms and other supplies.

19:9-2. The Secretary of State shall prepare and distribute on or before April 1 in presidential years and in all other years on or before August 1 prior to the primary election for the general election and the general election the following information and election supplies: pamphlets of the election laws and instructions; precinct returns; electors of President and Vice-President; United States Senator; member of the House of Representatives; Governor; State Senator; General Assembly and county officers; public question submitted to the voters of the entire State; self-addressed envelopes, plain and stamped, to each district; returns for the county board of canvassers for the above officers; primary return sheets.

All other books, ballots, envelopes and other blank forms which the county clerk is required to furnish under any other section of this Title, stationery and supplies for the primary election for the general election, the primary election for delegates and alternates to national conventions and the general election, shall be furnished, prepared and distributed by the clerks of the various counties; except that all books, blank forms, stationery and supplies, articles and equipment which may be deemed necessary to be furnished, used or issued by the county board or superintendent shall be furnished, used or issued, prepared and distributed by such county board or superintendent, as the case may be.

The county board in counties having a superintendent of elections shall furnish and deliver to the county clerk, the municipal clerks and the district boards in municipalities having more than one election district, a map or description of the district lines of their respective election districts, together with the street and house numbers where possible in such election districts. In counties

not having a superintendent of elections the municipal clerks shall furnish and deliver such map or description of district lines to the county clerk, the county board and the district board in municipalities having more than one election district.

Nothing in subtitle 2 of the Title, Municipalities and Counties (section 40:16-1 et seq.), shall in anywise be construed to affect, restrict, or abridge the powers conferred on the county clerks, county boards or superintendents by this Title.

4. Section 19:23-1 of the Revised Statutes is amended to read as follows:

State committee to county committees; county committees to municipal clerks.

19:23-1. The chairman of the State committee of a political party shall, on or before July 15 in the year when a Governor is to be elected, notify in writing the chairman of each county committee of such party that a male and a female member of such State committee is to be elected from the county at the ensuing primary election for the general election, and each such chairman shall, on or before August 1 of such year, send a copy of such notice to the clerk of each municipality within the county.

The chairman of each county committee shall also, on or before August 1 in each year, except that in presidential years it shall be on or before April 1, file with the clerks of the several municipalities the number of committeemen to be elected at the ensuing primary for the general election to the county committee.

5. Section 19:23-40 of the Revised Statutes is amended to read as follows:

Time and place of holding.

19:23-40. The primary election for the general election shall be held for all political parties upon the second Tuesday after the first Monday in September in each year, except that in presidential years it shall be held on the first Tuesday in June between the hours of 7 ante meridian and 8 post meridian, Standard Time. It shall be held for all political parties in the same places as hereinbefore provided for the ensuing general election.

6. This act shall take effect immediately.

Approved April 21, 1967.

CHAPTER 27

AN ACT relating to the powers of the Secretary of State and authorizing the reimbursement of certain expenditures by counties and municipalities.

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

1. The Secretary of State is hereby authorized to reimburse such counties and municipalities as may have incurred printing and advertising expenses pursuant to the obligations imposed by chapter 7 of the laws of 1967. Such reimbursement shall be made upon the certification of such costs by the county or municipality and upon a finding by the Secretary of State that such costs were necessary and proper.

2. There is hereby appropriated \$50,000.00 for the purposes of this act.

3. This act shall take effect immediately.

Approved April 21, 1967.

CHAPTER 28

AN ACT to amend and supplement the "State Library Aid Act," approved December 1, 1959 (P. L. 1959, c. 177), and repealing certain sections of said act.

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

1. Section 2 of the act of which this act is amendatory is amended to read as follows:

C. 18:24A-2 Definitions.

2. For the purposes of this act, unless the context clearly requires a different meaning:

"Annual expenditure for library services" shall mean the sum expended during the last completed fiscal year by a municipality or county for library services as certified by the governing body of the municipality or county to the Commissioner of Education, exclud-

ing any sum paid to the municipality or county under the provisions of this act and any sums received under Federal acts.

“Per capita” shall mean for each of the number of inhabitants of a municipality or county as shown by the latest Federal census effective in this State; provided that upon application by a municipality or county to the Commissioner of Education, any special census of population taken by the United States Census Bureau subsequent to its latest effective census shall determine such number of inhabitants.

“Equalized valuation” shall mean the equalized valuation of the municipality as certified by the Director of the State Division of Taxation for the year preceding that in which the calculation of State aid hereunder is made.

“Area library” shall mean any library with which the State contracts for specialized services to all residents of an area specified in the contract.

“Research library center” shall mean the State Library and any other library with which the State contracts to provide special services and research information throughout the State as specified in such contract.

C. 18:24A-3.1 State funds provides.

2. State funds shall be provided annually as follows:

(a) Each municipality or county that supports, in whole or in part, library service from municipal or county tax sources pursuant to chapter 33 or 54 of Title 40 of the Revised Statutes shall qualify for one of the following:

1. \$0.25 per capita if its annual expenditure for library services is less than $\frac{1}{8}$ mill per dollar upon the equalized valuation;

2. \$0.50 per capita if its annual expenditure for library services is more than $\frac{1}{8}$ mill, but less than $\frac{1}{4}$ mill per dollar upon equalized valuation;

3. \$0.75 per capita if its annual expenditure for library services is more than $\frac{1}{4}$ mill, but less than $\frac{1}{3}$ mill per dollar upon equalized valuation;

4. \$1.00 per capita if its annual expenditure for library services is more than $\frac{1}{3}$ mill, but less than $\frac{1}{2}$ mill per dollar upon equalized valuation;

5. \$1.25 per capita if its annual expenditure for library services is more than $\frac{1}{2}$ mill per dollar upon equalized valuation;

provided, however, that payments hereunder to a municipality or county shall not be less than the amount which such municipality or county received in State library aid in the year preceding the effective date of this act, except that in no case shall payments under this section exceed $\frac{1}{2}$ of the annual expenditure for library services by the municipality or the county, as the case may be.

(b) For those municipalities which provide tax support for both a local library and a county library, the per capita aid provided for in subparagraph (a) of this section shall be determined as follows: the total expenditure for library service pursuant to chapters 33 and 54 of Title 40 of the Revised Statutes shall be used to determine the scale of per capita aid. The payment to the municipality and to the county, respectively, shall be apportioned in the same ratio as each expenditure bears to the total expenditure.

C. 18:24A-8.2 Base grant.

3. Every area library shall receive annually during the term of its contract with the State a base grant of \$35,000.00 plus \$0.20 per capita for each person residing in the area specified in such contract.

C. 18:24A-8.3 Annual grant.

4. Every research library center shall receive an annual grant of \$100,000.00 with which to provide such special services and research information throughout the State as are specified in the contract, provided that the total of such grants to research library centers shall not exceed \$400,000.00 in any 1 year.

5. Section 9 of the act of which this act is amendatory is amended to read as follows:

C. 18:24A-9 Emergency aid.

9. There shall be appropriated annually the sum of \$200,000.00 to be distributed by the Commissioner of Education upon the approval of the State Board of Education and in accordance with its rules and regulations to meet unforeseeable conditions in any municipality or county, and to encourage the formation and development of larger units of service pursuant to law. The amount of such emergency aid or incentive grant shall be payable by the State Treasurer upon the certification of the Commissioner of Education and the warrant of the Director of the Division of Budget and Accounting.

6. Section 10 of the act of which this act is amendatory is amended to read as follows:

C. 18:24A-10 Determination of appropriation.

10. On or before November 15 in each year, the Commissioner of Education shall estimate the amount necessary to be appropriated to carry out the provisions of this act for the succeeding fiscal year and shall determine for budget purposes the amount estimated to be payable to each of the counties and municipalities under this act for such succeeding year. The commissioner shall make such determination for budget purposes upon the basis of the annual appropriations for library purposes for the current calendar year.

On or before September 15 of each succeeding year, the commissioner shall make his final determination of the payments to be made under this act upon the basis of the annual expenditures for library purposes for the preceding calendar year.

7. Section 11 of the act of which this act is amendatory is amended to read as follows:

C. 18:24A-11 Payment of State aid.

11. The sums payable as State aid, as finally determined by the commissioner, shall be payable on October 1 following the final determination in each such year. Payments shall be made by the State Treasurer upon certificate of the Commissioner of Education and warrant of the Director of the Division of Budget and Accounting. Payment shall be made to the governing body of each municipality qualifying for aid under this act and to the treasurer of each county which supports a regional or county library system, and to the receiving officer designated by each research library center.

C. 18:24A-11.1 Application of benefits received.

8. Benefits received pursuant to this act shall not be applied to any other purpose than library services maintained pursuant to chapters 33 and 54 of Title 40 of the Revised Statutes and pursuant to this act.

9. Section 12 of the act of which this act is amendatory is amended to read as follows:

C. 18:24A-12 Regulations.

12. In order to participate in any apportionment made according to the provisions of this act, municipalities and counties shall comply with the regulations and standards which have been, or which may be, prescribed by law or recommended by the Advisory Council of the Division of the State Library, Archives and History, and approved by the State Board of Education for the operation and improvement of free public libraries to provide efficient and

effective library services, to insure public benefit and convenience therefrom and to achieve the objects of this act.

10. Section 13 of the act of which this act is amendatory is amended to read as follows:

C. 18:24A-13 Reports.

13. On or before March 1 in each year each library receiving State aid according to the provisions of this act shall make and transmit a report to the State Librarian of such information, based upon the records and statistics of the preceding calendar year, as the State Librarian shall require.

C. 18:24A-13.1 Withholding of aid.

11. The Commissioner of Education is hereby empowered to withhold any form of State Library Aid from any municipality, county, or area library which does not comply with the provisions of chapters 33 and 54 of Title 40 of the Revised Statutes and chapter 132 of the laws of 1947 (c. 45:8A-1, et seq.) wherever applicable, or with any rules and regulations duly adopted pursuant to said statutes or this act, or which reduces its annual expenditures for library services pursuant to chapters 33 and 54 of Title 40 of the Revised Statutes below the average of those expenditures for normal, recurring, operating costs made during the 3 years previous to receipt of the first State aid under this act.

12. Section 14 of the act of which this act is amendatory is amended to read as follows:

C. 18:24A-14 Appropriation.

14. There is hereby appropriated for the purposes of this act such sums as may be included therefor in any annual or supplemental appropriation act. In the event the sums appropriated at any time are insufficient to carry out in full the provisions of this act, the Commissioner of Education, with the approval of the State Board of Education, shall allocate such sums on the basis of the method of allocation described in this act to the extent that he deems advisable and practicable. A sum not to exceed 1% of such total annual or supplemental appropriation for the purposes of this act may be allocated by the Commissioner of Education for the administrative costs thereof.

Repealed.

13. Sections 3, 4, 5, 6, 7 and 8 of the State Library Aid Act, approved December 1, 1959 (P. L. 1959, c. 177) are hereby repealed.

14. This act shall take effect July 1, 1967.

Approved April 24, 1967.

CHAPTER 29

AN ACT making an appropriation to the State Aid to School Districts Study Commission.

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

1. In addition to the funds heretofore appropriated to the State Aid to School Districts Study Commission there is hereby appropriated to the commission the sum of \$15,000.00 to carry out its purposes.

2. This act shall take effect immediately.

Approved April 24, 1967.

CHAPTER 30

AN ACT concerning unemployment compensation and temporary disability benefits, and amending sections 43:21-3, 43:21-4, 43:21-5, 43:21-7, 43:21-8 and 43:21-19 of the Revised Statutes, and sections 14, 15, and 16 of chapter 110 of the laws of 1948, amending section 1 of chapter 81 of the laws of 1944, supplementing Title 43 of the Revised Statutes and repealing chapter 177 of the laws of 1950.

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

1. Section 43:21-3 of the Revised Statutes is amended to read as follows:

Benefits.

43:21-3. (a) Payment of benefits. All benefits shall be promptly paid from the fund through local employment offices in accordance with such regulations as may be prescribed hereunder.

(b) Weekly benefits for unemployment.

With respect to an individual's benefit year commencing on or after July 1, 1961, such individual, if eligible and unemployed

(as defined in subsection (m) of section 43:21-19 of the Revised Statutes), shall be paid an amount (except as to final payment) equal to his weekly benefit rate less any remuneration paid or payable to him for such week in excess of 20% of his weekly benefit rate (fractional part of a dollar omitted) or \$5.00, whichever is the greater; provided that such amount shall be computed to the next higher multiple of \$1.00 if not already a multiple thereof.

(c) Weekly benefit rate.

(1) With respect to an individual whose benefit year commences on or after July 1, 1961, and prior to January 1, 1968 his weekly benefit rate under each benefit determination shall be an amount equal to the weekly benefit rate set forth in Column B of the table in this paragraph on the line in which in Column A there appears his average weekly wage:

COLUMN A AVERAGE WEEKLY WAGE	COLUMN B WEEKLY BENEFIT RATE
\$18.00 or less	\$10.00
18.01 but not more than 19.50	11.00
19.51 but not more than 21.00	12.00
21.01 but not more than 22.50	13.00
22.51 but not more than 24.00	14.00
24.01 but not more than 25.50	15.00
25.51 but not more than 27.00	16.00
27.01 but not more than 28.50	17.00
28.51 but not more than 30.00	18.00
30.01 but not more than 31.50	19.00
31.51 but not more than 33.00	20.00
33.01 but not more than 34.50	21.00
34.51 but not more than 36.00	22.00
36.01 but not more than 37.50	23.00
37.51 but not more than 39.00	24.00
39.01 but not more than 40.50	25.00
40.51 but not more than 42.00	26.00
42.01 but not more than 43.50	27.00
43.51 but not more than 45.00	28.00
45.01 but not more than 47.50	29.00
47.51 but not more than 50.00	30.00
50.01 but not more than 52.50	31.00
52.51 but not more than 55.00	32.00
55.01 but not more than 57.50	33.00
57.51 but not more than 60.00	34.00

COLUMN A	COLUMN B
AVERAGE WEEKLY WAGE	WEEKLY BENEFIT RATE
\$60.01 but not more than \$63.00	\$35.00
63.01 but not more than 66.00	36.00
66.01 but not more than 69.00	37.00
69.01 but not more than 73.50	38.00
73.51 but not more than 76.00	39.00
76.01 but not more than 79.00	40.00
79.01 but not more than 82.00	41.00
82.01 but not more than 84.00	42.00
84.01 but not more than 86.00	43.00
86.01 but not more than 88.00	44.00
88.01 but not more than 90.00	45.00
90.01 but not more than 92.00	46.00
92.01 but not more than 94.00	47.00
94.01 but not more than 96.00	48.00
96.01 but not more than 98.00	49.00
98.01 or more	50.00

(2) With respect to an individual whose benefit year commences in any calendar year after December 31, 1967, his weekly benefit rate under each determination shall be $\frac{2}{3}$ of his average weekly wage, subject to a maximum of 50% of the State-wide average weekly remuneration paid to workers by employers subject to this chapter (R. S. 43:21-1 et seq.), as determined and promulgated by the Commissioner of Labor and Industry, and to a minimum of \$10.00; provided, however, that such individual's weekly benefit rate shall be computed to the next higher multiple of \$1.00 if not already a multiple thereof. For the purposes of this paragraph, the "State-wide average weekly remuneration paid to workers by employers" shall be computed and determined by the Commissioner of Labor and Industry on or before September 1 of each year on the basis of $\frac{1}{52}$ of the total remuneration reported for the preceding calendar year by employers subject to this chapter, divided by the average of the number of workers reported by such employers, and shall be effective as to benefit determinations in the calendar year following such computation and determination.

(d) Maximum total benefits.

(1) With respect to an individual to whom benefits shall be payable for benefit years prior to January 1, 1968, as provided in this section such individual shall be entitled to receive, under each successive benefit determination relating to each of his base year

employers, a total amount of benefits equal to $\frac{3}{4}$ of his base weeks from the employer in question multiplied by his weekly benefit rate; but the amount of benefits thus resulting under any such determination made with respect to an employer, shall be adjusted to the next higher multiple of \$1.00 if not already a multiple thereof.

With respect to an individual to whom benefits shall be payable for benefit years commencing on or after January 1, 1968 as provided in this section, such individual shall be entitled to receive, under each successive benefit determination relating to each of his base year employers, a total amount of benefits equal to $\frac{1}{3}$ of his total wages in his base year or $\frac{3}{4}$ of his base weeks from the employer in question multiplied by his weekly benefit rate, whichever is the higher; but the amount of benefits thus resulting under any such determination made with respect to an employer shall be adjusted to the next higher multiple of \$1.00 if not already a multiple thereof.

(2) No such individual shall be entitled to receive benefits under this chapter (R. S. 43:21-1 et seq.) in excess of 26 times his weekly benefit rate in any benefit year under either of subsections (c) and (f) of section 43:21-4 of this chapter (R. S. 43:21-1 et seq.). In the event that any individual qualifies for benefits under both of said subsections during any benefit year, the maximum total amount of benefits payable under said subsections combined to such individual during the benefit year shall be $1\frac{1}{2}$ times the maximum amount of benefits payable under one of said subsections.

(3) The maximum total benefits of any individual shall be reduced by an amount equal to 17 times his weekly benefit rate upon the discovery by the division that such individual illegally received any sum as benefits contrary to the provisions of this chapter as the result of any false or fraudulent representation; provided, however, that such reduction shall apply only to a benefit year in existence at the time of the discovery and to a benefit year established within 1 year from the time of such discovery.

2. Section 43:21-4 of the Revised Statutes is amended to read as follows:

Benefit eligibility conditions.

43:21-4. An unemployed individual shall be eligible to receive benefits with respect to any week only if it appears that:

(a) He has registered for work at, and thereafter continued to report at, an employment office in accordance with such regulations as the division may prescribe, except that the division may, by

regulation, waive or alter either or both of the requirements of this subsection as to individuals attached to regular jobs, and as to such other types of cases or situations with respect to which the division finds that compliance with such requirements would be oppressive, or would be inconsistent with the purpose of this act; provided, that no such regulation shall conflict with subsection (a) of section 43:21-3 of the Revised Statutes.

(b) He has made a claim for benefits in accordance with the provisions of subsection (a) of section 43:21-6 of the Revised Statutes.

(c) He is able to work, and is available for work, and has demonstrated that he is actively seeking work, except as hereinafter provided in this subsection or in subsection (f) of this section:

(1) No woman shall be deemed to be able or available for work during the 4 weeks immediately before the expected birth of her child or the 4 weeks immediately following the birth of her child, in either of which cases the division may require the production of a doctor's certificate to establish such dates;

(2) The director may, in his discretion, modify the requirement of actively seeking work if, in his judgment, such modification of this requirement is warranted by economic conditions.

No individual, who is otherwise eligible, shall be deemed ineligible, or unavailable for work, because he is on vacation, without pay, during said week, if said vacation is not the result of his own action as distinguished from any collective action of a collective bargaining agent or other action beyond his individual control; nor subject to such limitations and conditions as the division may prescribe, shall any otherwise eligible individual who is attending a training program which has been approved for him by the division to enhance his employment opportunities be deemed unavailable for work or ineligible because he is attending such training program, or because he failed or refused to accept work while attending such program.

(d) He has been totally or partially unemployed for a waiting period of 1 week in the benefit year which includes that week. When benefits become payable with respect to the third consecutive week next following the waiting period, he shall be eligible to receive benefits as appropriate with respect to the waiting period. No week shall be counted as a week of unemployment for the purposes of this subsection:

(1) if benefits have been paid, or are payable with respect thereto; provided, that the requirements of this paragraph

shall be waived with respect to any benefits paid or payable for a waiting period as provided in this subsection;

(2) if it has constituted a waiting period week under Temporary Disability Benefits Law;

(3) unless the individual fulfills the requirements of subsections (a) and (c) of this section;

(4) if with respect thereto, claimant was disqualified for benefits in accordance with the provisions of subsection (d) of section 43:21-5 of the Revised Statutes.

(e) With respect to a base year as defined in subsection (c) of section 43:21-19 of the Revised Statutes he has established at least 17 base weeks as defined in subsection (t) (1) of section 43:21-19 of the Revised Statutes, or, in the alternative, has earned \$1,350.00 or more in his base year.

(f) (1) He has suffered any accident or sickness not compensable under the Workmen's Compensation Law (Title 34 of the Revised Statutes) and resulting in his total disability to perform any work for remuneration, and would be eligible to receive benefits under this chapter (R. S. 43:21-1 et seq.) (without regard to the maximum amount of benefits payable during any benefit year) except for his inability to work and has furnished notice and proof of claim to the division, in accordance with its rules and regulations, and payment is not precluded by the provisions of section 43:21-3 (d) of the Revised Statutes; provided, however, that no benefits shall be payable under this subsection to any individual:

(A) for any period during which such individual is not under the care of a legally licensed physician, dentist or chiroprapist;

(B) for any period of disability due to pregnancy or resulting childbirth, miscarriage, or abortion, except for disability existing during the 4 weeks immediately before the expected birth of child, and the 4 weeks following the termination of the pregnancy;

(C) for any period of disability due to willfully or intentionally self-inflicted injury, or to injuries sustained in the perpetration by the individual of a high misdemeanor;

(D) for any week with respect to which or a part of which he has received or is seeking benefits under any unemployment compensation or disability benefit law of any other State or of the United States; provided, that if the appropriate agency of such other State or of the United States finally determines that he is not entitled to such benefits, this disqualification shall not apply;

(E) for any week with respect to which or part of which he has received or is seeking disability benefits under the Temporary Disability Benefits Law;

(F) for any period of disability commencing while such individual is a "covered individual" as defined in subsection 3 (b) of the Temporary Disability Benefits Law (chapter 110, P. L. 1948).

(2) Benefit payments under this subsection shall be charged to and paid from the State Disability Benefits Fund established by the Temporary Disability Benefits Law, and shall not be charged to any employer account in computing any employer's experience rate for contributions payable under this chapter.

(g) Notwithstanding any other provision of this chapter, the director may, to the extent that he deems efficient and economical provide for consolidated administration by one or more representatives or deputies of claims made pursuant to subsection (f) of this section with those made pursuant to article III (State plan) of the Temporary Disability Benefits Law.

3. Section 43:21-5 of the Revised Statutes is amended to read as follows:

Disqualification for benefits.

43:21-5. An individual shall be disqualified for benefits:

(a) For the week in which he has left work voluntarily without good cause attributable to such work, and for each week thereafter until he has earned in employment (which may be with an employing unit having in employment one or more individuals) at least 4 times his weekly benefit rate, as determined in each case; provided, however, that no disqualification shall be applicable to a woman who left or was separated from her work solely by reason of her pregnancy.

(b) For the week in which he has been finally discharged for misconduct connected with his work, and for the 5 weeks which immediately follow such week (in addition to the waiting period), as determined in each case. In the event such discharge should be rescinded by the employer voluntarily or as a result of mediation or arbitration this subsection (b) shall not apply, provided, however, an individual who is restored to employment with back pay shall return any benefits received under this chapter for any week of unemployment for which he is subsequently compensated by his employer.

(c) If it is found that he has failed, without good cause, either to apply for available, suitable work when so directed by the employment office or the director or to accept suitable work when offered him, or to return to his customary self-employment (if any) when so directed by the director. Such disqualification shall continue for the week in which such failure occurred and for the 3 weeks which immediately follow such week (in addition to the waiting period), as determined:

(1) In determining whether or not any work is suitable for an individual, consideration shall be given to the degree of risk involved to his health, safety and morals, his physical fitness and prior training, his experience and prior earnings, his length of unemployment and prospects for securing local work in his customary occupation, and the distance of the available work from his residence.

(2) Notwithstanding any other provisions of this chapter, no work shall be deemed suitable and benefits shall not be denied under this chapter to any otherwise eligible individual for refusing to accept new work under any of the following conditions: (a) If the position offered is vacant due directly to a strike, lockout, or other labor dispute; (b) If the remuneration, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality; (c) If as a condition of being employed the individual would be required to join a company union or to resign from or refrain from joining any bona fide labor organization.

(d) If it is found that his unemployment is due to a stoppage of work commencing on or after January 1, 1968 which exists because of a labor dispute (other than a lockout) at the factory, establishment or other premises at which he is or was last employed and such disqualification shall continue only for the first 42 days thereof (in addition to the waiting period). Benefits paid after said period of disqualification shall only be paid out of, and to the extent of, worker contributions to the Unemployment Trust Fund made during the calendar year preceding the calendar year in which benefits are claimed; provided, however, that no benefits shall be paid under this subsection where the worker or workers unemployed by reason of such labor dispute, or their representatives, have refused to voluntarily arbitrate the dispute or, in the alternative, have refused the services of a mediation agency of this State or the Federal Government to mediate the

dispute, and further provided that no benefits shall be paid under this subsection for any week of unemployment unless the Commissioner of Labor and Industry certifies that, during the week in question, representatives of the worker or workers claiming benefits, either were bargaining in good faith or were prepared to bargain in good faith to resolve the dispute. No disqualification under this subsection shall apply if it is shown that:

(1) He is not participating in or financing or directly interested in the labor dispute which caused the stoppage of work; and

(2) He does not belong to a grade or class of workers of which, immediately before the commencement of the stoppage, there were members employed at the premises at which the stoppage occurs, any of whom are participating in or financing or directly interested in the dispute; provided, that if in any case in which (1) or (2) above applies separate branches of work which are commonly conducted as separate businesses in separate premises are conducted in separate departments of the same premises, each such department shall, for the purposes of this subsection, be deemed to be a separate factory, establishment, or other premises;

(e) For any week with respect to which he is receiving or has received remuneration in lieu of notice.

(f) For any week with respect to which or a part of which he has received or is seeking unemployment benefits under an unemployment compensation law of any other State or of the United States; provided, that if the appropriate agency of such other State or of the United States finally determines that he is not entitled to such unemployment benefits, this disqualification shall not apply.

(g) (1) For a period of 17 weeks from the date of the discovery by the division of the illegal receipt of benefits contrary to the provisions of this chapter as the result of any false or fraudulent representation and his maximum total benefits shall be reduced by an amount equal to 17 times his weekly benefit rate in the benefit year in existence at the time of the discovery and in a benefit year established within 1 year thereafter, but the maximum reduction shall not exceed 17 times the weekly benefit rate; provided, that any such disqualification may be appealed in the same manner as any other disqualification imposed hereunder; and, provided further, that a conviction in the courts of this State arising out of the illegal receipt of such benefits in any proceeding instituted against him, under the provisions of this chapter or any other law

of this State, shall be conclusive upon the appeals tribunal and the board of review.

(2) A disqualification under this subsection shall not preclude the prosecution of any civil, criminal or administrative action or proceeding to enforce other provisions of this chapter for the assessment and collection of penalties or the refund of any amounts collected as benefits under the provisions of section 43:21-16 of the Revised Statutes, or to enforce any other law where an individual obtains or attempts to obtain by theft or robbery or false statements or representations any money from any fund created or established under this chapter or any negotiable or nonnegotiable instrument for the payment of money from such funds, or to recover money erroneously or illegally obtained by an individual from any fund created or established under this chapter.

4. Section 43:21-7 of the Revised Statutes is amended to read as follows:

Contribution.

43:21-7. (a) Payment.

(1) Contributions shall accrue and become payable by each employer for each calendar year in which he is subject to this chapter (R. S. 43:21-1 et seq.), with respect to having individuals in his employ during such calendar year at the rates and on the basis hereinafter set forth. Such contributions shall become due and be paid by each employer to the Division of Employment Security for the fund in accordance with such regulations as may be prescribed, and shall not be deducted, in whole or in part, from the remuneration of individuals in his employ.

(2) In the payment of any contributions, a fractional part of a cent shall be disregarded unless it amounts to $\frac{1}{2}$ cent or more, in which case it shall be increased to \$0.01.

(b) Rate of contributions. Each employer shall pay the following contributions:

(1) For the calendar year 1947, and each calendar year thereafter, 2 $\frac{7}{10}$ % of wages paid by him during each such calendar year, except as otherwise prescribed by subsection (c) of this section.

(2) The "wages" of any individual, with respect to any one employer as the term is used in this subsection (b) and in subsections (c), (d) and (e) of this section 7, shall include the first \$3,000.00 paid during each calendar year prior to January 1, 1968 and the first \$3,600.00 paid during each calendar year commencing on or after January 1, 1968, for services performed either within

or without this State; provided, that no contribution shall be required by this State with respect to services performed in another State if such other State imposes contribution liability with respect thereto. If an employer (hereinafter referred to as successor employer) during any calendar year acquires substantially all the property used in a trade or business of another employer (hereinafter referred to as a predecessor), or used in a separate unit of a trade or business of a predecessor, and immediately after the acquisition employs in his trade or business an individual who immediately prior to the acquisition was employed in the trade or business of such predecessor, then, for the purpose of determining whether the successor employer has paid wages with respect to employment equal to \$3,000.00 to such individual during any calendar year prior to January 1, 1968, or equal to \$3,600.00 during any calendar year commencing on or after January 1, 1968, any wages paid to such individual by such predecessor during such calendar year and prior to such acquisition shall be considered as having been paid by such successor employer.

(c) Future rates based on benefit experience:

(1) a separate account for each employer shall be maintained and this shall be credited with all the contributions which he has paid on his own behalf on or before January 31 of any calendar year with respect to employment occurring in preceding calendar years; provided, however, that if January 31 of any calendar year falls on a Saturday or Sunday, an employer's account shall be credited as of January 31 of such calendar year with all the contributions which he has paid on or before the next succeeding day which is not a Saturday or Sunday. But nothing in this chapter (R. S. 43:21-1 et seq.) shall be construed to grant any employer or individuals in his service prior claims or rights to the amounts paid by him into the fund either on his own behalf or on behalf of such individuals. Benefits paid with respect to benefit years commencing on and after January 1, 1953, to any individual on or before December 31 of any calendar year with respect to unemployment in such calendar year and in preceding calendar years shall be charged against the account or accounts of the employer or employers in whose employment such individual established base weeks constituting the basis of such benefits. Benefits paid under a given benefit determination shall be charged against the account of the employer to whom such determination relates. When each benefit payment is made the division shall promptly send either a copy of the benefit check or other form of notification to the employer

against whose account the benefits are to be charged. Such copy or notification shall identify the employer against whose account the amount of such payment is being charged, shall show at least the name and social security account number of the claimant and shall specify the period of unemployment to which said check applies. If the total amount of benefits paid to a claimant and charged to the account of the appropriate employer exceeds 50% of the total base-year base week wages paid to the claimant by that employer, then such employer may apply to the division to have canceled from his account such excess benefit charges as specified above. Any such application for the cancellation of excess charges shall be submitted by the employer within 6 months from the date of the benefit check, payment of which creates such charges. In no event will the erasure of such charges affect a contribution rate already assigned to the employer with respect to any fiscal year commencing prior to the date the application is received by the division.

The division shall furnish to each employer an annual summary statement of benefits charged to his account.

(2) The Division of Employment Security may prescribe regulations for the establishment, maintenance, and dissolution of joint accounts by 2 or more employers, and shall, in accordance with such regulations and upon application by 2 or more employers to establish such an account, or to merge their several individual accounts in a joint account, maintain such joint account as if it constituted a single employer's account.

(3) Each employer's rate shall be $2\frac{8}{10}\%$, except as otherwise provided in the following provisions: No employer's rate shall be other than $2\frac{8}{10}\%$ unless and until there shall have been 3 calendar years throughout which any individual in his employ could have received benefits if eligible. No employer's rate shall be lower than $2\frac{7}{10}\%$ unless assignment of such lower rate is consistent with the conditions applicable to additional credit allowance for such year under section 3303 (a) (1) of the Internal Revenue Code (U. S. Code Title 26, section 3303 (a) (1)), any other provision of this section to the contrary notwithstanding.

(4) (A) Each employer's rate for the 12 months commencing July 1 of any calendar year shall be determined on the basis of his record up to the beginning of such calendar year. If, at the beginning of such calendar year, the total of all his contributions, paid on his own behalf, for all past years exceeds the total benefits charged to his account for all such years, his contribution rate shall be:

(1) $2\frac{5}{10}\%$, if such excess equals or exceeds 4%, but less than 5% of his average annual payroll (as defined in paragraph (2), subsection (a) of section 43:21-19 of this Title);

(2) $2\frac{2}{10}\%$, if such excess equals or exceeds 5%, but is less than 6%, of his average annual payroll;

(3) $1\frac{1}{10}\%$, if such excess equals or exceeds 6%, but is less than 7%, of his average annual payroll;

(4) $1\frac{4}{10}\%$, if such excess equals or exceeds 7%, but is less than 8%, of his average annual payroll;

(5) $1\frac{7}{10}\%$, if such excess equals or exceeds 8%, but is less than 9%, of his average annual payroll;

(6) 1%, if such excess equals or exceeds 9%, but is less than 10%, of his average annual payroll;

(7) $\frac{7}{10}$ of 1%, if such excess equals or exceeds 10%, but is less than 11%, of his average annual payroll;

(8) $\frac{4}{10}$ of 1%, if such excess equals or exceeds 11%, of his average annual payroll.

(B) If the total of an employer's contributions, paid on his own behalf, for all past periods for the purposes of this paragraph (4), is less than the total benefits charged against his account during the same period, his rate shall be $3\frac{6}{10}\%$; provided, however, if the total of the contributions of such an employer for the past 120 consecutive calendar months is more than the total benefits charged against his account during the same period, his rate shall be $2\frac{8}{10}\%$.

(C) The contribution rates prescribed by subparagraphs (A) and (B) of this paragraph (4) shall be increased or decreased in accordance with the provisions of paragraph (5) of this subsection (c).

(5) (A) If on March 31 of any calendar year the balance in the Unemployment Trust Fund equals or exceeds 4% but is less than 7% of the total taxable wages reported to the division as of that date in respect to employment during the preceding calendar year, the contribution rate, effective July 1 following, of each employer eligible for a contribution rate calculation based upon benefit experience, shall be increased by $\frac{3}{10}$ of 1% over the contribution rate otherwise established under the provisions of paragraphs (3) or (4) of this subsection. If on March 31 of any calendar year the balance of the Unemployment Trust Fund is less than 4% of the total taxable wages reported to the Division of Employment Security as of that date in respect to employment during the preceding calendar year, the contribution rate, effective July 1 following, of each employer eligible for a contribution rate calculation

based upon benefit experience, shall be increased by $\frac{1}{10}$ of 1% over the contribution rate otherwise established under the provisions of paragraphs (3) or (4) of this subsection; provided, that if on such March 31, such balance is less than $2\frac{1}{2}\%$ of such total taxable wages, the contribution rate so effective, of any employer, shall be not less than $2\frac{3}{10}\%$; provided further, that the contribution rate of any employer increased pursuant to the provisions of this subparagraph, when so increased, shall not exceed $4\frac{3}{10}\%$.

(B) If on March 31 of any calendar year the balance in the Unemployment Trust Fund equals or exceeds 10% but is less than $12\frac{1}{2}\%$ of the total taxable wages reported to the Division of Employment Security as of that date in respect to employment during the preceding calendar year, the contribution rate, effective July 1 following, of each employer eligible for a contribution rate calculation based upon benefit experience, shall be reduced by $\frac{3}{10}$ of 1% under the contribution rate otherwise established under the provisions of paragraphs (3) and (4) of this subsection; provided, that in no event shall the contribution rate of any employer be reduced to less than $\frac{4}{10}$ of 1%. If on March 31 of any calendar year the balance in the Unemployment Trust Fund equals or exceeds $12\frac{1}{2}\%$ of the total taxable wages reported to the division as of that date in respect to employment during the preceding calendar year, the contribution rate, effective July 1 following, of each employer eligible for a contribution rate calculation based upon benefit experience, shall be reduced by $\frac{1}{10}$ of 1% if his account for all past periods reflects an excess of contributions paid over total benefits charged of 3% or more of his average annual payroll, otherwise by $\frac{3}{10}$ of 1% under the contribution rate otherwise established under the provisions of paragraphs (3) and (4) of this subsection; provided, that in no event shall the contribution rate of any employer be reduced to less than $\frac{4}{10}$ of 1%.

(6) Additional contributions.

Notwithstanding any other provision of law, any employer who has been assigned a contribution rate pursuant to subsection (c) of this section for the year commencing July 1, 1948, and for any year commencing July 1 thereafter, may voluntarily make payment of additional contributions, and upon such payment shall receive a recomputation of the experience rate applicable to such employer including in the calculation the additional contribution so made. Any such additional contribution shall be made during the 30-day period following the date of the mailing to the employer of the notice of his contribution rate as prescribed in this section, unless,

for good cause, the time for payment has been extended by the director for not to exceed an additional 60 days; provided, that in no event may such payments which are made later than 120 days after the beginning of the year for which such rates are effective be considered in determining the experience rate for the year in which the payment is made. Any employer receiving any extended period of time within which to make such additional payment and failing to make such payment timely shall pay, in addition to the required amount of additional payment, a penalty of 5% thereof or \$5.00, whichever is greater, not to exceed \$50.00. Any adjustment under this subsection shall be made only in the form of credits against accrued or future contributions.

(7) Transfers.

(A) Upon the transfer of the organization, trade or business, or substantially all the assets of an employer to a successor in interest, whether by merger, consolidation, sale, transfer, descent or otherwise, the Division of Employment Security shall transfer the employment experience of the predecessor employer to the successor in interest, including credit for past years, contributions paid, annual payrolls, benefit charges, et cetera, applicable to such predecessor employer, pursuant to regulations adopted by the division, if the division finds that the employment experience of the predecessor employer with respect to the organization, trade, assets or business, which has been transferred, may be considered indicative of the future employment experience of the successor in interest. Unless the predecessor employer was owned or controlled (by legally enforceable means or otherwise), directly or indirectly, by the successor in interest, or the predecessor employer and the successor in interest were owned or controlled (by legally enforceable means or otherwise), directly or indirectly, by the same interest or interests, the transfer of the employment experience of the predecessor shall not be effective if such successor in interest, within 4 months of the date of such transfer of the organization, trade, assets or business, or thereafter upon good cause shown, files a written notice with the division protesting the transfer of the employment experience of the predecessor employer.

(B) An employer, who transfers part of his or its organization, trade, assets or business to a successor in interest, whether by merger, consolidation, sale, transfer, descent or otherwise, may jointly make application with such successor in interest for transfer of that portion of the employment experience of the predecessor employer relating to the portion of the organization, trade,

assets, or business transferred to the successor in interest, including credit for past years, contributions paid, annual payrolls, benefit charges, et cetera, applicable to such predecessor employer. The division of Employment Security may allow such transfer of employment experience pursuant to regulations adopted by the division, only if it finds that the employment experience of the predecessor employer with respect to the portion of the organization, trade, assets or business which has been transferred may be considered indicative of the future employment experience of the successor in interest. Credit shall be given to the successor in interest only for the years during which contributions were paid by the predecessor employer with respect to that part of the organization, trade, assets or business transferred.

(C) A transfer of the employment experience in whole or in part having become final, the predecessor employer thereafter shall not be entitled to consideration for an adjusted rate based upon his or its experience or the part thereof, as the case may be, which has thus been transferred. A successor in interest to whom employment experience or a part thereof is transferred pursuant to this subsection shall, as of the date of the transfer of the organization, trade, assets or business, or part thereof, immediately become an employer if not theretofore an employer subject to this chapter (R. S. 43:21-1 et seq.).

(d) (1) Contribution of workers; transfers to temporary disability benefit fund.

Each worker shall contribute to the fund $\frac{3}{4}$ of 1% of his wages paid by an employer with respect to his employment which occurs on and after January 1, 1953, and after such employer has satisfied the conditions set forth in subsection (h) of section 43:21-19 of this Title with respect to becoming an employer; provided, however, that such contribution shall be at the rate of $\frac{1}{4}$ of 1% of wages paid with respect to employment while the worker is covered by an approved private plan under the Temporary Disability Benefits Law or while the worker is exempt from the provisions of the Temporary Disability Benefits Law under section 7 of that law. Each employer shall, notwithstanding any provisions of law in this State to the contrary, withhold in trust the amount of his workers' contributions from their wages at the time such wages are paid, shall show such deduction on his payroll records, shall furnish such evidence thereof to his workers as the division may prescribe, and shall transmit all such contributions, in addition to his own contributions, to the office of the Division of Employ-

ment Security in such manner and at such times as may be prescribed. If any employer fails to deduct the contributions of any of his workers at the time their wages are paid, or fails to make a deduction therefor at the time wages are paid for the next succeeding payroll period, he alone shall thereafter be liable for such contributions, and for the purpose of section 43:21-14 of this Title, such contributions shall be treated as employer's contributions required from him. As used in this chapter (R. S. 43:21-1 et seq.), except when the context clearly requires otherwise, the term "contributions" shall include the contributions of workers pursuant to this section.

(2) (A) There shall be deposited in and credited to the State Disability Benefits Fund, as established by law, $\frac{3}{4}$ of all worker contributions, received by the Division of Employment Security with respect to wages paid prior to January 1, 1953, and upon which the rate of contributions is 1%.

(B) There shall be deposited in and credited to the State Disability Benefits Fund, as established by law, $\frac{2}{3}$ of all worker contributions, received by the Division of Employment Security pursuant to paragraph (1) above after December 31, 1952, with respect to wages paid on and after January 1, 1953, and upon which the rate of contributions is $\frac{3}{4}$ of 1%.

(3) If an employee receives wages from more than one employer during any calendar year, and either the sum of his contributions deposited in and credited to the State Disability Benefits Fund (in accordance with subparagraph (B) of paragraph (2) of this subsection) plus the amount of his contributions, if any, required towards the cost of benefits under one or more approved private plans under the provisions of section 9 of the Temporary Disability Benefits Law and deducted from his wages, or the sum of such latter contributions if the employee is covered during such calendar year, only by 2 or more private plans, exceeds \$15.00 in any calendar year prior to January 1, 1968, or \$18.00 in any calendar year commencing on or after January 1, 1968, the employee shall be entitled to a refund of the excess if he makes claim to the Division of Employment Security within 2 years after the end of the calendar year in which the wages are received with respect to which the refund is claimed and establishes his right to such refund. Such refund shall be made by the Division of Employment Security from the State Disability Benefits Fund. No interest shall be allowed or paid with respect to any such refund. The division shall, in accordance with prescribed regulations, determine

the portion of the aggregate amount of such refunds made during any calendar year which is applicable to private plans for which deductions were made under section 9 of the "Temporary Disability Benefits Law," such determination to be based upon the ratio of the amount of such wages exempt from contributions to such fund as provided in subparagraph (B) of paragraph (1) of this subsection with respect to coverage under private plans to the total wages so exempt plus the amount of such wages subject to contributions to the disability benefits fund as provided in subparagraph (B) of paragraph (2) of this subsection. The division shall, in accordance with prescribed regulations, prorate the amount so determined among the applicable private plans in the proportion that the wages covered by each plan bears to the total private plan wages involved in such refunds, and shall assess against and recover from the employer, or the insurer if the insurer has indemnified the employer with respect thereto, the amount so prorated. The provisions of Revised Statutes, section 43:21-14, with respect to collection of employer contributions shall apply to such assessments. The amounts so recovered by the division shall be paid into the State Disability Benefits Fund.

(4) If an individual does not receive any wages from the employing unit which for the purposes of this chapter (R. S. 43:21-1 et seq.) is treated as his employer, or receives his wages from some other employing unit, such employer shall nevertheless be liable for such individual's contributions in the first instance; and after payment thereof such employer may deduct the amount of such contributions from any sums payable by him to such employing unit, or may recover the amount of such contributions from such employing unit, or, in the absence of such an employing unit, from such individual, in a civil action; provided, proceedings therefor are instituted within 3 months after the date on which such contributions are payable. General rules shall be prescribed whereby such an employing unit may recover the amount of such contributions from such individuals in the same manner as if it were the employer.

(5) Every employer who has elected to become an employer subject to this chapter (R. S. 43:21-1 et seq.), or to cease to be an employer subject to this chapter (R. S. 43:21-1 et seq.), pursuant to the provisions of section 43:21-8 of this Title, shall post and maintain printed notices of such election on his premises, of such design, in such numbers, and at such places as the director may determine to be necessary to give notice thereof to persons in his service.

(6) Contributions by workers, payable to the Division of Employment Security as herein provided, shall be exempt from garnishment, attachment, execution, or any other remedy for the collection of debts.

(e) Contributions by employers to State Disability Benefits Fund.

(1) Except as hereinafter provided, each employer shall, in addition to the contributions required by subsections (a), (b), and (c) of this section, contribute $\frac{1}{4}$ of 1% of the wages paid by such employer to workers with respect to employment after January 1, 1949. Such contributions shall become due and be paid by each employer to the Division of Employment Security for the State Disability Benefits Fund as established by law, in accordance with such regulations as may be prescribed, and shall not be deducted, in whole or in part, from the remuneration of individuals in his employ. In the payment of any contributions, a fractional part of a cent shall be disregarded unless it amounts to $\frac{1}{2}$ cent or more, in which case it shall be increased to \$0.01.

(2) During the continuance of coverage of a worker by an approved private plan of disability benefits under the Temporary Disability Benefits Law, the employer shall be exempt from the contribution required by subparagraph (1) above with respect to wages paid to such worker.

(3) (A) The rates of contribution as specified in subparagraph (1) above shall be subject to modification as provided herein with respect to employer contributions due on and after July 1, 1951.

(B) A separate disability benefits account shall be maintained for each employer required to contribute to the State Disability Benefits Fund and such account shall be credited with contributions deposited in and credited to such fund with respect to employment occurring on and after January 1, 1949. Each employer's account shall be credited with all contributions paid on or before January 31 of any calendar year on his own behalf and on behalf of individuals in his service with respect to employment occurring in preceding calendar years; provided, however, that if January 31, of any calendar year falls on a Saturday or Sunday an employer's account shall be credited as of January 31 of such calendar year with all the contributions which he has paid on or before the next succeeding day which is not a Saturday or Sunday. But nothing in this act shall be construed to grant any employer or individuals in his service prior claims or rights to the amounts paid by him to the fund either on his own behalf or on behalf of such individuals. Benefits paid to any covered individual in ac-

cordance with Article III of the Temporary Disability Benefits Law on or before December 31 of any calendar year with respect to disability in such calendar year and in preceding calendar years shall be charged against the account of the employer by whom such individual was employed at the commencement of such disability or by whom he was last employed if out of employment.

(C) The division may prescribe regulations for the establishment, maintenance, and dissolution of joint accounts by 2 or more employers, and shall, in accordance with such regulations and upon application by 2 or more employers to establish such an account, or to merge their several individual accounts in a joint account, maintain such joint account as if it constituted a single employer's account.

(D) Prior to July 1 of each calendar year, the Division of Employment Security shall make a preliminary determination of the rate of contribution for the 12 months commencing on such July 1 for each employer subject to the contribution requirements of this subsection (e).

(1) Such preliminary rate shall be $\frac{1}{4}$ of 1% unless on the preceding January 31 of such year such employer shall have been a covered employer who has paid contributions to the State Disability Benefits Fund with respect to employment in the 3 calendar years immediately preceding such year.

(2) If the minimum requirements in (1) above have been fulfilled and the credited contributions exceed the benefits charged by more than \$500.00, such preliminary rate shall be as follows:

(i) $\frac{2}{10}$ of 1% if such excess over \$500.00 exceeds 1% but is less than $1\frac{1}{4}\%$ of his average annual payroll (as defined in this chapter (R. S. 43:21-1 et seq.));

(ii) $\frac{15}{100}$ of 1% if such excess over \$500.00 equals or exceeds $1\frac{1}{4}\%$ but is less than $1\frac{1}{2}\%$ of his average annual payroll;

(iii) $\frac{1}{10}$ of 1% if such excess over \$500.00 equals or exceeds $1\frac{1}{2}\%$ of his average annual payroll.

(3) If the minimum requirements in (1) above have been fulfilled and the contributions credited exceed the benefits charged but by not more than \$500.00 plus 1% of his average annual payroll, or if the benefits charged exceed the contributions credited but by not more than \$500.00, the preliminary rate shall be $\frac{1}{4}$ of 1%.

(4) If the minimum requirements in (1) above have been fulfilled and the benefits charged exceed the contributions credited by more than \$500.00, such preliminary rate shall be as follows:

(i) $3\frac{5}{100}$ of 1% if such excess over \$500.00 is less than $\frac{1}{4}$ of 1% of his average annual payroll;

(ii) $4\frac{5}{100}$ of 1% if such excess over \$500.00 equals or exceeds $\frac{1}{4}$ of 1% but is less than $\frac{1}{2}$ of 1% of his average annual payroll;

(iii) $5\frac{5}{100}$ of 1% if such excess over \$500.00 equals or exceeds $\frac{1}{2}$ of 1% but is less than $\frac{3}{4}$ of 1% of his average annual payroll;

(iv) $6\frac{5}{100}$ of 1% if such excess over \$500.00 equals or exceeds $\frac{3}{4}$ of 1% but is less than 1% of his average annual payroll;

(v) $7\frac{5}{100}$ of 1% if such excess over \$500.00 equals or exceeds 1% of his average annual payroll.

(5) Determination of the preliminary rate as specified in (2), (3) and (4) above shall be subject, however, to the condition that it shall in no event be decreased by more than $\frac{1}{10}$ of 1% of wages or increased by more than $\frac{2}{10}$ of 1% of wages from the preliminary rate determined for the preceding year in accordance with (1), (2), (3) or (4), whichever shall have been applicable.

(E) (1) Prior to July 1 of each calendar year the Division of Employment Security shall determine the amount of the State Disability Benefits Fund as of December 31 of the preceding calendar year increased by the contributions paid thereto during January of the current calendar year with respect to employment occurring in preceding calendar years. If such amount exceeds the total of the amounts withdrawn from the unemployment trust fund pursuant to section 23 of the Temporary Disability Benefits Law plus the amount at the end of such preceding calendar year of the unemployment disability account (as defined in section 22 of said law), such excess shall be expressed as a percentage of the wages on which contributions were paid to the State Disability Benefits Fund on or before January 31 with respect to employment in the preceding calendar year.

(2) The Division of Employment Security shall then make a final determination of the rates of contribution for the 12 months commencing July 1 of such year for employers whose preliminary rates are determined as provided in (D) hereof, as follows:

(i) If the percentage determined in accordance with paragraph (1) of this subsection equals or exceeds $1\frac{1}{4}\%$ the final employer rates shall be the preliminary rates determined as provided in (D) hereof, except that if the employer's preliminary rate is determined as provided in (D) (2) or (D) (3) hereof, the final employer rate shall be the preliminary em-

employer rate decreased by such percentage of excess taken to the nearest $\frac{5}{100}$ of 1%, but in no case shall such final rate be less than $\frac{1}{10}$ of 1%.

(ii) If the percentage determined in accordance with paragraph (1) of this subsection equals or exceeds $\frac{3}{4}$ of 1% and is less than $1\frac{1}{4}$ of 1%, the final employer rates shall be the preliminary employer rates.

(iii) If the percentage determined in accordance with paragraph (1) of this subsection is less than $\frac{3}{4}$ of 1%, the final employer rates shall be the preliminary employer rates determined as provided in (D) hereof increased by the difference between $\frac{3}{4}$ of 1% and such percentage taken to the nearest $\frac{5}{100}$ of 1%; provided, however, that no such final rate shall be more than $\frac{1}{4}$ of 1% in the case of an employer whose preliminary rate is determined as provided in (D) (2) hereof, more than $\frac{1}{2}$ of 1% in the case of an employer whose preliminary rate is determined as provided in (D) (1) and (D) (3) hereof, nor more than $\frac{3}{4}$ of 1% in the case of an employer whose preliminary rate is determined as provided in (D) (4) hereof.

(iv) If the amount of the State Disability Benefits Fund determined as provided in paragraph (1) of this subsection is equal to or less than the total of the amounts withdrawn from the unemployment trust fund pursuant to section 23 of the Temporary Disability Benefits Law plus the amount at the end of the preceding calendar year of the unemployment disability account, then the final rate shall be $\frac{3}{4}$ of 1% for all employers.

5. Section 43:21-8 of the Revised Statutes is amended to read as follows:

Period, election, and termination of employer's coverage.

43:21-8. (a) Any employing unit which is or becomes an employer subject to this chapter (R. S. 43:21-1 et seq.) within any calendar year shall be subject to this chapter (R. S. 43:21-1 et seq.) during the whole of such calendar year.

(b) Except as otherwise provided in subsection (c) of this section, an employing unit shall cease to be an employer subject to this chapter (R. S. 43:21-1 et seq.) only as of January 1 of any calendar year, if

(1) The employing unit files with the Division of Employment Security prior to February 1 of such year, a written application for termination of coverage, and the division finds that there were

no 20 different days, each day being in a different week within the preceding calendar year, within which such employing unit employed 4 or more individuals in employment subject to this chapter (R. S. 43:21-1 et seq.) or

(2) The division finds that during the 2 calendar years preceding such January 1, there was no day on which such employing unit employed one or more individuals in employment subject to this chapter (R. S. 43:21-1 et seq.).

For the purpose of this subsection, the employing units mentioned in section 43:21-19 (h) (2), (3) or (4) of the Revised Statutes shall be treated as a single employing unit.

(c) (1) An employing unit, not otherwise subject to this chapter (R. S. 43:21-1 et seq.), which files with the division its written election to become an employer subject hereto for not less than 2 calendar years shall become an employer subject hereto, to the same extent as all other employers, as of the date of filing of such election or as of an earlier date if approved by the division, and shall cease to be subject to this chapter (R. S. 43:21-1 et seq.) as of January 1 of any calendar year subsequent to such period of election, only, if, prior to February 1, of such calendar year, such employing unit has filed with the division a written notice to that effect and it meets the conditions for termination of coverage set forth in subsection (b) hereof.

(2) If an employing unit for which services are performed that do not constitute employment as defined in this chapter (R. S. 43:21-1 et seq.) files with the division its written election that all such services performed by individuals in its employ in one or more distinct establishments or places of business shall be deemed to constitute employment for all purposes of this chapter (R. S. 43:21-1 et seq.) for not less than 2 calendar years such services shall be deemed to constitute employment subject to this chapter (R. S. 43:21-1 et seq.) as of the date of the filing of such election, or as of an earlier date if approved by the division, and shall cease to be subject to this chapter (R. S. 43:21-1 et seq.) as of January 1 of any calendar year subsequent to such period of election, only, if, (A) prior to February 1 of such calendar year, such employing unit has filed with the division a written notice to that effect, or (B) the division finds that during the 2 calendar years preceding such January 1, there was no day on which such services were performed for the employing unit.

6. Section 1 of chapter 81 of the laws of 1944 (C. 43:21-14.1) is amended to read as follows:

C. 43:21-14.1 Refund of contributions; claim.

1. Any employee who is paid wages by 2 or more employers aggregating more than \$3,000.00 during any calendar year prior to January 1, 1968, or \$3,600.00 during any calendar year commencing on or after January 1, 1968 shall be entitled to a refund of the amount of contributions deducted from such wages and paid to the Division of Employment Security in excess of the contribution required on \$3,000.00 of such wages paid during any calendar year prior to January 1, 1968 or \$3,600.00 during any calendar year commencing on or after January 1, 1968; except that no such refund shall be made unless the employee makes a claim, establishing his right thereto, within 2 years after the calendar year in which the wages are paid with respect to which refund of contribution is claimed. No interest shall be allowed or paid with respect to any such refund.

7. Section 43:21-19 of the Revised Statutes is amended to read as follows:

Definitions.

43:21-19. As used in this chapter (R. S. 43:21-1 et seq.), unless the context clearly requires otherwise:

(a) (1) "Annual payroll" means the total amount of wages paid during a calendar year (regardless of when earned) by an employer for employment.

(2) "Average annual payroll" means the average of the annual payrolls of any employer for the last 3 or 5 preceding calendar years, whichever average is higher, except that any year or years throughout which an employer has had no "annual payroll" because of military service shall be deleted from the reckoning; the "average annual payroll" in such case is to be determined on the basis of the prior 3 or 5 calendar years in each of which the employer had an "annual payroll" in the operation of his business, if the employer resumes his business within 12 months after separation, discharge or release from such service, under conditions other than dishonorable, and makes application to have his "average annual payroll" determined on the basis of such deletion within 12 months after he resumes his business; provided, however, that "average annual payroll" solely for the purposes of paragraph (3) of subsection (e) of section 43:21-7 of this Title means the average of the annual payrolls of any employer on which he paid contributions to the State disability benefits fund, for the last 3 or 5 preceding calendar years, whichever average is higher; provided further, that only those wages be included on

which employer contributions have been paid on or before January 31 (or the next succeeding day if such January 31 is a Saturday or Sunday) immediately preceding the beginning of the 12 months' period for which the employer's contribution rate is computed.

(b) "Benefits" means the money payments payable to an individual, as provided in this chapter (R. S. 43:21-1 et seq.), with respect to his unemployment.

(c) "Base year" with respect to benefit years commencing on or after January 1, 1953, shall mean the 52 calendar weeks ending with the second week immediately preceding an individual's benefit year.

(d) "Benefit year" with respect to any individual means the 364 consecutive calendar days beginning with the day on, or as of, which he first files a valid claim for benefits, and thereafter beginning with the day on, or as of, which the individual next files a valid claim for benefits after the termination of his last preceding benefit year. Any claim for benefits made in accordance with subsection (a) of section 43:21-6 of this Title shall be deemed to be a "valid claim" for the purpose of this subsection if (1) no remuneration was paid or is payable for the day on which, or as of which he files a claim for benefits, and no work is available to him with his current employing unit on such day, or, he is unemployed for the week in which, or as of which, he files a claim for benefits; and (2) he has fulfilled the conditions imposed by subsection (e) of section 43:21-4 of this Title.

(e) "Division" means the Division of Employment Security of the Department of Labor and Industry established by chapter 446, P. L. 1948, and any transaction or exercise of authority by the director of the division thereunder, or under this chapter (R. S. 43:21-1 et seq.), shall be deemed to be performed by the division.

(f) "Contributions" means the money payments to the State unemployment compensation fund required by this chapter (R. S. 43:21-1 et seq.).

(g) "Employing unit" means any individual or type of organization, including any partnership, association, trust, estate, joint-stock company, insurance company or corporation, whether domestic or foreign, or the receiver, trustee in bankruptcy, trustee or successor thereof, or the legal representative of a deceased person, which has or subsequent to January 1, 1936, had in its employ one or more individuals performing services for it within this State. All individuals performing services within this State for any em-

employing unit which maintains 2 or more separate establishments within this State shall be deemed to be employed by a single employing unit for all the purposes of this chapter (R. S. 43:21-1 et seq.). Whenever any employing unit contracts with or has under it any contractor or subcontractor for any employment which is part of its usual trade, occupation, profession, or business, unless the employing unit as well as each such contractor or subcontractor is an employer by reason of subsection (c) of section 43:21-8 of this Title or subsection (h) of this section, the employing unit shall for all the purposes of this chapter be deemed to employ each individual in the employ of each such contractor or subcontractor for each day during which such individual is engaged in performing such employment; except that each such contractor or subcontractor who is an employer by reason of subsection (c) of section 43:21-8 of this Title or subsection (h) of this section, shall alone be liable for the contributions measured by wages payable to individuals in his employ, and except that any employing unit who shall become liable for and pay contributions with respect to individuals in the employ of any such contractor or subcontractor who is not an employer by reason of subsection (c) of section 43:21-8 of this Title or subsection (h) of this section, may recover the same from such contractor or subcontractor. Each individual employed to perform or to assist in performing the work of any agent or employee of an employing unit shall be deemed to be employed by such employing unit for all the purposes of this chapter (R. S. 43:21-1 et seq.), whether such individual was hired or paid directly by such employing unit or by such agent or employee; provided, the employing unit had actual or constructive knowledge of the work.

(h) "Employer" means:

(1) Any employing unit which for some portion of a day, but not necessarily simultaneously, in each of 20 different weeks, whether or not such weeks are or were consecutive, within either the current or the preceding calendar year has or had in employment 4 or more individuals (irrespective of whether the same individuals are or were employed in each such day);

(2) Any employing unit (whether or not an employing unit at the time of acquisition) which acquired the organization, trade or business, or substantially all the assets thereof, of another which at the time of such acquisition was an employer subject to this chapter (R. S. 43:21-1 et seq.);

(3) Any employing unit which acquired the organization, trade or business, or substantially all the assets thereof, of another em-

playing unit and which, if treated as a single unit with such other employing unit, would be an employer under paragraph (1) of this subsection;

(4) Any employing unit which together with one or more other employing units is owned or controlled (by legally enforceable means or otherwise), directly or indirectly by the same interests, or which owns or controls one or more other employing units (by legally enforceable means or otherwise), and which, if treated as a single unit with such other employing unit or interest, would be an employer under paragraph (1) of this subsection;

(5) Any employing unit which, having become an employer under paragraphs (1), (2), (3) or (4) has not, under section 43:21-8 of this chapter (R. S. 43:21-1 et seq.) ceased to be an employer subject to this chapter (R. S. 43:21-1 et seq.); or

(6) For the effective period of its election pursuant to subsection (c) of section 43:21-8 of this chapter (R. S. 43:21-1 et seq.) any other employing unit which has elected to become fully subject to this chapter (R. S. 43:21-1 et seq.).

(i) (1) "Employment" means service, including service in interstate commerce performed for remuneration or under any contract of hire, written or oral, express or implied.

(2) The term "employment" shall include an individual's entire service performed within or both within and without this State if:

(A) The service is localized in this State; or

(B) The service is not localized in any State but some of the service is performed in this State, and (i) the base of operations, or, if there is no base of operations, then the place from which such service is directed or controlled, is in this State; or (ii) the base of operations or place from which such service is directed or controlled is not in any State in which some part of the service is performed, but the individual's residence is in this State.

(3) Services performed within this State but not covered under paragraph (2) of this subsection shall be deemed to be employment subject to this chapter (R. S. 43:21-1 et seq.) if contributions are not required and paid with respect to such services under an unemployment compensation law of any other State or of the Federal Government.

(4) Services not covered under paragraph (2) of this subsection, and performed entirely without this State, with respect to no part of which contributions are required and paid under an unemployment compensation law of any other State or of the Federal Gov-

ernment, shall be deemed to be employment subject to this chapter (R. S. 43:21-1 et seq.) if the individual performing such services is a resident of this State and the employing unit for whom such services are performed files with the division an election that the entire service of such individual shall be deemed to be employment subject to this chapter (R. S. 43:21-1 et seq.).

(5) Service shall be deemed to be localized within a State if

(A) the service is performed entirely within such State; or

(B) the service is performed both within and without such State, but the service performed without such State is incidental to the individual's service within the State, for example, is temporary or transitory in nature or consists of isolated transactions.

(6) Services performed by an individual for remuneration shall be deemed to be employment subject to this chapter (R. S. 43:21-1 et seq.) unless and until it is shown to the satisfaction of the division that

(A) such individual has been and will continue to be free from control or direction over the performance of such service, both under his contract of service and in fact; and

(B) such service is either outside the usual course of the business for which such service is performed, or that such service is performed outside of all the places of business of the enterprise for which such service is performed; and

(C) such individual is customarily engaged in an independently established trade, occupation, profession or business.

(7) The term "employment" shall not include:

(A) Agricultural labor;

(B) Domestic service in a private home;

(C) Service performed by an individual in the employ of his son, daughter or spouse, and service performed by a child under the age of 21 in the employ of his father or mother;

(D) Service performed in the employ of this State or of any political subdivision thereof or of any instrumentality of this State or its political subdivisions;

(E) Service performed in the employ of any other State or its political subdivisions, or of the United States Government, or of an instrumentality of any other State or States or their political subdivisions or of the United States;

(F) Services performed in the employ of a corporation, community chest, fund, or foundation, organized and operated exclusively for religious, charitable, scientific, literary, hos-

pital, benevolent, philanthropic, or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual;

(G) Services performed in the employ of fraternal beneficiary societies, orders, or associations operating under the lodge system or for the exclusive benefit of the members of a fraternity itself operating under the lodge system and providing for the payment of life, sick, accident, or other benefits to the members of such society, order, or association, or their dependents;

(H) Services performed as an officer or other employee of any building and loan association of this State, except where such services constitute the principal employment of the individual; services performed as an officer or other employee of any building and loan association where such association is a member of the Federal Home Loan Bank System; services performed as an officer or other employee of any bank which is a member of the Federal Reserve System; services performed by a director or member of a committee of a savings and loan association incorporated or organized under the laws of this State or of the United States;

(I) Service with respect to which unemployment insurance is payable under an unemployment insurance program established by an Act of Congress;

(J) Service performed by agents of mutual fund brokers or dealers in the sale of mutual funds or other securities, by agents of insurance companies, exclusive of industrial insurance agents, or by agents of investment companies, if the compensation to such agents for such services is wholly on a commission basis;

(K) Services performed by real estate salesmen or brokers who are compensated wholly on a commission basis;

(L) Services performed in the employ of any veterans' organization chartered by Act of Congress or of any auxiliary thereof, no part of the net earnings of which organization, or auxiliary thereof, inures to the benefit of any private shareholder or individual;

(M) Service performed for or in behalf of the owner or operator of any theatre, ballroom, amusement hall or other place of entertainment, not in excess of 10 weeks in any calendar year for the same owner or operator, by any leader or

musician of a band or orchestra, commonly called a "name band," entertainer, vaudeville artist, actor, actress, singer or other entertainer;

(N) Services performed by an individual for a labor union organization, known and recognized as a union local, as a member of a committee or committees reimbursed by the union local for time lost from regular employment, or as a part-time officer of a union local and the remuneration for such services is less than \$250.00 in a calendar year;

(O) Services performed in the sale or distribution of merchandise by home-to-home salespersons or in-the-home demonstrators whose remuneration consists wholly of commissions or commissions and bonuses.

(j) "Employment office" means a free public employment office, or branch thereof operated by this State or maintained as a part of a State-controlled system of public employment offices.

(k) "Fund" means the unemployment compensation fund established by this chapter (R. S. 43:21-1 et seq.), to which all contributions required and from which all benefits provided under this chapter (R. S. 43:21-1 et seq.) shall be paid.

(l) "State" includes, in addition to the States of the United States of America, the District of Columbia, the Virgin Islands and Puerto Rico.

(m) Unemployment.

(1) An individual shall be deemed "unemployed" for any week during which he is not engaged in full-time work and with respect to which his remuneration is less than his weekly benefit rate, including any week during which he is on vacation without pay; provided, such vacation is not the result of the individual's voluntary action.

(2) The term "remuneration," with respect to any individual for benefit years commencing on or after July 1, 1961, and as used in this subsection, shall include only that part of the same which in any week exceeds 20% of his weekly benefit rate (fractional parts of a dollar omitted) or \$5.00 whichever is the larger.

(3) An individual's week of unemployment shall be deemed to commence only after his registration at an employment office, except as the division may by regulation otherwise prescribe.

(n) "Unemployment compensation administration fund" means the unemployment compensation administration fund established by this chapter (R. S. 43:21-1 et seq.), from which administrative expenses under this chapter (R. S. 43:21-1 et seq.) shall be paid.

(o) "Wages" means remuneration paid subsequent to December 31, 1946, by employers for employment; provided, however, that for eligibility and benefit purposes wages earned but not paid when the amount thereof has been calculated and is due as determined by the established and customary practices of the employer shall be construed as having been paid when earned.

(p) "Remuneration" means all compensation for personal services, including commissions and bonuses and the cash value of all compensation in any medium other than cash.

(q) "Week" means such period or periods of 7 consecutive days ending at midnight, as the division may by regulation prescribe.

(r) "Calendar quarter" means the period of 3 consecutive calendar months ending on March 31, June 30, September 30, or December 31.

(s) "Investment company" means any company as defined in paragraph 1-a of chapter 322 of the laws of 1938, entitled "An act concerning investment companies, and supplementing Title 17 of the Revised Statutes by adding thereto a new chapter entitled 'investment companies.'"

(t) "Base week" means any calendar week of an individual's base year during which he earned in employment from an employer remuneration equal to not less than \$15.00; provided, if in any calendar week, an individual is in employment with more than one employer, he may in such calendar week establish a base week with respect to each such employer from whom the individual earns remuneration equal to not less than \$15.00 during such week.

(u) "Average weekly wage" means the amount derived by dividing an individual's total wages received during his base year base weeks (as defined in subsection (t) of this section) from that most recent base year employer with whom he had established at least 17 base weeks, by the number of base weeks in which such wages were earned. In the event that such claimant had no employer in his base year with whom he had established at least 17 base weeks, then such individual's average weekly wage shall be computed as if all of his base week wages were received from one employer and as if all his base weeks of employment had been performed in the employ of one employer.

If on application of a claimant it is determined that he has been employed during at least the 4 weeks immediately preceding his separation from employment by an employer on a substantially reduced schedule of weekly hours due to lack of work, all weeks of substantially reduced schedule within the base period and his wages

therefor shall be disregarded in computing his average weekly wage.

(v) "Initial determination" means, subject to the provisions of R. S. 43:21-6 (b) (2) and (3), a determination of benefit rights as measured by an eligible individual's base year employment with a single employer covering all periods of employment with that employer during the base year. Subject to the provisions of R. S. 43:21-3 (d) (3) if an individual has been in employment in his base year with more than one employer, no benefits shall be paid to that individual under any successive initial determination until his benefit rights have been exhausted under the next preceding initial determination.

(w) "Last date of employment" means the last calendar day in the base year of an individual on which he performed services in employment for a given employer.

(x) "Most recent base year employer" means that employer with whom the individual most recently, in point of time, performed services in employment in the base year.

8. Section 14 of the "Temporary Disability Benefits Law" (P. L. 1948, c. 110), (C. 43:21-38) is amended to read as follows:

C. 43:21-38 Duration of benefits.

14. Duration of benefits.

With respect to periods of disability commencing on or after January 1, 1953, disability benefits, not, in excess of an individual's maximum benefits, shall be payable with respect to disability which commences while a person is a covered individual under the Temporary Disability Law, and shall be payable with respect to the eighth consecutive day of such disability and each day thereafter that such period of disability continues; and if benefits shall be payable for 3 consecutive weeks with respect to any period of disability commencing on or after January 1, 1968, then benefits shall also be payable with respect to the first 7 days thereof. The maximum total benefits payable to any eligible individual for any period of disability commencing on or after January 1, 1968, shall be either 26 times his weekly benefit amount or 1/3 of his total wages in his base year, whichever is the lesser; provided, that such maximum amount shall be computed in the next higher multiple of \$1.00 if not already a multiple thereof.

9. Section 15 of the "Temporary Disability Benefits Law" (P. L. 1948, c. 110) (C. 43:21-39) is amended to read as follows:

C. 43:21-39 Limitation of benefits.

15. Limitation of benefits. Notwithstanding any other provision of the Temporary Disability Benefits Law, no benefits shall be payable under the State Plan to any person:

(a) for the first 7 consecutive days of each period of disability except that if benefits shall be payable for 3 consecutive weeks with respect to any period of disability commencing on or after January 1, 1968, then benefits shall also be payable with respect to the first 7 days thereof;

(b) for more than 26 weeks with respect to any one period of disability;

(c) for any period of disability which did not commence while the claimant was a covered individual;

(d) for any period during which the claimant is not under the care of a legally licensed physician, dentist, chiroprapist or chiropractor, who, when requested by the division, shall certify within the scope of his practice, the disability of the claimant, the probable duration thereof, and the medical facts within his knowledge;

(e) for any period of disability due to pregnancy or resulting childbirth, miscarriage, or abortion, except for disability existing during the 4 weeks immediately before the expected birth of child, and the 4 weeks following the termination of the pregnancy;

(f) for any period of disability due to willfully and intentionally self-inflicted injury, or to injury sustained in the perpetration by the claimant of a high misdemeanor;

(g) for any period during which the claimant performs any work for remuneration or profit;

(h) in a weekly amount which together with any remuneration he continues to receive from his employer would exceed his regular weekly wages immediately prior to disability;

(i) for any period during which a covered individual would be disqualified for unemployment compensation benefits under subsection (d) of section 43:21-5 of the Revised Statutes unless the disability commenced prior to such disqualification;

and there shall be no other cause of disqualification or ineligibility to receive disability benefits hereunder except as may be specifically provided in this act.

10. Section 16 of the "Temporary Disability Benefits Law," P. L. 1948, c. 110 (C. 43:21-40), is amended to read as follows:

C. 43:21-40 Weekly and daily benefit amounts.

16. With respect to periods of disability commencing on or after July 1, 1961, an individual's weekly benefit amount shall be deter-

mined and computed by the division on the same basis as the weekly benefit rate is determined and computed pursuant to section 43:21-3 (c) of the Revised Statutes. The amount of benefits for each day of disability for which benefits are payable shall be $\frac{1}{7}$ of the corresponding weekly benefit amount; provided, that the total benefits for a fractional part of a week shall be computed to the next higher multiple of \$1.00 if not already a multiple thereof.

C. 43:21-19.1 Repealed.

11. Chapter 177 of the laws of 1950 is hereby repealed.

C. 43:21-19.5 Definition.

12. Notwithstanding any other provision of the act of which this section 12 is a supplement the term employer as defined in section 43:21-19 (h) of the Revised Statutes and used in the Unemployment Compensation Law shall be redefined to mean any employing unit which has in employment one or more individuals defined as employees under the Unemployment Compensation Law and which has paid remuneration for employment during any calendar year beginning January 1, 1969 in the amount of \$1,000.00 or more.

13. This act shall take effect on January 1, 1968 provided that the Commissioner of Labor and Industry may take such administrative action prior to January 1, 1968 as is necessary to implement the provisions of this act on January 1, 1968; and further provided that section 12 of this act shall not take effect until January 1, 1969.

Approved April 24, 1967.

CHAPTER 31

AN ACT concerning education to preserve rights of certain teachers upon creation of sending-receiving relationships and supplementing Title 18 of the Revised Statutes.

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

C. 18:13-16.3 Tenure preserved.

1. Whenever, heretofore or hereafter, any board of education in any school district in this State shall discontinue any high school,

junior high school, elementary school or any one or more of the grades from kindergarten through grade 12 in the district and shall, by agreement with another board of education, send the pupils in such schools or grades to such other district, all teaching staff members who have tenure of office at the time such schools or grades are discontinued shall be employed by the board of education of such other district in the same or nearest equivalent position; provided that any such teaching staff member may elect to remain in the employ of the former district in any position to which he may be entitled by virtue of his tenure and seniority rights by giving notice of said election to the boards of education in each of the school districts at least 3 months prior to the date on which such school, grade, or grades are to be discontinued. Teaching staff members so employed in such other district shall have their rights to tenure, seniority, pension and accumulated leave of absence, accorded under the laws of this State, recognized and preserved by the board of education of that district. Any periods of prior employment in such sending district shall count toward the acquisition of tenure in the other district to the same extent as if all such prior employment had been in such other district.

C. 18:13-16.4 Definition.

2. For the purposes of this act, a "teaching staff member" shall mean a member of the professional staff assigned for a majority of his time to such school, grade or grades on the date of discontinuance of such school, grade or grades whose qualifications for office, position or employment require him to hold a valid and effective standard, provisional or emergency certificate, appropriate to his office, position or employment, issued by the State Board of Examiners and includes a school nurse.

3. This act shall take effect immediately.

Approved April 24, 1967.

CHAPTER 32

AN Act concerning the new Neuro-Psychiatric Institute in the Department of Institutions and Agencies and providing for its construction, administration, management and supervision by Rutgers, The State University.

WHEREAS, The sum of \$5,600,000.00 was appropriated to the Department of Institutions and Agencies (the "department") under chapter 224 of the laws of 1964 for the construction of a new Neuro-Psychiatric Institute for specialized training and research in a treatment setting; and

WHEREAS, The Board of Control of the department has determined that the treatment component shall be a demonstration community health center rendering comprehensive mental health services to a designated catchment area; and

WHEREAS, The Board of Control has recommended that the new Institute be constructed on the grounds of Rutgers, The State University ("Rutgers") immediately adjacent to the Rutgers Medical School; and

WHEREAS, Rutgers is willing and desirous of having the new Institute so located and of administering the same under the terms and conditions hereinafter set forth; and

WHEREAS, The Legislature hereby finds and determines as a fact that the location of the new Institute proximate to the Rutgers Medical School and the administration of the Institute by Rutgers Medical School will result in the highest standards of patient care, research and training; therefore

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

C. 30:4-177.19a Transfer of funds.

1. There is hereby transferred from the Department of Institutions and Agencies to Rutgers, The State University, for the construction of a new Neuro-Psychiatric Institute on lands owned by Rutgers, the unexpended balance of the funds which were appropriated to the department for such purpose pursuant to chapter 224 of the laws of 1964.

C. 30:4-177.19b Authorization for contract.

2. The Department of Institutions and Agencies is authorized to contract with Rutgers for the administration, management and supervision by Rutgers of the operation of the whole or any part of the new Institute and of its activities and services.

C. 30:4-177.19c Powers and duties.

3. All powers and duties conferred upon the department pursuant to this act shall be exercised and performed by resolution of the Board of Control of the department.

C. 30:4-177.19d Agreements executed.

4. All agreements made and entered into pursuant to this act, when authorized pursuant to resolution of the Board of Control, shall be made, executed and delivered in the name of the Department of Institutions and Agencies and shall be signed by the commissioner and sealed with the seal of the department.

C. 30:4-177.19e Approval of agreement.

5. Any agreement entered into between the department and Rutgers shall be subject to the approval of the State House Commission.

6. This act shall take effect immediately.

Approved April 26, 1967.

CHAPTER 33

A SUPPLEMENT to "Act concerning health and accident insurance, amending section 17:38-1 of the Revised Statutes, providing for the eventual repeal of sections 17:38-2 to 17:38-13 of the Revised Statutes, both inclusive, and supplementing chapter 38 of Title 17 of the Revised Statutes," approved June 18, 1951 (P. L. 1951, c. 237).

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

C. 17:38-13.13 Health and Accident Insurance; Optometric service.

1. Notwithstanding any provision of a policy of accident and sickness insurance, hereafter issued or delivered in this State, whenever such policy provides for reimbursement for any optometric service which is within the lawful scope of practice of a duly licensed optometrist, the insured under such policy shall be entitled to reimbursement for such service, whether the said service is performed by a physician or duly licensed optometrist.

2. This act shall take effect immediately.

Approved April 27, 1967.

CHAPTER 34

A SUPPLEMENT to “An act concerning medical service corporations and regulating the establishment, maintenance and operation of medical service corporations and medical service plans, and supplementing Title 17 of the Revised Statutes by adding thereto a new chapter entitled ‘Medical Service Corporations,’ ” approved May 29, 1940 (P. L. 1940, c. 74).

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

C. 17:48A-29 Medical Services Corp.; Optometrist services.

1. Notwithstanding any other provision of the act to which this act is a supplement benefits shall not be denied to an eligible individual for eligible services when such services are performed or rendered such persons by a duly licensed optometrist within the scope of his practice. The practice of an optometrist shall be deemed to be within the provision of the act to which this act is a supplement and duly licensed optometrists shall have the privileges and benefits in the scope of their practice under such act as are afforded thereunder to licensed physicians and surgeons in the scope of their practice.

2. This act shall take effect immediately.

Approved April 27, 1967.

CHAPTER 35

A SUPPLEMENT to “An act concerning health and accident insurance, supplementing chapter 38 of Title 17 of the Revised Statutes, and repealing section 17:18-7 of the Revised Statutes,” approved August 2, 1939 (P. L. 1939, c. 305).

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

C. 17:38-20.1 Group Health and Accident Insurance; Optometric service.

1. Notwithstanding any provision of a policy or contract of group accident, group health or group accident and health insur-

ance, hereafter issued or delivered in this State, whenever such a policy or contract provides for reimbursement for any optometric service which is within the lawful scope of practice of a duly licensed optometrist, a person covered under such group accident, group health and group accident and health policy or contract shall be entitled to reimbursement for such service, whether the said service is performed by a physician or duly licensed optometrist.

2. This act shall take effect immediately.

Approved April 27, 1967.

CHAPTER 36

AN ACT concerning motor vehicles, providing for the establishment of a driver testing station in Essex county, and making an appropriation.

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

1. The Director of the Division of Motor Vehicles is directed to establish at a reasonably central location in the county of Essex a driver testing station for the examination required pursuant to the provisions of 39:3-10 of the Revised Statutes of applicants for motor vehicle drivers' licenses.

2. There is hereby appropriated to the Division of Motor Vehicles in the Department of Law and Public Safety for the purposes of this act the sum of \$75,000.00.

3. This act shall take effect immediately.

Approved April 27, 1967.

CHAPTER 37

AN ACT to amend “An act concerning the adoption of children, their custody, control and rights of inheritance, and repealing subtitle 2 of Title 9 of the Revised Statutes,” approved July 23, 1953 (P. L. 1953, c. 264).

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

1. Section 6 of the act of which this act is amendatory is amended to read as follows:

C. 9:3-22 Qualifications of plaintiff.

6. Qualifications of plaintiff. Each plaintiff, at the time of the institution of the action, shall have attained 21 years of age, shall be at least 10 years older than the child to be adopted except as hereinafter otherwise provided, and shall be a citizen of the United States or shall have officially declared his or her intention of becoming a citizen.

Whenever the plaintiff is related to the child as a brother, sister, aunt, uncle, or stepparent, the court, upon being satisfied that the best interests of the child would be promoted by the adoption, may waive the requirement that the plaintiff shall be at least 10 years older than the child to be adopted. Every such waiver shall be recited in any judgment of adoption thereafter entered.

2. This act shall take effect immediately.

Approved April 27, 1967.

CHAPTER 38

AN ACT concerning motor vehicles, and supplementing article 2 of chapter 3 of Title 39 of the Revised Statutes.

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

C. 39:3-4a Temporary registration.

1. Notwithstanding the provisions of Revised Statutes 39:3-4 every resident of this State who acquires and temporarily registers

a motor vehicle in another State may operate such vehicle or cause such vehicle to be operated on the public highways of this State for a period not in excess of the unexpired term of such temporary registration in another State.

2. This act shall take effect immediately.

Approved April 27, 1967.

CHAPTER 39

AN ACT to validate certain proceedings at meetings or elections of school districts, and any bonds or other obligations issued or to be issued pursuant to such proceedings.

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

Validating act.

1. All proceedings heretofore had or taken by any school district or at any school district meeting or election for the authorization or issuance of bonds of the school district, and any bonds or other obligations of the school district issued or to be issued in pursuance of a proposal adopted by the legal voters at such meeting or election, are hereby ratified, validated and confirmed, notwithstanding that (1) the adoption of such proposal authorized the board of education to issue bonds the principal amount of which, added to the amount of all the bonds and notes of the school district then issued and outstanding or authorized but unissued less the amount of any sinking funds held for payment of the same, exceeded any limitation or other restriction prescribed by section 18:5-84 of the Revised Statutes, or that (2) such proposal did not disclose or correctly disclose the effect thereof on the borrowing margin of any municipality comprised within the school district in compliance with the provisions of section 18:5-86 of the Revised Statutes, or that (3) the notices posted and published in accordance with the provisions of section 18:7-15 of the Revised Statutes contained a proposal which incorrectly stated the effect of the issuance of bonds of the school district on the borrowing margin of any municipality comprised within the school district, or that (4) notices relating

to such meeting or election were not published prior thereto as required by the provisions of the Absentee Voting Law (1953) (P. L. 1953, c. 211), provided, however, that the consents of the State Commissioner of Education and of the Local Government Board provided for in said section 18:5-86 shall have been endorsed upon a copy of such proposal prior to the date of such school district meeting or election; and provided further, that any applications received by the secretary of the board of education of such school district for military service ballots or civilian absentee ballots for such meeting or election were forwarded to the clerk of the county in which such school district is located; and provided further, that notices specifying the date, time and place of such school district meeting or election were published and posted within the time and in the manner required by said section 18:7-15 and did therein set forth a proposal to be submitted to the legal voters identical to that endorsed with the consents of the State Commissioner of Education and Local Government Board except as to the effect of the issuance of bonds of the school district on the borrowing margin of any municipality comprised within the school district; that no action, suit or other proceedings of any nature to contest the validity of such meeting or election has heretofore been instituted prior to the date on which this act takes effect and within the time fixed therefor by or pursuant to law or rule of court, or, when such time has not theretofore expired, is instituted within 30 days after the effective date of this act.

2. This act shall take effect immediately.

Approved April 27, 1967.

CHAPTER 40

AN ACT to provide funds to improve the breeding of horses and development of the horse industry in New Jersey and to augment funds available for purses for distribution to owners of winning horses at race meetings and creating an account in the State treasury to be known as New Jersey Horse Breeding and Development Account, and amending and supplementing P. L. 1940, chapter 17.

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

C. 5:5-86 Additional funds for purses.

1. The Legislature finds and declares that measures are required to improve the breeding of horses and the development of the horse industry in this State and for that purpose to provide additional funds from which purses payable to the owners of winning horses may be increased so that New Jersey tracks may attract the better grade of horses and have available through New Jersey breeding an adequate number of high-quality horses for their race meetings, and to encourage the retention in this State of contending horses to meet the growing demand for horses at race tracks.

2. Section 44 of the act of which this act is amendatory is amended to read as follows:

C. 5:5-64 Distribution of pari-mutuel pool; breaks.

44. Each holder of a permit shall distribute all sums deposited in any pool to the winners thereof, less an amount which in harness races shall not exceed 16% of the total deposits plus the breaks and which in other races shall not exceed 14½% of the total deposits plus the breaks. Every permit holder shall distribute to the persons holding winning tickets, as a minimum, a sum not exceeding \$0.10, calculated on the basis of each dollar deposited in any pool after the deduction of the said 16% or 14½% as the case may be. Should the amount remaining in the pool be insufficient to pay the winners the minimum, the breakage accruing in that race, or any necessary portion thereof, shall be applied toward making up any such deficiency. The breaks are hereby defined as the odd cents over any multiple of \$0.10, calculated on the basis of \$1.00 otherwise payable to a patron. Every permit holder engaged in the business of conducting running or harness race meetings under this act shall pay to the commission for the use of the State the breaks as herein defined, except as the same shall have been applied toward making up a deficiency in a pool as herein provided. Payment of such breaks shall be made every seventh day of any and every race meeting and shall be accompanied by a report under oath showing the daily and total amount of such breaks together with such other information as the commission may require. All sums held by any permit holder for payment of outstanding pari-mutuel tickets not claimed by the person or persons entitled thereto within 60 days from the time such tickets are issued shall be paid to the commission upon the expiration of such 60-day holding period.

3. Section 46 of the act of which this act is amendatory is amended to read as follows:

C. 5:5-66 Percentage payable to commission; report of contributions; other license fees or taxes.

46. Every permit holder engaged in the business of conducting horse race meetings under this act shall pay to the commission in each calendar year a sum equal to $5\frac{1}{2}\%$ in the case of harness races, and $7\frac{1}{2}\%$ in the case of other races, of so much of the total contributions to all pari-mutuel pools conducted or made during such calendar year on any and every horse race track granted a permit under this act as does not exceed \$40,000,000.00; and $6\frac{1}{2}\%$ in the case of harness races, and $8\frac{1}{2}\%$ in the case of other races, of so much of such total contributions as exceeds \$40,000,000.00. Payment on account of such sum shall be made every seventh day of any and every race meeting in the amount then due as determined in the manner provided above, and shall be accompanied by a report under oath showing the total of all such contributions, together with such other information as the commission may require. Except as otherwise provided by law, no admission or amusement tax, excise tax, license or horse racing fee of any kind shall be assessed or collected from any permit holder by the State of New Jersey, or by any county or municipality, or by any other body having power to assess or collect license fees or taxes.

C. 5:5-87 Special trust account.

4. Every holder of a permit shall hold and set aside in an account designated as special trust account $\frac{1}{2}$ of 1% of all moneys deposited in any pool, less the breaks. The funds in said special trust account shall be used and distributed as hereinafter provided, for the following purposes and no other: (a) 85% thereof to increase purses; (b) 10% thereof for contributions and awards designed to improve and promote the thoroughbred and standardbred breeding industry in New Jersey through payment of awards to breeders of registered New Jersey bred horses which earn portions of purses in open events on New Jersey tracks, and to owners of stallions posted on the official stallion rosters of the Thoroughbred Breeders Association of New Jersey and the Standardbred Breeders' and Owners' Association of New Jersey which sire such registered New Jersey bred money earners; (c) 5% thereof for State horse breeding and development programs, research, fairs, horse shows, youth activities, promotion and administration.

C. 5:5-88 Remittance of money in special trust account.

5. Every permit holder shall remit and pay to the commission in installments and at the same time and manner provided in section 46 of the act to which this act is amendatory and supplementary, 15% of all moneys set aside in the special trust account. All special trust account moneys received by the commission shall be separately accounted for and paid into the State treasury for deposit and maintenance by the State Treasurer in a special account entitled "New Jersey Horse Breeding and Development Account." Moneys credited to such special account shall be appropriated to and used by the Department of Agriculture, under the supervision of the State Board of Agriculture, as follows: 66 $\frac{2}{3}$ % for contributions and awards to improve and promote thoroughbred and standardbred breeding as provided in section 4 (b) above and 33 $\frac{1}{3}$ % for the purposes set forth in section 4 (c) above.

The Department of Agriculture is authorized to confer with and seek the advice of the New Jersey Equine Advisory Board with reference to the distribution of the moneys as herein provided.

6. Section 48 of the act of which this act is amendatory is amended to read as follows:

C. 5:5-68 Payment of moneys.

48. All moneys received by said commission under the provisions of this act shall be by it paid into the State treasury and, except as to moneys deposited in the New Jersey Horse Breeding and Development Account, shall be part of the free treasury funds.

C. 5:5-89 Deposit in Horse Breeding and Development account.

7. To assist the Department of Agriculture in formulating State programs in aid of the breeding and development of horses and the preparation of recommendations as to budget requests for such programs, the commission shall, following the close of each horse meeting, notify the Secretary of Agriculture of the total amount of special trust account funds transmitted to the State treasury for deposit in the New Jersey Horse Breeding and Development Account as a result of such horse race meeting.

C. 5:5-90 Maximum award.

8. No award to a breeder in connection with a particular race shall exceed \$1,000.00.

9. This act shall take effect immediately.

Approved April 28, 1967.

CHAPTER 41

AN ACT concerning motor vehicles and amending section 39:5-20 of the Revised Statutes.

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

1. Section 39:5-20 of the Revised Statutes is amended to read as follows:

Complainant represented on trial on appeal by county prosecutor, attorney general or municipal attorney; aid in prosecution.

39:5-20. On an appeal by the defendant in any proceeding instituted under this subtitle, the county prosecutor of the county wherein the alleged violation was committed shall represent the complainant; but where a complaint is made by a motor vehicle inspector or a member of the State Police charging a violation of either section 39:3-40, 39:4-50 or 39:4-96 of this Title, the Attorney General, and not the prosecutor, shall represent the complainant, and where there is violation of a municipal ordinance relating to traffic regulations and the proceeding was instituted by a municipal officer, the municipal attorney shall represent the complainant. The county prosecutor, charged with the enforcement of this subtitle, may request the Attorney General to attend personally, or by such assistant or assistants as he shall designate, to aid in the prosecution of the appeal.

2. This act shall take effect immediately.

Approved April 28, 1967.

CHAPTER 42

AN ACT to amend "An act establishing and concerning a Department of Community Affairs as a principal department in the Executive Branch of the State Government, and providing an appropriation therefor," approved November 23, 1966 (P. L. 1966, c. 293).

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

1. Section 2 of the act of which this act is amendatory is amended to read as follows:

C. 52:27D-2 Administrator and chief executive officer of department.

2. The administrator and chief executive officer of the department shall be a commissioner, who shall be known as the Commissioner of Community Affairs, and who shall be a person qualified by training and experience to perform the duties of his office. The commissioner shall be appointed by the Governor, with the advice and consent of the Senate, and shall serve at the pleasure of the Governor during the Governor's term of office and until the appointment and qualification of the commissioner's successor. He shall receive such salary as shall be provided by law.

2. Section 3 of the act of which this act is amendatory is amended to read as follows:

C. 52:27D-3 Duties.

3. The commissioner, as administrator and chief executive officer of the department, shall:

- (a) Administer the work of the department;
- (b) Appoint and remove officers and other personnel employed within the department, subject to the provisions of Title 11 of the Revised Statutes, Civil Service, and other applicable statutes, except as herein otherwise specifically provided;
- (c) Perform, exercise and discharge the functions, powers and duties of the department through such divisions as may be established by this act or otherwise by law;
- (d) Organize the work of the department in such divisions, not inconsistent with the provisions of this act, and in such bureaus and other organizational units as he may determine to be necessary for efficient and effective operation;
- (e) Adopt, issue and promulgate, in the name of the department, such rules and regulations as may be authorized by law;
- (f) Formulate and adopt rules and regulations for the efficient conduct of the work and general administration of the department, its officers and employees;
- (g) Institute or cause to be instituted such legal proceedings or processes as may be necessary properly to enforce and give effect to any of his powers or duties;

(h) Make an annual report to the Governor and to the Legislature of the department's operations, and render such other reports as the Governor shall from time to time request or as may be required by law;

(i) Co-ordinate the activities of the department, and the several divisions and other agencies therein, in a manner designed to eliminate overlapping and duplicating functions;

(j) Integrate within the department, so far as practicable, all staff services of the department and of the several divisions and other agencies therein;

(k) Maintain suitable headquarters for the department and such other quarters as he shall deem necessary to the proper functioning of the department; and

(l) Perform such other functions as may be prescribed in this act or by any other law.

3. Section 6 of the act of which this act is amendatory is amended to read as follows:

C. 52:27D-6 Divisions with department.

6. (a) There is hereby established in the Department of Community Affairs an Advisory Council on Community Affairs, an Office of Community Services, a Division of Local Finance, a Division of Housing and Urban Renewal, a Division of State and Regional Planning, a Division on Aging, and an Office of Economic Opportunity.

The commissioner also shall have authority to organize and maintain in his offices an administrative division and to assign to employment therein such secretarial, clerical and other assistants in the department as his office and the internal operations of the department shall require.

(b) In addition, the commissioner shall have the authority to reorganize the department and the several divisions, offices, bureaus and agencies established therein, in any manner which he deems to be necessary and desirable.

4. Section 7 of the act of which this act is amendatory is amended to read as follows:

C. 52:27D-7 Transfer of Office of Economic Opportunity.

7. The New Jersey Office of Economic Opportunity created by Executive Order No. 17 of 1964, together with all of its functions, powers and duties, is transferred to and constituted the Office of Economic Opportunity in the Department of Community Affairs.

Such office, by and through its director, shall continue to have all of the powers and shall exercise all of the functions and duties vested in, or imposed upon, it by said executive order or by any law, subject to the supervision and control of the commissioner. The Director and deputy Director of the Office of Economic Opportunity shall be appointed by the commissioner to serve at the pleasure of the commissioner and until their respective successors are appointed and have qualified; provided, that the persons in office as Director and deputy Director of the New Jersey Office of Economic Opportunity on the effective date of this act shall hold the respective offices of Director and deputy Director of the Office of Economic Opportunity in the Department of Community Affairs established hereunder at the pleasure of the Governor and until their respective successors are appointed by the commissioner and have qualified.

5. Section 8 of the act of which this act is amendatory is amended to read as follows:

C. 52:27D-8 Transfer of certain duties of Commissioner of Conservation and Economic Development.

8. All functions, powers and duties heretofore exercised by the Commissioner of Conservation and Economic Development or his designated representative pursuant to the Regional Advisory Council Act of 1962 (chapter 46, laws of 1962), the Tri-State Transportation Compact (chapter 12, laws of 1965), the Redevelopment Agencies Law (chapter 306, laws of 1949) and the Delaware Valley Urban Area Compact (chapter 149, laws of 1966), and all amendments and supplements to said acts, are hereby transferred to and vested in the Commissioner of Community Affairs.

6. Section 28 of the act of which this act is amendatory is amended to read as follows:

C. 52:27D-28 Transfer of Division on Aging.

28. The Division on Aging in the Department of State, together with all of its functions, powers and duties is continued, but such division is transferred to and constituted the Division on Aging in the Department of Community Affairs established hereunder. The New Jersey State Commission on Aging of the Division on Aging in the Department of State is hereby transferred to the Division on Aging established hereunder in the Department of Community Affairs. Such commission shall continue to have all of the powers and shall exercise all of the functions and duties

vested in, or imposed upon, it by law. This act shall not affect the terms of office of the present members of such commission, and such commission shall continue to be constituted and the members thereof shall continue to be appointed as provided by existing law.

7. Section 29 of the act of which this act is amendatory is amended to read as follows:

C. 52:27D-29 Director, Division on Aging; duties.

29. The Division on Aging shall be under the immediate supervision of a director, who shall be a person qualified by training and experience to direct the work of such division. The director shall be appointed by the commissioner and shall serve at the pleasure of the commissioner and until his successor is appointed and has qualified. He shall receive such salary as shall be provided by law.

The director shall administer the work of such division under the direction and supervision of the commissioner, and shall perform such other functions of the department as the commissioner may prescribe.

The person in office as Director of the Division on Aging in the Department of State on the effective date of this act shall hold the office of Director of the Division on Aging in the Department of Community Affairs established hereunder for the period of his term as Director of the Division on Aging in the Department of State which remains unexpired on the effective date of this act, and until his successor is appointed and has qualified.

8. Section 40 of the act of which this act is amendatory is amended to read as follows:

C. 52:27D-40 Transfer of Division of Local Finance, Housing Council, Bureau of Tenement House Supervision, Office of Hotel Fire Safety, State and Regional Planning, and Youth Division.

40. Whenever the term "Division of Local Government" occurs or any reference is made thereto in any law, contract or document, the same shall be deemed to mean or refer to the Division of Local Finance in the Department of Community Affairs established hereunder.

Whenever the term "Director of the Division of Local Government" occurs or any reference is made thereto in any law, contract or document, the same shall be deemed to mean or refer to the Director of the Division of Local Finance in the Department of Community Affairs established hereunder.

Whenever the term "Local Government Board" occurs or any reference is made thereto in any law, contract or document, the same shall be deemed to mean or refer to the Local Finance Board of the Division of Local Finance in the Department of Community Affairs established hereunder.

Whenever the term "public housing and development authority" occurs or any reference is made thereto in any law, contract or document, the same shall be deemed to mean or refer to the public housing and development authority in the Department of Community Affairs established hereunder.

Whenever the term "State Housing Council" occurs or any reference is made thereto in any law, contract or document, the same shall be deemed to mean or refer to the State Housing Council in the Department of Community Affairs established hereunder.

Whenever the term "Bureau of Tenement House Supervision" occurs or any reference is made thereto in any law, contract or document, the same shall be deemed to mean or refer to the Bureau of Housing Inspection of the Division of Housing and Urban Renewal in the Department of Community Affairs established hereunder.

Whenever the term "Board of Tenement House Supervision" occurs or any reference is made thereto in any law, contract or document, the same shall be deemed to mean or refer to the Board of Housing Inspection in the Division of Housing and Urban Renewal of the Department of Community Affairs established hereunder.

Whenever the term "office of supervisor of hotel fire safety" occurs or any reference is made thereto in any law, contract or document, the same shall be deemed to mean or refer to the office of supervisor of hotel fire safety in the Bureau of Housing Inspection of the Division of Housing and Urban Renewal in the Department of Community Affairs established hereunder.

Whenever the term "Division of State and Regional Planning" occurs or any reference is made thereto in any law, contract or document, the same shall be deemed to mean or refer to the Division of State and Regional Planning in the Department of Community Affairs established hereunder.

Whenever the term "Director of the Division of State and Regional Planning" occurs or any reference is made thereto in any law, contract or document, the same shall be deemed to mean or refer to the Director of the Division of State and Regional Planning in the Department of Community Affairs established hereunder.

Whenever the term "Division on Aging" occurs or any reference is made thereto in any law, contract or document, the same shall be deemed to mean or refer to the Division on Aging in the Department of Community Affairs established hereunder.

Whenever the term "Director of the Division on Aging" occurs or any reference is made thereto in any law, contract or document, the same shall be deemed to mean or refer to the Director of the Division on Aging in the Department of Community Affairs established hereunder.

Whenever the term "New Jersey State Commission on Aging" occurs or any reference is made thereto in any law, contract or document, the same shall be deemed to mean or refer to the New Jersey State Commission on Aging in the Division on Aging in the Department of Community Affairs established hereunder.

Whenever the terms "Youth Division" or "Division of Youth" occur or any reference is made thereto in any law, contract or document, the same shall be deemed to mean or refer to the Division of Youth in the Department of Community Affairs established hereunder.

Whenever the terms "Director of the Youth Division" or "Director of the Division of Youth" occur or any reference is made thereto in any law, contract or document, the same shall be deemed to mean or refer to the Director of the Division of Youth in the Department of Community Affairs established hereunder.

Whenever the term "New Jersey State Youth Commission" occurs or any reference is made thereto in any law, contract or document, the same shall be deemed to mean or refer to the New Jersey State Youth Commission of the Division of Youth in the Department of Community Affairs established hereunder.

Whenever the term "New Jersey Office of Economic Opportunity" occurs or any reference is made thereto in any law, contract or document, the same shall be deemed to mean or refer to the New Jersey Office of Economic Opportunity in the Department of Community Affairs established hereunder.

9. Section 42 of the act of which this act is amendatory is amended to read as follows:

C. 52:27D-42 Appropriation.

42. There is hereby appropriated to the Department of Community Affairs the sum of \$200,000.00 to carry out the purposes of this act for the fiscal period ending June 30, 1967; provided, that out of the sum hereby appropriated there shall be paid, for the period March 1, 1967 through June 30, 1967, a salary to the Commissioner of Community Affairs, who shall receive \$30,000.00 per annum pro-

rated over said period; to each of the 2 Assistant Commissioners of Community Affairs, each of whom shall receive \$22,000.00 per annum prorated over said period; and to the Director of the Office of Community Services, who shall receive \$18,000.00 per annum prorated over said period.

10. This act shall take effect immediately.

Approved April 28, 1967.

CHAPTER 43

AN ACT concerning the representation of indigent defendants in criminal cases, creating the Office of, the Public Defender, prescribing its functions, powers and duties, and providing for an appropriation.

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

C. 2A:158A-1 State policy; definition; establishment of office of Public Defender; duties and powers.

1. It is hereby declared to be the policy of this State to provide for the realization of the constitutional guarantees of counsel in criminal cases for indigent defendants by means of the system and program established and authorized by this act to the end that no innocent person shall be convicted, and that the guilty, when convicted, shall be convicted only after a fair trial according to the due process of the law.

C. 2A:158A-2 Definitions.

2. As used herein "indigent defendant" means a person who is formally charged with the commission of an indictable offense, and who does not have the present financial ability to secure competent legal representation and to provide all other necessary expenses of representation.

C. 2A:158A-3 Office of public defender.

3. There is hereby established in the Executive Branch of the State Government the Office of the Public Defender. For the purpose of complying with the provisions of Article V, Section IV, paragraph 1 of the New Jersey Constitution, the Office of the Public Defender is hereby allocated within the Department of Institutions and Agencies, but, notwithstanding said allocation, the office shall be independent of any supervision or control by the department or by any board or officer thereof.

C. 2A:158A-4 Head of office.

4. The head of the office shall be the Public Defender, who shall be an attorney-at-law of this State and experienced in the practice of law in this State. He shall be appointed by the Governor with the advice and consent of the Senate for a term of 5 years and until the appointment and qualification of his successor. He shall devote his entire time to the duties of his office and shall receive such salary as shall be provided by law. Any vacancy occurring in the office of the Public Defender shall be filled in the same manner as the original appointment, but for the unexpired term only.

C. 2A:158A-5 Duties.

5. It shall be the duty of the Public Defender to provide for the legal representation of any indigent defendant who is formally charged with the commission of an indictable offense.

All necessary services and facilities of representation (including investigation and other preparation) shall be provided in every case.

Representation as herein provided for shall include any direct appeal from conviction and such post-conviction proceedings as would warrant the assignment of counsel pursuant to the court rules.

Representation for indigent defendants (a) may be provided in any Federal court in any matter arising out of or relating to an action pending or recently pending in a court of criminal jurisdiction of this State and (b) may be provided in any Federal court in this State where indigent defendants are charged with the commission of a Federal criminal offense and where the representation is under a plan adopted pursuant to the Criminal Justice Act of 1964 (18 U. S. C. 3006A).

C. 2A:158A-6 Deputy and Assistant Deputy Public Defender.

6. The Public Defender shall appoint deputy public defenders and assistant deputy public defenders in such number as he shall require to assist him in the performance of the duties of his office. Deputies and assistant deputies shall be attorneys-at-law of this State, shall serve at the pleasure of the Public Defender and shall receive such salaries as he shall from time to time designate.

C. 2A:158A-7 Additional duties.

7. The Public Defender shall:

(a) Appoint such investigators, stenographic and clerical assistants and other personnel as may be required for the conduct of the office, subject to the provisions of Title 11, Civil Service, of the Revised Statutes, and other applicable statutes;

(b) Establish and maintain suitable headquarters for the office and such regional quarters within the State as he shall deem necessary for the proper functioning of the office; said office or regional quarters shall not be located in any municipal or county building or office;

(c) Maintain one or more trial pools of lawyers who shall be available to serve as counsel on a case basis as needed;

(d) Engage counsel from said trial pools on a case basis as may be necessary for the proper performance of the duties of the office and compensate them for their services;

(e) Accept the services of volunteer workers or consultants at no compensation or at nominal or token compensation and reimburse them for their proper and necessary expenses;

(f) Consult and co-operate with professional bodies and groups concerning and concerned with the causes of criminal conduct, the development of effective means for reducing and discouraging the commission of crime, the rehabilitation and correction of persons charged and convicted of crime, the administration of criminal justice and the administration and conduct of the Office of the Public Defender;

(g) Keep and maintain proper financial records and records in respect to particular cases handled and develop records for use in the calculation of direct and indirect costs of all or any aspect of the operation of the office;

(h) On the basis of available data or estimates to prepare schedules of rates from time to time of amounts to be paid for services rendered other than by the staff, taking into account the nature of the services, the time involved, trouble and risk, the skill and experience required, and other pertinent factors;

(i) Have general responsibility for the operation of the office;

(j) Formulate and adopt rules and regulations as are necessary to effectuate the purposes of this act and for the efficient conduct of the work and general administration of the office, its professional staff and other employees;

(k) Be the request officer of the office within the meaning of such term as defined in chapter 112 of the laws of 1944.

(l) Have the authority to make all necessary arrangements to co-ordinate services of the office with any Federal program to provide counsel to the indigent, and to arrange for the receipt by the office, wherever possible, of sums allowable under such Federal program, whether by direct allowance, by assignment or transfer, or otherwise.

C. 2A:158A-8 Selection of deputies and assistant deputies.

8. In selecting deputy public defenders and assistant deputy public defenders or lawyers to be available to represent defendants

on a case basis, the Public Defender shall make his selections on a basis calculated to provide the respective defendants with competent counsel in the light of the nature, complexity and other characteristics of the cases, the services to be performed, the status of the matters, and other relevant factors.

C. 2A:158A-9 Division of case workload.

9. To achieve a proper balance between the services to be provided pursuant to this act and the efficiency of the operation as a whole, as well as to stimulate the continual development of professional experience and interest in the administration of criminal justice, the Public Defender shall divide the case workload of the office between the professional staff and the trial pool or pools. In any case where the matter involved requires some special experience or skill not available on the professional staff, the Public Defender shall engage counsel on a case basis, and shall assign a suitable member of the staff to the extent feasible to assist counsel so engaged. Counsel shall also be engaged on a case basis whenever needed to meet case load demands, or to provide independent counsel to multiple defendants whose interests may be in conflict.

C. 2A:158A-10 Contracts.

10. The Public Defender is authorized to enter into contracts from time to time with private or public organizations that are equipped to provide legal services for indigent defendants or to execute any lawful functions of the office of the Public Defender, as occasion may require. Every such contract shall require that the level and quality of the work shall be at least equal to that of the office of the Public Defender, and that all services rendered thereunder shall be under the control and supervision of the Public Defender.

C. 2A:158A-11 Staff members' duties.

11. The primary duty of all members of staff and of others engaged on a case basis shall be to the individual defendant, with like effect and to the same purpose as though privately engaged by him and without regard to the use of public funds to provide the service. This shall not preclude the designation or assignment of different individuals to perform various parts of the service from time to time, the duty in such cases to be the same as would exist in the case of a privately engaged law firm.

C. 2A:158A-12 Protection of Attorney-client privilege.

12. All communications between the individual defendant and any person in or engaged by the Office of the Public Defender whether on a case basis or by contract shall be fully protected by

the attorney-client privilege to the same extent and degree as though counsel has been privately engaged. This shall in no way preclude the use by the office of material in its files, otherwise privileged, for the preparation and disclosure of statistical, case study and other sociological data, provided always that in any such use there shall be no disclosure of identity or of means for discovery of identity of particular defendants.

C. 2A:158A-13 Standards of performance.

13. In providing legal services to defendants pursuant to this act, the Office of the Public Defender and every attorney actually engaged in the performance of the same, whether as a member of the staff or engaged on a case basis or otherwise, shall adhere at all times to the standards and level of performance established from time to time by the Supreme Court of New Jersey in the execution of its duty to supervise the practice of law; and the office shall furnish to such court materials and data as may be requisite to the measurement of the adequacy of the performance hereunder.

C. 2A:158A-14 Determination of eligibility.

14. Eligibility for the services of the Office of the Public Defender shall be determined on the basis of the need of the defendant. Need shall be measured according to the financial ability of the defendant to engage and compensate competent private counsel and to provide all other necessary expenses of representation. Such ability shall be recognized to be a variable depending on the nature, extent and liquidity of assets and on the disposable net income of the defendant on the one hand, and on the nature of the charge, the effort and skill required to gather pertinent information, render advice, conduct trial or render other legal services, and probable expenses to be incurred, on the other hand. In the event that a determination of eligibility cannot be made before the time when the first services are to be rendered, or if an initial determination is found to be erroneous, the office shall undertake the same provisionally, and if it shall subsequently determine that the defendant is ineligible it shall so inform the defendant, and the defendant shall thereupon be obliged to engage his own counsel and to reimburse the office for the cost of the services rendered to that time.

C. 2A:158A-15 Investigation of financial status.

15. The Office of the Public Defender shall make such investigation of the financial status of each defendant at such time or times as the circumstances shall warrant and in connection therewith shall have the authority to require a defendant to execute and deliver such written requests or authorizations as may be requisite under applicable law to provide the

office with access to records of public or private sources, otherwise confidential, as may be of aid to it in evaluating eligibility. The office is authorized to obtain information from any public record office of the State or of any subdivision or agency thereof on request and without payment of the fees ordinarily required by law.

C. 2A:158A-16 Reimbursement for services.

16. In all cases where it appears that the defendant has or reasonably expects to have means to meet some part, though not all, of the cost of the services rendered to him he shall be required to reimburse the office, either by a single payment or in installments, in such amounts as he can reasonably be expected to pay; but no default or failure in the making of any such payment shall in any wise affect or reduce the rendering of the services to him.

C. 2A:158A-17 Lien for services.

17. The reasonable value of the services rendered to a defendant pursuant to this act shall in all cases be a lien on any and all property to which the defendant shall have or acquire an interest. To effectuate such lien the Public Defender shall submit to the court having jurisdiction in the matter an affidavit setting forth the services rendered to the defendant and the reasonable value thereof. The court shall determine and adjudge the reasonable value of said services. Upon adjudication the lien shall be filed or docketed with the Clerk of the Superior Court and from the date thereof shall constitute a lien on said property for a period of 10 years unless sooner discharged and except for such time limitation shall have the force and effect of a judgment at law.

C. 2A:158A-18 Lien books.

18. The Clerk of the Superior Court shall provide separate books for the recording of said liens which books shall be properly indexed in the name of the judgment debtor. The Public Defender shall not be required to pay filing or recording fees.

C. 2A:158A-19 Collection of moneys.

19. The Public Defender in the name of the State shall do all things necessary and proper to collect all moneys due to the State by way of reimbursement for services rendered pursuant to this act. He may enter into arrangements with one or more agencies of the State or of the counties to handle said collections on a cost basis to the extent that such arrangements are calculated to simplify collection procedures. He shall have all the remedies and may take all of the proceedings for the collection thereof which may be had or taken for or upon the recovery of a

judgment in a civil action and may institute and maintain any action or proceeding in the courts necessary therefor.

C. 2A:158A-20 Settlement of claims.

20. The Public Defender is authorized to compromise and make settlement of any claim for services performed for any person pursuant to this act whenever the financial circumstances of said person are such that in the judgment of the Public Defender the best interest of the State will be served by such compromise and settlement.

C. 2A:158A-21 Payment.

21. Notwithstanding the provisions of section 2A:168-8 of the New Jersey Statutes or of any other law, when any court which has ordered or shall order the forfeiture of a recognizance in any case in which the defendant is represented pursuant to the provisions of this act, the amount whereof has been or shall be paid into the county treasury of any county in accordance with law, the county treasurer shall transmit said amount to the State Treasurer for payment into the State Treasury. If the court shall thereafter, in its discretion, order the return of the moneys so paid upon the forfeited recognizance, the State Treasurer shall thereupon repay the amount of such recognizance, less the taxed costs, if any, on the proceedings to forfeit the same, to the recognizer or recognizers or the personal representatives of any deceased recognizer, who shall have paid the same into the county treasury. Application for a return of moneys so paid shall be made to the court within 4 years after the recognizance shall have been declared forfeited.

C. 2A:158A-22 Report to the Legislature, Governor and Supreme Court.

22. The Office of the Public Defender shall report annually to the Legislature, the Governor and the Supreme Court. Such report may be combined with that of any other body, agency or study group engaged in reviewing the administration of criminal justice. The report shall include all pertinent data on the operations of the office, the costs, projected needs, and to the extent experience may indicate, recommendations for statutory changes, including changes in the criminal law or changes in court rules, all as may be appropriate to the improvement of the system of criminal justice, the control of crime, the rehabilitation of offenders and other related objectives.

23. Any appointments authorized by this act may be made prior to the effective date hereof.

24. There is appropriated to the Office of the Public Defender for the purposes of this act such sums as shall be included in any general or special appropriations act.

25. This act shall take effect July 1, 1967.

Approved May 2, 1967.

CHAPTER 44

AN ACT to provide for the qualification, certification and examination of tax assessors and supplementing Title 54 of the Revised Statutes.

WHEREAS, The local property tax is the major source of revenue in State-local finance in New Jersey; and

WHEREAS, It is certain that the property tax will remain vitally important to New Jersey in the foreseeable future; and

WHEREAS, It is essential that the burden of the property tax be distributed equitably among the taxpayers in accordance with the law; and

WHEREAS, It is recognized that no other single factor is so important in insuring the competent and equitable administration of the property tax as that the tax assessment be made by a well-qualified person;

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

C. 54:1-35.25 Examinations for tax assessor.

1. Commencing in 1968, the Director of the Division of Taxation shall, annually, in March and September of each year, hold examinations of applicants for certification as tax assessor. An applicant for examination shall, not less than 30 days before an examination, present to the director written application on forms provided by the division together with satisfactory proof that the applicant is not less than 21 years of age, is a citizen of the United States, is of good health and free from disabling physical and mental defects, is of good moral character, has obtained a certificate or diploma issued after at least 4 years of study in an approved secondary school or has received an academic education considered and accepted by the Commissioner of Education as fully equivalent, and has graduated from a 4-year course at a college of recognized standing. An applicant who does not meet the college education requirement may substitute full-time experience in real estate appraisal work or experience in property tax assessment work on a year-for-year basis. Such application shall not be considered by

the director unless accompanied by payment of a fee in the sum of \$10.00 to the order of the State Treasurer. Examinations shall be written, or both written and oral, shall be of such character as fairly to test and determine the qualifications, fitness and ability of the person tested actually to perform the duties of assessor, and shall be weighted in a manner to be prescribed by the director.

C. 54:1-35.26 Issuance of certificate.

2. Upon the successful completion of the examination by an applicant, a tax assessor certificate shall be issued to him, upon the payment of an additional fee of \$25.00 to the order of the State Treasurer.

C. 54:1-35.27 Records of examinations.

3. The director shall preserve the applications, test papers and other work, except such as may be returned to the applicants and shall keep a record of the results of the examinations and the date of issuance of tax assessor certificates. After 10 years, such records may at the discretion of the director be destroyed.

C. 54:1-35.28 Certificates without examination.

4. In the case of an applicant who, on or after effective date of this act but not later than June 30, 1969, while actually in office as an assessor or performing the duties of an assessor, whether in the classified or unclassified service under Title 11, Civil Service, or in a municipality which has not adopted Title 11, Civil Service, shall furnish proof that he has received certificates indicating satisfactory completion on or before June 30, 1969 of training courses heretofore designated as Principles of Municipal Assessing I and Principles of Municipal Assessing II, or such other training courses as are certified as their equivalent by Rutgers, The State University, the director shall issue to such applicant a tax assessor certificate without examination, upon payment of an additional fee of \$25.00 to the order of the State Treasurer.

C. 54:1-35.29 Revocation or suspension of certificate.

5. Any tax assessor certificate may be revoked or suspended by the director for dishonest practices, or willful or intentional failure, neglect or refusal to comply with the constitution and laws relating to the assessment and collection of taxes, or other good cause. No certificate shall be revoked or suspended except upon a proper hearing before the director or his designee after due notice. If the tax assessor certificate of a person serving as assessor shall be revoked, such person shall be removed from office by the director,

his office shall be declared vacant, and such person shall not be eligible to hold that office for a period of 5 years from the date of his removal.

C. 54:1-35.30 Appointment or reappointment; effective date.

6. Except as herein otherwise provided, no person shall on and after July 1, 1971, be appointed or reappointed, or elected or re-elected, as tax assessor in any municipality in this State unless he shall hold a tax assessor certificate. The foregoing limitation as to reappointment or re-election shall not apply to an assessor who shall have served continuously in office from July 1, 1967 to the date of reappointment or re-election. In the case of a candidate for election as municipal tax assessor for a term commencing on or after July 1, 1971, other than a candidate for re-election who shall have served continuously in office from July 1, 1967 to the date designated for inclusion on the ballot, the municipal clerk shall not certify the name of such person for inclusion on the ballot as a candidate unless there shall be filed with the municipal clerk proof that such person is the holder of a valid tax assessor certificate.

C. 54:1-35.31 Term of office; removal therefrom.

7. Notwithstanding the provisions of any other law to the contrary, every person

(1) who, upon reappointment or re-election subsequent to having received a tax assessor certificate and having served as tax assessor or performed the duties of assessor for not less than 4 consecutive years immediately prior to such reappointment or re-election, or

(2) who, on or before June 30, 1969, shall have received a tax assessor certificate while actually in office as assessor or performing the duties of an assessor, and who, on or before June 30, 1969, shall have served as assessor or performed the duties of assessor for not less than 4 consecutive years,

shall hold his position during good behavior and efficiency notwithstanding that such reappointment or re-election was for a fixed term of years, and he shall not be removed therefrom for political reasons but only for good cause shown and after a proper hearing before the director or his designee after due notice. In municipalities operating under forms of government where the assessor served at the pleasure of the appointing authority for an unlimited term of office, receipt of a tax assessor certificate and continuance in service as assessor after completion of 4 consecutive years of service shall be deemed the equivalent of reappointment. The pro-

visions of this section shall apply to every person actually in office as assessor or performing the duties of an assessor whether in the classified service under Title 11, Civil Service, or in a municipality which has not adopted Title 11, Civil Service.

C. 54:1-35.32 Tenure; effective date.

8. On and after July 1, 1969 no assessor shall acquire tenure of office under any law of this State unless he shall have received a tax assessor certificate. Nothing herein contained shall be construed to affect tenure of office theretofore acquired nor to affect in any way the unexpired term of office of any assessor theretofore appointed or elected, nor shall any provision herein make void or change any provision of Title 11, Civil Service, nor any of the provisions of any other tenure of office act, except with respect to the acquisition of tenure by an assessor subsequent to June 30, 1969.

C. 54:1-35.33 Requirement for office.

9. No person shall be eligible to hold the office of joint municipal tax assessor unless he shall be the holder of a tax assessor certificate.

C. 54:1-35.34 Rules and regulations.

10. The director may promulgate such rules and regulations and prescribe such forms as he shall deem necessary to implement this act.

11. There is hereby appropriated to the Division of Taxation in the Department of the Treasury the sum of \$25,000.00 to carry out the purposes of this act for the fiscal year ending June 30, 1968.

12. This act shall take effect immediately.

Approved May 4, 1967.

CHAPTER 45

AN ACT concerning municipal appropriations to aid local volunteer fire companies, and amending section 40:47-27 of the Revised Statutes.

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

1. Section 40:47-27 of the Revised Statutes is amended to read as follows:

Municipal appropriations to aid local companies.

40:47-27. The governing body of a municipality may raise and appropriate such sum of money, not exceeding \$24,000.00 annually, as it may deem necessary to aid the board of fire commissioners of any fire district or volunteer fire companies located therein, using apparatus owned by the municipality or owning and maintaining their own apparatus, and in any municipality in which there are more than 3 such boards or companies or both, the governing body may raise and appropriate an additional sum of money not in excess of \$6,000.00 annually for each such additional board or company; provided, however, that all moneys so appropriated in excess of \$12,000.00 annually or 50% of the annual appropriation, whichever is greater, be used for the purchase of new equipment from time to time, with the approval of the governing body, such moneys to be accounted for to the governing body annually.

2. This act shall take effect January 1, 1967.

Approved May 4, 1967.

CHAPTER 46

AN ACT concerning education, requiring the submission and approval by the voters of a school district of certain proposals to close high schools and to contract for high school education with another district or districts, suspending the operation of certain contracts between school districts until the question of their operation and effectiveness is submitted to and approved by the voters of the district, and supplementing chapter 7 of Title 18 of the Revised Statutes.

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

C. 18:14-7.7 Closing of high schools; contracts with other districts.

1. No board of education of a school district providing high school education in its own high school shall propose to close its high school and to contract with another district or districts to

provide high school education for pupils of the district, unless and until a public question as to whether or not the board may enter into such a contract or contracts shall be submitted to and approved by a majority of the voters of the district voting thereon at an annual or special school election.

C. 18:14-7.8 Ratification and approval of contracts by voters.

2. No contract heretofore entered into between a sending and receiving district under the circumstances set forth in section 1 of this act, which requires the receiving district to provide additional school facilities prior to accepting high school pupils from the sending district and the contracts for construction of such facilities have not been entered into, as of the effective date of this act, shall be operative or binding upon the contracting districts until the question of the ratification and approval of said contract shall be submitted to and approved by a majority of the voters of the sending district voting thereon at a special school election which the board of education of the sending district shall call for said purpose within 60 days after the effective date of this act.

3. This act shall take effect immediately.

Approved May 9, 1967.

CHAPTER 47

AN ACT concerning retroactive coverage for members of the Supreme Court and judges of the Superior Court, under the provisions of the Federal Social Security Act, after conduct of a referendum, and supplementing chapter 391 of the laws of 1948.

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

C. 43:6-6.33 Referendum authorized.

1. The State Treasurer, as the State Agency for Social Security, is directed to conduct a referendum on the question of whether the service performed by members of the Supreme Court and judges of the Superior Court, should be excluded from or included under the State's agreement with the Federal Government.

C. 43:6-6.34 Social Security coverage.

2. The State Treasurer is further directed to secure social security coverage for such members of the Supreme Court and judges of the Superior Court within 60 days after a majority of such judges qualified to vote in a referendum as required by section 218(d)(3) of the Social Security Act shall have voted to be covered under terms of that act.

C. 43:6-6.35 Retroactive coverage.

3. The State Treasurer is also directed to obtain social security coverage for such judges on a retroactive basis, to the extent that retroactivity is possible under Federal and State Statutes.

C. 43:6-6.36 Provisions not applicable.

4. The provisions of chapter 169 of the laws of 1956 shall not apply to the members of the Supreme Court and judges of the Superior Court covered by the pension program established by chapter 391 of the laws of 1948, as amended and supplemented, to which this act is a further supplement.

5. This act shall take effect immediately.

Approved May 15, 1967.

CHAPTER 48

AN ACT to amend the "Corporation Business Tax Act (1945)," approved April 13, 1945 (P. L. 1945, c. 162).

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

1. Section 3 of the act of which this act is amendatory is amended to read as follows:

C. 54:10A-3 Exempt corporations.

3. The following corporations shall be exempt from the tax imposed by this act:

(a) corporations subject to a tax under the provisions of article 2 of chapter 13 of Title 54 of the Revised Statutes, or to a tax assessed upon the basis of gross receipts other than the Retail Gross Receipts Tax Act, or insurance premiums collected;

(b) railroad, canal or banking corporations, savings banks, production credit associations organized under the Farm Credit Act of 1933, agricultural co-operative associations incorporated or domesticated under or subject to chapter 13 of Title 4 of the Revised Statutes and exempt under Subtitle A, Chapter 1 F Part III Section 521 of the Federal Internal Revenue Code, or building and loan or savings and loan associations;

(c) cemetery corporations not conducted for pecuniary profit of any private shareholder or individual;

(d) nonprofit corporations, associations or organizations established, organized or chartered, without capital stock, under the provisions of Titles 15, 16 or 17 of the Revised Statutes, or under a special charter or under any similar general or special law of this or any other State, and not conducted for pecuniary profit of any private shareholder or individual;

(e) corporations subject to a tax under the provisions of chapter 4 of the laws of 1940, or chapter 5 of the laws of 1940, or any statute or law imposing a similar tax or taxes;

(f) nonstock corporations organized under the laws of this State or of any other State of the United States to provide mutual ownership housing under Federal law by tenants, provided, however, that the exemption hereunder shall continue only so long as the corporations remain subject to rules and regulations of the Federal Housing Authority and the Commissioner of the Federal Housing Authority holds membership certificates in the corporations and the corporate property is encumbered by a mortgage deed or deed of trust insured under the National Housing Act (48 Stat. 1246) as amended by subsequent Acts of Congress. In order to be exempted under this subsection, corporations shall annually file a report on or before August 15 with the commissioner, in the form required by the commissioner, to claim such exemption, and shall pay a filing fee of \$25.00.

2. This act shall take effect immediately and shall be applicable to all corporations on and after January 1, 1967.

Approved May 15, 1967.

CHAPTER 49

AN ACT to amend "An act imposing an excise tax upon the gross receipts of unincorporated businesses; defining certain words for the purposes of the act; prescribing the method of collecting the tax imposed; providing penalties for violations; and making an appropriation therefor," approved June 17, 1966 (P. L. 1966, c. 137).

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

1. Section 4 of the act of which this act is amendatory is amended to read as follows:

C. 54:11B-4 Measure of tax; portion of total gross receipts usable.

4. In the case of a taxpayer maintaining a regular place of business outside this State other than a statutory office, the portion of the total gross receipts to be used as a measure of the tax imposed by section 3 of this act shall be that portion of the total gross receipts, computed on the cash or accrual basis according to the method of accounting used in the computation of the taxpayer's net income for Federal tax purposes, arising from:

(a) sales of its tangible personal property located within this State at the time of the receipt of or appropriation to the orders where shipments are made to points within this State;

(b) sales of tangible personal property located without the State at the time of the receipt of or appropriation to the orders where shipment is made to points within the State;

(c) Deleted by amendment.

(d) services performed within the State;

(e) rentals from property situated, and royalties from the use of patents or copyrights, within the State; and

(f) all other business receipts earned within the State; divided by the total amount of the taxpayer's receipts, similarly computed, arising during such period from all sales of its tangible personal property, services, rentals, royalties and all other business receipts, whether within or without the State.

2. Section 16 of the act of which this act is amendatory is amended to read as follows:

New Jersey State Library

C. 54:11B-16 Extension of time for filing of return or payment of tax.

16. The director may grant a reasonable extension of time for the filing of returns or the payment of tax, or both, under such rules and regulations as he shall prescribe, which rules and regulations may require the filing of a tentative return and the payment of an estimated tax, but no such extension shall be granted for a period of more than 3 months after the time for filing the return. If the time of filing the return shall be extended, the payment of the portion of the tax remaining to be paid, if any, shall be postponed to the date fixed by the extension of the time for the filing of the return, but in every such case the taxpayer shall pay, in addition to the unpaid portion of the tax, interest thereon at the rate of 6% per annum from the time when the return originally was required to be filed to the date of actual payment under the extension; provided, that if such unpaid portion of the tax is not paid within the time fixed under the extension, the interest on such unpaid portion shall be computed at the rate of 1% per month or fraction thereof to be calculated from the date the tax was originally due to the date of actual payment.

3. Section 20 of the act of which this act is amendatory is amended to read as follows:

C. 54:11B-20 Powers of director.

20. The director is hereby authorized and empowered:

(a) To make, adopt and amend rules and regulations appropriate to the carrying out of this act and the purposes thereof;

(b) To extend, for cause shown by general regulation or individual authorization, the time of filing any return for a period not exceeding 6 months on such terms and conditions as he may require; and for cause shown, to remit penalties but not interest computed at the rate of 6% per annum. In the case of a general regulation, the director shall have the authority to waive interest;

(c) To delegate his functions hereunder to any officer or employee of his division such of his powers as he may deem necessary to carry out efficiently the provisions of this act, and the person or persons to whom such power has been delegated shall possess and may exercise all of the power and perform all of the duties herein conferred and imposed upon the director.

4. This act shall take effect immediately.

Approved May 15, 1967.

CHAPTER 50

AN ACT to amend "An act concerning the distribution of certain tax revenues to the municipalities of this State and supplementing Title 54 of the Revised Statutes," approved June 17, 1966 (P. L. 1966, c. 135).

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

1. Section 2 of the act of which this act is amendatory is amended to read as follows:

C. 54:11D-2 Determination of amount received by municipalities.

2. The Director of the Division of Taxation shall determine the greatest amount levied, as certified pursuant to Revised Statutes 54:4-52, by each municipality upon personal property used in business in 1964, 1965 or 1966, exclusive of the amount levied on the personal property of persons, partnerships, associations or corporations subject to tax under chapter 4 of the laws of 1940, and shall, on or before February 15, 1968, certify to the State Treasurer the amounts so determined for each municipality and the total amount for all municipalities. In calculating the amount levied for the year 1966, the director shall also include for each municipality the aggregate amount of increases, if any, in taxable valuations of business personal property (exclusive of the personal property of persons, partnerships, associations or corporations subject to tax under chapter 4 of the laws of 1940), determined by the county board of taxation during said year upon appeals.

2. Section 4 of the act of which this act is amendatory is amended to read as follows:

C. 54:11D-4 Allocation of excess amount among municipalities; formula.

4. If the amount determined by the director in section 3 hereof shall exceed the amount determined by the director in section 2 hereof, the director shall allocate such excess amount among the municipalities of this State in accordance with the following formula:

There shall be allocated to each municipality such amount as will be in the same ratio to such excess amount, as the local property tax levied, as reflected in the county table of aggregates certified

pursuant to Revised Statutes 54:4-52, in the municipality in the preceding calendar year upon commercial, industrial and farm real estate (excluding railroad property) is to the total taxes levied upon such property in all municipalities in the State in the same year.

3. Section 7 of the act of which this act is amendatory is amended to read as follows:

C. 54:11D-7 Apportionment of amounts to be raised in taxing districts; equalization table; assumed assessed value of property.

7. For the purpose of apportioning the amounts to be raised in the respective taxing districts of the county under Revised Statutes 54:4-49, the county board of taxation shall, for each taxing district, include in the equalization table for the county the assumed assessed value of the property represented by the money received by each taxing district pursuant to the provisions of this act.

Commencing with the tax year 1969 and thereafter the assumed assessed value of such property in each taxing district shall be determined by the county board of taxation in the following manner: (a) the amount of money received by each taxing district during the preceding tax year pursuant to the provisions of this act, shall be divided by the general tax rate of the taxing district for such preceding tax year to obtain an assumed assessed value of such property; (b) this assumed assessed value shall be divided by the fraction produced by dividing the aggregate assessed value by the aggregate true value of the real property, as determined by the county board of taxation for equalization purposes in the current tax year, exclusive of Class II railroad property, in the taxing district; and (c) the resulting quotient shall be included in the net valuation of each taxing district on which county taxes are apportioned.

For the tax year 1968, there shall be included in the equalization table for the county (a) 65% of the aggregate fair value of machinery, implements, and equipment and all other personal property used in business, other than inventories, farm machinery, farm livestock, crops and produce and (b) 25% of the aggregate fair value of inventories (except inventories of raw materials, supplies and small tools) including 25% of the aggregate fair value of farm machinery, farm livestock, crops and produce, used in business, as determined for county apportionment purposes for the tax year 1967. Provided, however, that in calculating the amounts to be included under (a) of the foregoing sentence, there shall be ex-

cluded the 1967 valuations determined for the personal property of persons, partnerships, associations or corporations subject to tax under chapter 4 of the laws of 1940.

4. This act shall take effect immediately.

Approved May 15, 1967.

CHAPTER 51

AN ACT to amend the "Corporation Business Tax Act (1945)," approved April 13, 1945 (P. L. 1945, c. 162).

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

1. Section 6 of the act of which this act is amendatory is amended to read as follows:

C. 54:10A-6 Taxpayer maintaining regular place of business outside State.

6. In the case of a taxpayer which maintains a regular place of business outside this State other than a statutory office, the portion of its entire net worth to be used as a measure of the tax imposed by section 5(a) of this act, and the portion of its entire net income to be used as a measure of the tax imposed by section 5(c) of this act, shall be determined by multiplying such entire net worth and entire net income, respectively, by an allocation factor which shall be the average of the fractions computed in (A), (B) and (C) below, or of so many of them as may be applicable, that is:

(A) The average value of the taxpayer's real and tangible personal property within the State during the period covered by its report divided by the average value of all the taxpayer's real and tangible personal property wherever situated during such period;

(B) The receipts of the taxpayer, computed on the cash or accrual basis according to the method of accounting used in the computation of its net income for Federal tax purposes, arising during such period from

(1) sales of its tangible personal property located within this State at the time of the receipt of or appropriation to the orders where shipments are made to points within this State,

(2) sales of tangible personal property located without the State at the time of the receipt of or appropriation to the orders where shipment is made to points within the State,

(3) Deleted by amendment.

(4) services performed within the State,

(5) rentals from property situated, and royalties from the use of patents or copyrights, within the State,

(6) all other business receipts earned within the State, divided by the total amount of the taxpayer's receipts, similarly computed, arising during such period from all sales of its tangible personal property, services, rentals, royalties and all other business receipts, whether within or without the State;

(C) The total wages, salaries and other personal service compensation, similarly computed, during such period of officers and employees within the State divided by the total wages, salaries and other personal service compensation, similarly computed, during such period of all the taxpayer's officers and employees within and without the State.

In the case of a taxpayer which does not maintain a regular place of business outside this State other than a statutory office, the allocation factor shall be 100%.

2. This act shall take effect immediately and shall be applicable with respect to reports covering privilege periods ending on or after July 1, 1967.

Approved May 15, 1967.

CHAPTER 52

AN ACT concerning the State Highway Department, and adding the following route to the State highway system.

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

C. 27:6 State highway routes.

1. The State Highway Commissioner shall as soon as practicable and in accordance with the procedure set forth in article 1 of chapter 7, of Title 27, of the Revised Statutes add to the present State highway system the following described route:

Route No. 51, beginning at a point on Interstate Route 76 between Morgan boulevard and Bulson street, in the city of Camden, Camden county, and extending thence in a generally westerly direction to the vicinity of Jefferson street and thence in a general northerly direction roughly parallel to the Delaware river, to Route U. S. 30 in the vicinity of the Benjamin Franklin bridge.

2. This act shall take effect immediately.

Approved May 18, 1967.

CHAPTER 53

AN Act to amend "An act creating a commission, to be known as the County and Municipal Government Study Commission, to study the structure of county and municipal governments, the interrelationship of State, county and municipal governments, and their present and future problems; to provide for reports and recommendations by the said commission to the Governor and the Legislature; and making an appropriation for the expenses thereof," approved April 26, 1966 (P. L. 1966, c. 28).

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

1. Section 4 of the act of which this act is amendatory is amended to read as follows:

4. The commission shall submit its first report to the Governor and the Legislature on or before the second Tuesday in January, 1968, and its final report as soon thereafter as practicable setting forth the results of its study and may include recommendations for constitutional and statutory changes.

2. This act shall take effect immediately.

Approved May 18, 1967.

CHAPTER 54

AN ACT to amend “An act authorizing the disposition in certain cases of human remains and parts thereof for the advancement of medical science or the replacement or rehabilitation of diseased or worn-out parts of organs of other human beings,” approved September 16, 1963 (P. L. 1963, c. 154), as said title was amended by chapter 225 of the laws of 1965 and P. L. 1965, chapter 225 supplementary thereto.

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

1. Section 1 of chapter 154 of the laws of 1963 is amended to read as follows:

C. 26:6-51 Written instrument directing disposition of human eyes and related parts of body after death.

1. Any person of legal age may by written instrument signed by the donor and witnessed by 2 persons of legal age, direct the disposition to be made after death of his body or any part or parts thereof in order that his body or such part or parts may be used for the advancement of medical science or the replacement or rehabilitation of diseased or worn-out organs of similar character of another living person, who may or may not be specified in said instrument and by said instrument shall designate any person, which person shall include but shall not be limited to a government agency, eye bank, teaching institution, hospital or physician or a committee or group or association of physicians or others, to take such action as may be necessary to accomplish said purpose upon his death.

2. Section 2 of chapter 154 of the laws of 1963 is amended to read as follows:

C. 26:6-52 Delivery of instrument; revocation.

2. Such instrument shall be delivered to the person designated therein to carry out the purposes of said instrument and it may be revoked only by an instrument to that effect similarly executed and delivered to the person to whom the original instrument was delivered, or in whose custody the said original instrument is at that time.

3. Section 3 of chapter 225 of the laws of 1965 is amended to read as follows:

C. 26:6-51.1 Disposition of body of decedent or parts thereof by person entitled to control disposition of remains; exceptions.

3. Any person entitled to control the disposition of the remains of any deceased person may by a written instrument of a like nature to that set forth in section 1 of the act of which this act is amendatory and supplementary and similarly executed, direct the disposition of any part or parts of the body of such person for any of the purposes set forth in said section 1, but no such disposition shall be directed by any person if he has reason to believe after reasonable inquiry as the circumstances permit:

(a) that the decedent has left instructions for disposition of his body inconsistent therewith, or

(b) that decedent has expressed objections to such use during his last illness, or

(c) that the surviving spouse or any surviving near relative of decedent objects.

4. Section 4 of chapter 154 of the laws of 1963 is amended to read as follows:

C. 26:6-54 Autopsy or postmortem examination not to prevent or delay disposition; exception.

4. An autopsy or postmortem examination of the remains of a decedent shall not delay or prevent the carrying out of any of said directions unless the remains or such part or parts of the remains are required for the purposes of criminal investigation or prosecution, but in case such person shall die in prison or by violent, sudden or casual death so that an inspection of the remains by the county physician or a coroner is requisite, the consent of the county physician or coroner shall be first obtained before the provisions of said instrument are carried out.

5. Section 6 of chapter 154 of the laws of 1963 is amended to read as follows:

C. 26:6-56 Removal of parts of body by licensed physician; liability.

6. The provisions of such an instrument shall be carried out by a duly licensed physician to whom it may be delivered or who may be named in the instrument or may be authorized by written direction of the person named in the instrument to carry out the same and any person acting or authorizing such action in accordance with the provisions of this amendatory and supplementary act shall

not be liable in damages for any action taken in making or carrying out such instrument, unless he shall have actual knowledge of the delivery of an instrument revoking the power contained therein, delivered as provided in this act, except for willful negligence or intentional wrongdoing.

6. This act shall take effect immediately.

Approved May 18, 1967.

CHAPTER 55

AN ACT to enable the Commissioner of Transportation to acquire uneconomic remnants of lands and rights therein and supplementing chapter 7 of Title 27 of the Revised Statutes.

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

C. 27:7-22.6 Powers of land acquisition.

1. In addition to the powers now vested in the Commissioner of Transportation for the acquisition of lands or rights therein by virtue of any statute, the commissioner may, in his discretion, acquire by gift, devise, purchase or condemnation, an entire lot, block or tract of land, if, by so doing, the interests of the public will be best served even though said entire lot, block or tract is not needed for the right-of-way proper but only if the portion outside the normal right-of-way is landlocked or is so situated that the cost of acquisition to the State will be practically equivalent to the total value of the whole parcel of land; provided, however, that the commissioner shall not have the power to acquire by the exercise of the right of eminent domain for any of the purposes of this act any property or property rights owned or used by any public utility as defined in section 48:2-13 of the Revised Statutes.

2. This act shall take effect immediately.

Approved May 18, 1967.

CHAPTER 56

AN ACT to supplement "An act to incorporate the Fairmount Cemetery Association of the city of Newark," approved February 9, 1855 (P. L. 1855, c. 17).

WHEREAS, The Fairmount Cemetery Association desires to reduce the membership of its board of managers from 9 members to 7 members to enable it to more readily transact its business affairs; now, therefore,

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

1. Notwithstanding the provisions of the act of which this act is supplementary the board of managers of the corporation, in order to provide a means to eventually reduce the present membership of the board to 7 members, shall have no authority to fill any vacancy or vacancies occurring in its membership by reason of the death or resignation of any of its members during their respective terms of office until the membership of the board has been reduced to 7 members. At such time as the membership of the board has been so reduced, the affairs of the corporation shall thereafter be managed by a board of 7 managers, of whom 4 shall be a quorum for the transaction of the business of the corporation.

2. This act shall take effect immediately.

Approved May 18, 1967.

CHAPTER 57

AN ACT establishing a study commission to study and review the statutes and court decisions relating to divorce and nullity of marriage, to consider the advisability and practicability of creating a family law court, and related matters, prescribing its powers and duties, and making an appropriation therefor.

WHEREAS, In 1907 there was a general revision of the statutory law of the State relating to divorce and nullity of marriage and related matters which followed a recommendation for a uniform divorce act, made by a conference of delegates from the States, including New Jersey; and

WHEREAS, Except for a statute passed in 1923, making extreme cruelty a ground for divorce, there has been no particular consideration given to this subject matter; and

WHEREAS, It has become increasingly evident that modern concepts in respect to divorce and nullity of marriage, and the sociological aspects of marriage, including many changes in viewpoint that require legislative investigation and study, and revision in the law; and

WHEREAS, The New Jersey State Bar Association has petitioned for legislative action in this regard; now, therefore,

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

1. There is hereby established a study commission to be known as the Divorce Law Study Commission, which shall consist of 3 members of the Senate to be appointed by the President thereof; 3 members of the General Assembly to be appointed by the Speaker thereof; and 6 citizens of this State to be appointed by the Governor. No more than 2 members of each group of 3 shall be of the same political party. Appointments by the Governor shall be made without regard to political affiliation. Each of the members of the commission appointed from either House of the Legislature shall serve so long as he shall be a member of the Senate or of the General Assembly, as the case may be. In case of vacancy, the same shall be filled in the same manner as the original appointment was made.

2. All of the members of the commission shall serve without compensation but they shall be entitled to be reimbursed for all necessary expenses incurred in the performance of their duties.

3. The commission shall organize as soon as may be after the appointment of its members and shall select a chairman and vice-chairman from among its members and a secretary who need not be a member of the commission.

4. It shall be the duty of the commission to study and review the statutes and court decisions concerning divorce and nullity of

marriage and related matters, particularly as contained in Title 2A of the New Jersey Statutes as amended and supplemented and other legislative enactments, relating to the said subject matter and to study the advisability and practicability of creating a family law court.

5. The Law Revision and Legislative Services Commission shall render assistance to the said Divorce Law Study Commission in making its said study.

6. The commission shall be entitled to call to its assistance and avail itself of the services of such employees of any State, county or municipal department, board, bureau, commission or agency as it may require and as may be available to it for said purpose, and to employ such legal, stenographic, technical and clerical assistants and to incur such traveling and other miscellaneous expenses as it may deem necessary, in order to perform its duties, and as may be within the limits of funds appropriated or otherwise made available to it for said purposes.

7. The commission shall have all the powers provided by the provisions of chapter 13 of Title 52 of the Revised Statutes.

8. The commission may meet and hold hearings at such place or places as it shall designate during the sessions or recesses of the Legislature and shall report its findings to the Governor and the Legislature accompanying the same with any legislative bills which it may desire to recommend for adoption by the Legislature on or before July 1, 1968, or as soon thereafter as may be possible.

9. There is hereby appropriated to the commission the sum of \$10,000.00 to carry out the purposes of this act.

10. This act shall take effect immediately.

Approved May 18, 1967.

CHAPTER 58

AN ACT concerning the juvenile and domestic relations courts and amending section 2A:4-4 of the New Jersey Statutes.

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

1. Section 2A:4-4 of the New Jersey Statutes is amended to read as follows:

Appointment of judges in certain counties; salary; practice at law.

2A:4-4. The Governor, with the advice and consent of the Senate,

(1) shall appoint 4 attorneys-at-law in each county of the first class except such counties having a population between 700,000 and 900,000 in which counties he shall appoint 2 attorneys-at-law,

(2) shall appoint 2 attorneys-at-law in each county having a population of more than 500,000 and less than 600,000,

(3) shall appoint one attorney-at-law in each county having a population between 430,000 and 500,000, and

(4) may appoint, in addition to such other judge or judges, if any, authorized by law in said county, one attorney-at-law in each county having a population of not less than 305,000 nor more than 410,000 to be the judges or judge of the juvenile and domestic relations court of the county.

Each judge of the juvenile and domestic relations court who is required by law to devote his entire time to his judicial duties and is prohibited from practice of law shall be paid an annual salary by the board of chosen freeholders in the amount of \$25,000.00. The salary of a judge not required to devote his entire time to his judicial duties shall be paid by the board in such amount as the board shall determine.

The judges in counties of more than 390,000 inhabitants shall devote their entire time to their judicial duties and shall not engage in the practice of law; except that each judge in office in such a county on the effective date of this act who was not required to devote his entire time to his judicial duties immediately prior to the effectiveness of the 1960 census, shall elect either to continue until the expiration of his term at the same salary as he was then receiving without being required to devote his entire time to his judicial duties, or to devote his entire time to his judicial duties, in which latter case he shall thereafter during the balance of said term devote his entire time to his judicial duties and shall not engage in the practice of law. Any such election shall be evidenced by a notice in writing filed with the Administrative Director of the Courts and with the board of chosen freeholders of the county.

Each judge of the juvenile and domestic relations court of a county who is required to devote his entire time to his judicial duties may be assigned by the Chief Justice of the Supreme Court

to hold temporarily the County Court or county district court of that county and, upon such assignment, shall have all the power, authority and jurisdiction of a judge of the County Court or county district court.

2. This act shall take effect immediately.

Approved May 18, 1967.

CHAPTER 59

AN ACT concerning limitations of actions and supplementing chapter 14 of Title 2A of the New Jersey Statutes.

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

C. 2A:14-1.1 Limitations of actions.

1. No action whether in contract, in tort, or otherwise to recover damages for any deficiency in the design, planning, supervision or construction of an improvement to real property, or for any injury to property, real or personal, or for an injury to the person, or for bodily injury or wrongful death, arising out of the defective and unsafe condition of an improvement to real property, nor any action for contribution or indemnity for damages sustained on account of such injury, shall be brought against any person performing or furnishing the design, planning, supervision of construction or construction of such improvement to real property, more than 10 years after the performance or furnishing of such services and construction. This limitation shall not apply to any person in actual possession and control as owner, tenant, or otherwise, of the improvement at the time the defective and unsafe condition of such improvement constitutes the proximate cause of the injury or damage for which the action is brought.

2. This act shall take effect immediately.

Approved May 18, 1967.

CHAPTER 60

AN ACT providing for State aid to qualified schools of professional nursing.

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

C. 18:22-128 Definitions.

1. As used in this act:

(a) "School of professional nursing" means a school in New Jersey offering a program of nursing instruction not exceeding more than 3 years beyond high school, which is affiliated with a hospital and holds a certificate of accreditation issued by the New Jersey Board of Nursing, provided that said school is not eligible to receive State aid for its nursing program under any other law.

(b) "Chancellor" means the chancellor of the Department of Higher Education or his designated representative;

(c) "Operational expense" means those funds devoted to or required for the regular or ordinary expense of the school of professional nursing, including administration, maintenance and salary expenses; and

(d) "Full-time student" means any student who enters a school of professional nursing to begin a program of nursing instruction after July 1, 1967 and who is a resident of this State.

C. 18:22-129 State aid.

2. A school of professional nursing may apply for and receive State aid towards the operational expense of said school. The application shall be upon forms prepared and provided by the chancellor and shall contain such information as the chancellor shall require. Each application shall be first submitted to the New Jersey Board of Nursing who shall certify thereon whether said school is accredited and whether or not said accreditation has been suspended or revoked.

C. 18:22-130 Request for State aid.

3. The chancellor shall formulate annual budget requests for funds for State aid for qualified schools of professional nursing. Within the limits of funds appropriated to the Department of Higher Education for said purpose, any school of professional nursing whose application has been approved by the chancellor,

shall be entitled to receive State aid for the operational expense of the school to the extent of $\frac{1}{2}$ thereof or \$600.00 per full-time student, whichever is the lesser amount.

C. 18:22-131 Rules and regulations.

4. The chancellor may adopt such rules and regulations as shall be necessary to implement the provisions of this act.

5. This act shall take effect on July 1, 1967.

Approved May 23, 1967.

CHAPTER 61

AN ACT concerning municipalities in relation to zoning, authorizing and providing for planned communities as herein defined, and supplementing chapter 55 of Title 40 of the Revised Statutes.

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

C. 40:55-55 Purposes.

1. Purposes. In order that the public health, safety, morals and general welfare be furthered in an era of increasing urbanization and of growing demand for housing of all types and design; to provide for necessary commercial and educational facilities conveniently located to such housing; to provide for well located, clean, safe, pleasant industrial sites involving a minimum of strain on transportation facilities; to encourage the planning of new towns; to insure that the provisions of Revised Statutes 40:55-30, et seq., which direct the uniform treatment of dwelling type, bulk, density and open space within each zoning district, shall not be applied to the improvement of land by other than lot by lot development in a manner that would distort the objectives of Revised Statutes 40:55-30, et seq.: to encourage innovations in residential, commercial and industrial development and renewal so that the growing demands of the population may be met by greater variety in type, design and layout of buildings and by the conservation and more efficient use of open space ancillary to said buildings; so that greater opportunities for better housing and recreation, shops and

industrial plants conveniently located to each other may extend to all citizens and residents of this State; and in order to encourage a more efficient use of land and of public services, or private services in lieu thereof, and to reflect changes in the technology of land development so that resulting economies may enure to the benefit of those who need homes; to lessen the burden of traffic on streets and highways; to encourage the building of new towns incorporating the best features of modern design; to conserve the value of the land; and, in aid of these purposes, to provide a procedure which can relate the type, design and layout of residential, commercial and industrial development to the particular site and the particular demand for housing and other facilities including the foregoing at the time of development in a manner consistent with the preservation of the property values within established residential areas and to insure that the increased flexibility of substantive regulations over land development authorized herein is subject to such administrative standards and procedures as shall encourage the disposition of proposals for land development without undue delay, the following powers are granted to all municipalities not in derogation of powers heretofore granted.

C. 40:55-56 Application of statute.

2. Application of statute. The powers granted herein may be exercised by any municipality which enacts an ordinance that shall:

- (a) Refer to this act;
- (b) Include a statement of objectives of development, as herein defined;
- (c) Designate the municipal authority which shall exercise the powers of the municipal authority, as herein defined;
- (d) Set forth the standards of development consistent with the provisions of section 3 hereof; and
- (e) Set forth the procedures pertaining to the application for, hearing on and tentative and final approval of a planned unit development, which shall be consistent with sections 5 through 9 of this act.
- (f) Require a finding by the municipal authority, prior to tentative approval of any plan for a planned unit development as provided herein, that said plan is in general conformity with the provisions of Revised Statutes 40:55-32 and any master plan for the municipality adopted pursuant to the "Municipal Planning Act," chapter 433 of the laws of 1953, and that the proposed planned

unit development will not have a substantially adverse effect on the development of the neighboring area.

The enactment of an ordinance pursuant to the powers granted herein, and the enactment of an amendment thereto, shall be in accordance with the procedures required for the adoption of an amendment to a zoning ordinance as provided in Revised Statutes 40:55-34 and Revised Statutes 40:49-2, et seq.

C. 40:55-57 Standards and conditions.

3. Standards and conditions for planned unit development. Every ordinance adopted pursuant to the provisions of this act shall set forth the standards and conditions by which a proposed planned unit development shall be evaluated. The municipal authority may prescribe, from time to time, rules and regulations to supplement the standards and conditions set forth in the ordinance provided (1) said rules and regulations are not inconsistent with said standards and conditions, (2) said rules and regulations are placed of public record, and (3) any amendment or change of said rules and regulations shall not apply to any plan for which an application for tentative approval has been made prior to the placing of public record of said amendment or change. Said standards and conditions and all supplementary rules and regulations established for a particular planned development authorized pursuant to such ordinance shall not be inconsistent with the following provisions:

(a) Permitted uses. An ordinance adopted pursuant to this act shall set forth the uses permitted in a planned unit development, which uses may include and shall be limited to (1) dwelling units in detached, semidetached, attached, groups of attached or clustered or multistoried structures, or any combination thereof; and (2) any nonresidential use, to the extent such nonresidential use is designed and intended to serve the residents of the planned unit development, and such other uses as exist or may reasonably be expected to exist in the future, and (3) public and private educational facilities, and (4) industrial uses and buildings.

An ordinance may establish regulations setting forth the timing of development among the various types of uses and subgroups thereunder, and may specify whether some nonresidential uses are to be built before, after or at the same time as the residential uses.

(b) Residential density.

(1) An ordinance adopted pursuant to this act shall establish standards governing the density, or intensity of land use, in a planned unit development.

(2) Said standards shall take into account that the density, or intensity of land use, otherwise allowable on the site under the provisions of a zoning ordinance previously enacted pursuant to Revised Statutes 40:55-30, et seq., may not be appropriate for a planned unit development. The standards may vary the density, or intensity of land use, otherwise applicable to the land within the planned unit development in consideration of (a) the amount, location and proposed use of common open space, (b) the location and physical characteristics of the site of the proposed planned unit development, and (c) the location, design and type of dwelling units and other uses.

(3) In the case of a planned unit development proposed to be developed over a period of years, such standards may, to encourage the flexibility of housing density, design and type intended by this act, authorize a deviation in each section to be developed from the density, or intensity of use, established for the entire planned unit development. The ordinance may authorize the municipal authority to allow for a greater concentration of density, or intensity of land use, within some section or sections of development, whether it be earlier or later in the development, than upon others. The ordinance may require that the approval by the municipal authority of a greater concentration of density or intensity of land use for any section to be developed be offset by a smaller concentration in any completed prior stage or by an appropriate reservation of common open space on the remaining land by a grant of easement or by covenant in favor of the municipality, provided that such reservation shall, as far as practicable, defer the precise location of such common open space until an application for final approval is filed, so that flexibility of development which is a prime objective of this act, can be maintained.

(c) Common open space. The standards for a planned unit development established by an ordinance adopted pursuant to this act shall require that any common open space resulting from the application of standards for density, or intensity of land use, be set aside for the use and benefit of the residents in such development and shall include provisions by which the amount and location of any common open space shall be determined and its improvement and maintenance for common open space use be secured, subject, however, to the following:

(1) The ordinance may provide that the municipality may, at any time and from time to time, accept the dedication of

land or any interest therein for public use and maintenance, but the ordinance shall not require, as a condition of the approval of a planned unit development, that land proposed to be set aside for common open space be dedicated or made available to public use. The ordinance may require that the landowner provide for and establish an organization for the ownership and maintenance of any common open space, and that such organization shall not be dissolved nor shall it dispose of any common open space, by sale or otherwise (except to an organization conceived and established to own and maintain the common open space), without first offering to dedicate the same to the municipality or any other government agency.

(2) In the event that the organization established to own and maintain common open space, or any successor organization, shall at any time after establishment of the planned unit development fail to maintain the common open space in reasonable order and condition in accordance with the plan, the municipality may serve written notice upon such organization or upon the residents and owners of the planned unit development setting forth the manner in which the organization has failed to maintain the common open space in reasonable condition, and said notice shall include a demand that such deficiencies of maintenance be cured within 30 days thereof, and shall state the date and place of a hearing thereon which shall be held within 14 days of the notice. At such hearing the municipality may modify the terms of the original notice as to the deficiencies and may give an extension of time within which they shall be cured. If the deficiencies set forth in the original notice or in the modifications thereof shall be cured within said 30 days or any extension thereof, the municipality, in order to preserve the taxable values of the properties within the planned unit development and to prevent the common open space from becoming a public nuisance, may enter upon said common open space and maintain the same for a period of 1 year. Said entry and maintenance shall not vest in the public any rights to use the common open space except when the same is voluntarily dedicated to the public by the residents and owners. Before the expiration of said year, the municipality shall, upon its initiative or upon the request of the organization theretofore responsible for the maintenance of the common open space, call a public hearing upon notice to such organization, or to the residents and owners of the planned unit development, to be

held by the municipal authority, at which hearing such organization or the residents and owners of the planned unit development shall show cause why such maintenance by the municipality shall not, at the election of the municipality, continue for a succeeding year. If the municipal authority shall determine that such organization is ready and able to maintain said common open space in reasonable condition, the municipality shall cease to maintain said common open space at the end of said year. If the municipal authority shall determine such organization is not ready and able to maintain said common open space in a reasonable condition, the municipality may, in its discretion, continue to maintain said common open space during the next succeeding year and subject to a similar hearing and determination, in each year thereafter. The decision of the municipal authority in any such case shall constitute a final administrative decision subject to judicial review.

(3) The cost of such maintenance by the municipality shall be assessed ratably against the properties within the planned unit development that have a right of enjoyment of the common open space, and shall become a tax lien on said properties. The municipality, at the time of entering upon said common open space for the purpose of maintenance, shall file a notice of such lien in the office of the county clerk upon the properties affected by such lien within the planned unit development.

(d) Minimum number of dwelling units. No ordinance adopted pursuant to the provisions of this act shall authorize a planned unit that contains less than 5 dwelling units, or less than 5 commercial uses, or 3 industrial uses, singly or in combination.

(e) Public facilities. The authority granted a municipality by P. L. 1953, chapter 433 (C. 40:55-1.1 et seq.) to establish standards for the location, width, course and surfacing of public streets and highways, alleys, ways for public service facilities, curbs, gutters, sidewalks, street lights, parks, playgrounds, school grounds, storm water drainage, water supply and distribution, sanitary sewers and sewage collection and treatment, shall be vested in the municipal authority for the purposes of this act. The standards applicable to a planned unit development may be different than, or modifications of, the standards and requirements otherwise required of subdivisions authorized under an ordinance adopted pursuant to P. L. 1953, chapter 433 (C. 40:55-1.1 et seq.) provided however, that an ordinance adopted pursuant to this act shall set forth the limits and extent of any modifications or changes in such standards and

requirements in order that a landowner shall be able to know the limits and extent of permissible modifications from the standards otherwise applicable to subdivisions. The limits of such modification or change established in an ordinance adopted pursuant to this act as well as the degree of modification or change within said limits authorized in a particular case by the municipal authority shall take into account that the standards and requirements established in an ordinance adopted pursuant to P. L. 1953, chapter 433 (C. 40:55-1.1 et seq.), may not be appropriate or necessary for land development of the type or design contemplated by this act or for the planning and creation of a planned community.

(f) Other standards and conditions. An ordinance adopted pursuant to this act shall set forth the standards and criteria by which the design, bulk and location of buildings shall be evaluated, and all standards and criteria for any feature of a planned unit development shall be set forth in such ordinance with sufficient certainty to provide reasonable criteria by which specific proposals for a planned unit development can be evaluated. All standards in such ordinance shall not unreasonably restrict the ability of the landowner to relate the plan to the particular site and to the particular demand for housing, commercial or industrial users existing at the time of development.

C. 40:55-58 Enforcement and modification of provisions.

4. Enforcement and modification of provisions of the plan. To further the mutual interest of the residents and owners of the planned community and of the public in the preservation of the integrity of the plan, as finally approved, and to insure that modifications, if any, in the plan shall not impair the reasonable reliance of the said residents and owners upon the provisions of the plan, nor result in changes that would adversely affect the public interest, the enforcement and modification of the provisions of the plan as finally improved, whether recorded by plat, covenant, easement or otherwise, shall be subject to the following provisions.

(a) Enforcement by the municipality. The provisions of the plan relating to (1) the use of land and the use, bulk and location of buildings and structures, (2) the quality and location of common open space, except as provided in section 3 hereof, and (3) the intensity of use or the density of residential units, shall run in favor of the municipality and shall be enforceable in law or in equity by the municipality, without limitation on any powers or regulation otherwise granted the municipality by law.

(b) Enforcement by the residents and owners. All provisions of the plan shall run in favor of the residents and owners of the planned community, but only to the extent expressly provided in the plan and in accordance with the terms of the plan, and to that extent said provisions, whether recorded by plat, covenant, easement or otherwise, may be enforced at law or equity by said residents and owners, acting individually, jointly, or through an organization designated in the plan to act on their behalf; provided, however, that no provisions of the plan shall be implied to exist in favor of residents and owners of the planned unit development except as to those portions of the plan which have been finally approved and have been recorded.

(c) Modification of the plan by the municipality. All those provisions of the plan authorized to be enforced by the municipality under paragraph (a) of this section 4 may be modified, removed or released by the municipality (except grants or easements relating to the service or equipment of a public utility unless expressly consented to by the public utility), subject to the following conditions:

(1) No such modification, removal or release of the provisions of the plan by the municipality shall affect the rights of the residents and owners of the planned unit development to maintain and enforce those provisions, at law or equity, as provided in paragraph (b) of this section 4;

(2) No modification, removal or release of the provisions of the plan by the municipality shall be permitted except upon a finding by the municipal authority, following a public hearing called and held in accordance with the provisions of section 6 of this act, that the same is consistent with the efficient development and preservation of the entire planned unit development, does not adversely affect either the enjoyment of land abutting upon or across a street from the planned unit development or the public interest, and is not granted solely to confer a special benefit upon any person.

(d) Modification by the residents. Residents and owners of the planned unit development may, to the extent and in the manner expressly authorized by the provisions of the plan, modify, remove or release their rights to enforce the provisions of the plan but no such action shall affect the right of the municipality to enforce the provisions of the plan in accordance with the provisions of paragraph (1) of this section 4.

C. 40:55-59 Application for approval.

5. Application for tentative approval of planned unit development. In order to provide an expeditious method for processing a plan for a planned unit development, under the terms of an ordinance adopted pursuant to the powers granted herein, and to avoid the delay and uncertainty which would arise if it were necessary to secure approval, by a multiplicity of local procedures, of a plat of subdivision or resubdivision as well as approval of a change in the zoning regulations otherwise applicable to the property, it is hereby declared to be in the public interest that all procedures with respect to the approval or disapproval of a plan for a planned unit development, and the continuing administration thereof shall be consistent with the following provisions:

(a) An application for tentative approval of the plan for a planned unit development, shall be filed by or on behalf of the landowner;

(b) The application for tentative approval shall be filed by the landowner or any other entity having a cognizable interest in the land, in such form, upon the payment of such a reasonable fee and with such official of the municipality as shall be designated in the ordinance adopted pursuant to this act, and a copy of the plan and said application shall be forwarded to the Division of State and Regional Planning in the Department of Community Affairs;

(c) All planning and subdivision matters relating to the platting, use and development of the planned unit development or planned community and subsequent modifications of the regulations relating thereto, to the extent such modification is vested in the municipality, shall be determined and established by the municipal authority;

(d) The ordinance shall require only such information in the application as is reasonably necessary to disclose to the municipal authority: (1) the location and size of the site and the nature of the landowner's interest in the land proposed to be developed; (2) the density of land use to be allocated to parts of the site to be developed; (3) the location and size of any common open space and the form of organization proposed to own and maintain any common open space; (4) the use and the approximate height, bulk and location of buildings and other structures; (5) the feasibility of proposals for the disposition of sanitary waste and storm water; (6) the substance of covenants, grants of easements or other restrictions proposed to be imposed upon the use of the land, buildings and structures including proposed easements or grants

for public utilities; (7) the provisions for parking of vehicles and the location and width of proposed streets and public ways; (8) the required modifications in the municipal land use regulations otherwise applicable to the subject property, and (9) in the case of plans which call for development over a period of years, a schedule showing the proposed times within which applications for final approval of all sections of the planned unit development or planned community are intended to be filed;

(e) The application for tentative approval of a planned unit development shall include a written statement by the landowner or any other entity having a cognizable interest in the land, setting forth the reasons why, in his opinion, a planned unit development would be in the public interest and would be consistent with the municipal statement of objectives on planned unit development; and

(f) The procedures and approvals provided herein for tentative and final approval of a plan for a planned unit development, and applications for such tentative and final approval, shall be in lieu of all procedures and approvals specified in sections 13, 14, 15, 17, 18, and 21 of chapter 433 of the laws of 1953.

C. 40:55-60 Public hearings.

6. Public hearings. (a) Within 45 days after the filing of an application pursuant to section 5, a public hearing on said application shall be held by the municipal authority, public notice of which hearing shall be given in the manner prescribed in Revised Statutes 40:55-34, et seq., for hearings on amendments to a zoning ordinance. The chairman, or, in his absence, the acting chairman, of the municipal authority may administer oaths and compel the attendance of witnesses. All testimony by witnesses at any hearing shall be given under oath and every party of record at a hearing shall have the right to cross-examine adverse witnesses.

(b) A transcript of the hearing shall be caused to be made by the municipal authority, copies of which shall be made available at cost to any party to the proceedings, and all exhibits accepted in evidence shall be identified and duly preserved, or, if not accepted in evidence, shall be properly identified and the reason for the exclusion clearly noted in the record. Where there is a municipal planning staff the ordinance shall require that a report on the proposed planned unit development by the staff shall be prepared and filed with the authority designated to act, not less than 5 days before the public hearing and available for public inspection during reasonable hours.

(c) The municipal authority may continue the hearing from time to time, and the municipal authority may refer the matter back to the planning staff of the municipality for a further report, a copy of which shall be filed of record without delay, provided, however, that in any event, the public hearing or hearings shall be concluded within 45 days after the date of the first public hearing, unless the landowner shall consent in writing to an extension of time within which the hearing shall be concluded.

C. 40:55-61 Findings.

7. The findings.

(a) The municipal authority shall, within 60 days following the conclusion of the public hearing provided for in section 6, by written resolution either (1) grant tentative approval of the plan as submitted, (2) grant tentative approval subject to specified conditions not included in the plan as submitted, or (3) deny tentative approval to the plan. Failure of the municipal authority to so act within said period shall be deemed to be a grant of tentative approval of the plan as submitted. In the event tentative approval is granted, other than by lapse of time, either of the plan as submitted or of the plan with conditions, the municipal authority shall, as part of its resolution, specify the drawings, specifications and form of performance bond that shall accompany an application for final approval. In the event tentative approval is granted subject to conditions, the landowner shall, within 45 days after receiving a copy of the written resolution of the municipal authority, notify the municipal authority of his acceptance of or his refusal to accept all said conditions. In the event the landowner refuses to accept all said conditions the municipal authority shall be deemed to have denied tentative approval of the plan. In the event the landowner does not, within said period, notify the municipal authority of his acceptance of or his refusal to accept all said conditions, tentative approval of the plan, with all said conditions, shall stand as granted. Nothing contained herein shall prevent the municipal authority and the landowner from mutually agreeing to a change in such conditions, and the municipal authority may, at the request of the landowner, extend the time during which the landowner shall notify the authority of his acceptance or refusal to accept the conditions.

(b) The grant or denial of tentative approval by written resolution shall include not only conclusions but also findings of fact related to the specific proposal and shall set forth the reasons for the grant, with or without conditions, or for the denial, and said

resolution shall set forth with particularity in what respects the plan would or would not be in the public interest including but not limited to findings of fact and conclusions on the following:

(1) In what respects the plan is or is not consistent with the statement of objectives of a planned unit development;

(2) The extent to which the plan departs from zoning and subdivision regulations otherwise applicable to the subject property, including but not limited to density, bulk and use, and the reasons why such departures are not deemed to be in the public interest;

(3) The purpose, location and amount of the common open space in the planned unit development, the reliability of the proposals for maintenance and conservation of the common open space, and the adequacy or inadequacy of the amount and purpose of the common open space as related to the proposed density and type of development;

(4) The physical design of the plan and the manner in which said design does or does not make adequate provision for public services, provide adequate control over vehicular traffic, and further the amenities of light and air, recreation and visual enjoyment;

(5) The relationship, beneficial or adverse, of the proposed planned unit development to be neighborhood in which it is proposed to be established; and

(6) In the case of a plan which proposes development over a period of years, the sufficiency of the terms and conditions intended to protect the interests of the public and of the residents and owners of the planned unit development in the integrity of the plan.

(c) In the event a plan is granted tentative approval, with or without conditions, the municipal authority shall set forth in the written resolution the time within which an application for final approval of the plan shall be filed or, in the case of a plan which provides for development over a period of years, the periods of time within which applications for final approval of each part thereof shall be filed. The time so established between grant of tentative approval and an application for final approval shall not be less than 3 months and, in the case of developments over a period of years, the time between applications for final approval of each part of a plan shall be not less than 6 months; provided nothing herein contained shall be construed to limit a landowner from the presentation of any application for final approval earlier than the time period hereinabove set forth.

C. 40:55-62 Status after approval.**8. Status of plan after tentative approval.**

(a) Within 5 working days after the adoption of the written resolution provided for in section 7, it shall be certified by the clerk of the municipality and shall be filed in his office, and a certified copy shall be mailed to the landowner. Where tentative approval has been granted, the same shall be noted on the zoning map maintained in the office of the clerk of the municipality.

(b) Tentative approval of a plan shall not qualify a plat of the planned unit development for recording nor authorize development or the issuance of any building permits. A plan which has been given tentative approval as submitted, or which has been given tentative approval with conditions which have been accepted by the landowner (and provided that the landowner has not defaulted nor violated any of the conditions of the tentative approval), shall not be modified, revoked or otherwise impaired by action of the municipality pending an application or applications for final approval, without the consent of the landowner, provided an application for final approval is filed or, in the case of development over a period of years, provided applications are filed, within the periods of time specified in the resolution granting tentative approval.

(c) In the event that a plan is given tentative approval and thereafter, but prior to final approval, the landowner shall elect to abandon part or all of said plan and shall so notify the municipal authority in writing, or in the event the landowner shall fail to file application or applications for final approval within the required period of time or times, as the case may be, the tentative approval shall be deemed to be revoked and all that portion of the area included in the plan for which final approval has not been given shall be subject to those local ordinances applicable thereto, as they may be amended from time to time, and the same shall be noted on the zoning map in the office of the clerk of the municipality and in the records of the clerk of the municipality.

C. 40:55-63 Final approval.**9. Application for final approval.**

(a) An application for final approval may be for all the land included in a plan or, to the extent set forth in the tentative approval, for a section thereof. Said application shall be made to the official of the municipality designated by the ordinance and within the time or times specified by the resolution granting tentative approval. The application shall include such drawings, speci-

fications, covenants, easements, conditions and form of performance bond as were set forth by written resolution of the municipal authority at the time of tentative approval. A public hearing on an application for final approval of the plan, or part thereof, shall not be required, provided the plan, or the part thereof, submitted for final approval, is in substantial compliance with the plan theretofore given tentative approval.

(b) A plan submitted for final approval shall be deemed to be in substantial compliance with the plan previously given tentative approval provided any modification by the landowner of the plan as tentatively approved does not: (1) vary the proposed gross residential density or intensity of use by more than 5%; or (2) involve a reduction of the area set aside for common open space nor the substantial relocation of such area; nor (3) increase by more than 10% the floor area proposed for nonresidential use; nor (4) increase by more than 5% the total ground areas covered by buildings nor involve a substantial change in the height of buildings. A public hearing shall not be held to consider modifications in the location and design of streets or facilities for water and for disposal of storm water and sanitary sewerage.

(c) A public hearing shall not be held on an application for final approval of a plan when said plan as submitted for final approval is in substantial compliance with the plan as tentatively approved. The burden shall nevertheless be upon the landowner to show the municipal authority good cause for any variation between the plan as tentatively approved and the plan as submitted for final approval. In the event a public hearing is not required for final approval, and the application for final approval has been filed, together with all drawings, specifications and other documents in support thereof, and as required by the resolution of tentative approval, the municipality shall, within 45 days of such filing, grant such plan final approval; provided, however, that, in the event the plan as submitted contains variations from the plan given tentative approval but remains in substantial compliance with the plan as submitted for tentative approval, the municipal authority may after a meeting with the landowner, refuse to grant final approval and shall, within 45 days from the filing of the application for final approval, so advise the landowner in writing of said refusal, setting forth in said notice the reasons why one or more of said variations are not in the public interest. In the event of said refusal the landowner may (1) file his application for final approval without the variations objected to by the municipal authority on or before the last

day of the time within which he was authorized by the resolution granting tentative approval to file for final approval, or within 30 days from the date he received notice of said refusal, whichever date shall last occur; or (2) treat the refusal as a denial of final approval and so notify the municipal authority.

(d) In the event the plan as submitted for final approval is not in substantial compliance with the plan as given tentative approval, the municipal authority shall, within 45 days of the date the application for final approval is filed, so notify the landowner in writing, setting forth the particular ways in which the plan is not in substantial compliance. The landowner may: (1) treat said notification as a denial of final approval; or (2) refile his plan in a form which is in substantial compliance with the plan as tentatively approved; or (3) file a written request with the municipal authority that it hold a public hearing on his application for final approval. If the landowner shall elect either alternative (2) or (3) above he may refile his plan or file a request for a public hearing, as the case may be, on or before the last day of the time within which he was authorized by the resolution granting tentative approval to file for final approval, or 30 days from the date he receives notice of said refusal, whichever date shall last occur. Any such public hearing shall be held within 30 days after request for the hearing is made by the landowner, and notice thereof shall be given and the hearings shall be conducted in the manner prescribed in section 6 of this act. Within 45 days after the conclusion of the hearing, the municipal authority shall by resolution either grant final approval to the plan or deny final approval to the plan. The grant or denial of final approval of the plan shall, in cases arising under this paragraph (d), be in the form and contain the findings required for a resolution on an application for tentative approval set forth in section 6 of this act.

(e) In the event the municipal authority fails to act, either by grant or denial of final approval of the plan within the time prescribed, the landowner may, after 20 days' written notice to the municipal authority, file a complaint in the Superior Court, Law Division, and upon showing that the municipal authority has failed to act either within the time prescribed, or subsequent to the receipt of the written notice provided for in this paragraph (e) and that the landowner has complied with the procedures set forth in this section 9, the plan shall be deemed to have been finally approved and the court shall, upon a summary proceeding, enter an order directing the county clerk to record the plan as submitted

for final approval without the approval of the municipal authority. A plan so recorded shall have the same force and effect as though that plan had been given final approval by the municipal authority.

(f) A plan, or any part thereof, which has been given final approval by the municipal authority shall be so certified without delay by the clerk of the municipality and shall be filed of record forthwith in the office of the county clerk before any development shall take place in accordance therewith. Upon the filing of record of the plan all other ordinances and subdivision regulations otherwise applicable to the land included in the plan shall cease to apply thereto. Pending completion within 5 years of said planned unit development or of that part thereof, as the case may be, that has been finally approved, no modification of the provisions of said plan, or part thereof, as finally approved, shall be made nor shall it be impaired by act of the municipality, except with the consent of the landowner.

(g) In the event that a plan, or a section thereof, is given final approval and thereafter the landowner shall abandon said plan or the section thereof that has been finally approved, and shall so notify the municipal authority in writing; or, in the event the landowner shall fail to commence the planned unit development within 18 months after final approval has been granted, then and in that event such final approval shall terminate and be deemed null and void unless such time period is extended by the municipal authority upon written application of the landowner.

C. 40:55-64 Judicial review.

10. Judicial review. Any decision of the municipal authority under this act granting or denying tentative approval of a plan or authorizing or refusing to authorize a modification in a plan shall be deemed to be a final administrative decision and shall be subject to judicial review.

C. 40:55-65 Definitions.

11. Definitions.

(a) "Common open space" is a parcel or parcels of land or an area of water, or a combination of land and water within the site designated for a planned unit development, and designed and intended for the use or enjoyment of residents and owners of the planned unit development. Common open space may contain such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of residents and owners of the planned unit development.

(b) "Landowner" shall mean the legal or beneficial owner or owners of all of the land proposed to be included in a planned unit development. The holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land, shall be deemed to be a landowner for the purposes of this act.

(c) "Municipal authority" shall mean the governing body of a municipality, or the planning board continued or created by a municipality pursuant to chapter 433 of the laws of 1953, which shall administer any ordinance adopted pursuant to this act.

(d) "Plan" shall mean the provisions for development of a planned unit development, including a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, private streets, ways and parking facilities, common open space and public facilities. The phrase "provisions of the plan" when used in this act shall mean the written and graphic materials referred to in this definition.

(e) "Planned unit development" or, in the alternative, "planned community" or "new town" is an area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, including commercial and industrial uses, if any, the plan for which does not correspond in lot size, bulk or type of dwelling or commercial or industrial use, density, lot coverage and required open space to the regulations established in any one or more districts created, from time to time, under the provisions of a municipal zoning ordinance enacted pursuant to Revised Statutes 40:55-30, et seq.

(f) "Statement of objectives for planned unit development" shall be a written statement of the goals of the municipality with respect to land use for various purposes, density of population, direction of growth, location and function of streets and other public facilities, and common open space for recreation or visual benefit, or both, and such other factors as the municipality may find relevant in determining whether a planned unit development, planned community or new town shall be authorized.

C. 40:55-66 Powers granted.

12. Any municipality may avail itself of the powers granted herein in whole or in part. Nothing contained herein shall preclude the creation of planned industrial development districts, planned commercial development districts, or the placing of various kinds of planned districts within one development.

C. 40:55-67 Validity of act.

13. This act shall be construed most favorably to municipalities, its intention being to give all municipalities the fullest and most complete powers possible concerning the subject matter hereof.

Should any section or provision of this act be held to be unconstitutional or invalid, such determination shall not affect the constitutionality or validity of the remainder hereof.

C. 40:55-54 Title of act.

14. This act shall be known and may be cited as the "Municipal Planned Unit Development Act (1967)."

15. This act shall take effect immediately.

Approved May 23, 1967.

CHAPTER 62

AN ACT concerning pensions and providing for pensions to certain public employees.

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

1. Any public employee who served honorably in the Army of the United States during World War I and who is at least 70 years of age, having served more than 37 years in the public service, including 3 years in the New Jersey Legislature, more than 12 years in the Congress of the United States as a member from New Jersey, and as an employee of the State for the last 21 years, shall be retired, upon application therefor, and shall receive a pension for the remainder of his life from the State of 75% of the compensation he received in the last year of employment.

2. Any pension payable under this act to a retired employee shall be in lieu of the pension and insurance benefits which would accrue to the said employee or his beneficiary under any retirement system established by the State.

3. The payment of pensions granted pursuant to this act shall be provided for in the budget of the State. If the State was contributing to a retirement system on behalf of said employee, the adoption of the provisions of this act and the payment of pension provided hereunder shall be considered a discharge of the employ-

er's liability to the retirement system with respect to such employee so that a credit for the discharge of such liabilities shall be reflected in the subsequent valuations of the State's liabilities under the retirement system for all other employees.

Upon the employee's acceptance of the pension granted pursuant to this act and as a condition thereof, the employee shall pay over to the State the value of his contributions and interest which was credited to his account in any retirement system established by the State in order to defray part of the cost of the pension to be paid by the employer.

4. For the purposes of this act the term "public employee" shall be deemed to mean and include a person who holds or has held an office, position or employment in State Government.

5. This act shall take effect immediately.

Approved May 23, 1967.

CHAPTER 63

AN ACT making appropriations for the support of the State Government and for several public purposes for the fiscal year ending June 30, 1968, and regulating the disbursement thereof.

ANTICIPATED RESOURCES FOR THE FISCAL YEAR 1967-68

Surplus

Estimated balance, July 1, 1967	\$62,438,096
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Major Tax and Fee Revenues

Transfer inheritance tax	\$60,000,000
Railroad taxes—franchise	500,000
Miscellaneous corporation tax—domestic and foreign	94,000,000
Domestic life insurance corporation tax	1,400,000
Foreign insurance corporation tax	27,000,000
Alcoholic beverage tax	35,000,000
Cigarette tax	100,000,000
Pari-mutuel tax	29,500,000
Motor fuels tax	154,000,000

Motor vehicle fees, et cetera	102,000,000
Motor carriers road tax	2,000,000
Motor vehicle security-responsibility law admin- istration	1,089,355
Public utility surtax	15,500,000
State sales tax	222,500,000
Emergency transportation tax	11,500,000

Other Tax, License, Fee and Departmental Revenues

Department of Law and Public Safety:

Bureau of Securities—license fees	\$105,000
Beverage licenses	1,000,000
Amusement games control fees	70,000
Professional examining boards fees	775,646
Beauty Culture Control licenses	331,000
Division of State Police—miscellaneous receipts	75,000
Division of Motor Vehicles—miscellaneous re- ceipts	10,000
Division of Weights and Measures	36,000
Bus excise tax	350,000

Department of the Treasury:

Investment earnings	5,500,000
Interest on deposits	400,000
Escheats, personal property (14-year law)	150,000
Outdoor advertising permits and fees	130,000
Dividends	18,870
Public utility tax administration	56,000
Pensions and social security administration	1,300,000
Pension contributions from special fund sources	2,400,000
Social security contributions from special fund sources	750,000
Rutgers, The State University—employer contri- butions reimbursement	400,000
Federal aid: Unemployment Benefits Section— Treasury Department	83,640
Health benefits contributions from special fund sources	450,000
Rent of State building space	150,000

Department of State:

General revenue—fees	2,350,000
Uniform commercial codes—fees	160,000
Commissions	165,000
Office of Athletic Commissioner	15,000

Department of Banking and Insurance:	
Examining and other fees	2,875,000
Real Estate Commission	730,000
Department of Agriculture:	
General fees	61,000
Milk Control licenses and fees	373,000
Fertilizer inspection and other fees	110,000
Department of Defense:	
Armory rentals	65,000
Federal aid: general	253,500
Federal aid: Civil Defense	250,000
Department of Public Utilities:	
General revenue—fees	380,000
Department of Health:	
General fees	240,000
Rabies Control licenses	165,948
Board of Barber Examiners—licenses and fees ..	112,000
Department of Labor and Industry:	
General revenues, licenses, fees, et cetera	593,000
Second Injury Workmen's Compensation insur-	
ance tax	45,272
Second Injury Workmen's Compensation admin-	
istration tax	50,000
Federal aid: Vocational rehabilitation	6,513,338
Federal aid: Statistical services	36,000
Department of Conservation and Economic	
Development:	
Hunters' and Anglers' licenses	1,935,028
Federal aid: Public Hunting and Fishing	
Grounds	170,000
Division of Parks, Forestry and Recreation:	
Bureau of Parks	900,000
Bureau of Recreation	1,200
Bureau of Forestry	20,000
Federal aid: forest nursery and farm forestry .	226,000
Bureau of Navigation—Motor Boat Numbering	
Act	350,000
Bureau of Navigation—other fees	187,000
Pilot Commissioners' receipts	22,125
Excess water diversion fees	350,000
Well drillers' licenses and permits	17,000

Delaware and Raritan Canal—rentals and sales	450,000
Round Valley—Spruce Run—sale of water	225,000
Division of Shell Fisheries—licenses and fees	85,000
Morris Canal fund receipts	52,602
Department of Education and/or Higher Education:	
Academic certificate fees	41,300
State Board of Examiners—fees	123,000
State Museum—service charges	5,000
Federal aid: Smith-Hughes, George-Barden funds	361,000
State Colleges—	
Glassboro:	
Tuition—regular	510,000
Demonstration school	98,800
Miscellaneous	12,000
Cafeteria and boarding halls fees	954,812
Summer, extension, field, graduate fees	770,080
Other student fees	92,400
Jersey City:	
Tuition—regular	405,000
Miscellaneous	11,000
Cafeteria and boarding halls fees	94,020
Summer, extension, field, graduate fees	690,000
Other student fees	72,800
Newark:	
Tuition—regular	465,000
Demonstration school	84,880
Miscellaneous	15,000
Cafeteria and boarding halls fees	188,958
Summer, extension, field, graduate fees	900,000
Other student fees	90,100
Paterson:	
Tuition—regular	450,000
Cafeteria and boarding halls fees	217,250
Summer, extension, field, graduate fees	500,000
Miscellaneous	11,500
Other student fees	77,500
Montclair:	
Tuition—regular	604,500
Miscellaneous	12,000
Cafeteria and boarding halls fees	570,000

Summer, extension, field, graduate fees	325,000
Home Economics program (Federal)	15,000
Other student fees	111,000
Trenton:	
Tuition—regular	498,000
Miscellaneous	8,000
Cafeteria and boarding halls fees	1,048,200
Summer, extension, field, graduate fees	1,125,000
Other student fees	97,800
Marie H. Katzenbach School for the Deaf—board and fees	13,700
School of Conservation—tuition and fees	248,639
Agricultural Experiment Station—fees	60,000
Department of Transportation:	
Division of Aeronautics fees	60,000
Miscellaneous receipts	100,000
Department of Institutions and Agencies:	
Board of patients and other income	36,300,000
Adoption law fees	190,000
Federal aid: soldiers' homes	325,000
Federal aid: Bureau of Children's Services	1,145,975
Federal aid: administration of Bureau of Assist- ance and central office	1,114,000
Federal aid: administration of blind	830,000
Federal aid: mental health services	98,541
Department of Community Affairs:	
Division of Housing and Urban Renewal—fees	127,000
Division of Local Finance—fees	120,000
Delaware River Joint Toll Bridge Commission:	
Pennsylvania's share	223,135
Rentals and miscellaneous income	1,401
Judiciary:	
Court fees	3,789,500
Unclassified:	
Miscellaneous revenues	300,000
Total Revenues	<u>\$947,767,315</u>

Interfund Transfers

Unclaimed Bank Deposits Escheat Fund	\$56,250
Unclaimed Life Insurance Escheat Fund	75,000
School Fund income	1,050,000
1837 Surplus Revenue Fund income	26,500
State 1960 Institution Construction Fund	21,000
State 1964 Institution Construction Fund	100,000
State Recreation and Conservation Land Acquisition Fund	598,000
Unsatisfied Claim and Judgment Fund	308,312
State Water Development Fund	76,500
State Disability Benefits Fund	2,365,872
Interest on deposits (trust funds)	115,900
Total Interfund Transfers	\$4,793,334
Total Resources Available for Appropriations	\$1,014,998,745

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

Annual appropriations.

1. The appropriations herein made or so much thereof as may be necessary are hereby appropriated out of the General State Fund, or such other sources of funds specifically indicated or as may be applicable, for the respective public officers and for the several purposes herein specified for the fiscal year ending on June 30, 1968. The appropriations herein made shall be available during said fiscal year and for a period of 2 months thereafter for expenditures applicable to said fiscal year. At the expiration of said 2 months' period, all unexpended balances except those specifically held by approved encumbrance requests covering detailed applications received or held by contracts on file as of June 30, 1968 with the Director, Division of Budget and Accounting shall lapse into the State treasury or, in cases of appropriations from special funds, shall lapse to the credit of such special funds. Nothing in this section or in this act contained shall be construed to prohibit the payment due upon any contract made under any appropriation contained in any appropriation bill of the previous year or years.

GENERAL STATE PURPOSES

LEGISLATURE

001-100. *Senate*

Salaries:

Senators (40)	\$302,500
Members' staff services	100,000
Other employees	160,000

\$562,500

Materials and Supplies	164,600
Services Other Than Personal	154,371
Maintenance of Property	250
Additions and Improvements	3,000

Total Appropriation, Senate \$884,721

The unexpended balance in this account as of June
30, 1967 is hereby appropriated.

002-100. *General Assembly*

Salaries:

Assemblymen (80)	\$602,500
Members' staff services	120,000
Other employees	96,000

\$818,500

Materials and Supplies	206,800
Services Other Than Personal	258,450
Maintenance of Property	7,000
Additions and Improvements	3,000

Total Appropriations, General Assembly .. \$1,293,750

The unexpended balance in this account as of June
30, 1967 is hereby appropriated.

Total Appropriation, Legislature \$2,178,471

003-100. LAW REVISION AND LEGISLATIVE

SERVICES COMMISSION

Salaries	\$293,590
Materials and Supplies	15,500
Services Other Than Personal	43,475

Maintenance of Property:

Recurring	\$600	
Non-Recurring and Replacements ..	1,000	
		1,600

Extraordinary:

To meet anticipated increase in demand for staff and other services due to enlarged membership of the Senate and General Assembly per Constitutional Amendments adopted November 8, 1966	50,000	
Additions and Improvements	1,500	

Total Appropriation, Law Revision and Legislative Services Commission	\$405,665
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The unexpended balance in this account as of June 30, 1967 is hereby appropriated.

004-100. LEGISLATIVE BUDGET AND FINANCE
DIRECTOR

Salaries:

Other employees	\$138,707	
New positions	13,280	
		\$151,987

Materials and Supplies	2,700	
Services Other Than Personal	7,526	
Maintenance of Property	350	
Additions and Improvements	1,000	

Total Appropriation, Legislative Budget and Finance Director	\$163,563
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The unexpended balance in this account as of June 30, 1967 is hereby appropriated.

005-100. STATE AUDITOR'S DEPARTMENT

Salaries:

State Auditor	\$15,000	
Other employees	496,570	
		\$511,570

Materials and Supplies	1,750	
Services Other Than Personal	35,811	

Maintenance of Property:

Recurring	\$1,000	
Non-Recurring and Replacements ..	3,000	
		4,000

Total Appropriation, State Auditor's Department	\$553,131
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MISCELLANEOUS LEGISLATIVE COMMISSIONS

010-100. *Commission on Interstate Co-operation*

Salaries	\$600
Materials and Supplies	240
Services Other Than Personal	4,150

Extraordinary:

Commitments to Interstate Agencies:

The Council of State Governments	\$38,925	
Atlantic States Marine Fisheries Commission	2,500	
National Conference of Commissioners on Uniform State Laws	2,450	
		43,875

Total Appropriation	\$48,865
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011-100. *Commission on State Tax Policy*

The unexpended balance in this account as of June 30, 1967 is hereby appropriated.

023-100. *Corporation Law Revision Commission*

The unexpended balance in this account as of June 30, 1967 is hereby appropriated.

024-100. *Insurance Law Revision Commission*

The unexpended balance in this account as of June 30, 1967 is hereby appropriated.

027-100. *State Capitol Development Commission*

The unexpended balance in this account as of June
30, 1967 is hereby appropriated.

028-100. *Narcotic Drug Study Commission*

Extraordinary:

Expenses of the Commission	\$15,000
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The unexpended balance in this account as of June
30, 1967 is hereby appropriated.

029-100. *Commission to Study Tort Liability of Counties
and Municipalities*

The unexpended balance in this account as of June
30, 1967 is hereby appropriated.

030-100. *Eminent Domain Revision Commission*

The unexpended balance in this account as of June
30, 1967 is hereby appropriated.

031-100. *Meadowlands Development Commission*

The unexpended balance in this account as of June
30, 1967 is hereby appropriated.

032-100. *Election Law Revision Commission*

The unexpended balance in this account as of June
30, 1967 is hereby appropriated.

035-100. *Commission to Study the Arts in New Jersey*

The unexpended balance in this account as of June
30, 1967 is hereby appropriated.

036-100. *Commission on Efficiency and Economy in State
Government*

Extraordinary:

Expenses of the Commission	\$75,000
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The unexpended balance in this account as of June
30, 1967 is hereby appropriated.

038-100. *Highway and Traffic Safety Study Commission*

The unexpended balance in this account as of June
30, 1967 is hereby appropriated.

039-100. *County and Municipal Government Study Commission*

Extraordinary:

Expenses of the Commission \$35,000

The unexpended balance in this account as of June
30, 1967 is hereby appropriated.

040-100. *State Aid to School Districts Study Commission*

The unexpended balance in this account as of June

30, 1967 is hereby appropriated.

041-100. *Commission to Study the Causes and Prevention of
Crime in New Jersey*

Extraordinary:

Expenses of the Commission \$25,000

The unexpended balance in this account as of June
30, 1967 is hereby appropriated.

042-100. *Public and School Employee's Grievance Procedure
Study Commission*

The unexpended balance in this account as of June

30, 1967 is hereby appropriated.

043-100. *Commission to Study the Workmen's Compensation Law*

The unexpended balance in this account as of June

30, 1967 is hereby appropriated.

044-100. *Commission to Study the Relationship Between the
Public and Private School Systems in New Jersey*

The unexpended balance in this account as of June

30, 1967 is hereby appropriated.

045-100. *Motor Vehicle Study Commission*

Extraordinary:

Expenses of the Commission \$5,000

047-100. *Rules of Evidence Study Commission*

Extraordinary:

Expenses of the Commission \$20,000

Total Appropriation, Miscellaneous Legisla-
tive Commissions \$223,865

080-100. CHIEF EXECUTIVE'S OFFICE

Salaries:

Governor	\$35,000	
Secretary to the Governor	18,000	
Other employees	286,773	
New positions	13,464	

\$353,237

Materials and Supplies 21,000

Services Other Than Personal 44,200

Maintenance of Property:

Recurring	\$1,500	
Non-Recurring and Replacements ..	2,000	

3,500

Extraordinary:

For expenditure by the Governor of funds not otherwise appropriated, including official reception on behalf of the State, incidental expenses, and operation of an official residence	\$35,000	
Governor's Annual Art Purchase Award	5,000	

40,000

Total Appropriation, Chief Executive's Office \$461,937

The unexpended balance in this account as of June
30, 1967 is hereby appropriated.

DEPARTMENT OF LAW AND PUBLIC SAFETY

100-100. *Office of the Attorney General*

Salaries:

Attorney General	\$25,000	
Other employees	126,293	

\$151,293

Materials and Supplies 630

Services Other Than Personal 9,947

Maintenance of Property 135

Total Appropriation, Office of the Attorney
General \$162,005

There are hereby appropriated out of the Veterans' Guaranteed Loan Fund established pursuant to R. S. 38:23-B such sums as may be necessary to pay for the administration thereof.

110-100. *Division of Law*

Salaries:

Other employees	\$955,342
New positions	73,640

\$1,028,982

Materials and Supplies	33,180
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Services Other Than Personal	84,077
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Maintenance of Property:

Recurring	\$1,300
Non-Recurring and Replacements ..	1,480

2,780

Extraordinary:

To carry out the provisions of chapter 23, P. L. 1967 concerning Consumer Protection	90,000
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Additions and Improvements	1,070
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Total Appropriation, Division of Law	\$1,240,089
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Expenditures for the cost of securing evidence of violations under Title 19 and assisting in the prosecution of such violations shall be paid from the appropriation hereinabove set forth, provided that such expenditures shall be subject to the approval of the Governor.

The unexpended balance, not to exceed \$50,000, as of June 30, 1967 in the revolving fund established to provide for expenses in operating R. S. 48:2-31.1 et seq., together with all receipts, is hereby appropriated for use during 1967-68.

115-100. *Division on Civil Rights*

Salaries:

Other employees	\$242,323
New positions	36,231

\$278,554

Materials and Supplies	14,230
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Services Other Than Personal	62,081
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Maintenance of Property:

Recurring	\$900	
Non-Recurring and Replacements ..	500	
		1,400
Additions and Improvements		3,913

Total Appropriation, Division on Civil Rights	\$360,178
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120-100. *Division of State Police*

Salaries:

Colonel and Superintendent	\$20,000	
Deputy Superintendent	15,000	
Executive Officer	14,000	
Other employees	9,858,030	
New positions	339,568	
Positions established from lump sum appropriation	54,011	
New positions—Cash in lieu of maintenance	63,720	
		\$10,364,329

Materials and Supplies	716,752
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Services Other Than Personal	709,309
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Maintenance of Property:

Recurring	\$134,450	
Non-Recurring and Replacements ..	478,760	
		613,210

Extraordinary:

Compensation awards	50,000
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Additions and Improvements	132,021
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Total Appropriation, Division of State Police	\$12,585,621
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In addition to the amounts hereinabove specifically appropriated to the Division of State Police, there are appropriated such sums as may be received or receivable from any instrumentality or public authority for the cost of all State Police services furnished thereto; provided, however, that payments from such authorities or instrumentalities for employer contributions to the

State Police Retirement System shall be paid
into the General State Fund.

125-100. *Police Training Commission*

Salaries	\$60,159
Materials and Supplies	4,535
Services Other Than Personal	8,943
Maintenance of Property:	
Recurring	\$350
Non-Recurring and Replacements ..	1,000
	1,350
Extraordinary:	
Police Administration Chair at Rutgers Univer-	
sity	40,000
Additions and Improvements	2,884
Total Appropriation, Police Training Com-	
mission	\$117,871

130-100. *Division of Alcoholic Beverage Control*

Salaries:		
Director	\$20,000	
Other employees	1,076,687	
		\$1,096,687
Materials and Supplies		13,445
Services Other Than Personal		151,733
Maintenance of Property:		
Recurring	\$3,684	
Non-Recurring and Replacements ..	4,950	
		8,634
Additions and Improvements		190
Total Appropriation, Division of Alcoholic		
Beverage Control		\$1,270,689

Division of Motor Vehicles

140-100. *General*

Salaries:	
Director	\$20,000
Other employees	10,072,412

New positions	90,982	
Motor vehicle examiners' overtime ..	729,486	
		\$10,912,880
Materials and Supplies		894,400
Services Other Than Personal		1,516,950
Maintenance of Property:		
Recurring	\$70,100	
Non-Recurring and Replacements ..	108,251	
		178,351
Extraordinary:		
Traffic Safety Education Program ..	\$29,000	
Compensation awards	40,000	
To establish a unified and inte-		
grated driver, owner and vehicle		
record system by automatic data		
processing	232,702	
		301,702
Additions and Improvements		41,094
Total Appropriation		\$13,845,377

In addition to the amounts hereinabove specifically set forth, there are appropriated such sums as may be necessary to defray the cost of registering motor vehicles and licensing drivers pursuant to the provisions of R. S. 39:3-3 and 39:10-25.

141-100. *Security-Responsibility Bureau*

Salaries:		
Other employees	\$860,566	
New positions	9,627	
		\$870,193
Materials and Supplies		36,000
Services Other Than Personal		175,377
Maintenance of Property:		
Recurring	\$2,000	
Non-Recurring and Replacements ..	1,640	
		3,640
Additions and Improvements		4,145
Total Appropriation		\$1,089,355

142-400. *Unsatisfied Claim and Judgment Fund Board*

Salaries:

Other employees	\$248,806	
New positions	10,946	

\$259,752

Materials and Supplies 8,000

Services Other Than Personal 36,758

Maintenance of Property:

Recurring	\$625	
Non-Recurring and Replacements ..	700	

1,325

Additions and Improvements 2,477

Total Appropriation

\$308,312

There are hereby appropriated out of the Unsatisfied Claim and Judgment Fund the amounts hereinabove set forth for administration of the Unsatisfied Claim and Judgment Fund Board, together with such sums as may be necessary for the payment of costs pursuant to R. S. 39:6-67 and for payment of claims.

Total Appropriation, Division of Motor Vehicles

\$15,243,044

150-100. *Division of Weights and Measures*

Salaries:

State Superintendent	\$14,000	
Other employees	311,684	
New positions	8,927	

\$334,611

Materials and Supplies 15,450

Services Other Than Personal 33,340

Maintenance of Property:

Recurring	\$6,420	
Non-Recurring and Replacements ..	1,350	

7,770

Extraordinary:

Compensation awards	500
Additions and Improvements	71,150

Total Appropriation, Division of Weights and Measures	\$462,821
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*Division of Professional Boards**160-100. Administrative Bureau*

Salaries	\$191,053
Materials and Supplies	5,575
Services Other Than Personal	27,774
Maintenance of Property	1,150
Total Appropriation	\$225,552

161-100. State Board of Public Accountants

Salaries	\$21,093
Materials and Supplies	750
Services Other Than Personal	19,266
Maintenance of Property	100
Total Appropriation	\$41,209

162-100. State Board of Architects

Salaries	\$31,417
Materials and Supplies	3,225
Services Other Than Personal	14,099
Maintenance of Property	100
Total Appropriation	\$48,841

163-100. State Board of Dentistry

Salaries	\$27,395
Materials and Supplies	3,000
Services Other Than Personal	12,296

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Maintenance of Property	300
Additions and Improvements	514
Total Appropriation	\$43,505

164-100. *State Board of Mortuary Science*

Salaries	\$22,511
Materials and Supplies	784
Services Other Than Personal	11,002
Maintenance of Property:	
Recurring	\$248
Non-Recurring and Replacements ..	125
	373
Total Appropriation	\$34,670

165-100. *State Board of Professional Engineers and
Land Surveyors*

Salaries	\$36,326
Materials and Supplies	8,050
Services Other Than Personal	27,481
Maintenance of Property	75
Total Appropriation	\$71,932

166-100. *State Board of Medical Examiners*

Salaries	\$42,823
Materials and Supplies	6,000
Services Other Than Personal	21,676
Maintenance of Property	250
Total Appropriation	\$70,749

167-100. *State Board of Nursing*

Salaries	\$103,773
Materials and Supplies	5,500
Services Other Than Personal	53,941

Maintenance of Property:

Recurring	\$400	
Non-Recurring and Replacements ..	700	
		1,100

Total Appropriation	\$164,314
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168-100. *State Board of Optometrists*

Salaries	\$13,609
Materials and Supplies	300
Services Other Than Personal	4,596
Maintenance of Property	50

Total Appropriation	\$18,555
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169-100. *State Board of Pharmacy*

Salaries	\$37,229
Materials and Supplies	2,425
Services Other Than Personal	13,985
Maintenance of Property	50

Total Appropriation	\$53,689
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170-100. *State Board of Veterinary Medical Examiners*

Salaries	\$3,043
Materials and Supplies	300
Services Other Than Personal	1,495

Total Appropriation	\$4,838
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171-100. *State Board of Shorthand Reporting*

Salaries	\$300
Materials and Supplies	25
Services Other Than Personal	30

Total Appropriation	\$355
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172-100. *State Board of Examiners of Ophthalmic Dispensers
and Ophthalmic Technicians*

Salaries	\$7,400
Materials and Supplies	550
Services Other Than Personal	2,255
Maintenance of Property	60
Total Appropriation	\$10,265

173-100. *State Board of Beauty Culture Control*

Salaries:	
Chairman	\$4,500
Board members (5 @ \$3,500)	17,500
Other employees	53,454
	\$75,454
Materials and Supplies	5,564
Services Other Than Personal	13,996
Maintenance of Property:	
Recurring	\$500
Non-Recurring and Replacements	640
	1,140
Additions and Improvements	772
Total Appropriation	\$96,926

174-100. *State Board of Professional Planners*

Salaries:	
New position	\$8,400
Materials and Supplies	1,000
Services Other Than Personal	5,598
Total Appropriation	\$14,998

175-100. *State Board of Examiners of Electrical Contractors*

Salaries	\$37,674
Materials and Supplies	2,760

Services Other Than Personal	15,094
Maintenance of Property	100
Total Appropriation	<u>\$55,628</u>

176-100. *State Board of Psychological Examiners*

There are hereby appropriated out of the receipts of this Board such sums as may be necessary for the administration thereof; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

Total Appropriation, Division of Professional Boards	<u>\$956,026</u>
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The amounts hereinabove appropriated to each of the several professional boards shall be payable out of the receipts of such boards, and any receipts in excess of the amounts specifically appropriated to each of said boards are hereby appropriated; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act; and provided further, however, that the appropriation of excess receipts shall not apply to the Board of Beauty Culture Control.

Total Appropriation, Department of Law and Public Safety	<u><u>\$32,398,344</u></u>
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DEPARTMENT OF THE TREASURY

210-100. *Administrative Division*

Salaries:

State Treasurer	\$25,000	
Other employees	174,229	
New positions	13,831	
	<u> </u>	<u>\$213,060</u>

Materials and Supplies	2,200
Services Other Than Personal	12,425
Maintenance of Property:	
Recurring	\$3,500
Non-Recurring and Replacements ..	20,600
	24,100
Total Appropriation, Administrative Division	\$251,785

211-100. *Office of Economic Policy*

Extraordinary:

To implement the provisions of R. S. 52:18A-125 et seq.	\$25,000
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The unexpended balance in this account as of June
30, 1967 is hereby appropriated.

220-100. *Division of Budget and Accounting*

Salaries:

Director	\$23,500
Other employees	851,959
New positions	9,634
Positions established from lump sum appropriation	32,737
	\$917,830

Materials and Supplies	43,600
Services Other Than Personal	639,434

Maintenance of Property:

Recurring	\$5,125
Non-Recurring and Replacements ..	1,322
	6,447

Additions and Improvements	228
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Total Appropriation, Division of Budget and Accounting	\$1,607,539
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There are hereby appropriated, out of revenues
derived from escheated property under the
various escheat acts, such sums as may be neces-

sary to administer such acts and such sums as may be required for refunds.

There are hereby appropriated such sums as may be necessary for payment of expenses incurred by issuing officials appointed under the several bond acts of the State for the purposes and from the sources defined in said acts.

220-300. *Bureau of Data Processing*

There are hereby appropriated the unexpended balance of the Revolving Fund created pursuant to chapter 33, P. L. 1966 for the purpose of operating the Bureau of Data Processing established pursuant to Executive Order No. 30 and, in addition thereto, the receipts derived from charges for services rendered thereby, and from advance savings or acquisition premiums continuing from resale of data processing equipment; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

Division of Purchase and Property

230-100. *General*

Salaries:

Director	\$22,000
Other employees	2,112,334
New positions	61,294

\$2,195,628

Materials and Supplies

636,600

Services Other Than Personal

593,855

Maintenance of Property:

Recurring	\$168,600
Non-Recurring and Replacements	8,090

176,690

Additions and Improvements

32,015

Total Appropriation

\$3,634,788

230-300. *State Purchase Fund*

The unexpended balance in the State Purchase Fund as of June 30, 1967, together with the reimbursements thereto, are hereby appropriated so that an amount not to exceed \$1,000,000 will be maintained in said fund for the purpose of making payments for purchases pursuant to the purchase act (R. S. 52:25-13), and for the expenses of handling, storing and transporting purchases so made; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act. Any sum as of June 30, 1968 in excess of \$1,000,000 appropriated herein, shall be transferred by the State Treasurer to the General State Fund.

230-301. *Central Motor Pool*

There are hereby appropriated as a revolving fund the receipts derived from services rendered by a central motor pool, together with the unexpended balance of such receipts as of June 30, 1967, for the purpose of operating such a motor pool, including the replacement of motor vehicles and the purchase of additional motor vehicles; provided, however, that the expenditure thereof shall be subject to transfers approved as proscribed in section 3 of this act.

231-100. *Bureau of Construction*

Salaries:

Other employees	\$432,949
New positions	17,303

\$450,252

Materials and Supplies	7,600
Services Other Than Personal	39,445

Maintenance of Property:

Recurring	\$400
Non-Recurring and Replacements ..	1,333

1,733

Additions and Improvements	6,000
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6,000

Total Appropriation	
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\$505,030

232-100. *Agricultural Commodity Distribution*

Salaries	\$70,987
Materials and Supplies	1,500
Services Other Than Personal	257,576
Maintenance of Property	250

Sub-Total Appropriation	\$330,313
<i>Less: Receipts from Charges to Recipient Agencies</i>	<i>240,000</i>

Total Appropriation	\$90,313
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Receipts from such distribution charges as may be made to recipient agencies and from the sale of containers and salvage of commodities, in accordance with applicable Federal regulations, are hereby appropriated to defray costs of distribution; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

Total Appropriation, Division of Purchase and Property	\$4,230,131
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240-100. *Division of Taxation*

Salaries:	
Director	\$21,000
Other employees	5,003,107
New positions	740,301
Positions established from lump sum appropriations	1,901,305
	\$7,665,713
Materials and Supplies	424,220
Services Other Than Personal	1,476,073
Maintenance of Property:	
Recurring	\$10,100
Non-Recurring and Replacements ..	7,309
	17,409
Extraordinary:	
Administration of Farm Land Act	10,000
Additions and Improvements	165,856
Total Appropriation, Division of Taxation ..	\$9,759,271

In addition to the sum of \$336,247 included hereinabove for administration of the Emergency Transportation Tax Act, there are hereby appropriated out of the receipts from the Emergency Transportation Tax Act, such sums as may be necessary for additional expenses of collection and enforcement thereof; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

General Tax Refunds:

Upon certification of the Director of the Division of Taxation, the State Treasurer, shall pay, upon warrants of the Director of the Division of Budget and Accounting, such claims for refund as may be necessary under the provisions of Title 54 of the Revised Statutes as amended or supplemented.

There are hereby appropriated so much of the proceeds of taxes derived from the fire insurance premiums as may be required for payment to the New Jersey Firemen's Home and the New Jersey Firemen's Association pursuant to R. S. 54:17-4.

There are hereby appropriated so much of the proceeds derived from the imposition of the Financial Business Tax as may be required for payment to the local taxing districts and counties pursuant to R. S. 54:10B-24.

There are hereby appropriated so much of the proceeds derived from the imposition of the taxes set forth in R. S. 54:11D-1 as may be required for payment to the local taxing districts pursuant to R. S. 54:11D-1 to 6.

260-100. *Division of Tax Appeals*

Salaries:

President	\$18,000
Board members (6 @ \$17,000)	102,000
Other employees	78,794

\$198,794

Materials and Supplies	2,450
Services Other Than Personal	31,148
Maintenance of Property:	
Recurring	\$200
Non-Recurring and Replacements ..	402
	602
Total Appropriation, Division of Tax Appeals	\$232,994

270-100. *Division of the New Jersey Racing Commission*

Salaries	\$221,419
Material and Supplies	3,900
Services Other Than Personal	33,337
Maintenance of Property	200
Total Appropriation, Division of the New Jersey Racing Commission	\$258,856

290-100. *Division of Investment*

Salaries:		
Director	\$19,500	
Other employees	175,198	
New positions	6,063	
		\$200,761
Materials and Supplies		2,775
Services Other Than Personal		29,471
Maintenance of Property:		
Recurring	\$550	
Non-Recurring and Replacements ..	450	
		1,000
Additions and Improvements		1,486
Total Appropriation, Division of Investment		\$235,493

291-100. *General Investment Account*

There are hereby appropriated, out of receipts derived from the investment of State funds, such

sums as may be necessary for custodial costs, mortgage servicing fees, and advertising bank balances as required by R. S. 52:18-16.1; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

295-100. *Division of Pensions*

Salaries:		
Director	\$19,500	
Other employees	1,261,356	
New positions	196,505	
		\$1,477,361
Materials and Supplies		45,050
Services Other Than Personal		390,076
Maintenance of Property:		
Recurring	\$4,500	
Non-Recurring and Replacements ..	3,000	
		7,500
Additions and Improvements		24,986
Total Appropriation, Division of Pensions ..		\$1,944,973
Total Appropriation, Department of the Treasury		\$18,546,042

DEPARTMENT OF STATE

300-100. *Office of Secretary*

Salaries:		
Secretary of State	\$23,000	
Other employees	320,948	
New positions	22,341	
		\$366,289
Materials and Supplies		20,175
Services Other Than Personal		74,030
Maintenance of Property:		
Recurring	\$1,880	
Non-Recurring and Replacements ..	11,214	
		13,094

Extraordinary:

To implement the provisions of chapter 264, P. L. 1964	22,000
Additions and Improvements	5,484
Total Appropriation, Office of Secretary	\$501,072

301-100. State Council on the Arts

Expenses of the Council	\$75,000
Total Appropriation, State Council on the Arts	\$75,000

The unexpended balance in this account as of June
30, 1967 is hereby appropriated.

302-100. Office of the Athletic Commissioner

Salaries:	
Commissioner	\$7,000
Other employees	31,734
	\$38,734
Materials and Supplies	300
Services Other Than Personal	4,356
Maintenance of Property	100
Total Appropriation, Office of the Athletic Commissioner	\$43,490

304-100. Legalized Games of Chance Control Commission

Salaries	\$105,793
Materials and Supplies	5,990
Services Other Than Personal	12,611
Maintenance of Property:	
Recurring	\$1,300
Non-Recurring and Replacements ..	2,760
	4,060
Additions and Improvements	69

Total Appropriation, Legalized Games of Chance Control Commissions	\$128,523
Total Appropriation, Department of State ..	\$748,085

310-100. DEPARTMENT OF CIVIL SERVICE

Salaries:

President	\$25,000	
Commissioners (4 @ \$9,500)	38,000	
Chief Examiner and Secretary	20,910	
Other employees	1,672,859	
New positions	99,341	
		\$1,856,110

Materials and Supplies	78,615
Services Other Than Personal	304,627

Maintenance of Property:

Recurring	\$5,000	
Non-Recurring and Replacements ..	6,906	
		11,906
Additions and Improvements		24,215

Total Appropriation, Department of Civil Services	\$2,275,473
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DEPARTMENT OF BANKING AND INSURANCE

320-100. *General*

Salaries:

Commissioner	\$25,000	
Other employees	2,253,816	
		\$2,278,816

Materials and Supplies	44,400
Services Other Than Personal	284,070

Maintenance of Property:

Recurring	\$2,900	
Non-Recurring and Replacements ..	5,157	
		8,057

Extraordinary:

Compensation awards	4,435
Additions and Improvements	2,899
Total Appropriation, General	<u>\$2,622,677</u>

There are hereby appropriated the trust funds of the National Association of Insurance Commissioners pursuant to R. S. 17:24-13.

*322-100. Division of New Jersey Real Estate Commission***Salaries:**

Commissioners (5 @ \$4,000)	\$20,000	
Other employees	148,869	
New positions	23,029	
	<u></u>	\$191,898
Materials and Supplies		11,550
Services Other Than Personal		36,898
Maintenance of Property		225
Additions and Improvements		2,514
Total Appropriation, Division of New Jersey Real Estate Commission		<u>\$243,085</u>

Total Appropriation, Department of Banking and Insurance	<u><u>\$2,865,762</u></u>
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DEPARTMENT OF AGRICULTURE*330-100. General***Salaries:**

Secretary	\$25,000	
Other employees	1,202,932	
New positions	28,791	
Positions established from lump sum appropriation	144,885	
	<u></u>	\$1,401,608
Materials and Supplies		54,430
Services Other Than Personal		350,411
Maintenance of Property:		
Recurring	\$4,245	
Non-Recurring and Replacements	3,960	
	<u></u>	8,205

Extraordinary:

Indemnities—Pursuant to R. S.

4:5-93.37 \$20,000

Blackbird Control Program 25,000

45,000

Additions and Improvements 29,760

Total Appropriation, General \$1,889,414

The unexpended balance as of June 30, 1967 in the account "Indemnities—pursuant to R. S. 4:5" is hereby appropriated for such indemnities.

The unexpended balances as of June 30, 1967 of receipts derived pursuant to the provisions of R. S. 54:47A-1 (Poultry Products Promotion Council), R. S. 54:47B-1 (White Potato Industry Promotion Council), R. S. 54:47C-1 (Asparagus Industry Promotion Council), R. S. 54:47D-1 (Apple Industry Promotion Council), and R. S. 54:47E-1 (Sweet Potato Commission) together with such receipts received during the fiscal year 1967-68 are hereby appropriated.

339-100. *Office of Milk Industry*

Salaries:

Director \$17,000

Other employees 260,020

\$277,020

Materials and Supplies 4,060

Services Other Than Personal 26,160

Maintenance of Property:

Recurring \$1,331

Non-Recurring and Replacements 490

1,821

Additions and Improvements 236

Total Appropriation, Office of Milk Industry \$309,297

Total Appropriation, Department of Agriculture \$2,198,711

DEPARTMENT OF DEFENSE

340-100. *Administration—General*

Salaries:

Chief of Staff	\$23,000
Other employees	574,111

 \$597,111

Materials and Supplies	10,475
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Services Other Than Personal	28,006
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Maintenance of Property:

Recurring	\$1,500
Non-Recurring and Replacements ..	2,456

 3,956

Additions and Improvements	1,823
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Total Appropriation, Administration—

General	\$641,371
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342-100. *National Guard and Naval Militia*

Salaries:

Other employees	\$987,550
Position transferred from another division	3,216

 \$990,766

Materials and Supplies	374,500
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Services Other Than Personal	169,387
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Maintenance of Property:

Recurring	\$148,850
Non-Recurring and Replacements ..	225,865

 374,715

Extraordinary:

Organization allowance	\$7,000
Host State—National Guard Bureau First Army Area Conference	1,000
Compensation awards	11,000

 19,000

Additions and Improvements	9,410
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Total Appropriation, National Guard and

Naval Militia	\$1,937,778
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346-100. *Division of Civil Defense*

Salaries:

Other employees	\$390,148
New positions	7,018

\$397,166

Materials and Supplies	
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17,275

Services Other Than Personal	
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38,287

Maintenance of Property:

Recurring	\$2,050
Non-Recurring and Replacements ..	2,330

4,380

Extraordinary:

Hammonton Training School Pro- gram	\$4,750
Control Center Program	9,200
Medical and Health Preparedness Program	650

14,600

Additions and Improvements	
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342

Total Appropriation, Division of Civil

Defense	
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\$472,050

There are hereby appropriated such sums as may be necessary to carry out the provisions of R. S. App. A:9-57.1 et seq., from the Special Fund for Civil Defense Volunteers.

The Governor is hereby empowered to direct the State Treasurer to transfer from any State department to the Division of Civil Defense such sums as may be necessary for the cost of any emergency occasioned by aggression, sabotage or disaster.

Total Appropriation, Department of Defense

\$3,051,199

350-100. DEPARTMENT OF PUBLIC UTILITIES

Salaries:

President	\$22,000
Board members (2 @ \$18,000)	36,000
Other employees	887,807

\$945,807

Materials and Supplies	13,000
Services Other Than Personal	84,522
Maintenance of Property:	
Recurring	\$950
Non-Recurring and Replacements ..	3,300
	4,250
Additions and Improvements	5,000
Total Appropriation, Department of Public Utilities	\$1,052,579

DEPARTMENT OF HEALTH

360-100. *General*

Salaries:		
Commissioner	\$25,000	
Other employees	3,757,273	
New positions	321,520	
Positions established from lump sum appropriation	47,803	
		\$4,151,596
Materials and Supplies		414,205
Services Other Than Personal		562,886
Maintenance of Property:		
Recurring	\$12,295	
Non-Recurring and Replacements ..	2,991	
		15,286
Extraordinary:		
Public health services by contract ..	\$405,000	
Emergency medical and hospital service for migrant workers	10,000	
Solid waste disposal program	30,792	
Clinical laboratory improvement program	25,000	
Motor vehicle emission control program	58,448	
For expansion of water pollution control program	150,000	
To implement R. S. 24:6C-1 et seq. for the administration of the "Dangerous Drug Act"	25,000	

Institute for Medical Research of Camden, New Jersey	100,000	
		804,240
Additions and Improvements		61,251
Total Appropriation, General		\$6,009,464

The unexpended balance as of June 30, 1967 of the revolving fund heretofore created for the purpose of printing and reprinting literature, codes and manuals for sale and receipts derived from such sales are hereby appropriated.

The unexpended balance, not to exceed \$25,000, in this account as of June 30, 1967 is hereby appropriated to supplement the amount recommended herein for the implementation of R. S. 24:6C-1 et seq., the "Dangerous Drug Act."

Receipts derived from the production of microfilm images for the National Center for Health Statistics are hereby appropriated for expenditure for microfilming purposes; provided, however, that any receipts in excess of \$8,000 shall be credited to the General State Fund.

360-400. *Rabies Control Program*

Salaries	\$101,715
Materials and Supplies	50,400
Services Other Than Personal	13,596
Maintenance of Property	237
Total Appropriation, Rabies Control Program	\$165,948

There are hereby appropriated the funds in the Rabies Control Trust Fund, in excess of the amounts hereinabove specifically set forth, and the amount remaining therein, for additional costs of operation; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

374-100. *Board of Barber Examiners*

Salaries:

Secretary-Treasurer	\$8,500
Board members (3 @ \$8,000)	24,000
Other employees	48,466

\$80,966

Materials and Supplies

2,000

Services Other Than Personal

12,289

Maintenance of Property

70

Total Appropriation, Board of Barber Ex-
aminers

\$95,325378-100. *Crippled Children's Program*

Salaries

\$16,627

Materials and Supplies

1,500

Services Other Than Personal

14,254

Maintenance of Property

75

Total Appropriation, Crippled Children's
Program

\$32,456

Total Appropriation, Department of Health.

\$6,303,193

DEPARTMENT OF LABOR AND INDUSTRY

380-100. *Division of Labor*

Salaries:

Commissioner	\$25,000
Director	17,000
Other employees	1,728,752
New positions	142,583
Positions established in lieu of appropriated revenue	202,338

\$2,115,673

Materials and Supplies

46,100

Services Other Than Personal

249,038

Maintenance of Property:

Recurring	\$1,838
Non-Recurring and Replacements ..	5,325

7,163

Extraordinary:

Support by the State of Migrant Labor Sanitation Program heretofore financed by grant from the Office of Economic Opportunity . .	\$52,121	
To improve enforcement of the code regulating the operation of migrant labor camps	25,000	77,121
Additions and Improvements		5,687
Total Appropriation, Division of Labor		\$2,500,782

There are hereby appropriated such sums as may be necessary for payments out of the Wage and Hour Trust Fund established pursuant to R. S. 34:11-34.

There are hereby appropriated such sums as may be necessary for payments out of the Prevailing Wage Act Trust Fund established pursuant to R. S. 34:11-56.

*Division of Workmen's Compensation*381-100. *General*

Salaries:

Director	\$20,000	
Other employees	1,123,101	
New positions	37,388	
		\$1,180,489
Materials and Supplies		20,720
Services Other Than Personal		87,492
Maintenance of Property:		
Recurring	\$850	
Non-Recurring and Replacements . .	1,500	
		2,350
Additions and Improvements		5,798
Total Appropriation		\$1,296,849

381-400. *Second Injury Fund*

Salaries:

Other employees	\$30,298	
New positions	8,453	
		\$38,751
Materials and Supplies		225
Services Other Than Personal		5,768
Maintenance of Property		25
Additions and Improvements		503
Total Appropriation		\$45,272

There are appropriated out of the Second Injury Fund such sums as may be necessary for beneficiary payments; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

The amounts included hereinabove for administrative costs are hereby appropriated from the Second Injury Fund notwithstanding the limitation contained in R. S. 34:15-95.

The State Treasurer is hereby empowered and directed to transfer to the General State Fund the sum of \$50,000 from the excess in the fund accumulated as of June 30, 1967; pursuant to section 34:15-94 of the Revised Statutes, over the sum of \$1,250,000.

Total Appropriation, Division of Workmen's Compensation		\$1,342,121
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*Division of Employment Security*391-400. *Disability Insurance Service*

Salaries:

Other employees	\$1,798,673	
New positions	10,998	
		\$1,809,671
Materials and Supplies		22,000
Services Other Than Personal		222,416
Maintenance of Property:		
Recurring	\$1,000	
Non-Recurring and Replacements	1,080	
		2,080

Extraordinary:	
Compensation awards	100
Additions and Improvements	851

Total Appropriation, Disability Insurance Service	<u>\$2,057,118</u>
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In addition to the amounts hereinabove set forth, there are hereby appropriated out of the Temporary Disability Benefits Administration Fund such additional sums as may be required to administer the Disability Insurance Program; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

There are also appropriated out of the State Disability Benefits Fund such sums as may be necessary to pay disability benefits.

394-100. *State Board of Mediation*

Salaries:		
Board members (7)	\$6,000	
Other employees	110,513	
	<u> </u>	\$116,513
Materials and Supplies		480
Services Other Than Personal		10,668
Maintenance of Property		50
		<u> </u>
Total Appropriation, State Board of Mediation		\$127,711

396-100. *Rehabilitation Commission*

Salaries:		
Other employees	\$1,492,951	
New positions	110,030	
	<u> </u>	\$1,602,981
Materials and Supplies		15,000
Services Other Than Personal		154,849
Maintenance of Property:		
Recurring	\$2,500	
Non-Recurring and Replacements ..	2,476	
	<u> </u>	4,976

Extraordinary:

Services to clients	\$5,400,000
Diagnostic services	600,000
Innovation grants	151,549
Training grants	11,000
Research and demonstration projects	149,155
Expansion grants	102,000
Planning grant for workshop and rehabilitation facilities	47,987

6,461,691

Additions and Improvements

7,000

Total Appropriation, Rehabilitation Commission

\$8,246,497

In addition to the appropriation hereinabove made, recoveries of the State's share of expenditures made in the year ending June 30, 1968, together with those made in prior fiscal years, are hereby appropriated.

The portion of the appropriation made to or on behalf of this Commission, which represents General State Funds, may be expended on a matching basis in proportion to Federal receipts which are anticipated.

Total Appropriation, Department of Labor and Industry

\$14,274,229

DEPARTMENT OF CONSERVATION AND ECONOMIC
DEVELOPMENT

410-100. *Office of the Commissioner*

Salaries:

Commissioner	\$25,000
Other employees	310,637

\$335,637

Materials and Supplies

9,900

Services Other Than Personal

51,100

Maintenance of Property:

Recurring	\$2,250
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Non-Recurring and Replacements . . .	7,520	
		9,770
Additions and Improvements		650
Total Appropriation, Office of the Commissioner		\$407,057

*Office of the Commissioner**410-101. Interest on Bonds*

Interest on Water Development Bonds, chapter 35, P. L. 1958	\$1,376,250	
Interest on State Recreation and Conservation Land Acquisition Bonds, chapter 46, P. L. 1961	1,538,700	
		\$2,914,950
Total Appropriation, Interest on Bonds		\$2,914,950

*Division of Resource Development**420-100. General*

Salaries:		
Director	\$17,000	
Other employees	551,381	
New positions	9,878	
		\$578,259
Materials and Supplies		45,700
Services Other Than Personal		95,991
Maintenance of Property:		
Recurring	\$26,050	
Non-Recurring and Replacements . .	6,894	
		32,944
Extraordinary:		
Compensation awards		1,200
Additions and Improvements		5,491
Total Appropriation		\$759,585

New Jersey State Library

The unexpended balance as of June 30, 1967 of the Revolving Fund created pursuant to chapter 106, P. L. 1959 for the purpose of printing and reprinting of literature and maps for sale and receipts derived from such sales are hereby appropriated.

422-400. *Boat Regulation Commission*

Salaries:		
Other employees	\$175,738	
New positions	3,514	
		\$179,252
Materials and Supplies		26,100
Services Other Than Personal		47,415
Maintenance of Property:		
Recurring	\$6,900	
Non-Recurring and Replacements ..	8,500	
		15,400
Additions and Improvements		2,600
Total Appropriation		\$270,767

The amount hereinabove appropriated shall be payable out of the New Jersey Boat Numbering Act Revolving Fund and any amount remaining therein is hereby appropriated to carry out the provisions of chapter 206, P. L. 1965; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

423-400. *Board of New Jersey Pilot Commissioners*

Salaries:		
Board members	\$21,765	
Materials and Supplies		60
Services Other Than Personal		300
Total Appropriation		\$22,125
Total Appropriation, Division of Resource Development		\$1,052,477

The amounts hereinabove appropriated to the New Jersey Pilot Commissioners shall be payable out of the receipts thereof, and any receipts in excess of the amounts specifically set forth above are hereby appropriated; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

430-100. *Division of Water Policy and Supply*

Salaries:

Director	\$17,000	
Other employees	342,965	
		\$359,965

Materials and Supplies	12,700
Services Other Than Personal	20,176

Maintenance of Property:

Recurring	\$9,300	
Non-Recurring and Replacements ..	11,060	
		20,360

Extraordinary:

Office of Rivermaster—State share ..	\$18,000	
Ground-Water Exploratory Pro-gram	48,500	
Stream Gaging Stations	60,000	
Flood Plain Zoning and Warning Service	12,000	
Surface Water Quality Program ...	4,750	
Surface Water Diversion	10,000	
Water Resources Research Institute ..	25,000	
		178,250

Additions and Improvements	2,715

Total Appropriation, Division of Water Policy and Supply	\$594,166

The unexpended balance in the account "Flood Plain Control" as of June 30, 1967 is hereby appropriated to carry out the provisions of R. S. 58:16A-50 et seq.

The unexpended balance in the account "Wells Falls-Lambertville Dam" as of June 30, 1967 is hereby appropriated.

The unexpended balance in the account "Surface Water Diversion" as of June 30, 1967 is hereby appropriated.

There is hereby appropriated for operation and maintenance of Spruce Run and Round Valley Reservoirs a sum not to exceed \$560,000 out of aggregate revenue produced pursuant to R. S. 58:22-10 ("New Jersey Water Supply Law, 1958"); provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

440-100. *Division of Shell Fisheries*

Salaries:

Director	\$13,500	
Other employees	264,565	
New positions	14,428	
		\$292,493

Materials and Supplies		13,500
Services Other Than Personal		21,285

Maintenance of Property:

Recurring	\$11,750	
Non-Recurring and Replacements ..	3,400	
		15,150

Extraordinary:

Oyster research	\$20,000	
Shelling and seeding beds	53,000	
Disease Resistant Oyster Program ..	6,250	
		79,250

Total Appropriation, Division of Shell Fisheries		
		\$421,678

There is hereby appropriated the unexpended balance in the "Shelling and Seeding Beds" account as of June 30, 1967, together with any Federal funds which may be received; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

*Division of Fish and Game*450-400. *General*

Salaries:		
Director	\$17,000	
Other employees	965,878	
		\$982,878
Materials and Supplies		327,300
Services Other Than Personal		122,127
Maintenance of Property:		
Recurring	\$28,250	
Non-Recurring and Replacements ..	61,394	
		89,644
Extraordinary:		
Deer Management	\$8,000	
Surface Water Quality Program ..	4,000	
Compensation awards	3,080	
		15,080
Additions and Improvements		8,800
Total Appropriation		\$1,545,829

The amount hereinabove appropriated shall be payable out of the Hunters' and Anglers' License Fund and any amount remaining therein is hereby appropriated for additional cost of operation; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

*Division of Fish and Game*451-400. *Public Shooting and Fishing Grounds*

Salaries:		
Other employees	\$247,068	
New positions	4,309	
		\$251,377
Materials and Supplies		62,200
Services Other Than Personal		21,042
Maintenance of Property:		
Recurring	\$15,100	
Non-Recurring and Replacements ..	18,770	
		33,870

Extraordinary:

Dike maintenance	5,000
Additions and Improvements	15,810
Total Appropriation	<u>\$389,299</u>

The amount hereinabove appropriated shall be payable out of the Public Shooting and Fishing Grounds Fund and any amount remaining therein is hereby appropriated for additional costs of operation and for 50% of the amounts payable pursuant to R. S. 54:4-2.1; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

Total Appropriation, Division of Fish and Game	<u>\$1,935,128</u>
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460-100. *Division of Veterans' Services*

Salaries:

Director	\$12,000
Other employees	238,734
New positions	12,877
	<u>\$263,611</u>

Materials and Supplies	2,300
Services Other Than Personal	16,657

Maintenance of Property:

Recurring	\$150
Non-Recurring and Replacements ..	1,360
	<u>1,510</u>

Additions and Improvements	625
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Total Appropriation, Division of Veterans' Services	<u>\$284,703</u>
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480-100. *Division of Economic Development*

Salaries:

Director	\$18,000
Other employees	173,361
New positions	7,018
	<u>\$198,379</u>

Materials and Supplies	4,100	
Services Other Than Personal	16,550	
Maintenance of Property:		
Recurring	\$400	
Non-Recurring and Replacements ..	1,612	
		2,012
Extraordinary:		
Promotional expenses	400,000	
Additions and Improvements	457	
Total Appropriation, Division of Economic Development		\$621,498

The unexpended balance of the sum appropriated
 "For the purpose of carrying out the provisions
 of the State Economic Development Assistance
 Act of 1966" as of June 30, 1967 is hereby appro-
 priated.

Of the sum appropriated for "Promotional Ex-
 penses," not more than \$10,000 may be trans-
 ferred to the Department of Labor and Industry
 for promotional expenses which it may incur.

Receipts from the sale of literature and maps are
 hereby appropriated as a revolving fund for the
 purpose of printing and reprinting literature and
 maps for sale.

490-100. *Division of Parks, Forestry and Recreation*

Salaries:		
Director	\$17,000	
Other employees	2,150,737	
New positions	94,726	
		\$2,262,463
Materials and Supplies		221,505
Services Other Than Personal		296,738
Maintenance of Property:		
Recurring	\$123,000	
Non-Recurring and Replacements ..	364,360	
		487,360

Extraordinary:

State share of maintenance, Old Barracks, Trenton	\$11,000	
Fire fighting costs	100,000	
Compensation awards	8,800	
		119,800
Additions and Improvements		130,737
Total Appropriation, Division of Parks, Forestry and Recreation		\$3,518,603

Unexpended receipts of not more than \$15,000 in excess of those anticipated from the Bureau of Parks during the fiscal year ending June 30, 1967 and receipts derived from sales of merchandise during the fiscal year ending June 30, 1968 are hereby appropriated as a revolving fund for the purchase of merchandise for sale.

The unexpended balance as of June 30, 1967 in the account for "Fire Fighting Costs" is hereby appropriated for the same purpose.

491-400. Morris Canal and Banking Company

Salaries		\$52,596
Materials and Supplies		2,200
Services Other Than Personal		456
Maintenance of Property:		
Recurring	\$1,400	
Non-Recurring and Replacements ..	2,000	
		3,400
Total Appropriation, Morris Canal and Banking Company		\$58,652

The amount hereinabove appropriated shall be payable out of the Morris Canal Fund and there shall be refunded to the General State Fund such amounts as have been advanced from said funds to the Morris Canal Fund whenever and to the extent that cash in the Morris Canal Fund exceeds the liabilities thereof.

Total Appropriation, Department of Conservation and Economic Development	\$11,808,912
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DEPARTMENT OF EDUCATION

500-100. *Commissioner's Office*

Salaries:		
Commissioner	\$30,000	
Other employees	1,306,604	
New positions	58,578	
		\$1,395,182
Materials and Supplies		34,145
Services Other Than Personal		155,425
Maintenance of Property:		
Recurring	\$2,800	
Non-Recurring and Replacements ..	1,325	
		4,125
Extraordinary:		
Migrant school program		45,000
Additions and Improvements		2,468
Total Appropriation, Commissioner's Office .		\$1,636,345

The unexpended balance in the "General Educational Development Test Program" account as of June 30, 1967, together with receipts in the fiscal year 1967-68, are hereby appropriated as a continuing revolving fund.

500-115. *Administration of Industrial Education, Manual Training and Vocational Schools**Smith-Hughes, George-Barden Programs*

Salaries:		
Other employees	\$464,928	
New positions	34,917	
		\$499,845
Materials and Supplies		9,700
Services Other Than Personal		46,027
Maintenance of Property		500

Extraordinary:

Vocational-Technical Teacher Training Program	288,094
Additions and Improvements	3,257

Total Appropriation, Administration of Industrial Education, Manual Training and Vocational Schools, Smith-Hughes, George-Barden Programs	\$847,423
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Receipts from the sale of printed material are hereby appropriated as a revolving fund for the purpose of printing and reprinting literature for sale.

520-100. *Division of the State Library, Archives and History*

Salaries	\$436,485
Materials and Supplies	82,050
Services Other Than Personal	33,992

Maintenance of Property:

Recurring	\$500	
Non-Recurring and Replacements ..	1,815	
		2,315

Extraordinary:

Microfilm program	\$5,000	
Library services for blind and handicapped	100,000	
Expenses of the New Jersey Historical Commission	10,000	
		115,000

Total Appropriation, Division of the State Library, Archives and History	\$669,842
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The unexpended balance in the "Microfilm Program" account as of June 30, 1967 is hereby appropriated.

Receipts derived from charges made for photocopy services are hereby appropriated.

530-100. *Division of the State Museum*

Salaries:		
Other employees	\$375,096	
New positions	43,370	
		\$418,466
Materials and Supplies		25,025
Services Other Than Personal		53,927
Maintenance of Property:		
Recurring	\$5,050	
Non-Recurring and Replacements..	2,325	
		7,375
Extraordinary:		
Archeological research		4,000
Additions and Improvements		10,518
Total Appropriation, Division of the State Museum		\$519,311

There are hereby appropriated the unexpended balance as of June 30, 1967 of the revolving fund created pursuant to chapter 106, P. L. 1959 for the purpose of printing literature and maps for sale and for purchase of merchandise for sale, together with the receipts derived from such sales. Not more than $\frac{1}{2}$ of the receipts from charges made for mailing and handling of films and the unexpended balance as of June 30, 1967 in the account "Revolving Fund—To Replace Damaged or Lost Films" are hereby appropriated as a revolving fund to be used to replace damaged or lost films.

535-100. *Marie H. Katzenbach School for the Deaf*

Salaries	\$1,464,947	
Materials and Supplies	161,175	
Services Other Than Personal	52,460	
Maintenance of Property:		
Recurring	\$21,900	
Non-Recurring and Replacements..	90,770	
		112,670
Additions and Improvements		42,300

Total Appropriation, Marie H. Katzenbach School for the Deaf	\$1,833,552
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Total Appropriation, Department of Educa- tion	\$5,506,473
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DEPARTMENT OF HIGHER EDUCATION

540-100. *Office of the Chancellor*

Salaries:	
Chancellor	\$32,000
Positions transferred from another department	132,309
	\$164,309
Materials and Supplies	4,150
Services Other Than Personal	18,655
Maintenance of Property:	
Recurring	\$250
Non-Recurring and Replacements ..	450
	700
Extraordinary:	
For expenses of establishing a new Department of Higher Education	93,000
	\$280,814
Total Appropriation, Office of the Chancellor	

The unexpended balance in the account "For ex-
penses of establishing a new Department of
Higher Education" as of June 30, 1967 is hereby
appropriated.

*Office of the Chancellor*540-101. *Interest on Bonds*

Interest on State Teachers' Colleges Construction Bonds—Act of 1951	\$18,813
Interest on State Higher Education Bonds—Act of 1959	1,721,000
Interest on State Higher Education Construction Bonds—Act of 1964	728,400
Total Appropriation, Interest on Bonds	\$2,468,213

540-110. *State Competitive Scholarship and Student Loans*

Salaries:

Other employees	\$174,437	
New positions	12,621	
Positions established from lump sum appropriation	17,203	
		\$204,261

Materials and Supplies	15,200
Services Other Than Personal	36,015
Maintenance of Property	215

Extraordinary:

For scholarships, pursuant to R. S. 18:22-14.5	\$5,081,850	
For student loans, pursuant to R. S. 18:22A-10	1,000,000	
For incentive scholarships, pursuant to R. S. 18:22-14.20	750,000	
		6,831,850

Additions and Improvements	1,389
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Total Appropriation, State Competitive Scholarships and Student Loans	\$7,088,930
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The unexpended balance in this account as of June 30, 1967 is hereby appropriated for Scholarships, Student Loans, Incentive Scholarships, pursuant to R. S. 18:22-14.5, 18:22A-10 and 18:22-14.20.

550-100. *Glassboro State College*

Salaries:

Other employees	\$3,200,457	
New positions, Non-academic	92,093	
New positions, Academic	157,289	
Positions established in lieu of stu- dent assistants	109,787	
Student assistants	120,583	
		\$3,680,209

Materials and Supplies	319,010
Services Other Than Personal	738,165

Maintenance of Property:		
Recurring	\$52,600	
Non-Recurring and Replacements ..	64,927	
		117,527
Extraordinary:		
Demonstration School service	\$87,500	
Part-time, Summer and Graduate Program	770,080	
		857,580
Additions and Improvements		118,543
Total Appropriation, Glassboro State College		\$5,831,034

551-100. *Jersey City State College*

Salaries:		
Other employees	\$2,425,433	
New positions, Non-academic	62,914	
New positions, Academic	267,023	
Positions established in lieu of student assistants	47,864	
Student assistants	50,136	
		\$2,853,370
Materials and Supplies		184,300
Services Other Than Personal		206,765
Maintenance of Property		
Recurring	\$28,000	
Non-Recurring and Replacements ..	30,600	
		58,600
Extraordinary:		
Part-time, Summer and Graduate Program		690,000
Additions and Improvements		103,965
Total Appropriation		\$4,097,000

551-102. *A. Harry Moore Laboratory School of Jersey City State College*

Extraordinary:	
For operating expenses of the A. Harry Moore Laboratory School .	\$270,000

For operation and maintenance of a camp for handicapped children at Voorhees State Park	30,000	
		\$300,000

Total Appropriation		\$300,000
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There are hereby appropriated for additional operating expenses of this school all tuition and other receipts from the operation of the A. Harry Moore Laboratory School of Jersey City State College in excess of the sum hereinabove appropriated; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

Total Appropriation, Jersey City State College		\$4,397,000
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552-100. *Newark State College*

Salaries:

Other employees	\$3,097,620	
New positions, Non-academic	69,511	
New positions, Academic	166,076	
Positions established in lieu of student assistants	71,000	
Student assistants	26,800	
		\$3,431,007

Materials and Supplies		256,700
Services Other Than Personal		322,968

Maintenance of Property:

Recurring	\$45,200	
Non-Recurring and Replacements ..	60,064	
		105,264

Extraordinary:

Part-time, Summer and Graduate Program		900,000
Additions and Improvements		131,820

Total Appropriation, Newark State College		\$5,147,759
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553-100. *Paterson State College*

Salaries:

Other employees	\$2,826,931	
New positions, Non-academic	82,037	
New positions, Academic	185,513	
Positions established in lieu of student assistants	47,250	
Student assistants	71,000	

\$3,212,731

Materials and Supplies 246,620

Services Other Than Personal 239,124

Maintenance of Property:

Recurring	\$41,450	
Non-Recurring and Replacements ..	24,385	

65,835

Extraordinary:

Part-time, Summer and Graduate Program	\$500,000	
Nursing Program	70,000	

570,000

Additions and Improvements 96,950

Total Appropriation, Paterson State College		\$4,431,260
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554-100. *Montclair State College*

Salaries:

Other employees	\$4,027,853	
New positions, Non-academic	101,780	
New positions, Academic	28,573	
Positions established in lieu of student assistants	109,850	
Student assistants	94,000	

\$4,362,056

Material and Supplies 334,190

Services Other Than Personal 473,586

Maintenance of Property:

Recurring	\$60,800	
Non-Recurring and Replacements ..	66,900	

127,700

Extraordinary:

Part-time, Summer and Graduate Program	325,000
Additions and Improvements	149,516

Total Appropriation, Montclair State College	<u>\$5,772,048</u>
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555-100. *Trenton State College*

Salaries:

Other employees	\$3,390,086	
New positions, Non-academic	32,258	
New positions, Academic	180,497	
Positions established in lieu of student assistants	88,543	
Student assistants	133,190	
	<u> </u>	\$3,824,574

Materials and Supplies	323,110
Services Other Than Personal	721,784

Maintenance of Property:

Recurring	\$62,000	
Non-Recurring and Replacements ..	82,324	
	<u> </u>	144,324

Extraordinary:

Demonstration School Service	\$234,075	
Part-time, Summer and Graduate Program	1,025,000	
Nursing Program	80,000	
	<u> </u>	1,339,075
Additions and Improvements	136,290	

Total Appropriation, Trenton State College	<u>\$6,489,157</u>
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Receipts at all State Colleges from fees for student service charges and parking fees, together with the balances of such funds as of June 30, 1967, are hereby appropriated.

Funds for the operation of the part-time, summer and graduate programs at all State Colleges are hereby appropriated out of the receipts derived therefrom, and any unexpended balances in the

accounts of said programs as of June 30, 1967, are hereby appropriated together with all receipts in excess of those anticipated therefrom.

Receipts in excess of those anticipated from regular tuition and the operation of cafeterias and boarding halls are hereby appropriated.

The amounts appropriated to the various State Colleges for "Student Assistants" shall constitute the appropriation to carry out the provisions of R. S. 18:16-27.1; provided, however, that payment for the value of work performed by students may be in cash in lieu of being credited toward the payment of student charges for tuition, room and board.

562-400. *State School of Conservation, Lake Wapalanne*

Salaries:

Other employees	\$139,187	
New positions	3,216	
		\$142,403
Materials and Supplies		71,900
Services Other Than Personal		23,301

Maintenance of Property:

Recurring	\$2,250	
Non-Recurring and Replacements ..	5,175	
		7,425
Additions and Improvements		3,610

Total Appropriation, State School of Conservation, Lake Wapalanne	\$248,639
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The amount hereinabove appropriated shall be payable out of receipts derived from the operation of this School and there are hereby appropriated receipts in excess of the amount hereinabove specifically set forth, together with the unexpended balance of such receipts as of June 30, 1967; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

*Rutgers, The State University*570-100. *General University*

Salaries:		
Other employees	\$24,808,016	
New positions	1,640,446	
Coadjutant salaries	1,415,668	
Wages of labor	650,000	
		\$28,514,130
Materials and Supplies		3,057,800
Services Other Than Personal		2,469,586
Maintenance of Property:		
Recurring	\$846,500	
Non-Recurring and Replacements ..	531,200	
		1,377,700
Extraordinary:		
Research grants	\$200,000	
Retirement allowances	285,000	
Interest	103,150	
Graduate and Law School fellow- ships	50,000	
Student aid	500,000	
Major renovations	100,000	
		1,238,150
Additions and Improvements		817,500
		\$37,474,866
Less:		
General services income	\$11,041,975	
Advance from liquid reserve	750,000	
		11,791,975
Sub-Total Appropriation	\$25,677,091	
Land Grant Interest	5,800	
Total Appropriation		\$25,682,891

571-100. *Douglass College*

Salaries:	
Other employees	\$3,115,079
New positions	30,000

Coadjutant salaries	4,100	
Wages of labor	111,000	
		\$3,260,179
Materials and Supplies		262,700
Services Other Than Personal		112,200
Maintenance of Property:		
Recurring	\$84,600	
Non-Recurring and Replacements ..	129,500	
		214,100
Extraordinary:		
Retirement allowances	\$107,196	
Contingent fund	10,000	
Interest	3,350	
Student aid	26,000	
		146,546
Additions and Improvements		28,800
		\$4,024,525
Less:		
General services income		1,281,040
Total Appropriation		\$2,743,485

572-100. *Agricultural Experiment Station*

Salaries:		
Director	\$7,200	
Other employees	5,053,268	
New positions	92,619	
Wages of labor	180,000	
		\$5,333,087
Materials and Supplies		534,500
Services Other Than Personal		194,000
Maintenance of Property:		
Recurring	\$77,000	
Non-Recurring and Replacements ..	137,500	
		214,500
Extraordinary:		
South Jersey Research Center study	\$20,000	
Asparagus research	40,000	

For operation of Willowwood Farm Arboretum and Bird Sanctuary ..	15,000	
		75,000
Additions and Improvements		112,500
		\$6,463,587
<i>Less:</i>		
General services income		1,193,376
Total Appropriation		\$5,270,211
The unexpended balance in the account of the Agri- cultural Experiment Station as of June 30, 1967 is hereby appropriated for research in 1967-68. Total Appropriation, Rutgers, The State University		\$33,696,587

573-100. *New Jersey College of Medicine and Dentistry*

Salaries:		
Other employees	\$2,898,449	
New positions, Non-academic	211,989	
New positions, Academic	278,919	
		\$3,389,357
Materials and Supplies		264,465
Services Other Than Personal		783,132
Maintenance of Property:		
Recurring	\$22,715	
Non-Recurring and Replacements ..	30,732	
		53,447
Extraordinary:		
Compensation awards	\$3,000	
Teachers Insurance Annuity Asso- ciation retirement contributions ..	165,000	
Teachers Insurance Annuity Asso- ciation premium non-contributory insurance	24,000	
Board of Trustees Planning Fund ..	35,000	
Student Aid Matching Fund	25,000	
Student transportation insurance ..	2,500	
		254,500
Additions and Improvements		96,194

Sub-Total Appropriation, General Operations	\$4,841,095
<i>Less:</i>	
General services income	\$828,000
Auxiliary services income	8,424
Total Income Deductions	836,424
Total Appropriation, New Jersey College of Medicine and Dentistry	\$4,004,671
The unexpended balance in this account as of June 30, 1967 is hereby appropriated.	

574-100. *Newark College of Engineering and
Newark Technical School*

Extraordinary:

For the purchase of higher education at the Newark College of Engineering and Newark Technical School, by contract, pursuant to R. S. 18:2-4	\$3,948,996
Total Appropriation, Newark College of Engineering and Newark Technical School	\$3,948,996
Total Appropriation, Department of Higher Education	\$83,805,108

DEPARTMENT OF TRANSPORTATION

600-100. *Administration, General*

Salaries:

Commissioner	\$25,000
Assistant Commissioner	22,000
Other employees	1,894,232
New positions	222,578
	\$2,163,810
Materials and Supplies	111,300
Services Other Than Personal	549,927

Maintenance of Property:

Recurring	\$7,622	
Non-Recurring and Replacements .	35,256	
		42,878

Extraordinary:

Compensation awards	\$1,000	
Intradepartmental equipment rental and supplies	2,000	
		3,000

Additions and Improvements		48,543
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Total Appropriation, Administration—Gen- eral		\$2,919,458
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The unexpended balance in this account as of June 30, 1967 is hereby appropriated for operation and maintenance during 1967-68.

607-100. *Division of Traffic Engineering*

Salaries:

Other employees	\$2,576,177	
New positions	42,198	
		\$2,618,375

Materials and Supplies		1,045,300
Services Other Than Personal		25,700

Maintenance of Property:

Recurring	\$236,410	
Non-Recurring and Replacements .	57,960	
		294,370

Extraordinary:

Compensation awards		8,000
Additions and Improvements		20,600

Total Appropriation, Division of Traffic Engineering		\$4,012,345
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The unexpended balance in this account as of June 30, 1967 is hereby appropriated for operation and maintenance during 1967-68.

610-100. *Division of Maintenance and Equipment*

Salaries:

Other employees	\$11,512,052	
New positions	111,831	
		\$11,623,883

Materials and Supplies	504,850
Services Other Than Personal	445,350

Maintenance of Property:

Recurring	\$2,779,535	
Non-Recurring and Replacements	3,485,388	
		6,264,923

Extraordinary:

Compensation awards	70,000
Additions and Improvements	449,375

Total Appropriation, Division of Maintenance and Equipment		\$19,358,381
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The unexpended balance in this account as of June 30, 1967 is hereby appropriated for operation and maintenance during 1967-68.

610-101. *Interest on Bonds*

Interest on Highway Improvement Bonds—Act of 1930	\$252,920
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Total Appropriation, Interest on Bonds		\$252,920
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630-100. *Public Transportation Services*

Salaries:

Assistant Commissioner	\$22,000	
Other employees	81,739	
New positions	45,009	
		\$148,748

Materials and Supplies	9,000
Services Other Than Personal	115,250
Maintenance of Property	400

Extraordinary:

To carry out the provisions of R. S. 48:12A-16.1 et seq. for railroad subsidies	}	23,250,000
Intradepartmental equipment rentals and supplies		
To acquire new commuter railroad cars contingent upon no less than an equal amount being provided by the Federal Government		
Electrification of New York and Long Branch Railroad		
Erie Lackawanna station improvements		
Utilization of West Shore Branch, New York Central Railroad right-of-way for motor bus operation		
Adapt Trenton railroad station trackwork for high speed service		
Improvements to Trenton railroad station		
Combination Suburban and Corridor station on Pennsylvania Railroad		
Additions and Improvements		3,850
Total Appropriation, Public Transportation Services		\$23,527,248

The unexpended balance in this account as of June 30, 1967 is hereby appropriated.

631-100. *Division of Aeronautics*

Salaries	\$74,260
Materials and Supplies	8,700
Services Other Than Personal	24,700
Maintenance of Property	2,000
Extraordinary:	
Intradepartmental equipment rentals and supplies	3,000
Additions and Improvements	2,000
Total Appropriation, Division of Aeronautics	\$114,660
Total Appropriation, Department of Transportation	\$50,185,012

DEPARTMENT OF INSTITUTIONS AND AGENCIES

700-100. *Administration—General*

Salaries:

Commissioner	\$25,000	
Other employees	952,611	
New positions	88,839	
Positions transferred from other agencies	60,379	
		\$1,126,829

Materials and Supplies 24,900

Services Other Than Personal 198,692

Maintenance of Property:

Recurring	\$3,725	
Non-Recurring and Replacements	3,557	
		7,282

Extraordinary:

Compensation awards 2,092

Additions and Improvements 25,941

Total Appropriation, Administration—General \$1,385,736

700-101. *Interest on Bonds*

Interest on Institution Construction Bonds—Act of 1930	\$15,725	
Interest on Institution Construction Bonds—Act of 1952	34,010	
Interest on Institution Construction Bonds—Act of 1960	1,011,600	
Interest on Institution Construction Bonds—Act of 1964	590,400	
Total Appropriation, Interest on Bonds		\$1,651,735

709-100. *Office of Public Defender*

Salaries:

Public Defender \$22,000

Extraordinary:

To implement the provisions of Senate 287, or similar legislation which may be enacted creating an office of Public Defender	1,978,000
Total Appropriation, Office of Public Defender	<u>\$2,000,000</u>

710-100. *Home for Disabled Soldiers, Menlo Park*

Salaries:

Other employees	\$457,736	
New positions	17,690	
	<u></u>	\$475,426
Materials and Supplies		107,620
Services Other Than Personal		19,092

Maintenance of Property:

Recurring	\$5,350	
Non-Recurring and Replacements	260	
	<u></u>	5,610
Additions and Improvements		7,301

Total Appropriation, Home for Disabled Soldiers, Menlo Park	<u>\$615,049</u>
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711-100. *Home for Disabled Soldiers, Vineland*

Salaries:

Other employees	\$432,912	
New positions	53,677	
	<u></u>	\$486,589
Materials and Supplies		129,190
Services Other Than Personal		28,162

Maintenance of Property:

Recurring	\$9,425	
Non-Recurring and Replacements	26,527	
	<u></u>	35,952

Extraordinary:

Host State—National Conference of Commandants of Soldiers' Homes	2,000
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Additions and Improvements	73,600
Total Appropriation, Home for Disabled Soldiers, Vineland	\$755,493

715-100. Division of Public Welfare—General

Salaries:		
Other employees	\$1,079,475	
New positions	138,251	
		\$1,217,726
Materials and Supplies		16,750
Services Other Than Personal		176,930
Maintenance of Property:		
Recurring	\$1,500	
Non-Recurring and Replacements	4,103	
		5,603
Extraordinary:		
Medical assistance for the aged—State mental and tuberculosis hospitals		774,593
Additions and Improvements		24,180
Total Appropriation		\$2,215,782

The portion of the appropriation made to or on behalf of this Division, which represents General State funds, may be expended on a matching basis in proportion to Federal receipts which are anticipated.

Division of Public Welfare

716-100. Commission for the Blind

Salaries:		
Other employees	\$1,008,688	
New positions	125,405	
		\$1,134,093
Materials and Supplies		54,700
Services Other Than Personal		1,072,162

Maintenance of Property:

Recurring	\$3,580	
Non-Recurring and Replacements ..	11,886	

15,466

Additions and Improvements		25,510
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25,510

Total Appropriation		\$2,301,931
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\$2,301,931

The portion of the appropriation made to or on behalf of this Commission, which represents General State funds, may be expended on a matching basis in proportion to Federal receipts which are anticipated.

The balance to the credit of the Revolving Industrial Fund as of June 30, 1967 is hereby appropriated as a Revolving Industrial Fund in a sum not to exceed \$2,000.

717-100. *Bureau of Children's Services*

Salaries:

Other employees	\$4,204,484	
New positions	647,852	

\$4,852,336

Materials and Supplies		30,100
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30,100

Services Other Than Personal		357,271
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357,271

Maintenance of Property:

Recurring	\$10,850	
Non-Recurring and Replacements ..	38,581	

49,431

Extraordinary:

Group foster home administration ..	\$38,975	
Compensation awards	2,353	

41,328

Additions and Improvements		163,155
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163,155

Total Appropriation		\$5,493,621
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\$5,493,621

The portion of the appropriation made to or on behalf of this Bureau, which represents General State funds, may be expended on a matching basis

in proportion to Federal receipts which are anticipated.

Total Appropriation, Division of Public Welfare	\$10,011,334
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720-100. *State Parole Board*

Salaries:

Chairman	\$17,000	
Other employees	52,322	
		\$69,322

Materials and Supplies	750
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Services Other Than Personal	4,125
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Maintenance of Property	50
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Total Appropriation, State Parole Board ...	\$74,247
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725-300. *Bureau of State Use Industries*

Pursuant to the provisions of R. S. 30:4-100, there are hereby appropriated to the Bureau of State Use Industries the unexpended balance as of June 30, 1967 of the fund known as the "State Use Working Capital Funds," together with all receipts derived from sales; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

730-100. *Division of Correction and Parole*

Salaries:

Other employees	\$1,272,286	
New positions	83,098	
		\$1,355,384

Materials and Supplies	5,700
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Services Other Than Personal	115,973
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Maintenance of Property:

Recurring	\$850	
Non-Recurring and Replacements	3,620	
		4,470

Additions and Improvements	14,225
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Total Appropriation, Division of Correction and Parole	\$1,495,752
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731-100. *State Prison, Trenton*

Salaries:

Other employees	\$2,105,847
New positions	36,708

 \$2,142,555

Materials and Supplies	608,814
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Services Other Than Personal	81,839
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Maintenance of Property:

Recurring	\$25,790
Non-Recurring and Replacements ..	42,912

 68,702

Additions and Improvements	5,415
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Total Appropriation, State Prison, Trenton	\$2,907,325
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732-100. *State Prison Farm, Rahway*

Salaries:

Other employees	\$1,519,578
New positions	23,351

 \$1,542,929

Materials and Supplies	549,958
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Services Other Than Personal	67,426
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Maintenance of Property:

Recurring	\$27,850
Non-Recurring and Replacements ..	56,667

 84,517

Extraordinary:

Compensation awards	1,402
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Additions and Improvements	26,053
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Total Appropriation, State Prison Farm, Rahway	\$2,272,285
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732-300. *Regional Laundry*

The unexpended balance in this account as of June 30, 1967, together with receipts derived from laundry services furnished to the several institutions, are hereby appropriated as a revolving

fund for the purpose of defraying the costs of operation and maintenance of the Regional Laundry at the State Prison Farm, Rahway; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

733-100. State Prison Farm, Leesburg

Salaries		\$417,931
Materials and Supplies		129,248
Services Other Than Personal		26,345
Maintenance of Property:		
Recurring	\$9,150	
Non-Recurring and Replacements	14,281	
		23,431
Extraordinary		
Medium security prison		13,084
Additions and Improvements		2,550
Total Appropriation, State Prison Farm, Leesburg		\$612,589

734-100. State Reformatory, Bordentown

Salaries:		
Other employees	\$1,506,498	
New positions	6,684	
		\$1,513,182
Materials and Supplies		288,865
Services Other Than Personal		60,567
Maintenance of Property:		
Recurring	\$30,150	
Non-Recurring and Replacements	80,764	
		110,914
Additions and Improvements		41,894
Total Appropriation, State Reformatory, Bordentown		\$2,015,422

735-100. *Youth Reception and Correction Center, Yardville*

Salaries:		
Other employees	\$926,171	
New positions	575,176	
		\$1,501,347
Materials and Supplies		278,496
Services Other Than Personal		69,607
Maintenance of Property		11,450
Extraordinary:		
Robert Bruce House—operation		35,724
Additions and Improvements		31,748
Total Appropriation, Youth Reception and Correction Center, Yardville		\$1,928,372

737-100. *State Reformatory for Women, Clinton*

Salaries:		
Other employees	\$1,172,082	
New positions	27,757	
		\$1,199,839
Materials and Supplies		196,941
Services Other Than Personal		74,095
Maintenance of Property:		
Recurring	\$16,925	
Non-Recurring and Replacements	22,179	
		39,104
Additions and Improvements		1,139
Total Appropriation, State Reformatory for Women, Clinton		\$1,511,118

738-100. *State Reformatory, Annandale*

Salaries:		
Other employees	\$1,551,108	
New positions	10,474	
		\$1,561,582
Materials and Supplies		283,943
Services Other Than Personal		58,644

Maintenance of Property:

Recurring	\$23,400	
Non-Recurring and Replacements ..	40,349	
		63,749
Additions and Improvements		42,461

Total Appropriation, State Reformatory, Annandale	\$2,010,379
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739-100. *Training School for Boys*

Salaries:

Other employees	\$19,645	
New positions	4,703	
		\$24,348

Materials and Supplies	300
Services Other Than Personal	250
Maintenance of Property	75
Additions and Improvements	3,060

Total Appropriation, Training School for Boys	\$28,033
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740-100. *State Home for Boys, Jamesburg*

Salaries:

Other employees	\$1,680,713	
New positions	36,163	
		\$1,716,876

Materials and Supplies	311,167
Services Other Than Personal	43,573

Maintenance of Property:

Recurring	\$28,900	
Non-Recurring and Replacements ..	55,097	
		83,997

Extraordinary:

Compensation awards	2,080
Additions and Improvements	20,054

Total Appropriation, State Home for Boys, Jamesburg	\$2,177,747
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741-100. *State Home for Girls, Trenton*

Salaries		\$943,865
Materials and Supplies		100,009
Services Other Than Personal		32,548
Maintenance of Property:		
Recurring	\$10,350	
Non-Recurring and Replacements ..	51,163	
		61,513
Extraordinary:		
Compensation awards	\$3,531	
Pre-release community project	20,000	
		23,531
Additions and Improvements		4,920
Total Appropriation, State Home for Girls, Trenton		\$1,166,386

743-100. *Residential Group Center, Highfields*

Salaries		\$43,471
Materials and Supplies		12,088
Services Other Than Personal		1,646
Maintenance of Property:		
Recurring	\$1,100	
Non-Recurring and Replacements ..	1,530	
		2,630
Total Appropriation, Residential Group Highfields		\$59,835

745-100. *Residential Group Center, Warren*

Salaries		\$42,069
Materials and Supplies		12,313
Services Other Than Personal		1,823
Maintenance of Property:		
Recurring	\$1,175	
Non-Recurring and Replacements ..	4,650	
		5,825
Total Appropriation, Residential Group Center, Warren		\$62,030

746-100. *Residential Group Center, Ocean*

Salaries		\$42,584
Materials and Supplies		13,288
Services Other Than Personal		2,087
Maintenance of Property:		
Recurring	\$950	
Non-Recurring and Replacements	2,500	
		3,450
Additions and Improvements		304
Total Appropriation, Residential Group Center, Ocean		\$61,713

747-100. *Residential Group Center, Turrell*

Salaries		\$43,482
Materials and Supplies		12,160
Services Other Than Personal		2,912
Maintenance of Property:		
Recurring	\$945	
Non-Recurring and Replacements	4,450	
		5,395
Total Appropriation, Residential Group Center, Turrell		\$63,949

760-100. *Division of Mental Retardation*

Salaries:		
Other employees	\$465,323	
New positions	56,414	
		\$521,737
Materials and Supplies		8,600
Services Other Than Personal		45,545
Maintenance of Property		600
Extraordinary:		
Family care	\$115,000	
Day care	615,591	
Purchase of residential care for mentally retarded in non-State		

facilities in accordance with established procedures for admis- sion to a State institution for the mentally retarded, and including related administrative costs	1,575,000	
		2,305,591
Additions and Improvements		13,757
Total Appropriation, Division of Mental Retardation		\$2,895,830

762-100. *Vineland State School*

Salaries:		
Other employees	\$4,014,490	
New positions	115,316	
		\$4,129,806
Materials and Supplies		777,320
Services Other Than Personal		83,627
Maintenance of Property:		
Recurring	\$42,950	
Non-Recurring and Replacements	61,726	
		104,676
Extraordinary:		
Compensation awards		1,674
Additions and Improvements		56,993
Total Appropriation, Vineland State School		\$5,154,096

763-100. *North Jersey Training School, Totowa*

Salaries:		
Other employees	\$2,319,074	
New positions	82,246	
		\$2,401,320
Materials and Supplies		438,495
Services Other Than Personal		114,128
Maintenance of Property:		
Recurring	\$30,900	
Non-Recurring and Replacements	62,617	
		93,517

New Jersey State Library

Additions and Improvements	48,357
Total Appropriation, North Jersey Training School, Totowa	\$3,095,817

764-100. *State Colony, Woodbine*

Salaries:

Other employees	\$2,499,403	
New positions	63,950	
		\$2,563,353

Materials and Supplies	490,420
Services Other Than Personal	48,338

Maintenance of Property:

Recurring	\$28,862	
Non-Recurring and Replacements	63,915	
		92,777

Additions and Improvements	23,957
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Total Appropriation, State Colony, Wood- bine	\$3,218,845
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765-100. *State Colony, New Lisbon*

Salaries:

Other employees	\$2,310,228	
New positions	44,791	
		\$2,355,019

Materials and Supplies	505,490
Services Other Than Personal	66,937

Maintenance of Property:

Recurring	\$30,600	
Non-Recurring and Replacements	54,032	
		84,632

Additions and Improvements	47,925
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Total Appropriation, State Colony, New Lis- bon	\$3,060,003
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766-100. *Woodbridge State School*

Salaries:		
Other employees	\$3,088,507	
New positions	131,715	
		\$3,220,222
Materials and Supplies		555,410
Services Other Than Personal		165,992
Maintenance of Property:		
Recurring	\$23,600	
Non-Recurring and Replacements	2,122	
		25,722
Additions and Improvements		60,328
Total Appropriation, Woodbridge State School		\$4,027,674

767-100. *Hunterdon State School*

Salaries		\$36,435
Materials and Supplies		500
Services Other Than Personal		903
Maintenance of Property		50
Total Appropriation, Hunterdon State School		\$37,888

768-100. *Edward R. Johnstone Training and Research Center*

Salaries:		
Other employees	\$1,414,720	
New positions	10,131	
		\$1,424,851
Materials and Supplies		222,668
Services Other Than Personal		66,325
Maintenance of Property:		
Recurring	\$21,600	
Non-Recurring and Replacements	57,047	
		78,647
Additions and Improvements		19,600
Total Appropriation, Edward R. Johnstone Training and Research Center		\$1,812,091

770-100. Division of Mental Health and Hospitals

Salaries:		
Other employees	\$220,303	
New positions	61,078	
		\$281,381
Materials and Supplies		5,400
Services Other Than Personal		25,949
Maintenance of Property:		
Recurring	\$250	
Non-Recurring and Replacements ..	2,333	
		2,583
Extraordinary:		
Mental health research	\$458,981	
Second In-patient Drug Addiction Unit	25,000	
		483,981
Additions and Improvements		21,749
Total Appropriation, Division of Mental Health and Hospitals		\$821,043

777-100. State Hospital, Greystone Park

Salaries:		
Other employees	\$10,045,134	
New positions	162,613	
		\$10,207,747
Materials and Supplies		1,910,918
Services Other Than Personal		359,266
Maintenance of Property:		
Recurring	\$160,100	
Non-Recurring and Replacements ..	214,613	
		374,713
Extraordinary:		
Compensation awards	\$60,000	
Family care	151,800	
		211,800
Additions and Improvements		64,084
Total Appropriation, State Hospital, Greystone Park		\$13,128,528

779-100. *State Hospital, Trenton*

Salaries:		
Other employees	\$8,260,135	
New positions	160,018	
Positions transferred from another division	12,345	
		\$8,432,498
Materials and Supplies		1,407,680
Services Other Than Personal		151,330
Maintenance of Property:		
Recurring	\$80,240	
Non-Recurring and Replacements ..	120,262	
		200,502
Extraordinary:		
Compensation awards	\$925	
Family care	165,600	
		166,525
Additions and Improvements		78,475
Total Appropriation, State Hospital, Trenton		\$10,437,010

781-100. *State Hospital, Marlboro*

Salaries:		
Other employees	\$6,553,331	
New positions	134,860	
		\$6,688,191
Materials and Supplies		789,450
Services Other Than Personal		145,240
Maintenance of Property:		
Recurring	\$75,150	
Non-Recurring and Replacements ..	121,860	
		197,010
Extraordinary:		
Compensation awards	\$3,540	
Family care	414,000	
		417,540
Additions and Improvements		87,356
Total Appropriation, State Hospital, Marl- boro		\$8,324,787

783-100. *State Hospital, Ancora*

Salaries:		
Other employees	\$5,380,582	
New positions	154,682	
		\$5,535,264
Materials and Supplies		945,120
Services Other Than Personal		116,711
Maintenance of Property:		
Recurring	\$58,200	
Non-Recurring and Replacements ..	74,618	
		132,818
Extraordinary:		
Family care		115,800
Additions and Improvements		107,043
Total Appropriation, State Hospital, Ancora		\$6,952,756

785-100. *Neuropsychiatric Institute*

Salaries		\$3,950,291
Materials and Supplies		481,880
Services Other Than Personal		97,159
Maintenance of Property:		
Recurring	\$43,950	
Non-Recurring and Replacements ..	76,004	
		119,954
Extraordinary:		
Family care		27,600
Additions and Improvements		34,173
Total Appropriation, Neuropsychiatric Institute		\$4,711,057

786-100. *Psychiatric Institute*

Salaries	\$27,356
Materials and Supplies	250
Services Other Than Personal	400
Maintenance of Property	50
Total Appropriation, Psychiatric Institute ..	\$28,056

790-100. *Arthur Brisbane Child Treatment Center*

Salaries:

Other employees	\$471,072	
New positions	7,320	
		\$478,392

Materials and Supplies		58,972
Services Other Than Personal		15,263

Maintenance of Property:

Recurring	\$4,650	
Non-Recurring and Replacements ..	13,400	
		18,050

Additions and Improvements		13,850
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Total Appropriation, Arthur Brisbane Child Treatment Center		\$584,527
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792-100. *Diagnostic Center*

Salaries:

Other employees	\$834,149	
New positions	4,104	
		\$838,253

Materials and Supplies		66,449
Services Other Than Personal		25,245

Maintenance of Property:

Recurring	\$8,770	
Non-Recurring and Replacements ..	16,007	
		24,777

Extraordinary:

Sex Offender Program		118,087
Additions and Improvements		3,400

Total Appropriation, Diagnostic Center		\$1,076,211
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794-100. *State Sanatorium for Chest Diseases, Glen Gardner*

Salaries:

Other employees	\$1,379,620	
New positions	6,366	
		\$1,385,986

Materials and Supplies		234,800
Services Other Than Personal		44,128

Maintenance of Property:

Recurring	\$19,450	
Non-Recurring and Replacements ..	45,965	
		65,415

Extraordinary:

Compensation awards	1,820	
Additions and Improvements	37,140	

Total Appropriation, State Sanatorium for Chest Diseases, Glen Gardner	\$1,769,289
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Total Appropriation, Department of Institu- tions and Agencies	\$106,002,037
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In addition to the amounts hereinabove specifically appropriated for the various institutions, all funds derived from the sale of farm products to any State agency or political subdivision of the State are hereby appropriated.

Balances on hand as of June 30, 1967 of funds held for the benefit of patients and inmates in the several institutions, together with such funds as may be received, are hereby appropriated for the use of such patients and inmates.

Funds received from the sale of articles made in occupational therapy departments of the several institutions are hereby appropriated for the purchase of additional material and other expenses incident to such sale or manufacture.

Unexpended balances as of June 30, 1967 of funds received by the several institutions representing rental of garages, together with such funds as may be received, are hereby appropriated for the repair and maintenance of existing garages and for the construction of additional garages by such institutions.

DEPARTMENT OF COMMUNITY AFFAIRS

800-100. *Administrative Division*

Salaries:

Commissioner	\$30,000	
New positions	298,872	
		\$328,872

Materials and Supplies	4,400
Services Other Than Personal	135,661

Total Appropriation, Administrative Division	\$468,933
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The unexpended balance in this account as of June 30, 1967 is hereby appropriated.

805-100. *Office of Community Service*

Salaries:

Director	\$18,000	
New positions	219,648	
		\$237,648

Materials and Supplies	3,000
Services Other Than Personal	33,764

Total Appropriation, Office of Community Service	\$274,412
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810-100. *Division of Local Finance*

Salaries:

Director	\$19,500	
Board members (3 @ \$6,000)	18,000	
Other employees	250,320	
		\$287,820

Materials and Supplies	14,100
Services Other Than Personal	54,857

Maintenance of Property:

Recurring	\$800	
Non-Recurring and Replacements	1,122	
		1,922

Total Appropriation, Division of Local Finance	\$358,699
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Division of Housing and Urban Renewal

815-100. *Bureau of Housing Inspection*

Salaries:

Director	\$18,000	
Other employees	306,022	
New positions	6,366	
		\$330,388

Materials and Supplies	6,225	
Services Other Than Personal	22,663	
Maintenance of Property:		
Recurring	\$700	
Non-Recurring and Replacements ..	1,950	
		2,650
Extraordinary:		
Expanded programs	192,025	
Additions and Improvements	150	
Total Appropriation, Division of Housing and Urban Renewal		\$554,101

820-100. *Division of State and Regional Planning*

Salaries:		
Director	\$16,000	
Other employees	183,503	
New positions	29,719	
		\$229,222
Materials and Supplies		11,000
Services Other Than Personal		29,126
Maintenance of Property:		
Recurring	\$350	
Non-Recurring and Replacements ..	1,300	
		1,650
Extraordinary:		
For the State's $\frac{1}{3}$ share of the cost of land development planning aspects of studies in the North- eastern New Jersey-New York urban area, to be conducted by the Tri-State Transportation Com- mission, which qualifies for $\frac{2}{3}$ matching by the Urban Renewal Administration of the United States Department of Housing and Urban Development, subject to expenditure by the Tri-State Transportation Commission upon		

approval of the Commissioner of the Department of Community Affairs	\$183,333	
For the State's $\frac{1}{3}$ share of the cost of land development planning aspects of the Atlantic City urban area study which qualifies for $\frac{2}{3}$ matching by the Urban Renewal Administration of the United States Department of Housing and Urban Development	10,000	
For the State's $\frac{1}{3}$ share of the cost of land development planning aspects of any Philadelphia- Camden urban area study which may qualify for $\frac{2}{3}$ matching by the Urban Renewal Administra- tion of the United States Depart- ment of Housing and Urban De- velopment	32,000	
Co-operative governmental planning	100,000	
		325,333
Additions and Improvements		2,000
Total Appropriation, Division of State and Regional Planning		\$598,331
The unexpended balance as of June 30, 1967 in the account "Co-operative Governmental Planning" is hereby appropriated.		
Receipts from the sale of printed material are hereby appropriated as a revolving fund for the purpose of printing and reprinting literature for sale.		

825-100. *Division of the Aging*

Salaries:		
Director	\$14,000	
Other employees	75,590	
		\$89,590
Materials and Supplies		9,100
Services Other Than Personal		19,048

Maintenance of Property:

Recurring	\$250	
Non-Recurring and Replacements ..	1,175	
		1,425

Extraordinary:

Conference on aging	\$1,500	
Survey and demonstration projects ..	25,000	
Older Americans Act—State share ..	15,000	
		41,500

Additions and Improvements		115
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Total Appropriation, Division of the Aging ..		\$160,778
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The unexpended balance in this account as of June 30, 1967, is hereby appropriated to match Federal funds which may be available; provided, however, that the expenditures thereof shall be subject to transfers approved as prescribed in section 3 of this act.

830-100. *Division of Youth*

Salaries:

Director	\$13,500	
Other employees	22,000	
		\$35,500

Materials and Supplies	1,900	
Services Other Than Personal	6,859	
Maintenance of Property	250	

Total Appropriation, Division of Youth		\$44,509
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835-100. *Office of Economic Opportunity*

Extraordinary:

Rural manpower development	}	\$1,700,000
Adult Literacy Program		
Opportunity centers		
State and local share of Office of Economic Opportunity programs		
Aid to State, local districts toward recovery of Federal grants		
Public career development		
Upward Bound		
Migrant program		
Special Program for the Spanish speaking community		
Legal services to the economically disadvantaged		

Total Appropriation, Office of Economic Opportunity	\$1,700,000
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The unexpended balance in this account as of June 30, 1967 is hereby appropriated.

Total Appropriation, Department of Community Affairs	\$4,159,763
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MISCELLANEOUS EXECUTIVE COMMISSIONS

910-100. *South Jersey Port Commission*

Salaries	\$42,942
Materials and Supplies	1,100
Services Other Than Personal	4,761
Maintenance of Property	165

Extraordinary:

Dredging	\$60,000	
For payment in calendar year 1967 to the City of Camden on account of the obligation of the South Jersey Port Commission to the City pursuant to agreement dated June 6, 1928	100,000	
		160,000

Total Appropriation	\$208,968
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911-100. *Palisades Interstate Park Commission*

Salaries:

Other employees	\$567,765	
New positions	12,517	
		\$580,282

Materials and Supplies	35,085
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Services Other Than Personal	26,439
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Maintenance of Property:

Recurring	\$37,950	
Non-Recurring and Replacements ..	63,501	
		101,451

Additions and Improvements	1,950
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Total Appropriation		\$745,207
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The net share of revenues derived from the operation of gasoline stations on the New Jersey section of the Palisades Interstate Parkway, together with the unexpended balances from such revenues as of June 30, 1967, are hereby appropriated for maintenance of such stations, for capital projects and plans including an historic park in Fort Lee and for extraordinary maintenance.

The unexpended balances as of June 30, 1967 from stands, concessions and self-sustaining activities operated or supervised by this Commission, together with receipts from such activities, are hereby appropriated.

912-100. *Delaware River Joint Toll Bridge Commission*

Salaries:

Other employees	\$360,002	
New positions	8,618	
		\$368,620

Materials and Supplies	22,250
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Services Other Than Personal	8,600
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Maintenance of Property:

Recurring	\$9,700	
Non-Recurring and Replacements ..	26,500	
		36,200

Additions and Improvements	12,000
Total Appropriation	<u>\$447,670</u>

913-100. *Interstate Sanitation Commission*

Extraordinary:

New Jersey's Share of Administrative Costs:

Water pollution (45%)	\$55,350	
Air pollution (50%)	27,500	
	<u></u>	\$82,850

Total Appropriation	<u>\$82,850</u>
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914-100. *Delaware River Basin Commission*

Extraordinary:

Expenses of the Commission	\$232,500
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Total Appropriation	<u>\$232,500</u>
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The unexpended balance in this account as of June 30, 1967 is hereby appropriated.

Total Appropriation, Miscellaneous Executive Commissions	<u><u>\$1,717,195</u></u>
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INTER AND NON-DEPARTMENTAL ITEMS

940-100. *Inter-Departmental Services*

Services Other Than Personal:

Rent:

Buildings and grounds	\$7,894,734
Health-Agriculture Building	664,200
Education Building	332,356
Cultural Center	541,261

Sub-Total Appropriation	<u>\$9,432,551</u>
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Less: Charges to other than General

<i>State Fund sources</i>	<u>3,325,746</u>
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Total Appropriation	\$6,106,805
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Notwithstanding any other provision of law, no lease for the rent of any office or building shall be executed which has an expiration date subsequent to June 30, 1968 without the prior approval of the State Treasurer, the Director of the Division of Budget and Accounting, the Legislative Budget and Finance Director, the President of the Senate and the Speaker of the General Assembly.

The Director of the Division of Budget and Accounting is hereby empowered to allocate to any State agency occupying space in any State-owned building equitable charges for the rental of such space, to include but not be limited to the costs of operation and maintenance thereof, and the amounts so charged shall be credited to the General State Fund; and, to the extent that such charges may exceed the amounts appropriated for such purposes to any agency financed from any fund other than the General State Fund, the required additional appropriation is hereby made out of such other fund.

With respect to the equitable charges allocated to agencies occupying the Department of Labor and Industry Office Building, such amounts which may be attributable to the amortization of the portion of the building, the construction cost of which was provided from funds made available from the Unemployment Trust Fund, shall be credited to that fund.

941-100. *Employee Benefits*

Extraordinary:

Heath Act	\$126,000
Veterans' Act	206,000
Miscellaneous Special Acts	23,000
Governors' Widows Annuity	7,500
Judicial Pensions	724,000
Prison Officers' Pensions	447,000
Public Employees' Retirement System	14,634,846
Premium for Non-Contributory Insurance	2,381,386

State's share of Social Security Tax	10,260,000
State Police Retirement System . . .	4,512,226
Premium for Non-Contributory Insurance—State Police	132,500
State Employees' Health Benefits . .	3,592,000
Pension Increase Act	1,105,000

Total Appropriation	<u>\$38,151,458</u>
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The unexpended balance as of June 30, 1967 of the sum appropriated for the State's share of Social Security Tax is hereby appropriated.

The sum appropriated for the State's share of the Social Security Tax is hereby made available for the payment of such tax which may be applicable to the prior fiscal year.

Out of the sum hereinabove appropriated, upon application to the Director of the Division of Budget and Accounting, an annuity of \$2,500 shall be paid to the widow of any person, now deceased, who was elected and served as Governor of this State, provided such widow was the wife of such person for all or part of the period during which he served as Governor and, provided further, that this shall not apply to any widow receiving a pension granted under R. S. 43:8-2, and continued by chapter 190, P. L. 1955.

Any adjustment which may be required for the payment of Premium for Non-Contributory Insurance shall result in a contra-adjustment in the payment of the normal contribution for the Public Employees' Retirement System.

Any adjustment which may be required for the payment of Premium for Non-Contributory Insurance shall result in a contra-adjustment in the payment of the normal contribution for the State Police Retirement System.

There are hereby appropriated to the Public Employees' Retirement System, for credit to the Contingent Reserve Fund, any sums payable to the State Treasurer pursuant to the provisions of R. S. 43:15A-88 et seq.

Any sums payable to the State Treasurer pursuant to the provisions of R. S. 43:16A-1 et seq. are hereby appropriated to the Police and Firemen's Retirement System.

942-100. *State Emergency Fund*

For allotment to the various departments or agencies, to meet any condition of emergency or necessity until legislation appropriate therefor shall be enacted; provided, however, that a sum not in excess of \$5,000 shall be available for the expense of officially receiving dignitaries and for incidental expenses including lunches for non-salaried board members and others for whom official reception shall be beneficial to the State. Allotments from this appropriation shall be made only upon authorization of the Governor	\$100,000	
For allotment to the various departments or agencies to pay compensation awards allowed State employees, upon approval of the Director of the Division of Budget and Accounting	200,000	
Total Appropriation		\$300,000

943-100. *Salary Adjustments and Increments*

To the Director of the Division of Budget and Accounting for transfer, as required, to the various agencies to cover the cost of salary adjustments for State employees which result from providing a 5% increase in the salary rate in effect on June 30, 1967 for all State employees

serving in class titles assigned to salary ranges and to provide reasonably comparable salary adjustments for State employees in certain no-range or single-rate positions, effective July 3, 1967	\$10,850,000
To the Director of the Division of Budget and Accounting for transfer, as required, to the various agencies to permit payment of an annual salary rate of no less than \$4,000 for full-time State employees involved in patient care and certain other service worker class titles assigned to salary ranges, effective July 3, 1967	550,000
To the Director of the Division of Budget and Accounting for transfer, as required, to the various agencies for the cost of establishing competitive hiring rates for certain skilled clerical workers, business machine operators, nurses and professional/administrative trainees, and to permit a salary increase after the first six (6) months of full-time State employees in certain designated college trainee positions who attain an acceptable standard of development and performance	600,000
Total Appropriation	<u>\$12,000,000</u>

The aforesaid salary adjustments and increments shall require the prior approval of the President of the Civil Service Commission, the State Treasurer and the Director of the Division of Budget and Accounting.

Any sums appropriated to the several departments for salaries may be made available for salary adjustments therein arising from various exigencies of the State service and for normal merit salary

increments as the President of the Civil Service Commission, the State Treasurer, the Director of the Division of Budget and Accounting and the Legislative Budget and Finance Director shall determine; provided, however, that the first normal merit salary increment anniversary date shall be July 3, 1967.

Any sums appropriated for salaries shall be made available for any person holding State office, position or employment, whose compensation is paid directly or indirectly, in whole or in part, from State funds, including any person holding office, position or employment in any educational institution for which appropriations are made to the State University, the New Jersey College of Medicine and Dentistry or to the State Board of Higher Education for the Newark College of Engineering, or holding office, position or employment under the Delaware River Joint Toll Bridge Commission, the Palisades Interstate Park Commission and the Interstate Sanitation Commission.

Each person holding such State office, position or employment, whose compensation from State funds is derived, in whole or in part, from Federal or other than General Fund sources, shall be entitled to the same salary adjustments and increments which may be authorized hereinabove which he would receive if his compensation were paid wholly from State funds; provided, however, that the Federal Government or other than General Fund source consents thereto and pays the costs thereof.

Should any State officer for whom a salary is specifically appropriated be replaced in office during the fiscal year ending June 30, 1968, the salary to be paid the successor of such officer may be such lesser sum as the appointing authority shall determine.

944-100. *Additional Overtime Compensation*

To the Director of the Division of Budget and Accounting for transfer, as required, to the various agencies to cover the additional costs in- curred as a result of compensating employees for authorized overtime at a rate 1½ times the employee's applicable salary rate, for those em- ployees in class titles eligible for cash overtime payments in accord- ance with 1966 Senate No. 393 (awaiting action by the Governor) and the policies and regulations as issued by the State Treasurer, President of the Civil Service Com- mission and the Director of the Division of Budget and Accounting .		\$4,000,000
Total Appropriation		<u>\$4,000,000</u>
Total Appropriation, Inter and Non- Departmental Items		<u><u>\$60,558,263</u></u>

970-100. THE JUDICIARY

Salaries:

Chief Justice	\$32,000	
Associate Justices (6 @ \$31,000) ..	186,000	
Judges (52 @ \$27,000)	1,377,000	
Positions established from lump sum appropriations (26 Judges) .	702,000	
Clerk of the Supreme Court	15,000	
Clerk of the Superior Court	17,000	
Administrative Director	20,000	
Other employees	1,681,980	
New positions	135,623	
	<u>4,166,603</u>	
Materials and Supplies		177,050
Services Other Than Personal		175,006
Maintenance of Property:		
Recurring	\$7,850	

Non-Recurring and Replacements	8,630	
		16,480
Additions and Improvements		11,652
Total Appropriation, The Judiciary		\$4,546,791
Total Appropriation, General State Operations		\$415,989,803

STATE AID

DEPARTMENT OF LAW AND PUBLIC SAFETY

150-150. *Division of Weights and Measures—State Aid*

For payment of fees to counties and municipalities from the sale of solid fuel licenses in accordance with the provisions of R. S. 51:8-13, approximating	\$5,000
For payment of fees to counties and municipalities from the sale of poultry licenses in accordance with the provisions of R. S. 4:11-48, approximating	1,000
Total Appropriation, Department of Law and Public Safety	\$6,000

DEPARTMENT OF THE TREASURY

*Division of Taxation*240-150. *Payments to Counties (Five Per Centum Inheritance Taxes)—State Aid*

Payment to counties (5% of Inheritance Taxes) R. S. 54:33-10	\$3,100,000

There are hereby appropriated such additional funds as may be required for payments to each county pursuant to R. S. 54:33-10.

241-150. *County Boards of Taxation—State Aid*

Salaries:

Members (69)	\$410,625

245-150. *Payments to Municipalities (In Lieu of Railroad Property Tax)—State Aid*

For State aid to certain municipalities in which railroad property is located, pursuant to R. S. 54:29A-2 et seq.	\$13,603,299
<i>Less: Amount due from the assess- ment of Class II railroad property</i>	<i>8,084,168</i>
Total Appropriation	<u>\$5,519,131</u>

In addition to the amount hereinabove appropriated for Payments to Municipalities (In Lieu of Railroad Property Tax), there are hereby appropriated such additional sums as may be required for the payment of State aid to certain municipalities in which railroad property is located pursuant to R. S. 54:29A-2 et seq.

246-150 *Payments to Municipalities (In Lieu of Business Personalty Tax)—State Aid*

The unexpended balance in this account as of June 30, 1967 is hereby appropriated to implement the provisions of R. S. 54:11D-5.

Division of Pensions

295-150. *Consolidated Police and Firemen's Pension Fund—State Aid*

State's contribution pursuant to the provisions of R. S. 43:16-1	\$6,017,261
Total Appropriation, Department of the Treasury	<u>\$15,047,017</u>

DEPARTMENT OF PUBLIC UTILITIES

350-150. *Grade Crossing Elimination—State Aid*

For the public share of the cost to eliminate grade crossings and for other projects pursuant to R. S. 48:12-49.1 et seq.	<u>\$2,000,000</u>
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The unexpended balance in this account as of June 30, 1967 is hereby appropriated.

Total Appropriation, Department of Public Utilities	\$2,000,000
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DEPARTMENT OF HEALTH

360-150. *General—State Aid*

Salaries:

Positions established from lump sum appropriation	\$77,802	
Positions transferred from another division	12,247	
		\$90,049
Materials and Supplies		2,000
Services Other Than Personal		2,500
Maintenance of Property		50

Extraordinary:

Dental Health Services, pursuant to R. S. 26:1A-37f	\$38,646	
State Aid for basic health services, pursuant to R. S. 26:2F-4	500,000	
Special projects and development, pursuant to R. S. 26:2F-7	300,000	
State equalization aid for local health purposes, pursuant to R. S. 26:2F-6	2,250,000	
		3,088,646

Total Appropriation	\$3,183,245
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The unexpended balance in this account as of June 30, 1967 is hereby appropriated.

The capitation for the purposes prescribed in the State Health Aid Act of 1966 (R. S. 26:2F-1 et seq.) is hereby set at \$1.55 for the calendar year 1968.

365-450. *State Sewerage Facilities Loan Fund—State Aid*

Loans for engineering plans pursuant to R. S. 26:2E-5	\$1,000,000
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Grants for feasibility studies pursuant to R. S. 26:2E-4	250,000	
Construction grants, subject to enactment of enabling legislation	2,898,200	
Total Appropriation		\$4,148,200
The unexpended balance in this account as of June 30, 1967 is hereby appropriated		

378-150. *Crippled Children's Program—State Aid*

Hospitalization and convalescent care	\$470,342	
Appliances	28,380	
Total Appropriation		\$498,722
Total Appropriation, Department of Health		\$7,830,167

DEPARTMENT OF CONSERVATION AND ECONOMIC
DEVELOPMENT

Division of Resource Development

420-150, 450. *Inland Waterways and Shore Protection—State Aid*

Inland Waterways—Construction, reconstruction, maintenance, improvement and dredging of Inland Waterways, including bulkheading and dredging at State Marinas, at the discretion of the Commissioner; provided, however, that a sum not exceeding \$25,000 shall be available for the control of obnoxious aquatic vegetation in State-controlled lakes; and provided, however, that funds will be available for dredging State-controlled lakes, including Pompton Lakes, Deal Lake and Lake Hopatcong. All projects shall be constructed under contract with and under supervision of the Department of Conservation and Economic Development	\$400,000
Harbor of Refuge at Atlantic City Marina	100,000
Shore Protection—For Shore Protection outlined in 12:6A-1	1,000,000

None of the funds herein appropriated shall be available for expenditure unless matched by a participating municipality or county. Any participating municipality or county shall deposit its 50% share of participation with the State Treasurer through the Department of Conservation and Economic Development; provided, however, that out of the appropriation which may be made, a sum not exceeding \$10,000 shall be available for replacement of motor vehicles, transportation supplies and other equipment for use in this program; a sum not exceeding \$50,000 shall be available to defray the State's share of co-operative studies in connection with the Federal Government; a sum not exceeding \$25,000 shall be available for rehabilitation of the yacht basin or anchorage on Raritan Bay in the City of Perth Amboy upon certification to the Department that not less than 20% of the capacity of said yacht basin or anchorage shall be open to the public-at-large as a harbor of refuge to the extent of the need therefor; funds shall be available for investigative and exploratory work, including borings in the ocean bottom, rivers, lakes, ponds, and in the uplands, the purpose of which is to locate borrow area from which material for beachfill may be secured; funds may be expended without matching by municipality or county to protect the beach and property at Sandy Hook State Park. Funds may be expended without matching by municipality or county for maintenance and repair of existing shore protection jetties and groins heretofore constructed with State Aid. All projects shall be constructed under contract with and under supervision of the Department of Conservation and Economic Development.

Total Appropriation, Division of Resource Development	\$1,500,000
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The unexpended balance in the "Special Beach Erosion Fund" as of June 30, 1967 is hereby

appropriated for the purpose defined in chapter 18, P. L. 1962.

The unexpended balance of the appropriation made pursuant to chapter 194, P. L. 1962 and chapter 179, P. L. 1963, for State Aid for shore protection to municipalities and counties participating in the Federal program under the Public Works Acceleration Act (Public Laws 87-658) as of June 30, 1967 is hereby appropriated for the same purpose.

The unexpended balances as of June 30, 1967 in all other accounts hereinabove are hereby appropriated.

460-150. *Division of Veterans' Services—State Aid*

Veterans Orphan Fund—Educational.	\$150,000	
Payment to Blind Veterans	31,500	
Payment to Paraplegics, Hemiplegic Veterans	176,000	
Total Appropriation, Division of Veterans' Services		\$357,500

The unexpended balance in this account as of June 30, 1967 is hereby appropriated.

472-150. *State Mosquito Control Commission—State Aid*

For transfer to the Agricultural Experiment Station for airplane spraying in counties bordering on the Atlantic ocean and Delaware bay and in such other counties as the State Mosquito Control Commission may designate	\$100,000	
For transfer to the Agricultural Experiment Station for mosquito control and extermination pursuant to 26:9-12.6	250,000	
For transfer to the Agricultural Experiment Station for mosquito control on State-owned land	25,000	

Total Appropriation, State Mosquito Control Commission	\$375,000
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The unexpended balance in this account as of June 30, 1967 is hereby appropriated.

Total Appropriation, Department of Conservation and Economic Development	\$2,232,500
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DEPARTMENT OF EDUCATION

*Commissioner's Office*500-150. *Educational Purposes—State Aid*

Salaries:

County Superintendents	\$387,601	
Other employees	1,031,813	
New positions	38,990	
		\$1,458,404

Materials and Supplies	94,500
Services Other Than Personal	86,350
Maintenance of Property	1,000

Extraordinary:

National Defense Education Act—		
State's share	\$160,000	
Senator James F. Murray Junior		
Historian Fund	15,000	
		175,000

Grants-in-Aid:

Vocational school districts	\$520,000
Industrial schools	71,000
Technical education	100,000
State school aid (18:10-29.30-29.62)	
Formula (Foundation, equaliza-	
tion and minimum)	170,211,692
Atypical pupils	5,771,830
Children resident on State-owned	
property	100,000
Vocational education	2,450,000
Transportation	13,692,872
Emergency fund	175,000
School building aid	28,106,706
Maladjusted pupils	3,755,795

Children resident in institutions . . .	135,240	
Adult education	260,825	
Evening schools for foreign-born residents	87,985	
County audio-visual aid centers . . .	50,000	
State aid for certain libraries	1,976,520	
Work-study program	75,000	
Additional library aid	1,000,000	
		\$228,540,465
Total Appropriation		\$230,355,719

The unexpended balance in the account "Vocational Education" as of June 30, 1967 is hereby appropriated for the same purpose.

All other unexpended balances not to exceed \$250,000 in the remaining Grants-in-Aid accounts as of June 30, 1967 are hereby appropriated.

501-150. *Teachers' Pension and Annuity Fund, Group Life Insurance and Social Security Tax—State Aid*

State's Contribution to Teachers' Pension and Annuity Fund—	
Normal contribution	\$55,836,447
Class B liability and deficiency contribution	6,882,446
Veterans' liability for Department of Education personnel . .	87,787
Payment on behalf of local employee veterans appointed after January 1, 1955	186,810
Liability for offset elimination (18:13-112.70)	6,014,464
Reimbursement for additional construction costs of the Department of Education and Cultural Center buildings with interest to July 1, 1967	39,753
Premium for Non-Contributory Insurance	3,425,000

State's share of Social Security Tax	21,585,000	
Total Appropriation		\$94,057,707

The unexpended balance as of June 30, 1967 of the sum appropriated for the "State's share of Social Security Tax" is hereby appropriated.

The sum appropriated for the "State's share of Social Security Tax" shall be available for the payment of such tax applicable to the prior fiscal year.

Any sums payable to the State Treasurer pursuant to R. S. 18:13-112.76 are hereby appropriated to the Teachers' Pension and Annuity Fund for credit to the Contingent Reserve Fund.

Any adjustment in the Premium for Non-Contributory Insurance shall be reflected in the appropriation for "Normal Contribution."

Total Appropriation, Department of Education	\$324,413,426
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DEPARTMENT OF HIGHER EDUCATION

Office of the Chancellor

540-150. *Educational Purposes—State Aid*

County colleges	\$13,255,439	
County-assisted junior colleges	539,400	
For the operational expense of schools of professional nursing subject to the enactment of Senate 409 or similar legislation	600,000	
Total Appropriation, Department of Higher Education		\$14,394,839

The unexpended balance in the account "County Colleges" as of June 30, 1967 is hereby appropriated for the same purpose.

In computing the State support for operational costs for any county college or any county-

assisted junior college, there shall be excluded from the total operational costs of such college that portion of salary costs which may result from any salary schedule adopted by the college which is higher than the salary schedule in effect during the same fiscal (academic) year for the State Colleges.

DEPARTMENT OF TRANSPORTATION

620-150. *Division of Local Government Aid—State Aid Administration*

Salaries:		
Other employees	\$656,979	
New positions	19,745	
		\$676,724
Materials and Supplies		6,400
Services Other Than Personal		30,229
Maintenance of Property:		
Recurring	\$230	
Non-Recurring and Replacements .	810	
		1,040
Extraordinary:		
Intrdepartmental equipment, rentals and supplies		40,000
Additions and Improvements		567
Sub-Total Appropriation		\$754,960

Counties and Municipalities—Grants

Construction, reconstruction, maintenance, etc., of county roads pursuant to R. S. 52:27B-20	\$4,000,000
Construction, reconstruction, maintenance and repairs to county roads on the basis of \$55,000 per county pursuant to R. S. 27:14-1	577,500
Construction, reconstruction, grading, drainage, maintenance, lighting or repair of municipal roads pursuant to 27:15-1	2,250,000

Construction, or reconstruction of municipal roads on the basis of \$100,000 per county pursuant to R. S. 27:15-1.14	1,050,000	
Reconstructing county and municipal roads pursuant to R. S. 27:13-10 et seq.	100,000	
County and municipal aid for lighting	215,000	
State Aid for county and municipal highways, subject to the enactment of Senate 430 or similar legislation	7,500,000	
Sub-Total Appropriation		\$15,692,500
Total Appropriation, Department of Trans- portation		\$16,447,460

The unexpended balance in this account as of June 30, 1967 is hereby appropriated.

The appropriation hereinabove for Counties and Municipalities—Grants shall be payable as hereinabove prescribed for the period January 1 to June 30, 1968.

DEPARTMENT OF INSTITUTIONS AND AGENCIES

Division of Public Welfare—General

715-150. Old Age Assistance—State Aid

For the purpose of making payments for the State's share of old age assistance, pursuant to R. S. 44:7-25		\$4,620,000
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The unexpended balance remaining in this account as of June 30, 1967, including the State's net share of reimbursement, and the net balance remaining after full payment of sums due the Federal Government of all funds recovered under R. S. 44:7-14 during the fiscal year ending June 30, 1967 are hereby appropriated; and in addition thereto, all such funds recovered under R. S. 44:7-14 during the fiscal year ending June 30, 1968 are hereby appropriated.

The sums hereinabove appropriated shall be available for the payment of bills applicable to prior fiscal years.

715-151. *General Assistance—State Aid*

For the purpose of making payments to municipalities for the State's share of the cost of general assistance, pursuant to R. S. 44:8-134

\$7,041,000

Receipts from State administered towns during 1967-68 and the unexpended balance in this account as of June 30, 1967 are hereby appropriated.

The sums hereinabove appropriated shall be available for the payment of bills applicable to prior fiscal years.

715-152. *Disability Assistance—State Aid*

For the purpose of making payments for the State's share of cost of assistance to the permanently and totally disabled, pursuant to R. S. 44:7-38 et seq.

\$4,021,000

The unexpended balance remaining in this account as of June 30, 1967, including the State's net share of reimbursement, and the net balance remaining after full payment of sums due the Federal Government of all funds recovered under R. S. 44:7-14 during the fiscal year ending June 30, 1967, are hereby appropriated; and in addition thereto, all such funds recovered under R. S. 44:7-14 during the fiscal year ending June 30, 1968 are hereby appropriated.

The sums hereinabove appropriated shall be available for the payment of bills applicable to prior fiscal years.

715-153. *Dependent Children Assistance—State Aid*

For the purpose of making payments for the State's share of cost of assistance for dependent children pursuant to R. S. 44:10-1 et seq.

\$25,488,000

The unexpended balance in this account as of June 30, 1967, including the State's net share of reimbursement, and the net balance remaining after full payment of sums due the Federal Government of all funds recovered under Section 4 of R. S. 44:10-1 et seq. during the fiscal year ending June 30, 1967 are hereby appropriated; and in addition thereto, all such funds recovered under Section 4 of R. S. 44:10-1 et seq., during the fiscal year ending June 30, 1968 are hereby appropriated.

The sums hereinabove appropriated shall be available for the payment of bills applicable to prior fiscal years.

715-154. *Medical Assistance for the Aged—State Aid*

For the purpose of making payments for the State's share of medical assistance for the aged, pursuant to R. S. 44:7-76 et seq.

\$10,114,000

The unexpended balance in this account as of June 30, 1967, including the State's net share of reimbursement, and the net balance remaining after full payment of sums due the Federal Government of all funds recovered under R. S. 44:7-82, during the fiscal year ending June 30, 1967 are hereby appropriated; and in addition thereto, all such funds recovered under R. S. 44:7-82, during the fiscal year ending June 30, 1968 are hereby appropriated.

The sums hereinabove appropriated shall be available for the payment of bills applicable to prior years.

715-155. *Blind Assistance—State Aid*

For the purpose of making payments for the State's share of blind assistance, pursuant to R. S. 30:4B-1 et seq. and R. S. 30:4C-2 et seq.

\$262,000

The unexpended balance in this account as of June 30, 1967, including the State's net share of reimbursement, and the net balance remaining after

full payment of sums due the Federal Government of all funds recovered under R. S. 30:4B-1 et seq. during the fiscal year ending June 30, 1967 are hereby appropriated; and in addition thereto, all such funds recovered under R. S. 30:4B-1 et seq. during the fiscal year ending June 30, 1968 are hereby appropriated.

The sums hereinabove appropriated shall be available for the payment of bills applicable to prior fiscal years.

Bureau of Children's Services

717-150. *Child Care—State Aid*

For the purpose of making payments for the State's share of child care costs of children under the care of the Bureau of Children's Services pursuant to R. S. 30:5

\$6,690,404

The unexpended balance in this account as of June 30, 1967 is hereby appropriated.

The sum hereinabove appropriated shall be available for the payment of bills applicable to prior fiscal years.

Total Appropriation, Division of Public Welfare

\$58,236,404

Division of Mental Health and Hospitals

770-150. *County Mental Hospitals—State Aid*

For the support of patients in county mental hospitals, pursuant to Revised Statutes, section 30:4-78:

Atlantic	\$230,000
Burlington	190,000
Camden	680,000
Cumberland	129,000
Essex	4,700,000
Hudson	2,100,000

Total Appropriation

\$8,029,000

The unexpended balance in this account as of June 30, 1967 is hereby appropriated.

The sums hereinabove appropriated shall be available for the payment of bills applicable to prior fiscal years.

770-151. County Tuberculosis Hospitals—State Aid

For the support of patients in county tuberculosis hospitals, pursuant to Subdivision C, Article 30 of the Revised Statutes:

Bergen	\$19,500
Camden	20,000
Essex	98,000
Hudson	8,000
Middlesex	11,500
Monmouth	10,500
Ocean	300
Passaic	14,000

Total Appropriation	<u>\$181,800</u>
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The unexpended balance in this account as of June 30, 1967 is hereby appropriated.

The sums hereinabove appropriated shall be available for the payment of bills applicable to prior fiscal years.

770-152. Community Mental Health Services—State Aid

For the establishment, development, improvement and expansion of community mental health services

\$1,100,000

The unexpended balance in this account as of June 30, 1967 is hereby appropriated.

This appropriation shall be available for training stipends, training programs and the support of demonstration projects in mental health to the extent that the appropriation exceeds the funds required for the aid program; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

770-153. *Drug Addiction Treatment Services—State Aid*

Drug Addiction Treatment Services Pursuant to R. S. 30:6C-1	\$100,000
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The unexpended balance in this account as of June 30, 1967 is hereby appropriated.

The sums hereinabove appropriated shall be available for the payment of bills applicable to prior fiscal years.

Total Appropriation, Division of Mental Health and Hospitals	\$9,410,800
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Total Appropriation, Department of Institu- tions and Agencies	\$67,647,204
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DEPARTMENT OF COMMUNITY AFFAIRS

800-150. *Administrative Division—State Aid*

Community Development and Housing:

Model Cities Program	}	\$1,550,000
Public Service Training Program		
Housing and Urban Renewal Demonstration Pro- jects		
Data Information Program		

820-150. *Division of State and Regional Planning—State Aid*

Continuing Planning Assistance Program:

To assist municipalities with master plans to establish planning as a continuing process; provided, however, that the State's share to a municipality with a population of less than 50,000 according to the 1960 census shall not exceed \$3,000 in any given year; and that the State's share to a municipality with a population of 50,000 or more according to the 1960 census shall not exceed \$5,000 in any given year; and that the State's share to a county or Regional Planning Agency shall not exceed

\$5,000 in any given year; and that each of these shall be adjusted over a 6-year period from a maximum of 50% of the cost in the first year to 0% in the sixth year	\$75,000
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Total Appropriation, Department of Community Affairs	\$1,625,000
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The unexpended balance in this account as of June 30, 1967 is hereby appropriated and none of the funds appropriated shall be available for expenditure unless matched by a participating local agency. All participating local agencies shall conform with technical standards and procedures established by, and be under contract with, the Department of Community Affairs.

970-150. THE JUDICIARY—STATE AID

For amounts to be refunded to various counties for the State's share of salaries and expenses of court reporters appointed by the Supreme Court pursuant to N. J. S. 2A:11	\$1,385,000
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For amounts to be paid to various counties representing 40% of the salaries of county judges, pursuant to N. J. S. 2A:3-19	825,000
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Total Appropriation, The Judiciary	\$2,210,000
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The unexpended balance in this account as of June 30, 1967 is hereby appropriated.

The amount appropriated hereinabove to The Judiciary shall be available for any deficiency in this account as of June 30, 1967.

Total Appropriation, State Aid	\$453,853,613
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CAPITAL CONSTRUCTION

DEPARTMENT OF LAW AND PUBLIC SAFETY

120-100. *Division of State Police*

Capital Construction:

Training School at Sea Girt	\$80,000
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The unexpended balance in this account as of June 30, 1967 is hereby appropriated.

*Division of Motor Vehicles*140-100. *General*

Capital Construction:

Motor Vehicle Inspection Station—South Ocean County	\$90,000
Motor Vehicle Field Installation—Morris County	478,000
Advance planning, Motor Vehicle Inspection Station, Newark area, to substitute for the Hartford Street Inspection Station	60,000

Total Appropriation, Division of Motor Vehicles	\$628,000
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The unexpended balance in this account as of June 30, 1967 is hereby appropriated.

150-100. *Division of Weights and Measures*

The unexpended balance in this account as of June 30, 1967 is hereby appropriated.

Total Appropriation, Department of Law and Public Safety	\$708,000
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DEPARTMENT OF THE TREASURY

210-100. *Administrative Division*

The unexpended balance in this account as of June 30, 1967 is hereby appropriated for the respective purposes of appropriations heretofore made.

*Division of Purchase and Property**230-100. General*

Capital Construction:

Emergency Generating Equip- ment—John Fitch Way Complex	\$100,000
Emergency Generating Equip- ment—State House Complex . . .	50,000
State Purchase Fund Warehouse . .	100,000
Develop engineering data for each State institution	125,000
Roads and Approaches	10,000
Total Appropriation, Division of Purchase and Property	\$385,000
The unexpended balance in this account as of June 30, 1967 is hereby appropriated.	
Total Appropriation, Department of the Treasury	\$385,000

DEPARTMENT OF DEFENSE

342-100. National Guard and Naval Militia

Capital Construction:

Training Administration Building —Sea Girt	\$20,800
Rehabilitation of Sewage Treatment Plant—Sea Girt	84,500
Restoration of Chief Executive's residence, Sea Girt	50,000
Roads and approaches	100,000
Total Appropriation, National Guard and Naval Militia	\$255,300

Funds derived from the sale of any buildings or lands held by the Department of Defense are hereby appropriated for the acquisition of other lands, for rehabilitation or improvement of existing installations and for the construction of new

buildings for use by the State military or naval services; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

The unexpended balance in this account as of June 30, 1967 is hereby appropriated and any additional Federal aid made available by the Congress for capital construction purposes is hereby appropriated for use by the Department of Defense.

346-100. *Division of Civil Defense*

The unexpended balance in this account as of June 30, 1967 is hereby appropriated.

Total Appropriation, Department of Defense	\$255,300
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DEPARTMENT OF CONSERVATION AND ECONOMIC
DEVELOPMENT

Office of the Commissioner

410-110, 111. *Redemption of Bonds*

Redemption of Water Development	
Bonds, chapter 35, P. L. 1958	\$1,650,000
Redemption of Recreation and Con-	
servations Land Acquisition Bonds,	
chapter 46, P. L. 1961	2,600,000
Total Appropriation, Redemption of Bonds.	\$4,250,000

430-100. *Division of Water Policy and Supply*

Capital Construction:

Modification to Round Valley Reservoir	\$200,000
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The unexpended balance in this account as of June 30, 1967 is hereby appropriated.

The proceeds derived from the sale or exchange, based upon fair market value, of State-owned land and/or buildings heretofore acquired under Title 13:13 is hereby appropriated for the pur-

pose of replacing Delaware and Raritan Canal maintenance service centers, provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

Division of Fish and Game

451-400. Public Shooting and Fishing Grounds

The unexpended balance in this account as of June 30, 1967 is hereby appropriated.

490-100. Division of Parks, Forestry and Recreation

Capital Construction:

Forests, parks and recreational area development, and historic sites acquisition and restoration	\$1,500,000
Roads and approaches	100,000
Total Appropriation, Division of Parks and Forestry	\$1,600,000

The unexpended balance in this account as of June 30, 1967 is hereby appropriated.

The unexpended balance of the proceeds derived since July 1, 1962 from the sale or exchange, based upon fair market value, of State-owned land heretofore acquired under Title 13 is hereby appropriated for the purpose described in Title 13 and particularly as set forth in Title 13:1-18; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

491-400. Morris Canal and Banking Company

The unexpended balance in this account as of June 30, 1967 is hereby appropriated.

Total Appropriation, Department of Conservation and Economic Development	\$6,050,000

DEPARTMENT OF EDUCATION

520-100. *Division of the State Library, Archives and History*

The unexpended balance in this account as of June
30, 1967 is hereby appropriated.

530-100. *Division of the State Museum*

The unexpended balance in this account as of June
30, 1967 is hereby appropriated.

535-100. *Marie H. Katzenbach School for the Deaf*

Capital Construction:

Fire Detection Equipment	\$150,000
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The unexpended balance in this account as of June
30, 1967 is hereby appropriated.

Total Appropriation, Depart- ment of Education	\$150,000
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DEPARTMENT OF HIGHER EDUCATION

*Office of the Chancellor*540-110, 111. *Redemption of Bonds*

Redemption of State Teachers College

Construction Bonds—Act of 1951 ..	\$1,075,000
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Redemption of State Higher Educa- tion Bonds—Act of 1959	5,000,000
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Total Appropriation, Redemption of Bonds	\$6,075,000
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540-901. *State Higher Education Fund*

The earnings derived from the investment or rein-
vestment of the proceeds of the sale of bonds
received in the State Higher Education Fund as
provided under section 2, chapter 176, P. L. 1959,
not to exceed so much thereof as may be neces-
sary for architectural inspection and supervising

services, are hereby appropriated in connection with the State Higher Education Construction Program; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

The unexpended balance in the State Higher Education Fund as of June 30, 1967 is hereby appropriated for the purposes defined in chapter 176, P. L. 1959.

540-902. *1964 Higher Education Construction Fund*

The unexpended balance in the 1964 Higher Education Construction Fund as of June 30, 1967 is hereby appropriated for the purposes defined in chapter 223, P. L. 1964.

570-100, 571-100, 572-100. *Rutgers, The State University*

Redemption of mortgage	\$250,000
Capital Construction:	
Medical School building	3,000,000
Kilmer Campus—	
Undergraduate library, first stage	57,000
University Heights Campus—	
Pharmacy college classroom building	200,000
New Brunswick Campus—	
Adult Continuing Education Center	540,000
College of Agriculture Campus—	
Food science and biochemistry building	445,000
Douglass College—	
Renovate old classrooms for science and art laboratories . . .	315,000
College of South Jersey—	
Classroom building, Law school .	97,000
Newark College of Arts and Sciences—	
Renovate old buildings for laboratories and offices	992,000
General classroom building	324,000

Psychiatric Institute	500,000	
Other advance planning, design and construction costs of presently planned projects	2,369,000	
Roads and approaches	100,000	
Total Appropriation, Rutgers, The State University		\$9,189,000
The unexpended balance in this account as of June 30, 1967 is hereby appropriated.		

573-100. *New Jersey College of Medicine and Dentistry*

Capital Construction:		
Construction of College of Medicine and Dentis- try (first stage)		\$7,000,000
The unexpended balance in this account as of June 30, 1967 is hereby appropriated.		

574-100. *Newark College of Engineering and
Newark Technical School*

Capital Construction:		
Rehabilitate old buildings for class- room use	\$80,000	
Engineering classroom and labora- tory building	155,000	
Total Appropriation, Newark College of Engineering and Newark Technical School		\$235,000

580-100. *Educational Facilities Authority*

Expenses of the Educational Facilities Authority	\$250,000	
The unexpended balance in this account as of June 30, 1967 is hereby appropriated.		

594-100. *State College Construction*

Capital Construction:

Glassboro State College—		
Music education building and auditorium	\$2,375,000	
Jersey City State College—		
General classroom building including land	2,469,500	
Newark State College—		
Fine arts classroom building	1,640,000	
Paterson State College—		
Physical education building	1,415,000	
Fine arts classroom building	1,270,000	
Montclair State College—		
General classroom building	1,310,000	
Vocational education building ...	600,000	
Trenton State College—		
Library building	1,750,000	
General classroom building	2,850,000	
Advance planning and design including amount of \$250,000 for the purpose of planning the establishment of a new State college	750,000	
Miscellaneous capital projects including grounds improvements, fire alarm systems, air conditioning, security measures, athletic facilities and improvements to instructional facilities	250,000	
Roads and approaches	250,000	
Sub-Total Appropriation		\$16,929,500
Less: Amount anticipated to be available for reappropriation		5,290,500
Total Appropriation, State College Construction		\$11,639,000

The unexpended balance in this account as of June 30, 1967 is hereby appropriated.

Total Appropriation, Department of Higher Education	\$34,388,000
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DEPARTMENT OF TRANSPORTATION

611-100. *State Highway Installations*

Capital Construction:

Regional office buildings, Freehold.	\$932,800
Maintenance facilities—Existing road system	700,000
Maintenance facilities—Interstate system	300,000
Addition to garage facilities—Lodi.	151,400
Repairs to electric distribution system—Fernwood	77,900

Total Appropriation, State Highway Installations	\$2,162,100
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The unexpended balance in this account as of June 30, 1967 is hereby appropriated.

612-100. *Construction of State Highway System*

Administration, Construction

Salaries:

State Highway Engineer	\$21,000
Other employees	11,391,596
New positions	416,115
	\$11,828,711

Materials and Supplies	273,530
Services Other Than Personal	1,085,025

Maintenance of Property:

Recurring	\$21,275
Non-Recurring and Replacements	30,600
	51,875

Extraordinary:

Compensation awards	\$12,000
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Intra-departmental equipment rentals and supplies	330,000	
		342,000
Additions and Improvements		60,000
Sub-Total Appropriation		\$13,641,141
<i>Less: Portion of Federal Aid receivable which is applicable to engineering costs</i>		<i>3,500,000</i>
<i>Less: Portion of Federal Aid receivable which is applicable to Highway Research</i>		<i>200,000</i>
Sub-Total Appropriation		\$9,941,141
<i>State Highway Projects</i>		
Federal aid participation	\$29,306,815	
Non-Federal aid participation to include increasing the "revolving fund for costs of advance purchase of right-of-way for highway construction" established pursuant to Chapter 112, P. L. 1965	20,000,000	
Highway Betterments:		
Traffic signals, signs and lighting ..	400,000	
Resurfacing	850,000	
Drainage, shoulder reconstruction and guardrails	50,000	
Major bridge repairs	700,000	
Sub-Total Appropriation		\$51,306,815
Total Appropriation, Construction of State Highway System		\$61,247,956

The unexpended balance in this account as of June 30, 1967 is hereby appropriated.

In addition to the amounts hereinabove appropriated for construction of the State highway system, there are hereby appropriated such sums as may be received or receivable from, or authorized or allocated by the Federal Government, the New Jersey Turnpike Authority, the New Jersey

Highway Authority, the Delaware River Joint Toll Bridge Commission, the Delaware River Authority, the Port of New York Authority, the Atlantic City Expressway Authority and local government jurisdictions, for construction purposes.

The amount provided herein for construction of the State highway system and the purchase of rights-of-way shall be set forth in a construction program, by route numbers, by the Commissioner of Transportation and shall not be expended or contracted for without the approval of the Governor.

From the amount provided herein for the construction of the State highway system and the purchase of rights-of-way, there may be allocated such amounts as the Commissioner of Transportation may determine for personal service, by contract, or, in lieu thereof, by State employees for engineering, design, research, construction, rights-of-way acquisition or other costs related to the construction program; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

Any sums appropriated in excess of those required to match funds authorized by the Federal Government for State highway projects may be made available for State highway projects in which there is non-Federal aid participation; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

From the amount provided herein for non-Federal aid participation, not less than \$500,000 shall be transferred to the account entitled Public Transportation Services to be used for grade crossing elimination on the Camden-Kirkwood line as a restoration of appropriations heretofore made therefor which had been transferred to finance grade crossing eliminations for the Aldene project. Additional sums amounting to not more than \$1 million may, with the discretion of the Commissioner, be transferred for additional costs of the Camden-Kirkwood project.

New Jersey State Library

612-110. *Redemption of Bonds*

Redemption of Highway Improvement Bonds, Act of 1930	\$700,000
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614-100. *Division of Planning*

Salaries:

Other employees	\$833,113	
New positions	22,757	
		\$855,870

Materials and Supplies	28,280
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Services Other Than Personal	212,000
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Maintenance of Property:

Recurring	\$3,200	
Non-Recurring and Replacements ..	42,340	
		45,540

Extraordinary:

Intradepartmental Equipment—

Rentals and Supplies	\$30,000
Compensation Awards	700

For the transportation planning aspects of studies in the Northeastern New Jersey—New York urban area conducted by the Tri-State Transportation Commission	550,000
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For the transportation planning aspects of the Atlantic City Urban Area Study	44,100
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For the transportation planning aspects of any Philadelphia-Camden urban area study	92,000
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For other required Federal planning studies	125,000
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	841,800
Additions and Improvements	9,000

Sub-Total Appropriation	\$1,992,490
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Less: Portions of Federal Aid receivable which are applicable to highway planning	1,540,000
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Total Appropriation, Division of Planning ..	\$452,490
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The unexpended balance in this account as of June 30, 1967 is hereby appropriated.

615-100. *Flood Damage—Free Bridges*

The unexpended balance as of June 30, 1967 in the account appropriated by chapter 228, P. L. 1955 to the Department of Transportation for construction, reconstruction and repair of flood damaged free bridges under the control of the Delaware River Joint Toll Bridge Commission, is hereby appropriated for the construction and reconstruction of free bridges and approaches under the control of the Delaware River Joint Toll Bridge Commission.

630-100. *Public Transportation Services*

The unexpended balance in this account as of June 30, 1967 is hereby appropriated.

Total Appropriation, Department of Transportation	\$64,562,546
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DEPARTMENT OF INSTITUTIONS AND AGENCIES

700-100. *Miscellaneous Capital*

Miscellaneous capital construction	\$1,000,000
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The unexpended balance in this account as of June 30, 1967 is hereby appropriated.

700-106. *Major Capital*

Capital Construction:

Advance planning and design	\$300,000
Additional boiler, State Prison, Trenton	90,000
Building for the psychologically disturbed, State Reformatory for Women, Clinton	870,000
Minimum security cottage of State Reformatory for Women, Clinton	369,000
Replace patient buildings at Vineland State School	1,750,000
Medical facilities, Almond Road Colony at Vineland State School	450,000

Administration facilities at State Colony, Woodbine	670,000	
New boiler and utility lines, Vineland State School	113,000	
Additional boiler at State Colony, Woodbine	150,000	
Blind children's training unit at Edward R. Johnstone Training and Research Center	720,000	
Children's Psychiatric Treatment Unit at State Hospital, Trenton ..	515,000	
Replace electric distributing system, North Jersey Training School, Totowa	86,000	
Inmate cottages, Training School for Boys	888,000	
Employee housing, Training School for Boys	200,000	
Utility line replacements, State Home for Girls	546,000	
Multi-purpose building, State Colony, New Lisbon	158,000	
Improvements to utility systems at Neuro-psychiatric Institute	400,000	
Boiler and powerhouse replacement, Home for Disabled Soldiers, Vineland	344,000	
Children's Psychiatric, Diagnostic and Treatment Center	1,250,000	
Emergency Reception and Child Care Facility	938,000	
Total Appropriation, Major Capital		\$10,807,000

The unexpended balance in this account as of June 30, 1967 is hereby appropriated.

700-109. *Roads and Approaches*

Roads and Approaches	\$100,000
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The unexpended balance in this account as of June 30, 1967 is hereby appropriated.

700-110, 111, 113. *Redemption of Bonds*

Redemption of Institution Construc- tion Bonds—Act of 1930	\$190,000
Redemption of Institution Construc- tion Bonds—Act of 1952	1,790,000
Redemption of Institution Construc- tion Bonds—Act of 1960	1,800,000
Redemption of Institution Construc- tion Bonds—Act of 1964	400,000
Total Appropriation, Redemption of Bonds.	\$4,180,000
Total Appropriation, Department of Institu- tions and Agencies	\$16,087,000

MISCELLANEOUS EXECUTIVE COMMISSIONS

910-100. *South Jersey Port Commission*

Capital Construction:

To construct a 500-foot addition to the marginal wharf at the Camden Marine Terminal	\$250,000

911-100. *Palisades Interstate Park Commission*

The net share of revenues derived from the operation of gasoline stations on the New Jersey section of the Palisades Interstate Parkway, together with the unexpended balances from such revenues as of June 30, 1967, are hereby appropriated for maintenance of such stations, for capital projects and plans including an historic park in Fort Lee and for extraordinary maintenance.

In addition to the amounts hereinabove appropriated for capital construction at the New Jersey portion of the Palisades Interstate Park, there are hereby appropriated such sums as may be received or receivable from the Federal Government for capital construction purposes.

914-100. *Delaware River Basin Commission*

To reimburse the Federal Government, when required, for funds advanced during construction of multi-purpose dams in the Delaware River Basin at Beltsville, Blue Marsh and Tocks Island, known as DRBC Group Project No. 1 for which New Jersey's share of the water supply portion thereof is anticipated to be \$37,630,000 including \$19,026,000 for construction and \$18,604,000 for interest, to be repaid to the Federal Government over a 55-year period; provided that the appropriation herein made shall be applied to the cost thereof and shall be deemed to be a token of the State's intent to consider participation in and acceptance of the long-range plan of the Delaware River Basin Commission as described in the proposed capital budget of the Commission for the fiscal year 1967-68 dated September 19, 1966

\$1,000

Total Appropriation, Miscellaneous Executive Commissions

\$251,000

Total Appropriation, Capital Construction . .

\$122,836,846

Grand Total Appropriation

\$992,680,262

2. In addition to the amounts hereinabove specifically appropriated, there are appropriated, subject to allotment by the Director of the Division of Budget and Accounting, the following: sums required to refund amounts credited to the State Treasury which do not represent State revenues; Federal and other non-State funds received or receivable for the use of the State or its agencies in excess of those anticipated; funds donated to the Crippled Children's Commission; sums received representing insurance to cover losses by fire and other casualties; sums received by any State department or agency from the sale of equipment, when such sums are received in lieu of trade-in value in the replacement of such equipment; private funds subsidizing the State; sums received in the State Treasury representing refunds of payments made from appropriations provided in this act.

Transfers.

3. In order that there be flexibility in the handling of appropriations, any department or other State agency receiving an appropriation by any act of the Legislature may apply to the Director of the Division of Budget and Accounting for permission to transfer a part of any item granted to such department or agency to any other item in such appropriation. Such application shall be made only during the current year for which the appropriation was made, and if the Director of the Division of Budget and Accounting shall consent thereto, he shall, subject to the approval of the Legislative Budget and Finance Director, place the amount so transferred to the credit of the item so designated; provided, however, that no sum appropriated for any permanent improvement shall be used for maintenance or for any temporary purpose except temporary motor vehicle inspection lanes, health and sanitary improvements in motor vehicle inspection stations, extraordinary snow removal and extraordinary highway maintenance; and provided further, that any item for capital improvement may be transferred to any other item of capital improvement on the approval of the Director of the Division of Budget and Accounting.

Transfers to other departments or branches; new accounts.

4. The Director of the Division of Budget and Accounting, subject to the approval of the Legislative Budget and Finance Director, is hereby empowered, and it shall be his duty in the disbursement of funds appropriated for the maintenance and operation of any department or branch thereof, the duties or responsibilities of which are or may hereafter be transferred to any other department or branch, to transfer such appropriations to such department or branch as shall be charged with the responsibility of administering the functions of such department or branch so transferred. The Director of the Division of Budget and Accounting shall also have the authority to create such new accounts as may be necessary to carry out the intent of the Legislature.

Treasury department to be credited for certain payments.

5. The Director of the Division of Budget and Accounting is hereby empowered, and it shall be his duty in the disbursement of funds for payment of pensions, contributions to pension funds, social security taxes, health benefits, debt service, charges for rents, telephone, insurance and postage to credit or transfer to the Department of the Treasury, or to the General State Fund, as applicable, from any other department or branch, out of funds appropriated thereto, such sums as may be required to cover the

costs of such payment attributable to such other department or branch, as the Director of the Division of Budget and Accounting shall determine.

Corrections made to comply with intent.

6. The Director of the Division of Budget and Accounting shall make such correction of the title, text or account number of an appropriation, necessary to make such appropriation available for the purpose or purposes intended. Such correction shall be by written ruling, reciting in appropriate details the facts thereof, and the reasons therefor, attested by the signature of said Director of the Division of Budget and Accounting and filed in the Division of Budget and Accounting of the Department of the Treasury as an official record thereof, and any action thereunder, including disbursements and the audit thereof, shall be legally binding and of full force and virtue.

Authorizes payment for construction, architectural, etc., work.

7. The Director of the Division of Budget and Accounting is hereby empowered, notwithstanding any other provision of the law, to transfer or credit from the various appropriations for construction, reconstruction, additions to and betterments of State buildings and appurtenances thereto, herein contained, to the appropriation for the Bureau of Construction of the Department of the Treasury a sufficient sum to pay for the cost of all architectural work, superintendence and other expert services in connection with such work.

Petty cash fund.

8. The Director of the Division of Budget and Accounting may, upon application therefor, allot from appropriations made to any official, department, commission or board a sum to establish a petty cash fund, for the payment of expenses under the rules and regulations established by said Director. The allotments thus made by the Director of the Division of Budget and Accounting shall be paid to such person as shall be designated as the custodian thereof by the official, department, commission or board making a request therefor, and the money thus allotted shall be disbursed by such custodian who shall require from all persons obtaining money from said fund a receipt therefor. Such receipts shall by such custodian be forwarded monthly to the Director of the Division of Budget and Accounting for audit, and said Director shall likewise make regulations governing disbursement from petty cash funds.

Transfer from special and dedicated funds.

9. The Director of the Division of Budget and Accounting is hereby empowered, notwithstanding any other provision of law, to transfer to the General State Fund out of any special, dedicated or trust fund such proportionate share of any appropriation made herein, which may be chargeable against such special, dedicated or trust fund. Any receipts in any special, dedicated or trust fund are hereby appropriated for the purpose of such transfer.

Payment of claims; limitations.

10. The State Treasurer, upon warrant of the Director of the Division of Budget and Accounting, shall pay any claim not exceeding \$250 out of any appropriations made to the several departments, provided such claim is recommended for payment by the Attorney General and approved by the Legislative Budget and Finance Director.

Certain unexpended balances appropriated.

11. There are hereby appropriated the unexpended balances as of June 30, 1967 in the accounts of the several departments and agencies heretofore appropriated or established in the categories of Maintenance of Property: Non-Recurring and Replacements, and Additions and Improvements, with the exception of office and vehicular equipment, where such unexpended balances exceed \$100; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

Act effective.

12. This act shall take effect July 1, 1967.

Approved May 23, 1967.

CHAPTER 64

A SUPPLEMENT to an act entitled "An act making appropriations for the support of the State Government and for several public purposes for the fiscal year ending June 30, 1967, and regulating the disbursement thereof," approved April 27, 1966 (c. 33, P. L. 1966).

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

Supplemental appropriation fiscal year ending June 30, 1967.

1. The following sums are hereby appropriated out of the General State Fund, or such other sources of funds specifically indicated or as may be applicable, for the respective public officers and for the several purposes herein specified:

GENERAL STATE OPERATIONS

DEPARTMENT OF THE TREASURY

240-100. *Division of Taxation*

Supplemental requirement for the operation of the Sales Tax Bureau for fiscal year 1966-67	\$198,673
Total Appropriation, Department of the Treasury	<u>\$198,673</u>

DEPARTMENT OF AGRICULTURE

330-100. *General*

Supplemental requirement for fiscal year 1966-67 for the Agricultural Chemistry Program	\$50,000
Total Appropriation, Department of Agriculture	<u>\$50,000</u>

DEPARTMENT OF CONSERVATION AND ECONOMIC DEVELOPMENT

*Division of Water Policy and Supply*430-400. *Water Supply Operating Fund*

There is hereby appropriated for operation and maintenance of Spruce Run and Round Valley Reservoirs, in addition to any appropriation heretofore made for the fiscal year ending June 30, 1967, a sum not to exceed \$225,000 out of the aggregate revenue produced pursuant to 58:22-10 (New Jersey Water Supply Law, 1958); provided, however, that the expenditures thereof shall be subject to transfers approved as prescribed in Section 3 of the act to which this act is a supplement.

490-100. *Division of Parks, Forestry and Recreation*

Supplemental requirement for fire fighting costs for fiscal year 1966-67	\$75,000
Total Appropriation, Department of Con- servation and Economic Development	\$75,000

DEPARTMENT OF HIGHER EDUCATION

540-100. *Office of the Chancellor*

So much of the sum heretofore appropriated to the Department of Higher Education as may be necessary for payment of salary to the Chancellor at a rate not to exceed \$32,000 annually is hereby provided.

576-100. *New Jersey College of Medicine and Dentistry*

Supplemental requirement for the operation of the New Jersey College of Medicine and Dentistry for fiscal year 1966-67	\$700,000
Total Appropriation, Department of Higher Education	\$700,000

DEPARTMENT OF COMMUNITY AFFAIRS

820-100. *Division of State and Regional Planning*

From the appropriation for the State's share of the land development aspects of the studies in the Northeastern New Jersey-New York urban area to be conducted by the Tri-State Transportation Commission, which qualifies for matching by the Urban Renewal Administration of the United States Department of Housing and Urban Development, a sum not to exceed \$90,000 is hereby provided to match Federal funds available for studies previously conducted in the Northeastern New Jersey-New York urban areas by the Tri-State Transportation Commission.

STATE AID

DEPARTMENT OF INSTITUTIONS AND AGENCIES

*Division of Public Welfare—General*715-154. *Medical Assistance for the Aged—State Aid*

Supplemental requirement for fiscal year 1966-67..	\$1,200,000
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Total Appropriation, Department of Institutions and Agencies	\$1,200,000
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CAPITAL CONSTRUCTION

DEPARTMENT OF THE TREASURY

230-100. *Division of Purchase and Property*

Supplemental requirement for fiscal year 1966-67 to air condition Capitol Area Buildings	\$650,000
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Total Appropriation, Department of the Treasury	\$650,000
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CLAIMS

DEPARTMENT OF THE TREASURY

230-100. *Division of Purchase and Property*

Belli Construction Co., c/o Cascone, Hofing & Andrew, Esqs., Trenton, New Jersey, for additional work performed under its contract for construction of the Labor and Industry Building	\$3,737
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270-100. *Division of the New Jersey Racing Commission*

Atlantic City Racing Association, for an error made by the State steward in ordering the claimant to refund bets to various bettors	\$66,110
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DEPARTMENT OF CONSERVATION AND ECONOMIC
DEVELOPMENT490-100. *Division of Parks, Forestry and Recreation*

Leon Ernst, 313 Maple Avenue, Pompton Lakes, New Jersey, for damages and costs incurred when claimant's sons were injured at Ringwood State Park, to be paid from funds appropriated to the Department, \$91.08.

DEPARTMENT OF TRANSPORTATION

610-100. *Division of Maintenance and Equipment*

Frederick Snare, Corp., c/o John H. Hanrahan, Esq., Foley & Martin, New York, New York, for damages to claimant's equipment while passing through a Passaic river bridge which came to a stop before fully opened, to be paid from funds appropriated to the Department, \$7,000.

612-100. *Construction of the State Highway System*

F. A. Canuso & Sons, Inc., 173 West Roosevelt Boulevard, Philadelphia, Pennsylvania, for losses sustained as the result of the nonavailability of right-of-way through property on which it had contracted with the Department for construction of a portion of Route 130, to be paid from funds appropriated to the Department for construction of the State highway system, \$12,000.

DEPARTMENT OF INSTITUTIONS AND AGENCIES

732-100. *State Prison Farm, Rahway*

Pierre Grenier, c/o State Prison Farm, Rahway, for injury to both hands while on work detail at this institution, to be paid on release from the institution from funds appropriated for the regional laundry, \$50.

Harold Albert Bowser, Sr., c/o State Prison Farm, Rahway, for injury to right hand while on work detail at this institution, to be paid on release from the institution from funds appropriated for the regional laundry, \$180.

Mitchell T. Taylor, c/o State Prison Farm, Rahway, for injury to left hand while on work detail at this institution, to be paid on release from the institution from funds appropriated for the regional laundry, \$540.

762-100. *Vineland State School*

Jessie Mae Mack, Estate of Helen Mack, c/o Elliot G. Heard, Esq., Woodbury, New Jersey, for funeral expenses and other costs arising from the death of Helen Mack while a patient at the Vineland State School, to be paid from funds appropriated to the Department, \$488.

766-100. *Woodbridge State School*

Frank Briscoe Co., Inc., c/o John J. Clancy, Esq., Newark, New Jersey, for additional costs in connection with work performed under its contract for construction of the Woodbridge State School, to be paid from funds appropriated in the Institution Construction Fund—Bond Issue, \$6,305.14.

777-100. *State Hospital, Greystone Park*

All Souls Hospital, Morristown, New Jersey, for medical and surgical treatment to Julius Blumberg and Doris Fatzinger, patients at Greystone Park State Hospital, to be paid from funds appropriated to the Department, \$2,816.95.

783-100. *State Hospital, Ancora*

Viola C. Brady, Estate of Thomas Joseph Brady, c/o Frederick R. Grayer, Esq., Willingboro, New Jersey, for losses suffered as the result of the

death of husband, Thomas Joseph Brady, while a patient at the New Jersey State Hospital at Ancora, to be paid from funds appropriated to the Department, \$2,700.

MISCELLANEOUS EXECUTIVE COMMISSIONS

911-100. *Palisades Interstate Park Commission*

For loss of tax revenue for local purposes from lands owned by Palisades Interstate Park Commission:

Borough of Alpine	\$12,300
Borough of Englewood Cliffs	19,000
Borough of Fort Lee	14,700
Total	\$46,000
Total Claims	\$115,847
Grand Total, Supplemental Appropriations	\$2,989,520

The appropriations hereinabove made for claims shall fully settle and extinguish all claims, demands and liens of every character. The acceptance of said sums shall constitute a full and complete release and acquittance to the State of New Jersey, its agencies, instrumentalities and employees.

2. This act shall take effect immediately.

Approved May 23, 1967.

CHAPTER 65

AN ACT concerning State aid to counties and municipalities for the construction, reconstruction, grading, drainage, maintenance, lighting and repair of county and municipal roads and supplementing subtitle 4 of Title 27 of the Revised Statutes.

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

C. 27:13-1.1 Notification by Commr. Transportation.

1. Except as provided in section 3 of this act and notwithstanding the provisions of any other law, the Commissioner of the Department of Transportation shall notify annually the governing body of each county and municipality of the amount of State aid appropriated to such county and municipality for the construction, reconstruction, grading, drainage, maintenance, lighting and repair of county and municipal roads and applicable to the calendar year budget of each such county and municipality.

C. 27:13-1.2 Amount of State aid.

2. It shall be lawful for each county and municipality to include an amount equal to twice the amount of such State aid in its annual budget. Commitments may be made by such counties and municipalities, subject to the applicable provisions of this subtitle, against the amounts so included in their budgets immediately after the beginning of the calendar year next ensuing the date of such notification by the commissioner.

C. 27:13-1.3 Certification of aid.

3. Not later than June 30 of each year the commissioner shall certify to each county and municipality entitled to receive funds therefrom, the amount of aid each such county and municipality shall be entitled to receive for that calendar year pursuant to the "State Aid Road System Act of 1967." For the fiscal year ending June 30, 1968 and each fiscal year thereafter, the commissioner may certify an amount equal to twice the amount appropriated and available for this purpose.

4. This act shall take effect immediately.

Approved May 23, 1967.

CHAPTER 66

AN ACT to amend "An act creating the New Jersey Racing Commission and defining its powers and duties; providing for the granting of permits and licenses for the operation of race meetings whereat the running, steeplechase racing or harness racing of horses only may be conducted; providing for the licensing of concessionaires and operators and their employees; regulating the system of pari-mutuel betting and fixing the license fees, taxes and revenues imposed hereunder and fixing penalties for violations of the provisions of this act," approved March 18, 1940 (P. L. 1940, c. 17), as said Title was amended by chapter 137 of the laws of 1941.

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

1. Section 24 of the act of which this act is amendatory is amended to read as follows:

C. 5:5-44 Renewal of permit for horse race meeting.

24. In the event any person, partnership, association or corporation is granted a permit under this act to conduct a race meeting pursuant to provisions thereof, such permit shall be renewed upon application of the permit holder yearly for the next succeeding 10 years, for the same dates allotted to such permit holder during the preceding year or for such other dates (not exceeding 56 racing days in the aggregate for running racing and not exceeding 100 days in the aggregate for harness racing) as such permit holder shall request; provided, however, that commencing with the year 1963 the commission may also allot among the existing permit holders the additional racing days for running racing herein authorized, such allotment to be on a basis which in the discretion of the commission appears most appropriate for the purpose of providing continuity of racing in the State but which does not result in allotting more than 10 such additional days to any one permit holder; and provided, further, that such permit holder has not violated any of the provisions of this act.

2. Section 27 of the act of which this act is amendatory is amended to read as follows:

C. 5:5-47 Permits; issuance; contests; restrictions.

27. Upon compliance with the foregoing conditions, the commission shall issue a permit to such applicant to hold or conduct such

horse race meeting as authorized by this act. Such permit shall specify the person, partnership, association or corporation to whom the same is issued; the dates upon which such horse race meeting is to be held or conducted; the hours of such days between which such horse racing will be permitted, which shall be between the hours during which the conduct of racing is authorized by law, the location of the place, track or enclosure at, on or within which said horse race meeting is to be held or conducted; and shall acknowledge receipt of the payment of the deposit and the filing of the bond provided for in this act. No permit shall be issued to permit running racing on any track that is less than one mile in circumference nor harness racing on any track that is less than $\frac{1}{2}$ mile in circumference. No such permit shall be transferable nor shall it apply to any place, track or enclosure other than the one specified therein. No such permit shall be issued so as to permit horse racing at any place, track or enclosure except on Mondays through Fridays between the hours of 12:00 o'clock noon and 1:00 o'clock A. M. the following day and on Saturdays between the hours of 12:00 o'clock noon and 12:00 o'clock midnight. No permit shall be granted under this act to any person, partnership, association or corporation so as to permit upon any race track, place or enclosure more than 56 horse racing days in the aggregate in any 1 calendar year for running races nor more than 100 racing days in the aggregate in any 1 calendar year for harness races; nor shall any permit be granted to the same person, partnership, association or corporation for the holding or conducting of a horse race meeting except at one track, place or enclosure in this State, nor shall any permit be granted for the holding or conducting of a horse race meeting at any place in this State prior to March 1 in any calendar year or after the last day of November in any calendar year. No such permit shall be issued to any person, partnership, association or corporation that is in any way in default in the payment of any obligation or debt due to the State of New Jersey under the provisions of this act, nor shall any permit be issued to any corporation under the provisions of this act unless said corporation be organized under and by virtue of the laws of the State of New Jersey, nor shall any permit be issued to any applicant who shall be deemed by said commission not to be of sufficient financial integrity and moral responsibility to hold a horse race meeting conducive to the best interests of legitimate racing.

3. This act shall take effect immediately.

Approved May 23, 1967.

CHAPTER 67

A SUPPLEMENT to an act entitled “An act making appropriations for the support of the State Government and for several public purposes for the fiscal year ending June 30, 1967, and regulating the disbursement thereof,” approved April 27, 1966 (P. L. 1966, c. 33).

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

1. The following sums are hereby appropriated out of the General State Fund, or such other sources of funds specifically indicated or as may be applicable, for the respective public officers and for the several purposes herein specified:

DEPARTMENT OF AGRICULTURE

100-507. SEED ANALYSES PROGRAM

Purchase of nonfixed equipment	\$10,000 00
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100-508. GYPSY MOTH

Abatement program	\$55,000 00
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Total Appropriation, Department of Agriculture	\$65,000 00
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2. This act shall take effect immediately.

Approved May 23, 1967.

CHAPTER 68

A SUPPLEMENT to “An act making appropriations for the support of the State Government and for several public purposes for the fiscal year ending June 30, 1967, and regulating the disbursement thereof,” approved April 27, 1966 (P. L. 1966, c. 33).

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

1. The following sums are hereby appropriated out of the General State Fund, for the purposes herein specified:

DEPARTMENT OF EDUCATION

550-100. Glassboro State College		
Food service		\$75,000
551-100. Jersey City State College		
Food service		16,000
552-100. Newark State College		
Food service		16,363
553-100. Paterson State College		
Food service		12,500
554-100. Montclair State College		
Food service		116,400
555-100. Trenton State College		
Food service		43,325
Total Supplemental Appropriations, Department of Education, State Colleges, Food Service		\$279,588.

2. This act shall take effect immediately.

Approved May 23, 1967.

CHAPTER 69

AN ACT to amend “An act concerning certain trusts consisting in whole or part of real property, or personal property, or both,” approved December 7, 1963 (P. L. 1963, c. 159).

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

1. Section 1 of the act of which this act is amendatory is amended to read as follows:

C. 46:2C-6 Trust created for exclusive benefit of employees as part of pension, disability, death or profit-sharing plan.

1. A trust consisting in whole or in part of real property, or personal property, or both, heretofore or hereafter created by an employer as part of a pension plan, disability or death benefit plan, profit-sharing plan or other plan for the exclusive benefit of some or all of his employees, to which contributions are made by such employer or employees, or both, for the purpose of distributing to such employees the earnings or the principal, or both earnings and principal, of such trust, shall not be deemed to be invalid as violating any existing law, statutory or otherwise, against perpetuities or suspension of the power of alienation or against the accumulation of income; but such a trust may continue for such time as may be necessary to accomplish the purposes for which it may be created, and such trust may by its terms be made irrevocable, and the interest of any beneficiary thereof may be made nontransferable.

2. This act shall take effect immediately.

Approved May 25, 1967.

CHAPTER 70

AN ACT concerning corporations, and amending section 14:12-1 of the Revised Statutes.

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

1. Section 14:12-1 of the Revised Statutes is amended to read as follows:

Corporations which may merge or consolidate.

14:12-1. Any 2 or more corporations organized under any law or laws of this State, or any corporation organized under the laws of this State and any corporation organized under the laws of any other State for the purpose of carrying on any kind of business may merge or consolidate into a single corporation, which may

be either one of such merging or consolidating corporations, or a new corporation under the laws of this State to be formed by means of such merger and consolidation; provided, that a merger or consolidation of a corporation of another State, so proposed to be merged or consolidated with such New Jersey corporation, is authorized by the laws of such other State.

The provisions of this chapter relative to merger and consolidation shall not apply to any railroad, turnpike, insurance, canal or banking companies, savings banks, or other corporations intended to derive profit from the loan or use of money.

2. This act shall take effect immediately.

Approved May 25, 1967.

CHAPTER 71

AN ACT to amend "An act establishing and concerning a Department of Transportation as a principal department in the Executive Branch of the State Government, establishing therein a Commuter Operating Agency, providing an appropriation therefor, repealing chapter 88 of the laws of 1964, and supplementing Title 27 of the Revised Statutes," approved December 12, 1966 (P. L. 1966, c. 301).

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

1. Section 5 of the act of which this act is amendatory is amended to read as follows:

C. 27:1A-5 Functions, powers and duties of Commissioner.

5. The commissioner, as head of the department, shall have all of the functions, powers and duties heretofore vested in the State Highway Commissioner and shall, in addition to the functions, powers and duties invested in him by this act or by any other law:

(a) Develop, from time to time revise and maintain a comprehensive master plan for transportation development;

(b) Develop and promote programs to foster efficient and economical public transportation services in the State;

(c) Prepare plans for the preservation and improvement of the commuter railroad system;

(d) Develop plans for more efficient public transportation service by motor bus operators; develop statistics, analyses, and other data of use to bus operators in the provision of public transportation service; facilitate more effective co-ordination between bus service and other forms of public transportation, particularly the commuter railroads; review petitions for motor bus franchises in areas served by the commuter railroad system and make appropriate recommendations on such petitions;

(e) Co-ordinate the transportation activities of the department with those of other public agencies and authorities;

(f) Co-operate with interstate commissions and authorities, State departments, councils, commissions and other State agencies, with appropriate Federal agencies, and with interested private individuals and organizations in the co-ordination of plans and policies for the development of air commerce and air facilities; and

(g) Make an annual report to the Governor and the Legislature of the department's operations, and render such other reports as the Governor shall from time to time request or as may be required by law.

2. Section 15 of the act of which this act is amendatory is amended to read as follows:

✓ **C. 27:1A-15 Definitions.**

15. Hereafter in this act, unless the context indicates another or different meaning or intent:

(a) "Carrier" shall mean any individual, co-partnership, association, corporation, joint stock company, receiver or trustee operating any railroad or motor bus in this State or between points in this State and between points in other States, for public use;

(b) "Agency" shall mean the Commuter Operating Agency;

(c) "Passenger service" shall mean the operation of railroad trains to carry commuter and other passengers in this State or between points in this State and between points in other States, or the operation of motor buses to transport passengers in this State or between points in this State and points in adjacent States;

(d) "Improvements to capital facilities" shall mean in connection with passenger service the acquisition, construction, reconstruction, relocation, removal, establishment or rehabilitation of passenger stations and terminals, automobile parking facilities, track connections, signal systems, power systems, roadbeds, equip-

ment storage and servicing facilities, bridges, grade crossings, railroad passenger cars, locomotives and motor buses, wherever such improvements are included in determinations filed as required by section 17 of this act.

3. Section 16 of the act of which this act is amendatory is amended to read as follows:

C. 27:1A-16 Agency established.

16. (a) There is hereby established in the Department of Transportation the Commuter Operating Agency which for civil service purposes shall be considered to be a board.

(b) The agency shall consist of 4 members who shall be the Commissioner of Transportation, the Assistant Commissioner for Public Transportation, the State Treasurer and the President of the Board of Public Utility Commissioners, or their respective designees.

(c) The Commissioner and the Assistant Commissioner for Public Transportation shall be the chairman and secretary, respectively, of the agency. The executive director of the agency shall be an officer of the department so designated by the commissioner in writing, which designation shall be filed with the Secretary of State. Such designation shall continue in effect until the commissioner shall, in the manner herein provided, designate another officer in the department as such executive director. The executive director shall have such powers and duties as are delegated to him by the agency from time to time.

(d) The commissioner shall assign to the agency such employees of the department as may be necessary for the efficient operation of the work of the agency. The agency may also appoint, retain and employ, to serve at its pleasure, a director of operations and a deputy director of operations, and it shall determine their qualifications, duties, services and compensation.

(e) The powers of the agency shall be vested in the members thereof and 3 members of the agency or their designees shall constitute a quorum at any meeting thereof. Action may be taken and motions and resolutions adopted by the agency at any meeting thereof by the affirmative vote of at least 3 members or their designees. No vacancy in the membership of the agency shall impair the right of a quorum to exercise all the rights and perform all the duties of the agency.

(f) A true copy of the minutes of every meeting of the agency shall be delivered forthwith by and under the certification of the secretary thereof, to the Governor. No action taken at such meet-

ing by the agency shall have force or effect until 10 days after such copy of the minutes shall have been so delivered. If, in said 10-day period, the Governor returns such copy of the minutes with veto of any action taken by the agency or any member thereof at such meeting, such action shall be null and of no effect.

4. Section 18 of the act of which this act is amendatory is amended to read as follows:

C. 27:1A-18 Contracts; terms; conditions.

18. In order to conserve and improve passenger service necessary for public use now and in future years in this State, but subject to the limitations of this act, the State of New Jersey, acting by and through the agency, may enter into contracts with any rail carrier, providing for acceptance by such carrier of all or any part of the agency's determination. Prior to entering into any such contract, the agency shall hold public hearings where it shall make known the terms and conditions of the proposed contract to interested parties and the general public. Every contract entered into pursuant to this section shall be subject to the following terms and conditions:

(a) Contracts involving expenditure of public funds for improvements to capital facilities shall require continuance of specified passenger service by the carrier for stated periods not limited to a fiscal year, and shall further require that title to such improvements shall be vested with the State, except that where public funds are expended to repair or rehabilitate existing facilities, such title to or other interest in such improvements as the carrier may have shall be the subject of negotiation between the agency and the carrier.

(b) No such contract shall provide for payments by the State for service rendered with respect to such fiscal year in excess of the loss from passenger service during the previous calendar year as shown in the determination for that fiscal year. If during any contract period a carrier shall realize a profit from the passenger service contracted for, which profit exceeds a return on investment of 6%, $\frac{1}{2}$ of the excess shall be paid to the agency. The accounting procedures to be employed to determine the extent of any profit or loss, as the case may be, shall be a subject of negotiation between the parties to the contract.

(c) Every such contract shall describe the passenger service which the carrier shall be required to operate. Such description shall set forth the operation of the contracted service which shall

include timetables, train consists and fair tariffs applicable to the service and any other provisions that the agency may deem reasonable.

5. Section 19 of the act of which this act is amendatory is amended to read as follows:

C. 27:1A-19 Contracts with motor bus carrier.

19. The agency may enter into contracts with any motor bus carrier to operate passenger service which the agency shall determine (a) to be necessary to provide or encourage adequate commuter or intercity bus service and (b) would not otherwise be provided or made available without State assistance. Payment by the agency for such passenger service shall be based on the actual cost of such service to the motor bus carrier plus a 6% return on investment.

The agency may also enter into contracts with any motor bus carrier pursuant to which the agency may acquire, purchase or rehabilitate motor buses for lease to such carrier to be operated in specified passenger service, provided that any State funds expended for such programs are at least equally matched by Federal funds.

6. Section 22 of the act of which this act is amendatory is amended to read as follows:

C. 27:1A-22 Contract provisions.

22. Each contract shall contain conditions, terms and provisions as the agency may require including, but not limited to, provisions permitting or relating to (a) determination of contracted service satisfactorily operated, (b) deductions or penalties with respect to unsatisfactory service, (c) auditing and settlement of payments, (d) termination, waivers, release, modification or other effect in event of nonperformances, or of strikes, riots, disasters, acts of God or condition not caused or permitted by the carrier or within its control, (e) additional obligations of the carrier, and (f) any such other matters as the agency deems to be in the public interest. Any such contract may also provide for the rendering of additional service by the carrier, on an experimental basis or for an experimental period or otherwise, and for the payment by the State of additional compensation not exceeding the estimated actual cost of such additional service to the carrier, which additional compensation shall not be limited by the provisions of the first sentence of section 18(b).

7. Section 24 of the act of which this act is amendatory is amended to read as follows:

C. 27:1A-24 Continuation of service.

24. Every carrier entering into a contract shall be obligated to continue during the term of the contract all existing passenger service and fares applicable thereto, except that the contract shall afford the carrier the right to petition the agency for changes in passenger service and applicable fares during the term of the contract. If such a petition includes an application to decrease the number of trains, a substantial change in schedules or an increase in fares, the agency, prior to making any determination with respect thereto, shall hold a public hearing on notice. In acting on any such petition the agency shall give due consideration to the following factors:

(a) The availability of alternative means of public transportation.

(b) The potential cost of continuing the service sought to be curtailed or discontinued.

(c) The cost to the State of providing alternative transportation facilities either by common carriers or highway improvement.

(d) The resulting effect on State and local population trends, economic values and tax revenues.

The authority hereby given the agency with respect to the discontinuance, curtailment, abandonment or change in passenger service shall be exercised during the contract period without regard or reference to the jurisdiction vested in the Board of Public Utility Commissioners by section 48:2-24 of the Revised Statutes. At the conclusion of the contract period the Board of Public Utility Commissioners shall resume such jurisdiction but no carrier shall be required to restore any service discontinued as aforesaid unless the Board of Public Utility Commissioners shall determine, after notice and hearing, that the service is required by public convenience and necessity.

Notwithstanding any other provisions of this act, all vehicles used by any motor bus carrier pursuant to contracts authorized by this section shall be subject to the jurisdiction of the Board of Public Utility Commissioners with respect to insurance, maintenance, specifications and safety to the same extent such jurisdiction is conferred upon the board by Title 48, Public Utilities, as amended and supplemented.

8. Section 29 of the act of which this act is amendatory is amended to read as follows:

C. 27:1A-29 Committee established.

29. There is hereby established in the Department of Transportation a Commuter Advisory Committee. Such committee shall consist of the Assistant Commissioner for Public Transportation as chairman, and 10 other members appointed by the Governor as follows: 2 citizens of the State who are commuters; 2 mayors of municipalities or members of boards of chosen freeholders of counties served by railroads under contract to the State; 2 officials of unions representing employees of railroads under contract to the State; 2 officials of railroads or motorbus carriers under contract to the State; and 2 public members who shall be citizens of the State.

9. This act shall take effect immediately.

Approved May 25, 1967.

CHAPTER 72

AN ACT concerning crimes, relating to the burning, defacement, mutilation or desecration of a cross or other religious symbol and supplementing chapter 122 of Title 2A of the New Jersey Statutes.

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

C. 2A:122-12 Burning, defacement, mutilation, desecration of religious symbol; penalty.

1. Any person who burns, defaces, mutilates or otherwise desecrates a cross or other religious symbol, or displays such a burned, defaced, mutilated or desecrated cross or other religious symbol, or participates in, condones, urges or instigates the burning, defacing, mutilation or desecration of a cross or other religious symbol, with intent to intimidate any person or group of persons because of his or their race, color, creed or religion, or with intent to defame or expose a person to contempt, derision or obloquy because of his race, color, creed, or religion, or with intent to cause a breach of the peace or riot, is guilty of a misdemeanor.

2. This act shall take effect immediately.

Approved May 25, 1967.

CHAPTER 73

AN ACT concerning elections and amending sections 19:31-2 and 19:31-7 of the Revised Statutes.

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

1. Section 19:31-2 of the Revised Statutes is amended to read as follows:

Commissioner of registration; temporary and permanent employees; civil service; expenses; powers and duties.

19:31-2. In all counties having a superintendent of elections, the superintendent of elections is hereby constituted the commissioner of registration and in all other counties the secretary of the county board is hereby constituted the commissioner of registration.

The commissioner of registration in all counties having a superintendent of elections, and the county board in all other counties, shall have complete charge of the permanent registration of all eligible voters within their respective counties.

The commissioner of registration in counties of the first class having a superintendent of elections and having less than 800,000 inhabitants, and the county board in all other counties, shall have power to appoint temporarily, and the commissioner of registration in counties of the first class having more than 800,000 inhabitants shall have power to appoint on a permanent, or temporary basis, such number of persons, as in his or its judgment may be necessary in order to carry out the provisions of this Title. All persons appointed by the commissioner of registration in counties of the first class having more than 800,000 inhabitants to serve for terms of more than 6 months in any 1 year shall be in the classified service of the civil service and shall be appointed, and hold their positions, in accordance with the provisions of Title 11, Civil Service. Persons appointed by the commissioner of registration in such counties to serve for terms of 6 months or less in any 1 year and persons appointed by the commissioner of registration, or by the county board of elections, in other counties shall not be subject to any of the provisions of Title 11, Civil Service, but shall be in the unclassified service.

In each county the commissioner of registration, as defined in this section, shall provide evening registration facilities for the regis-

tration of persons who are or may be entitled to vote at the general election in said counties.

In each county the commissioner of registration shall submit to the Secretary of State on or before June 15 of each year a plan of evening registration for the general election. Such plan shall include making available in each municipality, the place or places to be opened between the hours of 6 o'clock and 9 o'clock in the evening for at least 6 working days immediately preceding the close of registration. Evening registration facilities shall also be made available in each municipality once each week during the 6 calendar weeks immediately preceding the close of registration for the general election.

The commissioner of registration in counties having a superintendent of elections, and the county board in all other counties, shall provide such printed forms, blanks, supplies and office telephone and transportation equipment and shall prescribe such reasonable rules and regulations as are necessary in the opinion of the commissioner or county board to carry out the provisions of this Title and any amendments or supplements thereto.

Subject to the limitations set forth in chapter 32 of this Title as hereby amended all necessary expenses incurred, as and when certified and approved by the commissioner of registration in counties having a superintendent of elections, and by the county board in all other counties, shall be paid by the county treasurer of the county.

Nothing in the provisions of subtitle 2 of the Title, Municipalities and Counties (40:16-1 et seq.), shall in anywise be construed to affect, restrict or abridge the powers herein conferred on the commissioners in counties having a superintendent of elections, and upon the county boards in all other counties.

All powers granted to the commissioner in all counties not having superintendents of elections by the provisions of this Title are hereby conferred on the county board in such counties, and any and all duties conferred upon the commissioner in all counties not having a superintendent of elections by the provisions of this Title shall only be exercised and performed by such commissioner under the instructions and directions of and subject to the approval of the county board of such counties.

2. Section 19:31-7 of the Revised Statutes is amended to read as follows:

Registration by municipal clerks.

19:31-7. For the convenience of the voters the respective municipal clerks or their duly authorized clerk or clerks in all municipalities shall also be empowered to register applicants for permanent registration up to and including the fortieth day preceding any election and after any such election in the manner indicated above, subject to such rules and regulations as may be prescribed by the commissioner, in counties having a superintendent of elections, and the county board in all other counties. Duly authorized clerk as used in this section shall mean a clerk who resides within the municipality and has been approved by the commissioner or the county board as the case may be. For this purpose the commissioner shall forward to each municipal clerk a sufficient supply of the original and duplicate permanent registration forms. The commissioners shall keep a record of the serial numbers of these forms and shall periodically make such checks as are necessary to accurately determine if all such forms are satisfactorily accounted for. Each municipal clerk shall transmit daily to the commissioner in a stamped envelope to be prepared and supplied by the commissioner all of the filled out registration forms that he may have in his office at the time.

3. This act shall take effect immediately.

Approved May 25, 1967.

CHAPTER 74

AN ACT concerning the transportation of pupils to and from school, amending section 18:14-8 of the Revised Statutes, amending "The State School Aid Act of 1954," approved June 30, 1954 (P. L. 1954, c. 85), and amending chapter 130 of the laws of 1963.

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

1. Section 18:14-8 of the Revised Statutes is amended to read as follows:

Transportation of children remote from school.

18:14-8. Whenever in any district there are children living remote from any schoolhouse, the board of education of the district may make rules and contracts for the transportation of such children to and from school, including the transportation of school children to and from school, other than a public school, except such school as is operated for profit in whole or in part.

When any school district provides any transportation for public school children to and from school pursuant to this section, transportation shall be supplied to school children residing in such school district in going to and from any remote school other than a public school, except such school as is operated for profit in whole or in part, located within the State not more than 20 miles from the residence of the child, regardless of whether such transportation is along established public school routes. It shall be the obligation of the parent, guardian or other person having legal custody of the child attending a remote school other than a public school, except such schools operating for profit in whole or in part, to register said child with the office of the secretary of the board of education at the time and in the manner specified by rules and regulations of the State Board of Education in order to be eligible for the transportation provided by this act. Whenever any regional school district provides any transportation for pupils attending schools other than public schools pursuant to this act, said regional district shall assume responsibility for the transportation of all such pupils, and the cost of such transportation for pupils below the grade level for which the regional was organized, shall be prorated by the regional district to the constituent districts on a per pupil basis after approval of such cost by the county superintendent of schools. This paragraph shall not require school districts to provide any transportation to children attending a school other than a public school where the only transportation presently provided by said district is for school children transported pursuant to chapter 29 of the laws of 1966, as amended and supplemented or for school children transported to a vocational, technical or other public school offering a specialized program. Any transportation to a school other than a public school, except such school as is operated for profit in whole or in part, shall be pursuant to the same rules and regulations promulgated by the State Board of Education as governs transportation to any public school.

Nothing in this section shall be so construed as to prohibit a board of education from making contracts for the transportation of children to a school in an adjoining district when such children are transferred to the district by order of the county superintendent of schools, or when any children shall attend school in a district other than that in which they shall reside by virtue of an agreement made by the respective boards of education.

Nothing herein contained shall limit or diminish in any way any of the provisions for transportation for children pursuant to chapter 29 of the laws of 1966, as amended and supplemented.

2. Section 7 of chapter 85 of the laws of 1954 of which this act is amendatory is amended to read as follows:

C. 18:10-29.36 Transportation.

7. Each district shall also be paid 75% of the cost to the district of transportation of pupils to a school when the necessity for such transportation and the cost and the method thereof have been approved by the county superintendent of schools of the county in which the district paying the cost of such transportation is situated.

3. Section 1 of chapter 130 of the laws of 1963 is amended to read as follows:

C. 18:14-8.1 Transportation of children to and from school.

1. In addition to the provision of transportation for children living remote from any schoolhouse, and for mentally retarded and physically handicapped children, the board of education of any school district may provide, by contract or otherwise, in accordance with law and the rules and regulations of the State Board of Education, for the transportation of other children to and from school.

The cost of transporting children pursuant to this act shall not be included in calculating the amount of State aid for transportation of pupils.

4. This act shall take effect on July 1, 1967.

Approved May 26, 1967.

CHAPTER 75

AN ACT concerning funds for the transportation of pupils to and from school and supplementing chapter 5 of Title 18 of the Revised Statutes.

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

1. Whenever it shall be determined that it is necessary to raise in any school district, additional sums of money, over and above the amount fixed and determined in the annual school budget of the 1967-68 fiscal year for the transportation of children to and from school, when the necessity of such transportation and the cost and method thereof have been approved by the county superintendent of schools of the county in which the district paying the cost of such transportation is situated, the board of education of the district is authorized to borrow in anticipation of the taxes to be raised, levied and collected to provide for said expenditures, such sum or sums as it may determine to be necessary for said purpose, upon its promissory notes bearing interest at a rate or rates not to exceed 6% per annum maturing not later than December 31, 1969.

2. The secretary of the board of education shall certify the amount to be raised to the county board of taxation within 5 days after the date of the borrowing.

3. In the case that such certificate shall be delivered to the county board of taxation on or prior to April 1, 1968, the amount so certified shall be raised, levied and collected by the taxes within that year and in case any such certificate shall be delivered to said board after April 1, 1968, the amount so certified shall be raised, levied and collected by taxes in the next year.

4. The amount so raised, levied and collected shall be paid to the custodian of school moneys of the district as other school moneys are paid and shall be used to pay the principal and interest due upon such notes as they mature.

5. The amounts paid for interest upon said notes shall be reimbursed in full by the State to a school district for the fiscal year in which said payment is made and the county superintendent of schools of the county in which the district paying such interest is situated shall upon the receipt of a claim from the school district

certify this amount to the Commissioner of Education. Payments shall be made by the State Treasurer to each school district upon certificate of the Commissioner of Education and warrant of the Director of the Division of Budget and Accounting. Said payments shall be made as follows: interest paid prior to June 30, 1968 on August 1, 1968; interest paid from July 1, 1968 to June 30, 1969 on August 1, 1969; and interest paid from July 1, 1969 to December 31, 1969 on February 1, 1970.

6. This act shall take effect on July 1, 1967.

Approved May 26, 1967.

CHAPTER 76

AN Act providing for the regulation of the construction and maintenance of hotels and multiple dwellings by the Commissioner of Community Affairs, creating within the Department of Community Affairs an advisory board to be known as the Hotel and Multiple Dwelling Health and Safety Board, prescribing penalties for certain violations, and repealing certain sections of the statutory law.

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

ARTICLE I

C. 55:13A-1 Title of act.

1. This act shall be known as, and may be cited as, the "Hotel and Multiple Dwelling Health and Safety Law of 1967."

C. 55:13A-2 Purpose of act.

2. This act being deemed and hereby declared remedial legislation necessary for the protection of the health and welfare of the residents of this State in order to assure the provision therefor of decent, standard and safe units of dwelling space, shall be liberally construed to effectuate the purposes and intent thereof.

C. 55:13A-3 Definitions

3. The following terms whenever used or referred to in this act shall have the following respective meanings for the purposes of this act, except in those instances where the context clearly indicates otherwise:

(a) The term "act" shall mean this act, any amendments or supplements thereto, and any rules and regulations promulgated thereunder.

(b) The term "accessory building" shall mean any building which is used in conjunction with the main building of a hotel, whether separate therefrom or adjoining thereto, and which contains one or more units of dwelling space.

(c) The term "board" shall mean the Hotel and Multiple Dwelling Health and Safety Board created by subsection (a) of section 5 of this act in the Division of Housing and Urban Renewal of the Department of Community Affairs.

(d) The term "bureau" shall mean the Bureau of Housing Inspection in the Division of Housing and Urban Renewal of the Department of Community Affairs.

(e) The term "central heating" shall mean the provision of heat throughout a building or structure by means of one or more heating units or furnaces centrally located in said building, rather than by means of individual heating units or furnaces located in some or all of the dwelling units in said building or structure.

(f) The term "commissioner" shall mean the Commissioner of the Department of Community Affairs.

(g) The term "department" shall mean the Department of Community Affairs.

(h) The term "unit of dwelling space" shall mean any room or rooms, or suite or apartment thereof, whether furnished or unfurnished, which is occupied, or intended, arranged or designed to be occupied, for sleeping or dwelling purposes by one or more persons, including but not limited to the owner thereof, or any of his servants, agents or employees, and shall include all privileges, services, furnishings, furniture, equipment, facilities and improvements connected with the use or occupancy thereof.

(i) The term "protective equipment" shall mean any equipment, device, system or apparatus, whether manual, mechanical, electrical or otherwise, permitted or required by the commissioner to be constructed or installed in any hotel or multiple dwelling for the protection of the occupants or intended occupants thereof, or of the public generally.

(j) The term "hotel" shall mean any building, including but not limited to any related structure, accessory building, and land appurtenant thereto, and any part thereof, which—

(1) is kept, used, maintained, advertised as, or held out to be, or intended to be kept, used, maintained, advertised as, or

held out to be, a place where sleeping or dwelling accommodations are available, for valuable consideration, to transient or permanent guests, and in which 10 or more units of dwelling space are rented, or intended to be rented, for the accommodation of such guests; or,

(2) is rented for hire to 25 or more persons for sleeping or dwelling accommodations.

This definition shall also mean and include any motor hotel, motel, or established guesthouse which is commonly regarded as a motor hotel, motel, or established guesthouse, as the case may be, in the community in which it is located; provided, that this definition shall not be construed to include any building or structure defined as a multiple dwelling in this act, registered as a multiple dwelling with the Commissioner of Community Affairs as hereinafter provided, and occupied or intended to be occupied exclusively as such.

(k) The term "multiple dwelling" shall mean any building or structure of one or more stories with or without central heating, and any land appurtenant thereto, and any portion thereof, in which 3 or more units of dwelling space are sold, rented or leased for occupancy, or are intended to be sold, rented or leased for occupancy, or are occupied by 3 or more families who live independently of each other and who do their cooking upon the premises.

This definition shall also mean and include a group of 2 or more buildings or structures with central heating, and any land appurtenant thereto, and any portion thereof, in which units of dwelling space are sold, rented or leased for occupancy, or are intended to be sold, rented or leased for occupancy, or are occupied by 6 or more families who live independently of each other and who do their cooking upon the premises, and which are commonly known as "garden apartments"; provided, that this definition shall not be construed to include any building or structure defined as a hotel in this act, registered as a hotel with the Commissioner of Community Affairs as hereinafter provided, and occupied or intended to be occupied exclusively as such.

(l) The term "owner" shall mean the person, association or corporation, or groups thereof, who own the fee simple interest in any hotel or multiple dwelling.

ARTICLE II

C. 55:13A-4 Supervisor, bureau of housing inspection.

4. The Bureau of Housing Inspection heretofore constituted in the Division of Housing and Urban Renewal in the Department of Community Affairs by section 23 of chapter 293 of the laws of 1966 shall be under the immediate supervision of a supervisor, who shall administer and enforce the provisions of this act, subject to the supervision and control of the commissioner, and who shall perform such other duties as the commissioner may direct or as may be provided by law. Said supervisor shall be a licensed architect or professional engineer of this State who shall be appointed by the commissioner subject to the provisions of Title 11 of the Revised Statutes, Civil Service.

C. 55:13A-5 Board abolished.

5. (a) The Board of Housing Inspection heretofore constituted in the Division of Housing and Urban Renewal in the Department of Community Affairs by section 23 of chapter 293 of the laws of 1966 is hereby abolished, except that the powers, functions and duties of said Board of Housing Inspection are hereby transferred to and vested in the commissioner. In its stead, there is hereby created in the Division of Housing and Urban Renewal of the Department of Community Affairs a Hotel and Multiple Dwelling Health and Safety Board. Said board shall consist of 10 members, each of whom shall be a resident of this State, to be appointed by the Governor with the advice and consent of the Senate for terms of 5 years. Of the members appointed by the Governor, 6 shall be residents of this State representing the general public, 2 shall be representatives of the hotel and motel industry by reason of experience in the construction or operation of hotels or motels, and 2 shall be representatives of the real estate industry by reason of experience in the construction, operation or sales of multiple dwellings. Each member shall serve for the term of his appointment and until his successor shall have been appointed and qualified. Any vacancy in the membership of the board shall be filled by appointment for the unexpired term only. Any member of the board may be removed by the Governor at any time, for cause, upon notice and opportunity to be heard. The members of the board shall serve without compensation, but shall be entitled to reimbursement for all necessary expenses incurred in the discharge of their duties.

The board shall consult with and advise the commissioner with respect to rules and regulations proposed to be promulgated pursuant to this act and advise the commissioner on matters concerning hotel and multiple dwelling health and safety generally. The board shall meet at the call of the commissioner, the time and place of such meeting to be fixed by the commissioner. The board shall annually elect one of its members as the chairman thereof, and such other officers as it may deem appropriate.

The persons in office on the effective date of this act as members of the Board of Housing Inspection hereby abolished shall continue in office as members of the Hotel and Multiple Dwelling Health and Safety Board created herein, for the periods of their respective terms as members of said Board of Housing Inspection which remain unexpired on the effective date of this act, and until their respective successors are appointed by the Governor and have qualified.

(b) The office of supervisor of hotel fire safety heretofore constituted in the Bureau of Housing Inspection of the Division of Housing and Urban Renewal in the Department of Community Affairs by section 24 of chapter 293 of the laws of 1966 is hereby abolished, except that the powers, functions and duties of said office of supervisor of hotel fire safety are hereby transferred to and vested in the commissioner.

C. 55:13A-6 Powers.

6. The commissioner is hereby granted and shall have and exercise, in addition to other powers herein granted, all the powers necessary and appropriate to carry out and execute the purposes of this act, including but not limited to, the power:

(a) To provide owners or groups of owners with such advisory consultation and educational services as will assist said owners or groups of owners to discharge their responsibilities under this act, and to suggest to said owners or groups of owners methods and procedures by which they may develop and implement health and safety programs;

(b) To enter and inspect, without prior notice, any hotel or multiple dwelling, and to make such investigation as is reasonably necessary to carry out the provisions of this act;

(c) To administer and enforce the provisions of existing law, and any amendments and supplements thereto, and any rules or regulations promulgated thereunder, concerning the regulation of multiple dwellings, also commonly known as tenements, and hotels;

(d) To require the production of such reports, documents, books or papers of the owner of any hotel or multiple dwelling as the commissioner may deem necessary to implement the purposes of this act;

(e) To issue and promulgate such rules and regulations as the commissioner may deem necessary to implement the purposes of this act, which rules and regulations shall have the force and effect of law until revised, repealed or amended from time to time by the commissioner in the exercise of his discretion; provided, that any such rules and regulations shall be filed with the Secretary of State;

(f) To enforce and administer the provisions of this act, enter complaints against any person, association or corporation violating the provisions of this act, and to prosecute violations of the provisions of this act; and

(g) To compromise and settle any claim for a penalty for any violation of the provisions of this act in such amount in the discretion of the commissioner as may appear appropriate and equitable under all of the circumstances of said violation.

ARTICLE III

C. 55:13A-7 Regulations.

7. The commissioner shall issue and promulgate, in the manner specified in section 8 of this act, such regulations as he may deem necessary to assure that any hotel or multiple dwelling will be constructed and maintained in such manner as is consistent with, and will protect, the health, safety and welfare of the occupants or intended occupants thereof, or of the public generally.

Any such regulations issued and promulgated by the commissioner pursuant to this section shall provide standards and specifications for such construction, conversion and alteration and maintenance materials, methods and techniques, fire warning and extinguisher systems, elevator systems, emergency egresses, and such other protective equipment as the commissioner shall deem reasonably necessary to the health, safety and welfare of the occupants or intended occupants of any units of dwelling space in any hotel or multiple dwelling, including but not limited to:

(a) Structural adequacy ratings;

(b) Methods of egress, including fire escapes, outside fireproof stairways, independent stairways, and handrails, railings, brackets, braces and landing platforms thereon, additional stairways, and treads, winders, and risers thereof, entrances and ramps;

- (c) Bulkheads and scuttles, partitions, walls, ceilings and floors;
- (d) Garbage and refuse collection and disposal, cleaning and janitorial services, repairs, and extermination services;
- (e) Electrical wiring and outlets, and paints and the composition thereof;
- (f) Doors, and the manner of opening thereof;
- (g) Transoms, windows, shafts and beams;
- (h) Chimneys, flues and central heating units;
- (i) Roofing and siding materials;
- (j) Lots, yards, courts and garages, including the size and location thereof;
- (k) Intakes, open ducts, offsets and recesses;
- (l) Windows, including the size and height thereof;
- (m) Rooms, including the area and height thereof, and the permissible number of occupants thereof;
- (n) Stairwells, skylights and alcoves;
- (o) Public halls, including the lighting and ventilation thereof;
- (p) Accessory passages to rooms;
- (q) Cellars, drainage and air space;
- (r) Water-closets, bathrooms and sinks;
- (s) Water connections, including the provision of drinking and hot and cold running water;
- (t) Sewer connections, privies, cesspools, and private sewers;
- (u) Rain water and drainage conductors; and
- (v) Entrances and ramps.

C. 55:13A-8 Review of regulations.

8. (a) The commissioner shall, within the 180 days next succeeding the effective date of this act, transmit copies of the proposed regulations required to be issued and promulgated by section 7 of this act, to the board for its review and recommendations. Within 30 days of the receipt of copies of said proposed regulations, the board shall provide the commissioner with such written recommendations thereon as it may have.

(b) Following the receipt by the commissioner of said written recommendations of the board, or upon the expiration of the 30 days next succeeding the transmittal by the commissioner of copies of said proposed regulations to the board, the commissioner shall publish, in 5 newspapers of general circulation throughout this State, a general notice of intention to promulgate proposed regulations, which notice shall include (1) a reference to the authority under which the regulations are proposed; (2) a statement of the purpose of the proposed regulations; (3) either the terms or

substance of the proposed regulations or a description of the subjects and issues involved; (4) a statement that a copy of the proposed regulations may be obtained by any person upon written request to the department; and (5) a statement of the date, time and place for a public hearing on the proposed regulations, which date shall not be less than 14 days nor more than 30 days after the publication of the notice of intention to promulgate proposed regulations.

(c) Any person, association or corporation appearing at said public hearing shall be afforded an opportunity to be heard, either through the submission of written data, views, or arguments or the oral presentation of the same. Upon the expiration of the 30 days next succeeding the date of said public hearing, the commissioner shall issue and promulgate the regulations required to be issued and promulgated by section 7 of this act, either as originally proposed or as amended or revised by the commissioner subsequent to said public hearings, which regulations shall be effective on such date as may be provided therein.

C. 55:13A-9 Force and effect of regulations.

9. (a) Any regulations issued by the commissioner pursuant to sections 7 and 8 of this act shall have the force and effect of law until revised, repealed or amended by the commissioner as hereinafter provided.

(b) The commissioner may, from time to time subsequent to the issuance and promulgation of regulations pursuant to sections 7 and 8 of this act, revise, repeal or amend any such regulation as he may deem necessary. No such regulation shall be revised, repealed or amended by the commissioner except pursuant to the provisions of section 8 of this act.

C. 55:13A-10 Dwellings subject to regulations.

10. (a) Any hotel or multiple dwelling the construction of which shall be commenced, or any building not constructed for use as a hotel or multiple dwelling but the conversion or alteration of which to such use shall be commenced, subsequent to the effective date of any regulations required to be issued and promulgated pursuant to sections 7 and 8 of this act, shall be subject to, and shall fully comply with, said regulations.

(b) Any hotel or multiple dwelling the construction of which shall have been commenced in good faith, or any hotel or multiple dwelling which is used or occupied, or any building not constructed for use as a hotel or multiple dwelling but the conversion or alteration of which to such use shall have been commenced in good

faith, on or before the effective date of any regulations required to be issued and promulgated pursuant to sections 7 and 8 of this act, shall be subject to, and shall fully comply with, said regulations on or before the first anniversary of the effective date of said regulations.

C. 55:13A-11 Exceptions to requirements.

11. (a) Upon the application of the owner of any hotel or multiple dwelling, or any building not constructed for use as a hotel or multiple dwelling but which has been or shall be converted or altered to such use, the commissioner may grant exceptions from the literal requirements of any regulation issued pursuant to sections 7 and 8 of this act. No such exception shall be granted in any particular case unless the commissioner shall find: (1) that strict compliance with any such regulation, if required, would result in undue hardship to such owner; and (2) that the exception, if granted, will not unreasonably jeopardize the health, safety and welfare of intended occupants and the public generally.

(b) An application for an exception pursuant to this section shall be filed in writing with the commissioner, and shall set forth specifically: (1) a statement of the requirements of the regulation from which an exception is sought; (2) a statement of the manner by which strict compliance with said regulation would result in undue hardship; (3) a statement of the nature and extent of such undue hardship; and (4) a statement of feasible alternatives to the requirements of the regulation which would adequately protect the health, safety and welfare of the occupants or intended occupants and the public generally.

(c) Within the 30 days next succeeding the receipt by the commissioner of an application for an exception, the commissioner shall grant or deny said application by written order, stating therein the reason or reasons for the grant or denial of said application. The commissioner shall maintain records of all applications for exceptions, and the action taken thereon, and shall make such records reasonably available for public inspection.

ARTICLE IV

C. 55:13A-12 Certificate of registration; fee; contents.

12. (a) Within 90 days of the effective date of this act, and thereafter as required by subsection (c) of this section, the owner of each hotel, or of each multiple dwelling occupied or intended to be occupied by 6 or more families, shall file with the commissioner, upon forms provided by the commissioner, an application

for a certificate of registration. Each such application shall be accompanied by a fee of \$10.00, and shall state: (1) the name and address or principal place of business of said owner; (2) such description of each hotel or multiple dwelling, by street number or otherwise, as will enable the commissioner easily to locate the same; (3) the name and address or principal place of business of the agent appointed by said owner pursuant to subsection (b) of this section for the purpose of receiving service of process and other orders or notices; and (4) the name and address or principal place of business of the person, association or corporation, if any, which manages or operates such hotel or multiple dwelling for or on behalf of said owner. Upon the receipt of said application and fee, the commissioner shall forthwith issue to the owner of such hotel or multiple dwelling a certificate of registration, which certificate of registration shall be kept posted by the owner of such hotel or multiple dwelling in a conspicuous location therein. The certificate of registration shall be in such form as may be prescribed by the commissioner.

(b) Within 90 days of the effective date of this act, and thereafter as required by subsection (c) of this section, the owner of each hotel, or of each multiple dwelling occupied or intended to be occupied by 6 or more families shall appoint an agent for the purpose of receiving service of process and such orders or notices as may be issued by the commissioner pursuant to this act. Each such agent so appointed shall be a resident of this State or a corporation licensed to do business in this State.

(c) In the case of any transfer of the fee simple interest in any hotel, or of any multiple dwelling occupied or intended to be occupied by 6 or more families, whether by sale, assignment, gift, intestate succession, testate devolution, reorganization, receivership, foreclosure or execution process, it shall be the duty of the new owner thereof to file with the commissioner, within 30 days of said transfer, an application for a certificate of registration pursuant to subsection (a) of this section, and to appoint an agent for the service of process pursuant to subsection (b) of this section.

C. 55:13A-13 Inspection; fees.

13. (a) The commissioner shall inspect each multiple dwelling at least once in every 5 years, and each hotel annually, for the purpose of determining the extent to which each hotel or multiple dwelling complies with the provisions of this act and regulations promulgated hereunder.

(b) On or before January 1, 1968, and on or before January 1 of each year thereafter, the owner of each hotel shall file with the commissioner, upon forms provided by the commissioner, an application for a certificate of inspection. Said application shall state: (1) the name and address or principal place of business of the owner; (2) such description of the hotel, by street number or otherwise, as will enable the commissioner easily to locate the same; (3) the number of units of dwelling space in said hotel; (4) the maximum number of occupants of said units of dwelling space; and (5) the number of the occupants of said units of dwelling space as of the date the application for a certificate of inspection is filed. Said application shall be accompanied by a fee as follows: where the number of units of dwelling space is 20 or less or where the maximum number of occupants thereof is 25 or less, \$10.00; where the number of units of dwelling space is over 20 and not more than 50 or where the maximum number of occupants thereof is not in excess of 100 but greater than 25, \$30.00; and where the number of units of dwelling space is more than 50 or where the maximum number of occupants thereof is greater than 100, \$50.00.

Within 90 days of the most recent inspection by the commissioner of any multiple dwelling occupied or intended to be occupied by 6 or more families occurring prior to January 1 of each calendar year, the owner of each such multiple dwelling shall file with the commissioner, upon forms provided by the commissioner, an application for a certificate of inspection. Said application shall state: (1) the name and address or principal place of business of the owner; (2) such description of the multiple dwelling, by street number or otherwise, as will enable the commissioner easily to locate the same; (3) the number of units of dwelling space in said multiple dwelling; (4) the maximum number of families that could occupy said units of dwelling space; and (5) the number of families that occupied said units of dwelling space as of the date the application for a certificate of inspection is filed. Said application shall be accompanied by a fee as follows: where the maximum number of families that could occupy said units of dwelling space is 6 or less, \$10.00; where the maximum number of families that could occupy said units of dwelling space is not in excess of 20, but greater than 6, \$20.00; where the maximum number of families that could occupy said units of dwelling space is not in excess of 50 but greater than 20, \$30.00; where the maximum number of families that could occupy said units of dwelling space is not in excess of

100, but greater than 50, \$40.00; and where the maximum number of families that could occupy said units of dwelling space is greater than 100, \$50.00.

(c) If the commissioner determines, as a result of the most recent inspection of any hotel or multiple dwelling as required by subsection (a) of this section, that any hotel or multiple dwelling complies with the provisions of this act and regulations promulgated hereunder, then the commissioner shall issue to the owner thereof, upon receipt of the application and fee as required by subsection (b) of this section, a certificate of inspection. Any owner to whom a certificate of inspection is issued shall keep said certificate posted in a conspicuous location in the hotel or multiple dwelling to which the certificate applies. The certificate of inspection shall be in such form as may be prescribed by the commissioner.

(d) If the commissioner determines, as a result of the most recent inspection of any hotel or multiple dwelling as required by subsection (a) of this section, that any hotel or multiple dwelling does not comply with the provisions of this act and regulations promulgated thereunder, then the commissioner shall issue to the owner thereof, upon receipt of the application and fee as required by subsection (b) of this section, a written notice stating the manner in which any such hotel or multiple dwelling does not comply with this act or regulations promulgated thereunder. Said notice shall fix such date, not less than 60 days nor more than 180 days, on or before which any such hotel or multiple dwelling must comply with the provisions of this act and regulations promulgated thereunder. If any such hotel or multiple dwelling is made to comply with the provisions of this act and regulations promulgated thereunder on or before the date fixed in said notice, then the commissioner shall issue to the owner thereof a certificate of inspection as described in subsection (c) of this section. If any such hotel or multiple dwelling is not made to comply with the provisions of this act and regulations promulgated thereunder on or before the date fixed in said notice, then the commissioner shall not issue to the owner thereof a certificate of inspection as described in subsection (c) of this section, and shall enforce the provisions of this act against the owner thereof.

C. 55:13A-14 Special inspection.

14. (a) The commissioner may make a special inspection of any hotel, upon the application of the owner thereof, and may render a report of such inspection thereto, for the purpose of transferring title, securing mortgage loans, or for any other similar purpose.

For each such special inspection where such report is furnished, a fee shall be charged as follows: where the number of units of dwelling space is 20 or less or where the maximum number of occupants thereof is 25 or less, \$20.00; where the number of units of dwelling space is over 20 and not more than 50 or where the maximum number of occupants thereof is not in excess of 100 but greater than 25, \$60.00; and where the number of units of dwelling space is more than 50 or where the maximum number of occupants thereof is greater than 100, \$100.00.

(b) The commissioner may make a special inspection of any multiple dwelling, upon the application of the owner thereof, and may render a report of such inspection thereto, for the purpose of transferring title, securing mortgage loans, or for any other similar purpose. For each such special inspection where such report is furnished, a fee shall be charged as follows: where the maximum number of families that could occupy the units of dwelling space in the multiple dwelling is 3 or less, \$10.00; where the maximum number of families that could occupy the units of dwelling space in the multiple dwelling is not in excess of 20 but greater than 3, \$20.00; where the maximum number of families that could occupy the units of dwelling space in the multiple dwelling is not in excess of 50 but greater than 20, \$50.00; where the maximum number of families that could occupy the units of dwelling space in the multiple dwelling is not in excess of 100 but greater than 50, \$100.00; and where the maximum number of families that could occupy the units of dwelling space in the multiple dwelling is greater than 100, \$150.00.

C. 55:13A-15 Submission and approval of plans and specifications.

15. (a) No person, association or corporation shall construct, or cause to be constructed, any hotel or multiple dwelling, or any units of dwelling space therein, or any protective equipment, therein, unless the plans and specifications therefor shall have been submitted to, and approved by, the commissioner in accordance with the provisions of this act and rules and regulations promulgated thereunder. Upon the approval by the commissioner of any such construction plans and specifications submitted to him, the person, association or corporation so submitting the plans and specifications shall pay to the commissioner a fee as follows: where the estimated cost of construction is \$10,000.00 or less, \$10.00; where the estimated cost of construction exceeds \$10,000.00, an additional fee of \$0.25 shall be paid for each \$1,000.00, or fraction thereof, in excess of the first \$10,000.00.

(b) No person, association or corporation shall convert or alter, or cause to be converted or altered, a building not constructed for use as a hotel or multiple dwelling, to such use, or any units of dwelling space therein, or any protective equipment therein, unless the plans and specifications therefor shall have been submitted to, and approved by, the commissioner in accordance with the provisions of this act and rules and regulations promulgated thereunder. Upon the approval by the commissioner of any such conversion or alteration plans and specifications submitted to him, the person, association or corporation so submitting the plans and specifications shall pay to the commissioner a fee as follows: where the estimated cost of conversion or alteration is \$10,000.00 or less, \$10.00; where the estimated cost of conversion or alteration exceeds \$10,000.00, an additional fee of \$0.25 shall be paid for each \$1,000.00, or fraction thereof, in excess of the first \$10,000.00.

Where the commissioner makes an inspection of a building not constructed for use as a hotel or multiple dwelling for the purpose of ascertaining the requirements necessary to the conversion or alteration of such building to use as a hotel or multiple dwelling, a fee of \$10.00 shall be charged.

(c) All plans and specifications submitted to the commissioner for his approval pursuant to subsections (a) and (b) of this section shall be accompanied by a \$5.00 filing fee, which fee shall be in addition to any fee required to be paid to the commissioner upon his approval of said plans and specifications.

ARTICLE V

C. 55:13A-16 Violation; issuance of order.

16. (a) If the commissioner shall discover any violation of the provisions of this act or any rules and regulations promulgated thereunder upon any inspection of any hotel or multiple dwelling, then the commissioner shall issue and cause to be served on the owner thereof a written order requiring said owner to terminate, or cause to be terminated, any such violation. Such written order shall state the nature of any such violation and a reasonable specified time within which any such violation must be terminated. Such written order shall also require and direct the owner to whom it is issued to take, or cause to be taken, such affirmative action as may be necessary to correct any such violation.

(b) The commissioner may petition the Superior Court of this State for mandatory injunctive relief enforcing any order issued by the commissioner pursuant to subsection (a) of this section.

In any such proceeding the Superior Court may proceed in a summary manner or otherwise, and shall have power to grant such temporary relief or restraining order as it may deem just and proper, and to make and enter a decree enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part any order issued by the commissioner pursuant to subsection (a) of this section.

C. 55:13A-17 Order to vacate.

17. If upon any inspection of any hotel or multiple dwelling the commissioner shall discover any violation of the provisions of this act or any rules and regulations promulgated thereunder, which constitutes an imminent hazard to the health, safety or welfare of the occupants or intended occupants thereof, or of the public generally, the commissioner may issue and cause to be served on the owner thereof a written order directing that any such hotel or multiple dwelling be vacated forthwith. Such written order shall state the nature of any such violation and the date and hour by which any such hotel or multiple dwelling must be vacated.

Upon the receipt by the commissioner of written notice from the owner of any such hotel or multiple dwelling stating that any such violation has been terminated, the commissioner shall reinspect said hotel or multiple dwelling within 1 working day of the receipt of said notice. If upon any such reinspection the commissioner shall determine that any such violation has been terminated, the commissioner shall rescind any order requiring the vacation of said hotel or multiple dwelling, and occupancy thereof may be resumed forthwith; provided, that if any such reinspection is not made by the commissioner within 1 working day of the receipt of said notice, occupancy of any such hotel or multiple dwelling may be resumed forthwith.

Where the owner of any such hotel or multiple dwelling denies that any such violation exists, said owner may apply to the commissioner for a reconsideration hearing, which hearing must be afforded and a decision rendered by the commissioner within 48 hours of the receipt by the commissioner of the application for said hearing. If the commissioner shall decide adversely to said owner, said owner may petition the Superior Court of this State for injunctive relief against any order of the commissioner directing that any such hotel or multiple dwelling be vacated forthwith. Such relief may be sought by an order to show cause and may be granted ex parte pending a hearing de novo; provided, that the only issue to be determined in such proceeding shall be the existence of any

violation of the provisions of this act, or rules and regulations promulgated thereunder, which constitutes an imminent hazard to the health, safety or welfare of the occupants or intended occupants of any such hotel or multiple dwelling, or to the public generally.

ARTICLE VI

C. 55:13A-18 Hearing before commissioner.

18. Any person, association or corporation aggrieved by any ruling, action, order, or notice of the commissioner pursuant to this act, except any order of notice issued by the commissioner pursuant to section 17 of this act shall be entitled to a hearing before the commissioner. The application for such hearing must be filed with the commissioner within 15 days of the receipt by the applicant thereof of notice of the ruling, action, order or notice complained of. No such hearing shall be held except upon 15 days' written notice to all interested parties, and each such hearing shall be held within 30 days of the receipt of the application therefor. Within 30 days after the completion of such hearing, the commissioner shall issue an appropriate order approving, modifying, and approving as so modified, or setting aside in whole or in part the ruling, action, order or notice complained of, a copy of which order shall be served on all interested parties. Pending the determination of the commissioner, and upon application therefor, the commissioner may grant a stay of the ruling, action, order, or notice complained of; provided, that no such stay shall be granted except upon such terms and conditions as will adequately protect the occupants or intended occupants of the hotel or multiple dwelling involved, or the public generally.

C. 55:13A-19 Exercise of power; penalty for interference.

19. (a) No person, association or corporation shall willfully—

(1) obstruct, hinder, delay or interfere with, by force or otherwise, the commissioner in the exercise of any power or the discharge of any function or duty under the provisions of this act; or

(2) prepare, utter or render any false statement, report, document, plans or specifications permitted or required to be prepared, uttered or rendered under the provisions of this act; or

(3) render ineffective or inoperative any protective equipment installed, or intended to be installed, in any hotel or multiple dwelling; or

(4) refuse or fail to comply with any lawful ruling, action, order or notice of the commissioner; or

(5) violate, or cause to be violated, any of the provisions of this act.

(b) Any person, association or corporation which violates, or causes to be violated, any provision of subsection (a) of this section shall be liable to a penalty of not less than \$100.00 nor more than \$500.00 for the first offense, and a penalty of not less than \$500.00 nor more than \$1,000.00 for a second or each subsequent offense, which penalty shall be sued for, and recovered by and in the name of the commissioner in a civil action by a summary proceeding under the Penalty Enforcement Law (N. J. S. 2A:58-1). Any person, association or corporation shall be deemed to have violated, or to have caused to be violated, any provision of subsection (a) of this section whenever any officer, agent or employee thereof, under the control of and with the knowledge of said person, association or corporation, shall have violated or caused to be violated any of the provisions of subsection (a) of this section. Where any violation of subsection (a) of this section is of a continuing nature, each day during which such violation continues after the date fixed by the commissioner in any order or notice for the correction or termination of such violation, shall constitute an additional, separate and distinct offense, except during the time an appeal from said order may be taken or is pending.

(c) The commissioner may cancel and revoke any permit, approval or certificate required or permitted to be granted or issued to any person, association or corporation pursuant to the provisions of this act if the commissioner shall find that any such person, association or corporation has violated, or caused to be violated, any of the provisions of subsection (a) of this section.

ARTICLE VII

C. 55:13A-20 Posting of ruling.

20. The posting in a conspicuous location in any hotel or multiple dwelling of any ruling, notice or order required or permitted to be issued and served pursuant to this act, together with the mailing of a copy of such ruling, notice or order on the same day that it is posted to the person, association or corporation to be served, at the address or principal place of business as registered with the commissioner pursuant to this act, or to the agent appointed by said person, association or corporation pursuant to this act for the purpose of receiving service of process, shall be sufficient service thereof.

C. 55:13A-21 Enforcement of provisions of act.

21. Each municipality of this State is hereby authorized to enforce the provisions of this act, and any rules or regulations promulgated thereunder, within the corporate limits thereof, subject to the control and supervision of the commissioner and in accordance with such rules and regulations as the commissioner may issue and promulgate. The commissioner shall consult with and advise any municipality which enforces the provisions of this act, and any rules and regulations promulgated hereunder, and each such municipality shall furnish the commissioner with such reports, data and information as the commissioner may deem necessary.

C. 55:13A-22 Discharge of penalties or liabilities.

22. No offense committed, and no liability, penalty, or forfeiture, either civil or criminal, incurred, prior to the repeal or revision of any act or any part thereof by the enactment of this act, shall be discharged, released or affected by the repeal or revision of the act or part thereof under which such offense, liability, penalty or forfeiture was incurred, and indictments, prosecutions and actions for such offenses, liabilities, penalties or forfeitures committed or incurred prior to the effective date of this act shall be commenced or continued and be proceeded with in all respects as if the act or part thereof had not been repealed or revised; and all such matters or proceedings pending on the effective date of this act shall be continued by the commissioner.

C. 55:13A-23 Public records.

23. The record or determination of any action or proceeding under this act, or any statement, report or record of any kind whatsoever obtained or received by the commissioner in connection with the administration or enforcement of the provisions of this act, shall be public records and reasonably available for public inspection.

C. 55:13A-24 Rules of evidence.

24. In any hearing under this act required or permitted to be held before the commissioner, the commissioner shall not be bound to apply the strict rules of evidence prevailing in civil actions in courts of competent jurisdiction.

C. 55:13A-25 Intent of act.

25. (a) This act is not intended, and nothing in this act shall be construed, to abrogate or impair the powers and duties of local boards of health, of the Department of Health under chapter 177 of the laws of 1947.

(b) This act is not intended, and nothing in this act shall be construed, to preclude the right of any municipality to adopt and enforce ordinances or regulations more restrictive than this act or any rules or regulations promulgated thereunder.

C. 55:13A-26 Deposit in State treasury.

26. The commissioner shall deposit with the State Treasurer for inclusion in the State Treasury any fee or penalty required or permitted to be paid to and received by the commissioner pursuant to the provisions of this act.

C. 55:13A-27 Validity of act.

27. If any section, subsection, paragraph, sentence or other part of this act is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this act, but shall be confined in its effect to the section, subsection, paragraph, sentence or other part of this act directly involved in the controversy in which said judgments shall have been rendered.

C. 55:13A-28 Repealed.

28. (a) The following acts and parts of acts are repealed: chapters 9, 10 and 12 of Title 55 of the Revised Statutes; sections 55:11-1 to 55:11-8, both inclusive, of the Revised Statutes, sections 55:11-11 to 55:11-17, both inclusive, of the Revised Statutes; and sections 1, 2, 29, 31, 32, 33, 34, 35, 36, 38 and 40 of chapter 340 of the laws of 1948.

(b) The following acts and parts of acts are repealed: chapters 1, 2, 5, 6, 7, 8, and 13 of Title 55 of the Revised Statutes; sections 55:3-1 to 55:3-22, both inclusive, of the Revised Statutes; sections 55:3-23 to 55:3-60, both inclusive, of the Revised Statutes; sections 55:4-1 to 55:4-13, both inclusive, of the Revised Statutes; sections 55:4-14 to 55:4-27, both inclusive, of the Revised Statutes; section 1 of chapter 23 of the laws of 1958; chapter 172 of the laws of 1958; and sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, and 30 of chapter 340 of the laws of 1948.

29. This act shall take effect immediately, except that subsection (b) of section 28 of this act shall not take effect until 270 days after the effective date of this act.

Approved May 31, 1967.

CHAPTER 77

AN ACT providing for the interchange of government employees.

WHEREAS, This State recognizes that intergovernmental co-operation is an essential factor to the resolution of problems affecting this State, and that the interchange of personnel between and among governmental agencies at the same or different levels of government is a significant factor in achieving such co-operation; now therefore,

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

C. 52:14-6.10 Title of act.

1. This act shall be known as, and may be cited as, the "Government Employee Interchange Act of 1967."

C. 52:14-6.11 Purpose and intent of act.

2. This act being deemed and hereby declared necessary for the welfare of this State and its inhabitants in order to provide for that intergovernmental co-operation which is essential to the resolution of problems affecting this State, shall be liberally construed to effectuate the purposes and intent thereof.

C. 52:14-6.12 Definitions.

3. The following terms whenever used or referred to in this act shall have the following respective meanings for the purposes of this act, except in those instances where the context clearly indicates otherwise:

(a) The term "act" shall mean this act, any amendments or supplements thereto, and any rules or regulations promulgated thereunder.

(b) The term "Federal Governmental unit" shall mean any department, division, office, agency, bureau or section of the United States, or any authority or instrumentality created or chartered thereby.

(c) The term "New Jersey Governmental unit" shall mean any department, division, office, agency, bureau or section of this State, or any political subdivision thereof, or any authority or instrumentality created or chartered thereby.

(d) The term "participating employee" shall mean any officer or employee of any Federal Governmental unit, New Jersey Governmental unit or State Governmental unit, other than the chief executive officer thereof, who participates in a program of government employee interchange authorized by this act.

(e) The term "receiving agency" shall mean any Federal Governmental unit, New Jersey Governmental unit, or State Governmental unit which receives any officer or employee of a sending agency pursuant to a program of government employee interchange authorized by this act.

(f) The term "sending agency" shall mean any Federal Governmental unit, New Jersey Governmental unit, or State Governmental unit which sends any officer or employee thereof to a receiving agency pursuant to a program of government employee interchange authorized by this act.

(g) The term "State Governmental unit" shall mean any department, division, office, agency, bureau or section of any State of the United States other than this State, or any political subdivision thereof, or any authority or instrumentality created or chartered thereby.

C. 52:14-6.13 Units authorized to participate.

4. Notwithstanding the provisions of any other law, and as hereinafter provided, any New Jersey Governmental unit is hereby authorized to participate, as either a sending agency or a receiving agency, in a program of government employee interchange with any other New Jersey Governmental unit, any Federal Governmental unit, or any State Governmental unit.

C. 52:14-6.14 Terms, conditions and requirements.

5. Any program of government employee interchange pursuant to this act shall be subject to the following terms, conditions and requirements:

(a) No period of individual assignment or detail to any receiving agency shall exceed 12 months, nor shall any participating employee be assigned or detailed to a receiving agency for more than 12 months during any 36-month period.

(b) No person shall be assigned or detailed as a participating employee except upon the freely-given consent of such person, and without any form of coercion or duress whatsoever.

(c) Any participating employee shall remain in the employ of the sending agency for a period of not less than 1 year from the termination of his participation in a program of government employee interchange pursuant to this act.

(d) Any program of government employee interchange pursuant to this act may be terminated by the sending agency or the receiving agency, without reason therefor, upon 30 days' notice.

(e) Any participating employee received by a receiving agency shall be considered, for the duration of his participation in a program of government employee interchange pursuant to this act, to be assigned to the receiving agency on detail to the regular work assignments of the sending agency. No participating employee who is so assigned on detail shall, by virtue of such assignment on detail, be considered an employee of the said receiving agency, but shall be considered to be an employee of the sending agency for any purpose other than a question as to the supervision of said participating employee; provided, that the supervision of any participating employee may be governed by an agreement between the respective chief executive officers of the sending agency and the receiving agency; and provided further, that any question as to the employee status of an employee of a New Jersey Governmental unit who participates in a program of government employee interchange pursuant to this act shall be decided according to the law of this State.

(f) Any New Jersey Governmental unit may, without regard to the provisions of Title 11 of the Revised Statutes, Civil Service, receive and appoint a participating employee from a sending agency to the unclassified service of said New Jersey Governmental unit.

(g) No employee of a New Jersey Governmental unit who is assigned to a receiving agency shall lose, or suffer any diminution of, any right, power, privilege or benefit to which said participating employee would otherwise be entitled pursuant to the provisions of Title 11 of the Revised Statutes, Civil Service, or Title 43 of the Revised Statutes, Pensions and Retirement, or any other law, including but not limited to rights, powers, privileges, or benefits as to salary, seniority, promotion, re-employment, retirement or pension.

(h) Any employee of a New Jersey Governmental unit who participates in a program of government employee interchange pursuant to the provisions of this act who shall suffer injury, occupational disease, or death, arising out of and in the course of said program or sustained in the discharge of duties in connection therewith, shall be considered an "employee" as said term is defined in section 34:15-36 of the Revised Statutes, and shall not be deprived, by virtue of his participation in said program, of any

right or expectancy that would otherwise accrue to said participating employee pursuant to chapters 15 and 16, both inclusive, of Title 34 of the Revised Statutes, Labor and Workmen's Compensation. No such participating employee of a New Jersey Governmental unit shall receive or accept any payment or benefit pursuant to a workmen's compensation program, if any, of any State Governmental unit or Federal Governmental unit with which the said New Jersey Governmental unit has implemented a program of government employee interchange pursuant to this act.

No employee of a Federal Governmental unit or State Governmental unit who is assigned to a New Jersey Governmental unit as a receiving agency and who suffers injury, occupational disease, or death, arising out of and in the course of a program of government employee interchange pursuant to this act or sustained in the discharge of duties in connection therewith, shall be considered an "employee" within the meaning of section 34:15-36 of the Revised Statutes, nor shall any right or expectancy accrue to said employee pursuant to chapters 15 and 16, both inclusive, of Title 34 of the Revised Statutes, Labor and Workmen's Compensation.

(i) Except as hereinafter provided, no participating employee shall receive or accept any compensation from the receiving agency to which the said participating employee is assigned on detail. Any receiving agency may, in accordance with any applicable regulations of said receiving agency, reimburse the per diem and mileage expenses of any participating employee assigned on detail thereto. Any sending agency may, in accordance with any applicable regulations of said sending agency, pay the expenses incurred by a participating employee thereof incurred in transporting the immediate family, household goods and personal effects of said participating employee to and from the location of the receiving agency; provided, that the period of assignment of said participating employee is greater than 8 months.

C. 52:14-6.15 Requirements for participation.

6. No employee of a New Jersey Governmental unit shall participate, whether as a sending agency or receiving agency, in a program of government employee interchange pursuant to this act until (1) the chief executive officer of said New Jersey Governmental unit shall have certified to the President of the Civil Service Commission that the participation of said employee in such a program will assist the said New Jersey Governmental unit in resolving problems within the field of responsibility of said New Jersey Governmental unit, and (2) the chief executive officers of the

sending agency and the receiving agency and the participating employee of a New Jersey Governmental unit shall have executed, and filed with the President of the Civil Service Commission, an agreement adopting the terms, conditions and requirements stated in section 5 of this act, and any other terms and conditions not inconsistent therewith.

C. 52:14-6.16 Civil service rules and regulations.

7. The Civil Service Commission is hereby directed to issue and promulgate such rules and regulations as are necessary and appropriate to carry out the provisions of this act, and to assist any New Jersey Governmental unit to participate in government employee interchange programs pursuant to this act. Any rules and regulations issued and promulgated hereunder may be revised, repealed or amended from time to time as the Civil Service Commission may deem necessary. Any rules and regulations issued and promulgated hereunder shall be filed with the Secretary of State.

C. 52:14-6.17 Acts superseded.

8. All acts or parts of acts inconsistent herewith are hereby superseded.

C. 52:14-6.18 Validity of act.

9. If any section, subsection, paragraph, sentence or other part of this act is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this act, but shall be confined in its effect to the section, subsection, paragraph, sentence or other part of this act directly involved in the controversy in which said judgment shall have been rendered.

10. This act shall take effect immediately.

Approved May 31, 1967.

CHAPTER 78

AN ACT to amend "An act concerning economic development, providing for area redevelopment projects, creating the area redevelopment authority in the Department of Conservation and Economic Development and supplementing Title 13 of the Revised Statutes, and providing for a loan pursuant to the provisions set forth in chapter 37 of Title 2A of the New Jersey Statutes," approved December 18, 1962 (P. L. 1962, c. 204).

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

1. Section 3 of the act of which this act is amendatory is amended to read as follows:

C. 13:1B-15.15 Area redevelopment authority: creation; membership; terms; compensation.

3. There is hereby created in the Department of Conservation and Economic Development a body corporate and politic, constituting a public corporation and government instrumentality by the name of "The New Jersey Area Redevelopment Authority," the board of members of which shall be composed of the following ex-officio members:

- (1) Commissioner of Conservation and Economic Development
- (2) Commissioner of Banking and Insurance
- (3) Commissioner of Labor and Industry
- (4) The State Treasurer
- (5) Commissioner of Community Affairs

and their respective successors in office and 5 public members who shall be appointed by the Governor with the advice and consent of the Senate who shall represent the public interest. The ex-officio members may designate a representative from their respective departments to represent them on the authority. The public members of the authority shall be appointed initially for the following terms: one member for a term of 1 year; one member for a term of 2 years; one member for a term of 3 years; one member for a term of 4 years; and one member for a term of 5 years, to serve from the date of the original appointment for such terms and until their respective successors shall be duly appointed and qualified and the term of each such appointed member shall be designated by the Governor at the time of his appointment. The successors to such appointed members shall each be appointed for a term of 5 years, except that any person appointed to fill a vacancy shall serve only for the unexpired term. Any appointed member of the authority shall be eligible for reappointment. The members of the authority shall be entitled to no compensation for their services as members, but shall be entitled to reimbursement for all necessary expenses incurred in connection with the performance of their duties as members.

2. This act shall take effect immediately.

Approved May 31, 1967.

CHAPTER 79

AN ACT concerning the displacement of persons, businesses and nonprofit corporations and providing for the uniform, fair and equitable relocation of such persons, businesses and nonprofit corporations.

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

C. 52:31B-1 Title of act.

1. This act shall be known as, and may be cited as, the “Relocation Assistance Law of 1967.”

C. 52:31B-2 Purpose and intent of act.

2. This act being deemed and hereby declared necessary for the protection of the health and welfare of the residents of this State in order to assure the uniform, fair and equitable relocation of persons, businesses and nonprofit organizations displaced by State and local activities, programs or projects, shall be liberally construed to effectuate the purposes and intent thereof.

C. 52:31B-3 Definitions.

3. The following terms whenever used or referred to in this act shall have the following respective meanings for the purposes of this act, unless the context clearly indicates otherwise:

(a) The term “act” shall mean this act, any amendments or supplements thereto, and any rules and regulations promulgated thereunder.

(b) The term “business concern” means any person, association, corporation or nonprofit organization not engaged in the business of acquiring, retaining and selling property for the production of income.

(c) The term “commissioner” shall mean the Commissioner of the Department of Community Affairs.

(d) The term “department” shall mean the Department of Community Affairs.

(e) The term “displaced” shall mean required to vacate any real property, or any tenancy therein, pursuant to any lawful order or notice of any State agency or unit of local government on account of the acquisition of any real property for a public use, or on account

of a program of law enforcement, or on account of a program or project for the voluntary rehabilitation of dwelling units.

(f) The term "farm operation" shall mean any activity conducted, whether in whole or in part, for the production of one or more agricultural products or commodities for sale or home use, and customarily producing such products or commodities in sufficient quantity to contribute materially to the support of the person, association or corporation so conducting such activity.

(g) The term "nonprofit organization" shall mean any association or corporation organized not for profit pursuant to the provisions of Title 15 of the Revised Statutes, Corporations and Associations Not for Profit.

(h) The term "person" shall mean any individual or family or owner of a business concern or farm operation.

(i) The term "real property or any tenancy therein" shall mean any real property, and any building, structures, or fixtures appurtenant thereto, and any housing, dwelling or working space therein.

(j) The term "State agency" shall mean any department, division, office, agency or bureau of this State, or any authority or instrumentality created or chartered thereby.

(k) The term "unit of local government" shall mean any political subdivision of this State, or any 2 or more such political subdivisions acting jointly pursuant to law, and any department, division, office, agency or bureau thereof or any authority or instrumentality created or chartered thereby.

C. 52:31B-4 Relocation assistance.

4. (a) Whenever any State agency or any unit of local government displaces, or causes to be displaced, any person or business concern from any real property on account of the acquisition of real property for a public use, or on account of a program of law enforcement, or on account of a program or project for the voluntary rehabilitation of dwelling units, any such State agency or unit of local government shall make fair and reasonable relocation assistance payments to any such displaced person or business concern as hereinafter provided in this section.

(b) Any relocation assistance payment to a displaced person or business concern shall be (1) a payment for the actual and reasonable expenses of moving said person, his family, business concern, farm operation, or other personal property; provided, that in the case of a farm operation, such payment may include the actual and reasonable expenses incurred by said person in searching for a replacement farm; or (2) a fixed payment in accordance with a schedule of fixed amounts approved by the commissioner.

(c) No relocation assistance payment made pursuant to this section shall exceed \$200.00 in the case of any individual or family, \$3,000.00 in the case of a business concern or nonprofit organization, or \$4,000.00 in the case of a farm operation.

(d) No relocation assistance payment pursuant to this section shall be made to any displaced person or business concern which has received, or is entitled to receive, payment for the actual and reasonable expenses of moving said person, his family, business concern, farm operation, or other personal property, pursuant to any other law of this State or of the United States.

C. 52:31B-5 Certification to the commissioner.

5. (a) Whenever any State agency or any unit of local government acquires or seeks to acquire any real property for public use, or implements or intends to implement a program of law enforcement, or initiates or intends to initiate a program or project for the voluntary rehabilitation of dwelling units, the chief executive officer of any such State agency or unit of local government shall certify to the commissioner that a workable relocation assistance program for displaced persons and business concerns, offering the services prescribed by subsection (b) of this section, is available to reduce hardship to those affected. If the commissioner or the chief executive officer of any such State agency or unit of local government shall determine, in the exercise of their discretion, that the acquisition of real property for a public use or implementation of a program of law enforcement or the initiation of a program or project for the voluntary rehabilitation of dwelling units by any such State agency or unit of local government will cause substantial economic injury to persons and business concerns other than those persons or business concerns actually displaced, then any such State agency or unit of local government may provide such other persons or business concerns with relocation services pursuant to a workable relocation assistance program.

(b) Every workable relocation assistance program required by subsection (a) of this section shall include such measures, facilities, techniques or services as the commissioner may prescribe by rules and regulations issued and promulgated pursuant to this act, including, but not limited to, such measures, facilities, techniques or services as may be necessary or appropriate (1) to determine the needs of displaced persons and business concerns for relocation assistance to supply information concerning programs offering assistance to displaced persons and business concerns and to assist in minimizing hardships to displaced persons in adjusting to relo-

cation; (2) to assist each displaced person to secure decent, safe and sanitary dwelling units at prices or rents within his means and in areas reasonably accessible to his place of employment and not generally less desirable in regard to public utilities and public and commercial facilities; (3) to assist owners of displaced business concerns in obtaining and becoming established in suitable business locations; (4) to provide any displaced person or business concern a reasonable time from the date of displacement within which to apply for a relocation assistance payment required by section 4 of this act, and to encourage the prompt transmittal of any such relocation assistance payment upon proper application therefor; (5) and to provide for fair and reasonable relocation assistance payments pursuant to section 4 of this act; (6) to secure to the greatest extent practicable, the co-ordination of relocation activities with other project activities and other planned or proposed governmental actions in the community or nearby areas which may affect the execution of the workable relocation program.

(c) Within 60 days of the effective date of this act, any State agency or unit of local government which reasonably contemplates that any person or business concern may be displaced by the acquisition of real property for public use or the implementation of a program of law enforcement or the initiation of a program or project for the voluntary rehabilitation of dwelling units, shall designate or appoint an officer or employee thereof who shall be charged with the formulation and execution of any workable relocation assistance program required by section (a) of this section. Any such State agency or unit of local government, acting through the officer or employee so designated or appointed, may utilize the facilities, personnel or services of any other officer or employee of said State agency or unit of local government, or may enter into appropriate contracts or agreements with any officer of the United States or any other State agency or unit of local government, or with any nonprofit organization, for the purpose of implementing any workable relocation assistance program.

C. 52:31B-6 Displacement or removal.

6. (a) No State agency or unit of local government shall, except in the case of an emergency or an imminent hazard to the health, safety and welfare of the public, displace or remove, or cause to be displaced or removed, any person or business concern on account of the acquisition of any real property for public use or on account of a program of law enforcement or on account of a program or project for the voluntary rehabilitation of dwelling

units, unless (1) any workable relocation assistance program required by subsection (a) of section 5 of this act shall have been submitted to, and approved by, the commissioner; (2) the chief executive officer of said State agency or unit of local government shall have filed with the commissioner the certification required by subsection (a) of section 5 of this act; (3) an alternate dwelling unit as described in section 5(b) (2) of this act is available for each person displaced or removed, or caused to be displaced or removed; and (4) the commissioner shall have certified to the chief executive officer of said State agency or unit of local government that the provisions of this act have been complied with.

(b) Any State agency or unit of local government which, in the case of an emergency or an imminent hazard to the health, safety and welfare of the public, displaces or removes, or causes to be displaced or removed, any person or business concern on account of the acquisition of any real property for public use or on account of a program of law enforcement or on account of a program or project for the voluntary rehabilitation of dwelling units, shall do any and all things necessary and appropriate to provide, that, as soon after the displacement or removal of any such person or business concern as possible, (1) any workable relocation assistance program required by subsection (a) of section 5 of this act will be submitted to the commissioner for his approval; (2) the chief executive officer of said State agency or unit of local government will file with the commissioner the certification required by subsection (a) of section 5 of this act; (3) an alternate dwelling unit as described in subsection (b) (2) of section 5 of this act is available for each person displaced or removed, or caused to be displaced or removed; and (4) the commissioner will certify to the chief executive officer of said State agency or unit of local government that the provisions of this act have been complied with.

C. 52:31B-7 Availability of funds appropriated.

7. (a) Notwithstanding the provisions of any law of this State to the contrary, any funds appropriated or otherwise made available to any State agency or unit of local government for the acquisition of real property, or any interest therein, for a particular program or project, or for the conduct and administration of any program of building or housing code enforcement or the voluntary rehabilitation of housing units, shall be available also for obligation and expenditure to carry out the provisions of this act as applied to that acquisition, program or project.

(b) If any State financial assistance in any manner whatsoever is available to pay the cost, in whole or part, to any unit of local government of the acquisition of real property for public use or the implementation of a program of law enforcement or the initiation of a program or project for the voluntary rehabilitation of dwelling units, then the cost to any such unit of local government of providing the payments and services prescribed by this act shall be included as part of the costs of any such acquisition, program or project for which State financial assistance is available to any such unit of local government, and shall be eligible for State financial assistance in the same manner and to the same extent as any other cost of any such acquisition, program or project.

C. 52:31B-8 Hearing; filing of application.

8. Any person or business concern aggrieved by any final action, ruling, notice or order of any State agency or unit of local government in the discharge of any duty imposed by this act on any such State agency or unit of local government, shall be entitled to a hearing before the commissioner. The application for such hearing must be filed with the commissioner within 15 days of the receipt by the applicant therefor of notice of the action, ruling, notice or order complained of. No such hearing shall be held except upon 7 days' written notice to all interested parties, and each such hearing shall be held within 15 days of the receipt of the application therefor. Within 10 days after the completion of such hearing, the commissioner shall issue an appropriate order approving, modifying, and approving as so modified, or setting aside in whole or in part the action, ruling, notice or order complained of, a copy of which order shall be served on all interested parties. Pending the determination by the commissioner, and upon application therefor, the commissioner may grant a stay of the action, ruling, notice or order complained of; provided, that no such stay shall be granted except upon such terms and conditions as will insure compliance with the provisions of this act.

C. 52:31B-9 Provisions of act not applicable to department of transportation.

9. The provisions of this act shall not apply to the State Department of Transportation; provided, however, that the State Department of Transportation shall formulate and implement a relocation assistance program designed to minimize the hardships of persons and business concerns displaced as a result of the acquisition by said State Department of Transportation of any real property for a public use. For the purpose of formulating the relocation assistance program of the State Department of Transportation, the

Commissioner of Transportation shall consult with the commissioner in order that said relocation assistance program will be in general conformity with any rules and regulations promulgated by the commissioner pursuant to section 5 of this act.

C. 52:31B-10 Rules and regulations.

10. The commissioner shall issue and promulgate such rules and regulations as are necessary and appropriate to carry out the provisions of this act, and may revise, repeal or amend said rules and regulations from time to time as the commissioner may deem necessary. Any rules and regulations issued and promulgated pursuant to this act shall be filed with the Secretary of State.

C. 52:31B-11 Acts superseded.

11. All acts or parts of acts inconsistent herewith are hereby superseded.

C. 52:31B-12 Validity of act.

12. If any section, subsection, paragraph, sentence or other part of this act is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this act, but shall be confined in the effect to the section, subsection, paragraph, sentence or other part of this act directly involved in the controversy in which said judgment shall have been rendered.

13. This act shall take effect immediately.

Approved May 31, 1967.

CHAPTER 80

AN ACT concerning State aid in the form of capital grants to municipalities undertaking urban renewal projects, providing an appropriation therefor, and supplementing chapter 293 of the laws of 1966.

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

C. 52:27D-44 Title of act.

1. This act shall be known as, and may be cited as, the "State Aid for Urban Renewal Projects Law of 1967."

C. 52:27D-45 Purpose and intent of act.

2. This act being deemed and hereby declared necessary for the protection of the health and welfare of the residents of this State in order to assure the elimination of slums and blighted areas by assisting municipalities to carry out urban renewal projects, shall be liberally construed to effectuate the purposes and intent thereof.

C. 52:27D-46 Legislature findings.

3. The Legislature finds that there exist in many municipalities in this State blighted areas by reason of hazardous, unsafe, unsanitary, dilapidated or overcrowded conditions and other conditions constituting a serious and growing menace, injurious to the health, safety and welfare of the residents of the State, which conditions are more fully enumerated and specified in section 1 of chapter 187 of the laws of 1949, as amended by section 1 of chapter 248 of the laws of 1951. The Legislature further finds that the widespread character of blight, the difficulty of eliminating such conditions, the enormous cost thereof and the limited resources available for this purpose to the municipalities in which such conditions exist, render it essential that this State aid and assist such municipalities by making capital grants available to encourage municipalities to initiate urban renewal programs and to expand existing urban renewal programs.

C. 52:27D-47 Definitions.

4. The following terms whenever used or referred to in this act have the following respective meanings, except in those instances where the context clearly indicates otherwise:

(a) The term "act" shall mean this act, and amendments and supplements thereto, and rules or regulations promulgated thereunder.

(b) The term "commissioner" shall mean the Commissioner of the Department of Community Affairs.

(c) The term "department" shall mean the Department of Community Affairs.

(d) The term "fund" shall mean the State Urban Renewal Assistance Fund established pursuant to section 10 of this act.

(e) The term "local grants-in-aid" shall mean the local assistance required, whether by appropriation, cash grant, municipal services and facilities or otherwise, in connection with any urban renewal project as provided for and determined in accordance with the laws and regulations of the United States governing such project and any contract between the municipality or local public

agency and the Department of Housing and Urban Development of the United States.

(f) The term “local public agency” shall mean any agency authorized by a municipality, or by one or more municipalities acting jointly pursuant to law, to undertake a redevelopment project either in accordance with chapter 306 of the laws of 1949, as amended and supplemented or chapter 300 of the laws of 1949, as amended and supplemented.

(g) The term “municipality” shall mean any political subdivision of the State other than a county or a school district, and shall include 2 or more municipalities acting jointly pursuant to law.

(h) The term “urban renewal project” shall mean a project as defined by section 5, chapter 306 of the laws of 1949, as supplemented by section 2 of chapter 212 of the laws of 1956, as amended by section 1, chapter 64 of the laws of 1957, and also a redevelopment project as defined by section 4 of chapter 300 of the laws of 1949, as amended by section 1, chapter 86 of the laws of 1951, as supplemented by section 2, chapter 211 of the laws of 1956, and shall include those programs, projects, tests and demonstrations authorized by and to effectuate the purposes of Title I of the Housing Act of 1949, section 314 of the Housing Act of 1954, Title VII of Public Law 87-70 (the Housing Act of 1961), and Public Law 89-754 (the Demonstration Cities and Metropolitan Development Act of 1966), and all laws amendatory and supplementary thereto.

C. 52:27D-48 State capital grant.

5. (a) The commissioner may make, or contract to make, a State capital grant to a municipality or to a local public agency to assist said municipality or local public agency in carrying out one or more urban renewal projects. Any municipality or local public agency desiring a State capital grant for an urban renewal project may apply to the commissioner therefor; provided, that the application has been authorized by resolution of the governing body of the municipality in which the project is or will be located; and provided further, that any such project has been determined by any department or agency of the United States to be eligible for assistance therefrom for such project and the municipality or the local public agency has executed a contract with any department or agency of the United States for planning advances for such project or has secured a letter from any department or agency of the United States authorizing it to proceed with the project.

The municipality or local public agency shall submit a copy of the plan for any urban renewal project for which a State capital grant is sought and such other detailed information concerning the project, including maps, data, plans, estimated costs, method of financing and evidence of local approval, as the commissioner may require by rules and regulations promulgated hereunder.

(b) The commissioner shall review and evaluate all applications submitted to him pursuant to subsection (a) of this section and shall establish such priorities for making grants pursuant to this act as shall give due regard to the following factors:

(1) the degree to which the municipality needs urban renewal assistance, in view of its financial condition, available financial resources, tax rate, debt limit and other economic factors;

(2) the extent of blight in the municipality and the extent to which the municipality has evidenced a readiness to utilize available resources to curtail the spread of blight and eliminate existing blighted areas and conditions; and

(3) the degree to which the urban renewal project for which a State capital grant is sought will have a beneficial effect on the over-all economy and needs of the area or region in which it is located or on other programs or policies of this State.

C. 52:27D-49 Requirements.

6. The commissioner may issue commitments for, and may make or contract to make, capital grants pursuant to section 5 of this act, upon his approval of any application submitted to him therefor and the finding that:

(a) the municipality or local public agency has entered into a contract with any department or agency of the United States providing for the receipt therefrom of capital grants or loans for an urban renewal project, pursuant to which contract the municipality in which the project is or will be located is obligated to make local grants-in-aid; or, in the alternative, all conditions required by any department or agency of the United States for approval of any such capital grant or loan and grant contract have been met and final application has been made therefor, or all such conditions could have been met and the said final application could have been made but for the temporary unavailability of unencumbered funds for any such capital grant or loan and grant contract, in which latter 2 instances any commitment issued or contract thereupon executed by the commissioner shall be conditioned upon approval of a capital grant or loan and grant contract by any department or agency of the United States;

(b) the proposed State capital grant will not exceed the amounts authorized by section 8 of this act;

(c) the proposed plan for the urban renewal project is consistent with any area, regional or State plan of development or any existing State program affecting land use and has been approved by the local governing body of the municipality in which the project is or will be located;

(d) the estimated funds available to the municipality and the local public agency for the urban renewal project, including loans and grants from any department or agency of the United States, local grants-in-aid and the proposed State capital grant, will be sufficient to meet all the probable costs of the project and assure its completion; and

(e) there is no legal impediment or bar to the implementation and completion of the urban renewal project.

C. 52:27D-50 Temporary advances.

7. (a) The commissioner may make temporary advances to a municipality or local public agency in anticipation of a grant to assist the municipality or local public agency in the preparation of its plans for any urban renewal project. Such temporary advances shall be repaid out of any State capital grant which may become payable to the municipality or local public agency when the urban renewal project involved is initiated; provided, that any such planning advance may be treated by the commissioner as a grant to the extent that a State capital grant is not payable to any municipality or local public agency because the urban renewal project is not initiated; and provided further that any such advance shall be repaid in cash if the project is terminated by the municipality or local public agency without the consent of the commissioner.

(b) The commissioner may also make temporary advances to a municipality or local public agency to permit the acquisition of real property in an urban renewal project area, subsequent to the surveying and planning therefor but prior to the final approval of the urban renewal project plan and the execution of a contract with any department or agency of the United States for a capital grant or a loan and grant; provided, that no such advance shall be made unless such acquisition has been approved by the governing body of the municipality in which such project is or will be located; and provided further, that no sale, lease or other disposition of such land may be made without the prior written approval of the commissioner. When the urban renewal project involved is under-

taken such advances shall be repaid out of any funds, including State capital grants, becoming payable to the municipality or local public agency in connection with said project. In the event such urban renewal project is not undertaken, the commissioner may require the sale of such land by the municipality or local public agency and reimbursement of such advances out of the proceeds of such sale.

C. 52:27D-51 Provisions.

8. Any commitment issued or advance made by the commissioner and any contract based thereon shall, in addition to such other terms, covenants and conditions as the commissioner may require, provide that:

(a) no change may be made in an urban renewal project assisted by a State capital grant, nor in the project cost, land use or amount or manner of local grants-in-aid thereof, without the prior written approval of the commissioner;

(b) a State capital grant shall be in such amount as the commissioner, in his discretion, may deem necessary to assist the municipality or local public agency in discharging its obligations in connection with the project for which the grant is made.

Except as hereinafter provided, no commitments or payments thereon of capital grants pursuant to this act shall exceed $\frac{1}{2}$ the actual amount of local grants-in-aid which the municipality or local public agency agrees to make pursuant to any contract for aid from any department or agency of the United States and the payments pursuant to the commitment for such grant shall be made from time to time in such amounts as shall not exceed the actual cash grants-in-aid paid by the municipality or local public agency and the actual moneys expended by the municipality or local public agency for eligible noncash grants-in-aid, which payments or expenditures are not subject to reimbursement to the municipality or local public agency from some other source and are certified by the municipality or local public agency subject to audit by the commissioner.

Notwithstanding the provisions of this section, the commissioner may make commitments and payments thereon up to 100% of the local grants-in-aid allocable to such projects or portions thereof as shall be used for or by institutions owned and operated by this State or through a public agency established by the State, or by a political subdivision of the State, for public uses including, but not limited to, schools, parks, open spaces and neighborhood centers; provided, that the commissioner may make commitments and

payments thereon up to 100% of the local grants-in-aid allocable to such projects or portions thereof as shall be used for nonprofit moderate income housing, where the municipality wherein the project is located has granted a 15% in lieu of tax payment to the nonprofit housing sponsor for a period of time equal to the term of any mortgage in connection therewith, conditioned upon the agreement between the nonprofit housing sponsor and the governing body of the municipality that the nonprofit housing sponsor will make a payment of 3% of gross shelter rent to the State of New Jersey until such amount has been repaid as the commissioner shall determine, not to exceed 50% of the local grants-in-aid allocable to such projects or portions thereof as shall be used for such nonprofit housing;

(c) no sale, lease or other disposition shall be made of real property located in an urban renewal project assisted by a State capital grant pursuant to this act without the prior written approval of the commissioner;

(d) Any capital grant assistance pursuant to this act be paid and applied to retire and discharge obligations of the municipality or local public agency to the extent such obligations were incurred to defray the cost of local grants-in-aid, which costs are to be met out of any State capital grant pursuant to this act;

(e) the governing body of the municipality or the local public agency agree to reimburse the State in cash for any payments of capital grants in excess of those permitted under this act or pursuant to the terms of any commitment or contract for any capital grant pursuant to this act, and to repay the State for any capital grant payments made, if the project is terminated by the municipality or local public agency without the consent of the commissioner;

(f) as promptly as possible after completion of an urban renewal project assisted with a capital grant pursuant to this act, the municipality or local public agency shall file with the commissioner a detailed statement of the costs of completing said project.

C. 52:27D-52 Inspections.

9. The commissioner shall be entitled to make such inspections of any project, and lands, buildings, improvements or facilities thereon, to request and secure the submission of certifications, data, maps, documents and other information by the municipality or the local public agency, to audit and examine any books and records of the municipality and local public agency, and to require such periodic reports as shall be necessary to ascertain the progress

of any urban renewal project assisted with a capital grant pursuant to this act and the extent of compliance with the contract for capital grants.

C. 52:27D-53 Creation of fund.

10. (a) There is hereby created in the State Treasury a special account which shall be known as the State Urban Renewal Assistance Fund. There shall be included in said fund all moneys appropriated by the Legislature of this State for inclusion therein. The State Treasurer, with the advice of the commissioner, may invest and reinvest any moneys in said fund, or any portion thereof, in legal obligations of the United States or this State or any political subdivision thereof. Any income or interest on, or increment to, moneys so invested or reinvested shall be included in said fund.

(b) Upon the approval by the commissioner of any application for a capital grant pursuant to this act, the commissioner may requisition and warrant, and the State Treasurer shall pay over, the moneys in said fund, or any portion thereof, to the contracting municipality or local public agency in accordance with commitments made and contracts executed pursuant to this act.

C. 52:27D-54 Co-operation between State, Federal and local agencies.

11. The commissioner shall administer this act with such flexibility as will permit full co-operation between State, Federal and local public agencies and governments as well as private persons, associations or corporations, it being the intent and purpose of this act, and this section thereof, to facilitate and expedite the progress of urban renewal and redevelopment in this State. In order to eliminate the duplication of effort, the commissioner may adopt by reference, and accept to the extent feasible, any procedures and techniques undertaken or implemented by any department or agency of the United States responsible for the administration of urban renewal and redevelopment programs of the United States. When acting in good faith, the commissioner shall not be responsible for any errors or omissions by any such department or agency of the United States arising out of any procedures and techniques so adopted or accepted. The commissioner may enter into any administrative agreement with any appropriate State, Federal or local public agency or government for the purpose of carrying out the provisions of this act.

C. 52:27D-55 Conflict of interest, avoidance of.

12. (a) Neither the commissioner nor any officer or employee of the department shall acquire or hold any interest, direct or indirect, in any urban renewal project assisted pursuant to this

act or in any property included therein, nor retain any interest, direct or indirect, in any property acquired prior to his appointment or employment which is later included, or to his knowledge planned to be included, in any such State-assisted urban renewal project. Neither the commissioner nor any officer or employee of the department shall acquire or hold or retain any interest, direct or indirect, in any contract or proposed contract for the provision of materials or services to be furnished or used in connection with any such State-assisted urban renewal project.

(b) Where any officer or employee of the department other than the commissioner shall hold any interest, direct or indirect, in any such State-assisted urban renewal project as described in subsection (a) of this section, the said officer or employee, upon learning of any application or intent to make application, shall report the said interest in writing to the commissioner and the same shall be entered into the official record of the department, and the said officer or employee shall be relieved of any duties relating to the said project until the said officer or employee has disposed of such interest. If the commissioner shall hold any such interest, direct or indirect, the same shall be reported in writing to the Governor, entered upon the official records of the department and the commissioner shall dispose of the said interest prior to the issuance of any commitment, the execution of any contract, or the payment of any advance pursuant to this act.

C. 52:27D-56 Rules and regulations.

13. The commissioner shall issue and promulgate such rules and regulations as are necessary and appropriate to carry out the purposes of this act, and may revise, repeal or amend said rules and regulations from time to time as the commissioner may deem necessary. Any rules and regulations issued and promulgated pursuant to this act shall be filed with the Secretary of State.

C. 52:27D-57 Validity of act.

14. If any section, subsection, paragraph, sentence or other part of this act is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this act, but shall be confined in its effect to the section, subsection, paragraph, sentence or other part of this act directly involved in the controversy in which said judgment shall have been rendered.

C. 52:27D-58 Acts superseded.

15. All acts and parts of acts inconsistent herewith are hereby superseded.

16. There is hereby appropriated, for the purpose of carrying out the provisions of this act, such sums as shall be included in any general or special or supplemental appropriation act.

17. This act shall take effect immediately.

Approved May 31, 1967.

CHAPTER 81

AN ACT to facilitate the construction and rehabilitation of housing projects in certain areas for families of moderate income by providing for mortgage loans to qualified housing sponsors to be used for such construction and rehabilitation, creating within the Department of Community Affairs a New Jersey Housing Finance Agency and prescribing the powers and duties thereof, authorizing the New Jersey Housing Finance Agency to issue bonds and other obligations and providing for the terms and security thereof and the means to pay such bonds and other obligations and the interest thereon, prescribing penalties for certain violations and making an appropriation.

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

C. 55:14J-1 Title of act.

1. This act shall be known as, and may be cited as, the "New Jersey Housing Finance Agency Law of 1967."

C. 55:14J-2 Declaration of need.

2. It is hereby declared that there exists in this State a need for adequate, safe and sanitary dwelling units for many families of moderate income in this State; that a large and significant proportion of the families compelled to relocate by reason of urban renewal, highway construction and other public work programs will be subject to extreme hardship in finding adequate, safe and sanitary housing unless new facilities are constructed and existing housing, where appropriate, is rehabilitated, and such new or rehabilitated housing facilities are made available at a rental level within their means; and that, unless the supply of housing for families of moderate income is increased significantly and expeditiously, a large number of the residents of this State will be compelled to live under unsanitary, overcrowded and unsafe conditions to the detriment of the health, welfare and well-being of

these persons and of the whole community of which they are part. It is further declared that the building industry can provide a fully adequate supply of safe and sanitary accommodations at rental or carrying charges which families of moderate income can afford only if a public agency is created to encourage the investment of private capital and stimulate construction and rehabilitation of dwelling units to meet the needs of such families through the use of public financing, public loans and otherwise; that, to accomplish the foregoing, co-ordination, co-operation and agreement of and among private enterprise, State and local government is essential; that the acquisition of land, the construction, rehabilitation, financing by mortgage or otherwise, management, operation, maintenance and disposition of dwelling units constructed or rehabilitated hereunder, and the real and personal property and other facilities necessary, incidental or appurtenant thereto is a public use for which public moneys may be spent, advanced, loaned or granted; and that the enactment of the provisions hereinafter set forth is in the public interest and is hereby so declared to be such as a matter of legislative determination.

C. 55:14J-3 Definitions.

3. The following terms wherever used or referred to in this act shall have the following meanings, unless a different meaning clearly appears from the context:

(a) "Act" means this act and the rules and regulations adopted by the agency hereunder.

(b) "Agency" means the New Jersey Housing Finance Agency created by section 4 of this act, or, if said agency shall be abolished by law, the person, board, body or commission succeeding to the powers and duties thereof or to whom such powers and duties shall be given by law.

(c) "Bonds, bond anticipation notes and other obligations," or "bonds, bond anticipation notes or other obligations" means any bonds, notes, debentures or other evidences of financial indebtedness issued by the agency.

(d) "Family" means 2 or more persons related by blood, marriage or adoption who live or expect to live together as a single household in the same dwelling unit; provided, however, that any individual who (1) has attained retirement age as defined in section 216a of the Federal Social Security Act, or (2) is under a disability as defined in section 223 of that act, or (3) such other individuals as the agency by rule or regulation shall include, shall be considered as a family for the purpose of this act; and provided

further, that the surviving member of a family whose other members died during occupancy of a housing project shall be considered as a family for purposes of permitting continued occupancy of the dwelling unit occupied by such family.

(e) "Family of moderate income" means a family (1) whose income is too low to compete successfully in the normal rental or mutual housing market, and (2) whose gross aggregate family income does not exceed the limits established under section 10 of this act.

(f) "Gross aggregate family income" means the total annual income of all members of a family, from whatever source derived, including but not limited to, pension, annuity, retirement and social security benefits, provided, however, that there may be excluded from income (1) such reasonable allowances for dependents, (2) such reasonable allowances for medical expenses, (3) all or any proportionate part of the earnings of gainfully employed minors or family members other than the chief wage earner, or (4) such income as is not received regularly, as the agency by rule or regulation may determine.

(g) "Housing project" or "project" means any work or undertaking, whether new construction or rehabilitation, which is designed for the primary purpose of providing decent, safe and sanitary dwelling units for families of moderate income in need of housing; such undertaking may include any buildings, land, equipment, facilities, or other real or personal properties which are necessary, convenient, or desirable appurtenances, such as, but not limited to streets, sewers, utilities, parks, site preparation, landscaping, and such stores, offices, and other nonhousing facilities such as administrative, community, health, recreational, educational and welfare facilities as the agency determines to be necessary, convenient or desirable appurtenances.

(h) "Municipality" means any political subdivision of the State other than a county or a school district.

(i) "Mutual housing" means a housing project operated or to be operated upon completion of construction or rehabilitation exclusively for the benefit of the families of moderate income who are entitled to occupancy by reason of ownership of stock in the qualified housing sponsor, or by reason of co-ownership of premises in a horizontal property regime pursuant to chapter 168 of the laws of 1963, provided, however, the agency may adopt rules and regulations permitting a reasonable percentage of space in such project to be rented for residential or for commercial use.

(j) "Project cost" means the sum total of all costs incurred in the development of a housing project, which are approved by the agency as reasonable and necessary, which costs shall include, but are not necessarily limited to, (1) cost of land acquisition and any buildings thereon, (2) cost of site preparation, demolition and development, (3) architect, engineer, legal, agency and other fees paid or payable in connection with the planning, execution and financing of the project, (4) cost of necessary studies, surveys, plans and permits, (5) insurance, interest, financing, tax and assessment costs and other operating and carrying costs during construction, (6) cost of construction, reconstruction, fixtures, and equipment related to the real property, (7) cost of land improvements, (8) necessary expenses in connection with initial occupancy of the project, (9) a reasonable profit or fee to the builder and developer, (10) an allowance established by the agency for working capital and contingency reserves, and reserves for any anticipated operating deficits during the first 2 years of occupancy, (11) the cost of such other items, including tenant relocation, as the agency shall determine to be reasonable and necessary for the development of the project, less any and all net rents and other net revenues received from the operation of the real and personal property on the project site during construction.

All costs shall be subject to approval and audit by the agency. The agency may adopt rules and regulations specifying in detail the types and categories of cost which shall be allowable if actually incurred in the construction or reconstruction of a housing project.

(k) "Qualified housing sponsor" means (1) any housing corporation qualified under the provisions of the "Limited-Dividend Housing Corporations Law," P. L. 1949, chapter 184 (C. 55:16-1 et seq.), (2) any urban renewal corporation qualified under the provisions of the "Urban Renewal Corporation Law of 1961," P. L. 1961, chapter 40 (C. 40:55C-40 et seq.) which has as one of its purposes the construction, rehabilitation or operation of housing projects, (3) any general corporation formed under the provisions of Title 14 of the Revised Statutes which has as one of its purposes the construction, rehabilitation or operation of housing projects, (4) any corporation or association organized not for profit under the provisions of Title 15 of the Revised Statutes or any other law of this State which has as one of its purposes the construction, rehabilitation or operation of housing projects, (5) any horizontal property regime formed under the "Horizontal Property Act,"

P. L. 1963, chapter 168 (C. 46:8A-1 et seq.) which has as one of its purposes the construction, rehabilitation or operation of housing projects, and (6) any individual or association approved by the agency as qualified to own, construct, rehabilitate, operate, manage and maintain a housing project.

(1) "Required minimum capital reserve" means the reserve amount required to be maintained in the Housing Finance Fund under the provisions of section 20 of this act.

C. 55:14J-4 Establishment of agency.

4. (a) There is hereby established in, but not of, the Department of Community Affairs a body corporate and politic, with corporate succession, to be known as the "New Jersey Housing Finance Agency." The agency is hereby constituted an instrumentality exercising public and essential governmental functions, and the exercise by the agency of the powers conferred by this act shall be deemed and held to be an essential governmental function of the State.

(b) The agency shall consist of the Commissioner of the Department of Community Affairs, the State Treasurer, and the Attorney General, who shall be members ex officio, and 2 members appointed by the Governor with the advice and consent of the Senate for terms of 3 years; provided, that the 2 members appointed by the Governor shall be residents of this State; and, provided further, that the 2 members first appointed by the Governor shall serve terms of 2 years and 3 years respectively. Each member shall hold office for the term of his appointment and until his successor shall have been appointed and qualified. A member of the agency shall be eligible for reappointment.

(c) Each member of the agency may be removed from office by the Governor, for cause, after a public hearing and may be suspended by the Governor pending the completion of such a hearing. Each member of the agency before entering upon his duties shall take and subscribe an oath to perform the duties of this office faithfully, impartially and justly to the best of his ability. A record of such oaths shall be filed in the office of the Secretary of State.

Any vacancies in the membership of the agency occurring other than by expiration of term shall be filled in the same manner as the original appointment, but for the unexpired term only.

(d) The Commissioner of the Department of Community Affairs shall be the chairman and chief executive officer of the agency and the members shall elect one of their number as vice-chairman

thereof. The agency shall elect a secretary and a treasurer who need not be members; provided, that the same person may be elected to serve both as secretary and treasurer. The powers of the agency shall be vested in the members thereof in office from time to time and 3 members of the agency shall constitute a quorum at any meeting thereof. Action may be taken and motions and resolutions adopted by the agency at any meeting thereof by the affirmative vote of at least 3 members of the agency. No vacancy in the membership of the agency shall impair the right of a quorum to exercise all the powers and perform all the duties of the agency.

(e) Before the issuance of any bonds or other obligations under the provisions of this act, each member of the agency shall execute a surety bond in the penal sum of \$25,000.00 and the treasurer of the agency shall execute a surety bond in the penal sum of \$50,000.00, each such surety bond to be conditioned upon the faithful performance of the duties of the office of such member or treasurer, as the case may be, to be executed by a surety company authorized to transact business in the State of New Jersey as surety and to be approved by the Attorney General and filed in the office of the Secretary of State. At all times after the issuance of any bonds or other obligations by the agency each member of the agency shall maintain such surety bonds in full force and effect. All costs of such surety bonds shall be borne by the agency.

The members of the agency shall serve without compensation, but the agency shall reimburse its members for actual expenses necessarily incurred in the discharge of their duties.

Notwithstanding the provisions of any other law, no officer or employee of this State shall be deemed to have forfeited or shall forfeit his office or employment by reason of his acceptance of membership on the agency or his service thereon.

C. 55:14J-5 Powers.

5. (a) The agency in order to encourage the construction and rehabilitation of safe and adequate housing for families of moderate income of this State, is hereby authorized and empowered to finance, by mortgage loans or otherwise, the construction or rehabilitation of housing projects in this State, to make temporary loans or advances in anticipation of permanent loans and to issue bonds, bond anticipation notes and other obligations of the agency payable solely from the revenues or other funds of the agency and to otherwise assist with housing projects as provided in this act.

(b) Bonds, bond anticipation notes and other obligations issued under the provisions of this act shall not be deemed to constitute

a debt or liability of this State or of any political subdivision thereof other than the agency created hereunder or to be a pledge of the faith and credit of this State or any such political subdivision but such bonds, unless refunded by bonds and other obligations of the agency, shall be payable solely from funds pledged or available for their payment as authorized herein. All bonds shall contain on the face thereof a statement to the effect that the agency is obligated to pay the same or the interest thereon only from the revenues or other funds of the agency and that neither this State nor any political subdivision thereof is obligated to pay the same or the interest thereon and that neither the faith and credit nor the taxing power of this State or any political subdivision thereof is pledged to the payment of the principal of or the interest on such bonds.

All expenses incurred in carrying out the provisions of this act shall be payable solely from funds provided under the provisions of this act and nothing in this act shall be construed to authorize the agency to incur indebtedness or liability on behalf of or payable by this State or any political subdivision thereof.

C. 55:14J-6 Additional powers.

6. (a) The agency, for the purpose of carrying out the purposes of this act, may (1) accept from qualified housing sponsors applications for loans from the Housing Finance Fund created by section 20 of this act;

(2) enter into agreements with qualified housing sponsors for permanent loans and temporary loans or advances in anticipation of such permanent loans for the construction or rehabilitation of housing projects; and

(3) make permanent loans and temporary loans or advances in anticipation of such permanent loans to qualified housing sponsors under the provisions of this act.

(b) No application for a loan for the construction or rehabilitation of a housing project to be located in any municipality shall be processed unless there is already filed with the secretary of the agency a certified copy of a resolution adopted by said municipality reciting that there is a need for moderate income housing projects in said municipality.

C. 55:14J-7 Application forms.

7. Every application for a loan to a qualified housing sponsor shall be made on forms furnished by the agency and shall contain such information as the agency shall require.

C. 55:14J-8 Priority to applications.

8. In considering any application for a loan, the agency shall give first priority to applications for loans for the construction or rehabilitation of housing projects which will be a part of or constructed in connection with an urban renewal program, and also shall give consideration to:

- (a) The comparative need of the area to be served by the proposed project for housing for families of moderate income;
- (b) The ability of the applicant to construct, operate, manage and maintain the proposed housing project;
- (c) The existence of zoning or other regulations to protect adequately the proposed housing project against detrimental future uses which could cause undue depreciation in the value of the project;
- (d) The availability of adequate parks, recreational areas, utilities, schools, transportation and parking;
- (e) The availability of adequate, accessible places of employment; and
- (f) Where applicable, the eligibility of the applicant to make payments to the municipality in which the housing project is located in lieu of local property taxes.

C. 55:14J-9 Loan terms and conditions.

9. (a) Loans made by the agency shall be subject to the following terms and conditions:

- (1) The loan shall be for a period of time not in excess of 50 years as determined by the agency;
- (2) The amount of the loan shall not exceed 90% of the total project cost as determined by the agency, except that as to projects to be owned, constructed, rehabilitated, operated, managed and maintained as mutual housing or by any corporation or association organized not for profit which has as one of its purposes the construction or rehabilitation of housing projects, the amount of the loan shall not exceed 100% of the total project cost as determined by the agency; provided, however, that any such loan shall be subject to an agreement between the agency and any such corporation or association organized not for profit or for mutual housing which will prohibit the transfer of ownership or management responsibilities by said corporation or association, at any time prior to repayment of at least 10% of the original loan, unless the transfer of ownership or management responsibilities is ordered by a court of competent jurisdiction.

(3) The interest rate on the loan shall be established by the agency at the lowest level consistent with the agency's cost of operation and its responsibilities to the holders of its bonds, bond anticipation notes and other obligations;

(4) The loan shall be evidenced by a mortgage note or bond and by a mortgage which shall be a first lien on the project and which shall contain such terms and provisions and be in a form approved by the agency. The agency shall require the qualified housing sponsor receiving a loan or its contractor to post labor and materials, and construction performance, surety bonds in amounts related to the project cost as established by regulation and to execute such other assurances and guarantees as the agency may deem necessary;

(5) The loan shall be subject to an agreement between the agency and the qualified housing sponsor which will subject said qualified housing sponsor and its principals or stockholders to limitations established by the agency as to rentals and other charges, builders' and developers' profits and fees, and the disposition of its property and franchises to the extent more restrictive limitations are not provided by the law under which the borrower is incorporated or organized;

(6) The loan shall be subject to an agreement between the agency and the qualified housing sponsor limiting said qualified housing sponsor, and its principals or stockholders, to a return of 8% per annum of its investment in any housing project assisted with a loan from the agency. No qualified housing sponsor which is permitted by the provisions of the law under which it is organized or incorporated to earn a return on its investment, nor any of the principals or stockholders of such qualified housing sponsor, shall at any time earn, accept or receive a return greater than 8% per annum of its investment in any housing project assisted with a loan from the agency, whether upon the completion of the construction or rehabilitation of such project, or upon the operation thereof, or upon the sale, assignment or lease of such project to any other person, association or corporation. Any person, association or corporation who shall be found guilty of violating the provisions of section 9 (a) (6) of this act shall be a disorderly person and subject to a fine of not less than \$500.00 or more than \$2,500.00.

(7) No loan shall be executed except a loan made to a corporation or association organized not for profit which has as one of its purposes the construction or rehabilitation of housing projects or for mutual housing unless the qualified housing sponsor agrees (1) to certify upon completion of project construction or

rehabilitation, subject to audit by the agency, either that the actual project cost as defined herein exceeded the amount of the loan proceeds by 10% or more, or the amount by which the loan proceeds exceed 90% of the total project cost, and (2) to pay forthwith to the agency, for application to reduction of the principal of the loan, the amount, if any, of such excess loan proceeds, subject to audit and determination by the agency. No loan shall be made to a corporation or association organized not for profit or for mutual housing unless the corporation or association organized not for profit or for mutual housing agrees to certify the actual project cost upon completion of the project, subject to audit and determination by the agency, and further agrees to pay forthwith to the agency, for application to reduction of the principal of the loan, the amount, if any, by which the proceeds of the loan exceed the certified project cost subject to audit and determination by the agency. Notwithstanding the provisions of this subsection, the agency may accept, in lieu of any certification of project cost as provided herein, such other assurances of the said project cost, in any form or manner whatsoever, as will enable the agency to determine with reasonable accuracy the amount of said project cost.

(8) No loan shall be made for the construction or rehabilitation of a housing project for which tax exemption is granted by a municipality unless such tax exemption remains in effect during the entire term of the loan, unless a lesser period of tax exemption is approved by the agency.

(9) The loan shall be subject to an agreement between the agency and the qualified housing sponsor which contains a provision stating the prevailing wage rate (as determined by the Commissioner of Labor and Industry pursuant to section 37 of this act) which can be paid to the workmen employed in the performance of any contract for the construction or rehabilitation of any housing project, and which stipulates that the qualified housing sponsor, or any builder, contractor or subcontractor thereof, shall pay to such workmen not less than such prevailing wage rate.

(b) As a condition of the loan, the agency shall have the power at all times during the construction and rehabilitation of a housing project and the operation thereof:

(1) To enter upon and inspect without prior notice any project, including all parts thereof, for the purpose of investigating the physical and financial condition thereof, and its construction, rehabilitation, operation, management and maintenance, and to examine all books and records with respect to capitalization, income and

other matters relating thereto and to make such charges as may be required to cover the cost of such inspections and examinations;

(2) To order such alterations, changes or repairs as may be necessary to protect the security of its investment in a housing project or the health, safety, and welfare of the occupants thereof;

(3) To order any managing agent, project manager or owner of a housing project to do such acts as may be necessary to comply with the provisions of all applicable laws or ordinances or any rule or regulation of the agency or the terms of any agreement concerning the said project or to refrain from doing any acts in violation thereof and in this regard the agency shall be a proper party to file a complaint and to prosecute thereon for any violations of laws or ordinances as set forth herein;

(4) To require the adoption and continuous use of uniform systems of accounts and records for a project and to require all owners or managers of same to file annual reports containing such information and verified in such manner as the agency shall require, and to file at such times and on such forms as it may prescribe, reports and answers to specific inquiries required by the agency to determine the extent of compliance with any agreement, the terms of the loan, the provisions of this act and any other applicable law; and

(5) To enforce, by court action if necessary, the terms and provisions of any agreement between the agency and the qualified housing sponsor and the terms of any agreement between the qualified housing sponsor and any municipality granting tax exemption, as to schedules of rental or carrying charges, income limits as applied to tenants or occupants, or any other limitation imposed upon the qualified housing sponsor as to financial structure, construction or operation of the project.

(6) In the event of a violation by the qualified housing sponsor of the terms of any agreement between the agency and the qualified housing sponsor, or between the municipality granting tax exemption and the qualified housing sponsor, or in the event of a violation by the qualified housing sponsor of this act or of the terms of the mortgage loan agreement or of any rules and regulations of the agency duly promulgated pursuant to this act, or in the event that the agency shall determine that any loan or advance from the Housing Development Fund pursuant to section 36 of this act is in jeopardy of not being repaid, the agency may remove any or all of the existing officers and directors of such qualified housing sponsor and appoint such person or persons who the

agency in its sole discretion deems advisable, including officers or employees of the agency, as new officers or directors to serve in place of those removed. Officers or directors so appointed need not be stockholders or meet other qualifications which may be prescribed by the certificate of incorporation or by laws of such qualified housing sponsor. In the absence of fraud or bad faith, officers or directors so appointed shall not be personally liable for debts, obligations or liabilities of such qualified housing sponsor. Officers or directors so appointed shall serve only for a period co-existent with the duration of such violation or until the agency is assured in a manner satisfactory to it that such violation, or violations of a similar nature, have not and will not re-occur. Officers or employees of the agency who are so appointed as officers or directors shall serve in such capacity without compensation, but shall be entitled to be reimbursed, if and as the certificate of incorporation or by-laws of such qualified housing sponsor may provide, for all necessary expenses incurred in the discharge of their duties as officers or directors so appointed of such qualified housing sponsor.

C. 55:14J-10 Projects authorized.

10. (a) Any qualified housing sponsor is hereby authorized to construct or rehabilitate housing projects and to apply for and obtain loans hereunder. Admission to housing projects constructed or rehabilitated under this act shall be limited to families of moderate income whose gross aggregate family income at the time of admission does not exceed 6 times the annual rental or carrying charges, including the value or cost to them of heat, light, water, sewerage, parking facilities and cooking fuel, of the dwellings that may be furnished to such families, or 7 times said charges if there are 3 or more dependents. There may be included in the carrying charges to any family for residence in any mutual housing project constructed or rehabilitated with a loan from the agency an amount equal to 6% of the original cash investment of the family in said mutual housing project and, to the extent authorized by the agency where not included in said carrying charges, the value or cost of repainting the apartment and replacing any fixtures or appliances. Notwithstanding the provisions of this section, no family or individual shall be eligible for admission to any housing project constructed or rehabilitated with a loan from the agency whose gross aggregate family income exceeds \$15,000.00, as said sum may be adjusted from time to time by the agency, by rules or regulations promulgated hereunder, so as to

reflect changes in any wage or salary indices for this State as determined and prepared by any department, division, office or agency of this State.

(b) The agency shall by rules and regulations provide for the periodic examination of the income of any person or family residing in any housing project constructed or rehabilitated with a loan from the agency. In the event that the gross aggregate family income of a family residing in any such housing project increases and the ratio to the current rental or carrying charges of the dwelling unit becomes greater than the ratio prescribed for admission in subsection (a) of this section but is not more than 25% above the family income so prescribed for admission to the project, the owner or managing agent of such housing project shall permit the family to continue to occupy the unit. The agency or (with the approval of the agency) the qualified housing sponsor of any housing project constructed or rehabilitated with a loan from the agency, may terminate the tenancy or interest of any family residing in such housing project whose gross aggregate family income exceeds 25% of that prescribed herein and which continues to exceed the same for a period of 6 months or more; provided, that no tenancy or interest of any such family in any such housing project shall be terminated except upon reasonable notice and opportunity to obtain suitable alternate housing, in accordance with rules and regulations of the agency; provided further, that any such family, with the approval of the agency, may be permitted to continue to occupy the unit, subject to payment of a rent or carrying charge surcharge to the qualified housing sponsor in accordance with a schedule of surcharges fixed by the agency. Said qualified housing sponsor shall pay such surcharge to the municipality granting tax exemption, but only up to an amount that together with payments made to the municipality in lieu of taxes and for any land taxes equals 25% of the total rents or carrying charges of the housing project for the current and any prior years that the project has been in operation. Any remainder of the surcharge, or the total surcharge if tax exemption has not been granted, shall be paid into the housing finance fund created by section 20 of this act for the use of the agency.

(c) Any family residing in a mutual housing project required to remove from the project because of excessive income as herein provided shall be discharged from liability on any note, bond or other evidence of indebtedness relating thereto and shall be reimbursed, in accordance with the rules of the agency, for all sums paid

by such family to the qualified housing sponsor on account of the purchase of stock or debentures as a condition of occupancy or on account of the acquisition of title for such purpose.

C. 55:14J-11 Rules and regulations.

11. The agency shall establish admission rules and regulations for any housing project financed in whole or in part by loans authorized hereunder which shall provide priority categories for persons displaced by urban renewal projects, highway programs or other public works, persons living in substandard housing, persons and families who, by reason of family income, family size or disabilities have special needs, elderly persons and families living under conditions violative of minimum health and safety standards.

C. 55:14J-12 Institution of proceedings.

12. The agency may institute any action or proceeding against any qualified housing sponsor receiving a loan under the provisions hereof, or owning any housing project hereunder in any court of competent jurisdiction in order to enforce the provisions of this act, or to foreclose its mortgage, or to protect the public interest, the tenants, the stockholders or creditors of such sponsor. In connection with any such action or proceeding it may apply for the appointment of a receiver to take over, manage, operate and maintain the affairs of such qualified housing sponsor and the agency through such agent as it shall designate is hereby authorized to accept appointment as receiver of any such sponsor when so appointed by a court of competent jurisdiction.

The reorganization of any qualified housing sponsor shall be subject to the supervision and control of the agency, and no such reorganization shall be had without the consent of the agency. Upon any such reorganization the amount of capitalization, including therein all stocks, income debentures and bonds and other evidence of indebtedness shall be such as is authorized by the agency, but not in excess of the fair value of the property received.

C. 55:14J-13 Foreclosure action.

13. In any foreclosure action involving a qualified housing sponsor other than a foreclosure action instituted by the agency, the agency and the municipality in which any tax exemption or abatement is provided such qualified housing sponsor shall, in addition to other necessary parties, be made parties defendant. The agency and the municipality shall take all steps in such action necessary to protect the interest of the public therein, and no costs shall be awarded against the agency or the municipality.

Subject to the terms of any applicable agreement, contract or other instrument entered into or obtained pursuant to section 27 of this act, judgment of foreclosure shall not be entered unless the court to which application therefor is made shall be satisfied that the interest of the lienholder or holders cannot be adequately secured or safeguarded except by the sale of the property; and in such proceeding the court shall be authorized to make an order increasing the rental or carrying charges to be charged for the housing accommodations in the housing project involved in such foreclosure, or appoint a member of the agency or any officer of the municipality in which any tax exemption or abatement with respect to the project is provided, as a receiver of the property, or grant such other and further relief as may be reasonable and proper; and in the event of a foreclosure or other judicial sale, the property shall be sold only to a qualified housing sponsor which will manage, operate and maintain the project subject to the provisions of this act, unless the court shall find that the interest and principal on the obligations secured by the lien which is the subject of foreclosure cannot be earned under the limitations imposed by the provisions of this act and that the proceeding was brought in good faith, in which event the property may be sold free of limitations imposed by this act or subject to such limitations as the court may deem advisable to protect the public interest.

C. 55:14J-14 Judgment procedure.

14. In the event of a judgment against any qualified housing sponsor in any action not pertaining to the foreclosure of a mortgage, there shall be no sale of any of the real property included in any housing project hereunder of such qualified housing sponsor except upon 60 days' written notice to the agency. Upon receipt of such notice the agency shall take such steps as in its judgment may be necessary to protect the rights of all parties.

C. 55:14J-15 Agency powers.

15. (a) The agency shall have the power and is hereby authorized from time to time to issue its bonds, bond anticipation notes and other obligations in such principal amounts as in the opinion of the agency shall be necessary to provide sufficient funds for achieving any of its corporate purposes, including the making of mortgage loans, the payment, funding or refunding of the principal of, or interest or redemption premiums on, any bonds, bond anticipation notes and other obligations issued by it whether the bonds, bond anticipation notes or other obligations or interest to be funded

or refunded have or have not become due, the establishment of reserves to secure such bonds, bond anticipation notes and other obligations and all other expenditures of the agency incident to and necessary or convenient to carry out its corporate purposes and power.

(b) Except as may be otherwise expressly provided herein or by the agency, every issue of bonds, bond anticipation notes or other obligations shall be general obligations payable out of any moneys or revenues of the agency, subject only to any agreements with the holders of particular bonds, bond anticipation notes or other obligations pledging any particular moneys or revenues. The agency may issue such types of bonds, bond anticipation notes or other obligations as it may determine, including, bonds, bond anticipation notes or other obligations on which the principal and interest are payable (1) exclusively from the income and revenues of the project financed with the proceeds of such bonds, bond anticipation notes or other obligations; (2) exclusively from the income and revenues of certain designated projects whether or not they are financed in whole or in part with the proceeds of such bonds, bond anticipation notes or other obligations; or (3) from its revenues generally. Any such bonds, bond anticipation notes or other obligations may be additionally secured by a pledge of any grant or contributions from any department or agency of the United States or any State, or person or a pledge of any moneys, income or revenues of the agency from any source whatsoever.

(c) Any provision of any law to the contrary notwithstanding, any bonds, bond anticipation notes or other obligations issued pursuant to this act shall be fully negotiable within the meaning and for all purposes of Title 12A of the New Jersey Statutes, and each holder or owner of such a bond, bond anticipation note or other obligation, or of any coupon appurtenant thereto, by accepting such bond, bond anticipation note or other obligation or coupon shall be conclusively deemed to have agreed that such bond, bond anticipation note, other obligation or coupon is and shall be fully negotiable within the meaning and for all purposes of said Title 12A of the New Jersey Statutes.

(d) Bonds, bond anticipation notes or other obligations of the agency shall be authorized by resolution of the agency and may be issued in one or more series and shall bear such date or dates, mature at such time or times not exceeding 50 years from the date thereof, bear interest at a rate or rates within such maximum rate

(not exceeding 6% per annum), be in such denomination or denominations, be in such form, either coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable from such sources in such medium of payment at such place or places within or without this State, and be subject to such terms of redemption (with or without premium) as such resolution or resolutions may provide.

(e) Bonds, bond anticipation notes or other obligations of the agency may be sold at public or private sale at such price or prices as the agency shall determine, provided, however, that the interest cost to their average maturity of the money received for any group of bonds or other obligations sold in a single transaction (computed according to standard tables of bond values) shall not exceed 6% per annum.

C. 55:14J-16 Resolution provisions; exceptions.

16. Any resolution or resolutions authorizing the issuance of bonds, bond anticipation notes or other obligations or any issue thereof may contain provisions, except as expressly limited in this act and except as otherwise limited by subsisting agreements with the holders of bonds, bond anticipation notes or other obligations, which shall be a part of the contract with the holders thereof, as to the following:

(a) The pledging of all or any part of the fees and charges made or received by the agency and all or any part of the moneys received in payment of loans and interest thereon, and other moneys received or to be received, to secure the payment of the principal or interest on any bonds, bond anticipation notes or other obligations or of any issue thereof;

(b) The pledging of all or any part of the assets of the agency, including but not limited to mortgages and other obligations securing the same, to secure the payment of bonds, bond anticipation notes or other obligations or of any issue of bonds, bond anticipation notes or other obligations;

(c) The use and disposition of the gross income from, and the payments of principal received by the agency on, mortgages held by the agency;

(d) The establishment of reserves or sinking funds, the making of charges and fees to provide for the same, and the regulation and disposition thereof;

(e) Limitations on the purpose to which the proceeds of sale of bonds, bond anticipation notes or other obligations may be applied

and pledging such proceeds to secure the payment of the bonds, bond anticipation notes, or other obligations, or of any issue thereof;

(f) Limitations on the issuance of additional bonds, bond anticipation notes or other obligations; the terms upon which additional bonds, bond anticipation notes or other obligations may be issued and secured; the refunding or purchase of outstanding bonds, bond anticipation notes or other obligations of the agency;

(g) The procedure, if any, by which the terms of any contract with the holders of any bonds, bond anticipation notes or other obligation of the agency may be amended or abrogated, the amount of bonds, bond anticipation notes or other obligations the holders of which must consent thereto, and the manner in which such consent may be given;

(h) The vesting in a trustee or trustees of such property, rights, powers and duties in trust as the agency may determine, which may include any or all of the rights, powers and duties of any trustee appointed by the holders of any bonds, bond anticipation notes or other obligations pursuant to this act, and limiting or abrogating the right of the holders of any bonds, bond anticipation notes or other obligations of the agency to appoint a trustee under this act or limiting the rights, powers and duties of such trustee;

(i) Provision for a trust agreement by and between the agency and a corporate trustee which may be any trust company or bank having the powers of a trust company within the State, which agreement may provide for the pledging or assigning of any assets or income from assets to which or in which the agency has any rights or interest, and may further provide for such other rights and remedies exercisable by the trustee as may be proper for the protection of the holders of any bonds, bond anticipation notes or other obligations of the agency and not otherwise in violation of law, and the said agreement may provide for the restriction of the rights of any individual holder of bonds, bond anticipation notes or other obligations of the agency. All expenses incurred in carrying out the provisions of such trust agreement may be treated as a part of the cost of operation of the agency. The trust agreement may contain any further provisions which are reasonable to delineate further the respective rights, duties, safeguards, responsibilities and liabilities of the corporation, individual and collective holders of bonds, bond anticipation notes and other obligations of the agency, and the trustees;

(j) Covenants to do or refrain from doing such acts and things as may be necessary or convenient or desirable in order to better

secure any bonds, bond anticipation notes, or other obligations of the agency, or which, in the discretion of the agency, will tend to make any bonds, bond anticipation notes or other obligations to be issued more marketable notwithstanding that such covenants, act or things may not be enumerated herein;

(k) Any other matters of like or different character, which in any way affect the security or protection of the bonds, bond anticipation notes or other obligations.

C. 55:14J-17 Valid pledges.

17. Any pledge made by the agency of income, revenues or other property shall be valid and binding from the time the pledge is made. The income, revenue or other property so pledged and thereafter received by the agency shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act, and the lien of any such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the agency, irrespective of whether such parties have notice thereof.

C. 55:14J-18 Liability.

18. Neither the members of the agency nor any person executing bonds, bond anticipation notes or other obligations issued pursuant to this act shall be liable personally on such bonds, bond anticipation notes or other obligations by reason of the issuance thereof.

C. 55:14J-19 Additional powers.

19. The agency shall have power to purchase bonds, bond anticipation notes or other obligations of the agency out of any funds available therefor. The agency may hold, cancel or resell such bonds, bond anticipation notes or other obligations subject to and in accordance with agreements with holders of its bonds, bond anticipation notes and other obligations.

C. 55:14J-20 Housing finance fund.

20. (a) The agency shall establish and maintain the "Housing Finance Fund" which shall consist of (1) all moneys appropriated by the State for inclusion therein, (2) all proceeds of the sale of bonds, bond anticipation notes or other obligations required to be deposited therein by the terms of the resolution authorizing the sale of said bonds, bond anticipation notes or other obligations, and (3) any other moneys available to the agency which it determines to utilize for this purpose. All moneys held in the Housing Finance Fund, except as hereinafter provided, shall be used for the payment of the principal and interest of any bonds, bond anticipation notes

or other obligations as such payment shall become due and for the retirement of bonds, bond anticipation notes and other obligations upon maturity and when due. In addition, moneys from the fund may be used to retire bonds, bond anticipation notes or other obligations before maturity and to pay any redemption premium required to be paid, provided, however, that no moneys shall be utilized in any year to retire bonds, bond anticipation notes or other obligations as provided herein if the consequence thereof is to reduce the fund below an amount of moneys sufficient to meet the maximum payments required in the succeeding calendar year for (1) payment of principal and interest falling due on all other outstanding bonds, bond anticipation notes and other obligations and (2) retiring all other bonds, bond anticipation notes or other obligations required by their terms to be retired, such amount being hereafter referred to as the "required minimum capital reserve."

(b) Income or interest from the investment of moneys held in the fund shall be retained therein if needed to meet any deficiency in the required minimum capital reserve but to the extent of any excess over the aforesaid required minimum capital reserve, moneys may be transferred by the agency to the general reserve account or any other fund or account of the agency.

(c) Notwithstanding any other provision contained in this act, no bonds, bond anticipation notes or other obligations shall be issued by the agency unless there is in the fund the required minimum capital reserve for all bonds, bond anticipation notes or other obligations issued and to be issued, provided, however, that nothing shall preclude the agency from satisfying the foregoing requirement by depositing so much of the proceeds of the bonds, bond anticipation notes or other obligations to be issued, upon their issuance as is needed for the fund to achieve the required minimum capital reserve.

C. 55:14J-21 Annual appropriation.

21. In order to assure that the Housing Finance Fund is maintained at the minimum capital reserve level of the fund, the agency shall request that there be annually appropriated by the Legislature and paid to the agency for deposit in said fund, such sum or sums, if any, as the agency through its chairman may certify as necessary to restore said fund to the minimum required capital reserve level. The chairman shall annually, on or before December 1, make and deliver to the Governor a certificate for said fund stating the amount then held on deposit in or invested for said fund and the amount, if any, required to restore the minimum capital reserve for

said fund and the amount so stated, if any, shall be included in the Governor's annual budget message to the Legislature of the State for consideration by the Legislature.

For purposes of valuation of said fund, securities acquired as an investment for said fund shall be valued at par, actual cost to the agency or market value, whichever value is less.

C. 55:14J-22 Additional funds.

22. The agency may establish such additional and further reserve funds as may be, in its discretion, necessary and desirable to accomplish any agency purpose or to comply with the provisions of any agreement made by the agency or any resolution approved by the agency. The resolution establishing such a reserve shall specify the source of moneys from which the reserve shall be funded and the purposes for which moneys held in the reserve fund shall be disbursed.

C. 55:14J-23 Limit of rights or powers.

23. The State of New Jersey does hereby pledge to and covenant and agree with the holders of any bonds, bond anticipation notes or other obligations issued pursuant to the authority of this act that the State will not limit or alter the rights or powers hereby vested in the agency to finance or otherwise assist in the construction, rehabilitation, operation and maintenance of housing projects or to perform and fulfill the terms of any agreement made with the holders of such bonds, bond anticipation notes or other obligations, or to fix, establish, charge and collect such revenues, fees or other charges as may be convenient or necessary to produce sufficient revenues to meet all expenses of the agency and fulfill the terms of any agreement made with the holders of such bonds, bond anticipation notes or other obligations, and that the State will not in any way impair the rights or remedies of such holders or modify in any way the exemptions from taxation provided for in this act, until such bond, bond anticipation notes and other obligations, together with interest thereon, with interest on any unpaid installments of interest, and all costs and expenses in connection with any action or proceedings by or in behalf of such holders, are fully met and discharged or provided for. The agency may include this pledge and agreement of the State in any agreement with the holders of bonds, bond anticipation notes and other obligations issued by the agency.

C. 55:14J-24 Investment of moneys.

24. Notwithstanding any restriction contained in any other law, this State and all public officers, municipalities, counties, political

subdivisions and public bodies, and agencies thereof, all banks, trust companies, savings banks and institutions, building and loan associations, savings and loan associations, investment companies, and other persons carrying on a banking or investment business, all insurance companies, insurance associations and other persons carrying on an insurance business, and all executors, administrators, guardians, trustees and other fiduciaries, may legally invest any sinking funds, moneys or other funds belonging to them or within their control in any bonds, bond anticipation notes or other obligations issued pursuant to this act, and such bonds, bond anticipation notes and other obligations shall be authorized security for any and all public deposits.

C. 55:14J-25 Public property.

25. All property of the agency is hereby declared to be public property devoted to an essential public and governmental function and purpose and shall be exempt from all taxes and special assessments of the State or any subdivision thereof. All bonds, bond anticipation notes or other obligations issued pursuant to this act are hereby declared to be issued by a body corporate and public of this State and for an essential public and governmental purpose and such bonds, bond anticipation notes and other obligations, and the interest thereon and the income therefrom, and all fees, charges, funds, revenues, income and other moneys pledged or available to pay or secure the payment of such bonds, bond anticipation notes or other obligations, or interest thereon, shall at all times be exempt from taxation except for transfer, inheritance and estate taxes.

C. 55:14J-26 Exemptions.

26. All property of the agency, except as otherwise provided herein, shall be exempt from levy and sale by virtue of an execution and no execution or other judicial process shall issue against the same nor shall any judgment against the agency be a charge or lien upon its property; provided, that nothing herein contained shall apply to or limit the rights of the holder of any bonds, bond anticipation notes or other obligations to pursue any remedy for the enforcement of any pledge or lien given by the agency on its revenues or other moneys.

C. 55:14J-27 Payment of interest or principal.

27. The agency is authorized and empowered to obtain, or aid in obtaining, from any department or agency of the United States any insurance or guarantee as to, or of or for the payment or re-

payment of interest or principal, or both, or any part thereof, on any loan or any instrument evidencing or securing the same, made or entered into pursuant to the provisions of this act; and notwithstanding any other provisions of this act to enter into any agreement, contract or any other instrument whatsoever with respect to any such insurance or guarantee, and accept payment in such manner and form as provided therein in the event of default by the borrower.

C. 55:14J-28 Agency authorized.

28. The agency is authorized and empowered to obtain from any department or agency of the United States any insurance or guarantee as to, or of or for the payment or repayment of, interest or principal, or both, or any part thereof, on any bonds, bond anticipation notes or other obligations issued by the agency pursuant to the provisions of this act; and notwithstanding any other provisions of this act to enter into any agreement, contract or any other instrument whatsoever with respect to any such insurance or guarantee except to the extent that such action would in any way impair or interfere with the agency's ability to perform and fulfill the terms of any agreement made with the holders of the bonds, bond anticipation notes or other obligations of the agency.

C. 55:14J-29 Authorization of Treasurer.

29. The State Treasurer is hereby authorized to receive from any department or agency of the United States for the purposes of this act amounts of money, if any, as and when appropriated, allocated, granted, turned over or in anywise provided by it. Said amounts of money shall be credited to the Housing Finance Fund and made available to the agency.

C. 55:14J-30 Intent of Legislature.

30. (a) It is the intent of the Legislature that in the event of any conflict or inconsistency in the provisions of this act and any other acts concerning qualified housing sponsors or any rules and regulations adopted thereunder, to the extent of such conflict or inconsistency, the provisions of this act shall be enforced and the provisions of such other acts and rules and regulations adopted thereunder shall be of no force and effect.

(b) For the purposes of this act, where by reason of any other law any qualified housing sponsor has entered or intends to enter into any agreement with any municipality for the payment of money in lieu of taxes or to obtain special tax treatment of any real property of said qualified housing sponsor, any such agreement

may require such qualified housing sponsor to pay to such municipality an amount up to 20% of the annual gross revenue from each housing project situated on such real property for each year of operation thereof following the substantial completion thereof, any provisions of such other law to the contrary notwithstanding. For the purpose of this section, "annual gross revenue" means the total annual gross rental or carrying charge and other income of a qualified housing sponsor from a housing project. Any agreement between any qualified housing sponsor and a municipality pursuant to this subsection shall be submitted to the agency for review in order to avoid duplicating, overlapping or inconsistent regulations or provisions, and any municipality and any qualified housing sponsor with the approval of the agency may enter into such agreements not inconsistent with this act and otherwise authorized by law.

For the purpose of apportioning the amounts to be raised in the respective municipalities in each county pursuant to section 54:4-49 of the Revised Statutes, the county board of taxation shall, for each municipality include in the equalization table for the county the assumed assessed value of the property represented by the amount of payments in lieu of property taxes to any municipality pursuant to this act.

The assumed assessed value of such property in each municipality shall be determined by the county board of taxation in the following manner: (a) the amount of payments in lieu of real property taxes received by each municipality during the preceding tax year pursuant to this section shall be divided by the general tax rate of the municipality for such preceding tax year to obtain an assumed assessed value of such property; (b) this assumed assessed value shall be divided by the fraction produced by dividing the aggregate assessed value by the aggregate true value of the real property as determined by the county board of taxation for equalization purposes in the current tax year, exclusive of class II railroad property, in the municipality; and (c) the resulting quotient shall be included in the net valuation of each municipality on which county taxes are apportioned.

For the first tax year during which any payments in lieu of real property taxes are made to any municipality pursuant to this section, there shall be included in the equalization table for the county the true value of the property as determined by the assessor in the tax year immediately prior to the tax year in which any payments in lieu of taxes are made pursuant to this section.

C. 55:14J-31 Fraud; penalty.

31. Any person who attempts to or obtains financial aid for a project hereunder or occupancy or continued occupancy of a dwelling unit therein by false or misleading information or who shall violate this act or who shall by fraud attempt to obtain moneys from the agency or its approval for the payment of moneys or shall fraudulently attempt to or does prevent the collection of any moneys due to the agency shall, for each offense, be guilty of a misdemeanor.

C. 55:14J-32 Restrictions of agency.

32. (a) No member, officer, employee or agent of the agency for purposes of personal gain, shall have or attempt to have, directly or indirectly, any interest:

- (1) In any contract or agreement of the agency;
- (2) In the sale or purchase of any property by the agency;
- (3) In any mortgage loan or application therefor; or
- (4) In any housing project constructed, rehabilitated or operated, or to be constructed, rehabilitated or operated under the provisions of the act.

(b) Any member, officer, employee or agent of the agency who shall be found guilty of violating the provisions of this section shall be a disorderly person and subject to a fine of not less than \$100.00 or more than \$2,500.00. Any such person shall be barred from public employment in this State in any capacity whatsoever for a period of 5 years from the date he was adjudged a disorderly person.

C. 55:14J-33 Annual report.

33. On or before the last day of February in each year the agency shall make an annual report of its activities for the preceding calendar year to the Governor and to the Legislature. Each such report shall set forth a complete operating and financial statement covering its operations during the year. The agency shall cause an audit of its books and accounts to be made at least once in each year by certified public accountants and the cost thereof shall be considered an expense of the agency and a copy thereof shall be filed with the State Treasurer.

C. 55:14J-34 Additional powers.

34. In order to carry out the purposes and provisions of this act, the agency, in addition to any powers granted to it elsewhere in this act, shall have the following powers:

- (a) To adopt by-laws for the regulation of its affairs and the conduct of its business; to adopt an official seal and alter the same

at pleasure; to maintain an office at such place or places within this State as it may designate; to sue and be sued in its own name;

(b) To conduct examinations and hearings and to hear testimony and take proof, under oath or affirmation, at public or private hearings, on any matter material for its information and necessary to carry out the provisions of this act;

(c) To issue subpoenas requiring the attendance of witnesses and the production of books and papers pertinent to any hearing before such agency, or before one or more of the members of the agency appointed by it to conduct such hearing;

(d) To apply to any court, having territorial jurisdiction of the offense, to have punished for contempt any witness who refuses to obey a subpoena, or who refuses to be sworn or affirmed to testify, or who is guilty of any contempt after summons to appear;

(e) To acquire by purchase, gift, foreclosure or condemnation any real or personal property, or any interest therein, to enter into any lease of property and to hold, sell, assign, lease, encumber, mortgage or otherwise dispose of any real or personal property, or any interest therein, or mortgage lien interest owned by it or under its control, custody or in its possession and release or relinquish any right, title, claim, lien, interest, easement or demand however acquired, including any equity or right of redemption, in property foreclosed by it and to do any of the foregoing by public or private sale, with or without public bidding, notwithstanding the provisions of any other law;

(f) To adopt such rules and regulations as shall be expressly authorized by this act and such additional rules and regulations as shall be necessary or desirable to carry out the purposes of this act; it shall publish the same and file them with the Secretary of State;

(g) To borrow money or secure credit on a temporary, short-term, interim or on a long-term basis, and to issue negotiable bonds, bond anticipation notes or other obligations and to provide for the rights of the holders thereof;

(h) To make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this act, including contracts or agreements with qualified financial institutions for the servicing and processing of mortgage loans pursuant to this act;

(i) To appoint an executive director and such additional officers, who need not be members of the agency as the agency deems advisable, and to employ consulting architects, engineers, attorneys,

accountants, construction and financial experts and such other employees and agents as may be necessary in its judgment; to fix their compensation; and to promote and discharge such officers, employees and agents, all without regard to the provisions of Title 11 of the Revised Statutes, Civil Service;

(j) To receive and accept aid or contributions from any source, of money, property, labor or other things of value, to be held, used and applied to carry out the purposes of this act subject to such conditions upon which such grants and contributions may be made, including, but not limited to, gifts or grants from any department or agency of the United States or this State for payment of rent supplements to eligible families or for the payment in whole or in part of the interest expense for a housing project or for any other purpose consistent with this act.

(k) To enter into agreements to pay annual sums in lieu of taxes to any political subdivision of the State with respect to any real property owned or operated directly by the agency;

(l) To procure insurance against any loss in connection with its property and other assets (including mortgages and mortgage loans) in such amounts and from such insurers as it deems desirable;

(m) To the extent permitted under its contract with the holders of bonds, bond anticipation notes and other obligations of the agency, to consent to any modification with respect to rate of interest, time and payment of any installment of principal or interest, security or any other term of any mortgage, mortgage loan, mortgage loan commitment, contract or agreement of any kind to which the agency is a party;

(n) To the extent permitted under its contract with the holders of bonds, bond anticipation notes and other obligations, to enter into contracts with any qualified housing sponsor containing provisions enabling the said qualified housing sponsor to reduce the rental or carrying charges to persons unable to pay the regular schedule of charges where by reason of other income or payment from the agency, any department or agency of the United States or this State, such reductions can be made without jeopardizing the economic stability of the housing project;

(o) To make and collect such fees and charges, including but not limited to payment for all costs of financing by the agency, service charges, mortgage insurance premiums, reserves against losses and reimbursement for advances made to the agency, as it shall deter-

mine is reasonable to enable the agency, to the extent feasible, to be self-sustaining;

(p) To invest and reinvest any funds held in reserve or sinking funds, or any moneys not required for immediate use or disbursement, at the discretion of the agency, in obligations of this State or the United States or obligations the principal and interest of which are guaranteed by this State or the United States;

(q) To provide, contract or arrange for, where by reason of the financing arrangement review of the application and proposed construction of a project is required by or in behalf of any department or agency of the United States, consolidated processing of any such application or supervision to avoid duplication thereof by either undertaking the processing in whole or in part for any such department or agency or, in the alternative, delegating the processing in whole or in part to any such department or agency;

(r) To make mortgage loans and to participate with any department or agency of the United States, this State, a municipality, or any banking institution, foundation, labor union, insurance company, trustee or fiduciary in a loan to a qualified housing sponsor secured by a single participating mortgage or by separate mortgages, the interest of each having equal priority as to lien in proportion to the amount of the loan so secured, but need not be equal as to interest rate, time or rate of amortization or otherwise and to undertake commitments to make such loans;

(s) To sell, at public or private sale, with or without bidding, any mortgage or other obligation securing a mortgage loan made by the agency;

(t) To make commitments to purchase, and to purchase, service and sell, mortgages insured by any department or agency of the United States, and to make loans directly upon the security of any such mortgage;

(u) To provide qualified housing sponsors with such advisory consultation, training and educational services as will assist them to plan, construct, rehabilitate and operate housing projects for moderate income families, including but not limited to assistance in community development and organization, home management and advisory services for the residents of the housing projects, and to encourage community organizations to assist in developing such projects;

(v) To encourage research in, and demonstration projects to develop new and better techniques and methods for increasing the supply of housing for moderate income families and to engage in

such research and demonstration projects and to receive and accept contributions, grants or aid, from any source, public or private, including but not limited to the United States and this State, for carrying out this purpose; and

(w) To do all acts and things necessary or convenient to carry out the powers expressly granted in this act.

C. 55:14J-35 Services as requested.

35. Any State officers, departments, boards, divisions and commissions may render such auditing, legal or other services to the agency within their respective functions, as may be requested by the agency.

C. 55:14J-36 Consist of fund; authorized uses; definitions.

36. (a) The agency shall establish and maintain a Housing Development Fund which shall consist of (1) all moneys appropriated by the State for inclusion therein, (2) notwithstanding any inconsistent provisions of this or of any other law, any moneys which the agency shall receive in repayment of advances from the fund, and (3) any other moneys available to the agency which it determines to utilize for this purpose.

(b) The agency is hereby authorized to use the money held in the Housing Development Fund to make noninterest bearing advances to qualified housing sponsors who are corporations or associations organized not for profit or for mutual housing to defray development costs for housing projects to be developed with eligible mortgages for families of moderate income. No such advance shall be made unless it is reasonably anticipated by the agency that an eligible mortgage will be obtained for the housing project and the not for profit or mutual housing sponsor enters into an agreement with the agency to be regulated with respect to those matters provided in sections 9 (a) (5) and 9 (a) (6) of this act.

(c) Each advance shall be repaid in full concurrent with the receipt by the not for profit or mutual housing sponsor of the proceeds of the eligible loan or of the construction loan, unless the agency shall extend the period for the repayment of such advance, provided that no such extension shall be granted beyond the date of final payment under the eligible mortgage loan.

(d) If the agency shall determine at any time that an eligible mortgage loan may not be obtained, the advance shall become immediately due and payable and shall be paid from any assets of the housing project. To the extent that repayment cannot be made

from the assets of the housing project the advance shall be treated as a grant.

(e) The term "development cost" as used in this section, means the amount approved by the agency as an appropriate expenditure which may be incurred prior to the first mortgage advance of an eligible mortgage loan, including but not limited to (1) payments for options, deposits or contracts to purchase properties on the proposed housing project site or, with the prior approval of the agency, payments for the purchase of such properties, (2) legal and organizational expenses, including attorney's fees and salaries, office rent and other incidental expenses for a project manager and clerical staff, (3) fees for preliminary feasibility studies, planning advances, borings, surveys, engineering and architectural work, (4) expenses for tenant surveys and market analyses, and (5) such other expenses as the agency may deem appropriate to effectuate the purpose of this section.

(f) The term "eligible mortgage loan" as used in this section, means a below-market interest rate mortgage insured by the Secretary of the Department of Housing and Urban Development, or a mortgage insured by the Secretary of the Department of Housing and Urban Development and augmented by a program of rent supplements, or a mortgage loan made by the agency.

C. 55:14J-37 Prevailing wage rates.

37. Each qualified housing sponsor granted a loan from the agency, or any builder, contractor or subcontractor engaged by said qualified housing sponsor for the construction or rehabilitation of any housing project, shall pay the workmen employed in the performance of any contract for such construction or rehabilitation not less than the prevailing wage rate as determined by the Commissioner of Labor and Industry as hereinafter provided. In the event it is found that any such workman has been paid a rate of wage less than the prevailing wage required to be paid, the agency is authorized to take such steps as may be necessary to terminate the rights of said qualified housing sponsor, or any such builder, contractor or subcontractor, to proceed with such construction or rehabilitation or to prosecute such construction or rehabilitation to completion or otherwise.

The Commissioner of Labor and Industry is authorized to, and shall, determine the prevailing wage rate and shall establish the prevailing wage in the locality in which the construction or rehabilitation of any housing project is to be performed for each

craft or trade or classification of all workmen employed in the performance of such construction or rehabilitation, as if such construction or rehabilitation were "public work" within the meaning of chapter 150 of the laws of 1963. For the purpose of carrying out the provisions of this section, the Commissioner of Labor and Industry, and any workmen employed in the performance of any contract for the construction or rehabilitation of any housing project, shall have and may exercise or perform any right, power or duty granted or imposed upon them by chapter 150 of the laws of 1963.

C. 55:14J-38 Discrimination.

38. No person shall be discriminated against, because of race, religious principles, color, national origin or ancestry, by the agency or any qualified housing sponsor or any agent or employee thereof in connection with any housing project or mortgage loan. Any person who shall be found guilty of violating the provisions of this section shall be a disorderly person and subject to a fine of not less than \$500.00 or more than \$2,500.00.

C. 55:14J-39 Powers enumerated.

39. The powers enumerated in this act shall be interpreted broadly to effectuate the purposes thereof and shall not be construed as a limitation of powers.

C. 55:14J-40 Validity of act.

40. If any clause, sentence, subdivision, paragraph, section or part of this act be adjudged to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, subdivision, paragraph, section or part thereof directly involved in the controversy in which said judgment shall have been rendered.

41. There is hereby appropriated the sum of \$50,000.00 to carry out the purposes of this act.

42. This act shall take effect immediately.

Approved May 31, 1967.

CHAPTER 82

AN ACT concerning housing development and demonstration programs, creating within the Department of Community Affairs a revolving and demonstration grant fund to be known as the Revolving Housing Development and Demonstration Grant Fund, providing an appropriation, and supplementing chapter 293 of the laws of 1966.

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

C. 52:27D-59 Title of act.

1. This act shall be known as, and may be cited as, the "Department of Community Affairs Demonstration Grant Law of 1967."

C. 52:27D-60 Purpose and intent of act.

2. This act being deemed and hereby declared remedial legislation necessary for the protection of the health and welfare of the residents of this State by encouraging nonprofit and mutual housing sponsors to construct or rehabilitate housing for families of moderate income, shall be liberally construed to effectuate the purposes and intent thereof.

C. 52:27D-61 Legislature findings.

3. The Legislature finds that there is an extreme shortage of safe and sanitary accommodations in this State available to families with moderate incomes, and that the ordinary operations of private, profit-making enterprises alone cannot satisfy the demand for such dwelling accommodations. The Legislature finds further that there are in this State many slums and blighted areas which are injurious to the health, safety and welfare of the residents of this State, and that existing programs and technology have not as yet developed techniques for the elimination of such slums and blighted areas.

The Legislature hereby finds that various nonprofit corporations and associations and mutual housing associations are desirous of organizing to construct or rehabilitate housing units for families of moderate income, but that those corporations and associations require development funds and technical assistance in the organization and management of nonprofit corporations and mutual housing

associations, and that the provision of such development funds and technical assistance to those corporations and associations will maximize the availability of Federal funds and credits which may be used for the construction or rehabilitation of housing units for residents of this State.

Further, the Legislature finds that housing development and demonstration programs conducted by the Department of Community Affairs, whether singly or in participation and co-operation with Federal, State or local agencies or with private enterprise, will accelerate the pace of research into, and the development of, techniques for the provision of better, faster and more economical methods of constructing and rehabilitating housing units for families of moderate income, and of eliminating the slums and blighted sections of the urban and nonfarm rural areas of this State.

The Legislature further finds that the authority and powers conferred under this act constitute and serve a valid public purpose.

C. 52:27D-62 Definitions.

4. The following terms whenever used or referred to in this act shall have the following respective meanings for the purposes of this act, except in those instances where the context clearly indicates otherwise:

(a) The term "act" shall mean this act, and any amendments and supplements thereto, and any rules and regulations promulgated thereunder.

(b) The term "commissioner" shall mean the Commissioner of the Department of Community Affairs.

(c) The term "department" shall mean the Department of Community Affairs.

(d) The term "development cost" shall mean the amount approved by the commissioner as an appropriate expenditure which may be incurred prior to the first mortgage advance under an eligible mortgage loan, which amount may include, without limitation: (1) payments for options, deposits or contracts to purchase properties on the proposed housing project site or, with the prior approval of the commissioner, payments for the purchase of such properties; (2) legal and organizational expenses, including attorneys' fees, and salaries, office rent and other incidental expenses for a project manager and office staff; (3) fees for preliminary feasibility studies, planning advances, borings, surveys, engineering and architectural work, and fees for the services of architects, engineers, planners and attorneys in connection therewith; (4) expenses for tenant surveys and market analyses; and (5) such other

expenses as the commissioner may deem necessary and appropriate to effectuate the purposes of this act.

(e) The term "eligible mortgage" shall mean a below-market interest rate mortgage insured by the Secretary of Housing and Urban Development, a mortgage insured by the Secretary of Housing and Urban Development and augmented by a program of rent supplement authorized by the provisions of Public Law 89-117 (The Housing and Urban Development Act of 1965), a mortgage loan made by the State of New Jersey, or any department, division, office, bureau or section thereof, or any agency or authority created or chartered thereby, to a nonprofit or mutual housing sponsor for the purpose of providing housing to families of moderate income, a mortgage insured by the Secretary of Housing and Urban Development pursuant to Public Law 86-372 (The Housing Act of 1959), and any similar below-market interest rate mortgage that may be insured by any department or agency of the United States or this State.

(f) The term "fund" shall mean the Revolving Housing Development and Demonstration Grant Fund created by section 5 of this act.

(g) The term "housing project" or "project" shall mean any specific work upon or improvement to housing accommodations, whether new construction or rehabilitation thereof, undertaken by a nonprofit or mutual housing sponsor to provide dwelling accommodations for families of moderate income, including the acquisition, construction or rehabilitation of lands, buildings and improvements, and such stores, offices, and social, recreational, communal or other facilities as may be incidental or appurtenant thereto.

(h) The term "family of moderate income" shall mean a family whose income is too low to compete successfully in the normal rental or mutual housing market and whose aggregate family income does not exceed limits prescribed by such rules and regulations as may be issued and promulgated by the commissioner.

(i) The term "mutual housing sponsor" shall mean any nonprofit association or corporation organized under the laws of this State for the purpose of providing dwelling accommodations for families of moderate income, which dwelling accommodations are operated, or are to be operated upon completion of construction or rehabilitation, exclusively for the benefit of the families who are entitled to occupy said dwelling accommodations by reason of co-ownership of stock in such corporation, or by reason of co-owner-

ship of stock in such corporation, or by reason of co-ownership of the premises in a horizontal property regime authorized by the provisions of chapter 168 of the laws of 1963 (The Horizontal Property Act).

(j) The term "nonprofit sponsor" shall mean any association or corporation organized not for profit under the provisions of Title 15 of the Revised Statutes or any other law which has as one of its purposes the construction or rehabilitation and operation, or both, of housing projects, or any corporation qualified under the provisions of chapter 184 of the laws of 1949 as amended and supplemented.

C. 52:27D-63 Fund created.

5. (a) There is hereby created and established in the department a revolving and demonstration grant fund to be known as the Revolving Housing Development and Demonstration Grant Fund, which fund shall consist of:

(1) All moneys appropriated and made available by the Legislature of this State for inclusion therein;

(2) Notwithstanding the provisions of any other act or part thereof, any moneys which the department shall receive in repayment of advances from the fund; and

(3) Any other moneys made available to the department from any source or sources, which the commissioner shall determine to use for the purposes authorized by this act.

(b) Any moneys held in such fund not required or permitted to be disbursed immediately by this act may be invested or reinvested, at the discretion of the commissioner, in legal obligation of this State or the United States. Any income or interest earned by, or increment to, moneys so invested or reinvested shall be added to the moneys held in such fund for the purposes authorized by this act.

C. 52:27D-64 Use of fund.

6. (a) The commissioner is hereby authorized to use the moneys held in the fund, or any portion thereof, to make noninterest bearing advances to nonprofit and mutual housing sponsors to defray development costs for housing projects for families of moderate income to be constructed or rehabilitated with eligible mortgages. No such advance shall be made to any nonprofit or mutual housing sponsor by the commissioner unless: (1) the commissioner reasonably anticipates that said nonprofit or mutual housing sponsor will obtain an eligible mortgage for the project; and (2) the said nonprofit or mutual housing sponsor shall have executed an agreement with the commissioner, which agreement shall have such

terms and conditions with respect to the rents, profits, dividends, and disposition of the property or franchises of said nonprofit or mutual housing sponsor as may be prescribed in rules and regulations promulgated by the commissioner pursuant to this act.

(b) Any nonprofit or mutual housing sponsor to which any advance has been made pursuant to subsection (a) of this section shall repay said advance in full to the department upon and concurrent with the receipt by said nonprofit or mutual housing sponsor of the proceeds of an eligible mortgage or construction or rehabilitation loan; provided, that the commissioner may extend the period for such repayment of any advance, except that the commissioner shall not extend the period for such repayment of any advance beyond the date of final payment of said eligible mortgage or construction or rehabilitation loan; and provided further, that any such advance may be treated by the commissioner as a grant to the extent that the proceeds of an eligible mortgage cannot by law be used to reimburse any cost or fee included in the development cost for which said advance was made.

(c) If the commissioner shall determine, in the exercise of his discretion, that any nonprofit or mutual housing sponsor to which any advance has been made pursuant to subsection (a) of this section cannot obtain an eligible mortgage, then the commissioner shall declare any such advance immediately due and payable. Any such advance which is declared by the commissioner to be immediately due and payable shall be repaid from any assets of the project for which said advance has been made; provided, that any such advance shall be treated by the commissioner as a grant to the extent that said advance cannot be repaid from the assets of any project for which said advance has been made.

(d) If the commissioner shall determine, in the exercise of his discretion, that any advance made pursuant to subsection (a) of this section is in jeopardy of not being repaid by the nonprofit or mutual housing sponsor to which any such advance has been made, then the commissioner may appoint to the board of directors of said nonprofit or mutual housing sponsor a number of new directors, which number shall be sufficient to constitute a majority of such board, notwithstanding the provisions of the certificate of incorporation or by-laws of said nonprofit or mutual housing sponsor, or any other provision of law. Any new members of such board so appointed by the commissioner shall serve as the members of such board until any such advance is repaid in accordance with subsection (b) of this section, or until any such advance is treated

as a grant pursuant to subsection (c) of this section. Any new members of such board so appointed by the commissioner shall receive such compensation for their services as may be provided in the certificate of incorporation or by-laws of said nonprofit or mutual housing sponsor.

C. 52:27D-65 Services authorized.

7. The commissioner is hereby authorized to provide nonprofit or mutual housing sponsors with such advisory, consultative, training and educational services as will assist them to plan, construct, rehabilitate and operate housing projects for families of moderate income, including but not limited to assistance in community development and organization, home management and advisory services for the residents of such projects, and to encourage community organizations to assist in developing such projects.

C. 52:27D-66 Programs authorized.

8. (a) The commissioner is hereby authorized to conduct demonstration programs, to participate in any public or private program, and to make grants from the fund to any person, association or corporation (subject to such terms and conditions as the commissioner may prescribe by rules and regulations promulgated pursuant to this act), for the purpose of developing, testing and reporting methods and techniques, and carrying out, demonstrations and other activities for the prevention and elimination of slums and blight in urban and nonfarm rural areas, as well as the development of new or improved means of constructing or rehabilitating housing for families of moderate income.

(b) The commissioner, in exercising the powers and authority vested in him by subsection (a) of this section, shall give preference to those programs, activities, undertakings, and applications for grants which the commissioner shall determine, in the exercise of his discretion, have the greatest potentiality for (1) significant contributions to the elimination and prevention of slums and blight areas, and (2) accelerated development of the best and most economical methods and techniques of constructing or rehabilitating housing for families of moderate income.

(c) The commissioner may make advances and grants from the fund to any municipality for the preparation and submission by any municipality of an initial application or any amendments or supplements thereto for a planning grant under Title I of Public Law 89-754 (The Demonstration Cities and Metropolitan Development Act of 1966).

(d) The commissioner is hereby authorized to pay for the cost of (1) writing and publishing reports on demonstration programs conducted by the department, activities and undertakings in which the department participated, or which were financed by grants made pursuant to subsection (a) of this section, as well as reports on similar activities and undertakings, not so financed, which are of significant value in furthering the purposes of this act, and (2) writing and publishing summaries and other informational material on such reports.

C. 52:27D-67 Rules and regulations.

9. The commissioner shall issue and promulgate such rules and regulations as are necessary and appropriate to carry out the purposes of this act, and to revise, repeal or amend said rules and regulations from time to time as the commissioner may deem necessary. Any rules and regulations issued and promulgated pursuant to this act shall be filed with the Secretary of State.

C. 52:27D-68 Examination of books.

10. The State Treasurer is hereby authorized to, and shall, examine, from time to time, the books and accounts of the department relating to the fund.

C. 52:27D-69 Acts superseded.

11. All acts and parts of acts inconsistent herewith are hereby superseded.

C. 52:27D-70 Validity of act.

12. If any section, subsection, paragraph, sentence or other part of this act is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this act, but shall be confined in its effect to the section, subsection, paragraph, sentence or other part of this act directly involved in the controversy in which said judgment shall have been rendered.

13. There is hereby appropriated, for the purpose of carrying out the provisions of this act, such sums as may be included in any general, special or supplemental appropriations act.

14. This act shall take effect immediately.

Approved May 31, 1967.

CHAPTER 83

AN ACT to amend an act entitled “An act concerning the commitment, confinement, disposition, care, treatment and rehabilitation of drug addicts and other persons having drugs illegally in their possession, and repealing ‘An act creating a permanent commission on narcotic control,’ approved January 11, 1954 (P. L. 1953, c. 449),” approved December 17, 1964 (P. L. 1964, c. 226).

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

1. Section 2 of the act of which this act is amendatory is amended to read as follows:

C. 30:6C-2 Narcotic advisory council; establishment; membership; terms of office; organization; vacancies; compensation; meetings.

2. There is hereby established, within the Department of Institutions and Agencies, a Narcotic Advisory Council, whose membership shall consist of the Attorney General, the Commissioners of the Departments of Institutions and Agencies, Health, Community Affairs, Education, and Labor and Industry, or their duly designated representatives, and 6 additional members who shall be appointed by the Governor with the advice and consent of the Senate. The terms of office of each of the appointive nongovernmental members of the council shall be for 3 years, provided, however, that of the members first appointed, 2 shall be appointed for a term of 1 year, 2 shall be appointed for a term of 2 years and 2 shall be appointed for a term of 3 years. The commission shall organize by electing a chairman and a vice-chairman from amongst its members, and a secretary who need not be a member. Vacancies shall be filled by appointment in similar manner for the unexpired terms, and the appointive members shall continue in office until their successors are appointed and have qualified.

The members of the council shall receive no compensation for their services but shall be reimbursed for all expenses actually and necessarily incurred by them in the performance of their duties as herein set forth and within the amounts made available by an appropriation therefor.

The council shall meet at least every second month in each year, and at such other times as shall be deemed appropriate at the call of the chairman. The Department of Institutions and Agencies shall provide housekeeping, secretarial and consultant services to the council.

2. This act shall take effect immediately.

Approved May 31, 1967.

CHAPTER 84

AN ACT authorizing and empowering the Delaware River Port Authority to finance, construct, erect, acquire, operate, maintain, lease, own and otherwise deal with terminals and terminal facilities, one in the vicinity of Highland avenue and the Delaware river, in the city of Chester, Pennsylvania, and the other in the vicinity of Beckett street and the Delaware river, in the city of Camden, County of Camden, New Jersey, together with appurtenances thereto, to make changes for the use thereof, and granting and defining and continuing certain powers of eminent domain and other functions, powers, duties and privileges; all of said actions to be taken pursuant and in accordance with this act and the compact or agreement, and the amendments and supplements thereto, between New Jersey and Pennsylvania, dated July 1, 1931, August 23, 1951, August 30, 1951, June 25, 1963, and June 26, 1963, and the consent by the Congress of the United States thereto and any further amendments or supplements thereto, making an appropriation therefor and repealing chapter 11 of Title 12 of the Revised Statutes.

WHEREAS, The Legislature finds an urgent need for development of port facilities in South Jersey; and

WHEREAS, The Legislature finds that an urgent need exists for the development of port facilities in the Commonwealth of Pennsylvania; and

WHEREAS, The Legislature finds that such development can best be undertaken by the Delaware River Port Authority; and

WHEREAS, The Legislature finds it to be of mutual advantage to the State of New Jersey and the Commonwealth of Pennsylvania that the Delaware River Port Authority shall proceed with projects for the improvement and development of the port district for port purposes; and

WHEREAS, The Legislature believes that the Delaware River Port Authority, insofar as possible, should be the exclusive agency of the States for port development in its area; and

WHEREAS, The Legislature finds it would be advantageous to such port development for the Delaware River Port Authority to acquire and operate the facilities of the South Jersey Port Commission; and

WHEREAS, The Legislature finds that the indebtedness of the South Jersey Port Commission exceeds the probable appraised value of its facilities so that it will be necessary to reduce such indebtedness in order to make possible the acquisition of such facilities by the Delaware River Port Authority; and

WHEREAS, The Legislature finds that the development of port facilities in the Commonwealth of Pennsylvania is vital for continued port development; and

WHEREAS, Article XII of the compact between the States creating said Delaware River Port Authority provides that it shall not be within the power of the authority to undertake such projects unless and until the Legislatures of the States of Pennsylvania and New Jersey shall have authorized the commission to so proceed; and

WHEREAS, The Delaware River Port Authority, pursuant to Article XII of the compact between the States has requested of said Legislatures the authority to proceed with the acquisition of the facilities of the South Jersey Port Commission and has requested authority to proceed with development of port projects in Chester, Pennsylvania, now therefore,

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

C. 32:3-13.62 Powers.**ARTICLE I**

1. The Delaware River Port Authority (hereinafter sometimes called the "authority"), after investigation and study, having concluded plans with estimates of costs and means of financing for new projects for the improvement and development of the port district for the port purposes consisting of terminals and terminal facilities, one in the vicinity of Highland avenue and the Delaware river, in the city of Chester, Pennsylvania, comprising approximately 90 acres, and the other in the vicinity of Beckett street and the Delaware river, in the city of Camden, county of Camden, New Jersey, comprising approximately 39 acres, together with such nearby real estate, not to exceed 200 acres at each of the said locations, as may be deemed necessary or desirable; and the authority having made to the Legislature of the Commonwealth of Pennsylvania and to the Legislature of the State of New Jersey a report dealing only with said projects, and having requested of said Legislatures authority to proceed with the projects described in the report, all pursuant to, in accordance with and as provided in the compact or agreement between the Commonwealth of Pennsylvania and State of New Jersey hereinafter mentioned, the authority is hereby authorized and empowered to finance, construct or rent, acquire by purchase or condemnation, operate, maintain, lease, own and otherwise deal with such terminals and terminal facilities and to proceed with the said projects outlined in said detailed report. The authority, in addition to other public purposes now or hereafter provided for it and other powers and duties now or hereafter conferred upon it and not in limitation thereof, and notwithstanding the provisions of any act shall have among its authorized purposes the financing, construction, erection, acquisition, maintenance, leasing and ownership of such terminals and terminal facilities, all pursuant to, in accordance with and as provided in this act and the agreement or compact as heretofore or hereafter amended or supplemented (herein sometimes called the "compact") between the Commonwealth of Pennsylvania and State of New Jersey, creating the Delaware River Port Authority as a body corporate and politic, and defining its powers and duties, which said compact as amended or supplemented to January 15, 1965, is duly authorized by the acts of the Commonwealth of Pennsylvania, approved June 12, 1931, Act No. 200, Pamphlet Laws 575; July 18, 1951, Act No. 214, Pamphlet Laws 1010; August 10, 1951, Act No. 274, Pamphlet Laws 1206; Act No. 69, Pamphlet Laws 102, June 11,

1963; and by the laws of the State of New Jersey, approved June 30, 1931, chapter 391, Public Laws 1931; June 26, 1951, chapter 287, Public Laws 1951; June 26, 1951, chapter 288, Public Laws 1951; chapter 92, Public Laws 1963; and has been duly consented to by the Congress of the United States by Public Resolution No. 26, Seventy-Second Congress (S. J. Resolution 41) approved June 14, 1932, Public Law 573, chapter 921; Eighty-Second Congress, Second Session, approved July 17, 1952, Public Law 574, chapter 922; Eighty-Second Congress, Second Session, approved July 17, 1952; Eighty-Eighth Congress, approved June 13, 1964, Public Law 320 (Resolution 7332).

C. 32:3-13.63 Additional powers.

2. (a) For the effectuation of any of its purposes authorized by this act, the authority is hereby granted, in addition to and in support of any other powers heretofore or hereafter granted to it, power and authority to acquire in its name by purchase or otherwise, on such terms and conditions and in such manner as it may deem proper, or by the exercise of the power of eminent domain, any land and other property which it may determine is reasonably necessary for the terminals and terminal facilities referred to in this act or for the construction thereof as the authority shall deem necessary, and any and all rights, title and interest in such land and other property, including public lands, parks, playgrounds, reservations, highways, or parkways, owned by or in which any public body of the Commonwealth of Pennsylvania or State of New Jersey has any right, title or interest, or parts thereof or rights therein and any fee simple absolute or any lesser interest in private property, and any fee simple absolute in, easements upon, or the benefit of restrictions upon, abutting property to preserve and protect such terminals and terminal facilities, the approaches, rail and highway connections thereto. Upon the exercise of the power of eminent domain under this act, the compensation to be paid with regard to property located in the Commonwealth of Pennsylvania shall be ascertained and paid as provided by any applicable condemnation law in force in such Commonwealth and acts amendatory thereof and supplementary thereto insofar as the provisions thereof are applicable and not inconsistent with the provisions of the compact and of this act; and upon the exercise of the power of eminent domain, the compensation to be paid with regard to property located in the State of New Jersey shall be ascertained and paid in the manner provided in chapter 1 of

Title 20 of the Revised Statutes of New Jersey insofar as the provisions thereof are applicable and not inconsistent with the provisions of the compact and of this act. The authority may join, in separate subdivisions in one petition, declaration or complaint, the descriptions of any number of trade or parcels of land or property to be condemned and the names of any number of owners and other parties who may have an interest therein and all such land or property included in said petition; declaration or complaint may be condemned in a single proceeding; provided, however, that separate awards shall be made for each tract or parcel of land or property; And provided further, that each of said tracts or parcels of land or property lies wholly in or has a substantial part of its value lying wholly within the same county.

(b) In addition to any other powers heretofore or hereafter granted to it, the authority, in connection with construction or operation of the project authorized by this act, shall have power to make reasonable regulations for the installation, construction, maintenance, repair, renewal, relocation and removal of tracks, pipes, mains, conduits, cables, wires, towers, poles or any other equipment and appliances (in this paragraph (b) called "works") in the State of New Jersey of any public utility as defined in section 48:2-13 of the Revised Statutes of New Jersey in, on, along, over or under any such project. Whenever in connection with the construction or operation of such project the authority shall determine that it is necessary that any such works, which now are or hereafter may be located in, on, along, over or under such project should be relocated in such project, or should be removed therefrom, the public utility owning or operating such works shall relocate or remove the same in accordance with the order of the authority, provided, however, that the cost and expenses of such relocations or removal, including the cost of installing such works in a new location or new locations, and the cost of any lands or any rights or interest in lands or any other rights acquired to accomplish such relocation or removal, less the cost of any lands or any rights or interests in lands or any other rights of the public utility paid to the public utility in connection with the relocation or removal of such works, shall be paid by the authority and shall be included in the cost of such project. In case of any such relocation or removal of works as aforesaid, the public utility owning or operating the same, its successors or assigns, may maintain and operate such works, with the necessary appurtenances, in the new location or new locations for as long a period, and upon the same

terms and conditions, as it had the right to maintain and operate such works in their former location.

(c) Whenever the authority acquires under this paragraph (2) the whole or any part of the right of way of a public utility located in the Commonwealth of Pennsylvania, the authority shall, at its own expense, provide a substitute right of way on another and favorable location. Such public utility shall thereupon provide for the transfer to, or reconstruction upon, in, under or above said substitute right of way of any structures and facilities of said public utility located upon, in, under or above said original right of way at the time the same is so acquired. The authority is hereby authorized to enter into agreements with such public utility to contribute toward the expense of such transfer or reconstruction, and in the event that they are unable to agree on the amount to be paid, the matter shall be referred to the Pennsylvania Public Utility Commission which shall, after hearing thereon, make a finding of the amount to be paid to such public utility by the authority. In case of failure of such public utility, within a reasonable time after notice so to do, to remove its facilities to such substitute right of way, the Pennsylvania Public Utility Commission shall have jurisdiction, on petition of the authority, to order such transfer or reconstruction. Any party to such proceedings shall have the right of appeal from the ruling of the Pennsylvania Public Utility Commission. The authority is hereby authorized to acquire, by purchase or by the exercise of the power of eminent domain, any necessary land or right of way for the relocation of any such public utility right of way and facilities. The substitute right of way thus acquired shall be equal in estate to the original right of way acquired from the public utility, and the authority shall deliver to the public utility a deed, duly executed and acknowledged, conveying to it an estate in the substitute right-of-way at least equal to that owned by the public utility in the original right of way, or if such substitute right-of-way is to be acquired by purchase, the authority shall procure and deliver to the public utility a deed conveying such estate to it from the owner of the land on which such substitute right-of-way is located.

This subparagraph (c) shall have no application to the relocation of public utility facilities located in the beds of public streets, roads or highways.

C. 32:3-13.64 Surveys.

3. The authority and its duly authorized agents and employees may enter upon any land in the Commonwealth of Pennsylvania

and State of New Jersey for the purpose of making such surveys, maps or other examinations thereof as it may deem necessary or convenient for the purposes of acquiring and constructing the terminals and terminal facilities authorized hereby.

C. 32:3-13.65 Taxes.

4. In addition to all tax exemptions given by the compact to the authority, to its property, and to the bonds or other securities or obligations issued by it, no property, real or personal, nor its transfer or use, shall be subject to any tax by the Commonwealth of Pennsylvania or the State of New Jersey, or any political subdivisions of either of them, imposed on the purchase, use, sale, transfer or on the privilege of transferring title to such property, or on the execution, delivery or recording of any written instrument in connection therewith, to or by the authority, in carrying out the project authorized by this act or in carrying out any other undertaking of the authority.

C. 32:3-13.66 Revenues.

5. As provided in the compact and, in any event, not in derogation of any powers granted therein or in any manner heretofore, the authority is authorized to establish, levy, collect and combine tolls, rents, rates and other charges and revenues in accordance with the compact and the Congressional consents thereto as it may deem convenient or necessary and for the use of the terminals and terminal facilities, and to use and pledge the same as provided in the compact and the Congressional consents thereto. The terminals and terminal facilities may be constructed, in whole or in part, with funds to be raised by the authority on bonds or other securities or obligations issued or incurred by it pursuant to the compact.

C. 32:3-13.67 Pledge of credit.

6. Notwithstanding any provision of this act, the authority shall have no power to pledge the credit of the Commonwealth of Pennsylvania, or the credit of the State of New Jersey, or the credit of any county, city, borough, village, township or other municipality of said Commonwealth or of said State, or to create any debt of said Commonwealth or of said State or of such municipality.

C. 32:3-13.68 Powers vested in authority by act.

7. Any powers vested in the authority by this act shall be in addition to and not in diminution of the powers heretofore vested by law in the authority.

ARTICLE II

8. In order to reduce the indebtedness of the South Jersey Port Commission hereinafter referred to as the commission so as to make possible the acquisition of its facilities by the authority, there is hereby appropriated to the commission from the General Treasury of the State of New Jersey the sum of \$1.5 million which sum shall be applied by said commission forthwith toward the reduction of the indebtedness owed by it to the city of Camden.

9. In order to reduce the indebtedness of the commission so as to make possible the acquisition of its facilities by the authority, the city of Camden is hereby authorized to adopt such ordinances as are necessary to make a contribution to the commission by way of extinguishment of a part of the debt owing to it by said commission which contribution shall amount to such sum as shall, when added to the sum provided in section 8 and the sum paid by the authority to the commission by reason of section 1, permit the complete extinguishment of all indebtedness owing by said commission to the city of Camden. The adoption of said appropriate resolutions and ordinances by the city of Camden as provided herein shall be a condition precedent to the sale by the commission of its facilities to the authority.

10. The commission shall apply all sums received from the sale of its facilities, when received, forthwith toward the reduction of the indebtedness owing by it to creditors and bondholders other than the city of Camden and thereafter to said city.

11. Upon the sale and transfer of its facilities to the authority and the payment of such indebtedness as can be made from its remaining assets, the commission shall certify to the city of Camden the remaining indebtedness for which a contribution from said city by way of extinguishment of debt is required.

12. Upon the sale and transfer of its facilities by the commission to the authority and the liquidation of all of its outstanding indebtedness by payment or contribution by way of extinguishment by the city of Camden, the South Jersey Port Commission is dissolved and chapter 11 of Title 12 of the Revised Statutes is hereby repealed.

C. 32:3-13.69 Hiring of employees.

13. In the hiring of any employees or agents by the authority for the continued operation of the facilities owned by the commission and acquired by the authority pursuant to this act, the authority shall give first preference to any former employees of the com-

mission who express a desire to be employed by the authority and provided further, that the authority shall provide for the protection and maintenance of any contract, agreement or memorandum of understanding concerning wages, working conditions or benefits of any nature whatsoever between the commission and such employees or their designated representatives.

C. 32:3-13.70 Dissolution of South Jersey Port Commission.

14. Upon the effective date of dissolution of the South Jersey Port Commission pursuant to this act all the right, title and interest of the commission in any of its records and papers are hereby transferred to the Delaware River Port Authority to be held, used and applied for the purposes of this act.

C. 32:3-13.71 Effective date.

15. This act shall become effective immediately except that Article I of this act shall become effective upon the adoption by the Commonwealth of Pennsylvania of legislation similar thereto unless the Commonwealth of Pennsylvania shall have already adopted such provisions, in which event Article I of this act shall become effective immediately.

C. 32:3-13.72 Validity of act.

16. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application and, to this end, the provisions of this act are declared to be severable.

Approved May 31, 1967.

CHAPTER 85

AN ACT to authorize the borough of Hawthorne in the county of Passaic to appoint Carmine Terrizzi to the police department of Hawthorne.

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

1. The borough of Hawthorne in the county of Passaic is authorized to appoint Carmine Terrizzi to the police department of

Hawthorne, notwithstanding his age is greater than the maximum age limit for appointment thereto set forth in section 40:47-4 of the Revised Statutes.

2. The board of trustees of the police and firemen's retirement system of New Jersey shall accept as a member of the retirement system any policeman, otherwise eligible for membership, appointed pursuant to this act provided there is paid into the retirement system, in such manner as the board shall prescribe, the contributions that would have been payable had he been so appointed at the age of 30 years.

3. This act shall take effect upon the due adoption and publication of an ordinance of the borough of Hawthorne for the purpose of adopting the same.

Approved May 31, 1967.

CHAPTER 86

AN ACT to establish a State aid road system, and providing for State aid in the construction, reconstruction and improvement of county and local roads included therein.

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

C. 27:13A-1 Title of act.

1. This act shall be known and may be cited as the "State Aid Road System Act of 1967."

C. 27:13A-2 Moneys appropriated.

2. All moneys hereafter appropriated to the Department of Transportation to carry out the purposes of this act shall be made available by the Commissioner of Transportation to the several counties and municipalities in the State in the manner and to the extent provided by this act for the construction, reconstruction or improvement of county and municipal roads included in the State aid road system hereinafter established.

C. 27:13A-3 System established.

3. The Commissioner of Transportation shall establish a State aid road system consisting of county and municipal roads so situ-

ated as to form a comprehensive and integrated network of local roads designed to provide connections to and between major traffic arteries, residential, health, recreational, educational, cultural, agricultural, commercial and transportation centers, industrial areas and river and stream crossings. The county and municipal roads to be included in such system shall be selected by the commissioner in the manner hereinafter provided, and he may add or delete roads to or from the system from time to time as the best interests of the State shall require.

C. 27:13A-4 Designation as State aid road.

4. The board of chosen freeholders of any county or the governing body of any municipality may apply to the commissioner for the designation of any road within the jurisdiction of said county or municipality as a State aid road. Every such application shall be made in such form as the commissioner shall prescribe, and shall include (a) a description of the road and a statement of how the interests of the State and of the applying county or municipality would be served by the inclusion of such road in the State aid road system; (b) a statement of all work proposed to be done on such road and the beginning and ending points of such work; (c) an estimate of the cost of such work and the amount which the county or municipality will be able to contribute thereto; and (d) such other information as the commissioner may require.

C. 27:13A-5 Approval of applications.

5. The commissioner shall determine which of such applications, if approved, would best serve the objective of establishing and maintaining a comprehensive and functionally integrated system of county and municipal roads, and may approve or disapprove any application accordingly. He may approve any application in whole or in part, and may determine an order of priority for the approval of various applications within the limitations of the moneys available.

C. 27:13A-6 Notification of approval.

6. Upon his approval of any application, the commissioner shall notify the board of chosen freeholders of the county or the governing body of the municipality, as the case may be, that the road described in the application has been designated as a State aid road and has been included in the State aid road system. Upon such notification, the commissioner shall enter into a written agreement with the county or municipality which shall specify the scope and responsibilities for the necessary planning, surveys and engi-

neering and for the actual work and inspection thereof. Such agreement shall be limited to construction, reconstruction or improvement and activities incidental thereto, and shall not include the costs of maintenance, repair or any other activity not incidental to construction, reconstruction or improvement.

C. 27:13A-7 Share of cost of project.

7. The State's share of the cost of any project undertaken pursuant to the provisions of this act shall not exceed 50% of the total cost thereof, including the cost of right-of-way acquisition, preliminary engineering, preparation of plans, specifications and estimates, construction supervision and inspection and the cost of construction, reconstruction or improvement as set forth in the agreement between the commissioner and the county or municipality.

C. 27:13A-8 Disbursement.

8. Disbursement of all or any part of the amount made available to any county or municipality for the construction, reconstruction or improvement of a State aid road shall be made on approval by the commissioner of a voucher submitted to him by such county or municipality. The voucher shall be in such form as the commissioner shall prescribe, and shall include a statement setting forth the work performed and the detailed cost thereof. Disbursement may be made, under such regulations as the commissioner shall prescribe, during the progress of such work, final payment to be made upon completion thereof, but such regulations shall not require the withholding of a larger percentage from the contractor pending and upon completion of the contract than is authorized in the case of State contracts pursuant to section 27:7-34 of the Revised Statutes.

C. 27:13A-9 Standards for work.

9. All work undertaken by any county or municipality pursuant to the provisions of this act shall be performed in accordance with such standards for design, construction, reconstruction and improvement as shall be prescribed by the commissioner, and shall be subject to his control and supervision.

C. 27:13A-10 Continuing surveillance of project.

10. The commissioner is authorized to provide continuing surveillance of any project undertaken pursuant to the provisions of this act. Every county or municipality undertaking such a project shall maintain full records of all work done and funds disbursed and shall make such records available, during business hours of

the office in which they are kept, for inspection and copying by the commissioner or his duly authorized agents.

C. 27:13A-11 Application for State aid.

11. Subsequent to the completion of the initial construction, reconstruction or improvement work on any State aid road as provided by this act, the board of chosen freeholders of the county, or the governing body of the municipality, having jurisdiction over such road from time to time may apply to the commissioner for State aid for such further construction, reconstruction or improvement work on such road as may be necessary or desirable to maintain such road as a functional part of the State aid road system. If any such application is approved by the commissioner, the work shall be performed and the State share shall be disbursed according to the terms and conditions governing the initial work.

C. 27:13A-12 Rules and regulations.

12. The commissioner is hereby authorized and empowered to adopt such rules and regulations as shall be necessary to implement the provisions of this act.

13. This act shall take effect July 1, 1967 or on the thirtieth day after approval, whichever date may be the later.

Approved June 1, 1967.

CHAPTER 87

AN ACT concerning the State Department of Transportation and adding a route to the State highway system.

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

27:6.1 Highway addition.

1. The Commissioner of Transportation is authorized, as soon as practical, to add to the State highway system a new route beginning at a point on Route 280 in the vicinity of Roseville avenue, in the city of Newark, and extending in an easterly and southerly direction to a connection with Route 78 in the vicinity of Belmont avenue, in said city of Newark.

2. This route shall be designated as a freeway in accordance with chapter 83, laws of 1945, and shall be known as Route 75 when constructed.

3. This act shall take effect immediately.

Approved June 1, 1967.

CHAPTER 88

AN ACT concerning lotteries and amending sections 2A:121-3 and 2A:170-18 of the New Jersey Statutes.

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

1. Section 2A:121-3 of the New Jersey Statutes is amended to read as follows:

Permitting lotteries on premises; possessing lottery paraphernalia; working for lottery business.

2A:121-3. Any person who:

a. Knowingly engages as a messenger, clerk or copyist, or in any other capacity in or about an office or room in any building or place where lottery slips or copies of numbers or lists of drawings of a lottery, drawn or to be drawn anywhere within or without this State, are printed, kept or used in connection with the business of lottery or lottery policy, so-called; or

b. Knowingly possesses any paper, document, slip or memorandum that pertains in any way to the business of lottery or lottery policy, so-called, whether the drawing has taken place or not, except that this subsection shall not apply to any person who has in his possession or custody any paper, document, slip or memorandum of a lottery which is authorized, sponsored and operated by any State of the United States, provided that the paper, document, slip, or memorandum was purchased by the holder thereof in the State wherein such lottery was authorized, sponsored and operated; or

c. Being the owner of a building or place where any business of lottery or lottery policy, so-called, is carried on knowingly, by himself or his agent, permits such premises to be so used is guilty of a misdemeanor.

2. Section 2A:170-18 of the New Jersey Statutes is amended to read as follows:

Possession of lottery or number slips.

2A:170-18. Any person who has in his possession or custody any lottery slips, books or records pertaining to a lottery, or any person who has in his possession or has in an automobile in his custody any ticket or tickets, slip or slips, paper, document or memoranda in any way pertaining to the business of a number game, is a disorderly person. "Number game" as used in this section means any betting on any number or numbers, or sets or arrangements of numbers, on or according to any plan or method whatsoever.

This section shall not apply to any person who has in his possession or custody any ticket, slip, paper, document or memorandum of a lottery which is authorized, sponsored and operated by any State of the United States, provided that the ticket, slip, paper, document or memorandum was purchased by the holder thereof in the State wherein such lottery was authorized, sponsored and operated.

3. This act shall take effect immediately.

Approved June 1, 1967.

CHAPTER 89

A SUPPLEMENT to the "New Jersey State Wage and Hour Law," approved June 17, 1966 (P. L. 1966, c. 113).

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

C. 34:11-56a4.1 Minimum rate; overtime work; certain summer personnel.

1. The provisions of the act to which this act is a supplement in respect to minimum wages and compensation for overtime work shall not be applicable to summer counsellors and allied and special staff personnel who work during the months of June, July, August or September of the year at children's summer camps operated by any nonprofit corporation or association.

2. This act shall take effect immediately.

Approved June 2, 1967.

CHAPTER 90

AN ACT to amend "An act to create the office of an Amusement Games Control Commissioner, defining his powers and duties, authorizing the commissioner to investigate, supervise and enforce the administration of the Amusement Games Licensing Law and to make and promulgate such rules and regulations governing such administration to enforce the same," approved June 16, 1959 (P. L. 1959, c. 108).

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

1. Section 5 of the act of which this act is amendatory is amended to read as follows:

C. 5:8-82 Authority to suspend and revoke licenses after hearing.

5. The commissioner shall have power to suspend and revoke licenses, after hearing, for violation of the law under which the license is issued or for violation of any provision of applicable law or of the rules and regulations made and promulgated by the commissioner.

As an alternative to any other sanctions herein or otherwise provided by law, any such violator shall be liable to a penalty of not more than \$250.00 for the first offense and not more than \$500.00 for the second and each subsequent offense.

Every county district court and municipal court shall have jurisdiction of proceedings for the collection and enforcement of a penalty imposed because of such violation, within the territorial jurisdiction of the court. The penalty shall be collected and enforced in a summary proceeding pursuant to the Penalty Enforcement Law (N. J. S. 2A:58-1, et seq.). Process shall be either in the nature of a summons or warrant and shall issue in the name of the State upon the complaint of the commissioner.

Upon receiving evidence of any such violation, the commissioner is empowered to hold hearings upon said violation and upon finding the violation to have been committed, to assess a penalty against the person alleged to have committed such violation, in such amount within the limits of this act as he deems proper under the circumstances. Any such amounts collected by the commissioner shall be paid forthwith into the State Treasury for the general purposes of the State.

2. This act shall take effect immediately.

Approved June 2, 1967.

CHAPTER 91

AN ACT to amend the title of "An act relating to labor camps, supplementing Title 34 of the Revised Statutes, and establishing a division of migrant labor in the Department of Labor, defining the functions, powers and duties of the division, and making an appropriation therefor," approved April 2, 1945 (P. L. 1945, c. 71), so that the same shall read "An act relating to labor camps, supplementing Title 34 of the Revised Statutes, and establishing a bureau of migrant labor in the Department of Labor and Industry, defining the functions, powers and duties of the bureau, and abolishing the migrant labor board and vesting its functions, powers and duties in the Commissioner of Labor and Industry," amending and supplementing the body of said act and repealing certain sections (4, 5, 6 and 8) of said act, and further amending "An act relating to the reorganization of the executive and administrative offices, departments and instrumentalities of the State Government; and establishing and concerning a Department of Labor and Industry as a principal department in the executive branch of the State Government," approved October 21, 1948 (P. L. 1948, c. 446).

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

1. The title of chapter 71 of the laws of 1945 is amended to read as follows:

Title amended.

An act relating to labor camps, supplementing Title 34 of the Revised Statutes, and establishing a bureau of migrant labor in the Department of Labor and Industry, defining the functions, powers and duties of the bureau, and abolishing the migrant labor board and vesting its functions, powers and duties in the Commissioner of Labor and Industry.

2. Section 1 of chapter 71 of the laws of 1945 is amended to read as follows:

C. 34:9A-1 Short title.

1. This act shall be known as the Seasonal Farm Labor Act.

3. Section 2 of chapter 71 of the laws of 1945 is amended to read as follows:

C. 34:9A-2 Definitions.

2. As used in this act, unless the context clearly requires a different meaning:

(a) "Farm labor camp," or "Migrant labor camp" shall mean one or more tents, vehicles, buildings or structures, together with the tract of land appertaining thereto, used as living quarters by seasonal, temporary or migrant workers directly or indirectly in connection with any work or place where work is being performed, whether or not rent is paid or reserved in connection with the use or occupancy of such premises.

(b) "Commissioner" shall mean the Commissioner of Labor and Industry or any of his authorized deputies, representatives, agents or employees.

(c) "Department" shall mean the Department of Labor and Industry.

(d) "Bureau" shall mean the bureau of migrant labor established by this act.

(e) The terms "seasonal worker," "temporary worker" and "migrant worker" may be used interchangeably and shall include any person who is engaged in any seasonal or temporary work.

(f) All other words and phrases shall be defined and construed as provided by chapter 1 of Title 1 of the Revised Statutes.

4. Section 3 of chapter 71 of the laws of 1945 is amended to read as follows:

C. 34:9A-3 Division of Migrant Labor established.

3. There is hereby established in the Department of Labor and Industry a bureau of migrant labor.

5. Section 7 of chapter 71 of the laws of 1945 is amended to read as follows:

C. 34:9A-7 Deputy Commissioner of Labor; appointment.

7. The Commissioner of Labor and Industry shall have the duties and exercise the powers of the bureau through such deputy commissioner of labor as he may designate.

6. Section 9 of chapter 71 of the laws of 1945 is amended to read as follows:

C. 34:9A-9 Duties and powers of bureau.

9. The bureau shall:

(a) Enforce the provisions of article 2 of this act either directly or through interdepartmental agreements;

(b) Enforce all other applicable labor laws, including, but not limited to, those relating to private employment agencies, child labor, wage payments and wage claims, with respect to migrant labor camps;

(c) Provide inspectional services to encourage minimum standards of housing and sanitation in migrant labor camps;

(d) Advise and consult with employers of migrant labor as to the ways and means of improving living conditions of migrant workers;

(e) In co-operation with the Department of Health, prescribe minimum standards of sanitation, and preventive and curative health services, not inconsistent with this act, for migrant workers;

(f) In co-operation with the Department of Education, provide, so far as possible, educational facilities for the children of migrant workers;

(g) In co-operation with the Department of State Police, provide for a minimum standard of protection for migrant workers;

(h) In co-operation with the Department of Community Affairs, plan, locate and construct (as soon as conditions permit) experimental State camps for migrant workers; provided, however, that no such camp shall be located or constructed in any municipality where there is not located an industry or farm employing migrant labor without the consent of the governing body of said municipality;

(i) In co-operation with the Department of Agriculture, conduct an educational program for employers of migrant labor pertaining to the standards, methods and objectives of the division of migrant labor;

(j) In co-operation with the Department of Institutions and Agencies, help devise ways and means for resolving the welfare problems that require attention.

7. Section 10 of chapter 71 of the laws of 1945 is amended to read as follows:

C. 34:9A-10 Inspectional services.

10. Each camp shall from time to time be inspected by the bureau. Inspectors shall be trained and authorized to consult with and assist camp owners and operators with respect to the requirements of this act. Inspectors shall also ascertain and report to the

commissioner all violations of this act, and perform such other duties as the commissioner shall direct.

8. Section 11 of chapter 71 of the laws of 1945 is amended to read as follows:

C. 34:9A-11 Preventive and curative public health services.

11. The bureau through the Department of Health shall make surveys to determine the adequacy of preventive and curative health services available to occupants of migrant labor camps, and where such services are found inadequate, to determine desirable ways and means to make them available. The commissioner shall arrange, to the extent of the available appropriations, through the Department of Health for the provision of such supplementary services. Said services may be provided through the use of one or more traveling dispensaries, by a contract with physicians, dentists, hospitals or clinics, or in such other manner as may be recommended by the Department of Health.

9. Section 14 of chapter 71 of the laws of 1945 is amended to read as follows:

C. 34:9A-14 Construction and operation of camps; field surveys and censuses.

14. The bureau in co-operation with the Department of Community Affairs, shall make field surveys and censuses adequate to determine the number, location and character of migrant agricultural workers, the needs of their employers, and the most desirable locations for public migrant labor camps. The commissioner may, as soon as a survey and census is completed and he finds a project to be feasible, contract with the public housing and development authority in the Department of Community Affairs for the acquisition or construction of one or more camps. The bureau may operate such public camps or it may contract for their operation by such authority or by one or more municipalities.

10. Section 16 of chapter 71 of the laws of 1945 is amended to read as follows:

C. 34:9A-16 Rules and regulations.

16. The commissioner may make, modify and repeal rules and regulations for the interpretation and application of the provisions of this act, and, in his discretion he may temporarily suspend the operation of one or more sections of this act whenever he finds that material priorities or manpower shortages make it impracticable to comply therewith.

11. Section 20 of chapter 71 of the laws of 1945 is amended to read as follows:

C. 34:9A-20 Certified labor camps; application.

20. Any person may apply to the bureau for a certificate of compliance of any camp with the requirements of this act. Such application shall be made on such forms and contain such information, drawings or photographs as the commissioner may deem necessary to enable him to determine the fact of compliance. A separate application shall be made and a separate certificate issued for each camp. If the commissioner finds from the application and such inspection as may be necessary that a camp fully complies with the requirements of this act, he shall issue a certificate to that effect. Any certificate so issued shall remain valid until revoked, and shall entitle the camp for which it is issued to be known and advertised as a "certified labor camp."

C. 34:9A-4.1 Board abolished.

12. The migrant labor board is hereby abolished and all of its functions, powers and duties are vested in the Commissioner of Labor and Industry. Any rules or regulations previously approved by the migrant labor board shall remain in full force and effect unless or until modified by the commissioner.

C. 34:9A-4, C. 34:9A-5, C. 34:9A-6, C. 34:9A-8 repealed.

13. Sections 4, 5, 6 and 8 of chapter 71 of the laws of 1945 and any amendments thereto are repealed.

14. Section 9 of chapter 446 of the laws of 1948 is amended to read as follows:

C. 34:1A-9 Bureau of Migrant Labor.

9. There shall be within the Division of Labor, a Bureau of Migrant Labor.

The division of migrant labor of the existing Department of Labor and Industry, together with all its functions, powers and duties is continued, but such division is transferred to and constituted the Bureau of Migrant Labor in the Division of Labor.

15. This act shall take effect immediately.

Approved June 7, 1967.

CHAPTER 92

AN ACT to amend "An act concerning the production, handling and distribution of milk, cream and milk products, supplementing Title 24 of the Revised Statutes and repealing sections 24:10-1 to 24:10-57 inclusive and 24:10-89 to 24:10-103 inclusive of the Revised Statutes and chapter 195 of the laws of 1938," approved May 18, 1964 (P. L. 1964, c. 62).

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

1. Section 23 of the act of which this act is amendatory is amended to read as follows:

C. 24:10-57.23 Pasteurized milk or cream containers; tags, caps and labels.

23. Containers in which pasteurized milk or cream is shipped or delivered shall be plainly tagged, capped or labeled "pasteurized" and the said tags, caps or labels shall be marked with the location of the milk plant and the name of the proprietor thereof. The tags, caps or labels of the containers shall be marked with the day (fully spelled out or abbreviated in no less than the 3 first letters) of the week on which the milk was pasteurized or with the term "pasteurized during the 24-hour period ending 6 A. M." followed by the day of the week (fully spelled out or abbreviated in no less than the 3 first letters) of the week at the end of this period. No pasteurized milk or cream shall be sold or offered for sale prior to 12:01 A. M. on the day of the week appearing on the tag, cap or label thereof.

2. This act shall take effect immediately.

Approved June 8, 1967.

CHAPTER 93

AN ACT concerning securities and revising chapter 75 of the laws of 1960, approved June 23, 1960, known as the "Uniform Securities Law."

New Jersey State Library

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

C. 49:3-48 Revision of act.

1. This act shall be construed as a revision of, and shall supersede all provisions of chapter 75 of the laws of 1960, known as the "Uniform Securities Law," including all amendments thereof, but not including chapter 192 of the laws of 1963, known as the "Real Estate Syndication Offerings Law."

C. 49:3-49 Definitions.

2. When used in this act, unless the context otherwise requires:

(a) "Bureau" means the agency designated in section 19(a);

(b) "Agent" means any individual other than a broker-dealer who represents a broker-dealer or issuer in effecting or attempting to effect purchases or sale of securities. "Agent" does not include an individual who represents an issuer in (1) effecting transactions in a security exempted by subdivision (1), (2), (3), or (11) of section 3(a); (2) effecting transactions exempted by section 3(b); or (3) effecting transactions with existing employees, partners, or directors of the issuer if no commission or other remuneration is paid or given directly or indirectly for soliciting any person in this State. A partner, officer, or director of a broker-dealer or issuer, or a person occupying a similar status or performing similar functions, is an agent only if he otherwise comes within this definition;

(c) "Broker-dealer" means any person engaged in the business of effecting or attempting to effect transactions in securities for the account of others or for his own account. "Broker-dealer" does not include (1) an agent, (2) an issuer, (3) a person who effects transactions in this State exclusively in securities described in subdivision (1) and (2) of section 3(a), (4) a bank, savings institution, or trust company, or (5) a person who (i) effects transactions in this State exclusively with or through (A) the issuers of the securities involved in the transactions, (B) other broker-dealers or (C) banks, savings institutions, trust companies, insurance companies, investment companies as defined in the Investment Company Act of 1940, pension or profit-sharing trusts, or other financial institutions or institutional buyers, whether acting for themselves or as trustees, or (ii) during any period of 12 consecutive months does not direct more than 15 offers to sell or to buy into this State in any manner to persons other than those specified in paragraph (c)(5)(i), whether or not the offeror or any of the offerees is then present in this State;

(d) "Capital" shall mean net capital as defined and adjusted under the formula established by the Securities and Exchange Commission in Rule 15c3-1, made pursuant to the Securities Exchange Act of 1934, prescribing a minimum permissible ratio of aggregate indebtedness to net capital as such formula presently exists or as it may hereafter be amended;

(e) "Fraud," in addition to the usual construction placed on it and accepted in courts of law and equity, shall include the following, provided, however, that any promise, representation, misrepresentation or omission be made with knowledge and with intent to deceive and result in a detriment to the purchaser:

(1) Any misrepresentation by word, conduct or in any manner of any material fact, either present or past, and any omission to disclose any such fact;

(2) Any promise or representation as to the future which is beyond reasonable expectation or is unwarranted by existing circumstances;

(3) The gaining of, or attempt to gain, directly or indirectly, through a trade in any security, a commission, fee or gross profit so large and exorbitant as to be unconscionable and unreasonable;

(4) Generally any course of conduct or business which is calculated or put forward with intent to deceive the public or the purchaser of any security as to the nature of any transaction or the value of such security;

(5) Any artifice, agreement, device or scheme to obtain money, profit or property by any of the means herein set forth or otherwise prohibited by this law.

(f) "Guaranteed" means guaranteed as to payment of principal, interest or dividends;

(g) "Investment advisor" means any person who, for compensation, engages in the business of advising others, either directly or through publications or writings, as to the value of securities or as to the advisability of investing in, purchasing, or selling securities, or who, for compensation and as a part of a regular business, issues or promulgates analyses or reports concerning securities. "Investment advisor" does not include (1) a bank, savings institution, or trust company; (2) a lawyer, accountant, engineer, or teacher whose performance of these services is solely incidental to the practice of his profession; (3) a broker-dealer registered under this law; (4) a publisher of any bona fide newspaper, news magazine, or business or financial publication of gen-

eral, regular, and paid circulation; (5) a person whose advice, analyses, or reports relate only to securities exempted by section 3, paragraph (a) (1) and (2); (6) a person who has no place of business in this State if (a) his only clients in this State are other investment advisors, broker-dealers, banks, savings institutions, trust companies, insurance companies, investment companies as defined in the Investment Company Act of 1940, pension or profit-sharing trusts, or other financial institutions or institutional buyers, whether acting for themselves or as trustees, or (b) during any period of 12 consecutive months he does not direct business communications into this State in any manner to more than 5 clients other than those specified in subparagraph (6) (a) of this paragraph, whether or not he or any of the persons to whom the communications are directed is then present in this State; or (7) such other persons not otherwise within the intent of this paragraph (g) as the bureau chief may by rule or order designate;

(h) "Issuer" means any person who issues or proposes to issue any security, except that (1) with respect to certificates of deposit, voting-trust certificates, or collateral-trust certificates, or with respect to certificates of interest or shares in an unincorporated investment trust not having a board of directors (or persons performing similar functions) or of the fixed, restricted management, or unit type, the term "issuer" means the person or persons performing the acts and assuming the duties of depositor or manager pursuant to the provisions of the trust or other agreement or instrument under which the security is issued; and (2) with respect to certificates of interest in oil, gas, or mining titles or leases, there is not considered to be any "issuer";

(i) "Person" means an individual, a corporation, a partnership, an association, a joint-stock company, a trust where the interest of the beneficiaries are evidenced by a security, an unincorporated organization, a government, or a political subdivision of a government;

(j) (1) "Sale" or "sell" includes every contract of sale of, contract to sell, or disposition of, a security or interest in a security for value;

(2) "Offer" or "offer to sell" includes every attempt or offer to dispose of, or solicitation of an offer to buy, a security or interest in a security for value;

(3) Any security given or delivered with, or as a bonus on account of, any purchase of securities or any other thing is considered to constitute part of the subject of the purchase and to have been offered and sold for value;

(4) A purported gift of assessable stock is considered to involve an offer and sale;

(5) Every sale or offer of a warrant or right to purchase or subscribe to another security of the same or another issuer, as well as every sale or offer of a security which gives the holder a present or future right or privilege to convert into another security of the same or another issuer, is considered to include an offer of the other security;

(6) The terms defined in this paragraph (j) do not include (a) any bona fide pledge or loan; (b) any stock dividend, whether the corporation distributing the dividend is the issuer of the stock or not, if nothing of value is given by stockholders for the dividend other than the surrender of a right to a cash or property dividend when each stockholder may elect to take the dividend in cash or property or in stock; (c) any act incident to a class vote by stockholders, pursuant to the certificate of incorporation or the applicable corporation statute, on a merger, consolidation, reclassification of securities, or sale of corporate assets in consideration of the issuance of securities of another corporation; or (d) any act incident to a judicially approved reorganization in which a security is issued in exchange for one or more outstanding securities, claims, or property interests, or partly in such exchange and partly for cash;

(k) "Savings institutions" shall mean any savings and loan association or building and loan association operating pursuant to the Savings and Loan Act of New Jersey, and any Federal savings and loan association and any association organized under the laws of any State whose accounts are insured by the Federal Savings and Loan Insurance Corporation and who are subject to supervision and examination by the Federal Home Loan Bank Board, and any credit union licensed and supervised under the Credit Union Act of New Jersey or licensed and supervised by the Bureau of Federal Credit Unions.

(l) "Securities Act of 1933," "Securities Exchange Act of 1934," "Public Utility Holding Company Act of 1935" and "Investment Company Act of 1940" mean the Federal statutes of those names as amended or supplemented before or after the effective date of this act;

(m) "Security" means any note; stock; treasury stock; bond; debenture; evidence of indebtedness; certificate of interest or participation in any profit-sharing agreement including but not limited to certificates of interest or participation in real or personal

property; collateral-trust certificate; preorganization certificate or subscription; transferable share; investment contract; voting-trust certificate; certificate of deposit for a security; certificate of interest in an oil, gas or mining title or lease; or, in general, any interest or instrument commonly known as a "security," or any certificate of interest or participation in, temporary or interim certificate for, guarantee of, or warrant or right to subscribe to or purchase, any of the foregoing. "Security" does not include any insurance or endowment policy or annuity contract under which an insurance company promises to pay a fixed or variable number of dollars either in a lump sum or periodically for life or some other specified period;

(n) "State" means any State, territory, or possession of the United States, as well as the District of Columbia and Puerto Rico;

(o) "Nonissuer" means secondary trading not involving the issuer of the securities nor any person in a control relationship with the issuer.

C. 49:3-50 Exemptions.

3. (a) The following securities are exempted from the provisions of sections 13 and 16 of this act.

(1) any security (including a revenue obligation) issued or guaranteed by the United States, any State, any political subdivision of a State, or any agency or corporate or other instrumentality of one or more of the foregoing; or any certificate of deposit for any of the foregoing;

(2) any security issued or guaranteed by Canada, any Canadian province, any political subdivision of any such province, any agency or corporate or other instrumentality of one or more of the foregoing, or any other foreign government with which the United States currently maintains diplomatic relations, if the security is recognized as a valid obligation by the issuer or guarantor;

(3) any security issued by and representing an interest in or a debt of, or guaranteed by, any bank, savings institution, or trust company organized and supervised under the laws of any State or under the laws of the United States;

(4) any security issued by and representing an interest in or a debt of, or guaranteed by, any State or Federal Savings and Loan Association, or any building and loan or similar association organized under the laws of any State and authorized to do business in this State;

(5) any security issued by and representing an interest in or a debt of, or guaranteed by, any insurance company organized under the laws of any State and authorized to do business in this State;

(6) any security issued or guaranteed by any Federal Credit Union or any credit union, industrial loan association, or similar association organized and supervised under the laws of this State;

(7) any security issued or guaranteed by any railroad, other common carrier, public utility, or holding company which is (A) subject to the jurisdiction of the Interstate Commerce Commission; (B) a registered holding company under the Public Utility Holding Company Act of 1935 or a subsidiary of such a company within the meaning of that act; (C) regulated in respect to its rates and charges by a governmental authority of the United States or any State; or (D) regulated in respect of the issuance or guarantee of the security by a governmental authority of the United States, any State, Canada or any Canadian province;

(8) any security listed or approved for listing upon notice of issuance on the New York Stock Exchange or the American Stock Exchange, and such other exchanges as the bureau chief may from time to time designate by rule or order; any other security of the same issuer which is of senior or substantially equal rank; any security called for by subscription rights or warrants so listed or approved; or any warrant or right to purchase or subscribe to any of the foregoing;

(9) any security issued by a person organized and operated exclusively for religious, educational, benevolent, fraternal, charitable or reformatory purposes and not for pecuniary profit, and no part of the net earnings of which inures to the benefit of any person, private stockholder, or individual;

(10) any commercial paper which arises out of a current transaction or the proceeds of which have been or are to be used for current transactions, and which evidences an obligation to pay cash within 12 months of the date of issuance, exclusive of days of grace, or any renewal of such paper which is likewise limited, or any guarantee of such paper or of any such renewal;

(11) any investment contract issued in connection with an employees' or professional stock purchase, savings, pension, profit-sharing, retirement or similar benefit plan if the bureau chief is notified in writing 30 days before the inception of the plan or, with respect to plans which are in effect on the effective date of this act, within 60 days thereafter (or within 30 days before they are reopened if they are closed on the effective date of this act);

(b) The following transactions are exempted from the provisions of sections 13 and 16 of this act:

(1) any isolated nonissuer transaction, whether effected through a broker-dealer or not;

(2) any nonissuer transaction of an outstanding security if (A) a recognized securities manual contains the names of the issuer's officers and directors, a balance sheet of the issuer as of a date within 18 months, and a profit and loss statement for either the fiscal year preceding that date or the most recent year of operations, or (B) the security has a fixed maturity or a fixed interest or dividend provision and there has been no default during the current fiscal year or within the 3 preceding fiscal years, or during the existence of the issuer and any predecessors if less than 3 years, in the payment of principal, interest, or dividends on the security;

(3) any nonissuer transaction effected by or through a registered broker-dealer pursuant to an unsolicited order or offer to buy; but the customer shall acknowledge upon a form prescribed by the bureau chief that the sale was unsolicited, and a signed copy of such form shall be filed with the Bureau of Securities;

(4) any transaction between the issuer or other person on whose behalf the offering is made and an underwriter, or among underwriters;

(5) any transaction in a bond or other evidence of indebtedness secured by a real or chattel mortgage or deed of trust, or by an agreement for the sale of real estate or chattels, if the entire mortgage, deed of trust, or agreement, together with all the bonds or other evidences of indebtedness secured thereby, is offered and sold as a single unit;

(6) any transaction by an executor, administrator, sheriff, marshal, receiver, trustee in bankruptcy, guardian, or conservator;

(7) any transaction executed by a bona fide pledgee without any purpose of evading this act;

(8) any offer or sale to a bank, savings institution, trust company, insurance company, investment company as defined in the Investment Company Act of 1940, pension or profit-sharing trust, or other financial institution or institutional buyer, or to a broker-dealer, whether the purchaser is acting for itself or in some fiduciary capacity;

(9) any transaction pursuant to an offer directed by the offeror to not more than 10 persons (other than those designated in paragraph (b)(8) in this State during any period of 12 consecutive months, whether or not the offeror or any of the offerees is then present in this State, if (i) the seller reasonably believes that all buyers are purchasing for investment, and (ii) no commission or other remuneration is paid or given directly or indirectly for

soliciting any prospective buyer in this State; but the bureau chief may by rule or order, as to any transaction, withdraw or further condition this exemption, or increase or decrease the number of offerees permitted, or waive the conditions in subdivision (i) and (ii);

(10) any offer or sale of a preorganization certificate or subscription if (i) no commission or other remuneration is paid or given directly or indirectly for soliciting any prospective subscriber, (ii) the number of subscribers does not exceed 10, and (iii) no payment is made by any subscriber;

(11) any transaction pursuant to an offer to existing security holders of the issuer, including persons who at the time of the transaction are holders of convertible securities, nontransferable warrants, or transferable warrants exercisable within not more than 90 days of their issuance, if (i) no commission or other remuneration (other than a standby commission) is paid or given directly or indirectly for soliciting any security holder in this State, or (ii) the issuer first files a notice specifying the terms of the offer and the bureau chief does not by order disallow the exception within the next 5 full business days;

(c) The bureau chief may by order deny or revoke any exemption specified in subdivision (9), (10) or (11) of subsection (a) or in subsection (b) with respect to a specific security or transaction. No such order may be entered without appropriate prior notice to all interested parties, opportunity for hearing, and written findings of fact and conclusions of law, except that the bureau chief may by order summarily deny or revoke any of the specified exemptions pending final determination of any proceeding under this subsection. Upon the entry of a summary order, the bureau chief shall promptly notify all interested parties that it has been entered and of the reasons therefor and that within 15 days of the receipt of a written request the matter will be set down for hearing. The order will remain in effect until it is modified or vacated upon notice to all interested parties by the bureau chief. No order under this subsection may operate retroactively.

(d) In any proceeding under this act, the burden of proving an exemption or an exception from a definition is upon the person claiming it.

C. 49:3-51 Sections applicable.

4. (a) Sections 5, 8, 9(a), 13 and 24 of this act apply to persons who sell or offer to sell when (1) an offer to sell is made in this State, or (2) an offer to buy is made or accepted in this State;

(b) Sections 5, 8 and 9(a) apply to persons who buy or offer to buy when (1) an offer to buy is made in this State, or (2) an offer to sell is made or accepted in this State;

(c) For the purpose of this section, an offer to sell or to buy is made in this State, whether or not either party is then present in this State, when the offer (1) originates from this State or (2) is directed by the offeror to this State and received at the place to which it is directed (or at any post office in this State in the case of a mailed offer);

(d) For the purpose of this section, an offer to buy or to sell is accepted in this State when acceptance (1) is communicated to the offeror in this State and (2) has not previously been communicated to the offeror, orally or in writing, outside this State; and acceptance is communicated to the offeror in this State, whether or not either party is then present in this State, when the offeree directs it to the offeror in this State reasonably believing the offeror to be in this State and it is received at the place to which it is directed (or at any post office in this State in the case of a mailed acceptance);

(e) An offer to sell or to buy is not made in this State when (1) the publisher circulates or there is circulated on his behalf in this State any bona fide newspaper or other publication of general, regular, and paid circulation which is not published in this State, or which is published in this State but has had more than $\frac{2}{3}$ of its circulation outside this State during the past 12 months, or (2) a radio or television program originating outside this State is received in this State;

(f) Sections 6, 8 and 9 (c), so far as investment advisors are concerned, apply when any act instrumental in effecting prohibited conduct is done in this State, whether or not either party is then present in this State.

C. 49:3-52 Restrictions.

5. It shall be unlawful for any person, in connection with the offer, sale, or purchase of any security, directly or indirectly

(a) to employ any device, scheme, or artifice to defraud;

(b) to make any untrue statement of a material fact or to omit to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading; or

(c) to engage in any act, practice, or course of business which operates or would operate as a fraud or deceit upon any person.

C. 49:3-53 Further restrictions.

6. (a) It shall be unlawful for any person who receives any consideration from another person primarily for advising the other person as to the value of securities or their purchase or sale, whether through the issuance of analyses or reports or otherwise,

(1) to employ any device, scheme or artifice to defraud the other person; or

(2) to engage in any act, practice, or course of business which operates or would operate as a fraud or deceit upon the other person;

(b) It shall be unlawful for any investment advisor or registered broker-dealer acting as an investment advisor to enter into, extend, or renew any investment advisory contract unless it provides in writing

(1) that the investment advisor shall not be compensated on the basis of a share of capital gains upon or capital appreciation of the funds or any portion of the funds of the client;

(2) that no assignment of the contract may be made by the investment advisor without the consent of the other party to the contract; and

(3) that the investment advisor, if a partnership shall notify the other party to the contract of any change in the membership of the partnership within a reasonable time after the change;

(c) Paragraph (b) (1) does not prohibit an investment advisory contract which provides for compensation based upon the total value of a fund averaged over a definite period, or as of definite dates or taken as of a definite date. "Assignment," as used in paragraph (b) (2), includes any direct or indirect transfer or hypothecation of an investment advisory contract by the assignor or of a controlling block of the assignor's outstanding voting securities by a security holder of the assignor; but, if the investment advisor is a partnership, no assignment of an investment advisory contract is considered to result from the death or withdrawal of a minority of the members of the investment advisor having only a minority interest in the business of the investment advisor, or from the admission to the investment advisor of one or more members who, after admission, will be only a minority of the members and will have only a minority interest in the business.

C. 49:3-54 False documents.

7. It is unlawful for any person to make or cause to be made, in any document filed with the bureau or in any proceeding under this

law, any statement which is, at the time and in the light of the circumstances under which it is made, false or misleading in any material respect.

C. 49:3-55 Documents filed.

8. (a) Neither (1) the fact that an application for registration of any persons or a registration statement of any security has been filed nor (2) the fact that a person or security is effectively registered constitutes a finding by the bureau chief that any document filed under this act is true, complete, and not misleading. Neither any such fact nor the fact that an exemption or exception is available for a person, security or transaction means that the bureau chief has passed in any way upon the merits or qualifications of, or recommended or given approval to, any person, security, or transaction.

(b) It is unlawful to make, or cause to be made, to any prospective purchaser, customer, or client any representation inconsistent with paragraph (a).

C. 49:3-56 Restrictions.

9. (a) It shall be unlawful for any person to act as a broker-dealer, agent or investment advisor in this State unless he is registered under this act;

(b) It shall be unlawful for any broker-dealer or issuer to employ an agent in this State unless the agent is registered. The registration of an agent is not effective during any period when he is not associated with a particular broker-dealer registered under this act or a particular issuer. When an agent begins or terminates a connection with a broker-dealer or issuer, or begins or terminates those activities which make him an agent, the agent as well as the broker-dealer or issuer shall promptly notify the bureau;

(c) It shall be unlawful for any person to transact business in this State as an investment advisor unless (1) he is so registered under this act, (2) he is registered as a broker-dealer without the imposition of a condition under section 11, paragraph (b) (6), or (3) his only clients in this State are investment companies as defined in the Investment Company Act of 1940 or insurance companies;

(d) Every registration shall expire 2 years from its effective date unless renewed, except that the bureau chief may by rule provide that registrations shall all expire on the same date.

C. 49:3-57 Registration.

10. (a) A broker-dealer, agent, or investment advisor may obtain an initial or renewal registration by filing with the bureau

an application together with a consent to service of process pursuant to section 26(a). The application shall contain whatever information the bureau chief by rule requires concerning such matters as (1) the applicant's form and place of organization; (2) the applicant's proposed method of doing business; (3) the qualifications and business history of the applicant; in the case of a broker-dealer or investment advisor, the qualifications and business history of any partner, officer, or director, any person occupying a similar status or performing similar functions, or any person directly or indirectly controlling the broker-dealer or investment advisor; and, in the case of an investment advisor or registered broker-dealer acting as an investment advisor, the qualifications and business history of any employee who is to give investment advice; (4) any injunction or administrative order or conviction of a misdemeanor involving a security or any aspect of the securities business and any conviction of a high misdemeanor or felony; and (5) the applicant's financial condition. If no denial, postponement or suspension order is in effect and no proceeding is pending under section 11, registration becomes effective at noon of the thirtieth day after an application is filed. The bureau chief may by rule or order specify an earlier effective date, or he may by order defer the effective date until the first day of the next calendar month after the thirtieth day after the filing of the application. The time limits herein provided shall run anew from the filing of any amendment. Registration of a broker-dealer automatically constitutes registration of any agent who is a partner, officer, or director, or a person occupying a similar status or performing similar functions;

(b) Every applicant for initial or renewal registration shall pay a filing fee of \$100.00 in the case of a broker-dealer, plus \$2.00 for each partner, officer, director, or principal doing business in this State, \$20.00 in the case of an agent, and \$50.00 in the case of an investment advisor. When application is denied or withdrawn, the bureau shall retain the fee. Whenever any supplemental filing, for the purpose of keeping current the information furnished to the bureau chief, is made there shall be a supplemental filing fee of \$5.00;

(c) A registered broker-dealer or investment advisor may file an application for registration of a successor, whether or not the successor is then in existence, for the unexpired portion of the registration period. There shall be no filing fee;

(d) The bureau chief may by rule require a minimum capital for registered broker-dealers, provided that the bureau chief shall not in any case require a minimum capital in excess of \$10,000.00 in the case of a registered broker-dealer; and provided, further, that the minimum capital requirement of a broker-dealer engaged exclusively in the sale of investment company shares shall not be in excess of \$5,000.00;

(e) The bureau chief may by rule require registered investment advisors who have custody of clients' funds or securities and registered broker-dealers to post surety bonds in amounts up to \$25,000.00, and may determine their conditions; provided that no such surety bond shall be required of an investment advisor or a broker-dealer who has a minimum capital of at least \$25,000.00 or of a broker-dealer engaged exclusively in the sale of investment company shares who has a minimum capital of \$5,000.00; except that, notwithstanding the provisions of this or any other section of this law, the bureau chief may by rule require registered broker-dealers and investment advisors if such registrant or any partner, officer or director, any person occupying a similar status or performing similar functions; or any person directly or indirectly controlling such registrant has ever been convicted of any misdemeanor involving a security or any aspect of the securities business, or any high misdemeanor or felony to post surety bonds in amounts up to \$200,000.00. Any appropriate deposit of cash or securities shall be accepted in lieu of any bond so required. Every bond shall provide for suit thereon by any person who has a cause of action under section 24. Every bond shall provide that no suit may be maintained to enforce any liability on the bond unless brought within 2 years after the sale or other act upon which it is based, or within 2 years of the time when the person aggrieved knew or should have known of the existence of his cause of action, whichever is later.

(f) (1) The bureau chief may by rule provide for an examination which may be written or oral or both, to be taken by any class of or all applicants, as well as persons who represent or will represent an investment advisor in doing any of the acts which makes him an investment advisor;

(2) Each applicant for such examination shall pay examination fees as follows: broker-dealer, \$15.00; partner, officer, or director doing business in this State, \$15.00; agent, \$15.00; and investment advisor, \$15.00. When an application for an examination is denied or withdrawn, the bureau shall retain the fee.

C. 49:3-58 Registration; denial; suspension; revocation.

11. (a) The bureau chief may by order deny, suspend, or revoke any registration if he finds (1) that the order is in the public interest and (2) that the applicant or registrant or, in the case of a broker-dealer or investment advisor, any partner, officer, or director, any person occupying a similar status or performing similar functions, or any person directly or indirectly controlling the broker-dealer or investment advisor

(i) has filed an application for registration which as of its effective date, or as of any date after filing in the case of an order denying effectiveness, was incomplete in any material respect or contained any statement which was, in the light of the circumstances under which it was made, false or misleading with respect to any material fact;

(ii) has willfully violated or willfully failed to comply with any provision of this law or a predecessor law or any rule or order authorized by this law or a predecessor law;

(iii) has been convicted of any crime involving a security or any aspect of the security business or any crime involving moral turpitude; however, where the applicant can show by proof satisfactory to the bureau chief that during the 10-year period preceding the application he has conducted himself in such a manner as to warrant his registration consistent with all other provisions of this act, the conviction shall not be a bar to registration;

(iv) is permanently or temporarily enjoined by any court of competent jurisdiction from engaging in or continuing any conduct or practice involving any aspect of the securities business;

(v) is the subject of an effective order of the bureau chief denying, suspending, or revoking registration as a broker-dealer, agent, or investment advisor;

(vi) is the subject of an order entered within the past 5 years by the securities administrator of any other State or by the Securities and Exchange Commission denying or revoking registration as a broker-dealer, agent, or investment advisor, or the substantial equivalent of those terms as defined in this act, or is the subject of an order of the Securities and Exchange Commission suspending or expelling him from a national securities exchange or national securities association registered under the Securities Exchange Act of 1934, or is the subject of a United States Post Office fraud order; but (A) the bureau chief may not institute a revocation or suspension proceeding under this clause (vi) more than 1 year from the date of the order relied on and (B) he may not enter an

order under this clause (vi) on the basis of an order under another State act unless that order was based on facts which would currently constitute a ground for an order under this law;

(vii) has engaged in dishonest or unethical practices in the securities business;

(viii) is insolvent, either in the sense that his liabilities exceed his assets or in the sense that he cannot meet his obligations as they mature; but the bureau chief may not enter an order against a broker-dealer or investment advisor for insolvency without a finding of insolvency as to the broker-dealer investment advisor;

(ix) is not qualified on the basis of such factors as character, training, experience and knowledge of the security business, except as otherwise provided in paragraph (b);

(x) has failed to pass an examination under subdivision (b) of this section 11 if such an examination has been by rule provided for by the bureau chief;

(xi) has failed reasonably to supervise his agents if he is a broker-dealer or his employees who give investment advice if he is an investment advisor;

(xii) has failed to pay the proper fees, but the bureau chief shall vacate any such order when the deficiency has been corrected.

(b) The following provisions govern the application of paragraph (a) (2) (ix):

(1) The bureau chief may not enter an order against a broker-dealer on the basis of the lack of qualification of any person other than (i) the broker-dealer himself if he is an individual or (ii) an agent of the broker-dealer;

(2) The bureau chief may not enter an order against an investment advisor on the basis of the lack of qualification of any person other than (i) the investment advisor himself if he is an individual or (ii) any other person who represents the investment advisor in doing any of the acts which make him an investment advisor;

(3) The bureau chief may not enter an order solely on the basis of lack of experience if the applicant or registrant is qualified by training or knowledge or both;

(4) The bureau chief shall consider that an agent who will work under the supervision of a registered broker-dealer need not have the same qualifications as a broker-dealer;

(5) The bureau chief shall consider that an investment advisor is not necessarily qualified solely on the basis of experience as a broker-dealer or agent. When he finds that an applicant for initial or renewal registration as a broker-dealer is not qualified as an

investment advisor, he may by order condition the applicant's registration as a broker-dealer upon his not transacting business in this State as an investment advisor.

(c) (1) When the bureau chief finds that an application for registration should be denied he may enter an order denying such registration; but he shall promptly notify the applicant, as well as the prospective employer if the applicant is an agent, that the order has been entered and of the reasons therefor and that the matter will be set down for hearing if a written request for such a hearing is filed with the bureau chief within 30 days after receipt of such notice by the applicant. If no hearing is requested the order shall remain in effect until modified or vacated. If a hearing is held the bureau chief shall affirm, vacate or modify the order in accord with the findings at the hearing.

(2) When the bureau chief finds that a registration should be suspended or revoked he may enter a proposed order to suspend or revoke such registration and he shall promptly notify the registrant, as well as the employer if the registrant is an agent, of the proposed order, of the reasons therefor and that the matter will be set down for hearing if a written request for such hearing is filed with the bureau chief within 10 days after receipt of such notice by the registrant. If no hearing is requested within the specified time the bureau chief shall enter the proposed order as a final order, which shall be effective when entered. If a hearing is held the bureau chief shall withdraw the proposed order or enter a final order in accord with the findings at the hearing, which order shall be effective when entered.

(d) If the bureau chief finds that any registrant or applicant for registration is no longer in existence or has ceased to do business as a broker-dealer, agent, or investment advisor, or is subject to an adjudication of mental incompetence or to the control of a committee, conservator, or guardian, or cannot be located after reasonable search, the bureau chief may by order revoke or deny the registration or application;

(e) Withdrawal from registration as a broker-dealer, agent, or investment advisor becomes effective 30 days after receipt of an application to withdraw or within such shorter period of time as the bureau chief may determine by rule or order. The bureau chief may nevertheless institute a revocation or suspension proceeding under paragraph (a) (2) (ii) within 1 year after withdrawal becomes effective and enter a revocation or suspension order as of the last date on which registration was effective;

(f) No order may be entered under this section, except under paragraph (c) (1), without (i) appropriate prior notice to the applicant or registrant (as well as the employer or prospective employer if the applicant or registrant is an agent), (ii) opportunity for hearing, and (iii) written findings of fact and conclusions of law;

(g) Every hearing before an officer or employee of the bureau which this law requires to be held before any formal action may be taken by the bureau shall not be public without the written consent of all the respondents.

C. 49:3-59 Report of financial condition.

12. (a) Every registered broker-dealer shall file with the bureau chief a report of financial condition as of a date within each calendar year within 60 days after the date of such report of financial condition, provided that reports for any 2 consecutive years shall not be as of dates within 4 months of each other. The report of financial condition of a broker-dealer shall be certified by a certified public accountant or a public accountant who shall be in fact independent;

(b) Every registered broker-dealer and investment advisor shall make and whenever required by rule of the bureau chief shall file with the bureau, such books, records, and accounts as the bureau chief by rule prescribes. Such books, records and accounts shall conform insofar as practicable, to those prescribed by the Securities and Exchange Commission. All records so required shall be preserved for 3 years unless the bureau chief by rule prescribes otherwise for all records or for particular types of records;

(c) If the information contained in any document filed with the bureau is or becomes inaccurate or incomplete in any material respect, the registrant shall promptly make a correcting supplemental filing unless notification of the correction has been given under section 9, paragraph (b).

C. 49:3-60 Restrictions.

13. It is unlawful for any security to be offered or sold in this State unless:

(a) the security or transaction is exempted under section 3 of this act;

(b) the security or transaction is not subject to, or is exempted from, the registration requirements of the Securities Act of 1933 and the rules and regulations thereunder; other than by reason of section 3(a) of such act and the rules and regulations under said section 3(a);

- (c) the security is registered under the Securities Act of 1933;
- (d) the security is registered under the Real Estate Syndication Offerings Law; or
- (e) the security is registered under this act.

C. 49:3-61 Registration by qualification.

14. (a) Subject to the provisions of this section and section 15 of this act any security may be registered by qualification.

(b) A registration statement under this section shall contain the following information and be accompanied by the following documents:

- (1) the information specified in section 15(c) of this act;
- (2) the consent to service of process required by section 26(a) of this act;
- (3) with respect to the issuer and any significant subsidiary; its name, address, and form of organization; the State or foreign jurisdiction and date of its organization; the general character and location of its business; a description of its physical properties and equipment; and a statement of the general competitive conditions in the industry or business in which it is or will be engaged;
- (4) with respect to every director and officer of the issuer, or person occupying a similar status or performing similar functions: his name, address, and principal occupation for the past 5 years; the amount of securities of the issuer held by him as of a specified date within 30 days of the filing of the registration statement; the amount of the securities covered by the registration statement to which he has indicated his intention to subscribe; and a description of any material interest in any material transaction with the issuer or any significant subsidiary effected within the past 3 years or proposed to be effected;
- (5) with respect to persons covered by subsection (4); the remuneration paid during the past 12 months and estimated to be paid during the next 12 months, directly or indirectly, by the issuer (together with all predecessors, parents, subsidiaries, and affiliates) to all those persons in the aggregate;
- (6) with respect to any person owning of record, or beneficially if known, 10% or more of the outstanding shares of any class of equity security of the issuer: the information specified in subsection (4) other than his occupation;
- (7) with respect to every promoter if the issuer was organized within the past 3 years: the information specified in subsection (4), any amount paid to him within the period or intended to be paid to him, and the consideration for any such payment;

(8) with respect to any person on whose behalf any part of the offering is to be made in a nonissuer transaction: his name and address; the amount of securities of the issuer held by him as of the date of the filing of the registration statement; a description of any material interest in any material transaction with the issuer or any significant subsidiary effected within the past 3 years or proposed to be effected; and a statement of his reasons for making the offering;

(9) the capitalization and long-term debt (on both a current and a pro forma basis) of the issuer and any significant subsidiary, including a description of each security outstanding or being registered or otherwise offered, and a statement of the amount and kind of consideration (whether in the form of cash, physical assets, services, patents, goodwill, or anything else) for which the issuer or any subsidiary has issued any of its securities within the past 2 years or is obligated to issue any of its securities;

(10) the kind and amount of securities to be offered; the proposed offering price or the method by which it is to be computed; any variation therefrom at which any portion of the offering is to be made to any person or class of persons other than the underwriters, with a specification of any such person or class; the basis upon which the offering is to be made if otherwise than for cash; the estimated aggregate underwriting and selling discounts or commissions and finders' fees (including separately cash, securities, contracts, or anything else of value to accrue to the underwriters or finders in connection with the offering) or, if the selling discounts or commissions are variable, the basis of determining them and their maximum and minimum amounts; the estimated amounts of other selling expenses, including legal, engineering, and accounting charges; the name and address of every underwriter and every recipient of a finder's fee; a copy of any underwriting or selling-group agreement pursuant to which the distribution is to be made, or the proposed form of any such agreement whose terms have not yet been determined, and a description of the plan of distribution of any securities which are to be offered otherwise than through an underwriter;

(11) the estimated cash proceeds to be received by the issuer from the offering; the purposes for which the proceeds are to be used by the issuer; the amount to be used for each purpose; the order or priority in which the proceeds will be used for the purposes stated; the amounts of any funds to be raised from other sources to achieve the purposes stated; the sources of any such

funds; and, if any part of the proceeds is to be used to acquire any property (including goodwill) otherwise than in the ordinary course of business, the names and addresses of the vendors, the purchase price, the names of any persons who have received commissions in connection with the acquisition, and the amounts of any such commissions and any other expense in connection with the acquisition (including the cost of borrowing money to finance the acquisition);

(12) a description of any stock options or other security options outstanding, or to be created in connection with the offering, together with the amount of any such options held or to be held by every person required to be named in subsections (4), (6), (7), (8), or (10) and by any person who holds or will hold 10% or more in the aggregate of any such options;

(13) the dates of, parties to, and general effect concisely stated of, every management or other contract of material importance made or to be made otherwise than in the ordinary course of business if it is to be performed in whole or in part at or after the filing of the registration statement or was made within the past 2 years, together with a copy of every such contract; and a description of any pending litigation or proceeding to which the issuer is a party and which materially affects its business or assets (including any such litigation or proceeding known to be contemplated by governmental authorities);

(14) a copy of any prospectus, pamphlet, circular, form letter, advertisement, or other sales literature intended as of the effective date to be used in connection with the offering;

(15) a specimen or copy of the security being registered; a copy of the issuer's articles of incorporation and by-laws, or their substantial equivalents, as currently in effect; and a copy of any indenture or other instrument covering the security to be registered;

(16) a signed or conformed copy of an opinion of counsel as to the legality of the security being registered (with an English translation if it is in a foreign language), which shall state whether the security when sold will be legally issued, fully paid, and non-assessable, and, if a debt security, a binding obligation of the issuer;

(17) the written consent of any accountant, engineer, appraiser, or other person whose profession gives authority to a statement made by him, if any such person is named as having prepared or certified a report or valuation (other than a public and official

document or statement) which is used in connection with the registration statement;

(18) a balance sheet of the issuer as of a date within 4 months prior to the filing of the registration statement, accompanied by a declaration that there has been no substantial change in the financial position of the issuer since the date of such statement; a profit and loss statement and analysis of surplus for each of the 3 fiscal years preceding the date of the balance sheet and for any period between the close of the last fiscal year and the date of the balance sheet, or for the period of the issuer's and any predecessor's existence if less than 3 years; and, if any part of the proceeds of the offering is to be applied to the purchase of any business, the same financial statements which would be required if that business were the registrant; and

(19) such additional information as the bureau chief requires by rule or order.

(c) Registration by qualification shall become effective when the bureau chief so orders.

(d) The bureau chief may by rule or order require as a condition of registration by qualification that a prospectus containing any designated part of the information specified in subsection (b) be sent or given to each person to whom an offer is made before or concurrently with (1) the first written offer made to him (otherwise than by means of a public advertisement) by or for the account of the issuer or any other person on whose behalf the offering is being made, or by any underwriter or broker-dealer who is offering part of an unsold allotment or subscription taken by him as a participant in the distribution, (2) the confirmation of any sale made by or for the account of any such person, (3) payment pursuant to any such sale, or (4) delivery of the security pursuant to any such sale, whichever first occurs.

(e) The bureau chief may by rule or order require as a condition of registration by qualification (1) that any security issued within the past 3 years or to be issued to a promoter for a consideration substantially different from the public offering price, or to any person for a consideration other than cash, be deposited in escrow; and (2) that the proceeds from the sale of the registered security in this State be deposited in escrow until the issuer receives a specified amount from the sale of the security either in this State or elsewhere. The bureau chief may by rule or order determine the conditions of any escrow required hereunder, but he may not reject a depository solely because of location in another State.

(f) The bureau chief may by rule or order require as a condition of registration that any security registered by qualification be sold only on a specified form of subscription or sale contract, and that a signed or conformed copy of each contract be filed with the bureau chief or preserved for any period up to 3 years specified in the rule or order.

C. 49:3-62 Filing of registration statement.

15. (a) A registration statement may be filed by the issuer, any other person on whose behalf the offering is to be made, or a registered broker-dealer.

(b) Every person filing a registration statement shall pay a filing fee of $\frac{1}{10}$ of 1% of the maximum aggregate offering price at which the securities to be registered are to be offered in this State, but the fee shall in no case be less than \$50.00 or more than \$1,000.00. This fee shall not be refundable.

(c) Every registration statement shall specify (1) the amount of securities to be offered in this State; (2) the States in which a registration statement or similar document in connection with the offering has been or is to be filed; and (3) any adverse order, judgment, or decree entered in connection with the offering by the regulatory authorities in any State or by any court or the Securities and Exchange Commission.

(d) Any document filed pursuant to this supplemental act within 3 years preceding the filing of a registration statement may be incorporated by reference in the registration statement to the extent that the document is currently accurate.

(e) The bureau chief may by rule or order permit the omission of any item of information or document from any registration statement.

(f) The bureau chief may waive the requirements of all or any part of sections 14 or 15(h) of this act in the case of a nonissuer transaction of securities which were initially sold prior to the effective date of this supplemental act, where the information is not known by the person filing the registration statement or by the persons on whose behalf the transaction is to be made, or cannot be furnished by them without unreasonable effort or expense.

(g) Every registration statement is effective for 1 year from its effective date, or any longer period during which the security is being offered or distributed in a nonexempted transaction by or for the account of the issuer or other person on whose behalf the offering is being made or by any underwriter or broker-dealer who is still offering part of an unsold allotment or subscription

taken by him as a participant in the distribution, except during the time a stop order is in effect under section 17 of this act. All outstanding securities of the same class as a registered security of the issuer are considered to be registered for the purpose of any nonissuer transaction (1) so long as the registration statement is effective and (2) between the thirtieth day after the entry of any stop order suspending or revoking the effectiveness of the registration statement under section 17 of this act (if the registration statement did not relate in whole or in part to a nonissuer distribution) and 1 year from the effective date of the registration statement. A registration statement may not be withdrawn for 1 year from its effective date if any securities of the same class are outstanding. A registration statement may be withdrawn otherwise only in the discretion of the bureau chief.

(h) So long as a registration statement is effective, the bureau chief may by rule or order require the person who filed the registration statement to file reports, not more often than quarterly, to keep reasonably current the information contained in the registration statement and to disclose the progress of the offering.

(i) A registration statement relating to a security issued by a face-amount certificate company or a redeemable security issued by an open-end management company or unit investment trust, as those terms are defined in the Investment Company Act of 1940, may be amended after its effective date so as to increase the securities specified as proposed to be offered. Such an amendment becomes effective when the bureau chief so orders. Every person filing such an amendment shall pay a filing fee, calculated in the manner specified in subsection (b), with respect to the additional securities proposed to be offered.

C. 49:3-63 Powers of bureau chief.

16. The bureau chief may by rule or order require the filing of any prospectus, pamphlet, circular, form letter, advertisement, or other sales literature or advertising communication addressed or intended for distribution to prospective investors, including clients or prospective clients of an investment advisor, unless the security is not required to be registered by section 13 of this act;

There shall be a filing fee of \$0.25 for each page of sales literature filed with the bureau under any regulations adopted pursuant to this section, but such fee shall not exceed \$25.00 for any prospectus, pamphlet, circular, or other sales literature.

C. 49:3-64 Stop order; issuance of.

17. (a) The bureau chief may issue a stop order denying effectiveness to, or suspending or revoking the effectiveness of, any registration statement if he finds (1) that the order is in the public interest and (2) that

(i) the registration statement, as of its effective date or as of any earlier date in the case of an order denying effectiveness, or any amendment under section 15(i) of this act as of its effective date, or any report under section 15(h) of this act; is incomplete in any material respect or contains any statement which was, in the light of the circumstances under which it was made, false or misleading with respect to any material fact; or

(ii) any provision of the Uniform Securities Law (1967) as amended or supplemented or any rule, order, or condition lawfully imposed thereunder has been willfully violated, in connection with the offering by (A) the person filing the registration statement, (B) the issuer, any partner, officer, or director of the issuer, any person occupying a similar status or performing similar functions, or any person directly or indirectly controlling or controlled by the issuer, or (C) any underwriter; or

(iii) the security registered or sought to be registered is the subject of an administrative stop order or similar order or a permanent or temporary injunction of any court of competent jurisdiction entered under any other Federal or State act applicable to the offering; but (A) the bureau chief may not institute a proceeding against an effective registration statement under this subsection more than 1 year from the date of the order or injunction relied on, and (B) he may not enter an order under this subsection on the basis of an order or injunction entered under any other State act unless that order or injunction was based on facts which would currently constitute a ground for a stop order under this section; or

(iv) the issuer's enterprise or method of business includes or would necessarily include activities which are illegal where performed; or

(v) the offering has worked or would work a fraud upon purchasers; or

(vi) the offering has been or would be made with unreasonable amounts of underwriters' and sellers' discounts, commissions, or other compensation, or promoters' profits or participation, or unreasonable amounts or kinds of options; or

(vii) the applicant or registrant has failed to pay the proper filing fee but he shall vacate any such order when the deficiency has been corrected.

(b) The bureau chief may not institute a stop order proceeding against any effective registration statement on the basis of a fact or transaction known to him when the registration statement became effective unless the proceedings is instituted within the next 30 days.

(c) The bureau chief may by order summarily postpone or suspend the effectiveness of the registration statement pending final determination of any proceeding instituted pursuant to this section. Upon entry of such an order, the bureau chief shall promptly notify each person specified in subsection (d) that it has been entered and of the reasons therefor and that within 15 days after the receipt of a written request the matter will be set down for hearing. If no hearing is requested, the order will remain in effect until it is modified or vacated by the bureau chief upon notice to the parties specified in subsection (d).

(d) No stop order may be entered pursuant to this section except as provided in subsection (c) without (1) appropriate prior notice to the applicant or registrant, the issuer, and the person on whose behalf the securities are to be offered, (2) opportunity for hearing, and (3) written findings of fact and conclusions of law.

(e) The bureau chief may vacate or modify a stop order if he finds that the conditions which prompted its entry have changed.

C. 49:3-65 Completed form of document.

18. (a) A document is filed when it is received in completed form by the bureau;

(b) The bureau shall keep a register of all applications for registration and registration statements which are or have ever been effective under this act and all denial, suspension, revocation or other orders which have been entered under this act. The register shall be open for public inspection;

(c) The information contained in or filed with any registration statement, application or report may be made available to the public under such rules as the bureau chief prescribes;

(d) Upon request, the bureau chief shall furnish to any person photographic or other copies, certified under his seal of office if requested, of any entry in the register or any document in the custody of the bureau chief which is a public record. The bureau chief may establish such reasonable conditions and charges for the obtaining of such copies as will in his judgment be practicable.

C. 49:3-66 Administration of law.

19. (a) This law shall be administered by the Bureau of Securities which is hereby created in the Division of Law of the Department of Law and Public Safety. The principal executive officer of the bureau shall be a chief who is appointed by and serves at the pleasure of the Attorney General. The chief of the bureau shall have power to employ such officers and employees as may be necessary to carry out the purposes of this law and to define their duties;

(b) It shall be unlawful for any of the officers or employees of the bureau to use for personal benefit any information which is filed with or obtained by the bureau and which is not made public. No provision of this law authorizes any officers or employees of the bureau to disclose any such information except among themselves or when necessary or appropriate in a proceeding or investigation under this law. No provision of this law either creates or derogates from any privilege which exists at common law or otherwise when documentary or other evidence is sought under subpoena directed to any of the officers or employees of the bureau.

C. 49:3-67 Rules, forms, orders; amended, rescinded.

20. (a) The bureau chief may from time to time make, amend and rescind such rules, forms and orders as are reasonably necessary to carry out the provisions of this law, including rules and forms governing applications and reports, and defining any terms, whether or not used in this law, insofar as the definitions are not inconsistent with the provisions of this law. For the purpose of rules and forms, the bureau chief may classify securities, persons and matters within his jurisdiction, and prescribe different requirements for different classes;

(b) No rule, form or order may be made, amended or rescinded unless the bureau chief finds that the action is necessary and appropriate (1) in the public interest, or (2) for the protection of investors, or (3) consistent with the purposes fairly intended by the policy and provisions of this act. In prescribing rules and forms the bureau chief may co-operate with the securities administrators of the other States and the Securities and Exchange Commission with a view to effectuating the policy of this statute to achieve maximum uniformity in the form and content of applications and reports wherever practicable;

(c) The bureau chief may by rule prescribe (1) the form and content of financial statements required under this act; and (2) the circumstances under which consolidated financial statements

shall be filed. All financial statements shall be prepared in accordance with generally accepted accounting practices. The form and content of financial statements shall conform, insofar as practicable, to those prescribed by the Securities and Exchange Commission.

(d) All rules and forms promulgated by the bureau chief shall be filed with the Secretary of State a reasonable time before their effective date. Copies of the rules and samples of the forms shall be published in convenient form by the bureau for distribution to interested persons, subject to available appropriations.

C. 49:3-68 Private investigations.

21. (a) The bureau chief in his discretion (1) may make such private investigations within or outside of this State as he deems necessary to determine whether any person has violated or is about to violate any provision of this law or any rule or order hereunder, or to aid in the enforcement of this law or in the prescribing of rules and forms hereunder, (2) may require or permit any person to file a statement in writing, under oath or otherwise as the bureau chief determines, as to all the facts and circumstances concerning the matter to be investigated, and (3) may publish information concerning any violation of this act or any rule or order hereunder, provided that there shall be no publication until such rule or order becomes effective;

(b) For the purpose of any investigation or proceeding under this law, the bureau chief or any officer designated by him may administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence and require the production of any books, papers, correspondence, memoranda, agreements or other documents or records which the bureau chief deems relevant or material to the inquiry;

(c) In case of contumacy by, or refusal to obey a subpoena issued to, any person, the Superior Court, upon application by the bureau chief, may issue to the person an order requiring him to appear before the bureau chief, or the officer designated by him, there to produce documentary evidence if so ordered or to give evidence touching the matter under investigation or in question. The court may grant injunctive relief restraining the issuance, sale or offer for sale, purchase or offer to purchase, promotion, negotiation, advertisement or distribution from or within this State of any securities by a person, or agent, employee, broker, partner, officer, director or stockholder thereof, until such person has fully complied with such subpoena and the bureau has completed its investigation.

The court may proceed in the action in a summary manner or otherwise;

(d) No person is excused from attending and testifying or from producing any document or record before the bureau or in obedience to the subpoena of the bureau chief or any officer designated by him, or in any proceeding instituted by the bureau, on the ground that the testimony or evidence (documentary or otherwise) required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual may be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he is compelled, after claiming his privilege against self-incrimination, to testify or produce evidence (documentary or otherwise), except that the individual testifying is not exempt from prosecution and punishment for perjury, false swearing or contempt committed in testifying.

(e) When it shall appear to the bureau chief that the testimony of any person is essential to an investigation instituted by him as provided by this chapter, and that the failure of such person to appear and testify may defeat the proper and effective conduct thereof, the bureau chief, in addition to the other remedies provided for herein, may, by petition verified generally, setting forth the facts, apply to the Superior Court for a writ of ne exeat against such person. The court shall thereupon direct the issuance of the writ against such person requiring him to give sufficient bail conditioned to insure his appearance before the bureau chief for examination under oath in such investigation and that he will continue his appearance therein from time to time until the completion of the investigation and will appear before the court if the bureau chief shall institute any proceeding therein as a result of his investigation.

The court shall cause to be indorsed on the writ of ne exeat, in words at length, a suitable amount of bail upon which the person named in the writ shall be freed, having a due regard to the nature of the case and the value of the securities involved. All applications to be freed on bail shall be on notice to the bureau chief and the sufficiency of the bail given on the writ shall be approved by the court. All recognizances shall be to the State and all forfeitures thereof shall be declared by the court. The proceeds of the forfeitures shall be paid into the State treasury.

C. 49:3-69 Illegal practices.

22. (a) When it shall appear to the bureau chief that a person has engaged in, is engaging in, or is about to engage in, any practices

declared to be illegal and prohibited by this law or when it shall appear that it will be against the public interest for any person to issue, sell, offer for sale, purchase, offer to purchase, promote, negotiate, advertise or distribute any securities from or within this State, the Attorney General on his behalf may bring an action in the Superior Court and apply therein for injunctive relief, or the appointment of a receiver, or both. The court may proceed in the action in a summary manner or otherwise;

(b) If it shall appear to the court in the action that such person has engaged in, is engaging in, or is about to engage in any practice declared to be illegal and prohibited by this law, it may enjoin such person, and any agent, employee, broker, partner, officer, director or stockholder thereof, from continuing such practices or engaging therein or doing any acts in furtherance thereof. The court may also enjoin the issuance, sale, offer for sale, purchase, offer to purchase, promotion, negotiation, advertisement or distribution from or within this State of any securities by such persons, and any agent, employee, broker, partner, officer, director or stockholder thereof, until the court shall otherwise order;

(c) When the court shall grant injunctive relief as provided for in paragraph (b), it may appoint a receiver with power to sue for, collect, receive and take into his possession all the goods and chattels, rights and credits, moneys and effects, lands and tenements, books, records, document, papers, choses in action, bills, notes and property of every description, derived by means of any practice declared to be illegal and prohibited by this law, including property with which such property has been mingled, if it cannot be identified in kind because of such commingling, and to sell, convey and assign the same and hold and dispose of the proceeds thereof under the direction of the court for the equal benefit of all who establish an interest therein by reason of the use and employment by the defendant of any practices herein declared to be illegal and prohibited. The receiver may retain an attorney with the consent of the Attorney General and the court. The court shall have jurisdiction of all questions arising in such proceedings and may make such orders and judgments therein as justice shall require;

(d) When injunctive relief is granted as provided for in paragraph (b) against a corporation, partnership, company, association or trust, the court may appoint a receiver and may restrain the corporation, its officers, directors, stockholders, and agents, the partnership, company or association, its officers, members and agents, and the trust, its grantors, trustees, officers, cestuis que

trustent and agents, from exercising any of its privileges or franchises, and in the case of a trust from executing the trust, and in all cases from collecting or receiving any debts, or paying out, selling, assigning or transferring any of its estate, moneys, funds, lands, tenements or effects except to the receiver appointed by the court until the court shall otherwise order.

Upon the appointment of the receiver, all the real and personal property of the corporation, partnership, company, association or trust, and its franchises, rights, privileges and effects shall forthwith vest in him and the corporation, partnership, company, association or trust shall be divested of the title thereto.

The receiver shall settle the estate and distribute the assets, and have all the powers and duties conferred upon receivers by the provisions of Title 14, Corporations, General, so far as the provisions thereof are applicable.

C. 4:93-70 Violations; penalty.

23. (a) Any person who willfully violates any provision of this act, except section 7, or who willfully violates any rule or order under this law, or who willfully violates section 7 knowing the statement made to be false or misleading in any material respect, shall be guilty of a misdemeanor and fined not more than \$5,000.00 or imprisoned not more than 3 years, or both; but no person may be imprisoned for the violation of any rule or order if he proves that he had no knowledge of the rule or order. No indictment or information may be returned under this law more than 5 years after the alleged violation.

(b) Any person who violates any of the provisions of this law or who violates any rule or order under this law, shall be liable for the first violation to a penalty of not more than \$200.00; for a second violation to a penalty of not more than \$500.00; and for subsequent violation to a penalty of \$500.00. The penalty shall be sued for and recovered by and in the name of the bureau chief and shall be collected and enforced by summary proceeding pursuant to the penalty enforcement law (N. J. S. A. 2A:58-1 et seq.). Process shall issue at the suit of the bureau chief, as plaintiff, and shall be either in the nature of a summons or warrant.

C. 49:3-71 Liability of seller.

24. (a) Any person who

(1) offers or sells a security in violation of sections 8 (b), 9 (a) or 13 of this act, or

(2) offers or sells a security by means of any untrue statement of material fact or any omission to state a material fact necessary

in order to make the statements made, in the light of the circumstances under which they are made, not misleading (the buyer not knowing of the untruth or omission), is liable to the person buying the security from him, who may sue to recover the consideration paid for the security, together with interest at 6% per year from the date of payment and costs, less the amount of any income received on the security, upon the tender of the security and any income received on it, or for damages if he no longer owns the security; provided, however, that the person buying the security must sustain the burden of proof that the seller knew of the untruth or omission and intended to deceive the buyer, and provided further that the buyer has suffered a financial detriment. Damages are the amount that would be recoverable upon a tender less the value of the security when the buyer disposed of it and interest at 6% per year from the date of disposition;

(b) Every person who directly or indirectly controls a seller liable under paragraph (a), every partner, officer, or director of such a seller, every person occupying a similar status or performing similar functions, every employee of such a seller who materially aids in the sale, and every broker-dealer or agent who materially aids in the sale are also liable jointly and severally with and to the same extent as the seller, unless the nonseller who is so liable sustains the burden of proof that he did not know, and in the exercise of reasonable care could not have known, of the existence of the facts by reason of which the liability is alleged to exist. There is contribution as in cases of contract among the several persons so liable;

(c) Any tender specified in this section may be made at any time before entry of judgment;

(d) Every cause of action under this law survives the death of any person who might have been a plaintiff or defendant;

(e) No person may sue under this section more than 2 years after the contract of sale. No person may sue under this section (1) if the buyer received a written offer, before suit and at a time when he owned the security, to refund the consideration paid together with interest at 6% per year from the date of payment, less the amount of any income received on the security, and he failed to accept the offer within 30 days of its receipt, or (2) if the buyer received such an offer before suit and at a time when he did not own the security, unless he rejected the offer in writing within 30 days of its receipt;

(f) No person who has made or engaged in the performance of any contract in violation of any provision of this law or any rule or order hereunder, or who has acquired any purported right under any such contract with knowledge of the facts by reason of which its making or performance was in violation, may base any suit on the contract;

(g) Any condition, stipulation or provision binding any person acquiring any security to waive compliance with any provision of this law or any rule or order hereunder is void;

(h) The rights and remedies provided by this act are in addition to any other rights or remedies that may exist at law or in equity, but this law does not create any cause of action not specified in this section or section 10, paragraph (e).

C. 49:3-72 Validity of act.

25. No provision of this law imposing any liability applies to any act done or omitted in good faith in conformity with any rule, form or order of the bureau chief, notwithstanding that the rule, form or order may later be amended or rescinded or be determined by judicial or other authority to be invalid for any reason.

C. 49:3-73 Filing of irrevocable consent.

26. (a) Every applicant for registration under this law and every issuer which proposes to offer a security in this State through any person acting on an agency basis in the common-law sense shall file with the bureau, in such form as the bureau chief by rule prescribes, an irrevocable consent appointing the bureau chief or his successor in office to be his attorney to receive service of any lawful process in any noncriminal suit, action or proceeding against him or his successor, executor or administrator which arises under this law or any rule or order hereunder after the consent has been filed, with the same force and validity as if served personally on the person filing the consent. A person who has filed such a consent in connection with a previous registration need not file another. Service may be made by leaving a copy of the process in the office of the bureau, but it is not effective unless the plaintiff, who may be the bureau chief, in a suit, action or proceeding instituted on his behalf by the Attorney General forthwith sends notice of the service and a copy of the process by certified or registered mail to the defendant or respondent at his last address on file with the bureau;

(b) When any person, including any nonresident of this State, engages in conduct prohibited or made actionable by this law or any rule or order authorized by this law, and he has not filed a consent to service of process under paragraph (a) and personal jurisdiction

over him cannot otherwise be obtained in this State, that conduct shall be considered equivalent to his appointment of the bureau chief or his successor in office to be his attorney to receive service of any lawful process in any noncriminal suit, action or proceeding against him or his successor, executor or administrator which grows out of that conduct and which is brought under this law or any rule or order hereunder, with the same force and validity as if served on him personally. Service may be made by leaving a copy of the process in the office of the bureau, and it is not effective unless the plaintiff, who may be the bureau chief in any action instituted on his behalf by the Attorney General, forthwith sends notice of the service and a copy of the process by certified or registered mail to the defendant or respondent at his last known address.

C. 49:3-74 Security Advisory Committee.

27. The Governor shall appoint a Security Advisory Committee which shall consist of 6 members. The members of the committee shall be residents of New Jersey, actively engaged in the securities business or as investment advisors. The members shall be selected on the basis of their experience and qualifications and with a view to representing all phases of the securities business. The members shall select a chairman. Meetings of the committee shall be held being appointed each year, without compensation, and may be reappointed for additional terms. The members of the committee shall select chairman. Meetings of the committee shall be held when called by the bureau chief. The committee shall serve in an advisory capacity to the bureau chief on all matters pertaining to this law. All members of the Security Advisory Committee shall hold over in office until their successors have been appointed and qualified. All members of the Security Advisory Committee appointed by the Governor pursuant to the Uniform Securities Law approved June 23, 1960 (P. L. 1960, c. 75), shall continue in office until the expiration of their respective terms, but thereafter all appointments shall be made pursuant to this act. Any member appointed to an unexpired term shall serve the balance of the unexpired term to which he was appointed.

C. 49:3-75 Purpose of law.

28. This law shall be so construed as to effectuate its general purpose to make uniform the law of those States which enact similar laws and to co-ordinate the interpretation and administration of this law with related Federal regulations.

C. 49:3-76 Validity of act.

29. If any provision of this law or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the law which can be given effect without the invalid provision or application, and to this end the provisions of this law are severable.

C. 49:3-47 Title of act.

30. This act may be cited as the "Uniform Securities Law (1967)."

31. This act shall take effect on July 1, 1967, but shall not apply to any offerings begun in good faith before this effective date.

Approved June 8, 1967.

CHAPTER 94

AN ACT concerning the small loan business, amending sections 17:10-2, 17:10-3, 17:10-5, 17:10-6, 17:10-7, 17:10-8, 17:10-9, 17:10-10, 17:10-13, 17:10-14, 17:10-15, 17:10-16, 17:10-17, 17:10-18, 17:10-19, 17:10-20, and repealing section 17:10-4 of the Revised Statutes, and chapter 107 of the laws of 1958.

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

1. Section 17:10-2 of the Revised Statutes is amended to read as follows:

Loan business to be licensed; scope of chapter.

17:10-2. No person, copartnership, association or corporation shall engage in the business of making loans of money, credit, goods, or things in action in the amount or of the value of \$1,000.00 or less and charge, contract for, or receive a greater rate of interest, discount, or consideration therefor than the lender would be permitted by law to charge if he were not a licensee hereunder, except as authorized by this chapter and without first obtaining a license from the commissioner.

Any person, copartnership, association or corporation directly or indirectly engaging in the business of soliciting or taking applications for such loans of \$1,000.00 or less, or in the business

of negotiating or arranging or aiding the borrower or lender in procuring or making such loans of \$1,000.00 or less, or in the business of buying, discounting or indorsing notes or of furnishing or procuring guarantee or security for compensation in amounts of \$1,000.00 or less shall be deemed to be engaging in the business of making loans subject to the provisions of this chapter.

2. Section 17:10-3 of the Revised Statutes is amended to read as follows:

Application for license; fees; power of attorney; assets.

17:10-3. Application for the license shall be in writing, under oath or affirmation, and in the form prescribed by the commissioner. It shall state the name and address both of the residence and place of business of the applicant, and if the applicant is a copartnership or association, of every member thereof, and if a corporation, of each officer and director thereof. It shall also state the county and municipality with street and number if any, where the business is to be conducted and any other information the commissioner requires. The applicant, at the time of making the application, shall pay to the commissioner the sum of \$150.00 as a fee for investigating the application and the additional sum of \$200.00 as an annual license fee for a period terminating on the last day of the current calendar year. If the business is to be conducted in a municipality having a population of less than 15,000, the payment shall be \$100.00 as the license fee in addition to the fee for investigation. If the application is approved after June 30 in any year the license fee shall be $\frac{1}{2}$ the sum which would otherwise be payable hereunder. In addition to the annual license fee every licensee hereunder shall pay to the commissioner the actual cost of each examination of his business as provided for in section 17:10-11 of this Title.

Every applicant shall, in writing, and in due form to be prescribed by the commissioner, file with the application a duly executed instrument constituting the commissioner and his successors in office the true and lawful agent and attorney of the applicant in this State, upon whom all original process in any action or legal proceeding, caused by the operation of a small loan business under this chapter, against the applicant or licensee may be served, except the notices prescribed in sections 17:10-7 and 17:10-10 of this Title. The applicant shall agree therein that any original process or legal proceeding, except as above stated, against the applicant or licensee shall be of the same force and effect as if served on the applicant or licensee personally. The

commissioner shall keep a record of such process, showing the date and the hour of service.

Every applicant shall also prove in form satisfactory to the commissioner, that said applicant has a net worth of at least \$25,000.00 and has available for the purpose of making loans under this chapter, at the location specified in the application, liquid assets of at least \$25,000.00.

3. Section 17:10-5 of the Revised Statutes is amended to read as follows:

Conditions upon granting of license.

17:10-5. (a) Investigation of application. Upon the filing of such application and the payment of such fees, the commissioner shall investigate the facts concerning the application and the requirements provided for in subsection (b) of this section. Within 20 days after the filing of such application, he shall mail a notice of the receipt of the application to each licensee having a place of business in the county where the applicant proposes to do business. Every applicant shall within 10 days from the filing of the application cause to be published a notice of the application in a newspaper, designated by the commissioner, which has general circulation in the county in which the applicant proposes to do business and in the form prescribed by the commissioner. If objections to the issuance of the license are filed with the commissioner within 10 days after notice of the application has been mailed by the commissioner, he shall designate a time and place for a hearing, which time shall not be less than 7 days nor more than 60 days after the 10 days' limitation for filing objections has expired.

(b) Issuance of license. If the commissioner, upon the filing of the application and payment of the fees, and after the hearing in the event objections are filed, finds (a) that the financial responsibility, experience, character and general fitness of the applicant and members thereof if the applicant is a copartnership or association, and of the officers and directors thereof if the applicant is a corporation, are such as to command the confidence of the community and to warrant belief that the business will be operated honestly, fairly and efficiently within the purposes of this chapter, (b) that allowing the applicant to engage in business will promote the convenience and advantage of the community in which the business of the applicant is to be conducted and (c) that the applicant has a net worth of at least \$25,000.00 and has available for the purpose of making loans under this chapter at the specified

location liquid assets of at least \$25,000.00, he shall thereupon issue and deliver a license to the applicant to make loans in accordance with this chapter at the location specified in the application. The license shall remain in full force and effect until it is surrendered by the licensee or revoked or suspended as hereinafter provided.

If the commissioner shall not so find he shall not issue the license and he shall notify the applicant of the denial and return to the applicant the appointment for service of process and the sum paid by the applicant as a license fee, retaining the \$150.00 investigation fee to cover the costs of investigating the application. The commissioner shall approve or deny every application for license hereunder within 120 days from the hearing, if any, but if there shall be no hearing then within 60 days after the 10 days' limitation for filing objections has expired.

4. Section 17:10-6 of the Revised Statutes is amended to read as follows:

License; form; display.

17:10-6. The license shall state the name of the licensee, the address at which the business is to be conducted, the date of issuance and may contain such other information as the commissioner may see fit to provide. The license shall be kept conspicuously posted in the place of business of the licensee and shall not be transferable or assignable.

5. Section 17:10-7 of the Revised Statutes is amended to read as follows:

Additional bonds; net worth and assets.

17:10-7. Every licensee shall have at all times a net worth of at least \$25,000.00 and shall maintain at all times assets of at least \$25,000.00 either in liquid form available for or actually used in the making of loans under this chapter at the location specified in the license.

6. Section 17:10-8 of the Revised Statutes is amended to read as follows:

Place of business; separate license required for each; change of location.

17:10-8. Not more than one place of business shall be maintained under the same license, but the commissioner may issue more than one license to the same licensee upon compliance with all the provisions of this chapter governing an original issuance of a license, for each new license.

Whenever a licensee desires to change his place of business to another location within the same municipality, the commissioner, on application, if he finds that the interests of the community will be served thereby, shall give his written approval of the proposed change by issuing a certificate under his hand and official seal authorizing such change and specifying the date on or after which, and the place to which, such change may be made, which certificate shall be authority for the operation of the business under the license at the new location. No change in the place of business of a licensee to a location outside of the original municipality shall be permitted under the same license.

7. Section 17:10-9 of the Revised Statutes is amended to read as follows:

Annual license fee and bond.

17:10-9. Every licensee shall, on or before December 10 of each year, pay to the commissioner the sum of \$200.00 as an annual license fee for the next succeeding calendar year, but if the place of business licensed hereunder is located in a municipality having a population of less than 15,000, the payment shall be \$100.00 as such annual license fee for the next succeeding calendar year.

8. Section 17:10-10 of the Revised Statutes is amended to read as follows:

Revocation, suspension or surrender of license.

17:10-10. The commissioner shall revoke any license issued hereunder, upon 10 days' notice to the licensee stating the contemplated action and in general the grounds therefor, and after reasonable opportunity to be heard, if he finds that:

a. The licensee has failed to pay the annual license fee required under this chapter or to comply with any demand, ruling, or requirement of the commissioner lawfully made pursuant to and within the authority of this chapter;

b. The licensee has violated any provision of this chapter or any rule or regulation lawfully made by the commissioner under and within the authority of this chapter;

c. Any fact or condition exists which, if it had existed at the time of the original application for the license, clearly would have warranted the commissioner in refusing originally to issue the license.

The commissioner may, without notice or hearing, suspend any license for a period not exceeding 30 days, pending investigation.

The commissioner may revoke or suspend only the particular license with respect to which grounds for revocation or suspension

may occur or exist, or, if he finds that such grounds for revocation or suspension are of general application to all offices, or to more than one office, operated by the licensee, he shall revoke or suspend all of the licenses issued to the licensee or such number of licenses as such grounds apply to, as the case may be.

Any licensee may surrender any license by delivering to the commissioner written notice that he thereby surrenders the license, but the surrender shall not affect the licensee's civil or criminal liability for acts committed prior to the surrender.

No revocation or suspension or surrender of any license shall impair or affect the obligation of any pre-existing lawful contract between the licensee and a borrower.

Every license issued hereunder shall remain in force and effect until the same shall have been surrendered, revoked, or suspended in accordance with the provisions of this chapter, but the commissioner may on his own motion reinstate suspended licenses or issue new licenses to a licensee whose license or licenses shall have been revoked if no fact or condition then exists which clearly would have warranted the commissioner in refusing originally to issue the license under this chapter.

9. Section 17:10-13 of the Revised Statutes is amended to read as follows:

Restrictions upon licensee; contract provisions for payment in installments.

17:10-13. No licensee shall advertise, print, display, publish, distribute, telecast or broadcast, or permit to be advertised, printed, displayed, published, distributed, telecast or broadcast, any statement or representation which refers to the supervision by the State of the business licensed hereunder. No licensee or any other person shall knowingly in any such manner make or permit to be made any statement or representation with regard to the rates, terms, or conditions for making loans in the sum of \$1,000.00 or less, which is false, misleading, or deceptive.

No licensee shall make any loan upon security of any assignment of or order for the payment of any salary, wages, commissions or other compensation for services earned, or to be earned, nor shall any such assignment or order be taken by a licensee at any time in connection with any loan, or for the enforcement of repayment thereof, and any such assignment or order hereafter so taken or given to secure any loan made by any licensee under this chapter shall be void and of no effect.

No licensee shall take a lien upon real estate as security for any loan under the provisions of this chapter, except such lien as is created by law upon the recording of a judgment.

No licensee shall conduct the business of making loans under the provisions of this chapter within any office, room, or place of business in which any other business is solicited or engaged in, or in association or conjunction therewith, except as may be authorized in writing by the commissioner.

No licensee shall transact such business or make any loan provided for by this chapter under any other name or at any other place of business than that named in the license.

No licensee which is a corporation shall publicly sell or offer for sale within this State any of its capital stock without the written approval of the commissioner first obtained.

Every loan contract shall provide for repayment of principal and interest combined in installments which shall be payable at approximately equal periodic intervals of time and which shall be so arranged that no installment is substantially greater in amount than any preceding installment, except that the repayment schedule may reduce or omit such installments when necessary because of the seasonal nature of the borrower's income.

10. Section 17:10-14 of the Revised Statutes is amended to read as follows:

Amount of loan; interest; other charges; effect of violations.

17:10-14. Every licensee hereunder may loan any sum of money not exceeding \$1,000.00, repayable in installments, and may charge, contract for and receive thereon interest at an annual percentage rate not exceeding 24% on that part of the unpaid principal balance not exceeding \$500.00 and 22% on any remainder of such unpaid principal balance.

The interest and periodic payments for loans at these maximum rates shall be computed from standard tables based on the actuarial or annuity method which conforms to the so called "United States Rule of Partial Payments," which provides that interest shall be calculated whenever a payment is made and the payment shall be first applied to the payment of interest and if it exceeds the interest due, the balance is to be applied to diminish principal. If the payment is insufficient to pay the entire amount of interest, the balance of interest due shall not be added to principal, so as to produce interest thereon.

No interest shall be paid, deducted, or received in advance. Interest shall not be compounded and shall be computed only on

unpaid principal balances. For the purpose of computing interest, whether at the maximum rate or less, a month shall be considered a calendar month and where a fraction of a month is involved a day shall be considered $\frac{1}{30}$ of a month.

No licensee shall induce or permit any person, nor any husband and wife, jointly or severally, to become obligated, directly or contingently or both, under more than one contract of loan at the same time for the purpose of obtaining a higher rate of interest than would otherwise be permitted by this section.

In addition to the interest herein provided for no further or other charge, or amount whatsoever for any examination, service, brokerage, commission, expense, fee, or bonus or other thing or otherwise shall be directly or indirectly charged, contracted for, or received, except (1) amounts for insurance obtained or provided by the licensee in accordance with the provisions of this chapter; and (2) on actual sale of the security in foreclosure proceedings or upon the entry of judgment. If any interest, consideration or charges in excess of those permitted by this chapter are charged, contracted for, or received the contract of loan shall be void and the licensee shall have no right to collect or receive any principal, interest, or charges whatsoever, and the borrower shall be entitled to recover from the lender any sums paid or returned to the lender by the borrower on account of or in connection with the loan.

11. Section 17:10-15 of the Revised Statutes is amended to read as follows:

Duties of licensee.

17:10-15. Every licensee shall: a. Deliver to the borrower at the time a loan is made a statement in the English language showing in clear and distinct terms the amount and date of the loan and of its maturity, the nature of the security, if any, for the loan, the name and address of the borrower and of the licensee, the payment schedule, the amount of interest charges, and the annual percentage rate of interest;

b. Give to the borrower a plain and complete receipt for all payments made on account of the loan at the time the payments are made, specifying the amount applied to interest and the amount, if any, applied to principal, and stating the unpaid balance, if any, of the loan;

c. Permit payment to be made in advance in any amount on any contract of loan at any time, but the licensee may apply the payment first to all interest in full at the agreed rate up to the date of the payment;

d. Upon repayment of the loan in full, mark indelibly every obligation and security signed by the borrower with the word "paid" or "canceled," and release, or give the borrower evidence to release any mortgage, or security interest which no longer secures an obligation to the licensee, restore any pledge, cancel and return any note, and cancel and return any assignment given to the licensee by the borrower.

No licensee shall take any confession of judgment or any power of attorney. No licensee shall take any note, promise to pay, or security that does not accurately disclose the amount of the loan, the date of the loan, the payment schedule, the amount of interest charges, and the annual percentage rate of interest, nor any instrument in which blanks are left to be filled in after the loan is made.

12. Section 17:10-16 of the Revised Statutes is amended to read as follows:

Amount of charges limited.

17:10-16. No licensee shall directly or indirectly charge, contract for, or receive any interest, discount, or consideration greater than he would be permitted by law to charge if he were not a licensee hereunder upon the loan, use, or forbearance of money, goods, or things in action, or upon the loan, use, or sale of credit, of the amount or value of more than \$1,000.00. The foregoing prohibition shall also apply to any licensee who permits any person, as borrower or as indorser, guarantor, or surety for any borrower, or otherwise, to owe directly or contingently or both under one or more loan contracts to the licensee at any time the sum of more than \$1,000.00 for principal.

13. Section 17:10-17 of the Revised Statutes is amended to read as follows:

Payment in consideration of assignment; excess compensation.

17:10-17. The payment of \$1,000.00 or less in money, credit, goods or things in action, as consideration for any sale, assignment or order for the payment of wages, salary, commissions or other compensation for services, whether earned or to be earned, shall, for the purposes of this chapter, be deemed a loan secured by the assignment. The transaction shall be governed by and subject to the provisions of this chapter and any such sale, assignment or order hereafter made shall, for the purposes of this chapter, be void and of no effect.

14. Section 17:10-18 of the Revised Statutes is amended to read as follows:

Assignment of salary; amount collectible from employer; municipal and county employees.

17:10-18. No chattel mortgage or security interest, as defined in section 12A:1-201 of Title 12A of the New Jersey Statutes, in, or other lien on, household furniture, then in the possession and use of the borrower, shall, be valid unless such chattel mortgage and the financing statement and the security agreement are in writing, signed in person by the borrower, and if the borrower is married unless it is signed in person by both husband and wife. The written assent of a spouse shall not be required when husband and wife have been living separate and apart for a period of at least 5 months prior to the making of the mortgage or lien or security interest.

15. Section 17:10-19 of the Revised Statutes is amended to read as follows:

Payment in certain cases deemed a loan.

17:10-19. The payment of \$1,000.00 or less in money, credit, goods or things in action as consideration for any sale of personal property which is made on condition that the property be sold back at a greater price shall, for the purposes of this chapter, be deemed to be a loan secured by the property and the amount by which the repurchase price exceeds the original payment actually paid shall be deemed interest or charges upon the loan from the date the original payment is made until the date the repurchase price is paid. The transaction shall be governed by and be subject to the provisions of this chapter.

16. Section 17:10-20 of the Revised Statutes is amended to read as follows:

Prohibited acts.

17:10-20. No person, copartnership, association, or corporation, except as authorized by this chapter, shall directly or indirectly charge, contract for, or receive any interest, discount, or consideration greater than the lender would be permitted by law to charge if he were not a licensee hereunder upon the loan, use, or forbearance of money, goods, or things in action, or upon the loan, use, or sale of credit of the amount or value of \$1,000.00 or less.

The foregoing prohibition shall apply to any person, copartnership, association, or corporation who or which, by any device, subterfuge, or pretense, shall charge, contract for, or receive greater interest, consideration, or charges than is authorized by this chapter for the loan, use, or forbearance of money, goods, or things in action or for the loan, use, or sale of credit.

No loan of the amount or value of \$1,000.00 or less for which a greater rate of interest, consideration, or charge than is permitted by this chapter has been charged, contracted for, or received, wherever made, shall be enforced in this State and any person, copartnership, association or corporation in anywise participating therein in this State shall be subject to the provisions of this chapter. The foregoing shall not apply to loans legally made in any State which then has in effect a regulatory small loan law similar in principle to this chapter, but an action to enforce any loan made in any such State to a person then residing in this State may be maintained in this State only if the amount of interest, discount, consideration or other charge for such loan, demanded to be paid in such action, does not exceed that permitted to a licensee by this chapter for a loan of the same amount repayable in the same manner.

C. 17:10-4, 17:10-18.1 Repealed.

17. Section 17:10-4 of the Revised Statutes and chapter 107 of the laws of 1958 are hereby repealed.

18. This act shall become effective 90 days after the date of its approval.

Approved June 8, 1967.

CHAPTER 95

AN ACT concerning hotels and similar places of public accommodation and supplementing Title 29 of the Revised Statutes.

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

C. 29:4-5 Definitions.

1. As used in this act: "Hotel" means any hotel, motel, inn, tourist camp, tourist cabin, tourist home, rooming house or similar establishment where sleeping accommodations are supplied for pay to transient and permanent guests.

"Guest room" is a room which is occupied, or is intended, arranged or designed to be occupied for sleeping purposes by one or more guests and includes rooms hired out furnished or unfurnished.

C. 29:4-6 Posting of rates for accommodations.

2. No person engaged in the business of furnishing public lodging accommodations in a hotel shall post or maintain posted on any advertising sign or cause to be placed before the public in any advertising matter or information pertaining to such establishment, any rates for accommodations in any such establishment unless there are available in any such establishment, when vacant, accommodations for immediate occupancy to meet the posted rate of such advertising signs.

C. 29:4-7 Posting in conspicuous place.

3. Every person engaged in the business of furnishing public lodging accommodations in a hotel shall post in a conspicuous place or manner in each and every guest room, a printed copy of this act and a statement of the range of rates charged by the hotel, including seasonal rates.

C. 29:4-8 Violations; penalty.

4. Any person, organization or corporation violating any of the provisions of this act shall be liable to a penalty of not less than \$50.00 or more than \$100.00 for the first offense, and not less than \$100.00 or more than \$250.00 for the second and each subsequent offense.

Every county district court and municipal court shall have jurisdiction of proceedings for the collection and enforcement of a penalty imposed because of the violation, within the territorial jurisdiction of the court, of any provision of this act. The penalty shall be collected and enforced in a summary proceeding pursuant to the Penalty Enforcement Law (N. J. S. 2A:58-1, et seq.). Process shall be either in the nature of a summons or warrant and shall issue in the name of the State upon the complaint of any person.

5. This act shall take effect 30 days after enactment.

Approved June 8, 1967.

CHAPTER 96

AN ACT to amend and supplement the "Real Estate Syndication Offerings Law," approved March 5, 1964 (P. L. 1963, c. 192).

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

1. Section 17 of the act of which this act is amendatory and supplementary is amended to read as follows:

C. 49:3-43 Violations; penalties.

17. Any person who shall willfully violate any provision of this law or of any rule or order made under this law or who shall knowingly make any false or misleading statement in any offering statement or prospectus filed pursuant to this law shall be guilty of a misdemeanor and be fined not more than \$5,000.00 or imprisoned not more than 3 years, or both, but no person may be imprisoned for the violation of any rule or order if he proves that he had no knowledge of the rule or order and no indictment or information may be returned under this law more than 5 years after the alleged violation.

C. 49:3-45 Investigations.

2. (a) The bureau chief in his discretion (1) may make such private investigations within or outside of this State as he deems necessary to determine whether any person has violated or is about to violate any provisions of the "Real Estate Syndication Offerings Law" or any rule or order hereunder, or to aid in the enforcement of said law or in the prescribing of rules and forms hereunder, (2) may require or permit any person to file a statement in writing, under oath or otherwise as the bureau chief determines, as to all the facts and circumstances concerning the matter to be investigated, and (3) may publish information concerning any violation of the "Real Estate Syndication Offerings Law" or any rule or order hereunder, provided that there shall be no publication until such order or rule becomes effective;

(b) For the purpose of any investigation or proceeding under the "Real Estate Syndication Offerings Law," the bureau chief or any officer designated by him may administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence and require the production of any books, papers, correspondence,

memoranda, agreements or other documents or records which the bureau chief deems relevant or material to the inquiry;

(c) In case of contumacy by, or refusal to obey a subpoena issued to, any person, the Superior Court, upon application by the bureau chief, may issue to the person an order requiring him to appear before the bureau chief, or the officer designated by him, there to produce documentary evidence if so ordered or to give evidence touching the matter under investigation or in question. The court may grant injunctive relief restraining the issuance, sale or offer for sale, purchase or offer to purchase, promotion, negotiation, advertisement or distribution from or within this State of any securities by a person, or agent, employee, broker, partner, officer, director or stockholder thereof, until such person has fully complied with such subpoena and the bureau has completed its investigation. The court may proceed in the action in a summary manner or otherwise.

(d) No person is excused from attending and testifying or from producing any document or record before the Bureau of Securities, or in obedience to the subpoena of the bureau chief or any officer designated by him, or in any proceeding instituted by said bureau, on the ground that the testimony or evidence (documentary or otherwise) required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual may be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he is compelled, after claiming his privilege against self-incrimination, to testify or produce evidence (documentary or otherwise), except that the individual testifying is not exempt from prosecution and punishment for perjury, false swearing or contempt committed in testifying.

(e) When it shall appear to the bureau chief that the testimony of any person is essential to an investigation instituted by him as provided by the "Real Estate Syndication Offerings Law," and that the failure of such person to appear and testify may defeat the proper and effective conduct thereof, the bureau chief, in addition to the other remedies provided for therein, may, by petition verified generally, setting forth the facts, apply to the Superior Court for a writ of ne exeat against such person. The court shall thereupon direct the issuance of the writ against such person requiring him to give sufficient bail conditioned to insure his appearance before the bureau chief for examination under oath in such investigation and that he will continue his appearance

therein from time to time until the completion of the investigation and will appear before the court if the bureau chief shall institute any proceeding therein as a result of his investigation.

The court shall cause to be indorsed on the writ of ne exeat, in words at length, a suitable amount of bail upon which the person named in the writ shall be freed, having a due regard to the nature of the case and the value of the securities involved. All applications to be freed on bail shall be on notice to the bureau chief and the sufficiency of the bail given on the writ shall be approved by the court. All recognizances shall be to the State and all forfeitures thereof shall be declared by the court. The proceeds of the forfeitures shall be paid into the State treasury.

C. 49:3-46 Violations; penalties.

3. (a) When it shall appear to the bureau chief that a person has engaged in, is engaging in, or is about to engage in, any practices declared to be illegal and prohibited by the "Real Estate Syndication Offerings Law" or when it shall appear that it will be against the public interest for any person to issue, sell, offer for sale, purchase, offer to purchase, promote, negotiate, advertise or distribute any securities from or within this State, the Attorney General on his behalf may bring an action in the Superior Court and apply therein for injunctive relief, or the appointment of a receiver, or both. The court may proceed in the action in a summary manner or otherwise;

(b) If it shall appear to the court in the action that such person has engaged in, is engaging in, or is about to engage in any practice declared to be illegal and prohibited by the "Real Estate Syndication Offerings Law," it may enjoin such person, and any agent, employee, broker, partner, officer, director or stockholder thereof, from continuing such practices or engaging therein or doing any acts in furtherance thereof. The court may also enjoin the issuance, sale, offer for sale, purchase, offer to purchase, promotion, negotiation, advertisement or distribution from or within this State of any securities by such persons, and any agent, employee, broker, partner, officer, director or stockholder thereof, until the court shall otherwise order;

(c) When the court shall grant injunctive relief as provided for in paragraph (b), it may appoint a receiver with power to sue for, collect, receive and take into his possession all the goods and chattels, rights and credits, moneys and effects, lands and tenements, books, records, documents, papers, choses in action, bills, notes and property of every description, derived by means of any

practice declared to be illegal and prohibited by the "Real Estate Syndication Offerings Law," including property with which such property has been mingled, if it cannot be identified in kind because of such commingling, and to sell, convey and assign the same and hold and dispose of the proceeds thereof under the direction of the court for the equal benefit of all who establish an interest therein by reason of the use and employment by the defendant of any practices herein declared to be illegal and prohibited. The receiver may retain an attorney with the consent of the Attorney General and the court. The court shall have jurisdiction of all questions arising in such proceedings and may make such orders and judgments therein as justice shall require;

(d) When injunctive relief is granted as provided for in paragraph (b) against a corporation, partnership, company, association or trust, the court may appoint a receiver and may restrain the corporation, its officers, directors, stockholders, and agents, the partnership, company or association, its officers, members and agents, and the trust, its grantors, trustees, officers, cestuis que trustent and agents, from exercising any of its privileges or franchises, and in the case of a trust from executing the trust, and in all cases from collecting or receiving any debts, or paying out, selling, assigning or transferring any of its estate, moneys, funds, lands, tenements or effects except to the receiver appointed by the court until the court shall otherwise order.

Upon the appointment of the receiver, all the real and personal property of the corporation, partnership, company, association or trust, and its franchises, rights, privileges and effects shall forthwith vest in him and the corporation, partnership, company, association or trust shall be divested of the title thereto.

The receiver shall settle the estate and distribute the assets, and have all the powers and duties conferred upon receivers by the provisions of Title 14, of the Revised Statutes, so far as the provisions thereof are applicable.

4. This act shall take effect on January 1, 1968.

Approved June 8, 1967.

CHAPTER 97

A SUPPLEMENT to "An act concerning consumer fraud, its prevention, and providing penalties therefor," approved June 9, 1960 (P. L. 1960, c. 39).

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

C. 56:8-3.1 Violations; penalties.

1. Upon receiving evidence of any violation of the provisions of chapter 39 of the laws of 1960, the Attorney General, or any assistant designated by him for such purpose, is empowered to hold hearings upon said violation and upon finding the violation to have been committed, to assess a penalty against the person alleged to have committed such violation, in such amount within the limits of chapter 39 of the laws of 1966 as the Attorney General deems proper under the circumstances. Any such amounts collected by the Attorney General shall be paid forthwith into the State treasury for the general purposes of the State.

2. This act shall take effect immediately.

Approved June 8, 1967.

CHAPTER 98

AN ACT concerning kosher foods and amending section 2A:108-7 of the New Jersey Statutes.

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

1. Section 2A:108-7 of the New Jersey Statutes is amended to read as follows:

Punishment for violation of sections 2A:108-5 or 2A:108-6.

2A:108-7. Any person who violates any of the provisions of sections 2A:108-5 or 2A:108-6 of this Title shall be liable to a penalty of not less than \$50.00 or more than \$100.00 for the first offense and

not less than \$100.00 or more than \$250.00 for the second and subsequent offense.

Every county district court and municipal court shall have jurisdiction of proceedings for the collection and enforcement of a penalty imposed because of the violation, within the territorial jurisdiction of the court, of any provision of the act of which this act is amendatory. The penalty shall be collected and enforced in a summary proceeding pursuant to the Penalty Enforcement Law (N. J. S. 2A:58-1, et seq.). Process shall be either in the nature of a summons or warrant and shall issue in the name of the State upon the complaint of the Attorney General.

Upon receiving evidence of any such violation, the Attorney General, or any assistant designated by him for such purpose, is empowered to hold hearings upon said violation and upon finding the violation to have been committed, to assess a penalty against the person alleged to have committed such violation, in such amount within the limits of this section as the Attorney General deems proper under the circumstances. Any such amounts collected by the Attorney General shall be paid forthwith into the State treasury for the general purposes of the State.

2. This act shall take effect immediately.

Approved June 12, 1967.

CHAPTER 99

AN ACT relating to the civil service status and validating and confirming the appointment of members of municipal police departments in certain cases.

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

Validating act.

1. The permanent appointment of any member of the police department of a municipality which has heretofore adopted the provisions of subtitle 3 of Title 11, Civil Service, who had been certified to the chief of police or the governing body of the municipality as qualified physically and by satisfactory passage of an examination established by the New Jersey Association of

Chiefs of Police prior to the filing of a petition for the adoption of said Civil Service subtitle, whose temporary appointment was made within 1 week of the adoption of said subtitle, and whose permanent appointment was made upon the completion of the 4 months' probationary period, is hereby validated and confirmed, and such member shall hold such position or employment as though such permanent appointment had been made in accordance with the provisions of said Civil Service subtitle relating to the competitive class.

2. This act shall take effect immediately.

Approved June 12, 1967.

CHAPTER 100

AN ACT to amend and supplement "An act providing for the establishment, development, improvement and expansion of community mental health services and providing for payment by the State of financial grants-in-aid for community mental health projects," approved July 15, 1957 (P. L. 1957, chapter 146).

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

1. Section 1 of the act of which this act is amendatory is amended to read as follows:

C. 30:9A-1 Mental health services.

1. It is declared to be the public policy of this State to encourage the development of preventive, treatment and aftercare services for mental health problems through additional community mental health programs and the improvement and expansion of existing community mental health services in designated service areas for the entire State which will provide these elements of adequate services:

- (a) in-patient services;
- (b) out-patient services;
- (c) partial hospitalization services such as day care, night care, weekend care;
- (d) emergency services 24 hours per day to be available within at least one of the first 3 services listed above;

- (e) consultation and education services available to community agencies and professional personnel;
- (f) diagnostic services;
- (g) rehabilitative services including vocational and educational programs;
- (h) pre-care and after-care services in the community including foster home placement, home visiting and halfway houses;
- (i) training, and;
- (j) research and evaluation.

2. Section 2 of the act of which this act is amendatory is amended to read as follows:

C. 30:9A-2 Definitions.

2. For the purpose of this act the following terms are hereby defined:

“Sponsoring agency” shall mean any county board of freeholders, municipal governing body, board of education or any non-profit corporation organized for the purpose of providing health or welfare services to the community, which establishes, maintains or expands a community mental health project;

“Community mental health project” shall mean a program of mental health services provided by psychiatrists, psychiatric social workers, psychologists and such other staff as may be required for any one or more of the elements of a community mental health center as defined herein;

“Community mental health center” shall mean a community mental health project providing at least:

- (A) in-patient services;
- (B) out-patient services;
- (C) partial hospitalization services, such as day care, night care, weekend care;
- (D) emergency services 24 hours per day available within at least one of the first 3 services listed above;
- (E) consultation and education services available to community agencies and professional personnel.

The aforementioned services are to be provided principally for persons residing in a particular community or communities which are designated as the community mental health center service area, in or near which the facilities providing the elements of service are situated.

“Department” shall mean the Department of Institutions and Agencies.

“Community mental health board” shall mean a board of 15 members, 10 to be appointed by the State Board of Control with the approval of the Governor. Of those 10, 7 members shall be chosen from among citizens of the State with demonstrated interest in mental health services, 2 from among persons recommended by the State Association of Freeholders, and one from among persons recommended by the State League of Municipalities. The term of each of these 10 members shall be for 3 years and shall commence on July 1 and shall terminate on June 30, provided, however, that of the members first appointed 3 shall be appointed for a term expiring 1 year, 3 for a term expiring 2 years, and 4 for a term expiring 3 years from July 1 following the date of appointment.

In addition, the Board of Control will designate one member from among persons currently serving as members of the Board of Managers of each of the 4 State mental hospitals and the Neuro-Psychiatric Institute to be appointed in July of each year.

The board shall become and continue to be thoroughly acquainted with those programs of the Department of Institutions and Agencies dealing with community mental health and regularly review all such programs and practices within the units thereof. It shall establish policies and procedures within the general directives of the State Board of Control covering these programs and shall assist the department in formulating the annual budget requests. It shall promote and maintain constructive relationships with the county mental health boards, community mental health center boards and other official bodies and organized agencies concerned with mental health. It shall also serve, where possible, such advisory capacities to the department in the area of community mental health as are required by Federal statutes.

The board shall choose one of its members to act as chairman and shall meet as often as required to conduct the business of the board and to assist and advise in the administration of the duties and responsibilities imposed by this chapter, but not less than 6 times each year.

The community mental health board, acting on behalf of the State Board of Control and subject to the authority and direction thereof, may establish within itself committees directly concerned with State-operated facilities, State grant-in-aid programs, Federal grant-in-aid programs, planning for comprehensive mental health services and mental health manpower resources, utilization and training, and may establish such other committees as it may determine.

It may, subject to the approval of the State Board of Control, establish any subsidiary unsalaried advisory or consultant committees or study groups as it may deem necessary and proper and appoint the members thereof.

3. Section 3 of the act of which this act is amendatory is amended to read as follows:

C. 30:9A-3 County participation; board; members; administrator.

3. The several counties are hereby authorized to provide for community mental health services in accordance with the provisions of this act. Each county board of freeholders, in order to participate under this act, shall appoint a county mental health board of not less than 7 nor more than 12 residents of the county, to serve without compensation, representing local boards of health, school boards, the county welfare board, parent-teacher associations, county mental health associations, and the county medical associations and such other members as the county board of freeholders shall deem necessary. The county mental health board shall annually elect a chairman. The board of freeholders shall provide the mental health board with suitable quarters and such clerical assistance as may be required to carry out its functions. Such board shall meet not less than 4 times in each year and shall review progress in the development of comprehensive community mental health services in the county and make recommendations to the local agencies, the community mental health board and the Department of Institutions and Agencies.

Any county mental health board may, with the approval of the board of freeholders, create the position of mental health administrator. The administrator shall be the executive officer of the board and assist in carrying out its duties under this act.

The commissioner shall by regulation establish qualifications for the position of mental health administrator. If he is satisfied that the appointee is qualified and that the board of freeholders and the county mental health board have fulfilled the requirements of the act and of regulations issued pursuant thereto, he may approve reimbursement from available Federal and State funds of that portion of the salary of such administrator and of such necessary administrative expenses related to his duties as shall be allowed by regulation.

4. Section 4 of the act of which this act is amendatory is amended to read as follows:

C. 30:9A-4 Terms.

4. The term of each member of the county mental health board shall be for 3 years and shall terminate on June 30, provided, however, that of the members first appointed, $\frac{1}{3}$ shall be appointed for a term expiring 1 year, $\frac{1}{3}$ for a term expiring 2 years, and $\frac{1}{3}$ for a term expiring 3 years from June 30 following the date of appointment, and provided further that the members serving on the effective date of this act shall serve until June 30 following the date on which their terms would otherwise have expired. Members may not be reappointed after serving 2 full 3-year terms, until 2 years shall have elapsed since the expiration of such terms.

5. Section 5 of the act of which this act is amendatory is amended to read as follows:

C. 30:9A-5 Powers and duties of board.

5. Subject to the provisions of this chapter, and the regulations of the department, every county mental health board shall have the power and duty to:

a. Develop a plan of community mental health services for the county;

b. Annually appoint a professional mental health advisory committee of not less than 5, including professional representatives of mental health agencies receiving support under this act to provide all necessary technical advice required by the board;

c. Require the professional advisory committee to meet often enough to give full and proper study to all issues confronting the mental health board relating to professional aspects of mental health projects and to make recommendations to the board;

d. Review, advise and make recommendations with regard to community mental health service projects submitted for State financial participation.

e. Perform such other duties as may be necessary or proper to carry out the purposes of this act.

6. Section 6 of the act of which this act is amendatory is amended to read as follows:

C. 30:9A-6 Community projects.

6. a. Community mental health projects shall be submitted annually by sponsoring agencies to the county mental health board and the department in accordance with the rules and regulations of the department.

b. All projects shall include an explanation of the operation proposed and a budget showing all sources of revenue, including anticipated State financial aid, and a list of personnel requirements.

c. The county mental health board shall recommend the amount of State financial aid to be allocated to each such project in the county based upon an evaluation of the project, the number of people served, the scope of the services provided and such other factors as the board may deem necessary to accomplish the objectives of this act. It shall also recommend the order of priority respecting such projects or parts thereof.

7. Section 7 of the act of which this act is amendatory is amended to read as follows:

C. 30:9A-7 Project application regulations.

7. Each project application shall contain such information and be submitted in such form and at such time as may be required by regulations of the department. The county mental health board shall transmit to the department its recommendations with respect to each project which has been submitted to it.

8. Section 8 of the act of which this act is amendatory is amended to read as follows:

C. 30:9A-8 Approval by commissioner.

8. The commissioner, with due regard for the recommendations made by the community mental health board, shall approve for State financial participation community mental health projects which comply with all regulations of the department and which implement in an efficient and economic manner a community mental health program through educational, consultative, diagnostic treatment, rehabilitative and after-care services for mental health problems of children and adults in the community. The commissioner shall notify the sponsoring agency and the county mental health board of his action and certify the amount of State financial participation allowed, if any.

9. Section 9 of the act of which this act is amendatory is amended to read as follows:

C. 30:9A-9 Reimbursement for allowable expenditures.

9. a. Reimbursement grants shall be paid to an eligible sponsoring agency from State funds in an amount not exceeding 60% of the allowable expenditures for each project approved by the commissioner. Allowable expenditures shall include expenditures other than capital expenditures for such purposes as the commissioner shall, by regulation, determine to be necessary or required to carry out the mental health project, except that expenditures for rental or improvements to premises used for the project shall not be included. The total of the annual reimbursement grants

from State funds for all community health projects, exclusive of capital expenditures, in any one county shall not exceed an amount equal to \$0.25 multiplied by the population of that county.

To permit initiation or expansion of services, the commissioner may make payments in advance to any sponsoring agency of amounts not to exceed 25% of the amount of an approved annual grant to the agency.

b. Claims for State reimbursement to the sponsoring agency shall be made in accordance with the regulations of the department.

10. Section 10 of the act of which this act is amendatory is amended to read as follows:

C. 30:9A-10 Rules and regulations.

10. The commissioner, with due regard for the recommendations made by the community mental health board, shall make, promulgate, modify, repeal and enforce such rules and regulations as may be necessary adequately to effectuate the provisions of this act and the powers conferred upon him and upon the department hereunder.

C. 30:9A-11 Encourage mental health centers.

11. It is declared to be the policy of this State to encourage sponsoring agencies as described herein to establish community mental health centers by making provision for payment of a part of the cost of the capital expenditures required in connection therewith, exclusive of the cost of site acquisition, and upon approval by the commissioner of a proper application by a sponsoring agency for this purpose a financial grant-in-aid may be made not to exceed 60% of that portion of the cost of said capital expenditures to be borne by said agency.

12. In order to provide funds for such grants-in-aid for capital expenditures the department is authorized to utilize any unexpended balances from funds made available to it by chapter 224, P. L. 1964, under item

“COMMUNITY MENTAL HEALTH CENTERS

Estimated cost	\$7,000,000 00
Less anticipated Federal Aid	2,500,000 00

\$4,500,000 00”

13. This act shall take effect immediately.

Approved June 12, 1967.

CHAPTER 101

AN ACT concerning nonbinding municipal referenda and amending section 19:37-1 and supplementing chapter 37 of Title 19 of the Revised Statutes.

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

1. Section 19:37-1 of the Revised Statutes is amended to read as follows:

Ordinance or resolution for submitting question.

19:37-1. When the governing body of any municipality or of any county desires to ascertain the sentiment of the legal voters of the municipality or county upon any question or policy pertaining to the government or internal affairs thereof, and there is no other statute by which the sentiment can be ascertained by the submission of such question to a vote of the electors in the municipality or county at any election to be held therein, the governing body may adopt at any regular meeting an ordinance or a resolution requesting the clerk of the county to print upon the official ballots to be used at the next ensuing general election a certain proposition to be formulated and expressed in the ordinance or resolution in concise form. Such request shall be filed with the clerk of the county not later than 60 days previous to the election.

C. 19:37-1.1 Printing proposition on ballot.

2. Whenever a governing body of a municipality has adopted an ordinance or resolution pursuant to section 19:37-1 of the Revised Statutes, upon the presentation to the governing body of such municipality of a petition signed by 10% or more of the voters registered and qualified to vote at the last general election in such municipality, requesting the governing body of such municipality to ascertain the sentiment of the legal voters of the municipality upon any question or policy pertaining to the government or internal affairs thereof that is reasonably related to any proposition formulated and expressed in such ordinance or resolution, such municipality shall thereupon adopt at its next regular meeting following the presentation of such petition a resolution requesting the clerk of the county to print upon the official ballots to be used at the next ensuing general election a certain proposition as formu-

lated and expressed in the petition. Such request shall be filed with the clerk of the county not later than 30 days previous to the election.

3. This act shall take effect immediately.

Approved June 12, 1967.

CHAPTER 102

AN ACT concerning special woodcock hunting licenses and amending sections 23:3-23, 23:3-24, 23:3-25 and 23:3-26 of the Revised Statutes.

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

1. Section 23:3-23 of the Revised Statutes is amended to read as follows:

Special woodcock hunting stamp.

23:3-23. No person shall at any time hunt for, kill or pursue with a gun or any firearm of any kind or character, any woodcock, unless he has first procured, as hereinafter provided, a special stamp therefor, in addition to the license required by article 1 of this chapter (23:3-1 et seq.), and unless at the time of hunting he has the license and stamp on his person and exhibits the same for inspection to any conservation officer, deputy conservation officer, police officer or other person requesting to see them; provided, however, that woodcock may be taken without special stamp in that portion of the prescribed woodcock season which may extend into the season when it is permissible to take upland game.

The stamp issued under sections 23:3-23 to 23:3-27 of this Title shall be designated as the "special woodcock hunting stamp," and shall authorize its holder to hunt woodcock at the time and in the manner provided by law. The stamp shall be invalid from the date of its issuance when issued to a person not entitled thereto hereunder.

2. Section 23:3-24 of the Revised Statutes is amended to read as follows:

Stamp; issuance; contents; form.

23:3-24. The stamp shall be procured from the Division of Fish and Game at Trenton, or from any salaried fish and game conservation officer. No stamp shall be valid unless it is permanently attached to the license and contains the signature of the licensee written in ink across the face of the stamp.

The division shall determine the form of the stamp.

3. Section 23:3-25 of the Revised Statutes is amended to read as follows:

Penalty for killing or having certain game.

23:3-25. The fee for this stamp shall be \$3.00. The amounts remitted to the State Treasury for stamps issued under section 23:3-24 of this Title shall be placed to the credit of the "hunters' and anglers' license fund," mentioned in section 23:3-12 of this Title.

4. Section 23:3-26 of the Revised Statutes is amended to read as follows:

Violation; penalty.

23:3-26. A person who violates any provision of sections 23:3-23 to 23:3-27 of this Title, alters or changes in any manner or loans or transfers to another, a stamp issued under said sections 23:3-23 to 23:3-27, and any person who takes woodcock during the period prescribed without having the stamp herein provided shall be liable to a penalty of \$20.00.

5. This act shall take effect 90 days after enactment.

Approved June 14, 1967.

CHAPTER 103

AN ACT authorizing boards of chosen freeholders in certain counties to create the office of, and to elect, a county comptroller, and prescribing certain duties of such office, amending section 40:21-19, and supplementing article 1 of chapter 21 of Title 40, of the Revised Statutes.

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

1. Section 40:21-19 of the Revised Statutes is amended to read as follows:

Treasurer; term and duties.

40:21-19. The board of chosen freeholders shall elect a county treasurer for a term of 3 years. He shall collect and receive all moneys due the county. He shall be the custodian of all county funds, except as otherwise provided by law, and disburse the same only on the order of the board. Except in counties in which there is a county comptroller he shall render the board monthly, and at such other times as it shall require, a true and detailed account of all moneys and other property in his hands as treasurer, showing all receipts and disbursements made by him, and shall maintain general books of account in accordance with rules and regulations of the Local Government Board promulgated pursuant to article 3 of P. L. 1947, chapter 151. The county treasurer shall perform such other duties as may be assigned to him from time to time by the board. The board of chosen freeholders shall provide the means to carry out this section.

C. 40:21-19.1 Election of county comptroller.

2. The board of chosen freeholders of any county of the second class having a population of not less than 425,000 nor more than 500,000 may, by resolution, create the office of county comptroller and fix his duties and compensation. The county comptroller shall be elected by the board for a term of 3 years.

In any county in which the office of county comptroller is created he shall be responsible for rendering the reports and maintenance of the accounts otherwise required of the county treasurer pursuant to Revised Statutes 40:21-19.

3. This act shall take effect immediately.

Approved June 14, 1967.

CHAPTER 104

AN ACT to amend the title of “An act providing for the exemption from taxation of certain air pollution control equipment, facilities and devices and supplementing article 2 of chapter 4 of Title 54 of the Revised Statutes,” approved June 17, 1966 (P. L. 1966, c. 127), so that the same shall read “An act providing for the exemption from taxation of certain air and water pollution control equipment, facilities and devices and supplementing article 2 of chapter 4 of Title 54 of the Revised Statutes,” and to amend the body of said act.

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

1. The title of the act of which this act is amendatory is amended to read as follows:

Title amended.

“An act providing for the exemption from taxation of certain air and water pollution control equipment, facilities and devices and supplementing article 2 of chapter 4 of Title 54 of the Revised Statutes.”

2. Section 1 of the act of which this act is amendatory is amended to read as follows:

C. 54:4-3.56 Tax-exempt installations.

1. Any equipment, facility or device constructed or installed either prior to or subsequent to the effective date of this act and used primarily for the purpose of abating or preventing pollution of the atmosphere or the waters of this State and which has been certified to be an air or water pollution abatement facility by the State Commissioner of Health, as hereinafter in this act provided, shall be exempt from taxation under the chapter to which this act is a supplement.

3. Section 2 of the act of which this act is amendatory is amended to read as follows:

C. 54:4-3.57 Certificate; exemption effective.

2. The State Commissioner of Health, when requested for any such certification, shall certify a facility as being an air or water

pollution abatement facility whenever he finds the equipment, facility or device constructed or installed, or to be constructed or installed, was designed primarily for the control or abatement of pollution of air or water and is suitable and reasonably adequate for such purpose. Said certificate shall contain information identifying the facilities and the cost thereof and shall be in such form and detail as the commissioner shall prescribe and, further, said certificate shall be submitted to the applicant therefor with a copy to the assessor of the taxing district in which such facilities are located and have been installed; and the exemption from taxation for such equipment, facility or device shall become effective for the tax year following the year in which certification has been granted and thereafter during its use primarily for such purposes.

4. This act shall take effect immediately.

Approved June 15, 1967.

CHAPTER 105

AN ACT to amend the "Air Pollution Control Act (1954)," approved September 16, 1954 (P. L. 1954, c. 212).

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

1. Section 19 of the act of which this act is amendatory is amended to read as follows:

C. 26:2C-19 Violations; penalties.

19. If any person violates any of the provisions of this act or any code, rule, regulation or order promulgated or issued pursuant to the provisions of this act, the department may institute a civil action in the Superior Court for injunctive relief to prohibit and prevent such violation or violations and the said court may proceed in the action in a summary manner.

Any person who violates the provisions of this act or any code, rule, regulation or order promulgated or issued pursuant to this act shall be liable to a penalty of not more than \$2,500.00 to be collected in a civil action by a summary proceeding under the penalty enforcement law (N. J. S. 2A:58-1 et seq.) or in any case before a court of competent jurisdiction wherein injunctive relief

has been requested. If the violation is of a continuing nature, each day during which it continues after the date given by which the violation must be eliminated in accordance with the order of the department shall constitute an additional, separate and distinct offense.

The department is hereby authorized and empowered to compromise and settle any claim for a penalty under this section in such amount in the discretion of the department as may appear appropriate and equitable under all of the circumstances, including a rebate of any such penalty paid to the extent of 90% thereof where such person satisfies the department within 1 year or such other period as the department may deem reasonable that such violation has been eliminated or removed or that such order or injunction has been met or satisfied, as the case may be, by the installation of air pollution control apparatus.

2. This act shall take effect immediately.

Approved June 15, 1967.

CHAPTER 106

AN ACT relating to the control and suspension of air pollution, amending the title of "An act relating to the control and suspension of air pollution, creating an Air Pollution Control Commission in the State Department of Health and prescribing its functions, powers and duties and providing for the appointment of county air pollution associations," approved September 16, 1954 (P. L. 1954, c. 212), so that the same shall read "An act relating to the control and suspension of air pollution, creating a Clean Air Council in the State Department of Health and prescribing its functions, powers and duties," amending, supplementing and repealing portions of said act, and amending sections 1 and 2 of chapter 16 of the laws of 1966.

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

Title amended.

1. The title of chapter 212 of the laws of 1954 is amended to read as follows: An act relating to the control and suspension of air pollution, creating a Clean Air Council in the State Department of Health and prescribing its functions, powers and duties.

C. 26:2C-3.1 Commission abolished.

2. The Air Pollution Control Commission is hereby abolished. All of the functions, powers and duties of the Air Pollution Control Commission in the Department of Health are hereby transferred to the Department of Health.

C. 26:2C-3.2 Clean air council created.

3. (a) There is hereby created in the State Department of Health a Clean Air Council, which shall consist of 17 members, 3 of whom shall be the Commissioner of Labor and Industry or a member of the Department of Labor and Industry designated by him, the Commissioner of Community Affairs or a member of the Department of Community Affairs designated by him, and the Secretary of Agriculture or a member of the Department of Agriculture designated by him, who shall serve ex officio, 6 citizens of the State representing the general public at least one of whom shall be a medical doctor licensed to practice in this State and 8 members to be appointed from persons to be nominated by the organizations hereinafter enumerated, by the Governor.

(b) Within 30 days following the effective date hereof and thereafter as required, at least 1 month prior to the expiration of the term of the member chosen from nominees of each organization hereafter enumerated, each such organization shall submit to the Governor a list of 3 recommended nominees for membership on the council from which list the Governor shall appoint one.

If any organization does not submit a list of recommended nominees at any time required by this act, the Governor may appoint a member of his choice.

The organizations which shall be entitled to submit recommended nominees are: New Jersey Health Officers Association, New Jersey State Chamber of Commerce, New Jersey Society of Professional Engineers, Inc., New Jersey Manufacturers Association, New Jersey Section of the American Industrial Hygiene Association, New Jersey State League of Municipalities, the New Jersey Freeholders' Association and the New Jersey State AFL-CIO.

(c) Of the 12 members first to be appointed, 3 shall be appointed for terms of 1 year, 3 for terms of 2 years, 3 for terms of 3 years and 3 for terms of 4 years. Thereafter, all appointments shall

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be made for terms of 4 years. All appointed members shall serve after the expiration of their terms until their respective successors are appointed and shall qualify, and any vacancy occurring in the appointed membership of the council by expiration of term or otherwise, shall be filled in the same manner as the original appointment for the unexpired term only, notwithstanding that the previous incumbent may have held over and continued in office as aforesaid. The Governor may remove any appointed member of the council for cause after a public hearing.

(d) Members of the council shall serve without compensation but shall be reimbursed for expenses actually incurred in attending meetings of the council and in the performance of their duties as members thereof.

(e) The council shall elect annually a chairman and vice-chairman from its own membership.

C. 26:2C-3.3 Duties.

4. The Clean Air Council shall:

(a) Request from the commissioner information concerning the Air Pollution Control Program;

(b) Consider any matter relating to the preservation and improvement of the Air Pollution Control Program and advise the commissioner thereof;

(c) From time to time submit to the commissioner any recommendations which it deems necessary for the proper conduct and improvement of the Air Pollution Control Program;

(d) Study the Air Pollution Control Program and make its recommendations thereon to the commissioner;

(e) Study the codes, rules and regulations promulgated by the department in regard to air pollution control and make its recommendations for their improvement to the commissioner;

(f) Study and investigate the state of the art and the technical capabilities and limitations of air pollution control and report their findings and recommendations thereon to the commissioner;

(g) Study and investigate the need for programs for the long-range technical support of the Air Pollution Control Program and report their findings and recommendations thereon to the commissioner; and

(h) Hold public hearings at least once a year in regard to existing air pollution control, statutes, codes, rules and regulations and upon the state of the art and technical capabilities and limitations in air pollution control and report its recommendations thereon to the commissioner.

5. Section 2 of chapter 212 of the laws of 1954 is amended to read as follows:

C. 26:2C-2 Definitions.

2. The following words shall have the following meanings:

“Council” means the Clean Air Council created under this act.

“Department” means the State Department of Health.

“Air pollution” as used in this act shall mean the presence in the outdoor atmosphere of one or more air contaminants in such quantities and duration as are, or tend to be, injurious to human health or welfare, animal or plant life or property, or would unreasonably interfere with the enjoyment of life or property throughout the State and in such territories of the State as shall be affected thereby and excludes all aspects of employer-employee relationship as to health and safety hazards.

“Commissioner” means the Commissioner of Health in the State Department of Health.

“Control apparatus” means any device which prevents or controls the emission of any air contaminant.

“Equipment” means any device capable of causing the emission of an air contaminant into the open air, and any stack, conduit, flue, duct, vent or similar device connected or attached to, or serving the equipment. This shall include equipment in which the preponderance of the air contaminant emitted is caused by the manufacturing process.

“Person” means and shall include corporations, companies, associations, societies, firms, partnerships and joint stock companies as well as individuals, and shall also include all political subdivisions of this State or any agencies or instrumentalities thereof.

6. Section 8 of chapter 212 of the laws of 1954 is amended to read as follows:

C. 26:2C-8 General powers.

8. The department shall have power to formulate and promulgate, amend and repeal codes and rules and regulations preventing, controlling and prohibiting air pollution throughout the State or in such territories of the State as shall be affected thereby; provided, however, that no such code, rule or regulation and no such amendment or repeal shall be adopted except after public hearing to be held after 30 days prior notice thereof by public advertisement of the date, time and place of such hearing, at which opportunity to be heard by the department with respect thereto shall be given to the public; and provided, further, that no such

code, rule or regulation and no such amendment or repeal shall be or become effective until 60 days after the adoption thereof as aforesaid. Any person heard at such public hearing shall be given written notice of the determination of the department.

All codes, rules and regulations heretofore adopted by the Air Pollution Control Commission shall continue in full force and effect subject to the power of the department to amend and repeal such codes, rules and regulations as provided by this act.

7. Section 9 of chapter 212 of the laws of 1954 is amended to read as follows:

C. 26:2C-9 Additional powers.

9. The department shall control air pollution in accordance with the provisions of any applicable code, rule or regulation promulgated by the department and for this purpose shall have power to—

(a) Conduct and supervise research programs for the purpose of determining the causes, effects and hazards of air pollution;

(b) Conduct and supervise State-wide programs of air pollution control education including the preparation and distribution of information relating to air pollution control;

(c) Require the registration of persons engaged in operations which may result in air pollution and the filing of reports by them containing information relating to location, size of outlet, height of outlet, rate and period of emission and composition of effluent, and such other information as the department shall prescribe to be filed relative to air pollution, all in accordance with applicable codes, rules or regulations established by the department. Registration reports filed with the department shall be privileged and not admissible in evidence in any court;

(d) Enter and inspect any building or place, except private residences, for the purpose of investigating an actual or suspected source of air pollution and ascertaining compliance or noncompliance with any code, rules and regulations of the department. Any information relating to secret processes or methods of manufacture or production obtained in the course of such inspection, investigation or determination, shall be kept confidential and shall not be admissible in evidence in any court or in any other proceeding except before the department as herein defined. If samples are taken for analysis, a duplicate of the analytical report shall be furnished promptly to the person suspected of causing air pollution;

(e) Receive or initiate complaints of air pollution, hold hearings in connection with air pollution and institute legal proceedings

for the prevention of air pollution and for the recovery of penalties, in accordance with this act;

(f) With the approval of the Governor, co-operate with, and receive money from, the Federal Government, the State Government, or any county or municipal government or from private sources for the study and control of air pollution.

8. Section 14 of chapter 212 of the laws of 1954 is amended to read as follows:

C. 26:2C-14 Inspection.

14. Whenever the department has cause to believe that any person is violating any code, rule or regulation promulgated by the department, the department shall cause a prompt investigation to be made in connection therewith.

If upon inspection the department discovers a condition which is in violation of the provisions of this act or any code, rule or regulation promulgated pursuant thereto, it shall be authorized to order such violation to cease and to take such steps necessary to enforce such an order. The said order shall state the items which are in violation and shall provide a reasonable specified time within which the violation must cease.

In any case where no code, rule or regulation has been promulgated which sets specific limits for emissions to the atmosphere of the type discovered and alleged, no order to cease such emissions shall be issued until the holding of a preliminary hearing thereon which shall be held upon not less than 15 days' notice by the department to all interested persons.

The person responsible shall make the corrections necessary to comply with the requirements of this act or code, rule or regulation promulgated pursuant thereto within the time specified in the order.

Nothing herein shall be deemed to prevent the department from prosecuting any violation of this act or any code, rule or regulation promulgated pursuant thereto notwithstanding that such violation is corrected in accordance with its order.

9. Section 20 of chapter 212 of the laws of 1954 is amended to read as follows:

C. 26:2C-20 Review decision.

20. Review of any final decision or action by the department shall be by procedure in lieu of prerogative writs. Review of the validity of any code, rule or regulation promulgated by the department shall likewise be by procedure in lieu of prerogative writs.

10. Section 22 of chapter 212 of the laws of 1954 is amended to read as follows:

C. 26:2C-22 Superseded.

22. No ordinances of any governing body of a municipality or county or board of health more stringent than this act or any code, rules or regulations promulgated pursuant thereto shall be superseded by this act. Nothing in this act or in any code, rules or regulations promulgated pursuant thereto shall preclude the right of any governing body of a municipality or county or board of health, subject to the approval of the department, to adopt ordinances or regulations more stringent than this act or any code, rules or regulations promulgated pursuant thereto.

11. Section 1 of chapter 16 of the laws of 1966 is amended to read as follows:

C. 26:2C-8.1 Contamination from motor vehicles.

1. The department, after consultation with the Director of the Division of Motor Vehicles, shall have the power to formulate and promulgate, amend and repeal codes, rules and regulations establishing standards and requirements for the control of air contaminants from motor vehicles.

12. Section 2 of chapter 16 of the laws of 1966 is amended to read as follows:

C. 26:2C-8.2 Rules concerning motor vehicles.

2. Any code, rule or regulation establishing standards and requirements for the control of air contaminants from motor vehicles shall be applicable to such classification of motor vehicles as the department shall determine to be necessary to carry out the purpose of this act and shall apply to such motor vehicles not earlier than 180 days following the date of adoption.

C. 26:2C-9.2 Application; operating certificate.

13. (a) No person shall construct, install or alter any equipment or control apparatus, in other than a one or 2-family dwelling or a dwelling of 6 or less family units one of which is owner-occupied, until an application including plans and specifications has been filed with the department and an installation or alteration permit issued by the department, in accordance with any codes, rules and regulations of the department except that subject to any such codes, rules and regulations the department may dispense with the filing of applications, plans and specifications. Information relating to secret processes or methods of manufacture or production is exempted from the plans and specifications and other per-

tinent information to which the department is entitled under this section.

(b) No person shall use or cause to be used any such new or altered equipment or control apparatus for which an installation or alteration permit is required or issued until an operating certificate has been issued by the department.

(c) No operating certificate or renewal thereof, required by this act, shall be issued by the department unless the applicant shows to the satisfaction of the department that the equipment is designed to operate without causing a violation of any provision of this act or of any codes, rules and regulations promulgated thereunder and that, except in the case of a renewal certificate, the equipment incorporates advances in the art of air pollution control developed for the kind and amount of air contaminant emitted by the applicant's equipment.

(1) Before an operating certificate or any renewal thereof is issued, the department may require the applicant to conduct such tests as are necessary in the opinion of the department to determine the kind or amount of the air contaminant emitted from the equipment or whether the equipment or fuel or the operation of the equipment is in violation of any of the provisions of this act or of any codes, rules and regulations promulgated thereunder. Such tests shall be made at the expense of the applicant and shall be conducted in a manner approved by the department and the test results shall be reviewed and professionally certified.

(2) An operating certificate or any renewal thereof shall be valid for a period of 5 years from the date of issuance, unless sooner revoked by order of the department, and may be renewed upon application to the department.

(3) Upon receipt of an application for the issuance of an operating certificate or any renewal thereof, the department, in its discretion, may issue a temporary operating certificate valid for a period not to exceed 90 days.

C. 26:2C-24 Clean Air Scholarship Intern Program.

14. (a) There is hereby established a Clean Air Scholarship Intern Program.

(b) The commissioner may provide for the payment of room, board, tuition and fees for eligible persons to attend any accredited college or university authorized by the commissioner as a regular student to receive an engineering degree satisfactory to the commissioner until the eligible person satisfactorily completes 4 scholastic years.

(c) To be eligible for the Clean Air Scholarship Intern Program a person must:

(1) be a citizen of the United States and the State of New Jersey;

(2) be a high school graduate or have an equivalent education;

(3) have been accepted for admission to the accredited college or university authorized by the commissioner as a regular student and accepted in said college or university to pursue a course of instruction satisfactory to the commissioner;

(4) contract, with the consent of his parent or legal guardian if he is a minor, with the commissioner or his designated representative, to serve with the Department of Health for a period of 3 years following graduation and further, to serve with the Department of Health during the regular periods of summer vacation except for such vacation periods as the commissioner shall establish by regulation and provided further that the department shall not be liable to pay wages to said student during said vacation periods.

(d) The appointments made by the commissioner hereunder shall be subject to available appropriations and shall be awarded on a competitive basis.

(e) The Scholarship Intern Program shall be administered by the commissioner under such regulations as the commissioner shall prescribe.

C. 26:2C-25 Further training of personnel.

15. The commissioner, subject to available appropriations and grants from other sources, may provide within the Department of Health for a program of graduate study for eligible persons to attend any accredited graduate program at a college or university in order to further the training of personnel for the purposes of administering this act. Said graduate program shall be administered by the commissioner under such regulations as the commissioner shall prescribe.

C. 26:2C-3, C. 26:2C-4, C. 26:2C-5, C. 26:2C-6, C. 26:2C-7, C. 26:2C-11, C. 26:2C-12, C. 26:2C-13 Repealers.

16. Sections 3, 4, 5, 6, 7, 11, 12 and 13 of chapter 212 of the laws of 1954 as amended and supplemented are hereby repealed.

17. This act shall take effect immediately.

Approved June 15, 1967.

CHAPTER 107

AN ACT to create a regional agency by governmental compact for the control and abatement of air pollution and other purposes and defining the functions, powers and duties of such agency and repealing chapter 105 of the laws of 1961.

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

PART I

COMPACT

C. 32:29-1 Compact.

WHEREAS, The signatory parties recognize that they have certain serious problems in common with respect to pollution of the atmosphere by man-made contaminants; and

WHEREAS, The nature and sources of air pollution are such that the States' efforts can be effectively supplemented by control measures applicable to regional airsheds which cut across State boundaries; and

WHEREAS, The signatory parties recognize that the protection and improvement of the quality of their common atmosphere is vested with local, State and National interests, for which they have a joint responsibility; and

WHEREAS, The signatory parties have determined to establish a Federal-interstate agency, with jurisdiction and powers adequate to cope with interstate air pollution problems;

Now therefore, the States of New Jersey and New York and the United States of America, and if any of them should join herein, the States of Delaware, Connecticut and the Commonwealth of Pennsylvania, respectively, hereby solemnly covenant and agree with each other, upon the enactment of concurring legislation by the Congress of the United States and by the respective State Legislatures, having the same effect as this part, to the following compact:

ARTICLE 1

SHORT TITLE, DEFINITIONS AND FINDINGS

C. 32:29-2 Short title.

Section 1.1. Short title. This act shall be known and may be cited as the "Mid-Atlantic States Air Pollution Control Compact."

C. 32:29-3 Definitions.

Sec. 1.2. Definitions. For the purpose of this compact, and of any supplemental or concurring legislation enacted pursuant thereto, except as may be otherwise required by the context:

(a) "Commission" shall mean the commission established by this compact;

(b) "Region" shall mean the territorial limits of the States which are or become parties to this compact;

(c) "Compact" shall mean Part I of this act;

(d) "Federal Government" shall mean the Government of the United States of America, and any appropriate branch, department, bureau or division thereof, as the case may be;

(e) "Signatory party" shall mean a State, Commonwealth, or the Federal Government, which has become a party to this compact by enactment of concurring legislation;

(f) "District" shall mean any area established, identified or defined by the commission in connection with the abatement or control of air pollution;

(g) "Air contaminant" shall mean dust, fumes, mist smoke, or other particulate matter, vapor, gas, odorous substance, or any combination thereof;

(h) "Air pollution" shall mean the presence in the outdoor atmosphere of one or more air contaminants in such quantities and duration as is or tends to be injurious to human health or welfare, animal or plant life, or property, or would unreasonably interfere with the enjoyment of life or property;

(i) "Emission" shall mean a release into the outdoor atmosphere of air contaminants.

C. 32:29-4 Findings of fact.

Sec. 1.3. Findings of fact. It is hereby found and declared that:

(a) The tremendous growth of population and industry has resulted in substantial increases in atmospheric waste and air pollution over the entire region;

(b) Air pollution does not respect political boundaries, and persons far removed from its sources and having no responsibility

for or control over its creation endure health hazards, discomfort and inconvenience and experience property damage and economic loss;

(c) Air pollution is associated with such important respiratory diseases as lung cancer, emphysema, chronic bronchitis and asthma, and is a general hazard to the public health and welfare, agricultural crops, livestock and other property;

(d) It is necessary and desirable to abate existing air pollution and prevent future air pollution so as to secure and maintain air quality which is consistent with the public health and welfare, the propagation and protection of plant and animal life, and the protection of property and other resources of the region;

(e) In the present state of the art, there are no public facilities for collection and disposal of atmospheric waste comparable to facilities to cope with liquid and solid waste, and the effects of emissions differ greatly among air resource uses and users, under the various meteorological and geographic conditions, which disregard State boundaries.

(f) Air pollution can best be controlled and abated at its sources, and, while such prevention, control and abatement is the primary obligation of the States, counties or municipalities in which it originates, the problems of interstate air pollution can be more readily and effectively solved under a co-ordinated regionwide agency of the State and Federal Governments.

C. 32:29-5 Existing agencies; construction.

Sec. 1.4. Existing agencies; construction. It is the purpose of the signatory parties to preserve and utilize the functions, powers and duties of existing offices and agencies of government to the extent not inconsistent with the compact and the commission is authorized and directed to utilize and employ such offices and agencies for the purpose of this compact to the fullest extent it finds feasible and advantageous.

ARTICLE 2

ORGANIZATION AND ADMINISTRATION

C. 32:29-6 Commission created.

Section 2.1. Commission created. There is hereby created the Mid-Atlantic States Air Pollution Control Commission as a body politic and corporate, with perpetual succession as an agency and instrumentality of the respective signatory parties.

C. 32:29-7 Commission membership.

Sec. 2.2. Commission membership. The commission shall consist of the Governors of the signatory States, ex-officio, and one commissioner to be appointed by the President of the United States, to serve during the term of office of the President appointing him and until the appointment and qualification of his successor.

C. 32:29-8 Alternates.

Sec. 2.3. Alternates. Each member of the commission shall appoint an alternate to act in his place and stead, with authority to attend all meetings of the commission, and with power to vote in the absence of the member. Unless otherwise provided by law of the signatory party for which he is appointed, each alternate shall serve during the term of the member appointing him, subject to removal at the pleasure of the member. In the event of a vacancy in the office of alternate, it shall be filled in the same manner as an original appointment for the unexpired term only. In the event of the temporary absence or disability of an alternate, the member of the commission may appoint another qualified person to act as his alternate for the duration of such temporary absence or disability.

C. 32:29-9 Compensation.

Sec. 2.4. Compensation. Members of the commission and alternates shall serve without compensation from the commission but may be reimbursed for necessary expenses incurred in and incident to the performance of their duties.

C. 32:29-10 Voting power.

Sec. 2.5. Voting power. Each member shall be entitled to one vote on all matters which may come before the commission. No action of the commission shall be taken at any meeting unless a majority of the membership shall vote in favor thereof.

C. 32:29-11 Organization; procedure.

Sec. 2.6. Organization; procedure. The commission shall provide for its own organization and procedure and shall adopt rules and regulations governing its meetings and transactions. It shall organize annually by the election of a chairman and vice-chairman from among its members. It shall provide by its rules for the appointment by each member in his discretion of an advisor to serve without compensation, who may attend all meetings of the commission and its committees.

C. 32:29-12 Jurisdiction.

Sec. 2.7. Jurisdiction. The commission shall have, exercise and discharge its functions, powers and duties within the region. It may by contract or otherwise act jointly, concurrently, or in cooperation with any other agency or instrumentality of government within or without the region for the purpose of effectuating the purposes of this compact.

C. 32:29-13 Retained jurisdiction of signatory parties.

Sec. 2.8. Retained jurisdiction of signatory parties. (a) Unless authorized by laws of the signatory States other than this compact, the commission shall not have power to require licenses or permits for the construction, establishment, installation, maintenance or operation of any air pollution source or other equipment, device or facility; to require commission approval of any of the foregoing; or to confer upon the commission any other power of licensure.

(b) Nothing in this compact shall be construed to abrogate, impair or in any way prevent the enactment or application of any State or local law, code, ordinance, rule or regulation not inconsistent with this compact, or with any standard, rule or regulation of the commission; and any such State or local law, code, ordinance, rule or regulation may be more restrictive than any requirement in effect pursuant to this compact.

(c) Nothing in this compact shall be construed to affect any aspect of employer-employee relations, including without limitation, statutes, rules or regulations governing industrial health and safety.

ARTICLE 3**POWERS AND DUTIES OF THE COMMISSION****C. 32:29-14 General powers.**

Section 3.1. General powers. The commission shall:

(a) Investigate the causes and sources of air pollution, identify air contaminants, and provide for research and the compilation and analysis of information relating thereto;

(b) Establish, after consultation with the appropriate agency of the signatory parties, standards for air quality and requirements for the control of emissions of air contaminants to abate existing air pollution and to prevent future air pollution, subject to the provisions of article 4 of this compact;

(c) Provide and administer plans and programs to effectuate such air quality standards and emission control requirements;

(d) Promote, sponsor and conduct technical, educational and research programs and projects to identify and evaluate air contaminants and to develop and apply methods, systems and procedures for the abatement and prevention of air pollution; and

(e) Enforce or provide for the enforcement of the compact and rules and regulations lawfully promulgated thereunder.

(f) Furnish technical services, advice and consultation to agencies of the signatory parties, and the cost of such services may be reimbursable whenever the parties deem appropriate.

C. 32:29-15 Auxiliary powers.

Sec. 3.2. Auxiliary powers. In furtherance of the powers and duties elsewhere prescribed in this compact, the commission may:

(a) Sue and be sued in a court of competent jurisdiction;

(b) Have a seal and alter the same at pleasure;

(c) Acquire, hold and dispose of real and personal property by gift, purchase, lease, license or other similar manner for its corporate purposes and accept grants and comply with the conditions thereof;

(d) Provide for the organization and administration of a commission staff and retain and employ counsel and private consultants on a contract basis or otherwise;

(e) Administer and enforce the provisions of this compact;

(f) Make and enforce such rules and regulations as the commission may deem necessary to effectuate the purposes of this compact or to prevent the circumvention or evasion thereof;

(g) By its members and its properly designated officers, agents and employees, administer oaths and issue subpoenas throughout the region to compel the attendance of witnesses and the giving of testimony and the production of other evidence;

(h) Have for its members and its properly designated officers, agents and employees, full and free access, ingress and egress to and from all property, premises and places in the region, for the purpose of making inspection or enforcing the provisions of this compact, where there is reasonable cause to believe there is a violation of this compact or of any rule or regulation lawfully made thereunder; and no person shall obstruct or in any way interfere with any such member, officer, employee or agent in the making of such inspection, or in the enforcement of the provisions of this compact or in the performance of any other power or duty under this compact; and

(i) Co-operate with and receive from any department, division, bureau, board, commission, or agency of any or all of the signatory

parties, or of any county or municipality thereof, such assistance and data as will enable it properly to carry out its powers and duties hereunder, and may authorize and request any such department, division, bureau, board, commission or agency, with the consent thereof, to execute such of its functions and powers as the public interest may require.

ARTICLE 4

AIR QUALITY STANDARDS AND EMISSION CONTROL REQUIREMENTS

C. 32:29-16 Jurisdiction of commission.

Section 4.1. Generally. The commission shall have jurisdiction to abate existing air pollution and to prevent and control future air pollution in the region, and to this end it shall:

(a) Prepare and develop standards of air quality and emission control requirements for the region as required to protect the public health and welfare and prevent air pollution which would unreasonably impair the beneficial use of the air of the region. To this end, it shall encourage and conduct studies, investigations and research relating to air pollution and its causes, prevention, control and abatement.

(b) For the purpose of such standards, the commission may establish and delineate districts and airsheds, seasonal requirements, and classifications of air contaminants by type and source, for general or selective application of such standards and emission controls.

(c) Prior to the adoption of standards or emission control requirements, the commission shall hold public hearings upon due notice of the proposed standards, and all interested persons shall be given an opportunity to be heard at such hearing. After such notice and hearing, the commission may adopt and from time to time amend and repeal standards in the form of rules and regulations to prevent or control future air pollution and to abate existing air pollution, and to require the installation of such measures, systems and procedures for the abatement or prevention of air pollution as may be required to protect the public health, safety, property rights, and general welfare. Any such rule or regulation, amendment or repeal thereof shall take effect not less than 60 days after its adoption by the commission and filing as required by law.

C. 32:29-17 Monitoring; warnings; emergencies.

Sec. 4.2. Monitoring; warnings; emergencies. The commission shall: (a) Provide for a uniform, comprehensive and integrated

system for monitoring atmospheric waste in the region, the measurement and forecasting of air pollution, and the identification of significant meteorological, geographical, and ecological factors within the region, its districts or airsheds;

(b) Establish and administer warning and alert procedures and systems with respect to impending and existing conditions of severe and immediately dangerous air pollution;

(c) Upon authorization by any one of the signatory States, exercise emergency powers within those portions of the region lying within the authorizing State to require the reduction or cessation of emissions of air contaminants, and to require the taking or refraining from any other measure as may be necessary in the public interest to alleviate or abate the immediate danger.

C. 32:29-18 Enforcement.

Sec. 4.3. Enforcement. (a) The commission may, after such notice and hearing as may be required by due process of law, issue an order or orders to any person or public or private corporation, or other entity, to cease and desist from any emissions which it determines to be in violation of such rules and regulations as it shall have adopted for the prevention and abatement of air pollution. Any such order or orders may prescribe a schedule, including a reasonable time for the construction and installation of any necessary systems, methods and procedures, on or before which the emission of air contaminants shall be wholly or partially discontinued, modified or treated, or otherwise required to conform to the standards established by the commission. Any court of competent jurisdiction shall have jurisdiction to enforce by injunction in a summary manner against any person, public or private corporation, or other entity, any and all provisions of this article or of any such order. The commission may bring an action in its own name in any such court of competent jurisdiction to compel compliance with any provisions of this compact, or of any rule, regulation or order issued pursuant thereto, according to the practice and procedure of the court.

(b) In the case of air pollution not within an interstate district or airshed as established by the commission, the commission shall give priority to enforcement proceedings by other agencies of the signatory parties; provided, however, that the provisions of this subdivision may not be asserted as a defense in any action or proceeding brought by the commission.

C. 32:29-19 Hearings; subpoenas.

Sec. 4.4. Hearings; subpoenas. (a) The commission shall establish by appropriate regulation the procedure to be followed in the conduct of its hearings. Neither the commission nor any person designated by it to conduct a hearing shall be bound by common law or statutory rules of evidence or by technical or formal rules of procedure in the conduct of such hearing.

(b) The commission, or such member or officer of the commission as may be designated by the commission for that purpose, shall have the power to issue subpoenas effective throughout the region to compel the attendance of witnesses and the giving of testimony or production of other evidence, and to administer oaths in connection with any such hearing. It shall be the duty of the commission or of such member or officer of the commission as it may designate to issue subpoenas at the request of and on behalf of any party to a hearing before the commission. Subpoenas issued by the commission shall be enforced by any court of competent jurisdiction of the signatory parties, according to the practice and procedure of the court applicable to subpoenas issued in proceedings pending before it.

C. 32:29-20 Penal sanction.

Sec. 4.5. Penal sanction. Any person, association, or corporation who violates or attempts or conspires to violate any provision of this compact or any rule, regulation or order of the commission duly made, promulgated or issued pursuant to the compact, in addition to any other remedy, penalty or consequence provided by law, shall be punishable as may be provided by statute of any of the signatory parties within which the offense is committed; provided that in the absence of such provision any such person, association or corporation shall be liable to a penalty of not less than \$50.00 and not more than \$1,000.00, for each such offense to be fixed by the court, which the commission may recover in its own name in any court of competent jurisdiction, and in a summary proceeding where available under the practice and procedure of such court. For the purposes of this section in the event of a continuing offense, each day of such violation, attempt or conspiracy shall constitute a separate offense.

C. 32:29-21 Judicial review.

Sec. 4.6. Judicial review. Any order or determination of the commission under this article shall be subject to judicial review in any court of competent jurisdiction as provided by the law of a signatory party.

ARTICLE 5

PERSONNEL AND PROCEDURES GENERALLY

C. 32:29-22 Powers of the commissioners.

Section 5.1. Powers of the commissioners. The commissioners subject to the provisions of this compact, shall:

(a) Serve as the governing body of the commission, and exercise and discharge its powers and duties except as otherwise provided by or pursuant to this compact;

(b) Determine the character of and the necessity for its obligations and expenditures and the manner in which they shall be incurred, allowed and paid subject to any provisions of law specifically applicable to agencies or instrumentalities created by compact;

(c) Provide for the internal organization and administration of the commission;

(d) Appoint or provide for the appointment of the principal officers of the commission and delegate to and allocate among them administrative functions, powers and duties;

(e) Create and abolish such offices, employments and positions as it deems necessary for the purposes of the compact, and subject to the provisions of this article, fix and provide for the qualification, appointment, removal, term, tenure, compensation, pension and retirement rights of its officers and employees;

(f) Let and execute contracts to carry out the powers of the commission.

C. 32:29-23 Regulations; enforcement.

Sec. 5.2. Regulations; enforcement. The commission may:

(a) Make and enforce reasonable rules and regulations in the form of an air pollution code or otherwise, for the effectuation, application and enforcement of this compact; provided that any rule or regulation, other than one which deals solely with the internal management of the commission, shall be adopted only after public hearing and shall not be effective unless and until filed in accordance with the law of the respective signatory parties applicable to administrative rules and regulations generally; provided further, that a certified copy of any such rule or regulation, attested as true and correct by the commission, shall be presumptive evidence of the regular making, adoption, filing and publication thereof, and

(b) Designate any officer, agent or employee of the commission to be an investigator, and such person shall be vested with the

powers of a peace officer State in which he is duly assigned to perform his duties.

C. 32:29-24 Confidential information.

Sec. 5.3. Confidential information. Any records or other information furnished to or obtained by the commission in the exercise of its powers, functions and duties from any private person, corporation or other entity which records or information, as certified by the owner or operator, relate to production or sales figures, or to secret processes or production, or which if made known to others would tend to affect adversely the competitive position of such owner or operator, shall be retained solely for the use of the commission and its employees, in the administration and enforcement of this compact, and for the use of air pollution control agencies of the signatory parties in the administration and enforcement of State or Federal law, and shall not be published or disclosed for any other purpose by any officer or employee of the commission or any other person without the written consent of such owner or operator.

C. 32:29-25 Officers.

Sec. 5.4. Officers generally. (a) The officers of the commission shall consist of an executive director and such additional officers, deputies and assistants as the commission may determine. The executive director shall be appointed and may be removed by the affirmative vote of a majority of the full membership of the commission. All other officers and employees shall be appointed in such manner and under such rules of procedure as the commission may determine.

(b) In the appointment and promotion of officers and employees for the commission, no political, racial, religious or residency test or qualification shall be permitted or given consideration, but all such appointments and promotions shall be solely on the basis of merit and fitness. Any officer or employee of the commission who is found by the commission to be guilty of a violation of this section shall be removed from office by the commission.

C. 32:29-26 Meetings; records.

Sec. 5.5. Meetings; records. (a) All meetings of the commission shall be open to the public.

(b) The minutes of the commission shall be a public record open to inspection and copying at its offices during regular business hours, subject to the law relating to public records of the signatory States in which such minutes are located.

C. 32:29-27 Prohibited activities.

Sec. 5.6. Prohibited activities. (a) No commissioner, officer or employee shall:

(1) be financially interested, either directly or indirectly, in any contract, sale, purchase, lease or transfer of real or personal property to which the commission is a party;

(2) solicit or accept money or any other thing of value in addition to the compensation or expenses paid him by the commission for services performed within the scope of his official duties;

(3) offer money or any thing of value for or in consideration of obtaining an appointment, promotion or privilege in his employment with the commission.

(b) Any officer or employee who shall wilfully violate any of the provisions of this section shall forfeit his office or employment.

(c) Any contract or agreement knowingly made in contravention of this section shall be void.

(d) Officers and employees of the commission shall be subject in addition to the provisions of this section to such criminal and civil sanctions for misconduct in office as may be imposed by Federal law and the law of the signatory State in which such misconduct occurs.

C. 32:29-28 Audit.

Sec. 5.7. Audit. The commission shall provide for an annual independent audit of its accounts and financial transactions by a certified public accountant, and for the publication of the report of such audit.

C. 32:29-29 Tort liability.

Sec. 5.8. Tort liability. The commission shall be responsible for claims arising out of the negligent acts or omissions of its officers, agents and employees only to the extent and subject to the procedures prescribed by law generally with respect to officers, agents and employees of the government of the United States.

ARTICLE 6

GENERAL PROVISIONS

C. 32:29-30 Commission budget.

Section 6.1. Commission budget. The commission shall annually adopt a current expense budget for each fiscal year, and shall apportion the amount required to balance the expenditures therein, less estimated revenues from all sources, to the signatory parties in

accordance with such equitable cost-sharing formulae as the members of the commission may adopt by unanimous vote. Following the adoption of its annual budget, the commission shall transmit certified copies of the budget to the budget officer of the respective signatory parties at such time and in such manner as may be required under their respective budgetary procedures. The signatory parties covenant and agree to include the amount so apportioned for the support of the commission's current expense budget in their respective budgets next to be adopted, subject to such review and approval as may be required by their respective budgetary processes. Such amounts shall be due and payable to the commission in equal quarterly installments during the commission's fiscal year.

C. 32:29-31 Co-operation.

Sec. 6.2. Co-operation. Each signatory party pledges faithful co-operation in the control of air pollution in the region and consistent with such object to enact (or if enacted, to keep in force and where necessary to amend) laws which will:

(a) Enable it to secure and maintain standards of air quality at least equal to those prescribed by the commission;

(b) Accomplish effectively the objectives of this compact, and enable its officers, departments, boards and agents satisfactorily to accomplish the obligations and duties assumed by the party under the terms hereof; and

(c) Enable it to provide technical and administrative services to the commission upon request, within the limits of available appropriations, and to co-operate generally with the commission for the purposes of this compact, provided that the cost of such services may be reimbursable whenever the parties deem appropriate.

C. 32:29-32 Withdrawal from compact.

Sec. 6.3. Withdrawal from compact. (a) A signatory party may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall become effective until 2 years after the chief executive of the withdrawing party has given notice of the withdrawal to the commission and to each commissioner.

(b) No withdrawal shall affect any obligation of a signatory party or any person therein accruing prior to the effective date of the withdrawal, nor any abatement order of the commission issued prior to such effective date nor shall any proceeding initiated for the enforcement thereof be invalidated or otherwise affected thereby. The jurisdiction of all appropriate courts and agencies for the enforcement of any such order shall continue, notwithstanding

ing the fact that the effective date of the withdrawal may have passed.

C. 32:29-33 Amendments and supplements.

Sec. 6.4. Amendments and supplements. Amendments and supplements to this compact to implement the purposes thereof may be adopted by legislative action of any of the signatory parties concurred in by all of the others.

C. 32:29-34 Construction and severability.

Sec. 6.5. Construction and severability. The provisions of this compact and of agreements thereunder shall be severable and if any phrase, clause, sentence or provision of this compact or such agreement is declared to be unconstitutional or the applicability thereof to any signatory party, agency or person is held invalid, the constitutionality of the remainder of such compact or such agreement and the applicability thereof to any other signatory party, agency, person or circumstance shall not be affected thereby. It is the legislative intent that the provisions of such compact be reasonably and liberally construed.

C. 32:29-35 Effective date; execution.

Sec. 6.6. Effective date; execution. (a) This compact shall become binding and effective 30 days after the enactment of concurring legislation by the Federal Government and the State of New York. The compact shall be signed and sealed in 6 duplicate original copies by the respective chief executives of the signatory parties. One such copy shall be filed with each of the signatory parties in accordance with the laws of the party in which the filing is made, and the remaining copies shall be filed and retained in the archives of the commission upon its organization.

(b) Thereafter, the compact shall become binding and effective separately as to each of the States of Connecticut, and Delaware and the Commonwealth of Pennsylvania 30 days after enactment of concurring legislation by such States or Commonwealth.

PART II

EFFECTUATION

C. 32:29-36 Effectuation by Chief Executive.

Section 7.1. Effectuation by Chief Executive. The Governor is authorized to take such action as may be necessary or proper, in his discretion, to effectuate the compact and the initial organization and operation of the commission thereunder.

C. 32:29-37 Repealer.

Sec. 7.2. Repealer. All acts and parts of acts inconsistent with any provision of this act are, to the extent of such inconsistency, hereby repealed. Upon the effective date of Part I, chapter 105 of the laws of 1961 is repealed.

C. 32:29-38 Transfer of records, funds and properties.

Sec. 7.3. Transfer of records, funds and properties. Upon the effective date of Part I, all of the right, title and interest of the State of New Jersey in any records, funds and properties of the Interstate Sanitation Commission relating to air pollution control are hereby transferred to the Mid-Atlantic States Air Pollution Control Commission to be held, used and applied for the purposes of the Mid-Atlantic States Air Pollution Control Compact.

C. 32:29-39 Jurisdiction of courts.

Sec. 7.4. Jurisdiction of courts. Except as otherwise specifically provided in such compact, the phrase "court of competent jurisdiction" as used in the Mid-Atlantic States Air Pollution Control Compact shall, with reference to this State, mean the Superior Court of the State of New Jersey and for the purposes of such jurisdiction the commission shall be deemed to be a State administrative agency. A subpoena duly issued by the commission may be enforced upon ex parte application pursuant to the rules governing the courts of New Jersey.

Sec. 7.5. Appropriation. There is hereby appropriated, out of any funds in the treasury available therefor, the sum of \$50,000.00 for the purpose of meeting the expenses of the commission for the remainder of the fiscal year in which it is initially organized.

Sec. 7.6. Effective date. This act shall take effect immediately.

Approved June 15, 1967.

CHAPTER 108

AN ACT providing for emergency air pollution controls, and supplementing the "Air Pollution Control Act (1954)" approved September 16, 1954 (P. L. 1954, c. 212).

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

C. 26:2C-26 Title of act.

1. This act shall be known and may be cited as the "Air Pollution Emergency Control Act (1967)."

C. 26:2C-27 Legislative findings.

2. The Legislature finds and declares that air pollution may at certain times and in certain places so seriously affect the health of the public and so directly threaten the lives of large portions of the population as to warrant the provision of emergency powers as in this act provided to prevent or minimize disasters of unforeseeable proportions.

C. 26:2C-28 Definition of "area."

3. As used in this act "area" means and refers not only to that portion or portions of the State as shall be described in the air pollution emergency declaration of the Governor but also to any other portion or portions of the State where activities are carried on which contribute or may contribute to the air pollution emergency in the portion or portions of the State described in the Governor's declaration.

C. 26:2C-29 Powers of the Governor.

4. If the State Commissioner of Health determines at any time that air pollution, in any county, locality, place or other area in the State constitutes an unreasonable and emergency risk to the health of those present within said area of the State, such determination shall be communicated in writing, with the factual findings on which such determination is based, to the Governor; the commissioner may delegate in writing to any employee of the department the power to make such determination and deliver the same to the Governor in the absence of the commissioner from the State. Upon being so advised the Governor may by proclamation declare, as to all or any part of said area mentioned in the aforesaid determination, that an air pollution emergency exists, and upon making such declaration the Governor shall have the following powers which he may exercise in whole or in part by the issuance of an order or orders:

(a) To prohibit, restrict or condition motor vehicle travel of every kind, including trucks and buses, in the area;

(b) To prohibit, restrict or condition the operation of retail, commercial, manufacturing, industrial, or similar activity in the area;

(c) To prohibit, restrict or condition operation of incinerators in the area;

(d) To prohibit, restrict or condition the burning or other consumption of any type of fuel in the area;

(e) To prohibit, restrict or condition the burning of any materials whatsoever in the area;

(f) To prohibit, restrict or condition any and all other activity in the area which contributes or may contribute to the air pollution emergency.

C. 26:2C-30 Maximum publicity.

5. The declaration by proclamation of the Governor of an air pollution emergency and any order issued by the Governor pursuant to such declaration shall be given maximum publicity throughout the State.

C. 26:2C-31 Duration of emergency.

6. Any gubernatorial order may be amended or modified by further gubernatorial orders. Said order or orders shall not require any judicial or other order or confirmation of any type in order to become immediately effective as the legal obligation of all persons, firms, corporations and other entities within the State. Said order shall remain in effect for the duration of time set forth in same, and if no time limit is specified in said order, same shall remain in effect until the Governor declares by further proclamation that the emergency has terminated.

C. 26:2C-32 Enforcement of orders.

7. The aforesaid orders of the Governor shall be enforced by the Departments of Health, Defense, and the State and local police and air pollution enforcement personnel forces. Those enforcing any Governor's order shall require no further authority or warrant in executing same than the issuance of the order itself. Those authorized to enforce said orders may use such reasonable force as is required in the enforcement thereof, and may take such reasonable steps as are required to assure compliance therewith including, but without limiting the generality of the foregoing, the following:

(a) Entering any property or establishment whatsoever, commercial, industrial, or residential, believed to be violating said order (excepting single or double family homes or any dwelling unit within a multiple dwelling unit larger than a double family home) and, if a request does not produce compliance, causing compliance with said order;

(b) Stopping, detouring, rerouting, and prohibiting motor vehicle travel and traffic;

(c) Disconnecting incinerator or other types of combustion facilities;

(d) Terminating all burning activities;

(e) Closing down or restricting the use of any business, commercial, retail, manufacturing, industrial or other establishment.

Where any person authorized to enforce such an order believes or suspects that same is being violated in a single or double family residence or within the dwelling portion of a larger multiple dwelling unit, said residence or dwelling portion thereof may be entered only upon obtaining a search warrant from any judge having power to issue same.

C. 26:2C-33 Violation; penalties.

8. Any person, firm, corporation or other entity within this State which violates any Governor's order with knowledge of same, or knowingly fails to comply with the directions of those authorized by the Governor to enforce said order, or knowingly interferes with the enforcement of such an order or such directions, shall be guilty of a high misdemeanor and shall be punished by a fine of not more than \$100,000.00 or by imprisonment for not more than 10 years, or both.

C. 26:2C-34 Protection.

9. No cause of action against the State or any person authorized by the Governor to enforce any order issued pursuant to this act for false arrests, false imprisonment, or other tort shall arise out of the good faith attempt of such person to enforce such order.

C. 26:2C-35 Public hearing.

10. Any aggrieved person, firm or corporation or other entity upon application to the commissioner shall be granted a public hearing on the question of whether or not the continuance of any such order in whole or in part is unreasonable in the light of the then prevailing conditions of air pollution, the contribution to the same of any particular activity, and the purposes of this act. Said public hearing shall be conducted as quickly as possible by said commissioner who shall give public notice of same. The commissioner shall have the power to compel attendance, testimony, and the production of documents by the use of subpoena powers. The number of witnesses and the extent of testimony shall be within his control. If the commissioner, upon conclusion of such hearing, determines that any such order should be terminated, or modified in any way whatsoever, he shall report such findings and recom-

mendations to the Governor for such action as he deems appropriate.

C. 26:2C-36 Stand-by orders.

11. The commissioner shall promulgate a set of proposed stand-by orders which might be appropriate for use by the Governor upon declaration of the emergency contemplated by this act. Such stand-by control proposals, when approved by the Governor, shall be distributed to the appropriate agencies and to all commercial and industrial concerns throughout this State concerned with enforcement or impact of this act, and notice of their contents shall be given to the public. The commissioner shall promulgate arrangements for the enforcement of said stand-by orders and, upon approval by the Governor, notice of said arrangements shall also be distributed to said authorities, commercial and industrial concerns, and to the general public. Said proposed stand-by orders and arrangements shall not, however, become operative except when directed by the Governor in any order issued by him pursuant to a declaration of emergency under this act.

12. This act shall take effect immediately.

Approved June 15, 1967.

CHAPTER 109

AN ACT creating a Clean Water Council; defining its functions and duties; providing for a Clean Water Scholarship Internship Program and amending and supplementing "An act concerning public health, authorizing State financial assistance for the planning of public sanitary sewerage facilities, supplementing Title 26 of the Revised Statutes and making an appropriation," approved July 1, 1965 (P. L. 1965, c. 121).

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

C. 26:2E-9 Council; members; terms.

1. (a) There is hereby created in the State Department of Health a Clean Water Council, which shall consist of 18 members, 7 of whom shall be the Commissioner of Labor and Industry or a

member of the Department of Labor and Industry designated by him, the Commissioner of Community Affairs or a member of the Department of Community Affairs designated by him, the President of the Public Utilities Commission or a member of the Department of Public Utilities designated by him, the Commissioner of Conservation and Economic Development or a member of the Department of Conservation and Economic Development designated by him, the Secretary of Agriculture or a member of the Department of Agriculture designated by him, the Chairman of the Water Policy and Supply Council in the Department of Conservation and Economic Development and the Executive Director of the Delaware River Basin Commission, who shall serve ex officio, 5 citizens of the State representing the general public and 6 members to be appointed from persons to be nominated by the organizations hereinafter enumerated, by the Governor.

(b) Within 30 days following the effective date hereof and thereafter as required, at least 1 month prior to the expiration of the term of the member chosen from nominees of each organization hereafter enumerated, each such organization shall submit to the Governor a list of 3 recommended nominees for membership on the council from which list the Governor shall appoint one.

If any organization does not submit a list of recommended nominees at any time required by this act, the Governor may appoint a member of his choice.

The organizations which shall be entitled to submit recommended nominees are: New Jersey State Chamber of Commerce, New Jersey Manufacturers Association, New Jersey State League of Municipalities, the New Jersey Freeholders' Association, New Jersey Society of Professional Engineers, Inc. and the New Jersey AFL-CIO.

(c) Of the 10 members first to be appointed, 3 shall be appointed for terms of 1 year, 3 for terms of 2 years, 2 for terms of 3 years and 2 for terms of 4 years. Thereafter, all appointments shall be made for terms of 4 years. All appointed members shall serve after the expiration of their terms until their respective successors are appointed and shall qualify, and any vacancy occurring in the appointed membership of the council by expiration of term or otherwise, shall be filled in the same manner as the original appointment for the unexpired term only, notwithstanding that the previous incumbent may have held over and continued in office as aforesaid. The Governor may remove any appointed member of the council for cause after a public hearing.

(d) Members of the council shall serve without compensation but shall be reimbursed for expenses actually incurred in attending meetings of the council and in the performance of their duties as members thereof.

(e) The council shall elect annually a chairman and vice-chairman from its own membership.

C. 26:2E-10 Duties.

2. The Clean Water Council shall:

(a) Request from the commissioner such information concerning the Water Pollution Control Program as it may deem necessary;

(b) Consider any matter relating to the preservation and improvement of the Water Pollution Control Program and advise the commissioner thereof;

(c) From time to time submit to the commissioner any recommendations which it deems necessary for the proper conduct and improvement of the Water Pollution Control Program;

(d) Study the Water Pollution Control Program and make its recommendations thereon to the commissioner;

(e) Study the regulations promulgated by the department in regard to water pollution control and make its recommendations for their improvement to the commissioner;

(f) Study and investigate the state of the art and the technical capabilities and limitations of water pollution control and report their findings and recommendations thereon to the commissioner;

(g) Study and investigate the need for programs for the long-range technical support of the water pollution control program and report their findings and recommendations thereon to the commissioner; and

(h) Hold public hearings at least once a year in regard to existing water pollution control statutes and regulations and upon the state of the art and technical capabilities and limitations in water pollution control and report its recommendations thereon to the commissioner.

C. 26:2E-11 Clean Water Scholarship Intern Program.

3. (a) There is hereby established a Clean Water Scholarship Intern Program.

(b) The commissioner may provide for the payment of room, board, tuition and fees for eligible persons to attend any accredited college or university authorized by the commissioner as a regular student to receive an engineering degree satisfactory to the commissioner until the eligible person satisfactorily completes 4 scholastic years.

(c) To be eligible for the Clean Water Scholarship Intern Program a person must:

(1) be a citizen of the United States and the State of New Jersey;

(2) be a high school graduate or have an equivalent education;

(3) have been accepted for admission to the accredited college or university authorized by the commissioner as a regular student and accepted in said college or university to pursue a course of instruction satisfactory to the commissioner;

(4) contract, with the consent of his parent or legal guardian if he is a minor, with the commissioner or his designated representative, to serve with the Department of Health for a period of 3 years following graduation and further, to serve with the Department of Health during the regular periods of summer vacation except for such vacation periods as the commissioner shall establish by regulation and provided further that the department shall not be liable to pay wages to said student during said vacation periods.

(d) The appointments made by the commissioner hereunder shall be subject to available appropriations and shall be awarded on a competitive basis.

(e) The Scholarship Intern Program shall be administered by the commissioner under such regulations as the commissioner shall prescribe.

C. 26:2E-12 Graduate study; eligible persons.

4. The commissioner, subject to available appropriations and grants from other sources, may provide within the Department of Health for a program of graduate study for eligible persons to attend any accredited graduate program at a college or university in order to further the training of personnel for the purposes of administering this act. Said graduate program shall be administered by the commissioner under such regulations as the commissioner shall prescribe.

5. Section 4 of chapter 121 of the laws of 1965 is amended to read as follows:

C. 26:2E-4 Grants.

4. (a) The commissioner may make grants to any 2 or more local governmental units, acting together on a joint basis; applying therefor:

(1) For the preparation of a feasibility study and report for the future collection, treatment and disposal of sewage in such units; or

(2) For the preparation of a feasibility study and report for the extension of any existing sewerage facility now operated by some or all of the applying units, provided that said extension would contemplate providing sanitary sewerage facilities for at least one local governmental unit in addition to those units now contributing to the existing sewerage facilities, or provided that said extension would contemplate expansion or intensification of the degree of treatment to be provided at existing treatment facilities.

(b) The commissioner may make grants to an individual local governmental unit applying therefor for the preparation of a feasibility report and study for the future collection, treatment and disposal of sewage within the unit in the case of a regional agency or authority established by the State or in the case in which the commissioner shall find that it is not practical for the unit to join with other units in the establishment of a multi-unit sewerage facility, or in the case where the local governmental unit is formally committed to become a participant of a multi-unit sewerage facility.

(c) All grants under this section shall be subject to such terms and conditions as shall be prescribed by the commissioner to carry out the purpose of this act and may be for any amount not in excess of the entire cost of the study and report but such grants shall not be made for minor sewer extensions or for sewer plans for subdivisions and shall not include the preparation of detail design and engineering drawings, specifications and contract documents.

C. 26:2E-8 Authority to make grants.

6. (a) The Commissioner of Health is hereby authorized to, subject to the availability of funds, make grants to any county or municipality, or any combination or agency thereof or to any State or interstate agency to assist such governmental units or agencies in the construction of those water pollution control projects as qualify for Federal aid and assistance under the provisions of the "Federal Water Pollution Control Act," and any acts amendatory thereof or supplemental thereto or revisions thereof, and any regulations promulgated pursuant thereto.

(b) The State's contribution toward the construction of such projects shall not exceed 30% of the cost of that portion of said projects which qualify for Federal assistance.

(c) The determination of the relative need, the priority of projects, and the standards of construction shall be consistent with the provisions of the "Federal Water Pollution Control Act," as aforesaid, and chapter 121 of the laws of 1965, as amended and supplemented.

(d) The Commissioner of Health shall prescribe the procedures for applying for the grants authorized by this section and may adopt such rules and regulations as may be necessary to implement the provisions of this section and to carry out its purpose.

7. This act shall take effect immediately.

Approved June 15, 1967.

CHAPTER 110

AN ACT to amend "An act to promote the mediation, conciliation and arbitration of labor disputes and the creation of a board of mediation for the promotion thereof," approved April 30, 1941 (P. L. 1941, c. 100).

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

Title amended.

1. Section 9 of the act of which this act is amendatory is amended to read as follows:

C. 34:13A-9 Personnel; compensation.

9. Personnel; compensation. (1) For the performance of its work, under this act, the board may request and shall avail itself of and utilize the service of any officer or employee of the Department of Labor and Industry who shall render such assistance as the board may require without additional compensation. The board may, within the amount available therefor by appropriation, appoint a secretary and such other assistants and employees as it may require for the consummation of its work, prescribe their duties and fix their compensation. (2) Each member of the board shall be entitled to be reimbursed for his traveling and other expenses actually and necessarily incurred by him in the performance of his duties, and, in addition, shall receive a per diem allowance of \$50.00 for each day, or part thereof, spent in the rendition of service to or for the board under this act; provided, however, that no member shall in any case receive per diem compensation as such member in an amount in excess of \$5,000.00 for any 1 fiscal year.

2. This act shall take effect immediately.

Approved June 15, 1967.

CHAPTER 111

AN ACT relating to pensions, and amending section 43:3-1 of the Revised Statutes.

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

1. Section 43:3-1 of the Revised Statutes is amended to read as follows:

Pensioners ineligible to hold public employment; exceptions.

43:3-1. Any person who is receiving or who shall be entitled to receive any pension or subsidy from this or any other State or any county, municipality or school district of this or any other State, shall be ineligible to hold any public position or employment other than elective in the State or in any county, municipality or school district or appointive in a county of the first class having a population in excess of 700,000 unless he shall have previously notified and authorized the proper authorities of said State, county, municipality or school district, from which he is receiving or entitled to receive the pension that, for the duration of the term of office of his public position or employment he elects to receive (1) his pension or (2) the salary or compensation allotted to his office or employment. Nothing in this chapter shall be construed to affect any pension statute or the renewal of payments of the pension after the expiration of such term of office except that such person shall not accept both such pension or subsidy and salary or compensation for the time he held such position or employment.

Nothing in this chapter shall be construed to prevent anyone entitled or who may be entitled to receive any widow's pension, from holding public employment in the State, county, municipality or school district, and from receiving any such pension together with the salary or compensation allotted to her office or employment.

As used in this chapter, the term "pension," when applied to a retirement allowance, shall include only that portion of the retirement allowance which is derived from appropriations made by the employer or by the State.

2. This act shall take effect immediately.

Approved June 16, 1967.

CHAPTER 112

AN ACT to amend the title of “An act to provide for the incorporation and regulation of limited-dividend housing corporations,” approved May 21, 1949 (P. L. 1949, c. 184), so that the same shall read “An act to provide for the incorporation and regulation of limited-dividend or nonprofit housing corporations and associations,” to amend and supplement the body of said act and amending chapters 21 and 69 of the laws of 1950 and chapter 249 of the laws of 1962, supplemental to said act.

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

Title amended.

1. The title of chapter 184 of the laws of 1949 is amended to read as follows: An act to provide for the incorporation and regulation of limited-dividend or nonprofit housing corporations and associations.

2. Section 1 of chapter 184 of the laws of 1949 is amended to read as follows:

C. 55:16-1 Title of act.

1. This act may be cited and referred to as the “Limited-Dividend Nonprofit Housing Corporations or Associations Law.”

3. Section 2 of chapter 184 of the laws of 1949 is amended to read as follows:

C. 55:16-2 Severe housing shortage.

2. It is hereby declared that there is a severe housing shortage in the State; that there are places in many municipalities of the State where dwellings lack proper sanitary facilities and are in need of major repairs or unfit for residential use; that these conditions are detrimental to the health, safety, morals, welfare and reasonable comfort of the people of the State; that these conditions reduce economic values and impair private investments and public revenues; that the improvement of these conditions requires the production of new dwellings at rents which the families who need housing can afford; that the creation of the agencies, associations and corporations hereinafter described, is necessary and desirable for this purpose; that the provision of housing to make possible

and to assist the clearance, planning, development or redevelopment of blighted areas, as proposed in this act, is a public purpose and a public use for which public money may be spent and private property acquired; and that the necessity in the public interest for the provisions hereinafter enacted is hereby declared as a matter of legislative determination.

4. Section 3 of chapter 184 of the laws of 1949 is amended to read as follows:

C. 55:16-3 Definitions.

3. The following terms wherever used or referred to in this act shall have the following respective meanings, unless a different meaning clearly appears from the context:

(1) The term "authority" means the public housing and development authority in the Department of Conservation and Economic Development.

(2) The term "administrator" means the Commissioner of Conservation and Economic Development, who is and shall be the administrator of the public housing and development authority.

(3) The term "council" means the State Housing Council in the Department of Conservation and Economic Development.

(4) The term "municipality" shall mean any city of any class, any town, township, village, borough, or any municipal subdivision of the State.

(5) The term "governing body" shall mean, in the case of a municipality, the common council, or the board of commissioners, or the body managing its affairs, except that, in the case of cities of the second class, having a population of not less than 133,000 nor more than 200,000 inhabitants, the board of finance of such a city shall be the "governing body" for the purpose of this act.

(6) The term "housing project" or "project" shall mean any work or undertaking to provide decent, safe, and sanitary dwellings for families in need of housing; such undertaking may include any buildings, land (including demolition, clearance or removal of buildings from land), equipment, facilities, or other real or personal properties or interests therein which are necessary, convenient or desirable appurtenances of said undertaking, such as, but not limited to, streets, sewers, water, utilities, parks; site preparations; landscaping, and administrative, community, health, recreational, educational, welfare, commercial, or other facilities, or to provide any part or combination of the foregoing. The term "housing project" or "project" shall be deemed to include veteran housing projects constructed under the authority of an act

entitled "An act providing for housing for veterans of World War II and other people of the State and declaring an emergency in respect thereto" (P. L. 1946, c. 323).

(7) The term "housing corporation" means any private, limited-dividend or nonprofit housing corporation organized in accordance with the provisions of this act.

(8) The term "bonds" shall mean any bonds, notes, interim certificates, debentures, or obligations issued pursuant to the provisions of this act.

(9) The term "Federal Government" means the United States of America or any department, administration, authority, instrumentality, agency, agent or officer thereof, or any corporation created thereby.

(10) The term "State" means the State of New Jersey or any department, authority, agency or officer thereof.

(11) The term "gross shelter rent" shall mean the gross rent or carrying charge less the cost of utilities furnished by the project. These utilities shall include gas and electricity if supplied by the project; cost of heating fuel; cost of water supplied and sewage charges, if any.

(12) The term "housing association" means any limited-distribution or nonprofit partnership, limited partnership, limited partnership association, trust, single proprietorship or other unincorporated association organized in accordance with the provisions of this act or the act to which this is a supplement.

5. Section 4 of chapter 184 of the laws of 1949 is amended to read as follows:

C. 55:16-4 Organization of housing corporations or associations.

4. Housing corporations or housing associations may be organized in the manner provided by this act to acquire, construct, alter, maintain, and operate housing projects for the purpose of providing accommodations for families in need of housing and of development or redeveloping blighted areas, when authorized by the authority.

6. Section 5 of chapter 184 of the laws of 1949 is amended to read as follows:

C. 55:16-5 Stockholder agreement.

5. Every stockholder of a housing corporation shall be deemed, by the subscription to or the receipt of stock therein, to have agreed that he shall at no time receive from the corporation in repayment of his investment any sums in excess of the face value of the in-

vestment plus cumulative dividends at a rate not to exceed 8% per annum and any person having any proprietary interest in any housing association shall by reason of his participation therein be deemed to have agreed that he shall at no time receive as a return on his investment any sums in excess of the face value of the investment plus a cumulative return thereon in the aggregate at a rate not to exceed 8% per annum computed from the initial date in which moneys were paid over or property delivered in consideration for the proprietary interest of the investor. Upon the dissolution of any such housing corporation or housing association any surplus in excess of such amounts shall be paid to the State of New Jersey; provided, however, that the authority may enter into agreements with any municipality where tax exemption is provided pursuant to section 18 of this act with respect to any project or projects of such housing corporation or association for the distribution to and apportionment of said surplus between the State and the municipality.

7. Section 1 of chapter 21 of the laws of 1950 is amended to read as follows:

C. 55:16-5.1 Use of the term "surplus."

1. As used in section 5 of the act to which this act is a supplement, and as used in any statute amendatory of or supplementary to said act, the term "surplus" shall not be deemed to include any increase in assets of any limited-dividend housing corporation or housing association organized in accordance with the provisions of said act or any supplement thereto, by reason of reduction of mortgage, by amortization or similar payments or realized from the sale or disposition of any assets of a housing corporation or housing association to the extent such surplus can be attributed to any increase in market value of any real or tangible personalty accruing during the period such assets were owned and held by any such housing corporation or housing association.

C. 55:16-9.1 Formation of housing association.

8. Any one or more persons of the State as individuals may form a housing association for the aforesaid purposes by making, signing, acknowledging and filing a certificate of organization which certificate shall be filed with the office of the clerk of the county in which the principal place of business of the said housing association shall be situated. The said certificate shall in addition to the requirements of any other law to which it is subject, contain the following matters:

- (1) The name of the proposed housing association.
- (2) The purposes for which it is formed, which shall be to acquire, construct, maintain and operate housing projects as authorized under this act and the act to which this is a supplement.
- (3) Its duration.
- (4) The value and nature of each proprietary interest and an agreement that the owner thereof and his or their heirs, successors or assignees shall be bound to limit any return thereto to an amount not to exceed 8% per annum of the amount invested therein except to the extent that such return shall not have been paid in a previous year, or years, of operation, in which case, the said person, his heirs, successors or assigns may be paid said deficiency without interest out of any surplus earned in any succeeding years.
- (5) The names and addresses of any persons holding any proprietary interest and the value thereof.
- (6) A provision that no real property of the housing association shall be sold, transferred, encumbered or assigned except under and pursuant to the provisions of this act and the act to which this is a supplement and the regulations of the authority issued hereunder.
- (7) Any other provisions, not inconsistent with this act or the act to which this is a supplement or other law for the regulation of the business and the conduct of the affairs of the housing association.
- (8) A declaration that the housing association has been organized to serve a public purpose and use; that its operations shall be directed to providing for and making possible the clearance, planning, development or redevelopment of blighted areas; and that it will at all times be subject to the supervision and control of the authority until and unless released therefrom in accordance with the procedures set forth in section 1 of chapter 69 of the laws of 1950 (C. 55:16-22).

The said certificate shall be subject to approval by the authority as provided by section 7 of the act of which this act is amendatory and supplementary (C. 55:16-7).

C. 55:16-9.2 Organization of housing association; powers.

9. Subject to the requirements, limitations and restrictions set forth in this act and the act to which this is a supplement, any housing association may be organized under the provisions governing partnerships, limited partnerships, or limited partnership associations, trusts, single proprietorships, or as unincorporated business associations and except to the extent inconsistent here-

with may exercise any of the powers, and enjoy any of the rights and privileges provided therefor by statute or law and shall in addition have the following express powers:

(1) To enter into contracts for the purchase, acquisition, construction, reconstruction, maintenance, operation and management of housing projects and for the purchase of equipment, materials and supplies necessary or incidental to these purposes.

(2) To lease, sell or exchange all of its capital assets with the consent of at least $\frac{2}{3}$ in value of the holders of the proprietary interest in the said housing association at any meeting called to vote thereon.

(3) To accept loans or grants from the Federal Government, the State or any municipal subdivision thereof in aid of housing projects owned or to be acquired or constructed by the association.

(4) To obtain, or aid in obtaining, from the Federal Government any insurance or guarantee or commitment therefor, as to, or for the payment or repayment of interest or principal, or both, or any part thereof, of any loan or other extension of credit, or any instrument evidencing or securing the same, obtained or to be obtained or entered into by it; and to enter into any agreement, contract or any other instrument whatsoever with respect to any such insurance or guarantee.

The authority may make the exercise of any of the rights, powers and privileges of housing associations set forth in this section or referred to herein, subject to its prior approval.

C. 55:16-9.3 Interest in housing association.

10. No interest in any housing association or obligation thereof shall issue or be created except for money or property actually received by it for its use and lawful purposes. No proprietary interest therein or obligation shall be issued or created for property except upon a valuation approved by the authority.

11. Section 10 of chapter 184 of the laws of 1949 is amended to read as follows:

C. 55:16-10 Restricts competition with public utility.

10. No housing corporation or housing association shall engage in any activity competitive with any public utility as defined in section 48:2-13 of the Revised Statutes.

12. Section 11 of chapter 184 of the laws of 1949 is amended to read as follows:

C. 55:16-11 Powers of the authority.

11. The authority, subject to the approval of the council, shall have the power to make, amend, modify and repeal rules and regu-

lations to effectuate the purposes of this act and to supervise the operations of any housing corporations or housing associations thereunder. The authority shall also have the power to supervise the planning, development and management of any housing project undertaken by such corporation or housing association under this act or any act supplemental thereto. The functions, powers and duties conferred upon the authority by this act shall, subject to the rules and regulations referred to herein, be exercised by the administrator.

13. Section 12 of chapter 184 of the laws of 1949 is amended to read as follows:

C. 55:16-12 Written application for approval.

12. Every corporation or housing association organized under this act, before purchasing, acquiring or undertaking any project herein authorized, shall make written application to the authority for approval thereof. Said application may be made at the same time as the application for the approval of its certification of incorporation or if unincorporated, certificate of organization and shall be in such form and certify as to such facts and data as to justify approval; and shall contain such other information as the authority may require including but not limited to:

(1) A statement by the governing body of the municipality in which the project be located certifying that the project will meet or meets an existing housing need, that it conforms to the requirements of all applicable municipal ordinances, and that the governing body approves of the development or acquisition of the project.

(2) A description of the project including such architectural and site plans as may be required.

(3) A statement of the cost or purchase price of the project in such detail as may be required.

(4) The source, method and amount of money to be raised through the investment of private capital setting forth the amount of stock or other securities to be issued therefor.

(5) A fiscal plan for the project giving the schedule of rents, the estimated expenditures for operation and maintenance, payments to the municipality either for taxes or service charge and for interest, amortization and reserves.

(6) A statement showing that adequate light, air and open spaces will be provided and that the project will conform to reasonable standards of safety and sanitation.

14. Section 13 of chapter 184 of the laws of 1949 is amended to read as follows:

C. 55:16-13 Power to approve or disapprove.

13. The authority shall have full and complete power to hear and consider or to refuse to consider all applications for incorporation as a housing corporation or for approval of a certificate of organization as a housing association under this act and all applications for housing projects to be purchased, acquired or undertaken by housing corporations. During or after such hearing, the authority shall have power to approve or disapprove any such incorporation or certificate of organization or housing project.

15. Section 14 of chapter 184 of the laws of 1949 is amended to read as follows:

C. 55:16-14 Conditions for approval.

14. The authority shall approve the purchase, acquisition or construction of a housing project by a housing corporation or housing association only under the following conditions:

(1) That the project is within an area where, under the conditions existing at the time, dwellings conforming to reasonable standards of adequacy and renting at or below the average rent to be charged in the project, are not being provided in sufficient quantity through the ordinary operation of private enterprise.

(2) That there has been presented to the authority, in such form and with such proof as it may require, a financial plan covering the cost of lands and improvements and the operation of the project, such as shall reasonably assure the successful completion and operation of the project in accordance with the purposes of this act.

16. Section 16 of chapter 184 of the laws of 1949 is amended to read as follows:

C. 55:16-16 Power of authority to supervise.

16. Notwithstanding the provisions of any other law to the contrary, the authority shall have the power to supervise housing corporations or housing associations and their real and personal property in the following respects:

(1) The authority may prescribe uniform systems of accounts and records for housing corporations or housing associations and may require them to make reports and give answers to specific questions on such forms and at such times as may be necessary for the purposes of this act.

(2) Through its agents or employees, the authority may enter upon and inspect the lands, buildings and equipment of a housing corporation or housing association, including all parts thereof, and may examine all books and records with reference to capital struc-

ture, income, expenditures and other payments of a housing corporation or housing association.

(3) The authority may supervise the operation and maintenance of any project of a housing corporation or housing association and may order such repairs as may be necessary to protect the public interest or the health, welfare or safety of the project occupants.

(4) The authority may fix, and alter from time to time, a schedule of rents and charges for any project of a housing corporation or housing association.

(5) The authority may determine standards for, and may control, tenant selection by a housing corporation or housing association.

(6) The authority may require any housing corporation or housing association to pay to the authority such fees as it may prescribe, subject to any regulations of the council, in connection with the examination, inspection, supervision, auditing, or other regulations of the housing corporation or housing association.

(7) The authority may order any housing corporation or housing association to do, or to refrain from doing, such things as may be necessary to comply with the provisions of law, the rules and regulations of the authority, and the terms of any contract or agreement to which the corporation or association may be a party.

(8) The authority may regulate the retirement of any capital investment on the redemption of stock where any such retirement or redemption when added to any dividend or other distribution shall exceed in any one fiscal year 8% of the original face amount of any investment in any housing corporation or housing association.

17. Section 17 of chapter 184 of the laws of 1949 is amended to read as follows:

C. 55:16-17 Court action to enforce provisions of act.

17. The authority may institute any proceeding or action against any housing corporation or housing association in any court of competent jurisdiction in order to enforce the provisions of this act or the regulations of the authority thereunder approved by the council, or to foreclose its mortgage, or to protect the public interest, the tenants, the stockholders of the housing corporation or its creditors or persons holding any proprietary interest in any housing association. In connection with any such suit it may apply for the appointment of a receiver to manage, operate, and take over the affairs of said housing corporation or housing association

and the administrator is hereby authorized to accept appointment as receiver of any such housing corporation or housing association when so appointed by a court of competent jurisdiction.

Reorganization of any housing corporation or housing association shall be subject to the supervision and control of the authority and no such reorganization shall be had without the consent of the authority. Upon all such reorganizations the amount of capitalization, including therein all stocks, income debentures and bonds or in the case of a housing association, the proprietary interests therein, and other evidence of indebtedness shall be such as is authorized by the administrator which, in making his determination, shall not exceed the fair value of the property involved.

In any foreclosure action, other than a foreclosure action instituted by the authority: the authority and the municipality in which any tax exemption or abatement is provided any housing corporation or housing association, in addition to other necessary parties, shall be made parties defendant; and the authority and the municipality shall take all steps in such action necessary to protect the interest of the public therein, and no costs shall be awarded against the authority or the municipality. Subject to the terms of any applicable contract, agreement, guarantee or insurance entered into or obtained pursuant to subsection (14) of section 8 hereof: judgment of foreclosure shall not be entered unless the court to which application therefor is made shall be satisfied that the interest of the lien-holder or holders can not be adequately secured or safeguarded except by the sale of the property; and in any such proceeding, the court shall be authorized to make an order increasing the rentals to be charged for the housing accommodations in the project involved in such foreclosure, or appoint the administrator or any officer of the municipality in which any tax exemption or abatement with respect to the project is provided, as a receiver of the property, or grant such other and further relief as may be reasonable and proper; and in the event of a foreclosure sale or other judicial sale, the property shall be sold only to a housing corporation or housing association which will maintain, operate and manage the project subject to the provisions of this act and the regulations of the authority, approved by the council, issued hereunder, unless the court shall find that the interest and principal on the obligations secured by the lien the subject of foreclosure cannot be earned under the limitations imposed by the provisions of this act and that the proceeding was brought in good faith, in which event the property may be sold free of limitations imposed

by this act or subject to such limitations as the court may deem advisable to protect the public interest.

In the event of a judgment against any housing corporation or housing association in any action not pertaining to the foreclosure of a mortgage, there shall be no sale of any of the real property of such housing corporation except upon 60 days' written notice to the authority. Upon receipt of such notice the administrator shall take such steps as in his judgment may be necessary to protect the rights of all parties.

18. Section 18 of chapter 184 of the laws of 1949 is amended to read as follows:

C. 55:16-18 Service charge in lieu of property tax.

18. When the governing body of any municipality in which a project of a housing corporation or housing association is or will be located, by resolution finds that the project is or will be an improvement made for the purposes of the clearance, replanning, development, or redevelopment of any blighted area (as defined in any law of this State) within such municipality, or for any of such purposes, then such project and improvement shall be exempt from all property taxation; provided, that in lieu of taxes the housing corporation or housing association owning said project shall make to the municipality payment of an annual service charge for municipal services supplied to said project, in such amount, not exceeding the tax on the property on which the project is located for the year in which the undertaking of said project is commenced or 15% of the annual gross shelter rents obtained from the project, whichever is the greater, as may be agreed to by the municipality and the housing corporation or housing association and approved by the authority. Any exemption from taxation made pursuant to the provisions of this section shall not extend for a period of more than 50 years and shall only be effective during the period of usefulness of the project as determined by the authority and shall continue in force only while the project is owned by a housing corporation or housing association formed under this act and regulated by the authority or owned or operated by the authority.

19. Section 1 of chapter 249 of the laws of 1962 is amended to read as follows:

C. 55:16-18.1 Subsidy to limited-dividend housing corporation or association to acquire land.

1. The governing body of any municipality in which a project of a limited-dividend housing corporation or housing association is located, may, by ordinance, provide for the payment of money

as a subsidy to such limited-dividend housing corporation or housing association for the purpose of acquiring land for such project. Every such ordinance shall specify the amount or amounts of such payments, the time or times they are payable, and the terms and conditions of such payments.

20. Section 1 of chapter 69 of the laws of 1950 is amended to read as follows:

C. 55:16-22 Application for release.

1. Notwithstanding any provision of the act to which this act is a supplement to the contrary, any limited-dividend housing corporation or association organized in accordance with the provisions of said act may, at any time after the expiration of 15 years from the date of first tenant occupancy of any duly approved housing project of such corporation or association, apply to the authority for permission to be released from the restrictions and limitations imposed upon it under said act. The authority may approve the application provided it is consented to, by resolution, by the governing body of each municipality in which tax exemption has been granted to any housing project of such corporation, after a finding, by resolution of such governing body, that there no longer exists any housing shortage in the municipality by reason of which the project was originally approved. A duly certified copy of each of such resolutions shall be submitted to the authority. Upon the approval of such application by the authority any tax exemption granted to such housing corporation or association or any project and improvement thereof shall terminate, and such corporation or association and the projects thereof shall not thereafter be subject to the restrictions and limitations imposed thereon by the act to which this act is a supplement. In such event any surplus of such corporation or association then remaining, in excess of the amount required for the repayment of the face amount of investments of stockholders in the capital stock of such corporation or of persons holding any proprietary interest in any housing association plus any cumulative dividends or return on investment at a rate not to exceed 8% per annum, shall be paid to the State of New Jersey; provided, however, that the authority may enter into agreements with any municipality where tax exemption has been provided pursuant to section 18 of the act to which this act is a supplement with respect to any project or projects of such housing corporation or association for the distribution to and apportionment of said surplus between the State and the municipality.

21. This act shall take effect immediately.

Approved June 19, 1967.

CHAPTER 113

AN ACT concerning fees and costs and amending section 22A:2-29 of the New Jersey Statutes (P. L. 1953, c. 22).

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

1. Section 22A:2-29 of the New Jersey Statutes is amended to read as follows:

Fees for filing, indexing, entering or recording documents or papers in county clerk's office.

22A:2-29. Upon the filing, indexing, entering or recording of the following documents or papers in the office of the county clerk or clerk of the law division of the County Court, such parties, filing or having the same recorded or indexed in the county clerk's office or with the clerk of the law division of the County Court of the various counties in this State shall pay the following fees in lieu of the fees heretofore provided for the filing, recording or entering of such documents or papers.

In general—

Issuing county clerk's certificate, any instrument	\$1 00
Comparing and making copies, per sheet	1 00
Copies of all papers, typing and comparing of photo-stat, per page	1 00
Marking as a true copy, any instrument	1 00
Exemplification, any instrument	3 00
Plus \$1.00 per page of instrument.	
Recording or filing all instruments not herein stated . .	5 00

Bonds, bail, recognizances—

Recording all official bonds with acknowledgment and proof of the execution thereof	3 00
Filing and entering recognizances or civil bail	3 00
Filing discharge, attachment bond	3 00
Filing satisfaction or order discharging recognizance or civil bail	3 00
Filing and recording filiation bond	3 00
Filing satisfaction of or order discharging filiation bond	3 00
Recording or discharging sheriff's bonds	3 00

Corporations and trade-names—

Business corporations, recording:

Certificates of incorporation (3 sheets or less)	5 00
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Certificates of incorporation (each sheet over 3) ..	1 00
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Nonbusiness corporation, recording:

Certificates of incorporation of corporations and associations not for profit, and of societies, clubs, credit unions, churches, religious societies and congregations	5 00
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Amendments to certificates of incorporation, all cor- porations, recording	5 00
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All other corporate, certificates, recording	3 00
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Bank merger agreements, recording:

Three sheets or less	5 00
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Each sheet over 3	1 00
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Certificates, each	1 00
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Trade-names, firms, partnerships:

Certificate of name, filing (see R. S. 56:1-1 et seq.)	10 00
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Certificate of dissolution of trade-name (see R. S. 56:1-6 et seq.)	2 00
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Bottles, et cetera, description (see R. S. 56:3-14 et seq.)	1 50
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Building and Loan or Savings and Loan Associa-
tions:

Change of name	5 00
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Dissolution	3 00
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Certificates for limited-dividend housing associa- tions, recording	5 00
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Certificates for urban renewal associations, record- ing	5 00
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Judgments, et cetera—

Recording judgments	3 00
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Filing, entering and recording judgment on bond and warrant by attorney	15 00
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Docketing, recording and filing docketed judgments ..	3 00
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Certificate for docketing Superior Court transcript ...	3 00
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Recording assignment of judgments	5 00
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Issuing certificates of judgment	1 00
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Issuing transcript of judgments	2 50
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Issuing certificate or order for costs	3 00
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Filing or entering on the record of discharge, cancel- lation, release or satisfaction of a judgment by satisfaction piece, execution returned satisfied or otherwise	1 00
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For recording and indexing postponement of the lien of judgments	5 00
Execution on judgment:	
Drawing execution	3 00
Recording execution	3 00
Warrant for satisfaction	2 00
Writ of possession	3 00
Writ of sequestration	3 00
Discharge of writ	3 00
Mandate	5 00
Liens—	
Filing, indexing and recording mechanic's lien claim ..	3 00
Recording, filing and noting on the record the discharge, release or satisfaction of a mechanic's lien claim	3 00
Extension of lien claim	1 00
Filing statement of county district court judgment in mechanic's lien proceeding	3 00
Filing, recording and indexing mechanic's notice of intention	1 00
Filing a certificate discharging a mechanic's notice of intention and noting the discharge on the record thereof	1 00
Filing certificate from court of commencement of suit ..	1 00
Filing a court order amending a mechanic's notice of intention	3 00
Filing, recording and indexing stop notices	1 00
Filing a certificate discharging a stop notice and noting the discharge on the record thereof	1 00
Filing a court order discharging a stop notice and noting the discharge on the record thereof	3 00
Filing building contract	2 00
Filing building specifications	1 00
Filing building plans	1 00
Filing each notice of physician's lien	1 00
Entering upon the record the discharge of a physician's lien	1 00
Filing each hospital lien claim	1 00
Discharge of hospital lien	1 00
Filing satisfaction or order for discharge of attachment	3 00
Recording collateral inheritance waiver or receipt ...	3 00

Recording inheritance tax waiver	3 00
Subordination, release, partial release or postponement of a lien to lien of mortgage	2 00
Commissions and oaths—	
Administering oaths to notaries public and commis- sioners of deeds	3 00
For issuing certificate of authority of notary to take proof, acknowledgment of affidavit	1 00
For issuing each certificate of the commission and qualifi- cation of notary public for filing with other county clerks	2 00
For filing each certificate of the commission and qualifi- cation of notary public, in office of county clerk of county other than where such notary has qualified ..	2 00
Miscellaneous—	
Filing and recording proceedings for laying out, va- cating or dedicating roads	5 00
Change of name (recording and filing all proceedings)	15 00
Recording firemen's certificates	No charge
Registering physician	3 00
Registering nurses	2 00
Weapons, filing:	
License to sell	3 00
Permit to purchase	3 00
Permit to carry concealed	3 00
Renewal, permit to carry concealed	3 00
Tax sale certificate, redemption of recording	3 00
2. This act shall take effect immediately.	
Approved June 19, 1967.	

CHAPTER 114

AN ACT to amend the title of "An act concerning the clearance, replanning, development, and redevelopment of blighted areas in certain cases; authorizing private urban renewal corporations to undertake, and municipalities to participate in, the clearance, replanning, development, and redevelopment of such areas, granting limited period exemptions from taxation in respect to the improvements made in the development and redevelopment of such areas; limiting the profits of, and dividends payable by, private urban renewal corporations enjoying such tax exemption and regulating said private urban renewal corporations and the conditions of use, ownership, management and control of said improvements," approved June 2, 1961 (P. L. 1961, c. 40), so that the same shall read "An act concerning the clearance, replanning, development, and redevelopment of blighted areas in certain cases; authorizing private urban renewal corporations and associations to undertake, and municipalities to participate in, the clearance, replanning, development, and redevelopment of such areas, granting limited period exemptions from taxation in respect to the improvements made in the development and redevelopment of such areas; limiting the profits of, and dividends payable by, private urban renewal corporations and associations enjoying such tax exemption and regulating said private urban renewal corporations and associations and the conditions of use, ownership, management and control of said improvements," and to amend and supplement the body of said act.

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

Title amended.

1. The title of chapter 40 of the laws of 1961 is amended to read as follows: An act concerning the clearance, replanning, development, and redevelopment of blighted areas in certain cases; authorizing private urban renewal corporations and associations to

undertake, and municipalities to participate in, the clearance, replanning, development, and redevelopment of such areas, granting limited period exemptions from taxation in respect to the improvements made in the development and redevelopment of such areas; limiting the profits of, and dividends payable by, private urban renewal corporations and associations enjoying such tax exemption and regulating said private urban renewal corporations and associations and the conditions of use, ownership, management and control of said improvements.

2. Section 1 of the act of which this act is amendatory is amended to read as follows:

C. 40:55C-40 Title of act.

1. This act shall be known as the "Urban Renewal Corporation and Association Law of 1961."

C. 40:55C-44.1 Definition of urban renewal association.

3. "Urban renewal association" means any unincorporated entity including but not limited to a partnership, limited partnership, limited partnership association or unincorporated association organized in accordance with this act or the act to which this is a supplement to acquire, construct, operate and maintain a project hereunder, or to acquire, operate and maintain a project constructed by an urban renewal corporation or other urban renewal association; and the term "association" when used in this act shall be understood to be a contraction of the term "urban renewal association" except when the context indicates otherwise.

C. 40:55C-44.2 Definition of urban renewal entity.

4. "Urban renewal entity" shall mean any urban renewal corporation or urban renewal association as defined herein or in the act to which this act is a supplement.

5. Section 7 of the act of which this act is amendatory is amended to read as follows:

C. 40:55C-46 Definition of project.

7. "Project" means the undertaking and execution of the redevelopment of a blighted area, in whole or in part, in accordance with an agreement for the sale of the land concerned to the corporation or association by a municipality, or agency, or authority, including the work to be done in reference thereto, the designation of the particular proposed buildings to be constructed and their uses and purposes, the landscaping of the premises, the streets and access roads, recreational facilities, if any, the furnishing of the

public utilities, the financial arrangements and the terms and conditions of the proposed municipal co-operation and approval.

6. Section 8 of the act of which this act is amendatory is amended to read as follows:

C. 40:55C-47 Definition of total project unit cost or total project cost.

8. "Total project unit cost" or "total project cost" means the aggregate of the following items as related to any unit of a project if the project is to be undertaken in units or to the total project if the project is not to be undertaken in units: (a) cost of the land to the urban renewal corporation or association; (b) architects', engineers' and attorneys' fees paid or payable by the corporation or association in connection with the planning, construction and financing of the project; (c) surveying and testing charges in connection therewith; (d) actual construction cost as certified by the architect, including the cost of any preparation of the site undertaken at the corporation's or association's expense; (e) insurance, interest and finance costs during construction; (f) cost of obtaining initial permanent financing; (g) commissions and other expenses paid or payable in connection with initial leasing; (h) real estate taxes and assessments during the construction period; and (i) a developer's overhead based on a percentage of (d) above, to be computed in accordance with the following schedule:

\$500,000 or less	—10%
\$500,001 through \$1,000,000	—\$50,000 plus 8% on excess above \$500,000
\$1,000,001 through \$2,000,000	—\$90,000 plus 7% on excess above \$1,000,000
\$2,000,001 through \$3,500,000	—\$160,000 plus 5.6667% on excess above \$2,000,000
\$3,500,001 through \$5,500,000	—\$245,000 plus 4.25% on excess above \$3,500,000
\$5,500,001 through \$10,000,000	—\$330,000 plus 3.7778% on excess above \$5,500,000
Over \$10 million	—5%.

7. Section 9 of the act of which this act is amendatory is amended to read as follows:

C. 40:55C-48 Definition of allowable profit rate.

9. "Allowable profit rate" means that percentage per annum arrived at by adding $1\frac{1}{4}\%$ to the annual interest percentage rate payable on the urban renewal corporation's or association's initial permanent mortgage financing. In the event that the initial per-

manent mortgage is insured or guaranteed by a governmental agency, any mortgage insurance premium or similar charges, if payable on a per annum basis, shall be considered as interest for the purposes hereof. If there is no permanent mortgage financing the allowable profit rate shall be arrived at by adding 1¼% per annum to the interest rate per annum which the municipality determines to be the prevailing rate on mortgage financing on comparable improvements in the locality.

8. Section 10 of the act of which this act is amendatory is amended to read as follows:

C. 40:55C-49 Definition of allowable net profit.

10. "Allowable net profit" means the amount arrived at by applying the allowable profit rate to each total project unit cost, if the project is to be undertaken in units or the total project cost if the project is not to be undertaken in units for the period commencing on the date on which the construction of the unit or the project is completed, as the case may be, and terminating at the end of the fiscal year of the urban renewal corporation or association preceding the date on which a computation is being made.

9. Section 11 of the act of which this act is amendatory is amended to read as follows:

C. 40:55C-50 Definition of net profit.

11. "Net profit" means the gross revenues of the urban renewal corporation or association less all operating and nonoperating expenses of the corporation or association, all determined in accordance with generally accepted accounting principles provided that (a) there shall be included in expenses (1) all annual service charges paid pursuant to section 26 of this act, (2) all payments to the municipality of excess profit pursuant to section 27 of this act, and (3) an annual amount sufficient to amortize the total project cost over the life of the improvements, as set forth in the financial agreement herein provided for, which in no case shall be less than 25 years, and (b) there shall not be included in expenses either (1) depreciation or obsolescence, (2) interest on debt, (3) taxes on income, or (4) salaries, bonuses and other compensation paid, directly or indirectly, to directors, officers and stockholders of the corporation or officers, partners or other persons holding any proprietary or ownership interest in any association.

10. Section 12 of the act of which this act is amendatory is amended to read as follows:

C. 40:55C-51 Definition of annual gross revenue.

12. "Annual gross revenue" means the total annual gross rental and other income of an urban renewal corporation or association from the project. If in any leasing, any real estate taxes or assessments on property included in the project, any premiums for fire or other insurance on or concerning property included in the project or any operating or maintenance expenses ordinarily paid by a landlord are to be paid by the tenant, then such payments shall be computed and deemed to be part of the rent and shall be included in the annual gross revenue. The financial agreement hereinafter provided for shall establish the method of computing such additional revenue and may establish a method of arbitration where either the landlord or the tenant dispute the amount of such payments so included in the annual gross revenue.

11. Section 13 of the act of which this act is amendatory is amended to read as follows:

C. 40:55C-52 Authorization to undertake project.

13. Any urban renewal corporation or association qualifying under this act or any supplement thereto may undertake a project, and when so authorized by a financial agreement with a municipality pursuant to this act, may acquire, plan, develop, construct, alter, maintain or operate housing, business, industrial, commercial, cultural or recreational projects or any combination of 2 or more such types of improvement in a single project. The conditions of use, ownership, management and control of the improvements in any such project shall be regulated as herein provided.

12. Section 14 of the act of which this act is amendatory is amended to read as follows:

C. 40:55C-53 Sale of blighted area.

14. When any municipality or agency or authority thereof has acquired land constituting or being a part of a blighted area, pursuant to chapter 187 of the laws of 1949, chapter 300 of the laws of 1949, or chapter 306 of the laws of 1949, the governing body of the municipality, or the agency or authority, by resolution, may make such land available for use for a project by an urban renewal corporation or association, qualified under this act or any supplement thereto, by private sale, upon such terms and conditions as shall be agreed upon by the said governing body or said agency or authority and said corporation or association. Any such resolution shall include a determination of the use value of the said land and the price to be paid therefor by the said corporation or association shall not be less than the amount so determined.

C. 40:55C-55.1 Operation; provisions.

13. Any 2 or more individuals, may qualify to operate as a partnership, limited partnership, limited partnership association or other unincorporated association or entity by filing such certificate or statement as may be required by any statute governing the form selected and in addition to any other requirement contained therein incorporate the following provisions:

(a) The name of the association or the trade name under which the association shall conduct its business shall include the words "urban renewal."

(b) The object for which it is formed shall be to operate under this act or the act to which this is a supplement and to initiate and conduct projects for the clearance, replanning, development and redevelopment of blighted areas in municipalities and, when so authorized by financial agreement with a municipality pursuant to this act or the act to which this is a supplement, to acquire, plan, develop, construct, alter, maintain or operate housing, business, industrial, commercial, cultural or recreational project or any combination of any 2 or more such types of improvement in a single project, under such conditions as to use, ownership, management and control as shall be regulated pursuant to this act or the act to which this is a supplement.

(c) A provision that so long as the association is obligated under a financial agreement with a municipality made pursuant to this act or the act to which this is a supplement, it shall engage in no business other than the ownership, operation and management of a single project.

(d) A declaration that the association has been organized to serve a public purpose, that its operations shall be directed toward providing for and making possible the clearance, replanning, development or redevelopment of blighted areas or the acquisition, management and operation of a project hereunder; and that it shall, as provided herein, be subject to regulation by the municipality in which its project is situated, and to a limitation on profits for so long as it remains the owner of a project subject to the provisions of this act or the act to which this is a supplement.

(e) A provision that the association shall not voluntarily transfer the project undertaken by it under the terms of this act or the act to which this is a supplement, until it has first removed both itself and the project from all restrictions hereunder in the manner hereinafter set forth; but with a proviso that the foregoing restriction shall not be applied to prevent the transfer of a project

to another urban renewal association or corporation which, with the consent of the municipality in which the project is located, shall assume all the contractual obligations of the transferor association or corporation under its financial agreement with the said municipality.

If the association shall not by reason of any other law be required to file a certificate or statement, then the said association in addition to the requirements set forth above shall file a certificate in the office of the clerk of the county in which its principal place of business is located setting forth its full name and the name under which it shall do business, its duration, the location of its principal offices and the name of a person or persons upon whom service may be effected and the name and address and extent of each person having any ownership or proprietary interest therein.

C. 40:55C-55.2 Powers; restrictions.

14. Each urban renewal association qualifying under this act, shall have and may exercise such of the powers conferred by statute or by law on the form of entity selected and as shall be necessary for the operation of the business of such association and as shall be consistent with the provisions of this act or the act to which this is a supplement and shall and may exercise, also, the powers conferred by this act or the act to which this is a supplement but so long as it shall be operated under this act or the act to which this is a supplement, it shall be subject to the restrictions contained therein. If such association shall have freed itself and its project from the restrictions of this act or the act to which this is a supplement and its financial agreement with the municipality, in the manner provided herein or in the act to which this is a supplement, it shall no longer exercise any of the special powers or be subject to any of the restrictions contained in this act or the act to which this is a supplement.

15. Section 17 of the act of which this act is amendatory is amended to read as follows:

C. 40:55C-56 Discharged from obligation.

17. When an urban renewal entity has, with the consent of the municipality in which its project is located, transferred its project to another such entity which has assumed the contractual obligations of the transferor entity with the municipality, the transferor entity shall be discharged from any further obligation under the said financial agreement and shall be qualified to undertake another project with the same or a different municipality.

16. Section 18 of the act of which this act is amendatory is amended to read as follows:

18. An urban renewal corporation or association in carrying out projects may:

(a) Accept loans from the Federal Government, the State or a political subdivision thereof or other public agency in aid of a development or redevelopment project owned or to be acquired or undertaken by the corporation or association.

(b) Obtain, or aid in obtaining, from the Federal Government any insurance or guarantee, or commitment therefor, as to, or for the payment or repayment of interest or principal, or both, or any part thereof, of any loan or other extension of credit, or of any instrument evidencing or securing the same, obtained or to be obtained or entered into by it, and to enter into any agreement or contract, or execute any instrument whatsoever with respect to any such insurance or guarantee.

17. Section 19 of the act of which this act is amendatory is amended to read as follows:

C. 40:55C-58 Written application.

19. Every urban renewal corporation or association qualifying under this act, before proceeding with any project herein authorized, shall make written application to the municipality for approval thereof. Said application shall be in such form and shall certify to such facts and data as shall be required by the municipality, and may include but shall not be limited to:

(a) A general statement of the nature of the proposed project, that the undertaking conforms to all applicable municipal ordinances, that its completion will meet an existing need, and that the project accords with the master plan or official map, if any, of the municipality.

(b) A description of the proposed project outlining the area included and a description of each unit thereof if the project is to be undertaken in units and setting out such architectural and site plans as may be required.

(c) A statement of the estimated cost of the proposed project in such detail as may be required, including the estimated cost of each unit if it is to be so undertaken.

(d) The source, method and amount of money to be subscribed through the investment of private capital, setting forth the amount of stock or other securities to be issued therefor or in the case of an association the extent of capital invested and the proprietary or ownership interest obtained in consideration therefor.

(e) A fiscal plan for the project outlining a schedule of rents, the estimated expenditures for operation and maintenance, payments for interest, amortization of debt and reserves, and payments to the municipality to be made pursuant to a financial agreement to be entered into with said municipality.

Such application shall be addressed and submitted, to the mayor of the municipality, who shall, within 60 days after receipt thereof, submit it with his recommendations to the governing body. The governing body shall by resolution approve or disapprove the application, but in the event of disapproval, changes may be suggested to secure its approval. An application may be revised and resubmitted.

18. Section 20 of the act of which this act is amendatory is amended to read as follows:

C. 40:55C-59 Financial agreement.

20. Every approved project shall be evidenced by a financial agreement between the municipality and the corporation or association. Such agreement shall be prepared by the corporation or association and submitted as a separate part of its application for project approval.

The financial agreement shall be in the form of a contract requiring full performance within 20 years from the date of completion of the project and shall include the following:

(a) That the profits of and dividends payable by the corporation or profits of any association shall be limited as hereinafter provided;

(b) That all improvements in the project to be constructed or acquired by the corporation or association shall be exempt from taxation as hereinafter provided;

(c) That the corporation or association shall make payments for municipal services as hereinafter provided;

(d) That the corporation or association shall submit annually, within 90 days after the close of its fiscal year, its auditor's reports to the mayor and governing body of the municipality;

(e) That the corporation or association shall, upon request, permit inspection of property, equipment, buildings and other facilities of the corporation, or association, and also permit examination and audit of its books, contracts, records, documents and papers by authorized representatives of the municipality;

(f) That in the event of any dispute between the parties the matters in controversy shall be resolved by arbitration in the manner provided therein;

(g) That operation under the financial agreement shall be terminable by the corporation or association in the manner provided by this act;

(h) That the corporation or association shall at all times prior to the expiration or other termination of the financial agreement remain bound by the provisions of this act.

19. Section 21 of the act of which this act is amendatory is amended to read as follows:

C. 40:55C-60 Provisions of agreement.

21. The financial agreement may provide that the municipality will consent to a sale of the project by the urban renewal entity to another urban renewal entity organized under this act or any supplement thereto owning no other project at the time of the transfer and that, upon assumption by the transferee urban renewal entity of the transferor's obligations under the financial agreement, the tax exemption of the improvement as herein provided shall continue and inure to the transferee urban renewal entity.

20. Section 22 of the act of which this act is amendatory is amended to read as follows:

C. 40:55C-61 Additional provisions.

22. The financial agreement may also provide that the corporation or association furnish bond or other security for the completion of the project and for the disposition of the project property including the buildings in the event of a default in construction or abandonment of the work.

21. Section 23 of the act of which this act is amendatory is amended to read as follows:

C. 40:55C-62 Contents of financial agreement.

23. The financial agreement shall contain detailed representations and covenants by the corporation or association as to the manner in which it proposes to manage or operate the project. The financial agreement shall further set forth the plans for financing the project, including the estimated total project cost, the amortization rate on the total project cost, the source of funds, the interest rates to be paid on the construction financing, the source and amount of paid-in capital, the terms of mortgage amortization or payment of principal on any mortgage, and the rental schedules and lease terms to be used in the project.

22. Section 25 of the act of which this act is amendatory is amended to read as follows:

C. 40:55C-64 Modifications.

25. Modifications of the financial agreement may from time to time be made by agreement between the governing body of the municipality and the corporation or association.

23. Section 26 of the act of which this act is amendatory is amended to read as follows:

C. 40:55C-65 Tax exemption.

26. The improvements made in the development or redevelopment of a blighted area, pursuant to this act, shall be exempt from taxation for a period of not more than 20 years from the date of the execution of a financial agreement for the development or redevelopment of the property upon which the improvements are to be made pursuant to a financial agreement entered into with the municipality in which said area is situate. Any such exemption shall be claimed and allowed in the same or a similar manner as in the case of other real property exemptions and no such claim shall be allowed unless the municipality wherein said property is situated shall certify that a financial agreement with an urban renewal corporation or association for the development or the redevelopment of the property has been entered into and is in effect as required by the provisions of this act. In event that an exemption status changes during a tax year, the procedure for the apportionment of the taxes for said year shall be the same as in the case of other changes in tax exemption status during the tax year.

The urban renewal corporation or association shall make payment to the municipality of an annual service charge for municipal services supplied to said project, in an annual amount equal to 15% of the annual gross revenues from each unit of the project, if the project is undertaken in units, or from the total project if the project is not to be undertaken in units, for each of the years of operation commencing with the date of the completion of such unit or of the project, as the case may be. Where because of the nature of the development, ownership, use or occupancy of the project or any unit thereof if the project is to be undertaken in units, the total annual gross rental cannot be reasonably ascertained under the provisions of section 12 of this act, the governing body shall provide in the financial agreement that the annual service charge shall be a sum equal to 2% of the total project cost or total project unit cost determined pursuant to section 8 of this act, calculated from first day of the month following the substantial completion of the project or any unit thereof if the project is undertaken in units; provided, however, that in no event shall such

payment together with the taxes on the land, in any year after first occupancy of the project be less than the total taxes assessed on all real property in the area covered by the project in the calendar year immediately preceding the acquisition of the said area by the municipality or its agency.

The aforesaid payment shall be made annually within 30 days after the close of each such calendar year.

Against such annual charge the corporation or association shall be entitled to credit for the amount, without interest, of the real estate taxes on land paid by it in the last 4 preceding quarterly installments. On or before January 15 in each year each taxing district shall report to the county board of taxation, in such form as shall be approved by the Director of the Division of Taxation, the amount of the service charge in excess of the taxes on the land chargeable for the preceding calendar year for each project or unit thereof subject to the provisions of this act. The county tax board shall capitalize the amount so reported by each taxing district by dividing the same by the tax rate per hundred dollars of valuation for the taxing district for the preceding year and multiplying the resultant quotient by 100. The result of such capitalization shall be included in the ensuing table of aggregates in a separate column as locally assessed real estate and shall be equalized in the same manner as other real estate for the purposes of apportionment of county taxes.

At the end of 20 years from the date of the execution of said financial agreement or earlier at the end of 15 years of operation of any unit, if the project is undertaken in units, or of the entire project, if it is not undertaken in units, whichever occurs first, the tax exemption upon said unit, if the project is undertaken in units, or upon the entire project, if the project is not undertaken in units, shall cease and the improvements and any other property of the corporation or association as well as the land shall be assessed and taxed, according to general law, like other property in the municipality.

At the same date all restrictions and limitations upon the corporation or association shall terminate and be at an end upon the corporation's or association's rendering its final account with the municipality.

24. Section 27 of the act of which this act is amendatory is amended to read as follows:

C. 40:55C-66 Limitations.

27. An urban renewal corporation or association operating under this act shall, for the period of its enjoyment of tax exemption as under this act and the financial agreement provided, be subject to limitation of its profits and in addition, in the case of a corporation, of the dividends payable by it. In the event the net profits of the corporation or association for the period (taken as one accounting period) commencing on the date on which the construction of the first unit of the project is completed or on which the project is completed, if it is not undertaken in units and terminating at the end of any fiscal year shall exceed the allowable net profit for such period, the corporation or association shall, within 90 days after the end of such fiscal year, pay such excess profit to the municipality as an additional service charge; provided, however, that the corporation or association may maintain a reserve against vacancies, unpaid rentals and contingencies in an amount not exceeding 10% of the gross revenues of the corporation or association for the fiscal year preceding the date on which a determination is being made and may retain such part of such excess profit as may be necessary to eliminate the deficiency, if any, in said reserve. No association shall make any distribution of profits nor shall any corporation pay or declare any dividend on any shares of any class of its stock, or make any other distributions on account of any shares of any class of its stock unless, after giving effect thereto, the allowable net profit for the period commencing on the date on which construction of the first unit of the project or the project, if it is not undertaken in units, is completed and terminating at the end of the last fiscal year preceding the date of such proposed dividend or distribution would equal or exceed the aggregate amount of all dividends and other distributions paid or declared on any shares of its stock since its incorporation.

Where an urban renewal entity purchases an existing project from another such entity, the purchasing entity shall compute its allowable net profits, and, in the case of a corporation dividend payments permitted under this section, commencing with the date that it acquires the project. The date of the transfer of title of the project to the purchasing entity shall be considered to be the end of the fiscal year of the selling entity. Within 90 days after the date of such transfer of title, the selling entity shall pay to the municipality a sum equal to the amount of reserve, if any, maintained by the selling entity pursuant to this section, as well as the excess profit, if any, payable pursuant to this section by reason of the treatment of such date as the end of a fiscal year.

25. Section 28 of the act of which this act is amendatory is amended to read as follows:

C. 40:55C-67 Expiration of exemption.

28. The tax exemption provided herein shall apply only so long as the urban renewal corporation or association and its project remain subject to the provisions of this act but in no event longer than 20 years from the date of the execution of the financial agreement. Any corporation or association organized hereunder may, at any time after the expiration of 1 year from the completion date of the project, notify the governing body of the municipality with which it has entered into a financial agreement that, as of a certain date designated in the notice, it relinquishes its status hereunder. As of the date so set, the tax exemption, the service charges and the profit and dividend restrictions shall terminate. Upon any termination of such tax exemption, obligations and restrictions, whether by affirmative action of the corporation or association as above provided or by the provisions of this act or pursuant to the financial agreement made hereunder the date of such termination shall be deemed to be the end of the fiscal year of said corporation or association. Within 90 days after the date of such termination, the corporation or association shall pay to the municipality a sum equal to the amount of the reserve, if any, maintained pursuant to section 27 of this act, as well as the excess profit, if any, payable pursuant to said section 27 by reason of the treatment of such date as the end of a fiscal year.

26. Section 29 of the act of which this act is amendatory is amended to read as follows:

C. 40:55C-68 Competition with public utility.

29. An urban renewal corporation or association shall not have the power, nor shall any financial agreement made pursuant to this act provide that the municipality for its part will undertake, to construct, install, acquire, maintain or operate any property, plant, equipment or facilities which would be competitive with any public utility as the same is defined in section 48:2-13 of the Revised Statutes or competitive with any public utility subject to regulation, supervision or control by any Federal regulatory body.

27. Section 32 of the act of which this act is amendatory is amended to read as follows:

C. 40:55C-71 Interference.

32. If such municipality, or its duly authorized agency, shall determine that the retention of such property in such location will

interfere with the consummation of the project, it shall make an order requiring the public utility using such property to remove, relocate, rearrange or change such property in accordance with such order, and the cost and expense of such removal, relocation, rearrangement or change, including the cost of installing such property in a new location or locations or changed condition, and the cost of any lands or any rights or interest in lands and any other rights acquired to accomplish such removal, relocation, rearrangement or change shall be paid by the municipality or its duly authorized agency as part of the cost of making land available for use by an urban renewal corporation or association. In case of the relocation of any such property the public utility using the same, its successors and assigns, may maintain and operate such property, with the necessary appurtenances, in the new locations for as long a period and upon the same terms and conditions and with the same franchise rights as it had the right to maintain and operate such property in its former location.

28. Section 34 of the act of which this act is amendatory is amended to read as follows:

C. 40:55C-73 Relocation.

34. If any municipality, or its duly authorized agency, as a part of or in connection with any plan, plan of a project or projects initiated or undertaken in accordance with the provisions of this act shall determine that any property owned or used by any public utility as defined in section 48:2-13 of the Revised Statutes, or owned or used by any public utility subject to regulation, supervision or control by a Federal regulatory body, in furnishing any commodity or service which it is authorized by law to furnish, which now is or hereafter may be located in, on, along, over or under any street, avenue, highway, road or other public place or way (herein called "street") shall be removed, relocated, rearranged, changed, reconstructed or abandoned, the cost and expense of the removal, relocation, rearrangement, change, reconstruction or abandonment of such property, including the cost of installing, reconstructing and replacing such property in a new location or locations and the cost of any lands or any rights or interests in lands and any other rights acquired to accomplish such removal, relocation, rearrangement, change, reconstruction or replacement of such property shall be paid by the municipality or its duly authorized agency as a part of the cost of making land available for use by an urban renewal corporation or association. In case of the relocation of any such property the public utility using the same, its successors and

assigns, may maintain and operate such property, with the necessary appurtenances, in the new locations for as long a period and upon the same terms and conditions as it had a right to maintain and operate such property in its former location.

29. This act shall take effect immediately.

Approved June 19, 1967.

CHAPTER 115

AN ACT to amend the title of "An act providing tenure in office, position or employment for certain wardens of county penitentiaries in counties of the first class having more than 800,000 inhabitants, and supplementing chapter 8 of Title 30 of the Revised Statutes," approved March 30, 1950 (P. L. 1950, c. 19), so that the same shall read "An act providing tenure in office, position or employment for certain wardens in county penitentiaries or jails in counties of the first class having more than 800,000 inhabitants, and supplementing chapter 8 of Title 30 of the Revised Statutes," and to amend the body of said act.

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

Title amended.

1. The title of the act of which this act is amendatory is amended to read as follows:

"An act providing tenure in office, position or employment for certain wardens of county penitentiaries or jails in counties of the first class having more than 800,000 inhabitants, and supplementing chapter 8 of Title 30 of the Revised Statutes."

2. Section 1 of the act of which this act is amendatory is amended to read as follows:

C. 30:8-15.1 Tenure for warden.

1. Any person now holding the office, position or employment of warden of a county penitentiary or jail in a county of the first class having more than 800,000 inhabitants, who has been appointed for a full term of 3 years and after serving such full term has

been reappointed to such office, position or employment, shall, if the board of chosen freeholders of the county, by resolution, so determines, continue to hold such office, position or employment during good behavior and efficiency and shall not be removed therefrom, except for good cause shown, after a fair and impartial hearing before the board of chosen freeholders of the county, upon written charges of the cause of complaint preferred against him, signed by the person making the same and filed in the office of the clerk of the board of chosen freeholders of the county, and copies whereof have been served upon him, at least 30 days before said hearing, at which hearing he shall be entitled to be represented by counsel, to produce witnesses and testify in his own behalf, and shall be entitled to, and the board of chosen freeholders shall be empowered to issue, writs of subpoena to compel the attendance of witnesses, and from the decision in any such hearing such person shall be entitled to appeal to the County Court of the county, which court shall hear the cause de novo and may order such person reinstated in his said office, position or employment, if it shall decide that such order is proper and just under the circumstances.

3. This act shall take effect immediately.

Approved June 19, 1967.

CHAPTER 116

AN ACT concerning corporations and supplementing Title 14 of the Revised Statutes.

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

C. 14:12A-1 Acquisition of capital stock.

1. Subject to any applicable limitations upon the acquisition or ownership of capital stock imposed by any other statute of this State, any corporation organized under Title 14 of the Revised Statutes, or under any prior statute therein continued or revised, may in the manner hereinafter provided acquire, in exchange for shares of its capital stock, all of the capital stock, or all of any class of the capital stock, of any other corporation organized

under any law of this State unless such acquisition is expressly prohibited by the certificate of incorporation of either corporation.

C. 14:12A-2 Submit written offer.

2. Such acquiring corporation shall submit by first class mail to all holders of the stock to be acquired a written offer specifying the shares or class of shares to which such offer relates, and prescribing the terms and conditions of such offer, including the method of acceptance thereof and the manner of exchanging the shares to be acquired for shares of the acquiring corporation. Any such offer may provide for the payment of cash in lieu of the issuance of fractional shares of the acquiring corporation.

C. 14:12A-3 Written notice.

3. If, within 120 days after the date of the first mailing of such offer, it shall have been accepted by the holders of not less than $\frac{1}{10}$ of the shares (or $\frac{1}{10}$ of the shares of each class if more than one class), to which the offer relates (other than shares already held at the date of the offer by, or by a nominee for, the acquiring corporation or any subsidiary thereof), the acquiring corporation shall, within 60 days after such acceptance, give written notice thereof, by registered mail, return receipt requested, to each holder of such shares who has not accepted the offer. Such notice shall advise him that he may elect either to accept such offer or to receive payment in cash of the market value of his shares and that if, within 30 days after the mailing of such notice, he shall not have made written demand upon the acquiring corporation for such payment for his shares, he shall be deemed to have accepted the offer. If any such shareholder shall make such demand for payment within said 30-day period, either he or the acquiring corporation may, at any time within 30 days after the expiration of said 30-day period, apply for an appraisal of his stock as provided in section 14:12-6 of Title 14 of the Revised Statutes, the pertinent provisions of which section shall in all respects be applicable, except that, subject to any applicable provisions of law in regard to the purchase by a corporation of its own shares, payment of the award of the appraisers (or any amount agreed upon by the parties in lieu thereof) with respect to any shares as to which appraisal proceedings have been instituted may, with the consent of the acquiring corporation, be made by the corporation whose capital stock is acquired pursuant hereto rather than by the acquiring corporation, in which case the holder or holders of such shares shall transfer the same to the corporation making such payment.

C. 14:12A-4 Certificate; filing.

4. Within 20 days after the expiration of the period within which shareholders may apply for an appraisal of their shares, the acquiring corporation shall make a certificate under its seal and the hands of its president or vice-president and secretary or assistant secretary, setting forth (i) the number of shares of each class of stock as to which appraisal proceedings have been instituted and (ii) the number of shares of each class of stock as to which no such proceedings have been instituted and the number of shares of each class of stock of the acquiring corporation issuable in exchange therefor. Such certificate shall be acknowledged or proved as in the case of deeds of real estate and shall be filed in the office of the Secretary of State. Upon such filing:

(a) the exchange shall become effective with respect to all shares to which the offer relates and as to which no appraisal proceedings have been instituted;

(b) the acquiring corporation shall cause to be issued to the holders of such shares certificates for the shares of its capital stock to which they respectively are entitled;

(c) all shares in exchange for which stock of the acquiring corporation is so issued shall become the property of the acquiring corporation, irrespective of whether the certificates for such shares have been surrendered for exchange, and the acquiring corporation shall be entitled to have new certificates registered in its name as the holder thereof; and

(d) the acquiring corporation shall hold in trust, for delivery to the persons entitled thereto, certificates for the shares of its capital stock registered in the names of any holders (other than the holders of shares as to which appraisal proceedings have been instituted) who have not surrendered their shares for exchange in accordance with the offer, and shall hold in trust, for payment to the persons entitled thereto, any cash payable in lieu of fractional shares.

C. 14:12A-5 Insurance subsidiary.

5. Whenever a corporation whose capital stock is acquired pursuant to this act is a stock insurance company organized under any law of this State (hereinafter called the insurance subsidiary),

(a) the acquiring corporation shall furnish to the Commissioner of Banking and Insurance such information as he may, from time to time, reasonably request in respect to the honesty and trustworthiness of its directors and officers, and

(b) upon a finding by the Commissioner of Banking and Insurance that the acquiring corporation has failed or refused to take such steps as may be necessary to remove from office any of the directors or officers referred to in section 5(a) hereof whom the commissioner, after hearing upon notice to such acquiring corporation and such officer or director, has found to be a dishonest or untrustworthy person, the commissioner may forthwith take possession of the property and business of the insurance subsidiary as provided in chapter 30 of Title 17 of the Revised Statutes, and

(c) upon a finding by the Commissioner of Banking and Insurance that access to specified books and records of the acquiring corporation which relate to the condition and affairs of the insurance subsidiary is necessary to the discharge of his regulatory duties with respect to such subsidiary under Title 17 of the Revised Statutes, the commissioner may have access to the books and records which he has so specified and the acquiring corporation shall answer any inquiry by him which is pertinent thereto.

6. This act shall take effect immediately.

Approved June 19, 1967.

CHAPTER 117

AN ACT to amend "An act concerning corporations, and supplementing chapter 12 of Title 14 of the Revised Statutes," approved April 16, 1952 (P. L. 1952, c. 33).

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

1. Section 1 of the act of which this act is amendatory is amended to read as follows:

C. 14:12-10 Corporation mergers.

1. Any corporation, except as hereinafter in this section specified, now or hereafter organized under any law or laws of this State for the purpose of carrying on any kind of business, owning at least 90% of the outstanding shares of each class of stock of any other corporation of this State or owning at least 90% of the outstanding shares of each class of stock of any other corporation

now or hereafter organized under the laws of any other State of the United States of America if the laws of the State under which said corporation of another State is formed shall permit a merger as herein provided, may merge into itself said other corporation (hereinafter called the "subsidiary"), notwithstanding that said corporations may not have been organized for the purpose of carrying on business of the same or a similar nature, by filing in the office of the Secretary of State a certificate of such ownership and merger in its name and under its corporate seal, signed by its president or a vice-president, and its secretary or treasurer or assistant secretary or assistant treasurer, and setting forth a copy of the resolution of its board of directors to merge the subsidiary and to assume all obligations of the subsidiary and the date of the adoption thereof; provided that, if the parent corporation does not own all the outstanding stock of the subsidiary said resolution shall state the terms and conditions of the merger, including the securities, cash or other consideration to be issued, paid or delivered by the parent corporation upon surrender of each share of the subsidiary not owned by the parent corporation. Upon the filing of such certificate of ownership and merger, all of the estate, property, rights, privileges and franchises of the subsidiary shall vest in and be held and enjoyed by such parent corporation as fully and entirely and without change or diminution as the same were before held and enjoyed by the subsidiary, and be managed and controlled by such parent corporation, in its name, but subject to all liabilities and obligations of the subsidiary and the rights of all creditors thereof. The parent corporation shall not thereby acquire power to engage in any business, or to exercise any right, privilege or franchise, of a kind which it could not lawfully engage in or exercise under its certificate of incorporation or charter in effect immediately prior to such merger. The parent corporation shall be deemed to have assumed all the liabilities and obligations of the subsidiary, and shall be liable in the same manner as if it had itself incurred such liabilities and obligations.

If the corporations to be merged hereunder are both corporations organized under the laws of this State and, immediately prior to the merger, the parent corporation does not own all the outstanding stock of the subsidiary, the parent corporation shall, within 10 days after the filing of the aforesaid certificate of ownership and merger in the office of the Secretary of State, notify each minority stockholder of the subsidiary of the filing of such certificate, the terms and conditions of the merger, and such stockholder's right to object

and receive payment for his stock as hereinafter provided. The notice shall be sent by registered mail, return receipt requested, addressed to the stockholder at his last known address as it appears on the books of the subsidiary. If any such stockholder shall within 20 days after the date of mailing of the notice object in writing to said merger and demand in writing from the parent corporation payment for his stock, the parent corporation shall, within 30 days after the expiration of said 20-day period, pay to him the full market value of his stock without regard to any depreciation or appreciation thereof in consequence of the merger. If during said 30-day period the parent corporation and the objecting stockholder fail to agree as to such value of his stock, such stockholder or the parent corporation may, within 30 days after the expiration of said 30-day period, apply for the appointment of appraisers to determine such value as provided in section 14:12-6 of the Revised Statutes, all the pertinent provisions of which section shall be applicable, except that nothing herein or in said section contained shall be deemed to confer any right of dissent and appraisal upon any stockholder of the parent corporation.

The provisions of this section shall not apply to any railroad, turnpike, insurance, canal or banking companies, savings banks, or other corporations intended to derive profit from the loan or use of money.

Whenever the parent corporation or the subsidiary is a public utility as defined in Title 48 of the Revised Statutes, the merger shall not be effective unless the approval thereof by the Board of Public Utility Commissioners shall first be had and obtained.

2. This act shall take effect immediately.

Approved June 19, 1967.

CHAPTER 118

AN ACT to validate certain proceedings at meetings or elections of school districts, and any bonds or other obligations issued pursuant to such proceedings.

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

Validating act.

1. All proceedings heretofore had or taken by any school district or at any school district meeting or election for the authorization or issuance of bonds of the school district, and any bonds or other obligations of the school district issued or to be issued in pursuance of a proposal adopted by the legal voters at such meeting or election, are hereby ratified, validated and confirmed, notwithstanding that the adoption of such proposal authorized the board of education to issue bonds the principal amount of which, added to the amount of all the bonds and notes of the school district then issued and outstanding or authorized but unissued less the amount of any sinking funds held for payment of the same, exceeded any limitation or other restriction prescribed by section 18:5-84 of the Revised Statutes, and such proposal did not disclose or correctly disclose the effect thereof on the borrowing margin of any municipality comprised with the school district in compliance with the provisions of section 18:5-85 of the Revised Statutes; provided, however, that supplemental debt statements and school debt statements, prepared and filed as of a date not more than 60 days prior to such meeting or election show that the percentage of net debt of the municipality as stated in any such supplemental debt statement does not exceed any limitation or restriction prescribed by section 40A:2-6 of the New Jersey Statutes; and provided further, that no action, suit or other proceeding of any nature to contest the validity of such meeting or election has heretofore been instituted prior to the date on which this act takes effect and within the time fixed therefor by or pursuant to law or rule of court, or, when such time has not theretofore expired, is instituted within 30 days after the effective date of this act.

2. This act shall take effect immediately.

Approved June 19, 1967.

CHAPTER 119

AN ACT to amend “An act to provide for the creation as bodies corporate and politic ‘parking authorities’ in counties and municipalities, prescribing the rights, powers, and duties of such authorities; authorizing such authorities to acquire, construct, improve, maintain and operate parking projects; to conduct research of the parking problem, and to borrow money and issue bonds therefor, providing for the payment of such bonds and prescribing the rights of the holders thereof, conferring the right of eminent domain on such authorities, empowering such authorities to enter into contracts with and to accept grants from the Federal Government, the State, political subdivisions of the State or any agency thereof, providing for exempting the property of such parking authorities from taxation; and authorizing counties and municipalities to grant financial and other aid to parking projects,” approved July 2, 1948 (P. L. 1948, c. 198).

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

1. Section 22 of the act of which this act is amendatory is amended to read as follows:

C. 40:11A-22 Powers; guaranty bonds; contracts.

22. (1) The municipality for which a parking authority shall have been created shall have the power from time to time, by or pursuant to ordinance duly adopted or by instruments or other action authorized by such an ordinance and for such period and upon such terms, with or without consideration, as may be provided in such ordinance and accepted by the authority.

(a) To pledge to the authority, and covenant and agree with the authority to pay to or on the order of the authority, all or any part of any funds theretofore or thereafter received by the municipality for or with respect to the parking or storage of motor vehicles, in streets or otherwise, including funds collected in parking meters located in or along streets or otherwise;

(b) To sell, lease, lend, donate, grant or convey to the authority, or permit the authority to use, maintain or operate as part of its projects or to manage, any parking project or undertaking con-

structed or owned by the municipality, or any meters, equipment or other real or personal property owned by the municipality, which may be necessary or useful and convenient for the purposes of the authority and accepted by the authority;

(c) To appropriate money for all or any part of the cost of acquisition or construction of any parking project of the authority and, in accordance with the limitations and any exceptions thereto and in the manner or mode of procedure prescribed by the local bond law, to incur indebtedness, borrow money and issue its negotiable bonds for the purpose of financing such project and appropriation, and to pay the proceeds of such bonds to the authority;

(d) To covenant and agree with the authority to pay to or on the order of the authority annually or at shorter intervals as a subsidy for the promotion of its purposes not exceeding such sums of money as may be stated in such ordinance;

(e) To unconditionally guarantee the punctual payment of the principal of and interest on any bonds of the authority; and

(f) Upon authorization by it in accordance with law of the performance of any act or thing which it is empowered by law to authorize and perform and after appropriation of the moneys (if any) necessary for such performance, to covenant and agree with the authority to do and perform such act or thing and as to the time, manner and other details of its doing and performance.

(2) Any guaranty of bonds of an authority made pursuant to this section shall be evidenced by endorsement thereof on such bonds, executed in the name of the municipality and on its behalf by such officer thereof as may be designated in the ordinance authorizing such guaranty, and such municipality shall thereupon and thereafter be obligated to pay the principal of and interest on said bonds in the same manner and to the same extent as in the case of bonds issued by it. Any such guaranty of bonds of the authority may be made, and any ordinance authorizing such guaranty may be adopted, notwithstanding any statutory or other debt limitations, including particularly any limitation or requirement under or pursuant to the local bond law, but the principal amount of bonds guaranteed pursuant to said ordinance shall be included in the gross debt of such municipality for the purpose of determining the indebtedness of such municipality under or pursuant to the local bond law. The principal amount of bonds guaranteed pursuant to said ordinance and included in gross debt shall be deducted and is hereby declared to be and to constitute a deduction from such gross debt under and for all the purposes of the local

bond law (a) from and after the date of adoption of the ordinance authorizing such guaranty and until the end of the fifth fiscal year beginning next thereafter, and (b) in any annual debt statement filed pursuant to the local bond law as of the end of said fifth fiscal year or any subsequent fiscal year if the municipality shall not have been required to make any payment in such fiscal year on account of the principal of or interest on any of the bonds guaranteed pursuant to said ordinance.

(3) Every municipality which shall make any contract, covenant or agreement with an authority or pledge to an authority pursuant to this section is hereby authorized and directed to do and perform any and all acts or things necessary, convenient or desirable to carry out and perform the same and to provide for the payment or discharge of any obligation thereunder in the same manner as other obligations of such municipality. Any such contract, covenant, agreement or pledge, and any instrument making or evidencing the same, may be pledged or assigned by the authority to secure its bonds and thereafter may not be modified except as provided by the terms of such instrument or by the terms of such pledge or assignment.

2. This act shall take effect immediately.

Approved June 20, 1967.

CHAPTER 120

AN ACT concerning sewerage districts and amending section 58:12-7 of the Revised Statutes.

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

1. Section 58:12-7 of the Revised Statutes is amended to read as follows:

Sewerage districts; petition for establishment; hearing.

58:12-7. Upon presentation to the department of a petition in writing setting forth that in order to prevent the pollution of the waters of this State, or any of them, it is proper or necessary that portions or the whole of the territory of a single municipality which has entered into a contract for either or both of the pur-

poses aforesaid with any sewerage district or authority heretofore or hereafter established, or of 2 or more municipalities should be embraced in a sewerage district for the construction, maintenance and operation within such district of a system of sewerage and drainage or a system of sewage disposal works, or both, naming each municipality, or portion thereof, any of whose territory it is proposed shall be included in such district, stating generally the boundaries and outlines of the proposed district with sufficient exactness to show approximately the quantity or extent of territory of any or each municipality to be embraced therein, requesting the department to create and establish such district for either or both of the purposes aforesaid, and signed by the mayor or mayors or other chief executive officer or officers of all said municipalities or municipality as hereinafter provided, the department may appoint a time and place when and where it will attend and give public hearing of the matters contained in the petition to all parties interested therein. Said signatures shall be respectively affixed to the petition by authority or direction of the governing body or respective governing bodies of said municipality or municipalities, full power, and authority to authorize and direct such signing being hereby conferred upon and vested in all such governing bodies, and the signing of the petition by such authority or direction shall be made to appear by affidavit or other due proof thereof.

2. This act shall take effect immediately.

Approved June 20, 1967.

CHAPTER 121

AN ACT concerning vocational education, supplementing Title 18 of the Revised Statutes, and making an appropriation.

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

C. 18:17-10 Budget for vocational education.

1. The State Board of Education, in addition to its other budget requests concerning State aid for vocational education, shall formulate annual budget requests for State support for the construction

of area vocational education school facilities. Within the limit of funds appropriated to the State board for such purposes, and in accordance with rules and regulations prescribed by the State board, the board of education of a county vocational school system, or the board of education of any school district may apply to the State board and receive State support for the construction of area vocational education school facilities in amounts not to exceed $\frac{1}{4}$ of the cost of said construction. The funds appropriated for this purpose shall be combined with that portion of funds received from the Federal Government under the Vocational Education Act of 1963 (77 Stat. 403, Public Law 88-210) required by said act to be used for construction of area vocational education school facilities.

C. 18:17-11 Distribution.

2. Said combined funds shall be allocated and distributed pursuant to applicable Federal and State statutes and rules and regulations thereunder, including rules and regulations of the State Board of Education; provided, however, that, to the extent said combined funds are sufficient, and insofar as same is permitted by Federal law, the allocation of said combined State and Federal funds shall be made in such amounts and over such periods of time so as to pay for, or reimburse, $\frac{1}{2}$ of the total cost incurred by county vocational school districts or by a local school district in constructing and equipping or either thereof of area vocational school facilities.

Appropriation.

3. There is hereby appropriated to the Department of Education the sum of \$550,000.00 to carry out the purpose of this act. Said \$550,000.00 to be supplemented by the sum of \$450,000.00 out of any appropriation made for the fiscal year beginning July 1, 1967 for "State school aid for vocational education" which sum shall also be used to carry out the purposes of this act.

4. This act shall take effect immediately.

Approved June 21, 1967.

CHAPTER 122

AN ACT to amend the "Manpower Training and Retraining Act of 1962," approved May 9, 1962 (P. L. 1962, c. 38) and making an appropriation therefor.

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

1. Section 3 of the act of which this act is amendatory is amended to read as follows:

C. 34:15A-3 Procedures of Labor and Industry Department.

3. The Commissioner of Labor and Industry on behalf of the State of New Jersey is authorized to enter into agreements with the Secretary of Labor of the United States on behalf of the United States under which the Department of Labor and Industry:

(a) will secure the adoption of such training or retraining programs by private and public agencies, employers, trade associations, labor organizations and other governmental, industrial and community groups as shall be required under the agreements to qualify individuals residing in this State for training allowances or subsistence benefits under any law of the United States;

(b) will make, as agent of the United States, payments of training allowances or subsistence benefits and other agreed upon benefits to individuals who may be eligible therefor and will otherwise co-operate with the Secretary of Labor of the United States and with agencies of this or other States in making payments of such allowances or benefits under any such laws; provided, however, that all costs incurred, all expenses paid, and all such allowances and benefits paid as a result of the maintenance of vocational training and retraining programs pursuant to such agreements shall be paid or reimbursed by the United States and from matching funds provided by the State of New Jersey pursuant to the provisions of the Manpower Development and Training Act of 1962, or as subsequently amended; and

(c) will receive reimbursement from the United States for any such costs incurred, expenses paid or allowances and benefits paid pursuant to such agreements and the laws of this State or of the United States.

No program of training or retraining authorized pursuant to the provisions of this section involving classroom instruction shall

be undertaken unless approved by the State Board of Education.

2. Section 4 of the act of which this act is amendatory is amended to read as follows:

C. 34:15A-4 Procedures of Education Department.

4. The Commissioner of Education with the approval of the State Board of Education, on behalf of the State of New Jersey, is authorized to enter into agreements with the Secretary of Health, Education, and Welfare of the United States, on behalf of the United States, under which the Department of Education:

(a) Will undertake to provide vocational, and training and skill development programs through public education agencies or institutions and through arrangements with private educational or training institutions: provided, however, that all costs incurred, all expenses paid, and all allowances and benefits paid as a result of such vocational programs, and training and skill development programs undertaken pursuant to such agreements shall be paid or reimbursed by the United States and from matching funds provided by the State of New Jersey pursuant to the provisions of the Manpower Development and Training Act of 1962, or as subsequently amended; and

(b) Will receive reimbursement from the United States for any such costs incurred, expenses paid or allowances or benefits paid pursuant to such agreements and the laws of this State or of the United States.

Appropriation.

3. There is hereby appropriated \$300,000.00 to the Department of Education for the State's share in financing programs initiated pursuant to the provisions of the Manpower Training and Retraining Act of 1962, for use during the period ending June 30, 1968.

4. This act shall take effect immediately.

Approved June 21, 1967.

CHAPTER 123

AN ACT to amend the "Vocational Rehabilitation Act of 1955," approved June 13, 1955 (P. L. 1955, c. 64).

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

1. Section 1 of the act of which this act is amendatory is amended to read as follows:

C. 34:16-20 Definitions.

1. As used in this chapter:

“Commission” means the State Rehabilitation Commission, Department of Labor and Industry, for the rehabilitation of handicapped persons.

“Maintenance” means payments to cover the handicapped individual’s basic living expenses, such as: food, shelter, clothing, health maintenance, and other subsistence expenses essential to achievement of individual’s vocational rehabilitation or independent living rehabilitation objective.

“Handicapped individual” means, for the purpose of vocational rehabilitation services, any individual who is under a physical or mental disability which constitutes a substantial handicap to employment, but which is of such a nature that vocational rehabilitation services may reasonably be expected to render him fit to engage in a gainful occupation.

“Severely handicapped individual” means, for the purpose of independent living rehabilitation services, an individual who is under such physical or mental disability, as defined by rules and regulations of the commission, as to require institutional care or nursing home care or attendance in his household continuously or for a substantial portion of the time, but who reasonably can be expected as a result of independent living rehabilitation services to achieve an independent living status.

“Independent living status” means that degree of independence for severely handicapped individuals which will eliminate the need for institutional care or nursing home care or eliminate or substantially reduce the need for an attendant’s care at home and which may in many instances make such persons capable of achieving vocational rehabilitation.

“Resident” means any person who is and has been domiciled within the State for 1 year or more, or who presents reasonable evidence of an intention to be a domiciliary of the State.

“Prosthetic device” means any appliance designed to support or take the place of a part of the body, or to increase the acuity of a sensory organ.

“Vocational rehabilitation services” means diagnostic and related services (including transportation) incidental to the determination of eligibility for and the nature and scope of services

to be provided; training, books and training material, including necessary small tools, such prosthetic devices as are essential to obtaining or retaining employment, occupational licenses, guidance and placement services for handicapped individuals; and in the case of any such individual found to require financial assistance with respect thereto, after full consideration of his eligibility for any similar benefit by way of pension, compensation, and insurance, any other goods and services necessary to render such individual fit to engage in a gainful occupation (including gainful homebound work), including but not limited to the following physical restoration and other goods and services:

(1) Corrective surgery or therapeutic treatment to correct or improve a physical or mental condition which constitutes a substantial handicap to employment;

(2) Necessary hospitalization in connection with surgery or treatment specified in paragraph 1;

(3) Maintenance, not exceeding the estimated cost of subsistence, during rehabilitation;

(4) Tools, equipment, initial stocks and supplies, including equipment and initial stocks and supplies for vending stands;

(5) Transportation (except where necessary in connection with determination of eligibility or nature and scope of services).

Such term also includes:

(6) Acquisition of vending stands or other equipment, and initial stocks and supplies for small business enterprises conducted by severely handicapped individuals under the supervision of the State agency;

(7) The establishment of public and other nonprofit rehabilitation facilities to provide services for handicapped individuals and the establishment of public and other nonprofit workshops for the severely handicapped.

“Vocational rehabilitation services” (for purposes of the determination of rehabilitation potential) also means, diagnosis and related services (including transportation), training, books and training material, including necessary small tools, prosthetic devices, and guidance, which are provided to an individual who has a physical or mental disability which constitutes a substantial handicap to employment, during the period specified to be necessary for and which are provided for the purpose of ascertaining whether it may be reasonably expected that such individual will be rendered fit to engage in a gainful occupation through the provision of goods and services described in the preceding paragraph;

and in the case of any such individual found to require financial assistance with respect thereto, after full consideration of his eligibility for any similar benefit by way of pension, compensation and insurance, any other goods and services necessary to the determination of a rehabilitation potential, including but not limited to physical restoration and other goods and services.

“Independent living rehabilitation service” means counseling, diagnostic and related services (including transportation) rendered severely handicapped individuals, and needed prosthetic appliances, books and training materials and other devices which will contribute to independent living, training in the use thereof, and in the case of any such individual found to require financial assistance with respect thereto, after full consideration of his eligibility for any similar benefits by way of pension, compensation and insurance, such term shall include but shall not be limited to the following: (1) physical restoration and related services, including corrective surgery, therapeutic treatment, and hospitalization; (2) maintenance needed to assure the availability of such services, not exceeding the estimated cost of subsistence; (3) such rehabilitation services necessary for the achievement of independent living status.

“Rehabilitation facility” means a facility operated for the primary purpose of assisting in the vocational rehabilitation and independent living rehabilitation of handicapped and severely handicapped individuals, (1) which provides one or more of the following types of service: testing, fitting, or training in the use of prosthetic devices; prevocational or conditioning therapy; physical or occupational therapy, adjustment training, evaluation, treatment, or control of special disabilities; or (2) through which is provided an integrated program of medical, psychological, social and vocational evaluation and services under competent professional supervision; provided, that the major portion of such evaluation and service is furnished within the facility, and that all medical and related health services are prescribed by, or under the formal supervision of, persons licensed to practice medicine or surgery in the State.

“Workshop” means a place where any manufacture or handiwork is carried on, and which is operated for the primary purpose of providing gainful employment to handicapped individuals (1) as an interim step in the rehabilitation process for those who cannot be readily absorbed in the competitive labor market; or (2)

during such time as employment opportunities for them in the competitive labor market do not exist.

“Gainful occupation” includes employment in the competitive labor market; practice of a profession; self-employment; home-making, farm or family work (including work for which payment is in kind rather than cash); sheltered employment; and home industries or other homebound work of a gainful nature.

2. Section 2 of the act of which this act is amendatory is amended to read as follows:

C. 34:16-21 Rehabilitation commission.

2. There is hereby established the Rehabilitation Commission which is placed in the Department of Labor and Industry for housekeeping purposes. The commission is hereby designated as the sole State agency to administer and supervise vocational rehabilitation and independent living rehabilitation authorized by this chapter. The commission shall consist of the Commissioner of Labor and Industry, the Commissioner of Education, the Commissioner of the Department of Institutions and Agencies, the Commissioner of Health, ex officio, or such deputy as any of them respectfully designate, and 8 members appointed by the Governor.

Of the 8 members so appointed by the Governor, one and only one shall be a person who by reason of vocation, activities and affiliations can be considered as a representative of the employers of labor of the State. One member, and only one, shall be a person who by reason of vocation, activities and affiliations can be considered as a representative of organized labor of the State. Two members, one of whom shall be a woman, shall be chosen because of their special interest in and knowledge of the field of social welfare.

3. Section 8 of the act of which this act is amendatory is amended to read as follows:

C. 34:16-27 Duties.

8. The commission shall be authorized to:

(a) Adopt and promulgate such rules and regulations as may be necessary to carry out the provisions of this act.

(b) Provide vocational rehabilitation and independent living rehabilitation services, directly or through public or private instrumentalities to eligible resident handicapped individuals without discrimination as to sex, race, color, creed or national origin, except that the commission shall not duplicate services provided for blind persons under the care of the State commission to amel-

iorate the condition of the blind, deaf persons under the care of the Marie H. Katzenbach School for the Deaf and children under the care of the Crippled Children's Program, nor shall the commission provide services for persons who in its judgment are not feasible for rehabilitation. In case vocational rehabilitation and independent living rehabilitation services cannot be provided to all eligible handicapped persons who apply for such services, the commission shall provide, by regulation, the order to be followed in selecting those to whom such services will be provided.

(c) Construct or establish and operate rehabilitation facilities and workshops, which may include residential accommodations related to the rehabilitation of handicapped individuals and make grants to public and other nonprofit organizations for such purposes.

(d) Establish and supervise the operation of vending stands and other small businesses established pursuant to this act to be conducted by severely handicapped individuals.

(e) Make studies, investigations, demonstrations, and reports, and provide training and instruction (including the establishment and maintenance of such research fellowships and traineeships with such stipends and allowances as may be deemed necessary) in matters relating to vocational rehabilitation and independent living rehabilitation.

(f) Enter into reciprocal agreements with other States to provide for the vocational rehabilitation and independent living rehabilitation of residents of the States concerned.

(g) Accept and use gifts made, by will or otherwise, for carrying out the purposes of this chapter. Gifts made under such conditions as in the judgment of the commission are proper and consistent with the provisions of this chapter, may be accepted, held, invested, reinvested, or used in accordance with the conditions, if any, of the gift.

(h) Take such action as it deems necessary or appropriate to carry out the purposes of this act.

4. Section 10 of the act of which this act is amendatory is amended to read as follows:

C. 34:16-29 Additional duties.

10. The commission is also authorized:

(a) To co-operate with the Federal Government in carrying out the purposes of any Federal statutes pertaining to vocational rehabilitation and independent living rehabilitation and to adopt

such methods of administration as are found by the Federal Government to further the proper and efficient operation of agreements or plans for vocational rehabilitation and independent living rehabilitation and to comply with such conditions as may be necessary to secure the full benefits of such Federal statutes.

(b) To comply with conditions specified in Federal statutes which authorize the use of Federal funds by the commission without matching State funds, notwithstanding other sections of this statute.

(c) To co-operate with and utilize the services of the State agency or agencies administering the State's Public Assistance program, the Federal Bureau of Old-Age and Survivors' Insurance (Department of Health, Education and Welfare), and other public and private agencies providing services related to vocational rehabilitation and independent living rehabilitation, and with the State system of public employment offices in the State, and shall make maximum feasible utilization of the job placement and employment counseling services and other services and facilities of such offices.

(d) To co-operate with and make grants to political subdivisions, other public and nonprofit organizations and agencies, for the construction of or for the establishment of workshops and rehabilitation facilities, and in providing vocational rehabilitation and independent living rehabilitation services to utilize such facilities meeting the standards established by the commission.

(e) Upon designation by the Governor, to perform other related functions and services for the Federal Government, including making determinations of disability under Title II of the Federal Social Security Act.

5. This act shall take effect immediately.

Approved June 21, 1967.

CHAPTER 124

AN ACT creating and establishing in the Division of Parks, Forestry and Recreation an Historic Sites Council and the New Jersey Historic Trust, prescribing their respective functions, powers and duties, amending section 5 of P. L. 1966, chapter 54, and making an appropriation.

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

C. 13:1B-15.108 Historic Sites Council.

1. Within the Division of Parks, Forestry and Recreation of the Department of Conservation and Economic Development there shall be an Historic Sites Council consisting of 11 members. Each member of the council shall be appointed by the Governor with the advice and consent of the Senate, from among citizens of New Jersey or persons otherwise associated with the State who are known for their competence and experience in connection with historic sites preservation and related areas, to serve for a term of 4 years from the date of his appointment, except that of those first appointed, one shall be appointed for a term of 1 year, 2 for 2 years, 4 for 3 years, and 4 for 4 years. Members of the council shall serve without compensation but may be reimbursed for necessary expenses incurred in the performance of their duties. The members of the council shall elect annually a chairman and a vice-chairman from their number. The council shall organize and adopt procedures for the conduct of its business. The director or an employee of the division designated by him shall serve as secretary of the council. The chairman of the council shall be its presiding officer. Any vacancies in the membership of said council occurring other than by expiration of term shall be filled by the Governor, with the advice and consent of the Senate, for the unexpired term only. Any member of the council may be removed from office by the Governor, for cause, upon notice and opportunity to be heard.

C. 13:1B-15.109 Use of employees.

2. Insofar as possible, the council shall make use of the employees of the division in carrying out the provisions of this act.

C. 13:1B-15.110 Consultation with commissioner.

3. The Historic Sites Council shall consult with and advise the commissioner and the director with respect to the work of the division.

The council, in addition to other powers and duties vested in it, shall recommend programs and policies for:

a. The acquisition, development, use, improvement and extension of historic sites, including archeological sites.

b. The development of a broad historic sites preservation program on a State-wide and local basis.

c. The identification, authentication, protection, preservation, conservation, restoration, and management of all historic sites within the State.

C. 13:1B-15.111 New Jersey Historic Trust.

4. There is hereby created and established in the Division of Parks, Forestry and Recreation of the Department of Conservation and Economic Development, a body corporate and politic with corporate succession, to be known as the New Jersey Historic Trust. The trust is hereby constituted an instrumentality exercising public and essential governmental functions, and the exercise by the trust of the powers conferred by this act shall be deemed and held to be an essential governmental function of the State.

C. 13:1B-15.112 Powers and duties.

5. The powers and duties of the trust shall vest in and be exercised by a board of 17 trustees comprised of the 11 members of the Historic Sites Council, who shall serve for terms co-extensive with their respective terms on the council, a member of the State House Commission designated by the Governor, and, by virtue of their offices, the State Treasurer, the Commissioner of the Department of Conservation and Economic Development, the Chairman of the Parks, Forestry and Recreation Council, the State Librarian and the Commissioner of the Department of Education, or their designated representatives.

The Chairman of the Historic Sites Council shall serve as the Chairman of the Board of Trustees of the Historic Trust.

The concurrence of 9 members of the board shall be necessary to the validity of all acts of the board.

C. 13:1B-15.113 Compensation.

6. The trustees shall serve without compensation.

C. 13:1B-15.114 Powers.

7. The New Jersey Historic Trust shall have power:

- (a) to sue and be sued in its own name;
- (b) to adopt a seal and alter the same at pleasure;
- (c) to adopt by-laws for the regulation of its affairs and the conduct of its business;
- (d) to maintain an office or offices at such place or places within the State as it may designate;
- (e) to appoint such officers, who need not be members of the trust, in addition to a secretary and a treasurer, as the trust shall deem advisable, and to employ such other employees and agents as may be necessary or desirable in its judgment; to fix their compensation; and to promote and discharge such officers, employees and agents; all without regard to the provisions of Title 11, Civil Service, of the Revised Statutes;
- (f) to acquire in the name of the trust, hold and dispose of personal property in the exercise of its powers and the performance of its duties under this act;
- (g) to apply for and accept any grant of money from the Federal Government, subject to the approval of the Commissioner of Conservation and Economic Development, which might be or may become available for programs relating to historic sites preservation and to subscribe to and comply with any rule or regulation made by the Federal Government with respect to the application of such grant, and to enter into and perform any contract or agreement with respect to the application of such grant; provided, however, that such application and grant on behalf of the trust shall not detract from, compete with or result in a reduction in the amount of funds which would otherwise be available to the State for historic sites programs;
- (h) to make, enter into and perform all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this act;
- (i) to do all acts and things necessary or convenient to carry out the powers expressly granted in this act.

C. 13:1B-15.115 Additional powers.

8. The trust shall have power in particular:

- (a) to accept gifts, legacies, bequests and endowments for any purpose which falls within that of the trust and unless otherwise specified by the person making such gift, legacy, bequest and endowment, the trustees may expend both principal and income of any such gift, bequest, legacy, or endowment of money in further-

ance of the trust or invest the same in whole or in part in securities which are legal for trust funds in the State of New Jersey.

(b) to acquire and hold real and personal property of historic, aesthetic or cultural significance, by gift, purchase, devise, bequest, or by any other means and to preserve and administer such properties; in the acquisition of such properties, to acquire property adjacent thereto deemed necessary for the proper use and administration of historic, aesthetic or cultural property.

(c) to apply all moneys, assets, property or other things of value it may receive as an incident to its operation to the general purpose of the trust;

(d) to co-operate with and assist, insofar as practicable, any agency of the State or any of its political subdivisions, and any private agency or person in furtherance of the purpose of the trust;

(e) to give any moneys or property held by the trust to the Commissioner of Conservation and Economic Development on behalf of the State for purpose of administering, operating or maintaining the historic sites programs of the State of New Jersey;

(f) to report annually to the Governor and the Legislature of the State of New Jersey their activities during the preceding year together with any recommendations or requests they deem appropriate to further the purpose of the trust.

C. 13:1B-15.116 Trust restrictions.

9. The trust may not acquire, hold, receive or accept any moneys or other property, real or personal, tangible or intangible, which will result in the incurrence of any financial obligations on the part of the State of New Jersey which cannot be supported entirely from funds available in the trust without the express approval of the Commissioner of Conservation and Economic Development or the Legislature.

C. 13:1B-15.117 Legal counsel.

10. The trustees may request, and upon request shall receive from the Attorney General of the State of New Jersey, all legal counsel and services necessary to carry out the purpose of the trust.

11. Section 5 of P. L. 1966, chapter 54 is amended to read as follows:

C. 13:1B-15.104 Functions of council.

5. Functions of the council. The Parks, Forestry and Recreation Council shall consult with and advise the commissioner and the director with respect to the work of the division.

The council, in addition to other powers and duties vested in it, shall recommend programs and policies for:

- a. The acquisition, development, use, improvement and extension of State parks, forests and recreation areas.
- b. The development of a broad recreational program on a State-wide and local basis.
- c. The protection, preservation, conservation and management of all forest resources within the State.
- d. A State-wide comprehensive plan for meeting the needs of the public for outdoor recreation.
- e. The formulation of plans to aid the county and municipal governments in the acquisition and development of lands for public outdoor recreation.

C. 13:1B-15.118 Severability of act.

12. If any section or sections of this act or any provision thereof shall be declared to be unconstitutional, invalid or inoperative in whole or in part, such section or provision shall, to the extent that it is not unconstitutional, invalid or inoperative be enforced and effectuated and no such determination shall be deemed to invalidate or make ineffectual the remaining provisions of the sections of this act.

Appropriation.

13. There is appropriated to the Department of Conservation and Economic Development for the purposes of this act such sums as shall be included in any general or special appropriation act.

14. This act shall take effect immediately.

Approved June 21, 1967.

CHAPTER 125

AN ACT concerning reporters in the courts and amending sections 2A:11-11, 2A:11-13, 2A:11-14, 2A:11-15, 2A:11-16, repealing section 2A:11-18 of the New Jersey Statutes, and making an appropriation.

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

1. Section 2A:11-11 of the New Jersey Statutes is amended to read as follows:

Stenographic reporters; appointment; removal.

2A:11-11. The Supreme Court shall appoint such number of official court reporters (referred to in this article as reporters), to serve on a full-time basis, as may be necessary from time to time to report proceedings in the Superior Court, the County Courts, and such other proceedings as the Supreme Court may direct. The Supreme Court may remove any reporter so appointed at any time for cause.

2. Section 2A:11-13 of the New Jersey Statutes is amended to read as follows:

Assignment of reporters.

2A:11-13. (a) A reporter appointed as provided in this article shall be assigned by the administrative director of the courts (referred to in this article as the director), with the approval of the Chief Justice, to report proceedings in one or more of the divisions of the Superior Court, or parts thereof, or in one or more of the County Courts, or to report such other proceedings as the Supreme Court may direct. Such an assignment may be changed from time to time as occasion may require.

(b) With the approval of the Chief Justice, the director may designate, from among the reporters, such supervisors and assistant supervisors for specified districts as may be necessary to assist him in maintaining efficient reporting service for the courts therein, and particularly in arranging, subject to the control of the director, for the temporary transfer of one or more reporters to meet special requirements in any court or part thereof, and in employing and assigning reporters for temporary service either on a full-time or part-time basis. A reporter so designated as a supervisor or assistant supervisor shall perform such services in addition to his regular duties, and for these additional services, he shall be compensated in an amount fixed by the Supreme Court, not exceeding \$2,500.00 per annum, which shall be added to and become a part of his annual salary and paid as such.

3. Section 2A:11-14 of the New Jersey Statutes is amended to read as follows:

Temporary service; reporters for.

2A:11-14. The director may appoint and assign reporters for temporary service on a full-time or part-time basis, not to exceed

3 consecutive months at any one time, whenever the need therefor may appear. Such temporary appointments shall be subject to the approval of the Chief Justice. If a certified shorthand reporter, as defined by law, is not available for such purpose, then a reporter otherwise qualified may be so appointed until a certified shorthand reporter is available.

4. Section 2A:11-15 of the New Jersey Statutes is amended to read as follows:

Transcript; fees.

2A:11-15. (a) When a transcript of the stenographic record in any court or in any other proceeding recorded at the direction of the Supreme Court is made by a reporter appointed under N. J. S. 2A:11-11 et seq., at the request of any person, the original and copies thereof shall be prepared and paid for at the rate of \$0.30 for each folio of the original and \$0.05 for each of the copies. If the transcript is furnished to a judge of the court, by his order, the reporter shall be paid therefor at the same rates, and such fees shall be paid for in the same manner and from the same sources as the reporter's salary or per diem fees are paid.

(b) Except as to transcripts that are to be paid for by the State or county, the reporter may require any person requesting a transcript to prepay the estimated fee therefor in advance of delivery of the transcript.

5. Section 2A:11-16 of the New Jersey Statutes is amended to read as follows:

Salary; employment in more than 1 county; part-time; per diem fee basis; expenses; may retain fees; deemed state employees.

2A:11-16. (a) Except as provided in this section, a reporter appointed to serve on a full-time basis pursuant to this article shall receive an annual salary to be fixed from time to time by the Supreme Court. Such salary shall not be less than the sum of \$7,500.00 per annum and shall not exceed the sum of \$12,500.00 per annum. All salaries through June 30, 1967 shall be paid as heretofore; and from July 1, 1967 shall be paid by the State, except as provided in paragraph (b) of this section.

(b) Where a reporter is employed wholly within one county and is a member of that county's retirement system, the director shall file a certificate with the treasurer of such county designating the reporter and the amount of his annual salary and the county treasurer shall pay such salary.

(c) In lieu of an annual salary a reporter employed on a part-time or temporary basis as provided in this article may be paid

such a per diem fee rate as may be fixed from time to time by the Supreme Court. Such per diem fees shall be paid as heretofore through June 30, 1967 and from July 1, 1967 shall be paid by the State upon certification of the director.

(d) In addition to his salary or per diem fees, a reporter may, upon the certification of the director, be reimbursed for necessary travel and other expenses when assigned to serve in a county other than the one where he resides.

(e) Commencing July 1, 1967, each county shall pay annually to the State Treasurer, in equal quarterly installments, as its share of reporter expenses for the State fiscal year an amount equal to the net cost to such county for such expenses for each preceding fiscal year beginning July 1, 1966, and ending June 30, 1967. Such net cost shall include only the amount paid for salaries, travel and other necessary expenses, transcripts furnished to a judge pursuant to section 2A:11-15 of the New Jersey Statutes, and employer's contribution to the Public Employees' Retirement System and social security, less the amount reimbursed by the State and less the salary of any reporters paid directly by the county pursuant to paragraph (b) of section 2A:11-16 of the New Jersey Statutes, which net cost shall be certified by the director.

(f) Every reporter shall be entitled to retain for himself the fees collected for transcripts as herein provided. All supplies and equipment shall be furnished by the reporter at his own expense.

(g) Reporters appointed to serve on a full-time basis shall be deemed to be State employees eligible for membership in the Public Employees Retirement System; except, however, that reporters who prior to July 1, 1966, were members of any county employees' retirement system pursuant to chapter 160 of the laws of 1943 (c. 43:10-18.1, 43:10-18.25), shall continue therein as county employees for the purposes of that enactment.

Repealed.

6. Section 2A:11-18 of the New Jersey Statutes is repealed.

Appropriation.

7. Funds appropriated by the general appropriations act for the fiscal year 1967-68 for amounts to be refunded to various counties for the State share of reporters' salaries, fees, travel and other necessary expenses, together with such funds as shall be received from each of the counties pursuant to paragraph (e) of section 2A:11-16 of the New Jersey Statutes, are hereby appropriated to the Judiciary for the purpose of paying reporters' salaries, fees, travel and other necessary expenses.

Appropriation.

8. There is hereby appropriated from the General Treasury for the fiscal period ending June 30, 1967, the sum of \$31,500.00 or so much thereof as may be required to implement and carry out the provisions of this act.

Appropriation.

9. There is hereby appropriated from the General Treasury for the fiscal period ending June 30, 1968, the sum of \$75,500.00 or so much thereof as may be required to implement and carry out the provisions of this act during the fiscal year 1967-68.

10. This act shall take effect immediately.

Approved June 22, 1967.

CHAPTER 126

AN ACT concerning elections, and amending section 19:6-16 of the Revised Statutes.

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

1. Section 19:6-16 of the Revised Statutes is amended to read as follows:

Police assigned to district boards in municipalities.

19:6-16. The commission, committee, board or official having charge of the police department in any municipality may assign one or more policemen to any district board in such municipality whenever the said commission, committee, board or official deems it necessary to do so. Any policemen so assigned shall, under the direction of the board, enforce the election laws, maintain order, peace and quiet during the hours of registry and election, and assist the members of the board in carrying the ballot box or boxes to the office of the municipal clerk after the ballots are counted.

2. This act shall take effect immediately.

Approved June 22, 1967.

CHAPTER 127

AN ACT to amend “An act concerning municipalities, providing a plan of optional charters and for the manner of adoption and effect thereof,” approved June 8, 1950 (P. L. 1950, c. 210).

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

1. Section 17-58 of the act of which this act is amendatory is amended to read as follows:

C. 40:69A-207 Existing offices abolished on effective date of optional plan; exceptions.

17-58. At 12 o'clock noon on the effective date of an optional plan adopted pursuant to this act, all offices then existing in such municipality shall be abolished and the terms of all elected and appointed officers shall immediately cease and determine; provided, that nothing in this section shall be construed to abolish the office or terminate the term of office of any member of the board of education, board of fire commissioners of a township fire district, trustees of the free public library, commissioners of a local housing authority, municipal magistrates or of any official or employee now protected by any tenure of office law, or of any policeman, fireman, teacher, principal or school superintendent whether or not protected by a tenure of office law. If the municipality is operating under the provisions of Title 11 of the Revised Statutes (Civil Service) at the time of the adoption of an optional plan under this act, nothing herein contained shall affect the tenure of office of any person holding any position or office coming within the provisions of said Title 11 as it applies to said officers and employees. If the municipal clerk has, prior to the effective date of the optional plan, acquired a protected tenure of office pursuant to law, he shall become the first municipal clerk under the optional plan.

Provision for officers and for the organization and administration of the municipal government under the optional plan may be made by resolution pending the adoption of ordinances, but any such resolution shall expire not later than 30 days after the effective date of the optional plan.

2. This act shall take effect immediately.

Approved June 22, 1967.

CHAPTER 128

AN ACT to amend “An act concerning workmen’s compensation, amending sections 34:15–22, 34:15–27, 34:15–57 and 34:15–58, and supplementing chapter 15 of Title 34 of the Revised Statutes,” approved May 22, 1952 (P. L. 1952, c. 269).

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

1. Section 6 of the act of which this act is amendatory is amended to read as follows:

C. 34:1A-12.2 Referee, qualifications of.

6. Any person hereafter appointed as a “referee,” “referee, formal hearings,” “supervising referee,” or “supervising referee, formal hearings” shall be an attorney-at-law of the State of New Jersey, except that a referee or a referee, formal hearings who, on July 1, 1966, had been a referee or a referee, formal hearings for a period of not less than 5 years may be appointed as a “referee,” “referee, formal hearings,” or as a “supervising referee” or “supervising referee, formal hearings,” notwithstanding that he is not such an attorney-at-law.

2. This act shall take effect immediately.

Approved June 22, 1967.

CHAPTER 129

AN ACT to supplement “An act to limit and regulate child labor in this State; to provide for examinations and inspections under the provisions of this act; to provide for the enforcement of this act and regulations made thereunder; to prescribe penalties for the violation thereof; and to repeal other acts,” approved June 25, 1940 (P. L. 1940, c. 153).

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

1. Any application for a special permit by a newspaperboy pursuant to the act of which this act is a supplement, heretofore or hereafter made, to the issuing officer in the school district in which the child resides or to the applicant's school principal, in which latter case such application shall be immediately forwarded by the principal to the appropriate issuing officer, shall unless denied by the school district issuing officer, be deemed compliance with and shall constitute the special permit or employment certificate required pursuant to section 34:15-10 of the Revised Statutes and P. L. 1940, chapter 153; provided, however, that any such applicant is a male minor between the ages of 12 and 18 years of age.

2. This act shall take effect immediately and shall expire on December 31, 1967.

Approved June 26, 1967.

CHAPTER 130

AN ACT to amend "An act concerning the commitment, confinement, disposition, care, treatment and rehabilitation of drug addicts and other persons having drugs illegally in their possession, and repealing 'An act creating a permanent commission on narcotic control,' approved January 11, 1954 (P. L. 1953, c. 449)," approved December 17, 1964 (P. L. 1964, c. 226).

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

1. Section 8 of the act of which this act is amendatory is amended to read as follows:

C. 30:6C-8 Establishment of aftercare clinics; state aid.

8. Each of the several counties, or several counties on a joint co-operative basis, may establish a regional medically oriented clinic to provide aftercare treatment for individuals released or discharged from mental hospitals as provided for herein, or may enter into a contractual relationship with an existing public or private facility to provide such aftercare treatment. To assist the several counties in payment of the cost of maintaining such clinics, the State of New Jersey will pay to each county establishing such

a clinic 75% of the cost of providing the necessary personnel to operate such clinic, such personnel, the clinic and the terms and conditions of any such contract to be first approved by the Commissioner of Institutions and Agencies and to remain under the supervision of the commissioner.

2. This act shall take effect immediately.

Approved June 26, 1967.

CHAPTER 131

AN ACT concerning County Courts and amending section 2A:3-13 of the New Jersey Statutes.

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

1. Section 2A:3-13 of the New Jersey Statutes is amended to read as follows:

Additional judges in certain counties.

2A:3-13. There shall be a judge of each County Court; and in addition, the Governor may, whenever in his judgment the public interest requires, appoint additional judges, as follows:

a. In counties now or hereafter having 900,000 or more inhabitants, 11 additional judges, making 12 in all in each of such counties.

b. In counties now or hereafter having not less than 700,000 nor more than 900,000 inhabitants, 9 additional judges, making 10 in all in each of such counties.

c. In counties now or hereafter having not less than 400,000 nor more than 700,000 inhabitants, 5 additional judges, making 6 in all in each of such counties.

d. In counties now or hereafter having 150,000 or more and less than 400,000 inhabitants, 3 additional judges, making 4 in all in each of such counties.

e. In counties bordering on the Atlantic ocean and now or hereafter having not less than 50,000 nor more than 100,000 inhabitants, an additional judge, making 2 in all in each of such counties.

f. In counties of the fifth class, 3 additional judges, making 4 in all.

2. This act shall take effect immediately.

Approved June 26, 1967.

CHAPTER 132

AN ACT concerning the juvenile and domestic relations courts and amending section 2A:4-4 of the New Jersey Statutes.

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

1. Section 2A:4-4 of the New Jersey Statutes is amended to read as follows:

Appointment of judges in certain counties; salary; practice of law.

2A:4-4. The Governor, with the advice and consent of the Senate,

(1) shall appoint 4 attorneys-at-law in each county of the first class,

(2) shall appoint 2 attorneys-at-law in each county having a population of more than 430,000 and less than 600,000, and

(3) may appoint, in addition to such other judge or judges, if any, authorized by law in said county, one attorney-at-law in each county having a population of not less than 305,000 nor more than 410,000 to be the judges or judge of the juvenile and domestic relations court of the county.

Each judge of the juvenile and domestic relations court who is required by law to devote his entire time to his judicial duties and is prohibited from practice of law shall be paid an annual salary by the board of chosen freeholders in the amount of \$25,000.00. The salary of a judge not required to devote his entire time to his judicial duties shall be paid by the board in such amount as the board shall determine.

The judges in counties of more than 390,000 inhabitants shall devote their entire time to their judicial duties and shall not engage in the practice of law; except that each judge in office in such a county on the effective date of this act who was not required to devote his entire time to his judicial duties immediately prior to the effectiveness of the 1960 census, shall elect either to continue until the expiration of his term at the same salary as he was then receiving without being required to devote his entire time to his judicial duties, or to devote his entire time to his judicial duties, in which latter case he shall thereafter during the balance of said term devote his entire time to his judicial duties and shall

not engage in the practice of law. Any such election shall be evidenced by a notice in writing filed with the Administrative Director of the Courts and with the board of chosen freeholders of the county.

Each judge of the juvenile and domestic relations court of a county who is required to devote his entire time to his judicial duties may be assigned by the Chief Justice of the Supreme Court to hold temporarily the County Court or county district court of that county and, upon such assignment, shall have all the power, authority and jurisdiction of a judge of the County Court or county district court.

2. This act shall take effect immediately.

Approved June 26, 1967.

CHAPTER 133

A SUPPLEMENT to "An act concerning the retirement and death of certain judicial officers and payments to be made as a result thereof," approved September 13, 1948 (P. L. 1948, c. 391).

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

C. 43:6-6.37 Pension increase.

1. Every former judge of the Superior Court who retired on pension after July 1, 1959 and prior to July 1, 1965, who qualified for a pension under the act to which this act is a supplement and who has been and is now receiving pension payments thereunder, on the basis of an amount equal to less than $\frac{3}{4}$ of the annual salary received by him at the time of his retirement shall, after the effective date of this supplemental act, be paid an annual pension during the remainder of his natural life in an amount equal to $\frac{3}{4}$ of the annual salary received by him at the time of his retirement.

C. 43:6-6.38 Manner of payment.

2. The payments of the pension provided for in this supplemental act shall be made in the same manner as in the case of payments provided for in the act to which this act is a supplement.

3. This act shall take effect July 1, 1967.

Approved June 28, 1967.

CHAPTER 134

AN ACT to validate certain marriages heretofore solemnized by judges of the County Courts.

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

Validating act.

1. All marriages heretofore solemnized by any judge of a County Court following the entry of an order pursuant to Revised Statutes 37:1-4 waiving the 72-hour waiting period shall, if otherwise valid, be valid upon recording the certificate of marriage with the State Registrar notwithstanding that no marriage license was obtained or presented as required by law.

2. This act shall take effect immediately.

Approved June 28, 1967.

CHAPTER 135

AN ACT concerning unclaimed personal property, amending sections 2A:37-12, 2A:37-28, 2A:37-29, 2A:37-30, 2A:37-31, 2A:37-32, 2A:37-33, 2A:37-35, 2A:37-36, 2A:37-41, 2A:37-43, 2A:37-44; repealing sections 2A:37-34, 2A:37-37, 2A:37-38, 2A:37-39, 2A:37-40, 2A:37-42; and supplementing article 3 of chapter 37, Title 2A of the New Jersey Statutes.

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

1. Section 2A:37-12 of the New Jersey Statutes is amended to read as follows:

Intestate estates to escheat.

2A:37-12. If any person, who, at the time of his death, has been or shall have been, the owner of any personal property within this State, and shall have died, or shall die, intestate, without heirs or

known kindred, capable of inheriting the same, and without leaving a surviving spouse, such personal property, of whatsoever nature the same may be, shall escheat to the State.

Whenever application shall be made to the Superior Court or any County Court or surrogate for the appointment of an administrator of the estate of an intestate decedent and such application discloses that the decedent died without known heirs, next of kindred or surviving spouse, before any action is taken thereon reasonable notice of such application shall be given to the Attorney General.

Whenever any person shall have knowledge or information concerning any property which may be subject to escheat under the provisions of this article, it shall be their duty to notify the Attorney General of this State within a reasonable time of the existence of such property.

2. Section 2A:37-28 of the New Jersey Statutes is amended to read as follows:

Reopening judgment.

2A:37-28. Any person whose property may have escheated to the State as provided herein, or any rightful heir or next of kin entitled to such property by descent or succession may, within 2 years after the filing of the final judgment in the Superior Court, apply to said court to reopen the said judgment and upon proof that he was without actual knowledge of such escheat action, and upon proof of ownership of such property or the right to possession thereof, the court may in its discretion reopen the judgment and in the event that the aforesaid judgment in part or in whole be revised or amended, the court may direct the State Treasurer to repay such part of the moneys received by the State Treasurer by reason of such judgment, to the party in the amended judgment entitled to have the same, and upon the entry of such final judgment the State Treasurer shall repay the said moneys as provided in such judgment; provided, however, that there shall first be deducted all expenses and charges that may have accrued or been paid out by reason of the entry of the original judgment.

Whenever it shall appear to the satisfaction of the State Treasurer or his representative that a person is the lawful owner of any moneys that have heretofore been received by the treasurer under the provisions of this article, and that such moneys are less than \$50.00 the State Treasurer is hereby authorized and empowered to repay to the lawful owner aforesaid the moneys so received without the necessity of reopening the judgment theretofore entered.

3. Section 2A:37-29 of the New Jersey Statutes is amended to read as follows:

Summary of alternate method.

2A:37-29. In addition to the method provided for the escheat generally of personal property as defined in article 2 of this chapter, an alternate method shall be employed to provide an administrative procedure under which unclaimed personal property, presumed abandoned under the provisions of this article, shall be delivered or paid to the State Treasurer for safekeeping, and for the use of the State. Repayment shall be made by the State Treasurer thereafter to any person establishing his entitlement to said personal property.

4. Section 2A:37-30 of the New Jersey Statutes is amended to read as follows:

When alternate method is available; summary action.

2A:37-30. (a) Except as may be otherwise provided by subsections (b) and (c) of this section, whenever a corporation, partnership, limited partnership or other business association incorporated or organized under the laws of this State or whenever any natural person doing business and domiciled in this State shall have custody or possession of, or otherwise be the holder of, or shall have deposited with or given to an agent or trustee residing within or without this State custody or possession of, stock dividends or any moneys and other accretions which are or shall be due or payable to any person as a dividend upon capital stock, preferred or common, or as interest payable upon bonds, indentures, notes or other formal instruments evidencing indebtedness, or any moneys payable as wages to any person, or any moneys payable on other general cash obligations, and except as may be otherwise provided by subsections (b) and (c) of this section, whenever any corporation, partnership, limited partnership or other business association incorporated or organized under the laws of any other State or of the United States or whenever any natural person doing business within or without this State, and subject to the laws of this State shall have custody or possession or otherwise be a holder of any moneys or other personal property which are due or payable by such holder to any person in any of the categories above enumerated whose last known address according to the records of the holder is within this State and the owner of, beneficial owner of, or person entitled to the same has been and remains unknown for a period of 5 successive years, or the whereabouts of such person has been and remains unknown for a period of 5 successive years, or such personal property has been and remains unclaimed for a period of 5 successive years, such moneys or other personal property shall be presumed abandoned and subject to delivery to the State Treasurer for safekeeping.

(b) (1) Any funds deposited with or paid to any State or Federal savings and loan association, credit union or investment company engaged in business in this State for savings or toward the purchase of shares or other interest in the organization and any interest or dividends thereon shall be presumed abandoned unless the owner of same has within 20 years:

(i) increased or decreased the amount of the funds on deposit or presented an appropriate record for the crediting of interest or dividends or

(ii) corresponded in writing with the organization concerning the funds or deposits;

(iii) otherwise indicated an interest in the funds or deposit as evidenced by a memorandum on file with the organization.

(2) Any funds held by any State or Federal savings and loan association, credit union or investment company engaged in business in this State payable on any check, money order or other general cash obligation of the organization which have remained unpaid or unclaimed for 5 successive years shall be presumed abandoned.

(c) All personal property distributable in the course of a voluntary dissolution or other liquidation of:

(1) any corporation, partnership, limited partnership, unincorporated business association, financial association or other business or financial entity, incorporated or organized within or under the laws of this State or

(2) any corporation, partnership, limited partnership, unincorporated business association, financial association or other business or financial entity incorporated or organized within or under the laws of any other State, or of the United States, which personal property is payable to a person whose last known address is within this State, which is unclaimed by the person entitled thereto within 2 years after the date of final distribution is presumed abandoned and subject to delivery to the State Treasurer for safekeeping.

5. Section 2A:37-31 of the New Jersey Statutes is amended to read as follows:

Moneys or property delivered upon service of judgment.

2A:37-31. Every person having custody or possession of moneys or other property, tangible or intangible, presumed abandoned under the provisions of this article shall report to the State Treasurer with respect to such property as hereinafter provided.

(a) The report shall be verified and shall include:

(1) The name, if known, the last known address, if any, of each person appearing from the records of the holder to be the person entitled to the property presumed abandoned.

(2) The nature and identifying number, if any, or description of the property and the amount or value of same. Items of value under \$1.00 may be reported in the aggregate.

(3) Except for property reported in the aggregate, the date when the property became payable, demandable or returnable or the date of the last transaction with the owner with respect to the property.

(4) Such other information which the State Treasurer may by regulation require for the purpose of administering this article.

The State Treasurer is authorized to adopt reasonable rules and regulations pertaining to the reporting of property required by this section for the purpose of administering this article.

(b) The report shall be filed before November 1 of each year and shall contain all information as of June 30 next preceding. The State Treasurer may, for cause shown, postpone the reporting date, for a reasonable time, upon written request by any person required to file a report.

(c) Verification, if made by a partnership or limited partnership, shall be executed by a general partner. If made by a private corporation or any unincorporated business or financial association by an officer; if made by a public corporation or other agency by its chief fiscal officer.

6. Section 2A:37-32 of the New Jersey Statutes is amended to read as follows:

Publication and mailing of notices.

2A:37-32. (a) Within 120 days from the filing of the report required by this article, the State Treasurer shall cause notice to be published at least once each week for 2 successive weeks in an English language newspaper of general circulation in the county in this State in which is located the last known address of any person to be named in the notice. If no address is listed or if the address is outside this State, the notice shall be published in an English language newspaper of general circulation in Mercer county.

(b) The published notice shall be entitled, "Notice of Names of Persons Appearing to be Owners of Abandoned Property" and shall contain:

(1) The names, if known, the last known addresses, if any, of persons listed in the report and entitled to notice as herein provided.

(2) A statement that information concerning the amount or description of the property and the name and address of the holder may be obtained by any person possessing an interest in the property by addressing an inquiry to the State Treasurer.

(3) A statement that if proof of claim is not presented by the owner to the holder and if the owner's right to receive the property is not established to the holder's satisfaction within 65 days from the date of the second published notice, the property will be delivered to the State Treasurer to whom all further claims must thereafter be directed.

(c) The State Treasurer is not required to publish items of property of less than \$50.00.

(d) If the address of any person listed in the report is outside this State, the State Treasurer shall, within 120 days from the receipt of the report required by this article, also mail a notice to such person at the address listed. The mailed notice shall contain a statement that according to a report filed with the State Treasurer property is being held to which the addressee appears entitled; the name and address of the person holding the property and a statement that if satisfactory proof of claim is not presented to the holder by the date specified in the published notice the property will be placed in the custody of the State Treasurer to whom all further claims must be directed.

7. Section 2A:37-33 of the New Jersey Statutes is amended to read as follows:

Payment to operate as a release.

2A:37-33. Every person who has filed a report required by section 2A:37-31 shall within 20 days after the expiration of the time specified in section 2A:37-32 for claiming the property from the holder pay or deliver to the State Treasurer the property specified in the report except that if the owner established his right to receive said property to the satisfaction of the holder within the time specified in section 2A:37-32 or if it appears that for some other reason the presumption of abandonment is erroneous, the holder need not pay or deliver the property which will no longer be presumed abandoned to the State Treasurer, but in lieu thereof shall file a verified written explanation of the proof of claim or of the error in presumption of abandonment. If the report required by section 2A:37-31 contains any item of property which the State Treasurer determines is without sufficient substance or value, he may inform the person reporting that the State will not take said item of property because of its worthless nature.

The payment of the said moneys by the corporation, organization or other person to the State Treasurer pursuant to the provisions of this article shall, as respects such moneys, automatically operate as a full, absolute and unconditional release and discharge of the corporation or other person from any and all claims, demands or liability to the person whose moneys have been paid to the treasurer, and such payment may be pleaded as an absolute bar to any

action brought against such corporation or other person by any person whatsoever. Any right to such moneys which any claimant may have shall thereby be transferred against, and shall become the obligation of, the State.

8. Section 2A:37-35 of the New Jersey Statutes is amended to read as follows:

Appointment of escheator; payment of fee.

2A:37-35. Whenever, by reason of information filed with the Attorney General or which comes to his notice so that he shall become aware of the fact that unclaimed personal property subject to the provisions of this article has not been reported and paid to the State Treasurer, he shall appoint some suitable person or persons to act as escheator of such property.

Such escheator, when so appointed, shall proceed and furnish to the Attorney General all the facts, information and evidence necessary to permit the enforcement of the State's rights to such property under this article.

After it is established that such property reported to the Attorney General is subject to the provisions of this article and the property has been reported and delivered to the State Treasurer as provided in this article, the State Treasurer shall so inform the Attorney General. Thereupon the Attorney General shall certify to the State Treasurer his appointment of the escheator and the State Treasurer shall pay the escheator 5% of the moneys so delivered to the State Treasurer.

9. Section 2A:37-36 of the New Jersey Statutes is amended to read as follows:

Action in Superior Court; hearing; penalty.

2A:37-36. The Attorney General, or the attorney-at-law, designated by him, shall thereupon bring, in the name of the State of New Jersey, a summary action in the Superior Court for the escheat of the said moneys to the State of New Jersey. The hearing in the action shall be not less than 20 days nor more than 40 days after the commencement of the action.

Any person who wilfully fails to make the report required by this article or who wilfully fails to pay or deliver abandoned property to the State Treasurer as required by this article shall be subject to a penalty of \$25.00 for each day the said wilful failure to make a report or wilful failure to pay or deliver the property continues, which penalty shall not exceed \$1,000.00. The penalty may be recovered in a summary manner as provided in the Penalty Enforcement Law.

10. Section 2A:37-41 of the New Jersey Statutes is amended to read as follows:

Moneys placed in separate fund; use.

2A:37-41. When the State Treasurer receives money under the provisions of this article, he shall forthwith pay $\frac{3}{4}$ of the amount thereof into the State treasury for the use of the State. The remaining $\frac{1}{4}$ shall be administered by him as a special trust fund for the purpose hereinafter provided. Such special trust fund shall be deposited in the manner provided by law for the deposit of State funds. At the end of each calendar year any amount of such unclaimed funds, which shall have been a part of such special trust fund for a period of 5 years or longer, shall be paid to the State treasury for the use of the State. Any interest received upon any deposit of such moneys shall be the property of the State.

11. Section 2A:37-43 of the New Jersey Statutes is amended to read as follows:

Treasurer authorized to repay.

2A:37-43. Any person claiming an interest in any property delivered to the State Treasurer under the provisions of this article may file a claim thereto on the form prescribed by the State Treasurer.

The State Treasurer or his duly designated representative shall consider any claim for repayment filed under this article and may hold a hearing and receive evidence concerning said claim. If a hearing is held, a finding and a decision in writing on each claim shall be filed. Therein it shall be stated the substance of any evidence presented and the reasons for the decision. The decision shall be a public record.

Any claim which is accepted by the State Treasurer or which may be ordered paid by him by a court of competent jurisdiction shall be paid out of the special trust fund in his custody pursuant to the provisions of this article. In the event such special trust fund shall be insufficient, it shall be paid out of general unappropriated funds of the State to the extent of the total of the moneys paid to the State Treasurer under this article and unexpended in payment of such claims. The State Treasurer shall keep in his office a record of each delivery or payment of abandoned property to him which shall be open to any person who has an interest therein.

The person who made delivery or payment of abandoned property to the State Treasurer shall retain his records in connection with the abandoned property for a period of 5 years after the payment or delivery of the abandoned property to the State Treasurer. Such records shall be made available to the State Treasurer upon request in the event of any claim against the State for payment of

all or any part of the abandoned property by a person claiming entitlement thereto.

12. Section 2A:37-44 of the New Jersey Statutes is amended to read as follows:

Effect upon proceedings already commenced.

2A:37-44. Whenever a proceeding to escheat personal property heretofore delivered to the custody of the State Treasurer under the provisions of this article has been commenced in the Superior Court and shall be pending in the Superior Court, such proceeding shall, upon application by the Attorney General or an attorney at law designated by him to prosecute such action, be dismissed by the Superior Court. In the order dismissing such proceeding the court shall provide for the payment of reasonable fees for the legal services required to be performed by any attorney at law designated by the Attorney General to prosecute such proceeding. Any fee so allowed shall be paid by the State Treasurer after he has been served with a certified copy of the order. The funds which were the subject of such proceeding shall be treated by the State Treasurer in the same manner as is provided for funds delivered into the custody of the State Treasurer under section 2A:37-41.

Whenever a proceeding for custody of personal property has been commenced in the Superior Court and shall be pending in the Superior Court the said proceeding shall continue to judgment in the same manner as heretofore, provided, however, that upon application of the defendant and the Attorney General, if it is shown to the court that the defendant will report and make payment of the unclaimed personal property, which is the subject of the said proceeding, under the administrative procedure provided in this article, as amended, the court shall enter an order dismissing the said proceeding. Funds delivered to the State Treasurer pursuant to a judgment for custody shall be treated by the State Treasurer in the same manner as funds delivered under the administrative procedure.

Whenever a proceeding for custody of personal property has been commenced in the Superior Court and shall be pending in the Superior Court and it shall appear to the best interests of the State of New Jersey and the defendant to settle the issues in dispute by a compromise, the proceeding shall continue to final judgment and with the approval of the Superior Court the final judgment may contain an appropriate provision for reimbursement to the defendant by the State Treasurer in accordance with this section of moneys delivered by the defendant to the protective custody of the State Treasurer pursuant to the final judgment. Any provision in the final judgment for reimbursement by the State Treasurer

to the defendant shall be exclusively limited to allow for the reopening of the final judgment only in the event a later claim to the same moneys delivered by the defendant to the State Treasurer for protective custody is successfully prosecuted to judgment by another State, provided, however, that the final judgment shall not be reopened and reimbursement shall not be made by the State Treasurer to the defendant unless defendant shall have given prompt and timely notice in writing to the Attorney General of New Jersey of any pending claim of another State to the identical moneys held in the protective custody of the State Treasurer pursuant to the final judgment. The Superior Court shall retain jurisdiction of any proceeding so settled by a compromise for the purpose of reopening the final judgment and making reimbursement to the defendant in accordance with the provisions of this section.

Repealed.

13. Sections 2A:37-34, 2A:37-37, 2A:37-38, 2A:37-39, 2A:37-40, 2A:37-42 of the New Jersey Statutes are repealed.

14. All moneys heretofore delivered to the State Treasurer for custodial safekeeping under the provisions of article 3, chapter 37, Title 2A of the New Jersey Statutes and which remain in the custody of the State Treasurer, shall hereafter be treated by the State Treasurer in the same manner as is provided in N. J. S. 2A:37-41 as amended by this act.

If the State Treasurer shall have invested or loaned any moneys heretofore received by him for custodial safekeeping under the provisions of article 3, chapter 37, Title 2A of the New Jersey Statutes he shall upon the repayment of the moneys so invested or loaned treat said moneys in the same manner as is provided in N. J. S. 2A:37-41 as amended by this act.

C. 2A:37-45 Act not severable.

15. This act shall be construed in its entirety and its provisions are not severable. If any section, subsection or provision of this act shall be declared and held to be invalid, the entire act shall be inoperative and the sections of the law hereby amended or repealed shall then again become effective as though this act had not been enacted.

16. This act shall take effect immediately.

Approved June 28, 1967.

CHAPTER 136

AN ACT concerning counties of the first class and authorizing the creation of county recreation authorities and defining the powers, duties and functions of such authorities.

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

C. 40:37B-1 Title of act.

1. This act shall be known and may be cited as the "First Class County Recreation Authority Law."

C. 40:37B-2 Definitions.

2. The following terms whenever used or referred to in this act shall have the following respective meanings unless a different meaning clearly appears from the context.

(a) "Authority" shall mean a public body created pursuant to this act.

(b) "Bond resolution" shall have the meaning ascribed thereto in section 15 of this act.

(c) "Bonds" shall mean any bonds, notes, interim certificates, debentures or other obligations issued by an authority or any other political subdivision of the State.

(d) "Clerk" shall mean the clerk of a municipality or the clerk of the board of chosen freeholders as the case may be or the officer charged with the duties customarily imposed on such clerk.

(e) "Construct" and "construction" shall connote and include, acts of clearance, demolition, planning, designing, construction, development and redevelopment, reconstruction, replacement, enlargement, extension, improvement and betterment.

(f) "Cost" shall mean, in addition to the usual connotations thereof, the cost of planning, acquisition or construction of all or any part of any public facility or facilities of an authority and of all or any property, rights, easements, privileges, agreements and franchises deemed by the authority to be necessary or useful and convenient therefor or in connection therewith, including interest or discount on bonds, cost of issuance of bonds, architectural, engineering and inspection costs and legal expenses, cost of financial, professional and other estimates and advice, organization, administrative, operating and other expenses of the au-

thority prior to and during such acquisition or construction, and all such other expenses as may be necessary or incident to the financing, acquisition, construction and completion of such public facility or facilities or part thereof and the placing of the same fully in operation or the disposition of the same, and also such provision or reserves for working capital, operating, maintenance or replacement expenses or for payment or security of principal of or interest on bonds during or after such acquisition or construction as the authority may determine, and also reimbursements to the authority or any governmental unit or person of any money theretofore expended for the purposes of the authority.

(g) "County" shall mean any county of the first class of this State. "The county" shall mean the particular county of the first class for which a particular authority is created.

(h) "Facility charges" shall mean tolls, rents, rates, fees or other charges in connection with or for the use of services of the public facility or other property owned or controlled by the authority.

(i) "Facility revenue" shall mean money derived or to be derived from the operation of all or any part of the facilities of the authority including any parts thereof, theretofore constructed or acquired and any parts, extensions, replacements or improvements thereof thereafter constructed or acquired.

(j) "Governing body" shall mean in the case of a municipality the commission, council, board or body by whatever name it may be known having charge of the finances of the municipality and in the case of a county the board of chosen freeholders.

(k) "Municipality" shall mean any city of any class, any town, township, village, borough or any other municipality of this State other than a county or a school district.

(l) "Person" shall mean any person, association, corporation, Nation, State or agency or subdivision thereof other than a county or a municipality of this State or an authority.

(m) "Project" shall have the meaning ascribed to said term in section 15 of this act.

(n) "Public body" shall mean the State or any county, city, town, township, borough, village, school district, authority or any other political subdivision of the State.

(o) "Public facility" shall mean any lands, structures or other properties or facilities, acquired or constructed or to be acquired or constructed by an authority for its purposes and operated or to be operated by the authority or by any governmental unit or person under a lease or other agreement by or with the authority.

(p) "Real property" shall mean lands within or without the State, above or below water, and improvements thereof or thereon or any riparian or other rights or interests therein.

(q) "Resolution" shall mean a written act of the governing body of a county adopted and otherwise approved in the manner or mode of procedure prescribed for resolutions tending to obligate such county pecuniarily.

C. 40:37B-3 Creation of public body.

3. The governing body of a county may by resolution create a public body corporate and politic under and pursuant to this act, under the name and style of "The County Recreation Authority," with all or any significant part of the name of said county inserted. Said body shall consist of the 5 members thereof, who shall be residents of the county and be appointed by resolution of said governing body as hereinafter provided, and it shall constitute the authority contemplated and provided for in this act and an agency or instrumentality of said county. Copies of said resolution for the creation of the authority, certified by the clerk of said governing body, shall be filed in the office of the Secretary of State and in the office of the Division of Local Government in the Department of the Treasury. A copy of any such certified resolution, duly certified by or on behalf of the Secretary of State, shall be admissible in evidence in any action or proceeding and shall be conclusive evidence of due and proper adoption and filing thereof as aforesaid. After such filing in the office of the Secretary of State, a copy of said resolution shall be published at least once in a newspaper published or circulating in the county, together with a notice stating the fact and date of its adoption and the date of the first publication of such notice. If no action questioning the validity of the creation or establishment of the authority shall be commenced within 45 days after the first publication of such notice, then said authority shall be conclusively deemed to have been validly created and established and authorized to transact business and exercise powers as a public body created pursuant to this act.

C. 40:37B-4 Dissolving public body.

4. The governing body of any county which has created an authority pursuant to this act may by resolution dissolve such authority if either (a) such authority has no debts or obligations outstanding or (b) all creditors or other obligees of the authority have consented to said resolution. A copy of said resolution, certified by the clerk of said governing body, shall be filed in the

office of the Secretary of State and in the office of the Division of Local Government in the Department of the Treasury. Upon proof of such filing and upon proof either that said authority had no debts or obligations outstanding at the time of the adoption of such resolution or that all creditors or other obligees of the authority have consented to such resolution, the authority shall be conclusively deemed to have been lawfully and properly dissolved. Thereupon, all right, title and interest in and to the property of the authority shall be vested in the county, except that any particular property shall vest in any other governmental unit or person if the terms of any lease or other agreement of the authority with respect thereto shall so provide. A copy of any such certified resolution, duly certified by or on behalf of the Secretary of State, shall be admissible in evidence in any action or proceeding and shall be conclusive evidence of due and proper adoption and filing thereof as aforesaid.

C. 40:37B-5 Appointments; terms.

5. After expiration of the period of 45 days following the first publication as provided in section 3 hereof of a notice regarding creation of an authority, 5 persons shall be appointed as the members of the authority. The members first appointed shall, by the resolution of appointment, be designated to serve for terms respectively expiring on the first days of the first, second, third, fourth and fifth Februarys next ensuing after the date of their appointment. On or after January 1 in each year after such first appointments, one person shall be appointed as a member of the authority for a term commencing on or after February 1 in such year and expiring on February 1 in the fifth year after such year. Each member shall hold office for the term of appointment and until his successor shall have been appointed and qualified. Any vacancy in the membership of the authority during an unexpired term shall be filled by appointment of a person as member for the unexpired term. A copy of any resolution appointing any such members, certified by the clerk of the governing body, may be filed in the office of the Secretary of State. A copy of any such certified resolution, duly certified by or on behalf of the Secretary of State, shall be admissible in evidence in any action or proceeding and shall be conclusive evidence of due and proper adoption and filing thereof as aforesaid and, except in an action or proceeding seeking only exclusion of the appointee from office, shall be conclusive evidence of the due and proper appointment of the members named therein.

C. 40:37B-6 Members and personnel; election and appointment of.

6. Every authority, upon the first appointment of its members and thereafter on or after February 1 in each year, shall annually elect from among its members a chairman and a vice chairman who shall hold office until February 1 next ensuing and until their respective successors shall have been appointed and qualified. Every authority may also appoint and employ a secretary, a treasurer, such professional and technical advisers and experts, and such other officers, agents and employees as it may require, and it shall determine their qualifications, terms of office, duties and compensation.

C. 40:37B-7 Powers.

7. The powers of the authority shall be vested in the members thereof in office from time to time and a majority of the entire authorized membership shall constitute a quorum at any meeting thereof. Action may be taken and motions and resolutions adopted by the authority at any meeting of the members thereof by vote of a majority of the members present, unless in any case the bylaws of the authority shall require a larger number.

C. 40:37B-8 Reimbursement; compensation.

8. An authority may reimburse its members for necessary expenses incurred in the discharge of their duties. The resolution for the creation of an authority may provide that the members of the authority may receive compensation for their services within an annual and other limitations to be stated in such resolution, and in that event, each member may receive from the authority such compensation for his services as the authority may determine within the limitations stated in such resolution. The said provisions or limitations stated in any such resolution, may be amended, supplemented, repealed or added by subsequent resolution, but no reduction of any such limitation shall be effective during the remaining term of any member of the authority then in office except upon the written consent of the authority. No member of an authority shall receive any compensation for his services except as provided in this section.

C. 40:37B-9 Personnel; conflict of interest; removal.

9. No member, officer or employee of an authority shall have or acquire any interest, direct or indirect, in a public facility of the authority or in any property included or to be included in the holdings of the authority or in any contract or proposed contract for materials or services to be furnished to or used by the authority

but neither the holding of any office or employment in the government of any county or municipality nor the owning of any other property within the State shall be deemed a disqualification for membership in or employment by an authority. A member of an authority may be removed by the governing body of the county for incapacity, inefficiency or neglect of duty or misconduct in office or other disqualifying cause and after he shall have been given a copy of the charges against him and, not sooner than 10 days thereafter, been afforded opportunity for a hearing, in person or by counsel, by such governing body with respect to such charges.

C. 40:37B-10 Purposes.

10. The purpose of every county recreation authority shall be the improvement, establishment and development of recreational facilities within the county by or through the planning, acquisition, construction, improvement, maintenance or operation of any and all facilities for the recreation and entertainment of the public including but not limited to facilities for sports, exhibitions, games, ice-skating, boating, tennis, golf, a zoo and a nature center.

C. 40:37B-11 Authority, not to be created.

11. No governing body which may create an authority pursuant to this act for any of the purposes hereinbefore set out shall thereafter create any other authority for the same or similar purpose which will be competitive with the public services to be rendered or furnished by the authority first established.

C. 40:37B-12 Additional powers.

12. Every authority shall be a public body politic and corporate constituting a political subdivision of the State established as an instrumentality exercising public and essential governmental functions to provide for the public health and welfare and shall have perpetual succession and, for the effectuation of its purposes, shall have the following additional powers:

- (a) to adopt and have a common seal and to alter the same at pleasure;
- (b) to sue and be sued;
- (c) in its own name to acquire, hold, use and dispose of its facility charges and other revenues and other moneys;
- (d) in its own name but for the county to acquire, hold, use and dispose of other personal property for the purpose of the authority;
- (e) in its own name but for the county to acquire by purchase, gift, condemnation or otherwise or lease as lessee real property and easements therein, necessary or useful and convenient for the purposes of the authority whether subject to mortgages, deeds of

trust or other liens, or otherwise, and to hold and use the same and to dispose of the property so acquired no longer necessary for the purposes of the authority;

(f) to grant by franchise, lease or otherwise the use of any project, facilities or property owned or controlled by it to any person for such consideration and for any period or periods of time and upon such other terms and conditions as it may fix and agree upon. Any such grant may be upon condition that the user shall or may construct or provide any building or structures or improvements on such project, facilities or property or portion thereof, all upon such terms and conditions as may be agreed upon;

(g) to borrow money and issue negotiable bonds or notes or other obligations and provide for and secure the payment of any bonds and the rights of the holders thereof, and to purchase, hold and dispose of any bonds;

(h) to apply for and accept gifts or grants of real or personal property, money, material, labor or supplies for the purposes of the authority from any governmental unit or person and to make and perform such agreements or contracts as may be necessary or convenient in connection with the procuring, acceptance or disposition of such gifts or grants;

(i) to enter on any land or premises for the purpose of the authority and to determine the location, type and character of any public facility and all other matters in connection with all or any part of any public facility which it is authorized to own, construct, establish, effectuate or control;

(j) to make and enforce by-laws or rules and regulations for the management and regulation of its business and affairs and for the use, maintenance and operation of any public facility, and to amend the same;

(k) to do and perform any acts and things authorized by this act under, through or by means of its own officers and employees, or by contract;

(l) to acquire, purchase, construct, lease, operate, maintain and undertake any project and to make facility charges for the use thereof;

(m) to invest any funds held in reserve or sinking funds or any funds not required for immediate disbursement, in property or securities in which savings banks may legally invest funds subject to their control; and

(n) to enter into any and all contracts, execute any and all instruments and do and perform any and all acts or things

necessary, convenient or desirable for the purposes of the authority or to carry out the powers, duties and functions provided for in this act.

C. 40:37B-13 Facility charges.

13. Every authority is hereby authorized to charge and collect facility charges. Such facility charges may be charged to and collected from any governmental unit or person and such governmental unit or person shall be liable for and shall pay such facility charges to the authority at the time when and place where such charges are due and payable.

C. 40:37B-14 Adjustment of facility charges.

14. The facility charges fixed, charged and collected by an authority with respect to any public facility shall comply with the terms of any lease or other agreement of the authority with regard to such public facility, and the facility charges fixed, charged and collected by an authority may be so adjusted that the revenues of the authority will at all times be adequate to pay all expenses of the authority, including the expenses of operation and maintenance of any public facility or other property owned or controlled by the authority, including insurance, improvements, replacements, reconstruction and any other required payments, and to pay the principal of and interest on any bonds, and to maintain such reserves or sinking funds for any of the foregoing purposes as may be required by the terms of any lease or other agreement of the authority or as may be deemed necessary or convenient and desirable by the authority. A copy of a schedule of such facility charges in effect shall be a public record.

C. 40:37B-15 Bond resolution.

15. For the purpose of raising funds to pay the cost of any public facility or facilities or for the purpose of funding or refunding any bonds, an authority shall have power to authorize or provide for the issuance of bonds and in anticipation thereof notes pursuant to this act, by a resolution (in this act sometimes referred to as "bond resolution") which shall:

- (a) describe in brief and general terms sufficient for reasonable identification the public facility or facilities or part thereof, (in this act sometimes called "project") to be constructed or acquired, or describe the bonds which are to be funded or refunded (if any);
- (b) state the cost or estimated cost of the project (if any); and
- (c) provide for the issuance of the bonds in accordance with section 16 of this act.

C. 40:37B-16 Bonds or notes, power to issue.

16. Upon adoption of a bond resolution, an authority shall have power to issue its bonds or notes for the purpose of financing the project or of funding or refunding the bonds described therein. Such bonds or notes shall be authorized by the bond resolution and the bonds may be issued in one or more series and shall bear such date or dates, mature at such time or times not exceeding 40 years from the date thereof, bear interest at a rate or rates within such maximum rate (not exceeding 6% per annum), be in such denomination or denominations, be in such form either coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable from such sources in such medium of payment at such place or places within or without the State, and be subject to such terms of redemption (with or without premium) as the bond resolution may provide. The authority may issue such types of bonds as it may determine, including (without limiting the generality of the foregoing) bonds on which the principal and interest are payable (a) exclusively from the income and revenues of the project financed with the proceeds of such bonds; (b) exclusively from the income and revenues of certain designated projects whether or not they are financed in whole or in part with the proceeds of such bonds; or (c) from its revenues generally. Any such bonds may be additionally secured by a pledge of any grant or contributions from any governmental unit or person or a pledge of any income or revenues of the authority from any source whatsoever.

C. 40:37B-17 Bonds, issuance of.

17. This act shall be complete authority for the issuance of bonds by an authority, and the provisions of any other law shall not apply to the issuance of such bonds.

C. 40:37B-18 Bonds and notes, sale of.

18. Bonds and notes of an authority may be sold, as hereinafter provided, at public or private sale at such price or prices as the authority shall determine; provided, however, that the interest cost to their average maturity of the money received for any group of bonds sold in a single transaction (computed according to standard tables of bond values) shall not exceed 6% per annum. No obligations shall be sold for less than par value and interest accrued to date of delivery.

C. 40:37B-19 Bond anticipation notes, sale of.

19. All bond anticipation notes may be sold at private sale pursuant to resolution of the authority, or by its treasurer expressly

designated by resolution to sell such notes. The treasurer making any such sale shall report in writing to the authority at the next meeting thereof as to the principal amount, interest rate, and maturities of the notes sold, the price obtained and the name of the purchaser.

C. 40:37B-20 Conditions of private sale.

20. All bonds shall be sold at public sale upon sealed proposals, except that bonds may be sold at private sale:

(a) without any previous public offering

(1) if constituting all or part of an authorized issue of \$20,000.00 or less; or

(2) if sold to any board, body, agency, commission, instrumentality, district, authority or political subdivision of any local unit, or of the State, or of the Federal Government; or

(b) if no legally acceptable bid is received at advertised public offering, such bonds or any of them may be sold within 30 days after the advertised date for public bidding; provided, however, that no bonds shall bear interest at any rate of interest which is higher than the rate or maximum rate specified in the notice of sale, nor contain substantially different provisions from those specified in said notice.

Any purchaser of bonds at private sale, other than a public body, shall deposit a certified or cashier's or treasurer's check drawn upon a bank or trust company in an amount equal to 5% of the amount of bonds purchased and such amount shall be applied as in the case of a deposit made at a public sale.

Any private sale of bonds shall be made or confirmed by resolution of the authority adopted by not less than a $\frac{2}{3}$ vote of the full membership thereof, setting forth the date, maturities, interest rate and price of the bonds and the name of the purchaser.

C. 40:37B-21 Advertisement of public sale.

21. A public sale of bonds shall be advertised at least once at least 7 days prior thereto in a newspaper qualified for publication of a bond resolution of the authority and in a publication carrying municipal bond notices and devoted primarily to financial news or the subject of State and municipal bonds and published in the city of New York or in New Jersey.

A notice of public sale of bonds shall set forth:

(a) the principal amount, date, denomination and maturities of the bonds offered for sale;

(b) the rate or rates of interest or maximum rate or rates of interest to be borne by the bonds;

- (c) the terms and conditions of such public sale;
- (d) such other provisions as may be determined by the authority.

C. 40:37B-22 Procedures for sale.

22. (a) All bidders shall be required to deposit a certified or cashier's or treasurer's check, drawn upon a bank or trust company, equal to not less than 2% of the bonds to secure the authority in part from any loss resulting from the failure of the bidder to comply with the terms of his bid, or as liquidated damages for such failure.

(b) All bids for bonds shall be publicly opened and announced at the advertised time and place of sale. Such bids as comply with the terms of the notice of sale shall be considered, and any bid not complying with the terms of such notice may be rejected. All bids received may be rejected.

(c) Bonds of 2 or more issues may be sold on the basis of combined maturities, or the maturities of each issue offered for sale.

(d) Bonds may be offered for sale at a single rate of interest, or bidders may be requested to name a single rate of interest, but no proposal shall be considered which offers to pay less than the principal amount of bonds offered for sale or which names a rate of interest higher than the lowest rate of interest stated in any legally acceptable proposal.

As between proposals naming the same lowest rate of interest, the proposal offering to accept the least amount of bonds shall be accepted, the bonds to be accepted shall be those first maturing, and as between such proposals, the proposal offering to pay the greatest premium shall be accepted. The amount of premium bid for the bonds shall in no event exceed \$1,000.00 for the principal amount of bonds offered for sale. In order to effect the foregoing, a sufficient number of the last maturing bonds shall be of the denomination of \$1,000.00 or less.

(e) Bonds may be offered for sale at different rates of interest for the same issue or different rates of interest for different issues, or parts thereof, or bidders may be requested to name any such rates of interest. No proposal shall be considered which offers to pay an amount less than the principal amount of bonds offered for sale or under which the total loan is made at an interest cost higher than the lowest net interest cost to the authority under any legally acceptable proposal. Such net interest cost shall be computed in each instance by adding to the total principal amount of bonds bid for, the total interest cost to maturity in accordance with such bid and by deduction therefrom of the amount of premium, if any, bid.

(f) The authority may establish additional terms or conditions of sale.

C. 40:37B-23 Designation of authority to sell.

23. The authority, by resolution, may designate its treasurer to sell and award bonds in accordance with the advertised terms of public sale. The treasurer making any such sale shall report in writing to the authority at the next meeting thereof as to the principal amount, interest rate, and maturities of the bonds sold, the price obtained and the name of the purchaser.

C. 40:37B-24 Limitations with respect to sale.

24. In the issuance or sale of obligations, it shall be unlawful for the authority or any member thereof or any official:

(a) to pay or agree to pay, directly or indirectly, any bonus, commission, fee or other compensation or consideration for the issuance or for the sale of obligations and any amount so paid may be recovered for the authority;

(b) to make any agreement with any purchaser or bidder, or his representative, regarding the deposit or disposition of any moneys received or to be received from such sale and every such agreement shall be void;

(c) to make any agreement pertaining to the sale of obligations which contains provisions as to any other matter, and such sale and any such agreement shall be void;

(d) to make any agreement or "service contract" with respect to publication of notice of sale and printing of bonds or notes, the providing of a legal opinion or for any of such services, whether or not accompanied by an offer to bid for or purchase obligations. Any such agreement or contract shall be void and any amount so paid may be recovered for the authority except, however, agreements made directly with a newspaper, bond printer or an attorney licensed to practice law in the State in which he has his office.

A municipal bond dealer, banker, or financial expert may be engaged or employed as a financial advisor to provide financial services in connection with the sale of obligations, including the preparation of a bidding circular or prospectus, but no such financial advisor shall purchase any such obligations at any public or private sale, but any such purchase shall not affect the validity of the obligations and the authority shall recover any compensation and profit resulting therefrom to such financial advisor.

C. 40:37B-25 Publication of notice of sale.

25. An authority shall cause a copy of any bond resolution adopted by it to be filed for public inspection in its office and in the

office of the clerk of the governing body of the county and may thereupon cause to be published at least once in a newspaper published or circulating in the county a notice stating the fact and date of such adoption and the places where such bond resolution has been so filed for public inspection and also the date of the first publication of such notice and also stating that any action or proceeding of any kind or nature in any court questioning the validity or proper authorization of bonds provided for by the bond resolution, or the validity of any covenants, agreements or contracts provided for by the bond resolution shall be commenced within 20 days after the first publication of such notice. If any such notice shall at any time be published and if no action or proceeding questioning the validity or proper authorization of bonds provided for by the bond resolution referred to in said notice, or the validity of any covenants, agreements or contracts provided for by said bond resolution shall be commenced or instituted within 20 days after the first publication of said notice, then all residents and taxpayers and owners of property in the county and all other persons shall be forever barred and foreclosed from instituting or commencing any action or proceeding in any court, or from pleading any defense to any action or proceeding, questioning the validity or proper authorization of such bonds, or the validity of such covenants, agreements or contracts, and said bonds, covenants, agreements and contracts shall be conclusively deemed to be valid and binding obligations in accordance with their terms and tenor.

C. 40:37B-26 Additional conditions of sale.

26. Any bond resolution of an authority providing for or authorizing the issuance of any bonds may contain provisions, and such authority, in order to secure the payment of such bonds and in addition to its other powers, shall have power by provision in such bond resolution to covenant and agree with the several holders of such bonds, as to:

- (a) the custody, security, use, expenditure or application of the proceeds of the bonds;
- (b) the construction and completion, or replacement, of any public facility or facilities;
- (c) the use, regulation, operation, maintenance, insurance or disposition of any public facility or facilities, or restrictions on the exercise of the powers of the authority to dispose, or to limit or regulate the use, of any public facility or facilities;
- (d) payment of the principal of or interest on the bonds, or any other obligations, and the sources and methods thereof, the rank or

priority of any such bonds or obligations as to any lien or security, or the acceleration of the maturity of any such bonds or obligations;

(e) the use and disposition of any moneys of the authority, including facility revenues;

(f) pledging, setting aside, depositing or trusteeing all or any part of the facility revenues or other moneys of the authority to secure the payment of the principal of or interest on the bonds or any other obligations or the payment of expenses of operation or maintenance of any public facility or facilities, and the powers and duties of any trustee with regard thereto;

(g) the setting aside out of the facility revenues or other moneys of the authority of reserves and sinking funds, and the source, custody, security, regulation, application and disposition thereof;

(h) determination or definition of the facility revenues or of the expenses of operation and maintenance of a public facility or facilities;

(i) the rents, rates, fees, or other charges in connection with, or for the use of services of, or otherwise relating to any public facility or facilities, including any parts thereof theretofore constructed or acquired and any parts, extensions, replacements or improvements thereof thereafter constructed or acquired, and the fixing, establishment, collection and enforcement of the same, the amount or amounts of facility revenues to be produced thereby, and the disposition and application of the amounts charged or collected;

(j) the assumption or payment or discharge of any indebtedness, liens or other claims relating to any part of any public facility or facilities or any obligations having or which may have a lien on any part of the facility revenues;

(k) limitations on the issuance of additional bonds or any other obligations or on the incurrence of indebtedness of the authority;

(l) limitations on the powers of the authority to construct, acquire or operate any structures, facilities or properties which may compete or tend to compete with any of its public facilities;

(m) vesting in a trustee or trustees within or without the State such property, rights, powers and duties in trust as the authority may determine which may include any or all of the rights, powers and duties of the trustee appointed by the holders of bonds pursuant to section 27 of this act, and limiting or abrogating the right of such holders to appoint a trustee pursuant to section 27 of this act or limiting the rights, duties and powers of such trustee;

(n) payment of the costs or expenses incident to the enforcement of the bonds or of the provisions of the bond resolution or of any covenant or agreement of the authority with the holders of bonds;

(o) the procedure, if any, by which the terms of any covenant or agreement with, or duty to, the holders of bonds may be amended or abrogated, the amount of bonds the holders of which must consent thereto, and the manner in which such consent may be given or evidenced; or

(p) any other matter or course of conduct which, by recital in the bond resolution, is declared to further secure the payment of the principal of or interest on bonds and to be part of any covenant or agreement with the holders of bonds.

All such provisions of said bond resolution and all such covenants and agreements shall constitute valid and legally binding contracts between the authority and the several holders of the bonds, regardless of the time of issuance of such bonds, and shall be enforceable by any such holder or holders by appropriate action or proceeding in any court of competent jurisdiction, including a proceeding in lieu of prerogative writ.

C. 40:37B-27 Default in payment; trustee, appointment and powers of.

27. (a) If the bond resolution of an authority authorizing or providing for the issuance of a series of its bonds shall provide in substance that the holders of the bonds of such series shall be entitled to the benefits of this section, then if there shall be a default in the payment of principal of or interest on any bonds of such series after the same shall become due, whether at maturity or upon call for redemption, and such default shall continue for a period of 30 days, or if the authority shall fail or refuse to comply with any of the provisions of this act or shall fail or refuse to carry out and perform the terms of any contract with the holders of any such bonds and such failure or refusal shall continue for a period of 30 days after written notice to the authority of its existence and nature, the holders of 25% in aggregate principal amount of the bonds of such series then outstanding by instrument or instruments filed in the office of the Secretary of State and proved or acknowledged in the same manner as a deed to be recorded, may appoint a trustee to represent the holders of the bonds of such series for the purposes provided in this section.

(b) Such trustee may, and upon written request of the holders of 25% in aggregate principal amount of the bonds of such series then outstanding shall, in his or its own name:

(1) By any action or proceeding, enforce all rights of the holders of such bonds, including the right to require the authority to charge and collect facility charges adequate to carry out any contract as to, or pledge of, facility revenues, and to require the authority to carry out and perform the terms of any contract with the holders of such bonds or its duties under this act;

(2) Bring an action upon all or any part of such bonds or interest coupons or claims appurtenant thereto;

(3) By action, require the authority to account as if it were the trustee of an express trust for the holders of such bonds;

(4) By action, enjoin any acts or things which may be unlawful or in violation of the rights of the holders of such bonds; or

(5) Declare all such bonds due and payable, whether or not in advance of maturity, upon 30 days' prior notice in writing to the authority and, if all defaults shall be made good, then with the consent of the holders of 25% of the principal amount of such bonds then outstanding, annul such declaration and its consequences.

(c) Such trustee shall, in addition to the foregoing, have and possess all of the powers necessary or appropriate for the exercise of the functions specifically set forth herein or incident to the general representation of the holders of bonds of such series in the enforcement and protection of their rights.

(d) In any action or proceeding by such trustee, the fees, counsel fees and expenses of the trustee and of the receiver, if any, appointed pursuant to this act, shall, if allowed by the court, constitute taxable costs and disbursements, and all costs and disbursements, allowed by the court, shall be a first charge upon any facility charges and facility revenues of the authority pledged for the payment or security of bonds of such series.

C. 40:37B-28 Receiver, appointment and powers of.

28. If the bond resolution of an authority authorizing or providing for the issuance of a series of its bonds shall provide in substance that the holders of the bonds of such series shall be entitled to the benefits of section 27 of this act and shall further provide in substance that any trustee appointed pursuant to said section or having the powers of such a trustee shall have the powers provided by this section, then such trustee, whether or not all of the bonds of such series shall have been declared due and payable, shall be entitled to the appointment of a receiver of the public

facility or facilities of the authority, and such receiver may enter upon and take possession of such public facility or facilities and, subject to any pledge or contract with the holders of bonds of the authority, shall take possession of all moneys and other property derived from or applicable to the acquisition, construction, operation, maintenance or reconstruction of such public facility or facilities and proceed with such acquisition, construction, operation, maintenance or reconstruction which the authority is under any obligation to do, and operate, maintain and reconstruct such public facility or facilities and fix, charge, collect, enforce and receive the facility charges and all facility revenues thereafter arising subject to any pledge thereof or contract with the holders of bonds relating thereto and perform the public duties and carry out the contracts and obligations of the authority in the same manner as the authority itself might do and under the direction of the court.

C. 40:37B-29 Bonds, negotiability of.

29. Any provision of law to the contrary notwithstanding any bond or other obligation issued pursuant to this act shall be fully negotiable within the meaning and for all purposes of the law merchant and laws applicable to negotiable instruments, and each holder or owner of such a bond or obligation, or of any coupon appurtenant thereto, by accepting such bond or coupon shall be conclusively deemed to have agreed that such bond, obligation or coupon is and shall be fully negotiable within the meaning and for all purposes of said law merchant and laws applicable to negotiable instruments.

C. 40:37B-30 Bonds or other obligations, liability for.

30. Neither the members of the authority nor any person executing bonds issued pursuant to this act shall be liable personally on the bonds by reason of the issuance thereof. Bonds or other obligations issued pursuant to this act shall not be in any way a debt or liability of the State or of any subdivision thereof, and shall not create or constitute any indebtedness, liability or obligation of the State or of any such subdivision. Nothing in this act contained shall be construed to authorize any authority to incur any indebtedness on behalf of or in any way to obligate the State or any subdivision thereof.

C. 40:37B-31 Acquisition of real property.

31. Every authority is hereby empowered, in its own name but for the county to acquire by purchase, gift, grant or devise and to take for public use real property, within or without the county or

any interest therein which may be deemed by the authority necessary for its purposes. Such authority is hereby empowered to acquire and take such real property by condemnation in the manner provided by chapter 1 of Title 20, Eminent Domain, of the Revised Statutes (R. S. 20:1-1 et seq.) and, to that end may invoke and exercise in the manner or mode prescribed in said chapter, either in its own name or in the name of the county, all the powers of such county to acquire or take property for public use; property already devoted to a public use may be acquired in like manner; provided, however, that no action for condemnation shall be brought against a public body or any corporation itself possessing the power of eminent domain without its consent; and provided, further, that notwithstanding the foregoing or any other provision of this act, the governing body of the county may provide in the resolution creating the authority that the authority shall not take by condemnation any real property except upon consent thereto by such governing body given by resolution duly adopted.

C. 40:37B-32 Regulations for equipment and appliances.

32. In addition to the other powers conferred upon it by this act or by any other law and not in limitation thereof, every authority, in connection with construction or operation of any public facility, shall have power to make reasonable regulations for the installation, construction, maintenance, repair, renewal, relocation and removal of tracks, pipes, mains, conduits, cables, wires, towers, poles or any other equipment and appliances (in this section called "works") of any public utility as defined in section 48:2-13 of the Revised Statutes, in, on, along, over or under any real property, including public lands or waters. Whenever in connection with construction or operation of any public facility, any authority shall determine that it is necessary that any such works, which now are or hereafter may be located in, on, along, over or under any such real property, should be relocated in such real property or should be removed therefrom, the public utility owning or operating such works shall relocate or remove the same in accordance with the order of the authority; provided, however, that the cost and expenses of such relocation or removal, including the cost of installing such works in a new location or new locations, and the cost of any lands or any rights or interest in lands or any other rights acquired to accomplish such relocation or removal, less the cost of any lands or any rights, or interests in lands or any other rights of the public utility paid to the public utility in connection with the relocation or removal of such works, shall be paid by

the authority and may be included in the cost of such public facility. In case of any such relocation or removal of works as aforesaid, the public utility owning or operating the same, its successors or assigns, may maintain and operate such works, with the necessary appurtenances, in the new location or new locations for as long a period, and upon the same terms and conditions, as it had the right to maintain and operate such works in their former location.

C. 40:37B-33 Acquisition and construction of streets and roads.

33. For the purpose of aiding an authority and co-operating in the planning, undertaking, acquisition, construction or operation of any public facility, the county or any municipality in the county may (a) acquire real property in its name for such public facility or for the widening of existing roads, streets, parkways, avenues or highways or for new roads, streets, parkways, avenues or highways to any such public facility, or partly for such purposes and partly for other county or municipal purposes, by purchase or condemnation in the manner provided by law for the acquisition of real property by such county or municipality, (b) furnish, dedicate, close, vacate, pave, install, grade, regrade, plan or replan parks, streets, roads, roadways, alleys, sidewalks or other places which it is otherwise empowered to undertake, and (c) do any and all things necessary or convenient to aid and co-operate in the planning, undertaking, construction or operation of any such public facility, and cause services to be furnished to the authority of any character which such county or municipality is otherwise empowered to furnish, and to incur the entire expense thereof.

C. 40:37B-34 Real or personal property, sale or conveyance of.

34. Any county by resolution of its governing body, municipality by ordinance of its governing body, governmental unit or person is hereby empowered, without any referendum or public or competitive bidding, to sell, lease, lend, grant or convey to an authority, or to permit an authority to use, maintain or operate as part of any public facility, any real or personal property which may be necessary or useful and convenient for the purposes of the authority and accepted by the authority. Any such sale, lease, loan, grant, conveyance or permit may be made or given with or without consideration and for a specified or an unlimited period of time and under any agreement and on any terms and conditions which may be approved by such county, municipality, governmental unit or person and which may be agreed to by the authority in conformity with its contracts with the holders of any bonds. Subject to any such contracts with the holders of bonds, the au-

thority may enter into and perform any and all agreements with respect to property so purchased, leased, borrowed, received or accepted by it, including agreements for the assumption of principal or interest or both of indebtedness of such county, municipality, governmental unit or person or of any mortgage or lien existing with respect to such property or for the operation and maintenance of such property as part of any public facility.

C. 40:37B-35 Additional powers.

35. For the purpose of aiding an authority and co-operating in the planning, undertaking, acquisition, construction or operation of any public facility, the county by resolution of its governing body, or any municipality in the county by ordinance of its governing body, shall have power from time to time and for such period and upon such terms, with or without consideration, as may be provided by such resolution or ordinance and accepted by the authority (a) to appropriate moneys for the purposes of the authority, and to loan or donate such money to the authority in such installments and upon such terms as may be agreed upon with the authority, (b) to covenant and agree with the authority to pay to or on the order of the authority annually or at shorter intervals as a subsidy for the promotion of its purposes not exceeding such sums of money as may be stated in such resolution or ordinance or computed in accordance therewith, (c) upon authorization by it in accordance with law of the performance of any act or thing which it is empowered by law to authorize and perform and after appropriation of the moneys (if any) necessary for such performance, to covenant and agree with the authority to do and perform such act or thing and as to the time, manner and other details of its doing and performance, and (d) to appropriate money for all or any part of the cost of acquisition or construction of such public facility, and, in accordance with the limitations and any exceptions thereto and in the manner or mode of procedure prescribed by the Local Bond Law (40A:2-1 et seq.) of the New Jersey Statutes, to incur indebtedness, borrow money and issue, its negotiable bonds for the purpose of financing such public facility and appropriation, and to pay the proceeds of such bonds to the authority.

C. 40:37B-36 Lease of facility.

36. Any county, municipality, governmental unit or person is hereby empowered to enter into and perform any lease or other agreement with an authority for the lease to or use by such county, municipality, governmental unit or person of all or any part of

any public facility or facilities. Any such lease or other agreement may provide for the payment to the authority by such county, municipality, governmental unit or persons annually or otherwise of such sum or sums of money, computed at fixed amounts or by any formula or in any other manner, as may be fixed in or pursuant thereto. Any such lease or other agreement may be made and entered into for a term beginning currently or at some future or contingent date and with or without consideration and for a specified or unlimited time and on any terms and conditions which may be approved by such county, municipality, governmental unit or person and which may be agreed to by the authority in conformity with its contracts with the holders of any bonds, and shall be valid and binding on such county, municipality, governmental unit or person whether or not an appropriation is made thereby prior to authorization or execution of such lease or other agreement. Every such county, municipality, governmental unit or person is hereby authorized and directed to do and perform any and all acts and things necessary, convenient or desirable to carry out and perform any such lease or other agreement entered into by it and to provide for the payment or discharge of any obligation thereunder in the same manner as other obligations of such county, municipality, governmental unit or person.

C. 40:37B-37 Disposition of facility.

37. Except as otherwise expressly hereinabove provided with respect to the right of the authority to grant by franchise, lease or otherwise the use of any public facility or facilities owned or controlled by it, the authority shall not mortgage, pledge, encumber or otherwise dispose of any part of the public facilities, except that the authority may dispose of such part or parts thereof as may be no longer necessary for the purposes of the authority. The provisions of this section shall be deemed to constitute a part of the contract with the holder of any bonds.

C. 40:37B-38 Exemption from levy and sale.

38. All property of an authority shall be exempt from levy and sale by virtue of an execution, and no execution or other judicial process shall issue against the same, nor shall any judgment against an authority be a charge or lien upon its property; provided, that nothing herein contained shall apply to or limit the rights of the holder of any bonds to pursue any remedy for the enforcement of any pledge or lien given by an authority on its facility revenues or other moneys.

C. 40:37B-39 Payments in lieu of taxes.

39. Every authority and every municipality in which any property of the authority is located are hereby authorized and empowered to enter into agreements with respect to the payment by the authority to such municipality of annual sums of money in lieu of taxes on such property in such amounts as may be agreed upon between the authority and the municipality, and each such authority is empowered to make such payments and each such municipality is empowered to accept such payments and to apply them in the manner in which taxes may be applied in such municipality; provided, however, that no such annual payment with respect to any parcel of such property shall exceed the amount of taxes paid thereon for the taxable year immediately prior to the time of its acquisition by the authority.

C. 40:37B-40 Bonds, authority to invest in.

40. Notwithstanding any restriction contained in any other law, the State and all public officers, municipalities, counties, political subdivisions and public bodies, and agencies thereof, all banks, trust companies, savings banks and institutions, building and loan associations, savings and loan associations, investment companies, and other persons carrying on a banking business, all insurance companies, insurance associations and other persons carrying on an insurance business and all executors, administrators, guardians, trustees and other fiduciaries, may legally invest any sinking funds, money or other funds belonging to them or within their control in any bonds issued pursuant to this act and such bonds shall be authorized security for any and all public deposits.

C. 40:37B-41 Property and bonds; exemption from taxes.

41. All public facilities and all other properties of an authority are hereby declared to be public property of a political subdivision of the State and devoted to an essential public and governmental function and purpose and shall be exempt from all taxes and special assessments of the State or any subdivision thereof. All bonds issued pursuant to this act are hereby declared to be issued by a political subdivision of this State and for an essential public and governmental purpose and to be a public instrumentality and such bonds, and the interest thereon and the income therefrom, and all facility charges, funds, revenues and other moneys pledged or available to pay or secure the payment of such bonds, or interest thereon, shall at all times be exempt from taxation except for transfer, inheritance and estate taxes and taxes on transfers by or in contemplation of death.

C. 40:37B-42 Rights of authority; agreement not to alter or limit.

42. The State of New Jersey does hereby pledge and covenant and agree with the holders of any bonds issued pursuant to a bond resolution of an authority adopted pursuant to this act that the State will not limit or alter the rights hereby vested in the authority to acquire, construct, maintain, reconstruct, operate, sell, lease or dispose of any public facility or to fix, establish, charge and collect its facility charges or other moneys and to fulfill the terms of any agreement made with the holders of such bonds or other obligations, so as to in any way impair the rights or remedies of such holders, and will not modify in any way the exemptions from taxation provided for in this act until the bonds, together with interest thereon, with interest on any unpaid installments of interest, and all costs and expenses in connection with any action or proceeding by or on behalf of such holders, are fully met and discharged or provided for.

C. 40:37B-43 Financing; payment of deposits and interest.

43. All banks, bankers, trust companies, savings banks, investment companies and other persons carrying on a banking business are hereby authorized to give to any authority a good and sufficient undertaking with such sureties as shall be approved by the authority to the effect that such bank or banking institution as hereinbefore described shall faithfully keep and pay over to the order of or upon warrant of the authority or its authorized agent all such funds as may be deposited with it by the authority and agreed interest thereon, at such times or upon such demands as may be agreed upon with the authority or, in lieu of such sureties, deposit with the authority or its authorized agent or any trustee therefor or for the holders of any bonds as collateral, such securities as the authority may approve. The deposits of the authority may be evidenced by a depository collateral agreement in such form and upon such terms and conditions as may be agreed upon by the authority and such bank or banking institution.

C. 40:37B-44 Annual audit.

44. Each authority shall cause an annual audit of its accounts to be made and for this purpose it shall employ a registered municipal accountant of New Jersey or a certified public accountant of New Jersey. The audit shall be completed and filed with the authority within 4 months after the close of the fiscal year of the authority and a certified duplicate copy thereof shall be filed in the office of the Division of Local Government in the Department

of the Treasury and in the office of the treasurer of the county, within 5 days after the original report is filed with the authority.

C. 40:37B-45 Filing of bond resolution.

45. Each authority shall file a certified copy of each bond resolution adopted by it in the office of the Division of Local Government in the Department of the Treasury, together with a certified summary of the dates, amounts, maturities and interest rates of all bonds to be issued pursuant thereto prior to the issuance of any such bonds. Upon the adoption of each annual budget of an authority or an amendment thereof, a certified copy thereof shall be filed forthwith in the office of said Division of Local Government.

C. 40:37B-46 Intent of act.

46. This act shall be construed liberally to effectuate the legislative intent and as complete and independent authority for the performance of each and every act and thing herein authorized, and an authority shall not constitute or be deemed to be a county or municipality or agency or component of a municipality for the purposes of any other law, and shall not be subject to regulation as to its facility charges by any officer, board, agency, commission or other office of the State; provided, however, that no authority shall exercise the powers of a common carrier, and, except as hereinabove in this section set forth, nothing contained in this act shall in any way affect or limit the jurisdiction, rights, powers or duties of any State regulatory agencies.

C. 40:37B-47 Severability of act.

47. If any section, subsection, clause or provision of this act shall be adjudged unconstitutional or to be ineffective in whole or in part, to the extent that it is not adjudged unconstitutional or is not ineffective, it shall be valid and effective and no other section, subsection, clause or provision of this act shall on account thereof be deemed invalid or ineffective, and the inapplicability or invalidity of any section, subsection, clause or provision of this act in any one or more instances or under any one or more circumstances shall not be taken to affect or prejudice in any way its applicability or validity in any other instance or under any other circumstance.

48. This act shall take effect immediately.

Approved June 28, 1967.

CHAPTER 137

AN ACT concerning motor vehicles, and amending section 39:3-84 of the Revised Statutes.

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

1. Section 39:3-84 of the Revised Statutes is amended to read as follows:

Dimensional restrictions; outside width; height; over-all length; weight.

39:3-84. No commercial motor vehicle, tractor, trailer or semi-trailer shall be operated on any highway in this State the outside width of which is more than 96 inches, inclusive of load, or the height of which exceeds 13½ feet, inclusive of load, and no commercial motor vehicle, tractor or trailer shall be operated on any highway in this State the extreme over-all length of which exceeds 35 feet either for a 2-axle 4-wheeled vehicle, inclusive of load, or 35 feet either for a 3-axle 6-wheeled vehicle, inclusive of load, except that a vehicle or vehicle inclusive of load exceeding the above limitations may be operated when a special permit so to operate is secured in advance from the director. The application for such permit shall be accompanied by a fee fixed by the director. A special permit issued by the director shall be in the possession of the operator of the vehicle for which such permit was issued. In computing any dimensions of a vehicle, or vehicle and load, for the purposes of this section, there shall not be included in the dimensional limitations safety appliances such as mirrors or lights, or chains or similar fasteners used for the securing of cargo, provided such appliances or fasteners do not exceed the over-all limitations established by the director by rule or regulation.

In the case of an omnibus the maximum width and length dimensions shall be such as the Board of Public Utility Commissioners prescribe, but no outside width in excess of 96 inches shall be prescribed with respect to one or more highways specified or otherwise described except upon certifications, (1) of the Division of Motor Vehicles in the Department of Law and Public Safety that the proposed width is not unsafe for use on the highways in this State and (2) of the State Highway Department that the proposed width, if in excess of 96 inches, is not in conflict with the requirements of any agency of the United States having jurisdiction over the

National System of Interstate and Defense Highways authorized by law. No outside width so prescribed shall be valid if the allowance of use of the same would disqualify the State of New Jersey or any department, agency or governmental subdivision thereof for the purpose of receiving Federal highway funds.

In the case of farm tractors and traction equipment and farm machinery and implements, the maximum width and length shall be such as the Director of the Division of Motor Vehicles shall prescribe by uniform rules and regulations but the operation of such vehicles shall be subject to the provisions of section 39:3-24 of this Title and any such vehicle shall not be operated on any highway which is part of the National System of Interstate and Defense Highways or on any highway which has been designated a freeway or parkway as provided by law.

No commercial motor vehicle drawing or having attached thereto any other such vehicle, nor any combination of vehicles, shall be operated on any highway in this State, in excess of a total over-all length, inclusive of load, of 55 feet except a vehicle or a combination of vehicles transporting poles, pilings, structural units or other articles incapable of dismemberment the total over-all length of which, inclusive of load, shall not exceed 70 feet, but the provisions of this paragraph shall not apply to a vehicle nor to any combination of vehicles, operated by a public utility as defined in Revised Statutes 48:2-13 which vehicle or combination of vehicles is used by such public utility in the construction, reconstruction, repair or maintenance of its property or facilities.

The gross weight imposed on the highway by the wheels of any one axle of a vehicle shall not exceed 22,400 pounds.

For the purpose of this Title the gross weight imposed on the highway by the wheels of any one axle of a vehicle shall be deemed to mean the total load transmitted to the road by all wheels whose centers are included between 2 parallel transverse vertical planes less than 40 inches apart, extending across the full width of the vehicle.

The combined gross weight imposed on the highway by all wheels of all axles whose centers are on or between 2 parallel transverse vertical planes spaced 40 inches, but less than 96 inches apart, extending across the full width of the vehicle, shall not exceed 32,000 pounds.

In addition to the other requirements of this section and notwithstanding any other provision of this Title, no commercial motor vehicle, tractor, trailer or semitrailer shall be operated on any

highway in this State with a combined weight of vehicle and load, an axle weight or a vehicle dimension the allowance of which would disqualify the State of New Jersey or any department, agency or governmental subdivision thereof for the purpose of receiving Federal highway funds.

2. This act shall take effect immediately.

Approved June 29, 1967.

CHAPTER 138

A SUPPLEMENT to "An act establishing and concerning a Department of Transportation as a principal department in the Executive Branch of the State Government, establishing therein a Commuter Operating Agency, providing an appropriation therefor, repealing chapter 88 of the laws of 1964, and supplementing Title 27 of the Revised Statutes," approved December 12, 1966 (P. L. 1966, c. 301) and making an appropriation therefor.

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

C. 27:1A-24.1 Additional powers of agency.

1. In addition to the power conferred upon it by the act hereby supplemented, the Commuter Operating Agency in the Department of Transportation is hereby empowered to enter into, from time to time, such supplemental agreements and contracts and to commit, obligate, expend and disburse any funds appropriated for the purposes of this act as shall be necessary to assure the continuance of such commuter rail service as may be under contract under the provisions of the act hereby supplemented in any case where the agency, with or without a hearing, is satisfied that, by reason of the inability of the carrier to meet its debts as they mature, or otherwise, all or part of said commuter service is unlikely to be continued unless additional funds are made available to the carrier.

C. 27:1A-24.2 Expenditure of funds, limitation of.

2. No such funds shall be expended under the provisions of this act except under supplemental agreement or contract approved by said agency containing such terms and conditions as the agency

shall determine are sufficient to assure that the funds will be used to promote the continuity of the service in question and containing any further terms and conditions said agency shall require concerning the waiver of rights or imposition of supplemental obligations as may be reasonably necessary to assure adequate consideration to the State.

Appropriation.

3. There is hereby appropriated to the Department of Transportation to carry out the purposes of this act for the period commencing immediately and ending June 30, 1968 the sum of \$2,000,000.00.

4. This act shall take effect immediately.

Approved June 29, 1967.

CHAPTER 139

AN ACT authorizing minor spouses to join their adult spouse in the conveyance or mortgaging of their real estate and to execute bonds or other obligations in connection therewith and validating such actions taken.

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

C. 37:2-30. Joint execution of mortgages or conveyances by adult and minor spouses.

1. Any deed of conveyance or mortgage executed and acknowledged by an adult married person in conjunction with his or her minor spouse, if 17 years of age or older, conveying or mortgaging his or her, or their real estate, shall be valid and effectual notwithstanding the minority of such minor spouse at the time of such execution and acknowledgment, and any such deed or mortgage made shall be valid as if such minor spouse had at the time been of lawful age, and such minor spouse shall be liable on a bond or other obligation executed in connection with any such mortgage to the same extent as if such minor at the time of execution had been of full age, and any such bond or other obligation executed by any minor spouse shall be valid to the same extent.

2. This act shall take effect immediately.

Approved July 5, 1967.

CHAPTER 140

AN ACT to amend "An act creating a commission to make a study of the causes and prevention of crime in New Jersey, and making an appropriation therefor," approved June 14, 1966 (P. L. 1966, c. 84).

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

1. Section 5 of the act of which this act is amendatory is amended to read as follows:

5. The commission shall have all the powers of a joint committee of the Legislature under the provisions of chapter 13 of Title 52 of the Revised Statutes and may meet and hold hearings at such place or places as it shall designate during the sessions or recesses of the Legislature. The commission shall make a preliminary report to the Governor and the Legislature on or before January 1, 1968, and a final report to the Governor and the Legislature on January 1, 1969, either of which such reports may include recommendations and specific changes or additions to the statutory law relating to the prevention and reduction of crime in New Jersey.

2. This act shall take effect immediately.

Approved July 7, 1967.

CHAPTER 141

AN ACT to amend "An act providing for an interstate compact in regard to unclaimed property, and matters incidental thereto, between the State of New Jersey and other States," approved September 29, 1966 (P. L. 1966, c. 285).

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

1. Article III of the act of which this act is amendatory is amended to read as follows:

C. 32:23-3 Determination of entitlement to unclaimed property.**ARTICLE III. DETERMINATION OF ENTITLEMENT TO
UNCLAIMED PROPERTY**

(a) Only the State in which unclaimed real property or unclaimed tangible personal property is located shall be entitled to receive, hold and dispose of such property in accordance with its laws.

(b) In the case of unclaimed property the disposition of which is not determined by the application of paragraph (a) of this article, and the holder of which property is subject to the jurisdiction of only one State, that State and no other shall be entitled to receive, hold and dispose of such unclaimed property in accordance with its laws.

(c) In respect of all unclaimed property the disposition of which is not determined by the applications of paragraphs (a) or (b) of this article, entitlement shall be determined as follows:

(1) The State in which is located the last known address of the person entitled to the property shall be entitled to receive, hold and dispose of the same in accordance with its laws. The last known address shall be presumed to be that shown by the records of the holder.

(2) If the identity of the person entitled is unknown; if no address for the person sufficient to meet the requirements of subparagraph 1 of this paragraph is known; or if the laws of the State of last known address do not subject the property in question to taking, the State under whose laws the holder is incorporated (if the holder is a corporation) or organized (if the holder is an association or artificial entity other than a corporation), or the State where the holder is domiciled (if the holder is a natural person) shall be entitled to receive, hold and dispose of the same in accordance with its laws. If the holder is incorporated or organized under the laws of more than one party State, such party States shall be entitled to take equal shares of the property covered by this paragraph. In such event, each shall bear a proportionate share of the costs of the taking.

(3) If the disposition of any unclaimed property is not determined by application of any preceding provision of this article, the State in which is located the office of the holder making the largest total disbursements within its immediately preceding fiscal year shall be entitled to receive, hold and dispose of the property in accordance with its laws.

(4) Whenever unclaimed property has been taken by a party State in accordance with this paragraph, within 1 year from the taking of such property, or within 1 year from the earliest time at which another party State would have been entitled to take the property in question pursuant to its unclaimed property laws, whichever date is later, any party State shall be entitled to establish the identity and last known address of an entitled person previously thought to be unknown, or to establish a later known address for an entitled person. Upon such establishment, and on the basis thereof a party State shall upon demand be entitled to receive the property from the State initially taking the same and to hold and dispose of it in accordance with its laws. This subparagraph shall not apply to a claim made by a State under a statute enacted subsequent to the time when the initial State took the property.

2. Section 2 of the act of which this act is amendatory is amended to read as follows:

C. 32:28-10 Enactment by other states.

2. This act shall take effect with respect to any other State upon the enactment into law of legislation of like substance and effect by such State.

3. This act shall take effect immediately.

Approved July 7, 1967.

CHAPTER 142

AN ACT concerning the State Department of Transportation and adding a new route to the State highway system.

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

27:6.1 Highway addition.

1. The Commissioner of Transportation is authorized, as soon as practicable, to add to the State highway system a new route, beginning at a point in proposed Route 24 Freeway in Hanover township, Morris county, in the vicinity of Hanover avenue, and

then in the general northerly direction to Route U. S. 46 in the vicinity of Denville.

2. This route shall be designated a freeway in accordance with chapter 83 of the laws of 1945 and shall be known as Route 178 when constructed.

3. This act shall take effect immediately.

Approved July 7, 1967.

CHAPTER 143

AN ACT concerning the State Department of Transportation, and adding a route to the State highway system.

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

27:6.1 Highway addition.

1. The State Commissioner of Transportation shall, as soon as practicable, and in accordance with the procedure set forth in article 1 of chapter 7, Title 27, of the Revised Statutes, add to the present State highway system the following described route: Route No. . . . beginning in the vicinity of a new bridge to be constructed across the Delaware river, north of Lambertville, New Jersey, and running thence in a general northeasterly direction to a point in existing Route 202 (1953), north and east of Lambertville, New Jersey.

2. When this route is taken into the State highway system as provided in section 1 of this act, the State Commissioner of Transportation shall designate the said route by an appropriate route number as provided by law.

3. The aforesaid route is hereby designated a freeway as defined in chapter 83, laws of 1945.

4. This act shall take effect immediately.

Approved July 7, 1967.

CHAPTER 144

AN ACT concerning motor vehicles, and amending section 39:3-15 of the Revised Statutes.

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

1. Section 39:3-15 of the Revised Statutes is amended to read as follows:

Operation of motor vehicles by nonresidents; touring privileges; seasonal permits.

39:3-15. Any passenger type motor vehicle, omnibus, motor vehicle used for the transportation of goods, wares or merchandise, motor cycle, or motor-drawn vehicle belonging to a nonresident, and which has been registered in accordance with the laws respecting the registration of motor vehicles of the State, territory, Federal district of the United States or province of the Dominion of Canada, or foreign country, in which the nonresident resides, and which has conspicuously displayed thereon the registration number thereof, may, without complying with the provisions of this subtitle with respect to registration and equipment, be operated in this State either during such portion of the entire year as the free operation of a similar type of vehicle belonging to a resident of this State and registered in compliance with the laws of this State, and whose registration number is conspicuously displayed thereon, is permitted in the State, Territory, Federal district or province of the Dominion of Canada, or foreign country, of the nonresident, or during such portion of the entire year as the director shall determine to be the normal period of seasonal employment in agricultural pursuits, provided a special permit is obtained from the director for such operation which may be issued to any applicant who satisfies the director that he is engaged in such employment, and upon the payment of a fee of \$1.00.

The privilege of free operation in this State of motor vehicles or motor-drawn vehicles belonging to nonresidents extended by this act shall not permit the intrastate free operation of any truck, road tractor, truck tractor or trailer and semitrailer of the commercial type, except that a trailer or semitrailer duly registered in another State or Federal district or province of the Dominion of Canada or foreign country, is extended the privilege of free

intrastate operation when being drawn by a truck, road tractor, or truck tractor registered in accordance with the provisions of Revised Statutes 39:3-20 and provided that the gross weight of the combination of vehicles, including load, does not exceed the maximum weight allowed by the registration certificate of the drawing vehicle registered in this State. The owner or driver of any vehicle used in intrastate operations not permitted by this section shall be deemed to be in violation of Revised Statutes 39:3-4 and subject to the penalties prescribed in said section.

2. This act shall take effect immediately.

Approved July 7, 1967.

CHAPTER 145

AN ACT concerning insurance, amending "An act relating to the licensing, regulation and supervision of insurance agents, insurance brokers and insurance solicitors, supplementing chapters 22, 32 and 36 of Title 17 of the Revised Statutes and repealing sections 17:22-1, 17:22-2, 17:22-3, 17:22-4, 17:22-5, 17:23-3, 17:32-6 and 17:32-11 of the Revised Statutes and section 1 of 'An act concerning the licensing of agents for insurance companies in certain cases, supplementing chapter 22 of Title 17, and amending section 17:33-1 of the Revised Statutes,' approved May 16, 1941 (P. L. 1941, c. 118)," approved April 20, 1944 (P. L. 1944, c. 175).

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

1. Section 9 of the act of which this act is amendatory is amended to read as follows:

C. 17:22-6.9 Personal examination.

9. After the receipt of such application in due form, properly verified and certified, it shall be the duty of the commissioner or his deputy, or any salaried employee of the department designated by the commissioner, within a reasonable time and in a place reasonably accessible to the applicant, to subject each first-time

applicant for license and if the commissioner deems necessary, any applicant for renewal of license, to personal examination in order to determine his trustworthiness and competency to act as such agent, broker or solicitor. If the applicant for a broker's or solicitor's license be a broker, solicitor or agent licensed in another State, the commissioner may waive such examination; provided, the State issuing such license requires no like examination of licensed brokers, solicitors or agents of this State. The commissioner shall have the power to enter into written reciprocal agreement with other States where he deems same to be necessary. If the application is for license as an insurance agent, either first-time or for an additional group or groups of insurance, the commissioner may waive the examination if, at the time, the applicant has previously passed the examination for and holds an unexpired broker's license issued in accordance with the provisions of this act, or if the application is for a license as an insurance agent, broker or solicitor and the applicant is a citizen of this State and has served in the Armed Forces of the United States in any war and has been honorably discharged or released under conditions other than dishonorable and was the holder at any time of an agent's certificate of authority or license, a broker's license or a solicitor's license, in this State, the commissioner may waive examination, for license for the same kind or kinds of insurance the applicant was previously authorized to transact. When it is shown from such application and examination, except where waived, that the applicant

(a) intends in good faith to act as an insurance agent, broker or solicitor, and

(b) is actively to engage in the general insurance business, or a particular group or groups thereof with the general public, and

(c) is of good reputation, and

(d) has had experience or training, or is otherwise qualified by education in the kind or kinds of insurance for which he desires to be licensed, and

(e) is a resident of this State or has his principal office for the conduct of such business in this State (unless such application be for a nonresident broker's or solicitor's license), and

(f) is reasonably familiar with the insurance laws of this State, and with the provisions, terms and conditions of the policies or contracts he is proposing to solicit, negotiate or effect, and

(g) he is then engaged in or intends to engage in the business of writing or negotiating insurance as his principal business or

occupation or as a substantial part thereof, separate and apart from any connection which he may have with any partnership or corporation whose principal business is lending of money, and

(h) is not seeking such license principally for the purpose of negotiating or writing insurance on property owned by him, or in which he has an insurable interest, or on property or insurable interests of a relative or his employer, and

(i) is worthy of a license, and

(j) has not been convicted of a crime involving moral turpitude, the commissioner shall issue to the applicant a license to transact business in this State as an insurance agent, broker or solicitor, as the case may be. A license may be issued by the commissioner to and in the name of any copartnership or corporation engaged in the insurance brokerage business upon written request and payment of the \$25.00 fee prescribed in section 13 of this chapter; provided, all members of the copartnership or all of the officers of the corporation, as the case may be, actively engaged in the insurance brokerage business of the copartnership or corporation in this State hold an unexpired license as an insurance broker issued in accordance with the provisions of this act. Where the request is for license in the name of a corporation organized under the laws of a foreign State or jurisdiction and it shall appear in the application, by affidavit of the president or other officer of a foreign corporation, that the sole business sought to be transacted by it is that of a broker, as herein defined, the commissioner may grant such license, notwithstanding the corporation has not complied with the provisions of the general corporation act and obtained a license thereunder to transact business in this State, if with the first request for such license the corporation shall file with the commissioner a duly executed power of attorney as is required in section 7 of this act to be filed by a nonresident individual applicant for a broker's license. Licenses so issued shall expire annually as follows:

To agents on April 30; and to brokers and solicitors on October 31, unless sooner revoked by the commissioner for cause as provided in this act. A license so issued to a solicitor shall be suspended upon termination of the required established solicitor relationship but shall be reinstated upon a written request from another licensed agent or broker with whom such solicitor has established a solicitor relationship.

2. Section 24 of the act of which this act is amendatory is amended to read as follows:

C. 17:22-6.24 Certificate of authority.

24. No agent of any insurance company authorized to transact in this State the business of life insurance, or life, accident and health insurance shall make or procure to be made, or act or aid in any manner in the negotiation of any such insurance for such a company in this State until such agent procures from the commissioner a certificate of authority so to do, which shall state in substance that the company is authorized to do business under the laws of this State, and that the person, copartnership or corporation named therein is the constituted agent of the company for the transaction of business. Upon receipt of a certificate by the company of its appointment of a suitable person, copartnership or corporation to act as its agent in this State, the commissioner shall, if the facts warrant it, grant the certificate, which shall continue in force until May 1 next after its issue, and by renewal thereof before May 1 of each year until suspended or revoked by the commissioner or until the appointment of the agent is revoked by written notice from the company to that effect, filed with the commissioner.

The commissioner may issue a certificate of authority to and in the name of any copartnership or corporation under the provisions of this section; provided all members of the copartnership or all officers of the corporation, as the case may be, actively engaged in the life insurance or life, accident and health insurance business of the copartnership or corporation in this State hold an unexpired certificate of authority issued in accordance with the provisions of this section.

No certificate of authority shall be issued by the commissioner under the provisions of this section to an individual first-time appointee as such agent until he has qualified by personal examination, to the satisfaction of the commissioner, as to his trustworthiness and competency to act as such agent. The fee for such examination shall be \$5.00; but no such examination fee shall be required if such appointee shall, concurrently with the examination taken hereunder, also take an examination for an agent's, broker's or solicitor's license under section 9 of this act and shall pay the examination fee required therefor. The commissioner may waive the examination otherwise required by this section of any first-time appointee who (a) holds an unexpired broker's license issued in accordance with the provisions of this act, or (b) is a nonresident and the holder of a license or certificate of authority to act as such agent in the State wherein he resides, or in which he maintains

his principal office for the conduct of his insurance business if that be other than the State in which he resides, provided, the State issuing such license or certificate requires no like examination of agents of this State, or (c) is a citizen of this State and has served in the Armed Forces of the United States in any war and has been honorably discharged or released under condition other than dishonorable and was the holder at any time of an agent's certificate of authority or a broker's license in this State, which authorized such veteran to transact the business of life insurance. In granting a license to a nonresident applicant, under paragraph (b) the commissioner shall have the power to enter into written reciprocal agreements with other States where the commissioner deems same to be necessary. No examination shall be required as prerequisite to the issuance of a certificate of authority to any ticket selling agent of a railroad company, steamship company, carrier by air, or public bus carrier, who shall act thereunder as agent of any company subject to this section only in reference to the issuance of accident insurance tickets.

Regular salaried officers or employees of any company subject to this section who do not receive any part of the commission paid on business which they may solicit, or agents of any such company for collecting premiums and servicing policies on a debit who do not solicit or accept applications for the kinds of insurance to which this section applies, may act on behalf of the company without a certificate of authority hereunder.

The commissioner, after 10 days' notice in the form of a show-cause order, given in writing to the holder of a certificate of authority, and after a hearing held in conformity with said show-cause order may as an alternative to or in addition to other penalties provided by law revoke the certificate of authority or refuse to renew the same, or suspend the same for a limited period of time, if he shall find that the holder of such certificate

(a) has willfully violated any provision of the insurance laws of this State, or

(b) has intentionally made a material misstatement in the application for such certificate of authority, or

(c) has misappropriated or converted to his own use or illegally withheld money belonging to an insurer or an insured or beneficiary, or

(d) has obtained or has used such certificate not for the purpose of holding himself out to the general public as a life, or life, accident and health insurance agent, but primarily for the purpose of

soliciting, negotiating or procuring life or accident and health insurance or annuity contracts covering himself, members of his family, members or employees of any organization of which the holder is an officer, or officers or employees of a firm, partnership or corporation in which the holder or his mother, father, sister, brother or wife or combination of such persons owns a controlling interest, or

(e) has been convicted after obtaining his certificate of authority of a crime involving moral turpitude, or

(f) has paid all or part of his commission to a person who does not hold a certificate of authority hereunder or a broker's license as compensation for services rendered in the solicitation or sale of life, health, or accident insurance in this State or to a person who is not properly licensed as agent or broker under the laws of another State as compensation for services rendered in the solicitation or sale of life, health or accident insurance in that State, or

(g) has otherwise demonstrated unworthiness, bad faith, dishonesty, or incompetency to act as a life insurance agent.

The commissioner shall have the power to conduct investigations, to administer oaths, to interrogate holders of certificates of authority, to issue subpoenas signed by him or in his behalf by his deputy, or by an employee of the department authorized by the commissioner so to do, and to compel witnesses to answer at any hearing. Said subpoenas shall be served in the same manner and the witnesses shall be entitled to the same fees as in the case of subpoenas issued out of the Superior Court of New Jersey. In case of a failure of any person to comply with any subpoena issued hereunder or to testify with respect to any matter concerning which he may be lawfully interrogated, the Superior Court, on application of the commissioner, may issue an order requiring the attendance of such persons and the giving of testimony or production of evidence. Any person failing to obey the court's order may be punished by the court as for contempt.

The revocation, refusal to renew, or suspension of a certificate of authority by the commissioner under this section shall be subject to review in the Superior Court by a proceeding in lieu of prerogative writ.

3. This act shall take effect immediately.

Approved July 7, 1967.

CHAPTER 146

AN ACT relating to the Uniform Commercial Code and amending sections 12A:1-201 and 12A:10-104 of the New Jersey Statutes.

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

1. Section 12A:1-201 of the New Jersey Statutes is amended to read as follows:

General definitions.

12A:1-201. General Definitions.

Subject to additional definitions contained in the subsequent chapters of this act which are applicable to specific chapters or sub-chapters thereof, and unless the context otherwise requires, in this act:

(1) "Action" in the sense of a judicial proceeding includes recoupment, counterclaim, set-off, suit in equity and any other proceedings in which rights are determined.

(2) "Aggrieved party" means a party entitled to resort to a remedy.

(3) "Agreement" means the bargain of the parties in fact as found in their language or by implication from other circumstances including course of dealing or usage of trade or course of performance as provided in this act (12A:1-205 and 2-208). Whether an agreement has legal consequences is determined by the provisions of this act, if applicable; otherwise by the law of contracts (12A:1-103). (Compare "Contract.")

(4) "Bank" means any person engaged in the business of banking.

(5) "Bearer" means the person in possession of an instrument, document of title, or security payable to bearer or indorsed in blank.

(6) "Bill of lading" means a document evidencing the receipt of goods for shipment issued by a person engaged in the business of transporting or forwarding goods, and includes an airbill. "Airbill" means a document serving for air transportation as a bill of lading does for marine or rail transportation, and includes an air consignment note or air waybill.

(7) "Branch" includes a separately incorporated foreign branch of a bank.

(8) "Burden of establishing" a fact means the burden of persuading the triers of fact that the existence of the fact is more probable than its nonexistence.

(9) "Buyer in ordinary course of business" means a person who in good faith and without knowledge that the sale to him is in violation of the ownership rights or security interest of a third party in the goods buys in ordinary course from a person in the business of selling goods of that kind but does not include a pawnbroker. "Buying" may be for cash or by exchange of other property or on secured or unsecured credit and includes receiving goods or documents of title under a pre-existing contract for sale but does not include a transfer in bulk or as security for or in total or partial satisfaction of a money debt.

(10) "Conspicuous": A term or clause is conspicuous when it is so written that a reasonable person against whom it is to operate ought to have noticed it. A printed heading in capitals (as: NON-NEGOTABLE BILL OF LADING) is conspicuous. Language in the body of a form is "conspicuous" if it is in larger or other contrasting type or color. But in a telegram any stated term is "conspicuous." Whether a term or clause is "conspicuous" or not is for decision by the court.

(11) "Contract" means the total legal obligation which results from the parties' agreement as affected by this act and any other applicable rules of law. (Compare "Agreement".)

(12) "Creditor" includes a general creditor, a secured creditor, a lien creditor and any representative of creditors, including an assignee for the benefit of creditors, a trustee in bankruptcy, a receiver in equity and an executor or administrator of an insolvent debtor's or assignor's estate.

(13) "Defendant" includes a person in the position of defendant in a cross-action or counterclaim.

(14) "Delivery" with respect to instruments, documents of title, chattel paper or securities means voluntary transfer of possession.

(15) "Document of title" includes bill of lading, dock warrant, dock receipt, warehouse receipt or order for the delivery of goods, and also any other document which in the regular course of business or financing is treated as adequately evidencing that the person in possession of it is entitled to receive, hold and dispose of the document and the goods it covers. To be a document of title a document must purport to be issued by or addressed to a bailee and purport to cover goods in the bailee's possession which are either identified or are fungible portions of an identified mass.

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(16) "Fault" means wrongful act, omission or breach.

(17) "Fungible" with respect to goods or securities means goods or securities of which any unit is, by nature or usage of trade, the equivalent of any other like unit. Goods which are not fungible shall be deemed fungible for the purposes of this act to the extent that under a particular agreement or document unlike units are treated as equivalents.

(18) "Genuine" means free of forgery or counterfeiting.

(19) "Good faith" means honesty in fact in the conduct or transaction concerned.

(20) "Holder" means a person who is in possession of a document of title or an instrument or an investment security drawn, issued or indorsed to him or to his order or to bearer or in blank.

(21) To "honor" is to pay or to accept and pay, or where a credit so engages to purchase or discount a draft complying with the terms of the credit.

(22) "Insolvency proceedings" includes any assignment for the benefit of creditors or other proceedings intended to liquidate or rehabilitate the estate of the person involved.

(23) A person is "insolvent" who either has ceased to pay his debts in the ordinary course of business or cannot pay his debts as they become due or is insolvent within the meaning of the Federal bankruptcy law.

(24) "Money" means a medium of exchange authorized or adopted by a domestic or foreign government as a part of its currency.

(25) A person has "notice" of a fact when

- (a) he has actual knowledge of it; or
- (b) he has received a notice or notification of it; or
- (c) from all the facts and circumstances known to him at the time in question he has reason to know that it exists.

A person "knows" or has "knowledge" of a fact when he has actual knowledge of it. "Discover" or "learn" or a word or phrase of similar import refers to knowledge rather than to reason to know. The time and circumstances under which a notice or notification may cease to be effective are not determined by this act.

(26) A person "notifies" or "gives" a notice or notification to another by taking such steps as may be reasonably required to inform the other in ordinary course whether or not such other actually comes to know of it. A person "receives" a notice or notification when

- (a) it comes to his attention; or

(b) it is duly delivered at the place of business through which the contract was made or at any other place held out by him as the place for receipt of such communications.

(27) Notice, knowledge or a notice or notification received by an organization is effective for a particular transaction from the time when it is brought to the attention of the individual conducting that transaction, and in any event from the time when it would have been brought to his attention if the organization had exercised due diligence. An organization exercises due diligence if it maintains reasonable routines for communicating significant information to the person conducting the transaction and there is reasonable compliance with the routines. Due diligence does not require an individual acting for the organization to communicate information unless such communication is part of his regular duties or unless he has reason to know of the transaction and that the transaction would be materially affected by the information.

(28) "Organization" includes a corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, 2 or more persons having a joint or common interest, or any other legal or commercial entity.

(29) "Party," as distinct from "third party," means a person who has engaged in a transaction or made an agreement within this act.

(30) "Person" includes an individual or an organization (See 12A:1-102).

(31) "Presumption" or "presumed" means that the trier of fact must find the existence of the fact presumed unless and until evidence is introduced which would support a finding of its non-existence.

(32) "Purchase" includes taking by sale, discount, negotiation, mortgage, pledge, lien, issue or reissue, gift or any other voluntary transaction creating an interest in property.

(33) "Purchaser" means a person who takes by purchase.

(34) "Remedy" means any remedial right to which an aggrieved party is entitled with or without resort to a tribunal.

(35) "Representative" includes an agent, an officer of a corporation or association, and a trustee, executor or administrator of an estate, or any other person empowered to act for another.

(36) "Rights" includes remedies.

(37) "Security interest" means an interest in personal property or fixtures which secures payment or performance of an obligation.

The retention or reservation of title by a seller of goods notwithstanding shipment or delivery to the buyer (12A:2-401) is limited in effect to a reservation of a "security interest." The term also includes any interest of a buyer of accounts, chattel paper, or contract rights which is subject to chapter 9. The special property interest of a buyer of goods on identification of such goods to a contract for sale under 12A:2-401 is not a "security interest," but a buyer may also acquire a "security interest" by complying with chapter 9. Unless a lease or consignment is intended as security, reservation of title thereunder is not a "security interest" but a consignment is in any event subject to the provisions on consignment sales (12A:2-326). Whether a lease is intended as security is to be determined by the facts of each case; however, (a) the inclusion of an option to purchase does not of itself make the lease one intended for security, and (b) an agreement that upon compliance with the terms of the lease the lessee shall become or has the option to become the owner of the property for no additional consideration or for a nominal consideration does make the lease one intended for security.

(38) "Send" in connection with any writing or notice means to deposit in the mail or deliver for transmission by any other usual means of communication with postage or cost of transmission provided for and properly addressed and in the case of an instrument to an address specified thereon or otherwise agreed, or if there be none to any address reasonable under the circumstances. The receipt of any writing or notice within the time at which it would have arrived if properly sent has the effect of a proper sending.

(39) "Signed" includes any symbol executed or adopted by a party with present intention to authenticate a writing.

(40) "Surety" includes guarantor.

(41) "Telegram" includes a message transmitted by radio, teletype, cable, any mechanical method of transmission, or the like.

(42) "Term" means that portion of an agreement which relates to a particular matter.

(43) "Unauthorized" signature or indorsement means one made without actual, implied or apparent authority and includes a forgery.

(44) "Value." Except as otherwise provided with respect to negotiable instruments and bank collections (12A:3-303, 4-208 and 4-209) a person gives "value" for rights if he acquires them

(a) in return for a binding commitment to extend credit or for the extension of immediately available credit whether or

not drawn upon and whether or not a charge-back is provided for in the event of difficulties in collection; or

(b) as security for or in total or partial satisfaction of a pre-existing claim; or

(c) by accepting delivery pursuant to a pre-existing contract for purchase; or

(d) generally, in return for any consideration sufficient to support a simple contract.

(45) "Warehouse receipt" means a receipt issued by a person engaged in the business of storing goods for hire.

(46) "Written" or "writing" includes printing, typewriting or any other intentional reduction to tangible form.

2. Section 12A:10-104 of the New Jersey Statutes is amended to read as follows:

Statutes saved from repeal.

12A:10-104. Statutes saved from repeal.

The following statutes and parts of statutes and all amendments thereof are hereby specifically saved from repeal and shall remain effective as provided in section 12A:9-203:

Uniform Act for Simplification of Fiduciary Security Transfers

1959 laws, chapter 200 (14:18-1 through 14:18-12),

The Banking Act of 1948

1948 laws, chapter 67, § 54 (17:9A-54), § 55 (17:9A-55), § 59 (17:9A-59),

Small Loan Law

R. S. 17:10-1 through R. S. 17:10-26, 1958 laws, chapter 107 supplementing the same,

Provident Loan Associations

R. S. 17:11-1 through R. S. 17:11-12, 1953 laws, chapter 353 (17:11-13 through 17:11-18)

Savings and Loan Act

1946 laws, chapter 56, § 78 (17:12A-78), § 79 (17:12A-79),

Credit Unions

1938 laws, chapter 293, § 1 through 44 (17:13-26 through 17:13-69),

Safe Deposit Companies Law

R. S. 17:14-1 through R. S. 17:14-8,

Investment Companies Law

1938 laws, chapter 322, § 1 through 20 (17:16A-1 through 17:16A-20),

Retail Installment Sales Act of 1960

1960 laws, chapter 40 (17:16C-1 through 17:16C-61),

Home Repair Financing Act

1960 laws, chapter 41 (17:16C-62 through 17:16C-94),

Usury Law

R. S. 31:1-1 through R. S. 31:1-6,

Assignment or Purchase of Wages Law

R. S. 34:11-25, R. S. 34:11-26,

Motor Vehicle Certificate of Ownership Law

R. S. 39:10-1 through R. S. 39:10-25,

Pawnbrokers and Dealers in Secondhand Goods Law

R. S. 45:22-1 through R. S. 45:22-34, 1939 laws, chapter 55, § 1 through 7 (45:22-35 through 45:22-41),

Chattel Mortgages Included in Realty Mortgages

R. S. 46:28-10,

R. S. 46:28-14,

Bridge Companies Law

R. S. 48:5-18,

Railroads Law

R. S. 48:12-18,

Street Railways Law

R. S. 48:15-15.

3. This act shall take effect immediately.

Approved July 7, 1967.

CHAPTER 147

AN ACT to reconstitute and continue the Commission to Study Workmen's Compensation created by chapter 126, laws of 1966, and to require the commission to report its findings and recommendations to the Governor and the Legislature.

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

1. The Commission to Study Workmen's Compensation created by chapter 126, laws of 1966 is hereby reconstituted and continued with the same membership and the same officers as it last had and with the same powers and duties vested in and imposed upon it by said law.

2. Vacancies in the membership of the commission occasioned by any cause shall be filled in the same manner as the original appointments were made.

3. The commission shall report its findings and recommendations to the Governor and the Legislature on or before January 1, 1968.

4. This act shall take effect immediately.

Approved July 7, 1967.

CHAPTER 148

AN ACT relating to certain school district elections and supplementing the "Absentee Voting Law (1953)," approved July 1, 1953 (P. L. 1953, c. 211).

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

C. 19:57-11.1 Absentee ballot for special district school election.

1. In any case in which a military service ballot or civilian absentee ballot is mailed to a military service voter or civilian absentee voter for use in any annual district or regional district school election pursuant to an application therefor and thereafter a special district school election is called pursuant to section 18:7-81 of the Revised Statutes or section 1 of chapter 96 of the laws of 1954 (C. 18:8-16.1), the county clerk shall cause a military service ballot or civilian absentee ballot for use in said special district or regional district school election to be mailed to the military service voter or civilian absentee voter, as the case may be, without any further application for any such ballot.

2. This act shall take effect immediately.

Approved July 10, 1967.

CHAPTER 149

AN ACT to amend "An act relating to the foreclosure of tax sale certificates, and supplementing article 9 of chapter 5 of Title 54 of the Revised Statutes," approved July 22, 1954 (P. L. 1954, c. 186).

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

1. Section 1 of the act of which this act is amendatory is amended to read as follows:

C. 54:5-89.1 Foreclosure of right of redemption in property sold for unpaid taxes: parties, defendants.

1. In any action to foreclose the right of redemption in any property sold for unpaid taxes or other municipal liens, all persons claiming an interest in or an encumbrance or lien upon such property, by or through any conveyance, mortgage, assignment, lien or any instrument which, by any provision of law, could be recorded, registered, entered or filed in any public office in this State, and which shall not be so recorded, registered, entered or filed at the time of the filing of the complaint in such action shall be bound by the proceedings in the action so far as such property is concerned, in the same manner as if he had been made a party to and appeared in such action, and the judgment therein had been made against him as one of the defendants therein; but such person, upon causing such conveyance, mortgage, assignment, lien, claim or other instrument to be recorded, registered, entered or filed as provided by law, may apply to be made a party to such action. No person, however, shall be admitted as a party to such action, nor shall he have the right to redeem the lands from the tax sale whenever it shall appear that he has acquired such interest in the lands for a nominal consideration after the filing of the complaint, except where such transferee is related by blood or marriage to, or who, because of other close or personal relationship with the transferor, would in normal course be a party to an instrument for little or no consideration, or where such party acquired his interest at a judicial sale.

2. This act shall take effect immediately.

Approved July 10, 1967.

CHAPTER 150

AN ACT to amend the title of “An act to facilitate vehicular traffic in the State of New Jersey by providing for the construction, maintenance, repair and operation of turnpike projects; creating the New Jersey Turnpike Authority and defining its powers and duties; providing for financing such projects by the issuance of turnpike revenue bonds of the authority, payable solely from the tolls, other revenues and proceeds of such bonds; and providing for the collection of tolls and other revenues to pay the cost of construction, maintenance, repair and operation of such projects and to pay such bonds and the interest thereon,” approved October 27, 1948 (P. L. 1948, c. 454), as said title was amended by P. L. 1950, chapter 1, so that the same shall read “An act to facilitate vehicular traffic in the State of New Jersey by providing for the construction, maintenance, repair and operation of turnpike projects; creating the New Jersey Turnpike Authority and defining its powers and duties; providing for financing such projects by the issuance of turnpike revenue bonds or notes of the authority, payable solely from the tolls, other revenues and proceeds of such bonds or notes; and providing for the collection of tolls and other revenues to pay the cost of construction, maintenance, repair and operation of such projects and to pay such bonds and notes and the interest thereon,” and to supplement the body of said act.

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

Title amended.

1. The title of chapter 454 of the laws of 1948, as said title was amended by chapter 1 of the laws of 1950, is amended to read as follows: An act to facilitate vehicular traffic in the State of New Jersey by providing for the construction, maintenance, repair and operation of turnpike projects; creating the New Jersey Turnpike Authority and defining its powers and duties; providing for financing such projects by the issuance of turnpike revenue bonds or

notes of the authority, payable solely from the tolls, other revenues and proceeds of such bonds or notes; and providing for the collection of tolls and other revenues to pay the cost of construction, maintenance, repair and operation of such projects and to pay such bonds and notes and the interest thereon.

C. 27:23-7.1 Notes of authority: issuance, renewal, payment.

2. The authority is hereby authorized from time to time to issue its notes for any of its corporate purposes and renew from time to time any notes by the issuance of new notes, whether the notes to be renewed have or have not matured. The authority may issue notes partly to renew notes or to discharge other obligations then outstanding and partly for any other purpose and may issue bonds to redeem or pay the principal of and interest on notes. The notes may be authorized, sold, executed and delivered in the same manner as bonds and shall be exempt from taxation and eligible for investment and negotiable in the same manner as bonds under the provisions of this act. Subject to agreements with bondholders and noteholders, the authority may pledge tolls and other revenues for the payment of the notes and may in addition secure the notes in the same manner and with the same effect as herein provided for bonds. Any resolution or resolutions authorizing notes of the authority or any issue thereof may contain any provisions which the authority is authorized to include in any resolution or trust agreement authorizing or securing bonds of the authority or any issue thereof, and the authority may include in any notes any terms, covenants or conditions which it is authorized to include in any bonds. In case of default on its notes, or violation of any of the obligations of the authority to the noteholders, the noteholders shall have all the remedies provided herein for the bondholders.

3. This act shall take effect immediately.

Approved July 10, 1967.

CHAPTER 151

AN ACT concerning the cancellation and discharge of record of judgments, when the judgment or debt upon which it was recovered has been discharged in bankruptcy, in certain cases.

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

C. 2A:16-49.1 Cancellations following discharges in bankruptcy.

1. At any time after 1 year has elapsed, since a bankrupt was discharged from his debts, pursuant to the acts of Congress relating to bankruptcy, he may apply, upon proof of his discharge, to the court in which a judgment was rendered against him, or to the court of which it has become a judgment by docketing it, or filing a transcript thereof, for an order directing the judgment to be canceled and discharged of record. If it appears upon the hearing that he has been discharged from the payment of that judgment or the debt upon which such judgment was recovered, an order shall be made directing said judgment to be canceled and discharged of record; and thereupon the clerk of said court shall cancel and discharge the same by entering on the record or in the margin of the record of judgment, that the same is canceled and discharged by order of the court, giving the date of entry of the order of discharge. Where the judgment was a lien on real property owned by the bankrupt prior to the time he was adjudged a bankrupt, and not subject to be discharged or released under the provisions of the Bankruptcy Act, the lien thereof upon said real estate shall not be affected by said order and may be enforced, but in all other respects the judgment shall be of no force or validity, nor shall the same be a lien on real property acquired by him subsequent to his discharge in bankruptcy. Notice of the application, accompanied with copies of the papers upon which it is made, must be served upon the judgment creditor, or his attorney of record in said judgment, in the manner prescribed in R. R. 4:5-1, et cetera, of The Revision of the Rules Governing the Courts of the State of New Jersey (1953); provided, however, nothing herein contained shall prevent said judgment notwithstanding such discharge of record from being used as a set-off in any action in which it otherwise could be used.

2. This act shall take effect immediately.

Approved July 10, 1967.

CHAPTER 152

AN ACT concerning alcoholic beverage control, relating to the renewal or reissuance of certain distribution licenses.

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

C. 33:1-76.2 Waiver unnecessary after 15 years.

1. Notwithstanding the provisions of Revised Statutes 33:1-76 if a plenary or limited retail distribution license has been or shall be granted on a waiver of its protection granted on authority of a church or school, and such license has been, or shall have been renewed on authority of annual waivers by the church or school for 15 or more consecutive years, the holder of such license shall thereafter be entitled to apply for renewal or reissuance thereof without further or renewed authority, or waiver, of the church or school; but the renewal or reissuance of such license after a revocation, shall not be permitted without a new waiver granted on authority of the church or school.

2. This act shall take effect immediately.

Approved July 10, 1967.

CHAPTER 153

AN ACT concerning poll taxes, repealing section 40:48-8, and amending sections 54:4-78 and 54:4-79 of the Revised Statutes.

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

Repealed.

1. Section 40:48-8 of the Revised Statutes is hereby repealed.

2. Section 54:4-78 of the Revised Statutes is amended to read as follows:

Enforcement of payment of personal taxes.

54:4-78. The collector shall, in person or by deputy, after the date when the last installment of the taxes for such year are due and delinquent, enforce the payment of all taxes on personal property and dog taxes by distress and sale of any of the goods and chattels of the delinquent in the State.

3. Section 54:4-79 of the Revised Statutes is amended to read as follows:

Arrest and imprisonment for nonpayment of personal taxes.

54:4-79. If goods and chattels of the delinquent cannot be found, or not sufficient to make all the money required to pay the taxes

on personal property and dog tax, the collector may, in person or by deputy, take the body of the delinquent and unless the tax is at once paid with costs, deliver him to the sheriff or jailer of the county, to be kept in close and safe custody until payment be made of the amount due on the taxes with costs, but there shall be no arrest or imprisonment for default in payment of taxes on real estate.

4. This act shall take effect immediately.

Approved July 10, 1967.

CHAPTER 154

AN ACT to amend the "Sewerage Authorities Law," approved April 23, 1946 (P. L. 1946, c. 138).

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

1. Section 4 of the act of which this act is amendatory is amended to read as follows:

C. 40:14A-4 Sewerage authorities in counties and municipalities.

4. (a) The governing body of any county may, by resolution duly adopted, create a public body corporate and politic under the name and style of "the sewerage authority," with all or any significant part of the name of such county inserted. Said body shall consist of the 5 members thereof, who shall be appointed by resolution of the governing body as hereinafter in this section provided, together with the additional members thereof, if any, appointed as hereinafter in subsection (i) of this section provided, and it shall constitute the sewerage authority contemplated and provided for in this act and an agency and instrumentality of said county. After the taking effect of the resolution for the creation of said body and the filing of a certified copy thereof as in subsection (d) of this section provided, 5 persons shall be appointed as the members of the sewerage authority. The members first appointed shall, by the resolution of appointment, be designated to serve for terms respectively expiring on the first days of the first, second, third, fourth and fifth Februarys

next ensuing after the date of their appointment. On or after January 1 in each year after such first appointments, one person shall be appointed as a member of the sewerage authority to serve for a term commencing on February 1 in such year and expiring on February 1 in the fifth year after such year. In the event of a vacancy in the membership of the sewerage authority occurring during an unexpired term of office, a person shall be appointed as a member of the sewerage authority to serve for such unexpired term.

(b) The governing body of any municipality may, by ordinance duly adopted, create a public body corporate and politic under the name and style of "the sewerage authority," with all or any significant part of the name of such municipality inserted. Said body shall consist of 5 members thereof, who shall be appointed by resolution of the governing body as hereinafter in this section provided, and it shall constitute the sewerage authority contemplated and provided for in this act and an agency and instrumentality of said municipality. After the taking effect of such ordinance and the filing of a certified copy thereof as in subsection (d) of this section provided, 5 persons shall be appointed as the members of the sewerage authority. The members first appointed shall, by the resolution of appointment, be designated to serve for terms respectively expiring on the first days of the first, second, third, fourth and fifth Februarys next ensuing after the date of their appointment. On or after January 1 in each year after such first appointments, one person shall be appointed as a member of the sewerage authority to serve for a term commencing on February 1 in such year and expiring on February 1 in the fifth year after such year. In the event of a vacancy in the membership of the sewerage authority occurring during an unexpired term of office, a person shall be appointed as a member of the sewerage authority to serve for such unexpired term.

(c) The governing bodies of any 2 or more municipalities or any 2 or more counties, the areas of which together comprise an integral body of territory, may, by parallel ordinances or in the case of counties by parallel resolutions, duly adopted by each of such governing bodies within any single calendar year, create a public body corporate and politic under the name and style of "the sewerage authority," with all or any significant part of the name of each such municipality or county or some identifying geographical phrase inserted. Said

body shall consist of the members thereof, in an aggregate number determined as hereinafter in this subsection provided, who shall be appointed by resolutions of the several governing bodies as hereinafter in this section provided, and it shall constitute the sewerage authority contemplated and provided for in this act and an agency and instrumentality of the said municipalities or counties. The number of members of the sewerage authority to be appointed at any time for full terms of office by the governing body of any such municipality or county shall be as may be stated in said ordinances or resolutions which shall be not less than one nor more than 3. After the taking effect of the said ordinances or resolutions of all such municipalities or counties and after the filing of certified copies thereof as in subsection (d) of this section provided, the appropriate number of persons shall be appointed as members of the sewerage authority by the governing body of each municipality or county. Except as to municipalities or counties which by ordinance or resolution are entitled to appoint more than one member of the authority, the members first appointed or to be first appointed shall serve for terms expiring on the first day of the fifth February next ensuing after the date of the first appointment of any member. In municipalities or counties entitled to appoint 3 members, the appointing authority shall designate one of the initial appointees to serve for a term of 3 years, one for 4 years and one for 5 years. In municipalities or counties entitled to appoint 2 members, the appointing authority shall designate one of the initial appointees to serve for a term of 5 years and one for 4 years. On or after January 1 in the year in which expire the terms of the said members first appointed and in every fifth year thereafter, the appropriate number of persons shall be appointed as members of the sewerage authority by the governing body of each municipality or county, to serve for terms commencing on February 1 in such year and expiring on February 1 in the fifth year after such year. In the event of a vacancy in the membership of the sewerage authority occurring during the unexpired term of office, a person shall be appointed as a member of the sewerage authority to serve for such unexpired term by the governing body which made the original appointment for such unexpired term.

Upon the expiration of the terms of office of members, in office on July 1, 1967, of sewerage authorities created by 2 or more municipalities or counties where more than one member is appointed by any participating municipality or county, their immediate suc-

cessors, except for appointments to fill vacancies, shall be appointed for designated terms of 3, 4 or 5 years in the same manner as in this subsection (c) provided as to initial appointees.

(d) A copy of each resolution or ordinance for the creation of a sewerage authority adopted pursuant to this section, duly certified by the appropriate officer of the local unit, shall be filed in the office of the Secretary of State. Upon proof of such filing of a certified copy of the resolution or ordinance or of certified copies of the parallel ordinances for the creation of a sewerage authority as aforesaid, the sewerage authority therein referred to shall, in any suit, action or proceeding involving the validity or enforcement of, or relating to, any contract or obligation or act of the sewerage authority, be conclusively deemed to have been lawfully and properly created and established and authorized to transact business and exercise its powers under this act. A copy of any such certified resolution or ordinance, duly certified by or on behalf of the Secretary of State, shall be admissible in evidence in any suit, action or proceeding.

(e) A copy of each resolution appointing any member of a sewerage authority adopted pursuant to this section, duly certified by the appropriate officer of the local unit, shall be filed in the office of the Secretary of State. A copy of such certified resolution, duly certified by or on behalf of the Secretary of State, shall be admissible in evidence in any suit, action or proceeding and, except in a suit, action or proceeding directly questioning such appointment, shall be conclusive evidence of the due and proper appointment of the member or members named therein.

(f) The governing body of a county which may create or join in the creation of any sewerage authority pursuant to this section shall not thereafter create or join in the creation of any other sewerage authority. No governing body of any municipality constituting the whole or any part of a district shall create or join in the creation of any sewerage authority except upon the written consent of the sewerage authority and in accordance with the terms and conditions of such consent, and in the event such consent be given and a sewerage authority be created pursuant thereto, the terms and conditions of such consent shall thereafter be in all respects binding upon such municipality and the sewerage authority so created and any system of sewers or sewage disposal plants constructed or maintained in conformity with the terms and conditions of such consent by the sewerage authority so created shall be deemed not to be competitive with the sewerage systems

of the sewerage authority giving such consent. In the event that prior to the creation of a sewerage authority of a county the governing body of any municipality located in said county shall have created or joined in the creation of a sewerage authority, the area within the territorial limits of such municipality shall not be part of the district of the sewerage authority of said county.

(g) Within 10 days after the filing in the office of the Secretary of State of a certified copy of a resolution for the creation of a sewerage authority adopted by the governing body of any county pursuant to this section, a copy of such resolution, duly certified by the appropriate officer of the county, shall be filed in the office of the clerk of each municipality within the county. In the event that the governing body of any such municipality shall, within 60 days after such filing in the office of the Secretary of State, adopt a resolution determining that such municipality shall not be a part of the district of such sewerage authority and file a copy thereof duly certified by its clerk, in the office of the Secretary of State, the area within the territorial limits of such municipality shall not thereafter be part of such district, but at any time after the adoption of such resolution, the governing body of such municipality may, by ordinance duly adopted, determine that such area shall again be a part of such district and if thereafter a copy of such ordinance duly certified by the appropriate officer of such municipality, together with a certified copy of a resolution of such sewerage authority approving such ordinance, shall be filed in the office of the Secretary of State, then from and after such filing the area within the territorial limits of such municipality shall forever be part of such district.

(h) The governing body of any local unit which has created a sewerage authority pursuant to subsection (a) of subsection (b) of this section may, in the case of a county by resolution duly adopted or in the case of a municipality by ordinance duly adopted, dissolve such sewerage authority on the conditions set forth in this subsection. The governing bodies of 2 or more local units which have created a sewerage authority pursuant to subsection (c) of this section may, by parallel ordinances duly adopted by each of such governing bodies within any single calendar year, dissolve such sewerage authority on the conditions set forth in this subsection. Such a sewerage authority may be dissolved on condition that (1) either the members of such authority have not been appointed or the sewerage authority, by resolution duly adopted, consents to such dissolution, and (2) the sewerage au-

thority has no debts or obligations outstanding. Upon the dissolution of any sewerage authority in the manner provided in this subsection, the governing body or bodies dissolving such sewerage authority shall be deemed never to have created or joined in the creation of a sewerage authority. A copy of each resolution or ordinance for the dissolution of a sewerage authority adopted pursuant to this subsection, duly certified by the appropriate officer of the local unit, shall be filed in the office of the Secretary of State. Upon proof of such filing of a certified copy of the resolution or ordinance or of certified copies of the parallel ordinances for the dissolution of a sewerage authority as aforesaid and upon proof that such sewerage authority had no debts or obligations outstanding at the time of the adoption of such resolution, ordinance or ordinances, the sewerage authority therein referred to shall be conclusively deemed to have been lawfully and properly dissolved and the property of the sewerage authority shall be vested in the local unit or units. A copy of any such certified resolution or ordinance, duly certified by or on behalf of the Secretary of State, shall be admissible in evidence in any suit, action or proceeding.

(i) Whenever the sewerage authority of any county shall certify to the governing body of any county that it has entered into a contract pursuant to section 23 of this act with one or more municipalities situate within any other county, one additional member of the sewerage authority for each such other county shall be appointed by resolution of the governing body of such other county as in this section provided. The additional member so appointed for any such other county, and his successors shall be a resident of one of said municipalities situate within such other county. The additional member first appointed or to be first appointed for any such other county shall serve for a term expiring on the first day of the fifth February next ensuing after the date of such appointment, and on or after January 1 in the year in which expires the term of the said additional member first appointed and in every fifth year thereafter, one person shall be appointed by said governing body as a member of the sewerage authority as successor to said additional member, to serve for a term commencing on February 1 in such year and expiring on February 1 in the fifth year after such year. If after such appointment of an additional member for any such other county the sewerage authority shall certify to said governing body of such other county that it is no longer a party to a contract entered into pursuant to section 23 of this act with any municipality situate within such other county,

the term of office of such additional member shall thereupon cease and expire and no additional member for such other county shall thereafter be appointed.

(j) If a municipality, the governing body of which has created a sewerage authority pursuant to subsection (b) of this section, has been or shall be consolidated with another municipality, the governing body of the new consolidated municipality may, by ordinance duly adopted, provide that the members of the sewerage authority shall thereafter be appointed by the governing body of such new consolidated municipality, which shall make appointment of members of the sewerage authority by resolution as hereinafter in this subsection provided. On or after the taking effect of such ordinance, one person shall be appointed as a member of the sewerage authority for a term commencing on February 1 in each year, if any, after the date of consolidation, in which has or shall have expired the term of a member of the sewerage authority theretofore appointed by the governing body of the municipality which has been or shall be so consolidated, and expiring on February 1 in the fifth year after such year. Thereafter, on or after January 1 in each year, one person shall be appointed as a member of the sewerage authority to serve for a term commencing on February 1 in such year and expiring February 1 in the fifth year after such year. In the event of a vacancy in the membership of the sewerage authority occurring during an unexpired term of office, a person shall be appointed as a member of the sewerage authority to serve for such unexpired term. Each member of the sewerage authority appointed by the governing body of a municipality which has been or shall be so consolidated shall continue in office until his successor has been appointed as in this subsection provided and has qualified.

(k) If a municipality, the governing body of which has created a sewerage authority pursuant to subsection (b) of this section, has been or shall be consolidated with another municipality, the governing body of the new consolidated municipality, subject to the rights of the holders, if any, of bonds issued by the sewerage authority, and upon receipt of the sewerage authority's written consent thereto, may provide, by ordinance duly adopted, that the area within the territorial boundaries of the new consolidated municipality shall constitute the district of the sewerage authority, and upon the taking effect of such ordinance, such area shall constitute the district of the sewerage authority. Until the taking effect of such ordinance, the district of the sewerage authority

shall be the area within the territorial boundaries, as they existed at the date of the consolidation, of the municipality the governing body of which created the sewerage authority.

2. This act shall take effect immediately.

Approved July 10, 1967.

CHAPTER 155

AN ACT to amend "An act concerning public utilities, amending, supplementing and repealing parts of Title 48 of the Revised Statutes and supplements thereto and amending and supplementing section 14:2-2 of the Revised Statutes," approved December 12, 1962 (P. L. 1962, c. 198).

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

1. Section 60 of the act of which this act is amendatory is amended to read as follows:

C. 48:12-35.1 Authority and extent of condemnation.

60. Any railroad utility incorporated in this State or in any other State and operating in New Jersey may exercise the power of eminent domain as provided in sections 48 and 49 hereof in taking any land and property required for the right-of-way of its main line and branches, not exceeding 200 feet in width, unless more shall be required for slopes of cuts or embankments or retaining walls, and all such other land and property adjoining such right-of-way as exigencies of business may demand for the erection of freight and passenger depots and all other railroad purposes, and any land and property necessary to comply with any order of the Board of Public Utility Commissioners. In addition, any railroad utility shall have the right to take and acquire, by the exercise of the power of eminent domain as provided in sections 48 and 49 hereof, any land, property or private road as shall be necessary for any branch line or lines, spur or sidetrack to the premises of a horse race track as provided in section 48:12-32.1, but not in excess of 200 feet in width, for such branch line or lines, spur or sidetrack of railroad; provided that additional land may be so

acquired where necessary for the slopes of cuts or embankments or for retaining walls.

When the line of any railroad utility of the State is constructed to the Delaware river and extension of such line is to be undertaken pursuant to section 48:12-44, the utility may acquire, by the exercise of the power of eminent domain as provided in sections 48 and 49 hereof, such lands as may be necessary upon filing and recording the survey of the route with the Secretary of State and in the office of the clerk of the county wherein the lands are situate, and making the deposit required by section 48:12-25 of this Title.

No railroad utility shall take, use or occupy by condemnation any franchise, land or located route of any other railroad or any utility chartered for the purpose of facilitating transportation, except for the purpose of crossing such land or route and except the land of any such utility not necessary for the purpose of its franchise.

Nothing herein shall be deemed to limit the powers of condemnation vested in railroads under any provisions of Title 48 as amended and supplemented by this act and which have not been repealed.

2. This act shall take effect immediately.

Approved July 13, 1967.

CHAPTER 156

AN ACT concerning public utilities, amending section 1 of chapter 43 of the laws of 1959 and amending section 48:2-32.1 and repealing section 48:13-4, of the Revised Statutes.

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

1. Section 48:2-32.1 of the Revised Statutes is amended to read as follows:

Hearing examiners; authority; rules and regulations; compensation.

48:2-32.1. The Board of Public Utility Commissioners may by order in writing designate its secretary, assistant secretaries, counsel, executive officer, assistant executive officer, any director or assistant director of any division of the board, any engineer,

accountant, auditor or rate analyst of the board or any person acting in such capacity as its representative in, and on its behalf to conduct, any hearing in any proceeding now or hereafter pending before said board as a hearing examiner.

A hearing examiner, so designated by said board, shall have all the authority in the conduct of such hearing, including power to administer oaths, which is vested by Title 48 of the Revised Statutes, in a commissioner sitting singly, including authority to report to the board his findings and recommendations as to the order or other disposition to be made.

The board shall adopt rules and regulations relating to hearings conducted by a hearing examiner, the reports to be made and the recommendations to be submitted for action by the board, the taking of exceptions to such reports and recommendations, and proceedings before the board on the question of the adoption, rejection or modification by the board of the report and recommendations made by such hearing examiner.

No one so designated by the board as a hearing examiner shall by reason of such designation be entitled to or be paid or receive, directly or indirectly, additional compensation by reason of the services performed under such designation.

2. Section 1 of chapter 43 of the laws of 1959 is amended to read as follows:

C. 48:2-56 Fees and charges.

1. The Board of Public Utility Commissioners is hereby empowered, authorized and required to charge and collect fees and charges for the purposes and in the amounts hereinafter set out.

A. Filing of Annual Reports

	Charge Per Report
(1) Sewer	\$20 00
Classes A, B, C, and D	20 00
Class E (Income Sheets)	5 00
(2) Railroad	50 00
Nonoperating	10 00
(3) Telephone	
Class A	50 00
Class B	20 00
(4) Water	
Class A	50 00
Classes B and C	20 00
Class D	10 00
Class E (Income Sheets)	5 00

Charge Per Report

(5) Bus	
Class A	50 00
Class B	25 00
Class C	10 00
(6) Gas	50 00
(7) Electric	50 00
(8) Combination gas and electric	100 00
(9) Street railway	20 00

B. Examination and Audit of Annual Reports

- (1) The total fee is to be based on reported intrastate operating revenues, and, except as noted below for certain interstate utilities, will consist of a base charge plus an incremental charge per unit of \$1,000.00 or fraction thereof for each such unit in excess of the lower limit of the indicated range.

If the Reported Operating Revenues Fall within the Range		The Base Charge is	The Incremental Charge per \$1,000 Unit is
Under	\$10,000	\$10 00	.....
\$10,000 to	25,000	15 00	.....
25,000 to	50,000	25 00	.....
50,000 to	500,000	25 00	\$0 50/M
500,000 to	1,000,000	250 00	0 39/M
1,000,000 to	5,000,000	445 00	0 15/M
5,000,000 to	10,000,000	1,045 00	0 10/M
10,000,000 to	50,000,000	1,545 00	0 08/M
50,000,000 to	100,000,000	4,745 00	0 07/M
100,000,000 to	200,000,000	8,245 00	0 05/M
200,000,000 and over	.....	13,245 00	0 03/M

- (2) Public utilities engaged in interstate commerce who are required to file annual reports with the board and who derive 50% or more of their operating revenues from interstate commerce shall pay a fee for examination and audit of their annual report in accordance with the following schedule. The board may establish reasonable rules for the determination of such intrastate revenues in cases where the same have not been reported.

For Intrastate Revenues

Within the Range	The Fee is
Under \$10,000	\$25 00
\$10,000 to 50,000	50 00
50,001 to 200,000	75 00
200,001 to 500,000	150 00
500,001 to 1,000,000	300 00
over 1,000,000	500 00

C. Pamphlets and Publications Charge Per Copy

- (1) Annual report of the Board of Public Utility Commissioners \$2 00
- (2) Utility annual report forms
 - Sewer 5 00
 - Income Sheets 2 00
 - Railroad 10 00
 - Telephone 10 00
 - Water
 - Classes A, B and C 10 00
 - Class D 5 00
 - Class E (Income Sheets) 2 00
 - Buses
 - Class A 10 00
 - Class B 5 00
 - Class C 2 00
 - Gas 10 00
 - Electric 10 00
 - Street railway 10 00
- (3) Pamphlets containing rules and regulations and all other pamphlets published by the board
 - Pamphlets with less than 25 pages 2 00
 - Pamphlets with 25 pages or more but less than 50 pages 2 50
 - Pamphlets with 50 pages or more 2 50
 - Plus \$0.25 for each additional 25 pages or fraction thereof in excess of 50 pages
- (4) Uniform system of accounts 10 00
- (5) Photocopies of documents or reports—per page 1 00

Charge for Each Year Covered

- (6) Compilation of board's decisions \$2 00
- (7) Statistics of utilities—private and municipal .. 3 00

D. Subpœnas—Petition for and Issuance	Charge per Subpœna
(1) Subpœna for the attendance of witnesses	\$2 00
(2) Subpœna duces tecum	5 00

E. Applications and Petitions Submitted to the Board

- (1) For approval of issuance of securities or evidences of indebtedness the filing fee shall be based on the estimated proceeds before costs and expenses of issuance. When the actual proceeds become known, the fee will be adjusted accordingly. The total filing fee will consist of a base charge plus an incremental charge per unit of \$1,000.00 or fraction thereof of proceeds in excess of the lower limit of the range of the indicated block. In the case of stock dividends, the proceeds shall be taken as the amount to be transferred from earned surplus account.

If the Proceeds of the Transaction Fall Within the Range	The Base Charge is	The Incremental Charge per \$1,000 Unit is
Under \$5,000	\$10 00	.....
5,001 to 10,000	15 00	.....
10,001 to 20,000	30 00	.....
20,001 to 30,000	50 00	.....
30,001 to 100,000	50 00	\$0 70/M
100,001 to 500,000	99 00	0 60/M
500,001 to 1,000,000	339 00	0 50/M
1,000,001 to 5,000,000	589 00	0 40/M
5,000,001 to 10,000,000	2,189 00	0 35/M
10,000,001 to 25,000,000	3,939 00	0 30/M
25,000,001 and over	8,439 00	0 25/M

- (2) For increases in rates or fares, whether by petition, filing of revised tariff, or by petition for negotiated relief under R. S. 48:2-21.1, provided that when 2 petitions or a petition with an amendment relate to one and the same increase only one fee shall be charged,

the fees are to be based on the proposed increase in annual operating revenues for which application is made and will consist of a base charge plus an incremental charge per unit of \$1,000.00 or fraction thereof for each such unit in excess of the lower limit of the indicated range.

If the Proposed Increase Falls Within the Range		The Base Charge is	The Incremental Charge per \$1,000 Unit is
Up to	\$5,000	\$25 00	.....
\$5,000 to	30,000	25 00	\$2 00/M
30,000 to	100,000	75 00	1 80/M
100,000 to	300,000	201 00	1 60/M
300,000 to	600,000	521 00	1 40/M
600,000 to	1,000,000	941 00	1 20/M
1,000,000 to	5,000,000	1,421 00	1 00/M
5,000,000 to	10,000,000	5,421 00	0 80/M
10,000,000 to	20,000,000	9,421 00	0 60/M
20,000,000 and over	.....	15,421 00	0 30/M

Filing of an initial rate, a contract for a special rate or any other document involving a tariff change not otherwise provided for above

\$25 00

In addition to the filing fee computed in accordance with the foregoing, the public utility shall pay a processing fee of $\frac{1}{10}$ of 1% of the new or initial annual operating revenues or increase in annual operating revenues that may be authorized by the board, which fee in no event shall be less than

\$25 00

Filing automatic adjustment clause tariff revision

\$25 00

(3) For sales of property or leases of property

(Based on the Consideration or Annual Rental)

	Filing Fee
Up to \$1,000	\$10 00
\$1,001 to 5,000	25 00
5,001 to 10,000	50 00
10,001 to 20,000	75 00
20,001 to 50,000	150 00
50,001 to 100,000	250 00
100,001 and over	350 00

(4) For approval of mergers	Filing Fee
The filing fee for approval of mergers is to be based on the total utility plant account of the surviving utility and will be computed according to the schedule of charges set forth herein for sales of property or leases of property.	
(5) For approval of a municipal consent	\$20 00
Where petition requests approval of more than one municipal consent on the same route for each such additional consent	10 00
(6) For rehearing, reopening, reargument or reconsideration of any matter	15 00
(7) For approval of contracts under Revised Statutes 48:3-7.1	100 00
(8) For establishment of new railroad-highway crossing at grade	50 00
(9) For grade crossing separation	100 00
(10) For relocation or widening of grade crossing	100 00
(11) For abandonment of grade crossing	50 00
(12) For discontinuance of station agents and stations	50 00
(13) For authority to exercise eminent domain— for each separate parcel of property involved	100 00
(14) Any application or petition not herein specifically designated or described	25 00
(15) For inspection or test of electric, water or gas meter	5 00
(This fee is to be returned to the customer and collected from the utility in cases where the meter is found to be registering fast beyond the allowable limit of accuracy established by the board.)	
F. Buses or Other Motor Vehicles	
(1) For approval of transfer of municipal consents	\$25 00
(2) For approval of conditional sale contract, notes or chattel mortgage based on the principal amount involved	
\$5,000 or less	10 00
5,001 to \$10,000	15 00

	Filing Fee
\$10,001 to \$25,000	\$25 00
25,001 to 50,000	50 00
50,001 to 100,000	75 00
Over \$100,000	100 00
(3) For changes, extensions or consolidation of existing autobus routes	25 00
(4) For approval of leases of equipment	25 00
	Charges
(5) For inspection of new bus equipment and issuance of certificate of compliance—each bus	25 00
(6) For issuance of duplicate certificate of compliance—each	2 00
(7) For inspection of autobus for restoration to service after removal for lack of insurance	10 00
(8) For each periodic inspection of autobus by board's inspector—each bus	5 00
G. Miscellaneous	Filing Fee
(1) Formal complaints—Costs to be assessed against the respondent utility if the complaint is sustained by the board	\$25 00
(2) Answers to formal complaints	10 00
(3) Where the answer sets up a prayer for affirmative relief	25 00
(4) Amendment to any petition or answer	10 00
(5) Reports and statements filed by pipeline companies as required by board's rules issued under the authority of Title 48, Revised Statutes of New Jersey except accident reports	200 00
(6) Discontinuance of train service that becomes a subject of public hearing	50 00
	Charge Per Copy
(7) Extra copy of any decision, order or certificate of the board	2 00
Plus a charge for each page exceeding 2 pages	1 00
(8) Certification of any document	2 50

All filing fees shall be paid at the time of the original filing of the report, application, petition or other document or paper in the matter. No pleading will be considered filed until the appropriate fees are paid. In cases where such payment is not feasible, as

may be determined by the board, the amount will be due and payable on the presentation of an invoice.

When a petition covers more than one matter or makes a prayer for relief with respect to more than one matter, the fee for filing the same shall be the sum of the fees that would be paid for each individual matter.

When several utilities or petitioners join in the filing of a single petition, then the fees herein provided shall apply to each petitioner as may be appropriate.

Repealed.

3. Section 48:13-4 of the Revised Statutes is hereby repealed.

4. This act shall take effect immediately.

Approved July 13, 1967.

CHAPTER 157

AN ACT to increase the license fees for game propagating and semiwild shooting preserves and amending sections 23:3-29 and 23:3-32 of the Revised Statutes.

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

1. Section 23:3-29 of the Revised Statutes is amended to read as follows:

License.

23:3-29. A person desiring to engage in the business of raising and selling game birds or game animals, or both, in a wholly inclosed preserve of which he is the owner or lessee, or to have in captivity game birds or game animals, shall immediately apply in writing to the division for a license to do so. The license fee shall be \$5.00 per annum for each of the above purposes. A person desiring to propagate pheasants, partridge, wild turkey or quail, or any of them, in a semiwild state on lands of which he is the owner or lessee, shall apply in writing to the division for a license to do so. The license fee shall be \$25.00 per annum.

The division, when it appears that the application is made in good faith, shall, upon the payment of the fee for each license,

issue to the applicant such of the following license or licenses as may be applied for:

a. Propagating license permitting the licensee to propagate game birds or game animals, or both, in the wholly inclosed preserve the location of which is stated in the license and the application therefor, and to sell such propagated game birds or game animals, or both, and ship them from the State alive at any time and to kill the same and sell the carcasses for food subject to the conditions prescribed by sections 23:3-28 to 23:3-39 of this Title;

b. License to propagate pheasants, partridge, wild turkey or quail, or any of them, in a semiwild state on lands of which the applicant is the owner or lessee, when the applicant shall have produced evidence satisfactory to the division that he has released, or already has, on land described in the application and license, of the species for which he desires to be licensed, at least 10 female and 2 male pheasants or at least 6 female and 6 male quail or partridge or such total number of pheasants, partridge and quail, to each 100 acres of land, or a proportionate number of such birds for less than 100 acres, prior to May 1 in the calendar year for which the license is to be issued;

c. License to keep game birds and animals in captivity; or

d. A person desiring to operate a "commercial pheasant, wild turkey, quail and partridge-shooting preserve" on lands of which he is the owner or bona fide lessee may apply in writing to the division for a license so to do. The license fee shall be \$100.00 per annum and the form of the application and license shall be determined by the division.

The division may, upon payment of the fee, issue to the applicant such a license when it appears that:

(1) The operation of such shooting preserve shall not conflict with a prior reasonable public interest; and

(2) The applicant shall produce evidence satisfactory to the division that he has released on lands described in the application and license, a total of at least 10 female and 2 male pheasants or 6 female and 6 male quail or partridge for the first 100 acres of land or portion thereof, or a proportionate number of birds for any acreage in excess of the first 100 acres, prior to May 1 in the calendar year for which the license is to be issued; and

(3) The applicant shall have produced evidence satisfactory to the division that he will raise or purchase for liberation and liberate on the shooting preserve a total of at least 500 pheasants,

quail and partridge or combination thereof between September 1 of the year for which the license was issued and the following March 15.

2. Section 23:3-32 of the Revised Statutes is amended to read as follows:

Pheasants, wild turkeys, partridge and quail; killing and shipping; tags; commercial preserves.

23:3-32. No pheasants, wild turkeys, partridge or quail propagated in a semiwild state shall be sold. No such pheasants, wild turkeys, partridge or quail shall be possessed or transported outside of licensed areas unless each bird shall have been tagged with the special tag prescribed by sections 23:3-28 to 23:3-39 of this Title. Except as to the additional tags hereinafter provided for, no licensee raising pheasants, partridge or quail in a semiwild state shall procure from the division during any year of operation more tags to be affixed to the dead bodies of pheasants, partridge or quail propagated in a semiwild state than 4 times the number of female pheasants, partridge or quail released prior to May 1 in each year. Additional tags may be provided to any licensee in number equal to $\frac{1}{5}$ of the number of birds released after May 1 in each year. The tags shall be of a special kind provided for the purpose. The number of birds taken in any year, either alive or dead, on lands on which pheasants, wild turkeys, partridge or quail are propagated in a semiwild state shall not exceed the number of tags obtained from the division. Pheasants, wild turkeys, and partridge propagated in a semiwild state may be taken by shooting only from 9:00 ante meridian on November 10 or such opening date as may otherwise be prescribed by the State Fish and Game Code to January 20, except where the licensee shall have produced evidence satisfactory to the division that he has liberated on the land during the year covered by his license, or that he has in his possession on the land or in some other designated place or places and will liberate on the land prior to February 28 a total of at least 100 pheasants and partridge or combination thereof for any acreage up to 100 acres and at least one pheasant or partridge for each additional acre, in which case the licensee or any person or persons authorized by him so to do may take pheasants, wild turkeys, and partridge by shooting from 9:00 ante meridian on November 10 or such opening date as may otherwise be prescribed by the State Fish and Game Code to the next following February 28, both inclusive, and during any further period, not exceeding 31 days, which the Commissioner of Conservation and Economic Development may,

from time to time, designate for that purpose upon the recommendation of the Director of the Division of Fish and Game of the Department of Conservation and Economic Development on the land described in his license. The number of pheasants, wild turkeys, and partridge so taken by shooting shall not exceed $\frac{4}{5}$ of the total number of pheasants, wild turkeys, and partridge liberated on said land during the year covered by such license. Section 23:4-24 of this Title relating to hunting on Sunday shall not apply to any person authorized to shoot pheasants, wild turkeys, quail and partridge under sections 23:3-28 to 23:3-39 of this Title. Quail propagated in a semiwild state may be taken by shooting only from 9:00 ante meridian on November 10 or such opening date as may otherwise be prescribed by the State Fish and Game Code to the next following February 28, both days inclusive and during any further period, not exceeding 31 days, which the Commissioner of Conservation and Economic Development may, from time to time, designate for that purpose upon the recommendation of the Director of the Division of Fish and Game of the Department of Conservation and Economic Development. No pheasants, wild turkeys, partridge or quail propagated in a semiwild state shall be trapped without the written permission of the division.

Under a "commercial pheasant, wild turkey, quail and partridge-shooting preserve" license, pheasants, wild turkeys, quail and partridge may be taken by shooting only on lands described in the application and license, without regard to sex and daily bag limit, by fully licensed hunters authorized by the licensee to shoot on said land between September 1 and the following March 15, both dates inclusive and during any further period, not exceeding 31 days, which the Commissioner of Conservation and Economic Development may, from time to time, designate for that purpose upon the recommendation of the Director of the Division of Fish and Game of the Department of Conservation and Economic Development.

All pheasants, wild turkeys, quail and partridge liberated on a "commercial pheasant, wild turkey, quail and partridge-shooting preserve" for which a license has been issued shall first be banded with a leg band which shall bear upon it a symbol identifying the shooting preserve, and a description of said band and symbol shall be set forth in the application for license. No pheasants, wild turkeys, quail or partridge shall be possessed or transported outside the licensed area, unless each bird shall have been tagged with a suitable tag or seal supplied by the division, and no licensee

shall receive from the division, during any year of operation, more tags to be affixed to the bodies of pheasants, quail and partridge than 4 times the number of female pheasants, quail and partridge released prior to May 1 in each year, in addition to one tag for each pheasant, wild turkey, quail and partridge liberated during the shooting period hereinbefore specified.

3. This act shall take effect January 1, 1968.

Approved July 13, 1967.

CHAPTER 158

AN ACT concerning the hunting of deer and amending sections 23:4-42, 23:4-47 and 23:4-48 of the Revised Statutes.

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

1. Section 23:4-42 of the Revised Statutes is amended to read as follows:

Season; number; killing on cultivated land.

23:4-42. Except as provided in the second paragraph of this section, no person shall hunt for, pursue, shoot at, take, kill, wound or attempt to take, kill or wound a deer of any description prohibited by the provisions of the State Fish and Game Code, or hunt for, pursue, shoot at, take, kill, wound or attempt to take, kill or wound any wild deer at any time except during the period permitted by the State Fish and Game Code, or, kill in any 1 year more than the number of deer permitted by the State Fish and Game Code.

The owner or lessee of any land, a portion of which is under cultivation, or the authorized agents of the owner or lessee having on their person a written permit issued by the division and countersigned by the owner or lessee may kill any deer that may be found on that land during the period covered by the permit. The carcass of a deer killed under such permit shall become the property of the division and may be removed and disposed of in the manner it directs. For the purpose of this section, land under cultivation shall be construed to mean pasture fields seeded with cultivated grass or land on which planted crops are growing.

2. Section 23:4-47 of the Revised Statutes is amended to read as follows:

Tagging of deer; report of killing; penalties.

23:4-47. A person who kills a deer in this State at any time in a lawful manner shall before transporting the carcass by vehicle or if not immediately transported, within 2 hours, attach thereto the deer tag supplied with the hunting license, which tag shall remain affixed to the carcass until it has been consumed.

A person who kills a deer in this State at any time in a lawful manner shall report the killing to the division at Trenton by mailing within 24 hours the card attached to the hunting license and provided for such reporting.

A person not required to purchase a hunting license under provisions of section 23:3-1 of the Revised Statutes, who kills a deer in this State at any time in a lawful manner, or a person who has lost the tag or reporting card supplied with the hunting license, shall make and attach a tag immediately after killing the animal, clearly stating his or her name and address, and if holding a license to hunt, the license number, with the date, township if known, and county in which the deer was killed, which tag shall remain affixed to the carcass until it has been consumed. Such person shall, within 24 hours after killing the deer, report the kill to the division at Trenton by mailing a postal card setting forth the information indicated above, as well as the sex of the deer.

Any person who shall fail to properly tag a deer, or fail to report the killing of a deer in accordance with the provisions of this article, or who borrows, loans, transfers, buys, sells or purloins the deer tag or reporting card supplied with license to another, shall be liable to the penalty prescribed by section 23:4-48 of this Title.

3. Section 23:4-48 of the Revised Statutes is amended to read as follows:

Penalties.

23:4-48. Except as otherwise specifically permitted by this article; any person hunting for, pursuing, shooting at, taking, killing, wounding, having in possession in this State or attempting to take, kill or wound a deer of any description other than as permitted by the State Fish and Game Code, or hunting for, pursuing, shooting at, taking, killing, wounding, having in possession in this State or attempting to take, kill, wound or possess any wild deer at any time, except during the period designated therefor by

the State Fish and Game Code, or, in the absence of such provision in said code, except during the period designated therefor in this article; or killing in any 1 year more than the number of deer permitted by the State Fish and Game Code, or hunting for, pursuing, stalking or shooting at a wild deer, except by daylight on the days designated therefor by the State Fish and Game Code, or killing a deer in this State at any time and failing to report the same within 24 hours to the division at Trenton, or killing a deer in this State at any time and failing to properly tag the deer as provided in section 23:4-43 of the Revised Statutes, or using or carrying a rifle of any kind or description for the purpose of hunting or pursuing deer, or violating any of the other provisions of this article, shall be liable to a penalty of not less than \$100.00 nor more than \$300.00 for the first offense and not less than \$300.00 nor more than \$500.00 for the second and each subsequent offense.

4. This act shall take effect immediately.

Approved July 13, 1967.

CHAPTER 159

AN ACT to validate certain proceedings at meetings or elections of school districts and any bonds or other obligations issued or to be issued pursuant to such proceedings.

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

Validating act.

1. All proceedings heretofore had or taken by any school district or at any school district meeting or election for the authorization or issuance of bonds or other obligations of the school district, and any bonds or other obligations of the school district issued or to be issued in pursuance of a proposal adopted by the legal voters at such meeting or election, are hereby ratified, validated and confirmed, notwithstanding that no supplemental debt statement or complete executed original of such supplemental debt statement was prepared, made, sworn to or filed as required by the provisions of section 18:5-87 of the Revised Statutes; provided, that such supplemental debt statement prepared as of a date not

more than 60 days prior to such meeting or election, shall, prior to the issuance of such bonds or other obligations, shall have been made, sworn to and filed in the places required by said section 18:5-87; and provided further, that no action, suit or other proceeding of any nature to contest the validity of such meeting or election has heretofore been instituted prior to the date on which this act takes effect and within the time fixed therefor by or pursuant to law or rule of court or, when such time has not theretofore expired, is instituted within 30 days after the effective date of this act.

2. This act shall take effect immediately.

Approved July 13, 1967.

CHAPTER 160

AN ACT to provide for the burial of certain members of the Armed Forces of the United States who died in active service, and amending section 38:17-1 of the Revised Statutes.

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

1. Section 38:17-1 of the Revised Statutes is amended to read as follows:

Interment of indigent soldiers, sailors, marines or nurses; those dying in active service during second World War; expenses; "in time of emergency" defined.

38:17-1. The board of chosen freeholders in each of the counties shall designate a proper authority, other than that designated by law for the care of paupers and the custody of criminals, who shall cause to be interred the bodies of all honorably discharged soldiers, sailors, marines or nurses who served, or shall have served, in the Army or Navy of the United States in time of emergency, or during any war in which the United States has been engaged, is engaged or shall be engaged, who shall die without leaving means sufficient to defray funeral expenses. The expense of such funeral shall not exceed in any case the sum of \$250.00.

Such authority shall also, upon application by an interested party, cause to be interred the bodies of members of the Armed Forces of the United States who died in active service during the

second World War, or in time of emergency. The expense of such interment shall not in any case exceed the sum of \$50.00.

As used in this act the term "in time of emergency" shall mean and include any time (a) after June 23, 1950, and prior to the termination, suspension or revocation of the proclamation of the existence of a national emergency issued by the President of the United States on December 16, 1950, or termination of the existence of such national emergency by appropriate action of the President or Congress of the United States, and (b) during the period in which warlike conditions exist in the southeast Asia area commencing as of January 1, 1961 and terminating on such date as shall be determined by Proclamation of the President of the United States or concurrent resolution of the United States Congress.

For the purposes of this act active service in the "southeast Asia area" means and includes such service in any area in southeast Asia in which armed conflict or warlike conditions exist as determined by the President and includes not only land based service in said area but also service in said area with the United States Navy and Air Force regardless of where the individual's ship or unit is based.

2. This act shall take effect immediately.

Approved July 25, 1967.

CHAPTER 161

AN ACT to amend the "Public Employees' Retirement-Social Security Integration Act," approved June 28, 1954 (P. L. 1954, c. 84).

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

1. Section 75 of the act of which this act is amendatory is amended to read as follows:

C. 43:15A-75 Membership; credit for prior service.

75. (a) If this act is so adopted it shall become effective in the county or municipality adopting it on June 30 of the following year. Membership in the Public Employees' Retirement System

shall be optional with the employees of the county or municipality in the service on the day the act so becomes effective or on June 30, 1966, whichever is earlier, in such county or municipality except in the case of public employee veterans who on such date are members. An employee who elects to become a member within 1 year after this act so takes effect shall be entitled to prior service covering service rendered to the county or municipality prior to July 1, 1966 or prior to the date this act so becomes effective, whichever is earlier. Membership shall be compulsory for all employees entering the service of the county or municipality on July 1, 1966 or after the date this act becomes effective, whichever is earlier. Where any such employee entering the service of the county or municipality after the date this act so becomes effective has had prior service for which evidence satisfactory to the retirement system is presented, as an employee in such county or municipality before the date upon which this act so becomes effective, or July 1, 1966, whichever is earlier, such employee shall be entitled to prior service covering service rendered to the county or municipality prior to the date this act so becomes effective, or July 1, 1966, whichever is earlier.

(b) Notwithstanding the provisions of section 74 of this act and subsection (a) of this section, every person, other than a nonveteran elected official, becoming an employee of a county, municipality or school district after June 30, 1966 who is not eligible to become a member of another retirement system, shall be required to become a member of the Public Employees' Retirement System. Notwithstanding the provisions of section 74 of this act and subsection (a) of this section, membership in the retirement system shall be optional with any elected official who is not a veteran, regardless of the date he assumes office, and with any other person in the employ of any county, municipality or school district on June 30, 1966, provided such elected official or other person is not then a member and is not required to be a member of the retirement system pursuant to another provision of this act, and provided further that such person is not eligible to be a member of another retirement system. The provisions of this subsection shall not apply to any person whose position is temporary or seasonal, nor to any person in office, position or employment for which the annual salary or remuneration is fixed at less than \$500.00, nor to any person whose position is not covered by the old age and survivors' insurance provisions of the Federal Social Security Act. No credit shall be allowed to any person becoming a member of the retire-

ment system pursuant to this subsection for service rendered to the employer prior to July 1, 1966, until the provisions of section 74 of this act have been complied with, in which event such credit shall be allowed in accordance with the provisions of subsection (a) of this section; except that the governing body of any county or municipality may, by resolution, consent to the allowance of such credit and file a certified copy of such resolution with the board of trustees of the Public Employees' Retirement System.

2. This act shall take effect immediately.

Approved July 25, 1967.

CHAPTER 162

AN ACT concerning State publications, and amending sections 52:14-25.1 and 52:14-25.2 of the Revised Statutes.

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

1. Section 52:14-25.1 of the Revised Statutes is amended to read as follows:

Annual or special reports; copies filed in state library.

52:14-25.1. All State officers, departments and commissions or committees issuing annual reports or special reports required by law to be submitted to the Governor or to the Legislature of this State, where such reports are printed, mimeographed or otherwise mechanically reproduced, shall file with the New Jersey State Library for general reference use in said library and for exchange purposes at least 75 copies of each of such printed, mimeographed or otherwise mechanically reproduced reports, and in those cases where such reports are made in typewritten form and not subsequently printed, mimeographed or otherwise mechanically reproduced shall file in the State Library for general reference use at least one each of such typewritten reports.

2. Section 52:14-25.2 of the Revised Statutes is amended to read as follows:

Publications other than annual or special reports; copies filed in state library.

52:14-25.2. State officers, departments, commissions or committees issuing from time to time serial or other publications of a

general informational character other than annual or special reports, where such publications are printed, mimeographed or otherwise mechanically reproduced for public distribution, shall file in the State Library for permanent reference use and for exchange purposes at least 75 copies of each of such publications, and in those cases where such serials or other publications are not printed, mimeographed or otherwise mechanically reproduced but are issued in typewritten form, shall file in the State Library for general reference use at least one each of such typewritten publications.

3. This act shall take effect immediately.

Approved July 25, 1967.

CHAPTER 163

AN ACT concerning the State Department of Transportation and adding a route to the State highway system.

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

27:6.1 State highway route.

1. The Commissioner of Transportation is authorized, as soon as practical, to add to the State highway system a new route beginning at a point in existing Route 169 at Garfield street in Jersey City and extending thence in a general westerly direction between the Pennsylvania Railroad and the New Jersey Turnpike to a point in Route 440 Freeway approximately 1,500 feet south of the New Jersey Turnpike.

2. This act shall take effect immediately.

Approved July 25, 1967.

CHAPTER 164

AN ACT to amend "An act concerning the county district courts, in certain counties, and supplementing chapter 6 of Title 2A of the New Jersey Statutes," approved August 5, 1955 (P. L. 1955, c. 197).

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

1. Section 1 of the act of which this act is amendatory is amended to read as follows:

C. 2A:6-12.2 Counties with 150,000-300,000 population; judge; devotion of full time to judicial duties.

1. In counties having less than 300,000 inhabitants and more than 150,000 inhabitants and having but one judge, the said judge shall devote his entire time to his judicial duties and shall not while in office engage in the practice of law.

2. This act shall take effect January 1, 1968.

Approved July 25, 1967.

CHAPTER 165

AN ACT concerning educational institutions, supplementing Title 18 and repealing chapter 244 of the laws of 1962.

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

C. 18:21A-45 Indemnity of professors, etc.; civil action.

1. Whenever any civil action has been brought against any professor, associate professor, assistant professor, instructor, supervisor, registrar or any other person employed in a teaching capacity by the State Department of Higher Education, State College and Newark College of Engineering Boards of Trustees or any other institution of higher education co-ordinated by the State Board of Higher Education for any act or omission arising out of and in the course of the performance of the duties of such office, position or

employment, the State shall defray all costs of defending such action, including reasonable counsel fees and expenses, together with costs of appeal, if any, and shall save harmless and protect such person from any financial loss resulting therefrom; and the State may arrange for and maintain appropriate insurance to cover all such damages, losses and expenses.

C. 18:21A-46 Criminal action dismissed; reimbursement.

2. Should any criminal action be instituted against any such employee for any such act or omission and should such proceeding be dismissed or result in a final disposition in favor of such employee, the State shall reimburse him for the cost of defending such proceeding, including reasonable counsel fees and expenses of the original hearing or trial and all appeals.

C. 18:16-42 to

C. 18:16-44 Repealed.

3. Chapter 244 of the laws of 1962 is repealed.

4. This act shall take effect immediately.

Approved July 25, 1967.

CHAPTER 166

AN ACT concerning educational institutions, supplementing Title 18 and repealing chapter 244 of the laws of 1962.

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

C. 18:16-45 Indemnity of teachers, etc.; civil action.

1. Whenever any civil action has been brought against any teacher or supervisor or any other person employed in a teaching capacity by the State Board of Education or by the Commissioner of Education in the Marie H. Katzenbach School for the Deaf or in any other State educational institution under the control of the State Board of Education for any act or omission arising out of and in the course of the performance of the duties of such office, position or employment, the State shall defray all costs of defending such action, including reasonable counsel fees and expenses, together with costs of appeal, if any, and shall save harmless and protect such person from any financial loss resulting therefrom; and the State may arrange for and maintain appropriate insurance to cover all such damages, losses and expenses.

C. 18:16-46 Criminal action dismissed; reimbursement.

2. Should any criminal action be instituted against any such employee for any such act or omission and should such proceeding be dismissed or result in a final disposition in favor of such employee, the State shall reimburse him for the cost of defending such proceeding, including reasonable counsel fees and expenses of the original hearing or trial and all appeals.

C. 18:16-42 to**C. 18:16-44 Repealed.**

3. Chapter 244 of the laws of 1962 is repealed.

4. This act shall take effect immediately.

Approved July 25, 1967.

CHAPTER 167

AN ACT to amend "An act concerning education supplementing Title 18 and repealing sections 18:5-50.2 and 18:5-50.3 of the Revised Statutes and chapter 311 of the laws of 1938," approved December 21, 1965 (P. L. 1965, c. 205).

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

1. Section 1 of the act of which this act is amendatory is amended to read as follows:

C. 18:5-50.4a Indemnity of personnel, including student teachers; civil action.

1. Whenever any civil action has been brought against any person holding any office, position or employment under the jurisdiction of any board of education of this State, including any student teacher, for any act or omission arising out of and in the course of the performance of the duties of such office, position, employment or student teaching, the board of education shall defray all costs of defending such action, including reasonable counsel fees and expenses, together with costs of appeal, if any, and shall save harmless and protect such person from any financial loss resulting therefrom; and said board of education may arrange for and maintain appropriate insurance to cover all such damages, losses and expenses.

2. Section 2 of the act of which this act is amendatory is amended to read as follows:

C. 18:5-50.4b Criminal action dismissed; reimbursement.

2. Should any criminal action be instituted against any such person for any such act or omission and should such proceeding be dismissed or result in a final disposition in favor of such person, the board of education shall reimburse him for the cost of defending such proceeding, including reasonable counsel fees and expenses of the original hearing or trial and all appeals.

3. This act shall take effect immediately.

Approved July 25, 1967.

CHAPTER 168

AN ACT to amend “A supplement to ‘An act to provide for and regulate the granting of sick leave to certain persons in the public schools of this State, and supplementing Title 18 of the Revised Statutes, and to repeal “An act to provide for and regulate the granting of sick leave to certain teachers, principals, assistant superintendents and superintendents in the public schools of this State, and supplementing chapter 13 of Title 18 of the Revised Statutes,” approved May 6, 1942 (P. L. 1942, c. 142), as the title of said act was amended by chapter 237 of the laws of 1952,’ approved July 22, 1954 (P. L. 1954, c. 188),” approved November 30, 1959 (P. L. 1959, c. 175).

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

1. Section 1 of the act of which this act is amendatory is amended to read as follows:

C. 18:13-23.17 Salary during absence caused by on-the-job injury.

1. Whenever any employee, included in the act of which this act is a supplement, is absent from his post of duty as a result of a personal injury caused by an accident arising out of and in the course of his employment, his employer shall pay to such employee the full salary or wages for the period of such absence for up to

1 calendar year without having such absence charged to the annual sick leave or the accumulated sick leave provided in section 1 of the act of which this act is a supplement. Salary or wage payments provided in this section shall be made for absence during the waiting period and during the period the employee received or was eligible to receive a temporary disability benefit under chapter 15 of Title 34 of the Revised Statutes. Any amount of salary or wages paid or payable to the employee pursuant to this section shall be reduced by the amount of any workmen's compensation award made for temporary disability.

2. This act shall take effect immediately.

Approved July 25, 1967.

CHAPTER 169

AN ACT concerning education, and amending section 18:15-43 of the Revised Statutes.

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

1. Section 18:15-43 of the Revised Statutes is amended to read as follows:

Receiving pupils from other districts.

18:15-43. (A) The boards of education of schools established under the provisions of section 18:15-39 of this Title in any county of the third class with a population not less than 60,000 nor more than 100,000, according to the 1960 Federal census, and the boards of education of schools established under the provisions of section 18:15-40 of this Title, shall receive pupils from other districts so far as their facilities will permit, provided a rate of tuition not exceeding the cost of such education is paid by the sending districts.

(B) The board of education of any county vocational school district referred to in paragraph (B) of section 18:15-41 of this article and the board of education of any other school district within the county thereof are each hereby authorized and empowered to undertake and to enter into agreements with respect to the attendance at schools of the county vocational school district, of residents or pupils of such other school district who are students

attending the schools of the county vocational school district and as to the payments to be made or the rate of tuition to be charged on account of such students. The payment or rate of tuition per student shall be 50% of the pro rata annual cost of the operation and maintenance of the county vocational school district remaining after deduction from such cost of all amounts of aid received by the county vocational school district or the county thereof on account of such district or credited thereto from the State of New Jersey or the United States of America or agencies thereof, but excluding from such costs any amounts on account of required payments of interest on or principal of bonds or notes of the county issued for the purposes of such district. The annual aggregate amount of all of such payments or tuition may be anticipated by the board of education of the county vocational school district and by the board of chosen freeholders of the county with respect to the annual budget of the county vocational school district. The amounts of all annual payments or tuition to be paid by any such other school district shall be raised in each year in the annual budget of such other school district and paid to the county vocational school district.

2. This act shall take effect July 1, 1967.

Approved July 25, 1967.

CHAPTER 170

AN ACT concerning elections, and amending section 19:18-2 of the Revised Statutes.

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

1. Section 19:18-2 of the Revised Statutes is amended to read as follows:

Ballot boxes delivered to municipal clerks.

19:18-2. The ballot box, after being locked and bound with tape and sealed, shall in all municipalities be immediately taken in charge by 2 members of the district board. It shall then be delivered to the office of the clerk of the municipality in which the election

may be held, by said members or by said members with the assistance of an officer or officers to be designated by the governing body thereof, by the most direct route and without delay, and such members or officers shall not stop at any place between the polls and the municipal clerk's office.

When the municipal governing body designates an officer or officers to assist said members in transmitting the ballot boxes it shall provide for suitable transportation.

2. This act shall take effect immediately.

Approved July 25, 1967.

CHAPTER 171

AN ACT concerning rewards for the apprehension of persons accused of crime and supplementing chapter 153 of Title 2A of the New Jersey Statutes.

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

C. 2A:153-4 Reward for apprehension of certain persons.

1. The governing body of any municipality, on the recommendation and request in writing of the municipal police chief or principal law enforcement officer of such municipality, approved by a judge of the Superior Court or County Court of the county wherein the municipality is located, may offer a reward not exceeding \$3,000.00 for the detection and apprehension of any person guilty of murder, kidnapping, burglary, robbery, arson, or other heinous crime in such municipality; the reward is to be payable after conviction out of such funds of the municipality as may be applicable thereto. The reward shall be paid to such person or persons as the municipal governing body may, in its discretion, deem entitled thereto, but no such reward may be paid to any public employee, whose duty it is to investigate or to enforce the law.

2. This act shall take effect immediately.

Approved July 25, 1967.

CHAPTER 172

AN ACT concerning hunting and amending section 23:4-16 of the Revised Statutes.

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

1. Section 23:4-16 of the Revised Statutes is amended to read as follows:

Hunting with automobile or lights; shooting across highway; having loaded gun near dwelling or school playground; penalty.

23:4-16. No person, either in an automobile or vehicle of any kind whatsoever, or by the aid or use of a light carried on or attached to a vehicle of any kind, shall hunt for, pursue, shoot, shoot at, kill, capture, injure or destroy a bird or animal in this State, and no person shall use any portable light or lights for the purpose of hunting for any game bird or animal excepting raccoon, and no person shall, for the purpose of hunting, taking or killing any bird or animal, discharge any firearm upon or across any State, county or municipal road or highway, and no person, except the owner or lessee of the property and persons specifically authorized by him in writing, shall, for the purpose of hunting, taking or killing any bird or animal, have in his possession a loaded gun while within 300 feet of any occupied dwelling in this State, or while within 400 feet of a school playground, under a penalty of \$50.00 for each offense.

2. This act shall take effect immediately.

Approved July 25, 1967.

CHAPTER 173

AN ACT to amend "An act concerning the County Courts, and supplementing chapter 3 of Title 2A of the New Jersey Statutes," approved April 1, 1955 (P. L. 1955, c. 3).

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

1. Section 1 of the act of which this act is amendatory is amended to read as follows:

C. 2A:3-19.1 Judge of county court sitting temporarily in superior court or county court outside county for which appointed; reimbursement of county for services.

1. When the judge of a County Court, who is required by law to devote his entire time to his judicial duties, is assigned to sit temporarily without the county in and for which he is appointed in the Superior Court or in a County Court, the county in and for which he is appointed shall be entitled to reimbursement of \$90.00 per day while he so sits. The reimbursement of the \$90.00 per day for such services in the Superior Court shall be made by the State Treasurer from the State treasury on claim by the county entitled thereto approved by the administrative director of the courts, and the reimbursement of the \$90.00 per day for such services in a County Court shall be made by the county treasurer from the county fund of the county in which the services are rendered on the claim of the county entitled thereto signed by the judge so serving.

2. This act shall take effect January 1, 1968.

Approved July 25, 1967.

CHAPTER 174

AN ACT concerning the Department of Transportation, and amending section 27:7-21 of the Revised Statutes.

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

1. Section 27:7-21 of the Revised Statutes is amended to read as follows:

Additional powers of commissioner.

27:7-21. In addition to, and not in limitation of, his general powers, the commissioner may:

a. Determine and adopt rules, regulations and specifications and enter into contracts covering all matters and things incident to the acquisition, improvement, betterment, construction, reconstruction, maintenance and repair of State highways;

b. Execute and perform as an independent contractor or through contracts made in the name of the State, all work incident to the maintenance and repair of State highways;

c. Establish and maintain as an independent contractor or employer a patrol repair system for the proper and efficient maintenance and repair of State highways;

d. Employ and discharge, subject to the provisions of the Civil Service law, all foremen and laborers, prescribe their qualifications and furnish all equipment, tools and material necessary for such patrol repair system;

e. Widen, straighten and regrade State highways;

f. Vacate any State highway or part thereof;

g. The commissioner and his authorized agents and employees may enter upon any lands, waters and premises in the State, after giving written notice to the recorded owner at least 3 days prior thereto, for the purpose of making surveys, soundings, drillings, borings and examinations as he may deem necessary or convenient for the purposes of this Title, and such entry shall not be deemed a trespass; nor shall such entry be deemed an entry under any condemnation proceedings which may be then pending. The commissioner shall make reimbursement for any actual damages resulting to such lands, waters and premises as a result of such activities; and

h. Do whatever may be necessary or desirable to effectuate the purposes of this Title.

2. This act shall take effect immediately.

Approved July 25, 1967.

CHAPTER 175

AN ACT relating to the organization of the Department of Agriculture, changing the name of the Division of Animal Industry to the Division of Animal Health, and amending sections 4:1-2, 4:1-17, 4:5-62, 4:5-63, 4:5-69, 4:5-94, 4:5-100 and 4:5-107 of the Revised Statutes, amending chapter 257 of the laws of 1946.

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

1. Section 4:1-2 of the Revised Statutes is amended to read as follows:

Personnel of department.

4:1-2. The department shall consist of:

- a. A State Board of Agriculture, which shall be the head of the department;
- b. A Secretary of Agriculture, who shall be the principal executive officer of the department;
- c. An assistant Secretary of Agriculture;
- d. A Division of Animal Health;
- e. A Division of Markets;
- f. A Division of Plant Industry;
- g. An Office of Milk Industry;
- h. Such other divisions and bureaus as may be created as provided in section 4:1-17 of this Title; and
- i. The officers and employees authorized to be appointed and employed.

2. Section 4:1-17 of the Revised Statutes is amended to read as follows:

Creation and functions.

4:1-17. For the economic and efficient execution and performance of its powers and duties the board may create a Division of Animal Health, a Division of Markets, a Division of Plant Industry and such other divisions and bureaus as it may from time to time deem necessary and proper, and may assign to each division and bureau its proper functions and secure the performance thereof. Each division and bureau shall consist of such officers and employees as the board may designate.

3. Section 4:5-62 of the Revised Statutes is amended to read as follows:

Notice to division of intention to import cattle.

4:5-62. A copy of the certificate shall be mailed to the Director of the Division of Animal Health on or before the date the cattle are started on their journey into this State. The copy shall serve as a notice of the shipper's intention to bring such cattle into the State.

4. Section 4:5-63 of the Revised Statutes is amended to read as follows:

Notice to division of arrival and location of cattle imported.

4:5-63. Within 3 days after the arrival of the cattle at their destination within the State, the owner or custodian shall notify the Director of the Division of Animal Health, Department of Agriculture, Trenton, either by telegraph or telephone, of the arrival of the cattle imported and their location in this State.

5. Section 4:5-69 of the Revised Statutes is amended to read as follows:

Importation for immediate slaughter.

4:5-69. Cattle may be imported into this State for immediate slaughter when consigned by railroad to a public stockyard or abattoir having State, Federal or other veterinary inspection approved by the department or when permission for such importation, in writing, is obtained from the Director of the Division of Animal Health at the time shipment is made. When cattle entering under such written permission have reached their destination the owner or custodian shall immediately notify the Director, Division of Animal Health, at Trenton, either by telegraph or telephone, of their arrival and shall hold them in quarantine, separated from other cattle and stock, at the point of destination, until slaughtered under the supervision of the approved veterinary meat inspector who shall make a report to the Director of the Division of Animal Health attesting to the slaughter of all stock covered by the permit.

6. Section 1 of chapter 257 of the laws of 1946 is amended to read as follows:

C. 4:5-93.21 Definitions.

1. As used in this act:

“Brucellosis,” commonly called Bang’s disease of live stock, is a disease that causes an economic loss in dairy herds and is a menace to public health.

“Board” means the State Board of Agriculture.

“Department” means the Department of Agriculture.

“Division” means the Division of Animal Health.

“Live stock” includes any domestic animal subject to brucella infection.

“Owner” includes any person, firm, co-partnership, association or corporation owning or leasing any live stock.

“Official test” includes all tests for brucellosis made by a veterinarian under the supervision of or authorization from the director of the division.

“Private test” includes all tests for brucellosis other than official tests made at the owner’s expense.

“Positive” applies to live stock giving a reaction sufficient to indicate the presence of brucellosis.

“Suspicious” applied to live stock tested for brucellosis and giving a reaction not sufficient to justify the classification as positive.

“Vaccine” means any type of brucella vaccine approved by the board to be administered by a veterinarian authorized by the division.

“Calfhood vaccination” means the administration by an authorized veterinarian of brucella vaccine to calves between the ages of 4 and 8 months.

“Adult vaccination” means the administration by an authorized veterinarian of brucella vaccine to animals over 8 months of age.

7. Section 20 of chapter 257 of the laws of 1946 is amended to read as follows:

C. 4:5-93.40 Importation of animals after July 1, 1955.

20. On and after July 1, 1955, only bovine animals which are negative to a test administered within 30 days prior to entry into New Jersey and which are from a certified brucellosis-free herd or a qualified negative herd in a modified certified brucellosis-free area may be imported into New Jersey, except that animals under the age of 30 months which are accompanied by an official certificate of vaccination may be imported without said test.

Registered bulls, meeting all other requirements except those enumerated above in this section, may be imported into the State under special permit from the Division of Animal Health provided they are negative to brucellosis test within 30 days prior to entry into New Jersey, are placed under quarantine and held in isolation for a period of at least 30 days following entry, and are negative to brucellosis test 30 days after entry, after which they may be released from quarantine by the Division of Animal Health.

8. Section 4:5-94 of the Revised Statutes is amended to read as follows:

Definitions.

4:5-94. As used in this article:

“Division” means the Division of Animal Health.

“Department” means the Department of Agriculture.

“European fowl pest” means the contagious disease known by that name.

“Poultry” includes, chickens, roosters, capons, hens, ducks, geese, turkeys, pigeon and guinea fowl.

“Receiving point or station” includes railroad yards or sidings, express stations or other points where live poultry is received for immediate slaughter or any other purpose.

9. Section 4:5-100 of the Revised Statutes is amended to read as follows:

Transportation of infected or exposed poultry or containers.

4:5-100. No live poultry affected with or directly exposed to European fowl pest or any other contagious, infectious or communicable disease of poultry, and no carcass or carcasses of such poultry which have died from any such disease, or the coops, crates or other containers used in the handling of such diseased or dead poultry, or manure or litter from such diseased poultry or containers, shall be shipped, transported or moved from points within this State except under a permit from the director of the division.

10. Section 4:5-107 of the Revised Statutes is amended to read as follows:

Definitions.

4:5-107. As used in this article:

“Division” means the Division of Animal Health.

“Department” means the Department of Agriculture.

“Board” means the State Board of Agriculture.

11. This act shall take effect immediately.

Approved July 25, 1967.

CHAPTER 176

AN ACT providing for the joinder of this State in the Pest Control Compact and for related purposes.

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

C. 32:30-1 Compact enactment.

1. The Pest Control Compact as in this act set forth is hereby enacted into law and entered into with all other jurisdictions legally joining therein in substantially the same form.

C. 32:30-2. Findings of party States.

2. Article I. Findings. The party States find that:

(a) In the absence of the higher degree of co-operation among them possible under this compact, the annual loss of approximately \$7,000,000,000.00 from the depredations of pests is virtually certain to continue, if not to increase.

(b) Because of varying climatic, geographic and economic factors, each State may be affected differently by particular species of pests; but all States share the inability to protect themselves fully against those pests which present serious dangers to them.

(c) The migratory character of pest infestations makes it necessary for States both adjacent to and distant from one another, to complement each other's activities when faced with conditions of infestation and reinfestation.

(d) While every State is seriously affected by a substantial number of pests, and every State is susceptible of infestation by many species of pests not now causing damage to its crop and plant life and products, the fact that relatively few species of pests present equal danger to or are of interest to all states makes the establishment and operation of an insurance fund, from which individual States may obtain financial support for pest control programs of benefit to them in other States and to which they may contribute in accordance with their relative interests, the most equitable means of financing cooperative pest eradication and control programs.

C. 32:30-3 Definitions.

3. Article II. Definitions. As used in this compact, unless the context clearly requires a different construction:

(a) "State" means a State, Territory or possession of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

(b) "Requesting State" means a State which invokes the procedures of the compact to secure the undertaking or intensification of measures to control or eradicate one or more pests within one or more other States.

(c) "Responding States" means a State requested to undertake or intensify the measures referred to in subdivision (b) of this article.

(d) "Pest" means any invertebrate animal, pathogen, parasitic plant or similar or allied organism which can cause disease or damage in any crops, trees, shrubs, grasses or other plants of substantial value.

(e) "Insurance fund" means the Pest Control Insurance Fund established pursuant to this compact.

(f) "Governing board" means the administrators of this compact representing all of the party States which such administrators are acting as a body in pursuance of authority vested in them by this compact.

(g) "Executive committee" means the committee established pursuant to Article V (e) of this compact.

C. 32:30-4 Establishment of insurance fund.

4. Article III. The insurance fund. There is hereby established the Pest Control Insurance Fund for the purpose of financing other than normal pest control operations which states may be called upon to engage in pursuant to this compact. The insurance fund shall contain moneys appropriated to it by the party states and any donations and grants accepted by it. All appropriations, except as conditioned by the rights and obligations of party States expressly set forth in this compact, shall be unconditional and may not be restricted by the appropriating State to use in the control of any specified pest or pests. Donations and grants may be conditional or unconditional, provided that the insurance fund shall not accept any donation or grant whose terms are inconsistent with any provision of this compact.

C. 32:30-5 Operations and management of insurance fund.

5. Article IV. The insurance fund, internal operations and management. (a) The insurance fund shall be administered by a governing board and executive committee as hereinafter provided. The actions of the governing board and executive committee pursuant to this compact shall be deemed the actions of the insurance fund.

(b) The members of the governing board shall be entitled to one vote each on such board. No action of the governing board shall be binding unless taken at a meeting at which a majority of the total number of votes on the governing board are cast in favor thereof. Action of the governing board shall be only at a meeting at which a majority of the members are present.

(c) The insurance fund shall have a seal which may be employed as an official symbol and which may be affixed to documents and otherwise used as the governing board may provide.

(d) The governing board shall elect annually, from among its members, a chairman, a vice-chairman, a secretary and a treasurer. The chairman may not succeed himself. The governing board may

appoint an executive director and fix his duties and his compensation, if any. Such executive director shall serve at the pleasure of the governing board. The governing board shall make provision for the bonding of such of the officers and employees of the insurance fund as may be appropriate.

(e) Irrespective of the civil service, personnel or other merit system laws of any of the party States, the executive director, or if there be no executive director, the chairman, in accordance with such procedures as the by-laws may provide, shall appoint, remove or discharge such personnel as may be necessary for the performance of the functions of the insurance fund and shall fix the duties and compensation of such personnel. The governing board in its by-laws shall provide for the personnel policies and programs of the insurance fund.

(f) The insurance fund may borrow, accept or contract for the services of personnel from any State, the United States, or any other governmental agency, or from any person, firm, association or corporation.

(g) The insurance fund may accept for any of its purposes and functions under this compact any and all donations, and grants of money, equipment, supplies, materials and services, conditional or otherwise, from any State, the United States, or any other governmental agency, or from any person, firm, association or corporation, and may receive, utilize and dispose of the same. Any donation, gift or grant accepted by the governing board pursuant to this paragraph or services borrowed pursuant to paragraph (f) of this article shall be reported in the annual report of the insurance fund. Such report shall include the nature, amount and conditions, if any, of the donation, gift, grant or services borrowed and the identity of the donor or lender.

(h) The governing board shall adopt by-laws for the conduct of the business of the insurance fund and shall have the power to amend and rescind these by-laws. The insurance fund shall publish its by-laws in convenient form and shall file a copy thereof and a copy of any amendment thereto with the appropriate agency or officer in each of the party States.

(i) The insurance fund annually shall make to the Governor and Legislature of each party State a report covering its activities for the preceding year. The insurance fund may make such additional reports as it may deem desirable.

(j) In addition to the powers and duties specifically authorized and imposed, the insurance fund may do such other things as are

necessary and incidental to the conduct of its affairs pursuant to this compact.

C. 32:30-6 Compact and insurance fund administration.

6. Article V. Compact and insurance fund administration. (a) In each party State there shall be a compact administrator, who shall be selected and serve in such manner as the laws of his State may provide, and who shall:

1. Assist in the co-ordination of activities pursuant to the compact in his State; and

2. Represent his State on the governing board of the insurance fund.

(b) If the laws of the United States specifically so provide, or if administrative provision is made therefor within the Federal Government, the United States may be represented on the governing board of the insurance fund by not to exceed 3 representatives. Any such representative or representatives of the United States shall be appointed and serve in such manner as may be provided by or pursuant to Federal law, but no such representative shall have a vote on the governing board or on the executive committee thereof.

(c) The governing board shall meet at least once each year for the purpose of determining policies and procedures in the administration of the insurance fund and, consistent with the provisions of the compact, supervising and giving direction to the expenditure of moneys from the insurance fund. Additional meetings of the governing board shall be held on call of the chairman, the executive committee, or a majority of the membership of the governing board.

(d) At such times as it may be meeting, the governing board shall pass upon applications for assistance from the insurance fund and authorize disbursements therefrom. When the governing board is not in session, the executive committee thereof shall act as agent of the governing board, with full authority to act for it in passing upon such applications.

(e) The executive committee shall be composed of the chairman of the governing board and 4 additional members of the governing board chosen by it so that there shall be one member representing each of 4 geographic groupings of party States. The governing board shall make such geographic groupings. If there is representation of the United States on the governing board, one such representative may meet with the executive committee. The chairman of the governing board shall be chairman of the executive committee. No action of the executive committee shall be binding unless taken

at a meeting at which at least 4 members of such committee are present and vote in favor thereof. Necessary expenses of each of the 5 members of the executive committee incurred in attending meetings of such committee, when not held at the same time and place as a meeting of the governing board, shall be charges against the insurance fund.

C. 32:30-7 Assistance and reimbursement.

7. Article VI. Assistance and reimbursement. (a) Each party State pledges to each other party State that it will employ its best efforts to eradicate, or control within the strictest practicable limits, any and all pests. It is recognized that performance of this responsibility involves:

1. The maintenance of pest control and eradication activities of interstate significance by a party State at a level that would be reasonable for its own protection in the absence of this compact.

2. The meeting of emergency outbreaks or infestations of interstate significance to no less an extent than would have been done in the absence of this compact.

(b) Whenever a party State is threatened by a pest not present within its borders but present within another party State, or whenever a party State is undertaking or engaged in activities for the control or eradication of a pest or pests, and finds that such activities are or would be impracticable or substantially more difficult of success by reason of failure of another party State to cope with infestation or threatened infestation, that State may request the governing board to authorize expenditures from the insurance fund for eradication or control measures to be taken by one or more of such other party States at a level sufficient to prevent, or to reduce to the greatest practicable extent, infestation or reinfestation of the requesting State. Upon such authorization the responding State or States shall take or increase such eradication or control measures as may be warranted. A responding State shall use moneys made available from the insurance fund expeditiously and efficiently to assist in affording the protection requested.

(c) In order to apply for expenditures from the insurance fund, a requesting State shall submit the following in writing:

1. A detailed statement of the circumstances which occasion the request for the invoking of the compact.

2. Evidence that the pest on account of whose eradication or control assistance is requested constitutes a danger to an agricultural or forest crop, product, tree, shrub, grass or other plant having a substantial value to the requesting State.

3. A statement of the extent of the present and projected program of the requesting State and its subdivisions, including full information as to the legal authority for the conduct of such program or programs and the expenditures being made or budgeted therefor, in connection with the eradication, control, or prevention of introduction of the pest concerned.

4. Proof that the expenditures being made or budgeted as detailed in item 3 do not constitute a reduction of the effort for the control or eradication of the pest concerned or, if there is a reduction, the reasons why the level of program detailed in item 3 constitutes a normal level of pest control activity.

5. A declaration as to whether, to the best of its knowledge and belief, the conditions which in its view occasion the invoking of the compact in the particular instance can be abated by a program undertaken with the aid of moneys from the insurance fund in 1 year or less, or whether the request is for an installment in a program which is likely to continue for a longer period of time.

6. Such other information as the governing board may require consistent with the provisions of this compact.

(d) The governing board or executive committee shall give due notice of any meeting at which an application for assistance from the insurance fund is to be considered. Such notice shall be given to the compact administrator of each party State and to such other officers and agencies as may be designated by the laws of the party States. The requesting State and any other party State shall be entitled to be represented and present evidence and argument at such meeting.

(e) Upon the submission as required by paragraph (c) of this article and such other information as it may have or acquire, and upon determining that an expenditure of funds is within the purposes of this compact and justified thereby, the governing board or executive committee shall authorize support of the program. The governing board or the executive committee may meet at any time or place for the purpose of receiving and considering an application. Any and all determinations of the governing board or executive committee, with respect to an application, together with the reasons therefor shall be recorded and subscribed in such manner as to show and preserve the votes of the individual members thereof.

(f) A requesting State which is dissatisfied with a determination of the executive committee shall upon notice in writing given within 20 days of the determination with which it is dissatisfied, be entitled to receive a review thereof at the next meeting of the

governing board. Determinations of the executive committee shall be reviewable only by the governing board at one of its regular meetings, or at a special meeting held in such manner as the governing board may authorize.

(g) Responding States required to undertake or increase measures pursuant to this compact may receive moneys from the insurance fund, either at the time or times when such State incurs expenditures on account of such measures, or as reimbursement for expenses incurred and chargeable to the insurance fund. The governing board shall adopt and, from time to time, may amend or revise procedures for submission of claims upon it and for payment thereof.

(h) Before authorizing the expenditure of moneys from the insurance fund pursuant to an application of a requesting State, the insurance fund shall ascertain the extent and nature of any timely assistance or participation which may be available from the Federal Government and shall request the appropriate agency or agencies of the Federal Government for such assistance and participation.

(i) The insurance fund may negotiate and execute a memorandum of understanding or other appropriate instrument defining the extent and degree of assistance or participation between and among the insurance fund, co-operating Federal agencies, States and any other entities concerned.

C. 32:30-8 Advisory and technical committees.

8. Article VII. Advisory and technical committees. The governing board may establish advisory and technical committees composed of State, local, and Federal officials, and private persons to advise it with respect to any one or more of its functions. Any such advisory or technical committee, or any member or members thereof may meet with and participate in its deliberations. Upon request of the governing board or executive committee an advisory or technical committee may furnish information and recommendations with respect to any application for assistance from the insurance fund being considered by such board or committee and the board or committee may receive and consider the same: provided that any participant in a meeting of the governing board or executive committee held pursuant to Article VI (d) of the compact shall be entitled to know the substance of any such information and recommendations, at the time of the meeting if made prior thereto or as a part thereof or, if made thereafter, no later than the time at which the governing board or executive committee makes its disposition of the application.

C. 32:30-9 Relations with nonparty jurisdictions.

9. Article VIII. Relations with nonparty jurisdictions. (a) A party State may make application for assistance from the insurance fund in respect of a pest in a nonparty State. Such application shall be considered and disposed of by the governing board or executive committee in the same manner as an application with respect to a pest within a party State, except as provided in this article.

(b) At or in connection with any meeting of the governing board or executive committee held pursuant to Article VI (d) of this compact a nonparty State shall be entitled to appear, participate, and receive information only to such extent as the governing board or executive committee may provide. A nonparty State shall not be entitled to review of any determination made by the executive committee.

(c) The governing board or executive committee shall authorize expenditures from the insurance fund to be made in a nonparty State only after determining that the conditions in such state and the value of such expenditures to the party States as a whole justify them. The governing board or executive committee may set any conditions which it deems appropriate with respect to the expenditure of moneys from the insurance fund in a nonparty State and may enter into such agreement or agreements with nonparty States and other jurisdictions or entities as it may deem necessary or appropriate to protect the interests of the insurance fund with respect to expenditures and activities outside of party States.

C. 32:30-10 Finance; budget.

10. Article IX. Finance. (a) The insurance fund shall submit to the executive head or designated officer or officers of each party State a budget for the insurance fund for such period as may be required by the laws of that party State for presentation to the Legislature thereof:

(b) Each of the budgets shall contain specific recommendations of the amount or amounts to be appropriated by each of the party States. The requests for appropriations shall be apportioned among the party States as follows: $\frac{1}{10}$ of the total budget in equal shares and the remainder in proportion to the value of agricultural and forest crops and products, excluding animals and animal products, produced in each party State. In determining the value of such crops and products the insurance fund may employ such source or sources of information as in its judgment present the most equitable and accurate comparisons among the party States.

Each of the budgets and requests for appropriations shall indicate the source or sources used in obtaining information concerning value of products.

(c) The financial assets of the insurance fund shall be maintained in 2 accounts to be designated respectively as the "operating account" and the "claims account." The operating account shall consist only of those assets necessary for the administration of the insurance fund during the next ensuing 2-year period. The claims account shall contain all moneys not included in the operating account and shall not exceed the amount reasonably estimated to be sufficient to pay all legitimate claims on the insurance fund for a period of 3 years. At any time when the claims account has reached its maximum limit or would reach its maximum limit by the addition of moneys requested for appropriation by the party States, the governing board shall reduce its budget requests on a pro rata basis in such manner as to keep the claims account within such maximum limit. Any moneys in the claims account by virtue of conditional donations, grants or gifts shall be included in calculations made pursuant to this paragraph only to the extent that such moneys are available to meet demands arising out of claims.

(d) The insurance fund shall not pledge the credit of any party State. The insurance fund may meet any of its obligations in whole or in part with moneys available to it under Article IV (g) of this compact, provided that the governing board takes specific action setting aside such moneys prior to incurring any obligation to be met in whole or in part in such manner. Except where the insurance fund makes use of moneys available to it under Article IV (g) hereof, the insurance fund shall not incur any obligation prior to the allotment of moneys by the party States adequate to meet the same.

(e) The insurance fund shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the insurance fund shall be subject to the audit and accounting procedures established under its by-laws. However, all receipts and disbursements of funds handled by the insurance fund shall be audited yearly by a certified or licensed public accountant and a report of the audit shall be included in and become part of the annual report of the insurance fund.

(f) The accounts of the insurance fund shall be open at any reasonable time for inspection by duly authorized officers of the party States and by any persons authorized by the insurance fund.

C. 32:30-11 Compact entry into force; withdrawal.

11. Article X. Entry into force and withdrawal. (a) This compact shall enter into force when enacted into law by the State of New York or the State of Pennsylvania and any 4 or more other States. Thereafter, this compact shall become effective as to any other State upon its enactment thereof.

(b) Any party State may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until 2 years after the executive head of the withdrawing State has given notice in writing of the withdrawal to the executive heads of all other party States. No withdrawal shall affect any liability already incurred by or chargeable to a party State prior to the time of such withdrawal.

C. 32:30-12 Compact construction; severability.

12. Article XI. Construction and severability. This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any State or of the United States or the applicability thereof to any government, agency, person or circumstances is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any State participating herein, the compact shall remain in full force and effect as to the remaining party States and in full force and effect as to the State affected as to all severable matters.

C. 32:30-13 State departments, etc. to co-operate.

13. Consistent with law and within available appropriations, the departments, agencies and officers of this State may co-operate with the insurance fund established by the Pest Control Compact.

C. 32:30-14 By-laws, amendments; filing of copies.

14. Pursuant to Article IV (h) of the compact, copies of by-laws and amendments thereto shall be filed with the Secretary of State of New Jersey.

C. 32:30-15 Compact administrator.

15. The compact administrator for this State shall be the Secretary of Agriculture, or his designee.

C. 32:30-16 Request for assistance from fund.

16. Within the meaning of Article VI (b) or VIII (a), a request or application for assistance from the insurance fund may be made

by the compact administrator, whenever in his judgment the conditions qualifying this State for such assistance exist and it would be in the best interest of this State to make such request.

C. 32:30-17 Control or eradication program; reimbursement.

17. The department, agency, or officer expending or becoming liable for an expenditure on account of a control or eradication program undertaken or intensified pursuant to the compact shall have credited to his account in the State treasury the amount or amounts of any payments made to this State to defray the cost of such program, or any part thereof, or as reimbursement thereof.

C. 32:30-18 Executive head defined.

18. As used in the compact, with reference to this State, the term "executive head" shall mean the Governor.

19. This act shall take effect immediately.

Approved July 25, 1967.

CHAPTER 177

AN ACT to amend "A supplement to 'An act to provide for and regulate the granting of sick leave to certain persons in the public schools of this State, and supplementing Title 18 of the Revised Statutes, and to repeal "An act to provide for and regulate the granting of sick leave to certain teachers, principals, assistant superintendents and superintendents in the public schools of this State, and supplementing chapter 13 of Title 18 of the Revised Statutes," approved May 6, 1942 (P. L. 1942, c. 142), as the title of said act was amended by chapter 237 of the laws of 1952,' approved July 22, 1954 (P. L. 1954, c. 188)," approved May 31, 1961 (P. L. 1961, c. 34).

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

1. Section 1 of the act of which this act is amendatory is amended to read as follows:

C. 18:13-23.18 Credit for unused accumulation of sick leave from other school district.

1. Whenever a board of education employs any person who has an unused accumulation of sick leave days from another school district in New Jersey, the employing board may grant, not later than the end of the first year of employment, part or full credit therefor. The amount of any such credit shall be fixed by resolution of the board uniformly applicable to all employees and subject to the provisions of this act.

2. This act shall take effect immediately.

Approved July 26, 1967.

CHAPTER 178

AN ACT amending "An act relating to the public schools of this State, and supplementing chapter 14 of Title 18 of the Revised Statutes" approved July 11, 1957 (P. L. 1957, c. 133).

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

1. Section 1 of the act of which this act is amendatory is amended to read as follows:

C. 18:14-64.10 Immunization against poliomyelitis or measles; exceptions.

1. The board of education of any school district may require all pupils to have received immunizing treatment against poliomyelitis or measles, or both, as a prerequisite to attendance at school, and it may at its discretion require or waive proof of immunity, except as hereinafter provided.

Any pupil failing to comply with such a requirement may be excluded from school, unless the pupil shall present a certificate signed by a physician stating that the pupil is unfit to receive such immunizing treatment or, in the case of measles, has had clinical measles.

A board of education shall exempt the pupil from the provisions of this act if the parent or guardian of said pupil objects thereto in a written statement signed by him upon the ground that the proposed immunization interferes with the free exercise of his religious principles.

2. This act shall take effect immediately.

Approved July 26, 1967.

CHAPTER 179

AN ACT concerning connection of buildings to public water systems and amending sections 40:63-52, 40:63-54, 40:63-59, 40:63-60, 40:63-61, 40:63-62, 40:63-63, 40:63-64 of the Revised Statutes.

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

1. Section 40:63-52 of the Revised Statutes is amended to read as follows:

Ordinances requiring; regulation and cost.

40:63-52. In all municipalities where there are sewers or a system of sewers for the purpose of carrying off the sewage of any such municipality, or any part thereof; or where there is a public water supply system in any part thereof, the governing body may make, enforce, amend and repeal ordinances, requiring all buildings located upon a street in which a sewer or public water supply main is constructed, to be connected with the sewer or public water supply main, and regulating and providing for the construction of such connections, and to provide for the improvement, maintenance and repair of such connections, and to prescribe the kind of materials to be used in the original connection and in improving and repairing the same, and the method of doing the same, and also to provide for the installation of toilets in said buildings and for the connection of the same with the sewer. Every such governing body may provide for the inspection of any of the work above provided for. Whenever any of the work herein provided for is done, it shall be at the expense of the owner or owners of the land in front of or upon which the same is done.

2. Section 40:63-54 of the Revised Statutes is amended to read as follows:

Failure to make connection; municipality may do work.

40:63-54. If, after the passage of any such ordinance, the owner of any properties affected thereby, shall neglect, after notice given as hereinbefore provided, to make any such connection or installation of toilet, the governing body may cause such connection or installation to be made under the direction and supervision of the proper officer of the municipality, or award one or more contracts for the making of such improvement.

3. Section 40:63-59 of the Revised Statutes is amended to read as follows:

Notice unnecessary where notice of ordinance served or published.

40:63-59. If notice of the pendency of the ordinance providing for such connection or installation shall have been given to the person owning the property affected thereby in the same manner as is provided in sections 40:63-55 to 40:63-58 of this Title, and there shall have been a hearing on such ordinance as provided in section 40:63-53 of this Title, then no further notice need be given and the governing body may proceed to make the required connection or toilet installation or to award a contract therefor.

4. Section 40:63-60 of the Revised Statutes is amended to read as follows:

Cost; certification and collection.

40:63-60. When any such connection or toilet installation shall be made, a true and accurate account of the cost and expense shall be kept and apportioned to the property or properties thereby connected, and a true statement of such costs under oath shall be forthwith filed by the officer of the municipality in charge of such connection or installation with the clerk of the governing body. The governing body shall examine the same, and, if properly made, shall confirm it and file such statement with the officer of the municipality charged with the duty of collecting taxes. Said officer shall record the connection or installation charge in the same book in which he records sidewalk and other assessments.

5. Section 40:63-61 of the Revised Statutes is amended to read as follows:

Assessments; interest and penalties; assessment a lien.

40:63-61. Every such connection or installation charge shall bear interest and penalties from the same time and at the same rate as assessments for local improvements in the municipality where the same are made, and from the time of confirmation shall be a first and paramount lien against the respective property or properties so connected with the sewer or public water supply main to the same extent as assessments for local improvements, and shall be collected and enforced in the same manner. Every officer charged with the enforcement and collection of assessments for local improvements is hereby charged with the same duties in regard to the collection and enforcement of all charges for sewer or water connections or toilet installations.

6. Section 40:63-62 of the Revised Statutes is amended to read as follows:

Informalities not to affect charges.

40:63-62. No such charge for sewer or water connections or toilet installation shall be invalid by reason of any error or omission in stating the name of the owner or owners of properties affected by such connections or toilet installations, nor for any other informality, where such property or real estate has actually been improved by such sewer or water connection or toilet installation.

7. Section 40:63-63 of the Revised Statutes is amended to read as follows:

Payment in installments.

40:63-63. The governing body imposing any such sewer or water connection or toilet installation charge upon any property, may provide for the payment of the same in installments in the same manner as assessments for local improvements are payable in installments in any such municipality, in which case such installments shall bear the same rate of interest and be collected and enforced in the same manner as are installments for assessments on local improvements.

8. Section 40:63-64 of the Revised Statutes is amended to read as follows:

Municipality may award single contract annually; advertisement and award.

40:63-64. The governing body may award contracts for the construction of such sewer or water connections or toilet installations in the same manner and after the same advertising as in the case of other contracts; and may, in lieu of awarding separate contracts for the making of such connections or toilet installations, award a contract, to the lowest responsible bidder, for making all such connections or installations of toilets, which the municipality may desire to have made within a period of 1 year or less.

9. This act shall take effect immediately.

Approved July 26, 1967.

CHAPTER 180

AN ACT concerning the establishment and maintenance of the office of joint tax assessor, the examination and qualification of joint tax assessor and supplementing the "Consolidated Municipal Service Act" of 1952, approved April 23, 1952 (P. L. 1952, c. 72).

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

C. 40:48B-14 Joint municipal tax assessor established.

1. The governing bodies of any 2 or more municipalities may, by substantially similar ordinances duly adopted by each of such governing bodies within 6 calendar months after the first such ordinance is adopted, establish and maintain the office of joint municipal tax assessor to assess real and personal property for taxation within each of the respective municipalities joining hereunder.

C. 40:48B-15 Appointment of assessor; costs of office; filing copies of ordinances, etc.

2. The governing bodies of the participating municipalities shall, by agreement, provide for the appointment of a joint municipal tax assessor and other necessary personnel, for the apportionment of the costs and expenses of operation of such office among the participating municipalities, for the addition of other municipalities in the same county and such other terms and conditions as may be necessary and convenient for the establishment and maintenance of the office. The apportionment of costs and expenses may be based upon "apportionment valuations" determined under Revised Statutes 54:4-49, number of taxable properties, population, budgets, and such other factor or factors, or any combination thereof, as may be provided in the agreement. The agreement shall be subject to approval by resolution of the governing bodies of each of the municipalities prior to its execution by such official or officials as may be authorized to execute such agreement. A copy of every pertinent ordinance, resolution, agreement and every amendment thereto shall be filed with the Director of the Division of Taxation in the Department of the Treasury and the Director of the Division of Local Finance in the Department of Community Affairs.

C. 40:48B-16 Personnel of office; term; tenure.

3. The office of joint municipal tax assessor shall consist of a tax assessor and such subordinate personnel as may be deemed necessary and proper to perform the assessment function in accordance with law. Any person who may hereafter be appointed to office, position or employment as joint municipal tax assessor shall hold such office, position or employment for a term of 4 years as shall be provided for by agreement of the governing bodies of the participating municipalities, provided that any such person reappointed as joint municipal assessor after serving for 4 years in that capacity, shall thereafter hold his position during good behavior and efficiency notwithstanding that such reappointment was for a fixed term of years, and he shall not be removed therefrom for political reasons but only for good cause shown and after a proper hearing before the Director of the Division of Taxation or his designee.

C. 40:48B-17 Continuance of incumbent in office; salary unchanged.

4. Any assessor of any municipality which has combined to form an office of joint municipal tax assessor hereunder, and who, on the effective date of this act, held his office or position during good behavior and was not subject to removal therefrom except for good cause shown after hearing, shall be employed on the same basis as a member of the staff of the joint municipal tax assessor at a salary not less than he was receiving at the time the joint agreement is effective with respect to his municipality.

C. 40:48B-18 All personnel deemed employees of particular municipality.

5. All employees in the office of joint municipal tax assessor shall be deemed to be the employees of the municipality having the largest apportionment valuation determined under section 54:4-49 of the Revised Statutes, as of the effective date of this act.

C. 40:48B-19 Exercise of assessment function; maintenance of records; inspection.

6. The assessment function of the joint municipal tax assessor shall be exercised in the same manner and to the same extent as though it was exercised in each municipality separately, and the tax list and duplicate, property record cards, and all other records for each of the municipalities shall be maintained separately and shall be available for public inspection pursuant to law.

C. 40:48B-20 Termination of joint agreement.

7. The joint agreement may be terminated upon the adoption of a resolution to that effect by the governing body of either of the municipalities in the case of a joint assessing office comprising 2

municipalities, or 2/3 of the governing bodies in the case of a joint assessing office comprising 3 or more municipalities. Except by unanimous agreement, such termination shall not be made effective earlier than June 30 next succeeding the expiration of 12 full calendar months following the adoption of such resolution by the last of the required number of municipalities.

C. 40:48B-21 Consolidated Municipal Service Act provisions applicable.

8. The provisions of the Consolidated Municipal Service Act, P. L. 1952, c. 72 (C. 40:48B-1 et seq.), as amended, shall be applicable to the extent that the same are not inconsistent with the provisions of this act.

9. This act shall take effect immediately.

Approved July 27, 1967.

CHAPTER 181

AN ACT concerning safety in public schools, authorizing boards of education to employ and station public school law enforcement officers in accordance with rules and regulations promulgated by the Commissioner of Education, authorizing the Commissioner of Education to reimburse boards of education for a portion of the cost of employing such public school law enforcement officers, making an appropriation therefor, and supplementing Title 18 of the Revised Statutes.

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

C. 18:5-67.1 Title of act.

1. This act shall be known, and may be cited, as the "Public School Safety Act of 1967."

C. 18:5-67.2 Safety of students and teachers.

2. The Legislature finds that the safety and welfare of the public school students of this State while attending sessions of the public schools is a matter of prime concern to the citizens of this State; that, in several isolated instances throughout this State, unlawful intruders into the public schools have subjected public school students and their teachers to physical and verbal attacks during sessions of the public schools and on the property of said public

schools; that such attacks might have been prevented if public school law enforcement officers were stationed in said public schools; that similar attacks will be prevented if public school law enforcement officers are stationed in said public schools; and that State aid to local boards of education is necessary to help such boards of education bear the cost of employing and stationing public school law enforcement officers.

C. 18:5-67.3 Employment of school law enforcement officers.

3. (a) The Commissioner of Education may, in accordance with rules and regulations promulgated pursuant to this act and upon a finding of need therefor, authorize any board of education to employ, subject to the provisions of Title 11 of the Revised Statutes, one or more public school law enforcement officers, and to station such public school law enforcement officers in public schools of this State during hours when said public schools are normally in session or are occupied by public school students or their teachers.

(b) No public school law enforcement officer shall be employed pursuant to the provisions of this act except upon the application of a board of education and with the approval of the county superintendent of schools.

C. 18:5-67.4 Reimbursement of board of education.

4. Within the limits of available appropriations, the Commissioner of Education is authorized to reimburse any board of education which employs any public school law enforcement officer pursuant to this act, for such portion of the cost of said board of education of employing any public school law enforcement officer as the Commissioner of Education may determine, but not in excess of 75% of such cost. In determining the amount of reimbursement to which any board of education may be entitled hereunder, the Commissioner of Education shall consider the financial ability of said board of education to pay for the cost of employing any public school law enforcement officer pursuant to this act.

C. 18:5-67.5 Authority to issue regulations.

5. The Commissioner of Education shall issue and promulgate such rules and regulations as are necessary and appropriate to carry out the provisions of this act.

Appropriation.

6. There is hereby appropriated, for the purposes of carrying out the provisions of this act, such sums as may be included in any general, special or supplemental appropriation act.

7. This act shall take effect immediately.

Approved July 27, 1967.

CHAPTER 182

AN ACT concerning crimes and supplementing Title 2A of the New Jersey Statutes.

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

C. 2A:149A-1 Unlawful entry into educational building; penalty.

1. Any person who enters any building, structure or place used for any educational purpose with the intent of committing therein any indictable offense shall be guilty of a misdemeanor.

2. This act shall take effect immediately.

Approved July 27, 1967.

CHAPTER 183

AN ACT to amend "An act concerning crimes and supplementing chapter 90 of Title 2A of the New Jersey Statutes," approved May 10, 1962 (P. L. 1962, c. 39).

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

1. Section 1 of the act of which this act is amendatory is amended to read as follows:

C. 2A:90-4 Assault and battery upon law enforcement officer in performance of duties; penalty.

1. Any person who commits an assault and battery upon any State, county or municipal police officer, or any public school law enforcement officer, or any other law enforcement officer, acting in the performance of his duties while in uniform or exhibiting evidence of his authority, is guilty of a high misdemeanor.

2. This act shall take effect immediately.

Approved July 27, 1967.

CHAPTER 184

AN ACT authorizing the creation of Beach Erosion Control Districts by certain municipalities, providing for the maintenance thereof, the election of Beach Erosion Control Commissioners for such districts and powers and duties therefor.

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

C. 40:68-27 Authority to establish beach erosion control district.

1. Whenever any section or portion of a municipality which borders on tidal waters is threatened by flooding, the governing body of such municipality may provide by ordinance for the creation and establishment in the municipality, within designated boundaries, of a beach erosion control district (herein referred to as the district), which district shall consist of such lands which are or may be threatened by flooding as the governing body in its discretion shall determine to be practical or convenient to include within such district.

C. 40:68-28 Creation of control commission.

2. Whenever in any such municipality a Beach Erosion Control District is established under the provisions of this act, a Beach Control Erosion Control Commission shall thereby be created for such district and shall be known as “.....Beach Erosion Control Commission” (inserting the name the governing body has designated to identify the district).

C. 40:68-29 Commissioners; election; term of office.

3. On a day designated in the ordinance creating such district, a special election shall be held in the district, to elect 3 commissioners who shall be qualified voters and residents of such district. The commissioners so elected shall hold office for 3 years and until their successors are elected.

C. 40:68-30 Vacancy; special election; term of office.

4. Whenever a vacancy occurs, a special election shall be held within the district to fill such vacancy. Any person so elected shall serve for the unexpired term and until a successor is elected.

C. 40:68-31 Nomination of candidates; filing of petition and certificate.

5. Candidates for election for the office of commissioner shall be nominated by petition. Such petition shall be addressed to the clerk

of the municipality wherein the district is situate and shall contain the signatures of at least 10 qualified voters, residents of the district, and shall state that they indorse the candidate or candidates named in such petition for a member of the "..... Beach Erosion Control Commission." The petition shall further state the residence and post-office address of each person so indorsed and shall certify that the person so indorsed is legally qualified to be a member of the Beach Erosion Control Commission. With the petition, the person or persons indorsed therein shall file a certificate stating that he is qualified to be elected a member of the Beach Erosion Control Commission, that he consents to stand as a candidate for such election and that, if elected, he agrees to accept and qualify as a member of such commission.

C. 40:68-32 Verification of petition.

6. Each petition so filed shall be verified by the oath of one or more of the signers thereof taken and subscribed before a person qualified to administer an oath to the effect that such petition is personally signed by each of the signers thereof, that said signers are, to the best knowledge and belief of the affiant, legally qualified to vote at the ensuing election and that the petition is prepared and filed in absolute good faith for the sole purpose of indorsing the candidate therein named in order to secure his election as a member of the Beach Erosion Control Commission.

C. 40:68-33 Time for filing petitions.

7. All such petitions shall be filed at least 15 days before the date of the election for members of the Beach Erosion Control Commission.

C. 40:68-34 Ballots for election.

8. The ballots for said election shall be ordered to be printed by the clerk of the municipality wherein the district is located and shall contain a heading "Beach Erosion Control District Election Ballot," followed by the name of the municipality and county wherein the district is located, and shall have printed thereon only the names of the candidates for election as members of the Beach Erosion Control Commission. The names of the candidates shall be printed upon the ballot according to the alphabetical order of their surname and the grouping of 2 or more candidates thereon is prohibited.

C. 40:68-35 Election judge; teller; appointment; compensation.

9. The governing body of the municipality wherein the district is located shall at least 10 days prior to such election appoint one

person, resident in the municipality, as judge of election and one person to serve as a teller during the election. Such judge of election and teller shall be paid \$20 each as compensation for their services in connection with the election.

C. 40:68-36 Election judge; duties.

10. The judge of election shall, at least 5 days prior to the election, obtain from the person having them in his charge, the registry list of the preceding general election for the election district or districts encompassing the Beach Erosion Control District and no person shall be permitted to vote at such Beach Erosion Control District election unless his name appears on such registry list.

C. 40:68-37 Voting hours; record of voters.

11. The polls for the election of said commissioners shall be opened at 2:00 P. M. and shall remain open until 8:00 P. M. of the day fixed for the election. The municipality shall furnish to the judge of elections suitable books in which shall be entered the names and addresses of each person voting within the district.

C. 40:68-38 Duties of judge and teller after polls close.

12. Immediately after the close of the polls the judge and teller shall proceed forthwith to count the votes for each candidate and shall complete the count without delay or adjournment. The counting shall be open and public but not to such an extent that the number of persons present shall hinder, delay or inconvenience the election officers in counting the ballots and ascertaining the results. The judge and teller shall certify to the correctness of the count and shall forward all ballots and tallies to the clerk of the municipality wherein the district is located. Upon completion of the count of the votes, the judge of election shall announce publicly the result of the election.

C. 40:68-39 Duties of commissioners after election.

13. Each commissioner shall, within 1 week after his election, qualify by taking and subscribing before the clerk of such municipality or some other person authorized to administer oaths, an oath faithfully to discharge the duties of his office to the best of his skill and understanding, and shall file the same with the clerk of such municipality. The commissioners shall meet within 2 weeks after their election upon the call of such clerk and immediately select one of their number as president of such commission, one of their number as secretary, and one as treasurer. The acts of a majority shall be the acts of the commission.

C. 40:68-40 Authority and powers of control district.

14. Every Beach Erosion Control District shall be a public body politic and corporate, constituting a political subdivision of the State and shall have perpetual succession and have the following powers and be authorized to:

(1) Adopt and have a common seal and to alter the same at pleasure.

(2) To sue and be sued.

(3) Prepare the necessary and proper plans and specifications for the construction, replacement or improvement of jetties, bulkheads or other facilities designed to prevent erosion resulting from tidal waters, and to engage in filling or other projects to restore areas previously eroded.

(4) Select locations for the erosion control works and determine the size, type and method of construction thereof.

(5) Make any necessary estimates of the principal cost of said projects.

(6) Enter into the necessary contracts to perform any of the acts authorized by this act.

(7) Obtain and exercise such consent or approval as may be necessary from officials or agencies of the Government of the United States or the State of New Jersey.

(8) Borrow money and incur indebtedness and issue its negotiable bonds and notes for any of the purposes provided for in this article or for the purpose of funding or refunding its bonds, notes or other indebtedness, and to provide for the rights and securities of the holders of such bonds, notes or other indebtedness.

(9) Acquire, hold and dispose of any and all property, real or personal, make and carry out and perform any and all contracts and agreements, execute any and all instruments and do and perform any and all acts and things necessary or convenient in the exercise of the powers especially given in this article or in the performance of the duties required in or undertaken pursuant to this article.

(10) Employ such agents or employees as it may deem necessary to carry out the purpose of this act.

C. 40:68-41 Entry upon or acquisition of lands or waters by district agents.

15. The district, its agents, officers, engineers or others in its employ, may enter at all times upon all lands or waters for the purpose of making surveys, borings, soundings and examinations for the purpose of the district, doing no unnecessary injury to private or other property. When the district shall have determined upon

the construction of any particular project facility or structure authorized by this act, it may proceed to condemn and take land or water rights and structures necessary therefor in accordance with chapter 1 of Title 20, of the Revised Statutes (Eminent Domain) and may also proceed to acquire, purchase, take and hold such voluntary grants of real estate, riparian rights and other property above or under water as may be necessary to complete said project.

(a) Upon the filing by an authority of a complaint in any action to fix the compensation to be paid for any property or at any time thereafter, the authority may file with the clerk of the county in which such property is located and also with the Clerk of the Superior Court a declaration of taking, signed by the authority, declaring that possession of one or more of the tracts or parcels of land or property described in the complaint is thereby being taken by and for the use of the authority. The said declaration of taking shall be sufficient if it sets forth (a) a description of each tract or parcel of land or property to be so taken sufficient for the identification thereof to which there may or may not be attached a plan or map thereof, (b) a statement of the estate or interest in the said land or property being taken, (c) a statement of the sum of money estimated by the authority by resolution to be just compensation for the taking of the estate or interest in each tract or parcel of land or property described in said declaration, and (d) an allegation that, in compliance with the provisions of this act, the authority has established and is maintaining a trust fund as hereinafter provided.

(b) Upon the filing by an authority of a declaration of taking of property as provided in this act, the authority shall deposit with the Clerk of the Superior Court the amount of the estimated compensation stated in such declaration. In addition to the said deposits with the Clerk of the Superior Court, the authority at all times shall maintain a fund on deposit with a bank or trust company doing business in the State in an amount at least equal to the aggregate amount deposited with the Clerk of the Superior Court as estimated compensation for all property described in declarations of taking with respect to which the compensation has not been finally determined and paid to the persons entitled thereto or into court. Said fund shall consist of cash or securities readily convertible into cash constituting legal investments for trust funds under the laws of the State or may consist of all or some part of the proceeds of bonds of the authority held by any trustee for the holders of such bonds and available for payment for the land or

other property described in such declarations of taking. Said fund shall be held by or on behalf of the authority to secure and may be applied to the payment of just compensation for the land or other property described in such declarations of taking. The authority shall be entitled to withdraw from said fund from time to time so much as may then be in excess of the aggregate amount deposited with the Clerk of the Superior Court as estimated compensation for all land or other property described in declarations of taking with respect to which the compensation has not been finally determined and paid to the persons entitled thereto or into court.

(c) Upon the filing by an authority of a declaration of taking of property as provided in this act and the depositing with the Clerk of the Superior Court of the amount of the estimated compensation stated in said declaration, the authority, without other process or proceedings, shall be entitled to the exclusive possession and use of each tract of land or property described in said declaration and may forthwith enter into and take possession of said land or property, it being the intent of this provision that the action to fix compensation to be paid or any other proceedings relating to the taking of said land or interest therein or other property shall not delay the taking of possession thereof and the use thereof by the authority for the purpose or purposes for which the authority is authorized by law to acquire or condemn such land or other property or interest therein.

(d) Each authority shall cause notice of the filing of a declaration of taking of property as provided in this act and of the making of deposit required by this act with respect thereto to be served upon each party to the action to fix the compensation to be paid who resides in the State, either personally or by leaving a copy thereof at his residence if known, and upon each such party who resides out of the State, by mailing a copy thereof to him at his residence if known. In the event that the residence of any such party or the name of such party is unknown, such notice shall be published at least once in a newspaper published or circulating in the county or counties in which the property is located. Such service, mailing or publication shall be made within 30 days after filing such declaration. Upon the application of any party in interest and after notice to other parties in interest, including the authority, the Superior Court may direct that the money deposited with the Clerk of the Superior Court or any part thereof be paid forthwith to the person or persons entitled thereto for or on account of the just compensation to be awarded in such action, provided that each such

person shall have filed with the Clerk of the Superior Court a consent in writing that, in the event the award in the said action shall be less than the amount deposited, the court, after such notice as the court prescribes and hearing, may determine his liability, if any, for the return of the difference or any part thereof and enter judgment therefor. If the amount of the award as finally determined shall exceed the amount so deposited, the person or persons to whom the award is payable shall be entitled to recover from the authority the difference between the amount of the deposit and the amount of the award, with interest at the rate of 6% per annum thereon from the date of making the deposit. If the amount of the award as so determined shall be less than the amount so deposited, the Clerk of the Superior Court shall return the difference between the amount of the award and the deposit to the authority unless the deposit or any part thereof shall have theretofore been distributed, in which event the court, on application of the authority and notice to all persons interested in the award and affording them an opportunity to be heard, shall enter judgment in favor of the authority for the difference against the party or parties liable for the return thereof.

(e) The authority shall not abandon any condemnation proceeding subsequent to the date upon which it has taken possession of the land or property as provided in this act.

C. 40:68-42 Authority to issue bonds.

16. To finance any of the purposes or powers provided for in this act or for the purpose of funding or refunding its bonds, notes or other evidences of indebtedness, the district shall be authorized to issue its bonds, notes or other evidences of indebtedness, provided that the total indebtedness of any such district shall at no time exceed \$150,000.00. Except as may be otherwise provided by section 17, the principal and interest of such bonds, notes or other evidences of indebtedness shall be payable only from moneys raised by general taxation within the district as in this act provided and in connection therewith no municipality, other than a municipality which in accordance with section 17 shall guarantee payment of the principal of and interest on any such bonds, shall incur any indebtedness of any kind or nature or pledge its taxing power or any part thereof in support of such principal and interest.

C. 40:68-43 Guarantee of payment of bonds.

17. For the purpose of aiding a district in the accomplishment of any of the purposes or powers provided for in this article and in marketing any of its bonds, refunding or other, the municipality

in which it is situate may pursuant to ordinance duly adopted by its governing body in the manner provided for adoption of a bond ordinance as provided in the Local Bond Law (N. J. S. A. Title 40A:2 et seq.) and with or without consideration and upon such terms and conditions as may be agreed to by and between the municipality and the district unconditionally guarantee the punctual payment of the principal of and interest on any bonds of the district. Any guaranty of bonds of a district made pursuant to this section shall be evidenced by indorsement thereof or such bonds executed in the name of the municipality and on its behalf by such officer thereof as may be designated in the ordinance authorizing such guaranty and such municipality shall thereupon and thereafter be obligated to pay the principal of and interest on such bonds in the same manner and to the same extent as in the case of bonds issued by it. The principal amount of bonds so guaranteed shall after their issuance be included in the gross debt of such municipality for the purpose of determining the indebtedness of such municipality under or in pursuant to the Local Bond Law.

C. 40:68-44 Terms of issuance of bonds.

18. Notes, bonds or other evidence of indebtedness issued by a district shall be issued under and in accordance with the Local Bond Law, chapter 2 of Title 40A of the New Jersey Statutes (R. S. 40A et seq.) except that any bonds sold by such district may be issued for a period of up to but not exceeding 20 years. The municipality wherein the district is situate is authorized to purchase at private sale the bonds of any district at no interest or at such interest rate as may be agreed upon by the commissioners of the district and the governing body of the municipality.

C. 40:68-45 Authority to appropriate moneys.

19. Any municipality wherein a district is situate shall have the power in the discretion of its governing body to appropriate moneys for the purposes of the district and to loan or donate such moneys to the district in such installments and upon such terms as may be agreed upon between such governing body and the commissioners of the district.

C. 40:68-46 District budget.

20. The district commissioners shall adopt a budget for the district which budget shall be prepared and adopted in accordance with the Local Budget Law, chapter 4 of Title 40A of the New Jersey Statutes. Upon adoption of the budget the clerk of the district shall transmit a certified copy of its budget to the municipal as-

essor of the municipality in which the district is situate, who shall assess the money required to be raised in the budget upon the taxable properties in the district in the same manner as municipal taxes are assessed and the said money shall be assessed, levied and collected at the same time and in the same manner as other municipal taxes.

C. 40:68-47 Payment of money to district treasurer.

21. The tax collector of the municipality in which the district is situate shall pay over all money collected by him which shall have been assessed in accordance with the provisions of this act to the treasurer of the district.

C. 40:68-48 Awarding of contracts by district.

22. The district shall award no contract or agreement for the purposes provided for in this act exceeding in amount the sum of \$2,500.00 without advertisement for bids, which shall be opened publicly and an award made to the lowest responsible bidder, with power in the district to reject any or all bids.

C. 40:68-49 Annual audit of commission accounts.

23. It shall be the duty of every Beach Erosion Control Commission created pursuant to this act to cause an annual audit of the accounts of the commission to be made and filed with the commission, and for this purpose the commission shall employ a registered municipal accountant of New Jersey or a certified public accountant of New Jersey. The audit shall be completed and filed with the commission within 4 months after the close of the fiscal year of the commission and a certified duplicate copy thereof shall be filed with the Director of the Division of Local Government in the Department of the Treasury and the municipal clerk of the municipality in which the district is situate within 5 days after the original report is filed with the commission.

C. 40:68-50 Dissolution of district.

24. The governing body of the township which has created a beach erosion district pursuant to this act by resolution dissolves such district if either (1) such district has no debts or obligations outstanding, or (2) all creditors or other obligees of the district have consented to said resolution. In the event that there are debts wherein the township has passed a resolution dissolving a beach erosion district, the township is permitted to assume and pay the debts and obligations of the district. A copy of said resolution, certified by the clerk of the township, shall be filed in the office of the Secretary of State and the office of the Division of Local Gov-

ernment and the Department of the Treasury. Upon proof of such filing and upon proof either that said beach erosion district had no debts or obligations outstanding at the time of the adoption of such resolution or that all creditors or other obligees of the beach erosion district have consented to such resolution, the beach erosion district shall be conclusively deemed to have been lawfully and properly dissolved. Therefore, all right, title and interest in and to the property of the beach erosion district shall be vested in the township, except that any particular property shall vest in any other governmental unit or person if the terms of any lease or any other agreement of the beach erosion district with respect thereto shall so provide. A copy of any such certified resolution, duly certified by or on behalf of the Secretary of State shall be admissible in evidence and in action or proceeding it shall be conclusive evidence of due and proper adoption and filing thereof as aforesaid.

C. 40:68-51 Validity of act.

25. If any section or sections of this act or any provision thereof shall be declared to be unconstitutional, invalid or inoperative in whole or in part, such section or provision shall, to the extent that it is not unconstitutional, invalid or inoperative be enforced and effectuated and no such determination shall be deemed to invalidate or make ineffectual the remaining provisions of the sections of this act.

C. 40:68-52 Removal for cause of district member.

26. A member of the beach erosion district may be removed by the governing body of the township for incapacity, inefficiency or neglect of duty, or misconduct in office or other disqualifying cause, and after shall be given a copy of the charges against him and not sooner than 10 days after, be afforded opportunity for a hearing in person or by counsel by such governing body with respect to such charges.

27. This act shall take effect immediately.

Approved July 27, 1967.

CHAPTER 185

AN ACT to amend "An act relating to the licensing, regulation and supervision of insurance agents, insurance brokers and insurance solicitors, supplementing chapters 22, 32 and 36 of Title 17 of the Revised Statutes and repealing sections 17:22-1, 17:22-2, 17:22-3, 17:22-4, 17:22-5, 17:23-3, 17:32-6 and 17:32-11 of the Revised Statutes and section 1 of 'An act concerning the licensing of agents for insurance companies in certain cases, supplementing chapter 22 of Title 17, and amending section 17:33-1 of the Revised Statutes,' approved May 16, 1941 (P. L. 1941, c. 118)," approved April 20, 1944 (P. L. 1944, c. 175).

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

1. Section 16 of the act of which this act is amendatory is amended to read as follows:

C. 17:22-6.16 Revocation of license; grounds; investigatory powers of commissioner.

16. The commissioner, after 10 days' notice in the form of a show-cause order, given in writing to a licensee, and after a hearing held in conformity with said show-cause order, may as an alternative to or in addition to other penalties provided by law, revoke the license of any such licensee, or refuse to renew the same, or suspend same for a limited period of time in the event that investigation by him and such hearing, discloses the fact that the licensee

(a) has willfully violated any provisions of the insurance laws of this State, or

(b) has intentionally made a material misstatement in the application for such license, or

(c) has misappropriated or converted to his own use or illegally withheld money belonging to an insurer or an insured or beneficiary, or

(d) has obtained or has used such license not for the purpose of holding himself out to the general public as an insurance agent, broker or solicitor, but primarily for the purpose of soliciting, negotiating or procuring insurance covering risks or property of

his own, risks or property of members or employees of any organization of which the licensee is an officer, risks or property of his relatives or employees, or risks or property of officers or employees of a firm, partnership, or corporation in which the licensee or his mother, father, sister, brother or wife or combination of such persons owns a controlling interest, or

(e) has been convicted after obtaining his license of a crime involving moral turpitude, or

(f) has paid all or any part of commissions or insurance premiums to a person not licensed in this State, or in a State in which the assured has interests which are the subject of the insurance on which the commissions are earned, or

(g) has not been actively engaged in the business of an insurance agent, broker or solicitor for a period of 6 months or longer, or

(h) has otherwise demonstrated unworthiness, bad faith, dishonesty or incompetency to act as a licensee, or

(i) does not possess cash and accounts receivable for insurance premiums owing the licensee in an amount equal to or in excess of the accounts payable by the licensee for insurance premiums. Such accounts receivable shall not include insurance premiums owing the licensee more than 120 days after the last day of the month in which the insurance was effective.

The commissioner shall have the power to conduct investigations, to administer oaths, to interrogate licensees, to issue subpoenas signed by him or in his behalf by his deputy, or by an employee of the department authorized by the commissioner so to do, and to compel witnesses to answer at any hearing. Said subpoenas shall be served in the same manner and the witnesses shall be entitled to the same fees as in the case of subpoenas issued out of the Superior Court of New Jersey. In case of a failure of any person to comply with any subpoena issued hereunder or to testify with respect to any matter concerning which he may be lawfully interrogated, the Superior Court, on application of the commissioner, may issue an order requiring the attendance of such person and the giving of testimony or production of evidence. Any person failing to obey the court's order may be punished by the court as for a contempt.

2. This act shall take effect immediately.

Approved July 27, 1967.

CHAPTER 186

AN ACT concerning railroads in relation to the equipment of certain cars and supplementing chapter 12 of Title 48 of the Revised Statutes.

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

C. 48:12-87.2 Construction and equipment of cabooses.

1. It shall be unlawful for any person, firm, company, corporation, trustee or receiver operating a railroad as a common carrier for hire in whole or in part in this State to haul or permit to be hauled or used within this State any car as a caboose if said car has been acquired or purchased after the effective date of this act and does not conform to the requirements of this act. Such cars except for interior finish shall be of steel construction, shall be equipped with a platform on each end thereof not less than 24 inches wide having secure guardrails, grab irons and steps equipped with suitable rods, boards or other guards at each end and at the back thereof; shall be at least 24 feet in length exclusive of platforms; shall be of constructive strength equal to that of 100,000 pounds capacity freight cars; shall be equipped with drawbars and draft gears designed to adequately handle slack action; and shall have trucks with 4 wheels each. Said cars shall be equipped with automatic air brakes, a conductor's air valve, and air valves and a whistle fixed at or adaptable to either platform. Said cars shall have a door in each end thereof; shall have bay windows, or cupolas of sufficient size to accommodate at least 2 men and served with suitable steps for access thereto. Said cars shall have a sanitary toilet room; an ice box or refrigerator, a water cooler, and clothes lockers with recessed knobs; and shall have suitable heating equipment. The cars shall be equipped with wipers attached to the bay windows; and all windows shall be of shatterproof glass.

C. 48:12-87.3 Exceptions.

2. This act shall not apply to cabooses or other equivalent cars used in switching service or on trains operated wholly within 25 miles of yard limits.

C. 48:12-87.4 Enforcement of act; penalty.

3. It shall be the duty of the Board of Public Utility Commissioners to administer and enforce the provisions of this act. Any

person or railroad that shall fail to comply with an order of the board, issued hereunder after hearing, upon notice, shall be subject to a penalty of \$100.00 for every day on which a car is hauled or used in this State in violation of said order.

C. 48:12-37.5 Validity of act.

4. If any part or provision of this act shall be held invalid the remainder of this act shall not be affected thereby.

5. This act shall take effect on July 1, 1968.

Approved July 27, 1967.

CHAPTER 187

AN ACT to amend "An act concerning municipalities in relation to the acquisition and retirement of alcoholic beverage retail licenses in certain cases and supplementing chapter 48 of Title 40 of the Revised Statutes," approved January 5, 1967 (P. L. 1966, c. 317).

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

1. Section 1 of the act of which this act is amendatory is amended to read as follows:

C. 40:48-2.39 Transfer and retirement of alcoholic beverage license by municipality.

1. In any case in which a municipality acquires by purchase or condemnation any real estate within the municipality which includes any licensed premises for the retail sale of alcoholic beverages, or upon application of the holder of any such license in a municipality in which the number of retail consumption licenses exceeds the limitation thereon provided for in P. L. 1947, chapter 94 (N. J. S. A. 33:1-12.14), the governing body of the municipality, whenever it finds that a transfer of the license to, and the retirement of the license by, the municipality is in the public interest, may contract with the licensee for such transfer upon such terms and for such consideration as shall be mutually agreeable and as the governing body shall deem to be reasonable. Upon the transfer of any retail alcoholic beverage license as herein provided, such license shall thereupon be retired by the municipality and shall not thereafter be reissued to any applicant.

2. This act shall take effect immediately.

Approved July 27, 1967.

CHAPTER 188

AN ACT to amend the "Motor Vehicle Security-Responsibility Law," approved May 10, 1952 (P. L. 1952, c. 173).

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

1. Section 3 of the act of which this act is amendatory is amended to read as follows:

C. 39:6-25 Security to satisfy judgment; suspension of license; when inapplicable; insurance or surety company requirements.

3. (a) If 20 days after the receipt of a report of a motor vehicle accident within this State which has resulted in bodily injury or death, or damage to the property of any one person in excess of \$200.00, the director does not have on file evidence satisfactory to him that the person who would otherwise be required to file security under subsection (b) of this section has been released from liability, or has been finally adjudicated not to be liable, or has executed a duly acknowledged written agreement providing for the payment of an agreed amount in installment with respect to all claims for injuries or damages resulting from the accident, the director shall determine the amount of security which shall be sufficient in his judgment to satisfy any judgment or judgments for damages resulting from such accident as may be recovered against each operator or owner.

(b) The director shall, within 90 days after the receipt of such report of a motor vehicle accident, suspend the license of each operator and all registrations of each owner of a motor vehicle in any manner involved in such accident, and if such operator is a nonresident the privilege of operating a motor vehicle within this State, and if such owner is a nonresident the privilege of the use within this State of any motor vehicle owned by him, unless such operator or owner or both shall deposit security in the sum so determined by the director; provided, notice of such suspension shall be sent by the director to such operator and owner not less than 10 days prior to the effective date of such suspension and shall state the amount required as security. Where erroneous information is given the director with respect to the matters set forth in subdivisions 1, 2 or 3 of subsection (c) of this section, he shall take appropriate action as hereinbefore provided, within 90 days after

receipt by him of correct information with respect to said matters.

(c) This section shall not apply under the conditions stated in section 4 of this act nor:

(1) to such operator or owner, if such owner had in effect, at the time of such accident, an automobile liability policy with respect to the motor vehicle involved in such accident;

(2) to such operator, if the owner of such motor vehicle, if there was in effect at the time of such accident an automobile liability policy or bond with respect to his operation of motor vehicles not owned by him;

(3) to such operator or owner if the liability of such operator or owner for damages resulting from such accident is, in the judgment of the director, covered by any other form of liability insurance policy or bond; nor

(4) to any person qualifying as a self-insurer under section 30 of this act, or to any person operating a motor vehicle for such self-insurer.

No such policy or bond shall be effective under this section unless issued by an insurance company or surety company authorized to do business in this State, except that if such motor vehicle was not registered in this State, or was a motor vehicle which was registered elsewhere than in this State at the effective date of the policy or bond, or the most recent renewal thereof, such policy or bond shall not be effective under this section unless the insurance company or surety company if not authorized to do business in this State shall execute a power of attorney authorizing the director to accept service on its behalf of notice or process in any action upon such policy or bond arising out of such accident; provided, however, every such policy or bond is subject, if the accident has resulted in bodily injury or death, to a limit, exclusive of interest and costs, of not less than \$10,000.00 because of bodily injury to or death of one person in any one accident and, subject to said limit for one person, to a limit of not less than \$20,000.00 because of bodily injury to or death of 2 or more persons in any one accident, and, if the accident has resulted in injury to or destruction of property, to a limit of not less than \$5,000.00 because of injury to or destruction of property of others in any one accident.

2. This act shall take effect immediately.

Approved July 27, 1967.

CHAPTER 189

AN ACT concerning motor vehicles, amending sections 39:4-129, 39:4-130, 39:4-131 and 39:4-132 of the Revised Statutes; supplementing article 15 of chapter 4 of Title 39 of the Revised Statutes, and repealing sections 39:4-9 and 39:4-133 of the Revised Statutes.

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

1. Section 39:4-129 of the Revised Statutes is amended to read as follows:

Action in case of accident.

39:4-129. (a) The driver of any vehicle involved in an accident resulting in injury or death to any person shall immediately stop the vehicle at the scene of the accident or as close thereto as possible but shall then forthwith return to and in every event shall remain at the scene until he has fulfilled the requirements of subsection (c) of this section. Every such stop shall be made without obstructing traffic more than is necessary. Any person who shall violate this subsection shall be fined in the sum of \$100.00, or be imprisoned for a period of 30 days, or both, for the first offense, and for a subsequent offense shall be fined in the sum of \$500.00, or be imprisoned for a period of 6 months, or both.

(b) The driver of any vehicle involved in an accident resulting only in damage to a vehicle, including his own vehicle, or other property which is attended by any person shall immediately stop his vehicle at the scene of such accident or as close thereto as possible, but shall then forthwith return to and in every event shall remain at the scene of such accident until he has fulfilled the requirements of subsection (c) of this section. Every such stop shall be made without obstructing traffic more than is necessary. Any person who shall violate this subsection shall be fined not less than \$25.00 nor more than \$100.00, or be imprisoned for a period of not more than 30 days, or both, for the first offense, and for a subsequent offense, shall be fined not less than \$100.00 nor more than \$200.00, or be imprisoned for a period of not less than 30 days nor more than 90 days, or both.

(c) The driver of any vehicle involved in an accident resulting in injury or death to any person or damage to any vehicle or

property shall give his name and address and exhibit his operator's license and registration certificate of his vehicle to the person injured or whose vehicle or property was damaged and to any police officer or witness of the accident, and to the driver or occupants of the vehicle collided with and render to a person injured in the accident reasonable assistance, including the carrying of that person to a hospital or a physician for medical or surgical treatment, if it is apparent that the treatment is necessary or is requested by the injured person.

In the event that none of the persons specified are in condition to receive the information to which they otherwise would be entitled under this subsection, and no police officer is present, the driver of any vehicle involved in such accident after fulfilling all other requirements of subsections (a) and (b) of this section, insofar as possible on his part to be performed, shall forthwith report such accident to the nearest office of the local police department or of the county police of the county or of the State Police and submit thereto the information specified in this subsection.

(d) The driver of any vehicle which collides with or is involved in an accident with any vehicle or other property which is unattended resulting in any damage to such vehicle or other property shall immediately stop and shall then and there locate and notify the operator or owner of such vehicle or other property of the name and address of the driver and owner of the vehicle striking the unattended vehicle or other property or, in the event an unattended vehicle is struck and the driver or owner thereof cannot be immediately located, shall attach securely in a conspicuous place in or on such vehicle a written notice giving the name and address of the driver and owner of the vehicle doing the striking or, in the event other property is struck and the owner thereof cannot be immediately located, shall notify the nearest office of the local police department or of the county police of the county or of the State Police and in addition shall notify the owner of the property as soon as the owner can be identified and located. Any person who violates this subsection shall be punished as provided in subsection (b) of this section.

2. Section 39:4-130 of the Revised Statutes is amended to read as follows:

Report of accident; supplemental reports; use as evidence; notice when person is injured or killed.

39:4-130. The driver of a vehicle or street car involved in an accident resulting in injury to or death of any person, or damage

to property of any one person in excess of \$200.00 shall by the quickest means of communication give notice of such accident to the local police department or to the nearest office of the county police of the county or of the State Police, and in addition shall within 5 days after such accident forward a written report of such accident to the division on forms furnished by it. Such written reports shall contain sufficiently detailed information with reference to a motor vehicle accident, including the cause, the conditions then existing, the persons and vehicles involved and such information as may be necessary to enable the director to determine whether the requirements for the deposit of security required by law are inapplicable by reason of the existence of insurance or other circumstances. The director may rely upon the accuracy of the information contained in any such report, unless he has reason to believe that the report is erroneous. The division may require operators involved in accidents to file supplemental reports of accidents upon forms furnished by it when in the opinion of the division, the original report is insufficient. The reports shall be without prejudice, shall be for the information of the division, and shall not be open to public inspection. The fact that the reports have been so made shall be admissible in evidence solely to prove a compliance with this section, but no report or any part thereof or statement contained therein shall be admissible in evidence for any other purpose in any proceeding or action arising out of the accident.

Whenever the driver of a vehicle is physically incapable of giving immediate notice or making a written report of an accident as required in this section and there was another occupant in the vehicle at the time of the accident capable of giving notice or making a report, such occupant shall make or cause to be made said notice or report not made by the driver.

Whenever the driver is physically incapable of making a written report of an accident as required by this section and such driver is not the owner of the vehicle, then the owner of the vehicle involved in such accident shall make such report not made by the driver.

Any person who violates this section shall be punished as provided in subsection (b) of section 39:4-129 of the Revised Statutes.

The director may revoke or suspend the operator's license privilege and registration privilege of a person who violates this section.

3. Section 39:4-131 of the Revised Statutes is amended to read as follows:

Report forms; investigating officer required to report.

39:4-131. The division shall prepare and supply to police departments and other suitable agencies, forms for accident reports calling for sufficiently detailed information with reference to a motor vehicle accident, including the cause, the conditions then existing, the persons and vehicles involved and such information as the director may require.

Every law enforcement officer who investigates a vehicle accident of which report must be made as required in this Title, or who otherwise prepares a written report as a result of an accident or thereafter by interviewing the participants or witnesses, shall forward a written report of such accident to the division, on forms furnished by it, within 5 days after his investigation of the accident.

Such written reports required to be forwarded by law enforcement officers and the information contained therein shall not be privileged or held confidential.

4. Section 39:4-132 of the Revised Statutes is amended to read as follows:

Certain damages reported by repairman.

39:4-132. The person in charge of a garage or repair shop to which is brought a motor vehicle which shows evidence of having been involved in an accident of which report must be made by the driver thereof as provided in section 39:4-130 of the Revised Statutes or of having been struck by a bullet shall report to the nearest office of the local police department or of the county police of the county or of the State Police within 24 hours after the motor vehicle is received, giving the serial number, registration number and, if known, the name and address of the owner or operator of the vehicle.

Any person who shall violate this section shall be fined not less than \$100.00 nor more than \$500.00 or be imprisoned for a period of not less than 30 days nor more than 90 days, or both.

C. 39:4-134.1 Certain accidents to be reported.

5. The duties and responsibilities imposed by the provisions of this article upon all persons designated therein shall apply to accidents occurring upon highways and elsewhere throughout the State.

39:4-9 and 39:4-133 Repealed.

6. Sections 39:4-9 and 39:4-133 of the Revised Statutes are hereby repealed.

7. This act shall take effect immediately.

Approved July 27, 1967.

CHAPTER 190

AN ACT concerning education, amending section 18:6-47 of the Revised Statutes and supplementing chapter 5 of Title 18 of the Revised Statutes.

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

1. Section 18:6-47 of the Revised Statutes is amended to read as follows:

Duties respecting construction, repairs, bids, contracts and inspection.

18:6-47. All plans and specifications for the erection, improvement, or repair of public schoolhouses shall be drawn by or under the supervision of the business manager, if there is one, and shall be approved by the board.

The business manager, if there is one, shall supervise the construction and repair of all school buildings, and shall report monthly to the board the progress of the work. The board may authorize the business manager to order repairs in a sum not exceeding \$1,000.00 between meetings of the board, and may authorize the committee of the board having charge of the repair of school property to order repairs in a sum not exceeding \$2,000.00 between meetings of the board, without the previous order of the board and without advertisement.

The business manager, if there is one, shall superintend all advertisements for bids and the letting of all contracts.

He shall inspect all work done and materials or supplies furnished under contract, and, subject to the approval of the board, shall condemn any work and reject any material or supplies which, in his judgment, do not conform to the specifications of the contract therefor, and shall perform such other duties as may be required by the board.

C. 18:5-51.4 Authority to delegate duties.

2. Every board of education which does not have a business manager may delegate to an appropriate officer employed by the board any and all of the duties and powers provided for business managers in section 18:6-47 of the Revised Statutes.

3. This act shall take effect immediately.

Approved August 15, 1967.

CHAPTER 191

AN ACT concerning railroads amending “An act concerning railroads in relation to the division of certain expenses and supplementing chapter 12 of Title 48 of the Revised Statutes,” approved December 27, 1960 (P. L. 1960, c. 152).

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

1. Section 1 of the act of which this act is amendatory is amended to read as follows:

C. 48:12-49.1 Construction of bridges, passages, grade crossings; installation of protective devices; division of expenses.

1. The railroad company or companies involved shall pay 15% and the board, out of funds to be provided for that purpose, shall pay 85% of the entire expense of constructing any bridge or passage over or under the railroad or right-of-way pursuant to order of the board under section 48:12-49 of the Revised Statutes. Such expense shall include, without limitation thereto, damages to adjacent property and the cost of removing, relaying or relocating any municipal pipes, conduits or subways.

In lieu of the apportionment of expenses as set forth above, if the board finds that such construction of any bridge or passage is necessary due to increased vehicular or pedestrian traffic within the limits of the municipality or county having jurisdiction over the road, street or avenue involved, the board may order the entire expense to be paid as follows: 15% by the railroad company or companies involved, 15% by the municipality (or municipalities) or county (or counties) having jurisdiction over the roads, streets or avenues involved and 70% by the board.

The railroad company or companies involved shall pay 5% and the board, out of funds to be provided for that purpose, shall pay 95% of the entire expense: (a) of enlarging, changing, reconstructing, relocating or modifying any bridge or passage over or under the railroad or right-of-way, or of reconstructing any passage across the railroad or right-of-way; pursuant to order of the board under section 48:12-49 of the Revised Statutes and as to which actual work is commenced on or after April 1, 1965; or (b) the installation, change, reconstruction, relocation or modification of pro-

protective devices or other provision for the protection of the traveling public at grade crossings pursuant to order of the board under sections 48:2-29, 48:12-54 or 48:12-55 of the Revised Statutes and as to which actual work is commenced on or after April 1, 1967. Such expense shall include, without limitation thereto, damages to adjacent property and the cost of removing, relaying or relocating any municipal pipes, conduits or subways. With respect to crossings at grade, such expense shall not include the cost of rails, ties or ballast. The protective devices or other provision for the protection of the traveling public at grade crossings shall be maintained by the railroad at its own cost and expense.

In lieu of the apportionment of expenses as set forth in the preceding paragraph, if the board finds that such installation, enlargement, change, reconstruction, relocation or modification is necessary due to increased vehicular or pedestrian traffic within the limits of the municipality or county having jurisdiction over the road, street or avenue involved, the board may order the entire expense to be paid as follows: 5% by the railroad company or companies involved, 15% by the municipality (or municipalities) or county (or counties) having jurisdiction over the roads, streets or avenues involved and 80% by the board.

The municipalities and counties involved are hereby authorized and empowered to make such payments.

2. This act shall take effect immediately.

Approved August 15, 1967.

CHAPTER 192

AN ACT to provide an alternate program of benefits for certain members of the faculty of Rutgers, The State University, in lieu of benefits under the Public Employees' Retirement System.

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

C. 18:22-15.11a **Alternate program of benefits; life insurance; additional coverage; certain contributions not returnable.**

1. (a) Notwithstanding the provisions of section 73 of chapter 84 of the laws of 1954, within 180 days after the effective date of this

act, Rutgers, The State University shall provide an alternate program of benefits for certain employees in lieu of benefits under the Public Employees' Retirement System, which program shall be known as the alternate benefit program and which shall provide for individual retirement annuity contracts, both fixed and variable in nature, to become the property of the participants in said program individually; and group contracts providing life insurance which, notwithstanding any other provision of law, shall be in an amount equal to $1\frac{1}{2}$ times the base annual salary of said participant in the event of death prior to retirement; and which may provide insurance coverage after retirement in an amount not to exceed $\frac{3}{16}$ of the participant's base annual salary at the time of retirement; and disability benefits for all such participants. The Board of Governors of Rutgers, The State University shall perform or provide for performance of all things necessary to prepare and operate said program.

(b) Rutgers, The State University may also provide for additional death benefit coverage in accordance with rules and regulations as adopted by Rutgers, The State University from time to time on the basis of factors deemed appropriate by it. A member of the alternate benefit program will be eligible to purchase the additional death benefit coverage provided that he or she selects such coverage within one year after the effective date of membership. A schedule of employee contributions shall be established by Rutgers, The State University on a basis it deems appropriate which schedule shall be subject to adjustment from time to time for purpose of meeting the entire cost of the additional death benefit coverage.

(c) Any other provisions of this act notwithstanding, the contributions of a member for the additional death benefit coverage under this section shall not be returnable to the member or his beneficiary in any manner, or for any reason whatsoever, nor shall any contributions made for the additional death benefit coverage be included in any annuity payable to any such member or to his beneficiary.

C. 18:22-15.11b Certain employees to participate; notice to be given.

2. All full-time faculty members, except those persons in ineligible categories designated in the regulations of Rutgers, The State University, which regulations shall be of uniform application, shall participate in the alternate benefit program, provided that no person who was in employment with Rutgers, The State University on the effective date of this act and who was then a member of the

Public Employees' Retirement System shall participate in the alternate benefit program unless he shall so elect by filing an application with the Public Employees' Retirement System within 90 days following the establishment of the alternate benefit program by Rutgers, The State University declaring his election to participate in the alternate benefit program.

Upon such election, the Public Employees' Retirement System shall cause prompt notice of said election to be given to Rutgers, The State University and shall transfer to the individual's account in the alternate benefit program, the amount of accumulated deductions standing to his credit in the Annuity Savings Fund of the Public Employees' Retirement System as of the date of transfer.

C. 18:22-15.11c Pension reserve to be transferred; pension amount; change of eligibility requirements; determination of percentage distribution.

3. There shall also be transferred from the Contingent Reserve Fund to the individual's account in the alternate benefit program, the pension reserve required as of the date of his transfer to provide a pension for each year of service credited to the account of the member as set forth in section 38 or section 48 of chapter 84, of the laws of 1954 as amended and supplemented as of the effective date of this act. Such transfer from the Contingent Reserve Fund shall be made at the time of the member's transfer to the alternate benefit program in the case of any such member who has then met the eligibility requirements for a pension under the aforementioned section 38 or section 48. In the case of any member who elects to participate in the alternate benefit program who has not then met the eligibility requirements for a pension under section 38 or section 48, the transfer from the Contingent Reserve Fund shall be effected at the time such requirements have been met, taking into account for the purpose of such eligibility requirement his years of membership service at the time of his election and his subsequent years of service as a full-time member of the faculty of Rutgers, The State University or at the time he shall have 10 years of credit for New Jersey service and become physically incapacitated for the performance of duty.

The annuity to be used in determining the amount of pension is the actuarial equivalent of the member's accumulated deductions transferred from the Public Employees' Retirement System to the date the member attains 60 years of age, if subsequent to the date of election. The amount of pension is that established by formula within section 48 of chapter 84, P. L. 1954 as amended and supplemented as of the effective date of this act, and changes to section 48

enacted subsequent to this act shall have no application to the provisions of this act.

In the event that the eligibility requirement under section 38 is changed at some future date to permit members to become eligible for such benefit prior to the completion of 15 years of service, the transfer of the reserve from the Contingent Reserve Fund shall be effected as of the date the member who had elected the alternate benefits program meets the amended eligibility requirement or the effective date of the amendment, if later.

In the event an option is available with respect to the distribution of employee and employer contributions between fixed and variable annuities under the alternate benefit program, the employee shall have the right to determine the percentage distribution of these funds subject to any limitations imposed by the designated insurer or insurers.

C. 18:22-15.11d Ineligibility for membership in Public Employees' Retirement System.

4. Any person participating in the alternate benefit program shall be ineligible for membership in the Public Employees' Retirement System and any person electing to participate in the alternate benefit program shall thereby waive all rights and benefits provided by the Public Employees' Retirement System as a member of said system except as herein and otherwise provided by law.

Any person receiving a benefit by reason of his retirement from any retirement or pension system of the State of New Jersey or any political subdivision thereof shall be ineligible to participate in the alternate benefit program.

C. 18:22-15.11e Employee contribution; amount; deduction; payment.

5. Rutgers, The State University shall deduct from the compensation of each participant in the alternate benefit program an employee contribution equal to 5% of the participant's compensation and pay this amount to the insurer or insurers for the individual's retirement annuity contract or contracts. The intervals for deductions and payments shall be determined by Rutgers, The State University. Based on a certification by Rutgers, The State University of the number and base salary of participants, the State shall make payments to Rutgers, The State University as employer contributions to the alternate benefit program at a rate equal to the normal contribution made by the State on behalf of nonveteran members of the Public Employees' Retirement System, which moneys Rutgers, The State University shall pay to the designated insurer or insurers for the benefit of each participant.

C. 18:22-15.11f Designation of insurer.

6. The Board of Governors of Rutgers, The State University shall designate the insurer or insurers from which contracts are to be purchased under the alternate benefit program and shall approve the form and content of such contracts. In making such designation and giving such approval the board shall give due consideration to (a) the nature and extent of the rights and benefits to be provided by such contracts for employees and their beneficiaries, (b) the relation of such rights and benefits to the amount of contributions to be made under this act, (c) the suitability of such rights and benefits to the needs and interests of employees and to the interests of the university in the recruitment and retention of employees, and (d) the ability of the designated insurer or insurers to provide such suitable rights and benefits under such contracts.

C. 18:22-15.11g No employer contributions during first year; refunding of certain employee contributions; inapplicable to owner of similar contract.

7. (a) Notwithstanding any other provisions of this act, no contributions to any retirement annuity contracts shall be made by Rutgers, The State University until the completion of 1 year of employment and commencement of a second consecutive year of employment. Employee contributions required during this initial year of service shall be deducted and held by Rutgers, The State University. Upon the commencement of such second year the amount of the employee contributions, and such amount of the employer contribution herein required as has not theretofore been paid for said employee, together with interest on both portions at the rate of 4% per annum, shall be paid over to the designated insurer or insurers for and on behalf of such employee. If such an employee does not commence such second year the amount of employee contributions deducted from his compensation shall be refunded to him.

(b) The provisions of subsection (a) of this section shall not apply to any employee who, at the time of initial employment, owns a retirement annuity contract or contracts determined by the Board of Governors of Rutgers, The State University to be substantially similar to the contracts to be purchased under the alternate benefit program and issued by the designated insurer or insurers.

C. 18:22-15.11h Salary reduction to purchase certain annuity; nature of agreement; termination; amount of reduction.

8. The Board of Governors of Rutgers, The State University is hereby authorized to enter into agreements with each employee participating in the alternate benefit program whereby the em-

ployee agrees to take a reduction in salary with respect to amounts earned after the effective date of such agreement in return for the agreements of Rutgers, The State University to use a corresponding amount to purchase an annuity for such employee so as to obtain the benefits afforded under section 403 (b) of the Federal Internal Revenue Code, as amended. Any such agreement shall specify the amount of such reduction, the effective date thereof, and shall be legally binding and irrevocable with respect to amounts earned while the agreement is in effect; provided, however, that such agreement may be terminated after it has been in effect for a period of not less than one year upon notice in writing by either party, and provided further that not more than one such agreement shall be entered into during any taxable year of the employee. For the purposes of this section, any annuity or other contract which meets the requirements of section 403 (b) of the Federal Internal Revenue Code, as amended, may be utilized. The amount of the reduction in salary under any agreement entered into between the university and any employee pursuant to this section shall not exceed 10% of the employee's salary prior to such reduction.

C. 18:22-15.11i Definitions.

9. The terms "accumulated deductions" and "pension reserve" as used herein are as defined in section 6 of chapter 84, P. L. 1954 as amended and supplemented.

"Full-time" faculty shall be as defined by the Board of Governors of Rutgers, The State University by regulation of uniform application, and shall also include the president, vice-presidents, secretary, and treasurer of the university.

C. 18:22-15.11j Use of commissions.

10. Notwithstanding any other provision of law, any insurance company or companies, issuing policy or policies may credit Rutgers, The State University, or in the form of reduced premiums, with savings by said company or companies in the event that no brokerage commission or commissions are paid by said company or companies on the issuance of such policy or policies.

C. 18:22-15.11k Use of dividends.

11. Any dividend or retrospective rate credit allowed by an insurance company shall be used for purposes of the alternate benefit program and shall be credited to the funds available to purchase the contracts provided for in section 1 of the act in an equitable manner.

C. 18:22-15.111 Benefits payable only by insurer.

12. No retirement, death, or other benefit shall be payable by the State or Rutgers, The State University under the alternate benefit program. Benefits shall be payable to participating employees and their beneficiaries only by the designated insurer or insurers under the terms of the contracts.

13. This act shall take effect immediately.

Approved August 15, 1967.

CHAPTER 193

AN ACT concerning The State Federation of District Boards of Education, and amending section 18:9-6 of the Revised Statutes.

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

1. Section 18:9-6 of the Revised Statutes is amended to read as follows:

Expenses of delegates; dues.

18:9-6. For the purpose of defraying the necessary expenses of the State Federation, the various district boards shall pay the necessary expenses incurred by its delegates, and shall appropriate annually such sums for dues as may be assessed by the federation at any delegate's meeting, which assessment of dues shall be made only upon $\frac{2}{3}$ vote of the delegates present at such delegate's meeting, after notice of the taking of such vote shall have been given to each district board in writing at least 60 days before such delegate's meeting. The aforesaid dues shall be assessed upon a graduated scale, according to the size of the school district, but in no case shall the dues for any one district exceed the sum of \$600.00 for any 1 year. Dues shall be payable by the custodian of school moneys of the school district to the treasurer of the State Federation.

2. This act shall take effect immediately.

Approved August 15, 1967.

CHAPTER 194

AN ACT concerning certain deductions from the compensation of persons holding public office, position or employment, whose compensation is paid by this State or by any board, body, agency or commission thereof.

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

C. 52:14-15.9d Deductions for payment to credit union; authorization; withdrawal.

1. Whenever any person holding public office, position or employment, whose compensation is paid by this State or by any board, body, agency or commission thereof, shall indicate in writing to the proper disbursing officer his desire to have any deductions made from his compensation for payment to a credit union the membership of which is limited to public employees, organized under the laws of this State or of the United States, such deductions shall be made by the State Treasurer, if such compensation is payable by the State Treasurer, or by any other disbursing officer when directed so to do by resolution of the board, body, agency or commission of which he is the disbursing officer, if such compensation is payable by him, and shall be transmitted to the treasurer of the credit union. Any such written authorization may be withdrawn upon filing notice of such withdrawal with the State Treasurer or such disbursing officer, as the case may be.

2. This act shall take effect immediately.

Approved August 15, 1967.

CHAPTER 195

AN ACT to provide a special charter for the town of Westfield, in the county of Union.

Preamble.

WHEREAS, The mayor and council of the town of Westfield have prepared and recommended the enactment of a special charter for the town of Westfield, in the county of Union; and

Preamble.

WHEREAS, The mayor and council of the town of Westfield have duly petitioned the Legislature for the enactment of a special charter pursuant to the provisions of section 1 of chapter 199 of the laws of 1948, as amended, and in accordance with the requirements of Article IV, Section VII, paragraph 10 of the Constitution of 1947; now therefore,

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

ARTICLE 1**GENERAL PROVISIONS****Private act.**

1.1 Short title. This act shall be known and may be cited as the Westfield Charter (1967).

1.2 Definitions. For the purposes of this act, unless otherwise required by the context:

(a) "Mayor" shall mean the chief executive officer of the town elected pursuant to the charter.

(b) "Council" shall mean the town council of the town of Westfield elected pursuant to the charter.

(c) "Administrator" shall mean the chief administrative officer appointed and acting pursuant to the charter.

(d) "Officers" shall mean any department head on the full- or part-time payroll of the town.

(e) "Employee" shall mean any person on the full- or part-time payroll of the town other than an officer.

(f) "Charter" shall mean this act, and any amendment or supplement hereto, and any general law not inconsistent herewith which may be applicable to the town.

(g) "Town" shall mean the town of Westfield, in the county of Union.

(h) "General law" shall be deemed to be any law not inconsistent with this act, heretofore or hereafter enacted which is by its terms applicable or available to all municipalities, and the following additional laws whether or not such additional laws are so applicable or available to all municipalities: laws relating to taxation, local courts, education, health, public authorities serving more than one municipality, and municipalities in unsound financial condition.

1.3. Powers generally. (a) In addition to such other powers as may be delegated by general law, and without limitation thereto,

and notwithstanding the provisions of chapter 125 of Title 40 of the New Jersey Revised Statutes (R. S. 40:125-1 through R. S. 40:125-40), the town shall have full power to:

(1) organize and regulate its internal affairs, establish, alter, and abolish offices, positions and employments and to define the functions, powers and duties thereof and fix their term, tenure and compensation; and to effectuate these ends and purposes to adopt an administrative code not in conflict with the charter and the general law;

(2) adopt and enforce local police ordinances of all kinds and impose fines, penalties and sentences as provided by general law;

(3) construct, acquire, operate or maintain any and all public improvements, projects or enterprises for any public purpose;

(4) sue and be sued, to have a corporate seal, to contract, to buy, sell, lease, hold and dispose of real and personal property, to appropriate and expend moneys, and to adopt, amend and repeal such ordinances and resolutions as may be required for the good government thereof;

(5) exercise powers of condemnation, borrowing and taxation in the manner provided by general law;

(6) exercise all powers of local government in such manner as its governing body may determine.

1.4 Construction of powers generally. The general grant of municipal powers contained in this act is intended to confer the greatest power of local self-government consistent with the Constitution of this State. Any specific enumeration of municipal powers contained in this act or in any general law shall not be construed in any way to limit the general grant of powers contained in this act, and any such specifically enumerated municipal powers shall be construed as in addition and supplementary to the powers conferred in general terms by this act.

1.5 Intergovernmental relations. The town may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in co-operation, by contract or otherwise, with any one or more States, political subdivisions or agencies thereof, the United States of America or any agency thereof.

ARTICLE 2

GOVERNING BODY

2.1 Mayor-Council governmental form. (a) The town shall be governed by an elected mayor and council who shall be chosen in the manner and for the terms hereinafter provided and by such

other officers and employees as may be duly appointed pursuant to this charter, general law or ordinance.

(b) The mayor and council members shall have been citizens, residents and registered voters of the town for at least 2 years immediately preceding their respective elections.

2.2 Ward division. The town shall be divided into 4 wards in the manner prescribed by ordinance and general law.

2.3 Council membership. The council shall consist of 8 councilmen, 2 from each of the 4 wards, and the mayor.

2.4 Mayor; council; election, term, continuation in office. (a) The mayor shall be elected at large by the voters of the town at the general election to be held on the first Tuesday after the first Monday in November, or at such other times as may be provided by law for holding general elections, and shall serve for a term of 2 years.

(b) Members of the council shall be elected by the voters of the town from their respective wards, electing one councilman from each ward every year for a term of 2 years, at the general election to be held on the first Tuesday after the first Monday in November, or at such other times as may be provided by law for holding general elections.

(c) On the date on which this act shall become operative the then mayor and council members shall continue to hold office for the remainder of their unexpired terms until their successors shall have been elected in the regular municipal elections.

2.5 Vacancies. Vacancies in any elective office shall be filled for the remainder of the unexpired term at the next general election occurring not less than 60 days after the occurrence of the vacancy. The council shall fill the vacancy temporarily by appointment to serve until the qualification of the person so elected.

ARTICLE 3

TOWN COUNCIL

3.1. Powers. (a) The council shall exercise the legislative power of the town and shall have and exercise all other powers of local government not otherwise allocated by this charter except as may be otherwise provided by general law.

(b) The council, in addition to such other powers and duties as may be conferred upon it by this charter or otherwise by general law, may:

(1) require any officer, in its discretion, to prepare and submit sworn statements regarding his official duties in the performance thereof and otherwise to investigate the conduct of any department, office or agency of the municipal government;

(2) remove any officer, other than the mayor or a member of council, for cause upon notice and an opportunity to be heard.

3.2 Procedure and legislation. (a) The council shall conduct a regular public meeting at least once a month at such time as the council shall prescribe by rule. The mayor may, and upon written request of 4 councilmen shall, call a special public meeting of the council at any time. Notice of such special public meeting shall be given as may be provided by ordinance.

(b) A majority of all the members of the council shall constitute a quorum.

(c) The council shall organize at its first meeting after the first of the year and shall determine its own rules of procedure not inconsistent with this charter or any other statute or ordinance.

(d) All ordinances shall be adopted and published in the manner provided by general law; provided, however, that any ordinance may incorporate by reference any standard technical regulations or code, official or unofficial, which need not be so published whenever 10 copies of said regulations or code have been placed on file in the office of the town clerk and in the office of the body or department charged with the enforcement of said ordinance for the examination of the public so long as said ordinance is in effect.

ARTICLE 4

MAYOR

4.1 Powers and duties. (a) The executive power of the town shall be vested in the mayor except as may be expressly delegated by ordinances.

(b) The mayor shall enforce the charter and ordinances of the town and all general laws applicable thereto.

(c) The mayor shall preside over meetings of the council, participate and vote as a member of the council, and appoint committees of the council.

(d) Ordinances adopted by the council shall be submitted to the mayor, and he shall within 10 days after receiving any ordinance either approve the ordinance by affixing his signature thereto or return it to the council by delivering it to the town clerk together

with a statement setting forth his objections thereto or to any item or part thereof. No ordinance or any item or part thereof shall take effect without the mayor's approval unless the mayor fails to return an ordinance to the council within 10 days after it has been presented to him, or unless council, upon consideration thereof, on or after the third day following its return by the mayor shall by a vote of a majority of the entire council resolve to override the mayor's veto.

(e) The mayor shall direct and supervise the town administrator and shall assume the duties of the administrator in his absence.

(f) The mayor shall annually report to the council and the public on the work of the previous year and on the condition and requirements of the town government and shall, from time to time, make such recommendations for action by the council as he may deem necessary or advisable.

(g) The mayor shall, with the advice and consent of the council, make all appointments for which no other provision is made by this charter or by general law.

(h) The mayor shall, with approval of the council, designate at the organization meeting of the council, a member of the council and an alternate, also a member of the council, to act as mayor whenever the mayor shall be prevented by absence from the municipality, disability, or other cause from attending to the duties of his office. During such time the person so designated by the mayor shall possess all the rights, powers and duties of the mayor.

ARTICLE 5

ADMINISTRATION

5.1 Organization. (a) All executive and administrative functions, powers and duties of the town, except as otherwise expressly provided by the charter, shall be allocated and assigned by ordinance among and within departments, boards, or other administrative agencies so far as applicable according to major purpose. The head of each department shall be a single executive who shall be appointed by the administrator, with the approval of the mayor and council. A department head may be removed by the administrator for cause with the approval of the mayor and council upon notice and an opportunity to be heard.

(b) All departments, boards or other administrative agencies shall keep, maintain and have available for examination by council all records, reports, publications documents and papers pertaining to the operation and function of such departments, boards or

administrative agencies and shall, upon request of council, furnish such information as council may from time to time direct.

(c) Department heads shall promulgate rules and regulations with respect to their departments and shall, with the approval of the administrator and consent of the mayor, appoint employees within their respective departments and may remove such employees subject to the provisions of the general law and ordinances; provided, however, that council may provide by ordinance for the appointment and removal of specific boards or commissions by the mayor.

5.2. Administrator. (a) The office of the town administrator may be established by the council, and, if so established, the administrator shall be appointed by the mayor with the approval of the council to serve for a definite term. He shall be chosen solely on the basis of his executive and administrative qualifications. At the time of his appointment he need not be a resident of the town or State, but during his term of office he may reside outside the town only with the approval of the mayor, with the consent of the council. He may be removed by the mayor with the approval of council prior to the expiration of his term of appointment for cause and upon notice and an opportunity to be heard.

(b) Subject to the direction and supervision of the mayor, the administrator shall:

(1) direct and supervise the administration of the departments of the town government, except as otherwise provided by general law or ordinance;

(2) provide for the organization of the work of the departments, subject to the requirements of an administrative code as hereinbefore provided in this charter to be adopted by the town council;

(3) review the administration and operation of each of the departments and recommend to the mayor from time to time such measures as he may deem necessary or desirable for the purpose of improving the efficiency and the economy of the town government;

(4) review, analyze and forecast trends in town services and finance, and report and recommend thereon to the mayor;

(5) prepare an annual current expense budget and an annual capital budget for consideration by the council and recommend long-range capital improvement programs;

(6) enforce and execute the provisions of the charter and all other laws, resolutions and ordinances;

(7) perform such other functions and duties as may be prescribed by ordinance or resolution.

5.3. Budget. (a) The town budget shall be prepared by the administrator under the supervision and with the assistance of the mayor. The administrator shall require all department heads to submit requests for appropriations for the ensuing budget year, and to appear before the administrator upon his request.

(b) The administrator shall submit to the council his recommended budget together with such explanatory comment or statement as he may deem desirable. The budget shall be in such form as is required by law for municipal budgets and shall, in addition, have appended thereto a detailed analysis of the various items of expenditure and revenue. The council may add or delete, increase or reduce, any items in the budget by a vote of a majority of the council.

(c) The council shall, where practicable, provide for the maintenance of a system of work programs and periodic allotments for operation of the budget. It shall be the duty of the officer or department administering any such program to develop and report appropriate unit costs of budgeted expenditures.

ARTICLE 6

RECALL

6.1. Recall in office. Any elective official shall be subject to removal from office for cause connected with his office at any time upon the filing of a recall petition and the affirmative vote of a majority of those voting on the question of removal at any general, regular municipal or special election.

6.2. Petition. A recall petition shall demand the removal of a designated incumbent, shall be signed by qualified voters equal in number to at least 25% of the registered voters of the town as of the last general election, and shall be filed with the town clerk. It shall set forth a statement of the cause upon which the removal is sought.

6.3. Signatures to recall petition. The signatures to a recall petition need not all be appended to one paper but each signer shall add to his signature his place of residence giving the street and number or other sufficient designation if there shall be no street and number. One of the signers to each such paper shall take an oath before an officer competent to administer oaths that the statement therein made is true as he believes and that each signature to the paper appended is the genuine signature of the

person whose name it purports to be. Within 10 days from the date of filing the petition the town clerk shall complete its examination and ascertain whether or not such petition is signed by the requisite number of qualified voters, and shall attach to the petition his certificate showing the result of his examination. If by that certificate the petition is shown to be insufficient it may be amended within 10 days from the date of said certificate. The town clerk shall, within 5 days after such amendment, make a similar examination and determination of the amended petition, and if the certificate shall show the same to be insufficient, it shall be returned to the person filing it without prejudice to the filing of a new petition to the same effect.

6.4. Notice. If the petition shall be sufficient the town clerk shall within 2 days notify the mayor, councilman or councilmen whose recall is sought thereby. If such notice cannot be served personally upon the mayor, councilman or councilmen affected, service may be made by registered mail addressed to the official's last known address. If within 5 days after the service of the notice by the town clerk the mayor, councilman or councilmen sought to be recalled by such petition do not resign, or having tendered their resignation it shall not have been accepted by the town council, the town clerk shall order and fix a date for holding a recall election not less than 60 nor more than 90 days from the filing of the petition. Notice of the filing of the petition and of the date of the election shall be posted for public view in the office of the town clerk and he shall also insert the notice forthwith in a newspaper published in the town, or if there be no such newspaper, then in a newspaper having general circulation in such town.

6.5. Ballots. The ballots at the recall election shall conform to the requirements respecting the election of the mayor and council, as provided in this article or in Title 19 of the Revised Statutes (Elections), whichever shall apply in the town in accordance with the provisions of this act; except that the words "recall election" shall appear on the ballot. The recall features of the ballot shall appear at the top thereof and shall be separated from the portion of the ballot for the election of officials by a heavy black line. The proposal for recall shall be placed on the ballot in the following manner:

"Shall (here insert name of incumbent) be removed from office by recall?" This matter shall occupy 2 lines in boldface type. Immediately below the above wording shall appear the phrase "for recall," and immediately

underneath such phrase the words "against recall." Immediately at the left of each of these 2 phrases shall be printed a square, in which the voter may make a cross (X) or plus (+) or a check (✓) mark. Immediately below the foregoing shall appear the following:

"Indicate your vote by placing a cross (X) or plus (+) or a check (✓) mark in one of the squares above."

6.6. Removal of more than one official. If the removal of more than one official is sought the same provisions for submitting to the electors the question and direction hereinbefore described shall be repeated in the case of each official concerned and their position on the ballot for their recall shall be in the order of the filing of the petition with the town clerk.

6.7. Election of successor; use of recall ballot. The same ballot used for submitting the question or questions of recall shall be used for the election of a successor to the incumbent sought to be removed and immediately under the black line following the recall question shall appear the phrase "Nominees for successors of (here insert name of incumbent) in the event he is recalled." The names of all persons nominated as successors shall be placed upon the ballot in the same manner provided for other elections of municipal officials in the town.

6.8. Publication of notices of arrangements. The town clerk shall cause to be made due publication of notices of arrangements for holding all recall elections and they shall be conducted as are other elections for municipal officials in the town.

6.9. Conduct of elections. Except as otherwise provided in this article, the recall election shall be conducted in the same manner as provided by general law for regular municipal elections.

6.10. Results of election. (a) If a majority of votes in connection with the recall of any official be in favor of the recall, the term of office of such official shall terminate upon the certification of the results of election by the town clerk.

(b) If the results of such recall election shall, by the certificate of the town clerk, be shown to be against the recall of the official, he shall continue in office as if no recall election had been held, and the vote for the election for the successor of such official taken at the time of such attempted recall shall be void.

6.11. Vacancy. If the office of the incumbent shall become vacant, either by his resignation or by the result of the recall election, his successor shall be the nominee receiving the greatest number of votes at the recall election. The person so elected shall serve for the remainder of the unexpired term.

ARTICLE 7

TRANSITION

7.1. Schedule of installation of provisions of act. In the event of the adoption of this act by a majority of the voters of the town of Westfield, in the county of Union, the first election shall take place on the first Tuesday after the first Monday in November, pursuant to the provisions of section 2.4.

7.2. Corporate status. Upon the adoption of this act by the voters in the manner hereinafter provided in article 8, the inhabitants of the town of Westfield, in the county of Union, within the corporate limits as heretofore or hereafter established, shall be and remain a body politic and corporate, with perpetual succession, and with such corporate name as it has heretofore or may hereafter adopt. The town shall be governed by the provisions of this act, and by such provisions of general law heretofore or hereafter enacted which are not inconsistent with the provisions of this act.

7.3. Charter and ordinances. On the date on which this act shall become operative, any charter heretofore adopted by the town shall be superseded. All ordinances and resolutions of the town, to the extent that they are not inconsistent with this act, shall remain in full force and effect.

7.4. Continuation of offices, employments and agencies. On the date on which this act shall become operative, all persons holding offices or employment under the town government shall continue in their respective offices and employment for the remainder of their unexpired terms or under such tenure and employment rights as they may then have, subject to law; and all boards, bodies, agencies and instrumentalities of the town shall also continue, and the members thereof shall also continue for the remainder of their unexpired terms.

7.5. Pending proceedings. All actions and proceedings of a legislative, executive or judicial character which are pending upon the operative date of this act shall continue, and the appropriate agency, officer or employee under this act shall be substituted for the agency, officer or employee theretofore exercising or discharging the function, power or duty involved in such action or proceeding.

ARTICLE 8

ADOPTION OF CHARTER BY VOTERS

8.1. Act Operative only after adoption by voters. This act shall become operative only after it is adopted by vote of the legally qualified voters of the town of Westfield, in the county of Union.

8.2. Submission of question of adoption. The question of the adoption of this act shall be submitted to the vote of the legally qualified voters of the town of Westfield, in the county of Union at the next general election succeeding the passage of this act, unless the same shall be passed within 25 days next preceding such election, in which case it shall be submitted at the next succeeding general election.

8.3. Ballots. (a) There shall be presented on each official ballot to be used at such special election, the following:

“If you favor the proposition printed below make a cross (×) or plus (+) or check (√) in the square opposite the word ‘Yes.’ If you are opposed thereto make a cross (×) or plus (+) or check (√) in the square opposite the word ‘No’.”

	Yes.	“Shall ‘An act to provide a special charter for the town of Westfield, in the county of Union’ be adopted?”
	No.	

(b) If voting machines are used in said election, the question shall be placed upon the official ballots to be used upon the voting machines without the foregoing instruction to the voters and shall be voted upon by the use of such machines without marking as aforesaid.

8.4. Law operative upon adoption. If at such election a majority of all the votes cast both for and against the adoption of such law shall be cast in favor of the adoption thereof, the act shall become operative and shall take effect immediately.

Approved August 15, 1967.

CHAPTER 196

A SUPPLEMENT to "An act concerning certain conveyances and transfers of the right, title and interest of a municipality in certain lands where such lands have been acquired by such municipality by reason of the creation of lien thereon under the 'Tax Sale Law' and the results thereof," approved May 29, 1940 (P. L. 1940, c. 73).

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

C. 54:5-126a Return to municipality of title of land not used as forest park reservation.

1. When any municipality has heretofore conveyed and transferred to the State of New Jersey for use as forest park reservation all its right, title and interest in any land pursuant to the act to which this act is a supplement and the said land has not been used as a forest park reservation, such land may be conveyed to the municipality which made the conveyance and transfer to the State of New Jersey, as provided herein. The Commissioner of Conservation and Economic Development shall first determine that such land has neither been used nor is suitable for use as a forest park reservation and is not desired for said purpose. Any such determination shall be subject to the approval of the Division of Parks, Forestry and Recreation of the Department of Conservation and Economic Development. If so approved the said commissioner shall execute for and in the name of the State a deed of conveyance to said land in such form as the Attorney General shall approve. The municipal grantee shall accept the deed and cause it to be recorded.

C. 54:5-126b Right to redeem; amount required, reimbursement to State.

2. In any such case where there is an outstanding right of redemption of the land from the original tax sale the owner, mortgagee, occupant or other person having an interest in such land shall have the right to redeem the same upon payment to the municipal collector, an amount to be fixed by resolution of the governing body of the municipality. The amount to be fixed by any such resolution shall include those items specified in the act to which this act is a supplement and in addition a sum equivalent

to the taxes which would have been assessed against the land had the municipality not made the conveyance and transfer to the State of New Jersey, calculated upon the latest assessed valuation and the several annual rates of taxation during the period between the conveyance and transfer by the municipality to the State and the conveyance and transfer back to the municipality by the State under this act; but in no event more than the market value to be determined by the local government body at time of redemption. If during the period when the lands were exempt from taxation by reason of the title being vested in the State of New Jersey as provided by the act to which this act is a supplement the State paid to the municipality any sums in lieu of taxes, the amount of such sums shall be deducted by the municipality in fixing that part of the amount added to the amount required to redeem as representing taxes that would have been assessed had not the municipality conveyed the land to the State. That part of the amount required to reimburse the Department of Conservation and Economic Development for such sums if any paid by it to the municipality in lieu of taxes and for such expenses incurred or expenditures made by said department on account of the acquisitions of such land shall be calculated and certified to the municipality by the Commissioner of Conservation and Economic Development at the time of the making of the conveyance by the State to the municipality. Upon any such redemption the municipal collector shall remit to the Department of Conservation and Economic Development the sums required to reimburse the said department.

3. This act shall take effect immediately.

Approved August 15, 1967.

CHAPTER 197

AN ACT concerning special instructions and training for blind persons, and amending section 30:6-11 of the Revised Statutes.

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

1. Section 30:6-11 of the Revised Statutes is amended to read as follows:

Funds for training of blind; contributions from federal government.

30:6-11. When, upon investigation, the commission finds that any blind person who is a resident of this State may be enabled to earn his living in part or in whole, by a course of special instruction or training, the commission may, within the limit of available appropriations, grant sufficient funds to, or in behalf of, a blind individual for the purpose of defraying the cost of board, tuition, travel expenses, tools, and other necessary training charges.

The State Board of Control of Institutions and Agencies, or its duly authorized representative, is hereby empowered to negotiate with and enter into co-operative agreements with the Federal Government for the purpose of receiving contributions therefrom for the vocational rehabilitation of the blind and any funds so received shall be paid into the State treasury and held for the use of the commission to be used, together with funds obtained from the State and from other sources for the vocational rehabilitation of the blind, and for the payment and reimbursement due and growing out of the commission's administration of the State plan for the rehabilitation of the blind which shall include the setting up of necessary rules, regulations, standards, policies and methods of administration in conformity with applicable Federal law and regulation for promoting and carrying through the vocational rehabilitation of blind individuals. Any Federal funds received for administrative purposes shall be made available to the commission as part of its annual appropriation.

2. This act shall take effect immediately.

Approved August 15, 1967.

CHAPTER 198

AN ACT concerning group life insurance, and amending section 17:34-31 of the Revised Statutes.

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

1. Section 17:34-31 of the Revised Statutes is amended to read as follows:

Requirements; premissible provisions in policies; groups insurable; persons eligible; limitation on amount.

17:34-31. (A) No policy of group life insurance shall be delivered in this State unless it conforms to one of the following descriptions:

(1) A policy issued to an employer, or to the trustees of a fund established by an employer, which employer or trustees shall be deemed the policyholder, to insure employees of the employer for the benefit of persons other than the employer subject to the following requirements:

(a) The employees eligible for insurance under the policy shall be all of the employees of the employer, or all of any class or classes thereof determined by conditions pertaining to their employment. The policy may provide that the term "employees" shall include the employees of one or more subsidiary corporations and the employees, individual proprietors and partners of one or more affiliated corporations, proprietors or partnerships if the business of the employer and such affiliated corporations, proprietors or partnerships is under common control through stock ownership, contract or otherwise. The policy may provide that the term "employees" shall include the individual proprietor or partners if the employer is an individual proprietor or a partnership. The policy may provide that the term "employees" shall include retired employees. No director of a corporate employer shall be eligible for insurance under the policy unless such person is otherwise eligible as a bona fide employee of the corporation by performing services other than the usual duties of a director. No individual proprietor or partner shall be eligible for insurance under the policy unless he is actively engaged in and devotes a substantial part of his time to the conduct of the business of the proprietor or partnership. The policy may provide that the term "employees" shall include the trustees or their employees, or both, if their duties are principally connected with such trusteeship.

(b) The premium for the policy shall be paid by the policyholder, either wholly from the employer's funds or funds contributed by him, or partly from such funds and partly from funds contributed by the insured employees. No policy may be issued on which the entire premium is to be derived from funds contributed by the insured employees. A policy on which part of the premium is to be derived from funds contributed by the insured employees may be placed in force only if at

least 75% of the then eligible employees, excluding any as to whom evidence of individual insurability is not satisfactory to the insurer, elect to make the required contributions. A policy on which no part of the premium is to be derived from funds contributed by the insured employees must insure all eligible employees.

(c) The policy must cover at least 10 employees at date of issue.

(d) The amounts of insurance under the policy must be based upon some plan precluding individual selection either by the employer or trustees.

(2) A policy issued to a creditor, who shall be deemed the policyholder, to insure debtors of the creditor, subject to the following requirements:

(a) The debtors eligible for insurance under the policy shall be all of the debtors of the creditor whose indebtedness is repayable in installments, or all of any class or classes thereof determined by conditions pertaining to the indebtedness or to the purchase giving rise to the indebtedness. The policy may provide that the term "debtors" shall include the debtors of one or more subsidiary corporations, and the debtors of one or more affiliated corporations, proprietors or partnerships if the business of the policyholder and of such affiliated corporations, proprietors or partnerships is under common control through stock ownership, contract, or otherwise.

(b) The premiums for the policy shall be paid by the policyholder, either from the creditor's funds, or from charges collected from the insured debtors, or from both. A policy on which part or all of the premium is to be derived from the collection from the insured debtors of identifiable charges not required of uninsured debtors shall not include, in the class or classes of debtors eligible for insurance, debtors under obligations outstanding at its date of issue without evidence of individual insurability unless at least 75% of the then eligible debtors elect to pay the required charges. A policy on which no part of the premium is to be derived from the collection of such identifiable charges must insure all eligible debtors, or all except any as to whom evidence of individual insurability is not satisfactory to the insurer.

(c) The policy may be issued only if the group of eligible debtors is then receiving new entrants at the rate of at least 100 persons yearly, or may reasonably be expected to receive

at least 100 new entrants during the first policy year, and only if the policy reserves to the insurer the right to require evidence of individual insurability if less than 75% of the new entrants become insured.

(d) The amount of insurance on the life of any debtor shall at no time exceed the amount owed by him which is repayable in installments to the creditor, or \$10,000.00, whichever is less.

(e) The insurance shall be payable to the policyholder. Such payment shall reduce or extinguish the unpaid indebtedness of the debtor to the extent of such payment.

(3) A policy issued to a labor union, which shall be deemed the policyholder, to insure members of such union for the benefit of persons other than the union or any of its officials, representatives or agents, subject to the following requirements:

(a) The members eligible for insurance under the policy shall be all of the members of the union, or all of any class or classes thereof determined by conditions pertaining to their employment, or to membership in the union, or both.

(b) The premium for the policy shall be paid by the policyholder, either wholly from the union's funds or partly from such funds and partly from funds contributed by the insured members specifically for their insurance. No policy may be issued on which the entire premium is to be derived from funds contributed by the insured members specifically for their insurance. A policy on which part of the premium is to be derived from funds contributed by the insured members specifically for their insurance may be placed in force only if at least 75% of the then eligible members, excluding any as to whom evidence of individual insurability is not satisfactory to the insurer, elect to make the required contributions. A policy on which no part of the premium is to be derived from funds contributed by the insured members specifically for their insurance must insure all eligible members.

(c) The policy must cover at least 10 members at date of issue.

(d) The amounts of insurance under the policy must be based upon some plan precluding individual selection either by the members or by the union.

(4) A policy issued to the trustees of a fund established by 2 or more employers in the same industry or by one or more labor unions, or by one or more employers and one or more labor unions,

which trustees shall be deemed the policyholder, to insure employees of the employers or members of the unions for the benefit of persons other than the employers or the unions, subject to the following requirements:

(a) The persons eligible for insurance shall be all of the employees of the employers or all of the members of the unions, or all of any class or classes thereof determined by conditions pertaining to their employment, or to membership in the unions, or to both. The policy may provide that the term "employees" shall include the individual proprietor or partners if an employer is an individual proprietor or a partnership. The policy may provide that the term "employees" shall include retired employees. No director of a corporate employer shall be eligible for insurance under the policy unless such person is otherwise eligible as a bona fide employee of the corporation by performing services other than the usual duties of a director. No individual proprietor or partner shall be eligible for insurance under the policy unless he is actively engaged in and devotes a substantial part of his time to the conduct of the business of the proprietor or partnership. The policy may provide that the term "employees" shall include the trustees or their employees, or both, if their duties are principally connected with such trusteeship. If the fund is established by the members of an association of employers, the policy may provide that the term "employees" shall include the employees of the association.

(b) The premium for the policy shall be paid by the trustees wholly from funds contributed by the employer or employers of the insured persons, or by the union or unions, or by both. No policy may be issued on which any part of the premium is to be derived from funds contributed by the insured persons specifically for their insurance. The policy must insure all eligible persons, or all except any as to whom evidence of individual insurability is not satisfactory to the insurer.

(c) The policy must cover at date of issue at least 100 persons and not less than an average of 5 persons per employer unit; and if the fund is established by the members of an association of employers the policy may be issued only if (i) either (a) the participating employers constitute at date of issue at least 60% of those employer-members whose employees are not already covered for group life insurance or (b) the total number of persons covered at date of issue exceeds 600; and (ii) the policy shall not require that, if a par-

ticipating employer discontinues membership in the association, the insurance of his employees shall cease solely by reason of such discontinuance.

(d) The amounts of insurance under the policy must be based upon some plan precluding individual selection either by the insured persons or by the policyholder, employers, or unions.

(5) A policy issued to a duly incorporated State Policemen's Benevolent Association or Fraternal Order of Police, which association or order shall be deemed the policyholder, to insure members of such association or order for the benefit of persons other than the association, order or any of its officials, subject to the following requirements:

(a) The persons eligible for insurance under the policy shall be all of the members of the association, order or all of any class or classes thereof determined by conditions pertaining to their employment, or to membership in the association, order, or both.

(b) The premium for the policy shall be paid by the policyholder wholly from the association's or order's funds. No policy may be issued on which any part of the premium is to be derived from funds contributed by the insured members specifically for their insurance. The policy must insure all eligible members, or all except any as to whom evidence of individual insurability is not satisfactory to the insurer.

(c) The policy must cover at least 10 members at date of issue.

(d) The amounts of insurance under the policy must be based upon some plan precluding individual selection either by the members or the association or order. In no event may the amount of insurance under the policy on a member exceed \$5,000.00.

(6) A policy issued to a duly incorporated nonprofit religious or charitable association or corporation, which has been in existence for more than 1 year at the time of issuance of the policy and which was not formed for the exclusive purpose of procuring insurance, which association or corporation shall be deemed the policyholder, to insure members of such association or corporation for the benefit of the association or corporation or of persons named by the insured members for the purpose of carrying out the duly stated objectives of the association or corporation, subject to the following requirements:

(a) The persons eligible for insurance under the policy shall be all of the members of the association or corporation or all of any class or classes thereof determined by conditions pertaining to membership in the association or corporation.

(b) The premium for the policy shall be paid by the policyholder or the insured members, or by both jointly.

(c) The policy must cover at least 100 members at date of issue and, if any part of the premium is to be paid by the insured members, shall cover not less than 75% of such eligible members, exclusive of any as to whom evidence of individual insurability is not satisfactory to the insurer.

(d) The amounts of insurance under the policy must be based upon some plan precluding individual selection either by the insured members or by the policyholder.

(7) A policy issued to a credit union or to the trustees of a fund established by one or more credit unions, which credit union or trustees shall be deemed the policyholder to insure members of such credit union or credit unions for the benefit of persons other than the credit union or credit unions or trustees or any of their officials, subject to the following requirements:

(a) The members eligible for insurance shall be all of the members of the credit union or credit unions, or all of any class or classes thereof determined by conditions pertaining to membership in the credit union or credit unions.

(b) The premium for the policy shall be paid by the policyholder wholly from the funds of the credit union or credit unions. The policy must insure all eligible members, or all except any as to whom evidence of individual insurability is not satisfactory to the insurer.

(c) The policy must cover at least 25 members at date of issue.

(d) The amount of the insurance on the life of any member cannot exceed the amount of his unpaid indebtedness plus the amount of his share account and the amounts of insurance under the policy must be based upon some plan precluding individual selection either by the members or by the credit union or credit unions.

(B) No policy of group life insurance may be issued to an employer, or to a labor union, or to the trustees of a fund established in whole or in part by an employer or a labor union, which provides term insurance on any person which together with any other term insurance under any group life insurance policy or policies issued

to the employer or employers of such person or to a labor union or labor unions of which such person is a member or to the trustees of a fund or funds established in whole or in part by such employer or employers or such labor union or labor unions, exceeds \$20,000.00, unless 150% of the annual compensation of such person from his employer or employers exceeds \$20,000.00, in which event all such term insurance shall not exceed \$40,000.00 or 150% of such annual compensation, whichever is the lesser.

2. This act shall take effect immediately.

Approved August 15, 1967.

CHAPTER 199

AN ACT concerning re-employment of State, county, municipal and school district employees, and amending and supplementing Title 11 of the Revised Statutes.

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

1. Section 11:9-12 of the Revised Statutes is amended to read as follows:

Establishment of regular re-employment lists; requirements for placement of name; order in which placed; certification limitations.

11:9-12. When an employee in the classified service who has resigned in good standing shall have requested his reinstatement thereto, the chief examiner and secretary shall cause the name of such employee to be placed on the regular re-employment list for the appropriate class. The name of no such employee shall be placed on the said regular re-employment list unless (1) the employee's request for reinstatement shall have been made within 2 years after the effective date of his resignation, and (2) the appointing authority shall have recommended that, because of the employee's record of past performance, reinstatement would be in the best interests of the service. The order in which names shall be placed on the regular re-employment list for a class shall be established by rule. Certification of names for appointment from the regular re-employment list shall not be made while there is a special re-employment list or promotional employment list for that class.

C. 11:22-10.3 Establishment of regular re-employment lists; requirements for placement of name; order in which placed; certification limitations.

2. When an employee in the classified service of any county, municipality or school district who has resigned in good standing shall have requested his reinstatement thereto, the chief examiner and secretary shall cause the name of such employee to be placed on the regular re-employment list for the appropriate class. The name of no such employee shall be placed on the said regular re-employment list unless (1) the employee's request for reinstatement shall have been made within 2 years after the effective date of his resignation, and (2) the appointing authority shall have recommended that, because of the employee's record of past performance, reinstatement would be in the best interests of the service. The order in which names shall be placed on the regular re-employment list for a class shall be established by rule. Certification of names for appointment from the regular re-employment list shall not be made while there is a special re-employment list or promotional employment list for that class.

3. This act shall take effect immediately.

Approved August 15, 1967.

CHAPTER 200

AN ACT to amend "An act concerning issuance by insurance companies of contracts on a variable basis and the regulation thereof, and amending section 17:34-19 of the Revised Statutes," approved June 18, 1959 (P. L. 1959, c. 122) and to amend the title of "An act providing for the establishment and operation by any life insurance corporation of a variable contract account, and the regulation thereof," approved June 18, 1959 (P. L. 1959, c. 123) so that the same shall read "An act providing for the establishment and operation by any life insurance company of variable contract accounts, the regulation thereof, and the investment of assets of such accounts," and to amend the body of said act.

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

Title amended.

1. The title of chapter 123 of the laws of 1959 is amended to read as follows: An act providing for the establishment and operation by any life insurance company of variable contract accounts, the regulation thereof, and the investment of assets of such accounts.

2. Section 5 of chapter 122 of the laws of 1959 is amended to read as follows:

C. 17:35A-5 Form of contract or group certificate and application; filing; acknowledgment by commissioner; grounds for disapproval; required provisions; regulations.

5. (a) No contract on a variable basis shall be delivered or issued for delivery in this State by any insurance company until a copy of the form thereof (and, in the case of a contract on a group basis, the form of any certificate evidencing variable benefits issued pursuant thereto) and any form of application for such contract shall have been filed with the Commissioner of Banking and Insurance. No such form shall be issued or used until the commissioner shall give his prior written acknowledgment of the filing of such form. The commissioner shall disapprove or withdraw approval of any such contract form, application or certificate if:

(i) such contract or application or certificate contains provisions which are unjust, unfair, inequitable, ambiguous, misleading, likely to result in misrepresentation, or contrary to law, or

(ii) sales of such contracts are being solicited by any means of advertising, communication or dissemination of information which involves misleading or inadequate description of the provisions of the contract, or

(iii) such contracts are being issued in disregard of reasonable regulations which shall be promulgated by the Commissioner of Banking and Insurance relating to the conditions which must be met at time of issue of an individual contract on a variable basis for balance whereby (A) provision made for income from contracts on a variable basis shall not exceed (B) provision made for income payable in predetermined dollar amount (in whatever form such provision is made, including, but without limitation to, annuities, pensions, social security or other contracts or plans providing for the payment of income over a period of time).

He shall notify the company, specifying particulars, of his disapproval. It shall be unlawful for such company thereafter to

issue any contract or certificate thereunder or use any application in the form so disapproved. Such disapproval of the commissioner shall be subject to review by the Superior Court in a proceeding in lieu of prerogative writ.

(b) Illustrations of benefits payable under any contract on a variable basis shall not involve projections of past investment experience into the future and shall conform with reasonable regulations promulgated by the Commissioner of Banking and Insurance.

(c) No individual annuity contract on a variable basis shall be delivered or issued for delivery in this State unless it contains in substance the following provisions:

(i) that, in the event of default in the payment of any consideration beyond the period of grace allowed by the contract for the payment thereof, the insurance company will make payment of the value of the contract, in accordance with a plan provided by the contract, commencing not later than the date contractual payments by the company were otherwise to have commenced in accordance with the contract;

(ii) that, upon request of the contract holder received by the insurance company at least 4 months prior to the date contractual payments by the company were otherwise to have commenced, the company will make payment of the value of the contract, in accordance with a plan provided by the contract and selected by the contract holder, commencing as of the first day of the first month which is at least 4 months after the date of receipt of such request, unless another date of commencement is requested by the contract holder and agreed to by the company;

(iii) that the insurance company will mail to the holder of the contract at least once in each contract year after the first, at his last address known to the company, a report in a form approved by the Commissioner of Banking and Insurance, which shall include a statement of the number of units credited to such contract and the dollar value of a unit as of a date not more than 2 months previous to the date of mailing and a statement in a form and of a date approved by the commissioner of the investments held in the variable contract account designated in such contract.

(d) Any individual contract on a variable basis delivered or issued for delivery in this State shall stipulate the expense, mortality, and investment increment factors to be used in computing

the dollar amount of variable benefits or other contractual payments or values thereunder, and shall guarantee that expense and mortality results shall not adversely affect such dollar amounts. The mortality and investment increment factors used in computing the dollar amount of variable benefits or other contractual payments or values under an individual contract on a variable basis shall not produce a larger initial payment than would be produced by the use of the 1937 Standard Annuity Mortality Table and an annual investment increment assumption of $3\frac{1}{2}\%$.

Any group contract on a variable basis delivered or issued for delivery in this State shall stipulate the expense, mortality and investment increment factors to be used in computing the dollar amount payable with respect to a unit of variable benefits purchased thereunder and shall guarantee that expense and mortality results shall not adversely affect such dollar amounts.

“Expense” as used in this subsection (d), may exclude some or all taxes, as stipulated in the contract. Any company issuing a contract on a variable basis shall submit annually to the Commissioner of Banking and Insurance a separate annual statement for the business of its variable contract accounts. This statement shall be on the same form as that prescribed by the commissioner for insurance companies doing business in New Jersey which do not operate variable contract accounts, and shall include details as to all of the income, disbursements, assets and liability items associated with the variable contract accounts.

The commissioner shall make a separate valuation of the assets of the variable contract accounts and a copy of such valuation shall be filed in the commissioner’s office as a public document.

Such valuation shall be on the same basis required of a life insurance company doing business in New Jersey but which has not established a variable contract account.

The commissioner shall further prescribe by regulation the steps to be taken by the company in disposing of those holdings which at any time subsequent to purchase fail to meet the standards and regulations for new investments.

3. Section 4 of chapter 123 of the laws of 1959 is amended to read as follows:

C. 17:35A-9 Investment of assets in common stock; other investments; limitations; exercise of stock voting rights; committee to manage investments; clear identification of certain investments and liabilities required.

4. (a) The assets held in a variable contract account, or any part thereof, may be invested in

(i) common stock or shares of any investment company specified in the contract or contracts participating in such variable contract account, and registered under the Investment Company Act of 1940, whether or not such stock or shares satisfy the dividend or earnings history requirements now or hereafter contained in the provisions of Title 17 of the Revised Statutes that regulate investments by domestic life insurance companies; provided that, at the time of the first purchase of such stock or shares of any such investment company, the life insurance company which maintains such account, or a subsidiary or affiliate of such insurance company, shall be the investment manager or investment adviser of such investment company and, as long as such life insurance company which maintains such account, or any subsidiary or affiliate of such life insurance company, shall continue as such investment manager or investment adviser of, the investments acquired by such investment company shall be such as would be eligible for investment of variable contract account assets by domestic life insurance companies under the provisions of this section 4 excluding this clause (i);

(ii) other investments made eligible for investment by domestic life insurance companies by the provisions of Title 17 of the Revised Statutes that regulate investments by domestic life insurance companies, except for investments made eligible by the provision of chapter 24 of said Title which permits a domestic life insurance company to make loans or investments not otherwise expressly qualified or permitted up to 2% of total admitted assets, as such provision may be amended from time to time, or any similar or superseding provision corresponding in substance thereto; and

(iii) investments authorized, specifically or by classes or otherwise by the commissioner as appropriate to the nature and purpose of such variable contract account;

provided that (A) any common stock or shares, other than common stock or shares referred to in clause (i) of this subsection issued by an open-end investment company, shall be (1) common stock or shares which are listed or admitted to trading on a securities exchange in the United States of America or Canada, or (2) common stock or shares which are included on the National Association of Securities Dealers' national price listings of "over-the-counter" securities, or (3) other common stock or shares which the commissioner shall have determined are publicly held and traded and as

to which market quotations shall be available; (B) the quantitative investment limitations now or hereafter contained in Title 17 of the Revised Statutes regulating investments by domestic life insurance companies shall not be applicable to variable contract account investments, subject to the qualification that the provision contained in said Title limiting the percentage of voting stock of any one corporation that may be purchased or acquired by a domestic life insurance company, as such provision may be amended from time to time, or any similar or superseding provision corresponding in substance thereto, shall apply (subject to the provisions of section 3 of chapter 24 of said Title as such provisions may be amended from time to time, or any similar or superseding provisions corresponding in substance thereto), with respect to the aggregate of the voting stock of any one corporation held in all accounts of such life insurance company except for all such stock that may be voted only at the direction of a person or persons, other than such life insurance company or any subsidiary or affiliate of such life insurance company; and provided further that, subject to the next succeeding paragraph of this subsection, no domestic life insurance company shall purchase for any variable contract account any security (other than common stock or shares referred to in clause (i) of this subsection issued by an open-end investment company) of any corporation, if after such purchase more than 10% of the market value of the assets of such variable contract account would be invested in the securities of such corporation.

Notwithstanding the foregoing provisions of this section or any other provision of law, a domestic life insurance company may (i) invest the assets, or any part thereof, held in a variable contract account established and maintained solely for a single group contract holder in any investment or investments authorized by the contract with such holder, subject only to clause (B) of the proviso in the next preceding paragraph of this subsection relating to the percentage of voting stock of any one corporation that may be purchased or acquired, and (ii) vote any stock or shares held in such an account in accordance with the instructions of such person or persons designated pursuant to such contract.

Except as otherwise provided in this subsection, the investments held in the variable contract accounts of any domestic life insurance company shall be disregarded in determining whether the other investments of such life insurance company comply with the provisions of Title 17 of the Revised Statutes that regulate invest-

ments by domestic life insurance companies as such provisions may be amended from time to time, or any similar or superseding provisions corresponding in substance thereto.

(b) Notwithstanding any other provision of law, in order to comply with the Investment Company Act of 1940, a domestic life insurance company may, with respect to any variable contract account or any portion thereof,

(i) exercise any voting rights of any stock or shares in accordance with instructions from the persons having the beneficial interests in such account ratably according to their respective interests in such account, or

(ii) establish a committee for such account, the members of which may be directors or officers or other employees of such insurance company, or persons having no such relationship to such insurance company, or any combination thereof, who may be elected to such membership by the vote of the persons having the beneficial interests in such account ratably according to their respective interests in such account. Such committee may have the power, which may be exercisable alone or in conjunction with others, or which may be delegated to such insurance company or any other person, as investment manager or investment adviser, to authorize purchases and sales of investments for such account, provided that as long as such life insurance company or any subsidiary or affiliate of such life insurance company shall be the investment manager or investment adviser of such account, the investments of such account shall be eligible under the provisions of subsection (a) of this section. If compliance with the Investment Company Act of 1940 shall involve only a portion of a variable contract account, such insurance company may establish such a committee for only such portion, and its members may be elected by the vote of the persons having the beneficial interests in such portion. Any such committee for only a portion of a variable contract account may be given the further power to require the subdivision of such account into 2 accounts so that the portion of the account with respect to which such committee shall be acting shall constitute a separate variable contract account. If such committee shall so require, the insurance company shall segregate from the account being so subdivided a portion of each asset held with respect to the reserve liabilities of such account. Such portion shall be in the same proportion to the total of such asset as the reserve liability for the portion

of the account with respect to which such committee is acting bears to the total reserve liability of such account; and notwithstanding any other provision of law, the assets so segregated shall be transferred to a separate variable contract account with respect to which such committee shall act.

(c) The investments and liabilities of a variable contract account shall at all times be clearly identifiable and distinguishable from the other investments and liabilities of the corporation. No sale, transfer or exchange of investments may be made between a variable contract account and any other investment account of the corporation, except with the prior consent of the commissioner, and no investments of a variable contract account shall be pledged or transferred as collateral for a loan.

(d) The term "Investment Company Act of 1940" as used in this section shall mean an Act of Congress approved August 22, 1940 entitled "Investment Company Act of 1940" as amended from time to time, or any similar statute enacted in substitution therefor.

4. Section 5 of chapter 123 of the laws of 1959 is amended to read as follows:

C. 17:35A-10 Valuation of assets.

5. The valuation of variable contract account assets for all purposes, including annual reports of the corporation to the Department of Banking and Insurance, shall be determined in accordance with the market value of such assets, notwithstanding the application of other valuation methods to assets of the corporation other than the assets of the variable contract account. The net asset value of common stock or shares of any investment company which is an open-end company shall be deemed to be the market value thereof. Such valuation may be made as of such valuation dates as the corporation shall establish from time to time, except as otherwise required for such annual reports to the Department of Banking and Insurance.

5. This act shall take effect immediately.

Approved August 25, 1967.

CHAPTER 201

AN ACT concerning life insurance company investments and supplementing chapter 24 of Title 17 of the Revised Statutes and repealing the following insofar as they apply to life insurance companies: sections 17:2-1, 17:2-2, 17:2-4 to 17:2-8 inclusive, 17:19-1 to 17:19-12 inclusive, 17:24-1, 17:24-3, 17:24-5 and 17:24-10 to 17:24-12 inclusive, of the Revised Statutes; and “An act concerning investments by savings banks, banks, trust companies or insurance companies of this State, and supplementing chapter 2 of Title 17 of the Revised Statutes,” approved May 25, 1938 (P. L. 1938, c. 222), and “An act to provide that certain loans to veterans guaranted by the Administrator of Veterans’ Affairs shall be legal investments for any savings bank, banking institution or trust company of this State, and that any amount so guaranteed may be excluded in applying legal limitations affecting investments or loans in certain cases,” approved April 30, 1945 (P. L. 1945, c. 257), and “An act concerning legal investments,” approved June 19, 1947 (P. L. 1947, c. 308); repealing section 17:24-2 of the Revised Statutes and “An act concerning stock life insurance companies of this State, authorizing investments in the capital stock of any other life insurance company, and supplementing chapter 18 of Title 17 of the Revised Statutes,” approved July 8, 1964 (P. L. 1964, c. 138).

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

C. 17:24-17 Certain investments authorized; limitations.

1. Any domestic life insurance company may invest its capital, surplus and other funds, or any part thereof, in:

a. Bonds, notes, or other evidences of indebtedness or public stock issued, created, insured or guaranteed by the United States, any territory or possession thereof, this or any other State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Canada or any of the provinces thereof, or any instrumentality, agency or political subdivision of one or more of the foregoing.

b. Real estate which may be improved or which is unimproved but in accordance with a definite plan for development within not more than 5 years, and in the operation, improvement and development thereof; provided that if the commissioner shall determine that the interest of such life insurance company's policyholders requires that any specific real estate so acquired be disposed of, then such life insurance company shall dispose of such real estate within such reasonable time as the commissioner shall direct; and provided further that the sum of (1) the aggregate amount invested in such real estate (including real estate held pursuant to sections 17:18-3 (a) and (d) of the Revised Statutes) and (2) the aggregate amount invested in capital stock of any corporation engaged primarily in a business involving the owning, developing or leasing of real property shall not exceed 8% of the total admitted assets of such life insurance company as of December 31 next preceding. The term "real estate" as used in this subsection "b" shall include any real property and any interest therein including, without limitation, any interest on, above or below the surface of the land, any leasehold estate therein, and any interest held or to be held by the life insurance company in cotenancy with one or more other institutions. Income produced by investment in any such leasehold shall be applied in a manner calculated to amortize the amount invested in such leasehold within a period not exceeding 8/10 of the unexpired term of the leasehold, inclusive of enforceable options, or within 40 years, whichever is the lesser, or where the peculiar nature of the leasehold involved so dictates, within such period and subject to such other reasonable limitations as the commissioner shall by regulation impose. The commissioner shall promulgate a regulation in connection with investments under this section which shall, as far as practicable, be consistent with those regulations of the department which treat with securities supported by such interests in real estate.

c. Mortgage loans on unencumbered fee simple or leasehold real estate, which may consist of areas on, above or below the surface of the ground, or any interest therein, located within the United States, any territory or possession thereof, the Commonwealth of Puerto Rico or Canada. The amount of any such loan shall not exceed 80% of the value of the real estate interest mortgaged unless (1) the loan is also secured by the mortgagor's interest in a lease or leases whose aggregate rentals shall be sufficient, after payment of operating expenses and fixed charges, to repay 90% of the loan with interest thereon during the initial term or terms

of such lease or leases and shall be payable directly or indirectly by any governmental units, instrumentalities, agencies or political subdivisions or an institution or institutions which meet the credit standards of the life insurance company for an unsecured loan to such institution or institutions; or (2) the excess over such 80% is insured or guaranteed or to be insured or guaranteed by the United States, this or any other State of the United States, the Commonwealth of Puerto Rico, Canada or any of the provinces thereof, or any instrumentality, agency or political subdivision of one or more of the foregoing. Any mortgage loan so insured or guaranteed or to be insured or guaranteed shall not be subject to the provisions of any law of this State prescribing or limiting the interest which may be charged or taken upon any such loan.

Any such life insurance company may hold a participation in any such mortgage loan if (1) such participation is senior and gives the holder substantially the rights of a first mortgagee or (2) the interest of such life insurance company in the evidence or evidences of indebtedness is of equal priority, to the extent of such interest, with other interests therein.

Any such mortgage loan whose maturity date shall be more than 2 years after the date of disbursement of such loan, and which exceeds $\frac{2}{3}$ of the value of the interest mortgaged as of the date of the mortgage shall, as a minimum, provide for payments to be made by the borrower during the term of the loan to amortize the amount by which the loan exceeds $\frac{2}{3}$ of the value of the interest mortgaged at the date of disbursement. The commissioner may promulgate such supplemental regulations as he deems necessary with regard to particular classes of such investments, taking into consideration the type of security and the ratio of the loan to the value of the real estate interest mortgaged. No loan may be made on leasehold real estate unless the terms of such loan provide for payments to be made by the borrower on the principal thereof in amounts sufficient to completely repay the loan within a period not exceeding $\frac{1}{10}$ of the term of the leasehold, inclusive of the term or terms which may be provided by any enforceable option or options of extension or of renewal, which is unexpired at the time the loan is made.

Fee simple or leasehold real estate or any interest therein shall not be deemed to be encumbered within the meaning of this subsection "c" by reason of the existence of taxes or assessments that are not delinquent, or encumbrances that do not adversely affect the saleability of the property to a material extent or as to

which the life insurance company is insured against loss by a title insurer, or any prior mortgage or mortgages held by such life insurance company if the aggregate of the mortgages held shall not exceed the amount hereinbefore set forth, nor when such real estate or interest therein is subject to lease in whole or in part; provided, that the security created by the mortgage or trust deed on such real estate or interest therein is a first lien thereon.

No such life insurance company shall, pursuant to this subsection, invest more than 2% of its total admitted assets as of December 31 next preceding in any mortgage loan secured by any one property, nor shall its total mortgage investments pursuant to this subsection, exclusive of any mortgage loans insured or guaranteed or to be insured or guaranteed as hereinbefore provided, exceed 50% of such admitted assets.

d. Equipment trust obligations or other instruments evidencing an interest in or ownership of personal property where there is a right to receive determined portions of rental, purchase or other fixed obligatory payments for the use or purchase of such personal property, provided the aggregate investments therein shall not exceed 10% of the total admitted assets of such life insurance company as of December 31 next preceding; or certificates of receivers of any institution where such purchase is necessary to protect an investment in the securities of such institution theretofore made under authority of this chapter; or the capital stock, bonds, securities or evidences of indebtedness issued, assumed or guaranteed by any institution created or existing under the laws of the United States, any territory or possession thereof, this or any other State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Canada or any of the provinces thereof; provided, that no purchase of any evidence of indebtedness which is in default as to interest shall be made by such life insurance company unless such purchase is necessary to protect an investment theretofore made under statutory authority.

The term "institution" as used in this chapter shall include any corporation, joint stock association, business trust, or business corporate joint venture.

No purchase shall be made of the stock of any class of any corporation except a corporation engaged primarily in a business involving the owning, developing or leasing of real property unless (1) such corporation has paid cash dividends on such class of stock during each of the past 5 years preceding the time of purchase or (2) such corporation shall have earned, during each of such years, an aggregate sum available for dividends upon such stock

which would have been sufficient, after all fixed charges and obligations, to pay dividends upon all shares of such class of stock outstanding during each of such years of 4% per annum computed (a) in the case of stocks which are the subject of reliable public quotations, upon the mean selling price during each of such years, or (b) in the absence of such quotations, upon book value as of the close of each of such years. In the case of the stock of a corporation resulting from or formed by merger, consolidation, acquisition or otherwise less than 5 years prior to such purchase, each consecutive year next preceding the effective date of such merger, consolidation or acquisition during which dividends or other distribution of profits shall have been paid by any one or more of its constituent or predecessor institutions in an aggregate amount sufficient to have paid dividends on that class of stock of the existing corporation whose stock is to be purchased, had such corporation then been in existence, shall be deemed a year during which dividends have been paid on such class of stocks and the earnings of such constituent or predecessor institutions available for dividends during each of such years may be included as earnings of the existing corporation whose stock is to be purchased for each of such years; provided, however, that nothing herein contained shall prohibit the purchase of stock of any class which is preferred, as to dividends, over any class the purchase of which is not prohibited by this section; and provided further, that no purchase of its own stock shall be made by any life insurance company except for the purpose of the retirement of such stock or except as specifically permitted by any law of this State applicable by its terms only to life insurance companies.

e. Securities, properties and other investments in foreign countries other than those specified in section 5 which are substantially of the same character as prescribed for authorized investments for funds of the life insurance company under the preceding subsections of this section, to an amount valued at cost not exceeding in the aggregate at any one time 2% of the total admitted assets of such life insurance company as of December 31 next preceding; provided, however, that the amount invested in authorized investments in any one foreign country shall not exceed in the aggregate, at any one time, 1% of such admitted assets. For the purposes of this subsection, Canada shall not be deemed to be a foreign country.

f. Bonds, notes, or other evidences of indebtedness, issued, insured or guaranteed or to be insured or guaranteed by the International Bank for Reconstruction and Development, or by the Inter-American Development Bank.

g. Loans or investments which are not qualified or permitted under any of the preceding subsections of this section or which are not otherwise expressly authorized by law, provided that the aggregate amount of such loans and investments, valued at cost, shall not exceed at any one time 3% of the total admitted assets of such life insurance company as of December 31 next preceding.

C. 17:24-18 Purchase of voting stock of certain corporations; limitations; authority and control by board of directors of life insurance company required.

2. No domestic life insurance company shall purchase more than 8% of any class of stock which entitles the holder thereof to vote at all elections of directors of any one corporation, unless it be a municipal corporation or a corporation engaged primarily in a business involving the owning, developing or leasing of real property, nor shall the amount invested by any such life insurance company in the voting stock of any one corporation exceed 2% of the total admitted assets of such life insurance company as of December 31 next preceeding, nor shall the aggregate investment in the common stock of all corporations (exclusive of investments in separate accounts established pursuant to section 17:35A-6 and investments in the common stock of subsidiaries pursuant to section 4 hereof) valued at cost exceed 15% of such assets except that to the extent that such aggregate investment in stock exceeds 10% of such assets, further investments shall be subject to regulation by the commissioner under a formula which shall take into consideration the actual mandatory securities valuation reserve, as defined by the Committee on Valuation of Securities of the National Association of Insurance Commissioners, held by a company which is applicable to such stocks in the corresponding annual statement filed with the department, nor shall the amount invested in the evidences of indebtedness, preferred stock and receiver certificates of any one institution exceed 5% of such assets. Nothing herein contained shall prevent any such life insurance company from purchasing, investing in or otherwise acquiring the voting stock of certain corporations as hereinafter provided in this chapter.

No investment shall be made by any such life insurance company unless the same shall be authorized by the board of directors, or by a committee thereof charged with the duty of supervising such investment.

No such life insurance company shall underwrite or participate in any underwriting of the purchase or sale of securities or

property, or enter into any transaction for such purchase or sale on account of any such life insurance company jointly with any other person, firm or corporation, nor shall any such life insurance company enter into any agreement to withhold from sale any of its property, but the disposition of its property shall be at all times within the control of its board of directors.

Any life insurance company may enter into an agreement to acquire any investment permitted by law, directly with the issuer or owner thereof, and may participate with other investors provided that the obligations of such insurer and such other investors shall be several and not joint.

C. 17:24-19 Acquisition of certain securities or property.

3. Nothing contained in this chapter shall be construed to prohibit a life insurance company from accepting or acquiring corporate stock or evidences of indebtedness or other securities or property (1) pursuant to a plan of reorganization approved or made effective by order of a court having jurisdiction over the property of a debtor, (2) pursuant to a voluntary plan or agreement of reorganization, (3) as payment on account of an existing indebtedness, (4) as realization of collateral for a loan in default, (5) received in connection with an investment by the life insurance company otherwise allowable as an investment by this chapter, or (6) through the exercise of rights of conversion, warrants or rights to purchase stock, or pre-emptive rights to subscribe to stock, contained in or attached to a previously existing investment of such life insurance company. If any such stock, securities or property so received shall be of a kind or in an amount not otherwise allowable as an investment by this chapter, they shall be disposed of within 5 years from the time of their acquisition, unless the commissioner shall, for good cause shown, allow further time for the disposal thereof and then within the time so allowed.

C. 17:24-20 Investment in voting stock of subsidiary corporation; limitations.

4. Notwithstanding any other provisions of this chapter, any domestic life insurance company may invest an amount which together with amounts previously invested pursuant to this section shall not exceed in the aggregate 5%, or with the approval of the commissioner not to exceed in the aggregate 10%, of the total admitted assets of such life insurance company as of December 31 next preceding in the voting stock, including voting trust certificates, certificates of deposit, interim receipts and other similar instruments representing such stock of its substantially owned subsidiary corporation, provided:

a. All of the business of such subsidiary shall be conducted in a manner as to be properly incidental to the business of an insurance company. The following are the kinds of business in which such subsidiary corporation may engage:

(1) Writing of any kind of insurance authorized by the laws of this State;

(2) Investing, reinvesting, or trading in securities for its own account or that of its parent or affiliate;

(3) Rendering investment advisory or investment management services or both to governments or agencies thereof, governing bodies of employee benefit plans, and institutions as defined in this chapter;

(4) Mortgage investing, and mortgage servicing for its own account or that of its parents or affiliates, or for the account of any government or governmental instrumentality;

(5) Owning or leasing business, manufacturing, communication or transportation machinery and equipment; or

(6) Acting as administrative agent for a government or a governmental body, where such designation is permitted by other applicable law.

b. After such investment, either (1) at least 80% of the voting stock of such subsidiary shall be owned by such life insurance company, or (2) all of such stock shall be owned jointly by such life insurance company and not more than 2 other institutions, regulated by the Department of Banking and Insurance.

c. The investments of such subsidiary, whether or not it is itself an insurance company, shall be of the same character as those eligible for investment by domestic life insurance companies and such investments when added on a basis proportional to the life insurance company's interest in such subsidiary to the investments of such life insurance company shall not exceed any of the limitations applicable to domestic life insurance companies contained in this chapter.

d. The investment in such subsidiary will not tend substantially to lessen competition or tend to create a monopoly.

e. Such subsidiary will not be used directly or indirectly to promote the private interests of any officer or director of such life insurance company except that compensation may be paid by any subsidiary to officers and directors of such life insurance company for services rendered when such compensation is authorized by the board of directors of such subsidiary and approved by the board of directors of such life insurance company.

f. The investment in such subsidiary shall be approved in writing by the commissioner who shall ascertain that there has been

compliance with the foregoing conditions. The commissioner shall have the power to conduct periodic examinations and require reports in connection with the operation of subsidiaries and, if he shall determine that the interest of policyholders or the public so requires, to order that a domestic life insurance company dispose of its investment in any subsidiary within a reasonable period of time.

C. 17:24-21 Investments in securities of foreign countries.

5. Any domestic life insurance company lawfully doing business in any foreign country other than Canada, may also invest its funds, to an amount not exceeding 110% of the reserves for its outstanding policies of insurance issued or delivered in such foreign country, in securities issued by any governing body or agency or any institution of such foreign country or in the obligations secured upon property therein, otherwise of the same character as that prescribed for authorized investments for the funds of the life insurance company under the laws of this State.

C. 17:24-22 Temporary restrictions on investments.

6. Notwithstanding any of the provisions of this chapter, if it shall appear to the Commissioner of Banking and Insurance that by reason of investment conditions generally or the financial condition or investment portfolio content of any particular life insurance company or companies (giving due regard to policyholders' protection afforded by its capital, surplus and reserves), the safety of the public or policyholders so warrants, he may, upon written notice, impose reasonable and temporary additional restrictions upon the type, class or permissible extent of investments which may be made by any domestic life insurance company or companies subject to this chapter. Any life insurance company or companies affected shall be entitled, upon application, to a departmental hearing for the purpose of determining whether such restriction should be modified or withdrawn.

C. 17:24-23 Securities to be kept within State; exceptions.

7. All securities of domestic life insurance companies, except (i) mortgages and evidences of indebtedness secured thereby which are held for safekeeping in one or more offices operated by and under the direct control of an officer of such a company and (ii) securities with a maturity of less than 1 year, shall be held for safekeeping within the geographical limits of this State provided, that any such company may make and maintain such deposits of securities with public officials of other States, the United States

Government, and foreign countries to such extent as may be required by the laws of such jurisdictions as a condition for authority to transact business therein. This section shall not prohibit the deposit of such securities under transactions as provided in section 3, or the transmission of such securities outside the State for the purpose of securing or recording title to such securities or to property, or for the purpose of the sale, exchange or alteration of the provisions of such securities, or for the collection of any payment due thereon, nor shall this section prohibit the deposit of such securities as collateral for loans or as security for the performance of contracts.

C. 17:24-24 Valuation procedures.

8. The commissioner shall promulgate a regulation or regulations which shall establish valuation procedures and practices with respect to securities held by life insurance companies authorized to do business in this State which shall, as far as practicable and unless the commissioner shall make a determination to the contrary or unless otherwise provided by statute, be those adopted by the Committee on Valuation of Securities of the National Association of Insurance Commissioners.

C. 17:24-25 Repealed.

9. a. The following sections of the Revised Statutes, insofar as they apply to life insurance companies are repealed:

Sections 17:2-1, 17:2-2, 17:2-4 to 17:2-8, 17:19-1 to 17:19-12, 17:24-1, 17:24-3, 17:24-5, 17:24-10 to 17:24-12.

b. The following acts insofar as they apply to life insurance companies are repealed:

P. L. 1938, chapter 222, P. L. 1945, chapter 257, and P. L. 1947, chapter 308.

C. 17:24-26 Repealed.

10. Section 17:24-2 of the Revised Statutes and P. L. 1964, chapter 138 are repealed.

C. 17:24-27 Definition.

11. Reference to the Revised Statutes or laws of New Jersey in this act shall be deemed to refer to such Revised Statutes or laws of New Jersey as enacted and heretofore or hereafter amended or supplemented.

12. This act shall take effect immediately.

Approved August 25, 1967.

CHAPTER 202

AN ACT concerning pensioners in public employment in certain cases.

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

C. 43:3-1.2 Pensioners eligible to hold presidency of county college.

1. Notwithstanding the provisions of section 43:3-1 of the Revised Statutes, any person who is receiving or who shall be entitled to receive any pension or subsidy from this or any other State, or any county, municipality or school district of this or any other State shall be eligible to hold the office or position of president of any county college established pursuant to the provisions of chapter 41 of the laws of 1962, and receive, in addition to his pension, the salary or compensation allotted to such office or position.

2. This act shall take effect immediately.

Approved September 19, 1967.

CHAPTER 203

AN ACT to amend "An act concerning institutions and agencies, amending, supplementing and repealing parts of Title 30 of the Revised Statutes and supplements thereto," approved May 27, 1965 (P. L. 1965, c. 59).

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

1. Section 14 of the act of which this act is amendatory is amended to read as follows:

C. 30:4-25.2 Application for determination of eligibility.

14. Application for determination of eligibility for functional services for a person under the age of 21 years who is believed to be mentally retarded may be made to the commissioner by:

1. his parent or guardian;

2. a child-caring agency, hospital, clinic, or other appropriate agency, public or private, or by a physician having care of the minor, provided the written consent of the parent or guardian or the Bureau of Children's Services, under its care and custody program, has been obtained; or

3. a juvenile court having jurisdiction over the minor.

Application for determination of eligibility for any person over 18 years of age for functional services may be made by:

a. a mentally retarded individual over 18 years of age on his own behalf;

b. the guardian of the person of an adjudicated mentally incompetent adult; or

c. any court of competent jurisdiction in which the issue of mental deficiency may have arisen and which finds that it is in the interest of the alleged mentally deficient person to determine such eligibility.

2. This act shall take effect immediately.

Approved September 20, 1967.

CHAPTER 204

AN ACT to amend and supplement "An act concerning counties, municipalities, school districts, or agencies thereof in relation to certain group insurance programs, and repealing sections 40:11-15 and 40:11-16 of the Revised Statutes," approved January 18, 1961 (P. L. 1960, c. 180).

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

1. Section 1 of the act of which this act is amendatory is amended to read as follows:

C. 40:11-15.1 Contracts for group insurance.

1. (A) Any municipality, county, school district, or agency thereof, herein referred to as employers, may enter into contracts of group life, accidental death and dismemberment, hospitalization, medical, surgical, major medical expense or health and accident insurance with any insurance company or companies authorized

to do business in this State or may contract with a nonprofit hospital service or medical service corporation with respect to the benefits which they are authorized to provide respectively. Such contract or contracts shall provide any one or more of such coverages for the employees of such employer and may include their dependents. "Dependents" shall include an employee's spouse and the employee's unmarried children, including stepchildren and legally adopted children, and, at the option of the employer and the carrier, foster children, under age 19 who live with the employee in a regular parent-child relationship, and may also include, at the option of the employer and the carrier, other unmarried children of the employee under the age of 23 who are dependent upon the employee for support and maintenance. A spouse or child enlisting or inducted into military service shall not be considered a dependent during such military service. Elected officials may be considered, at the option of the employer, to be "employees" for the purposes of this act, but "employees" shall not otherwise include persons employed on a short-term, seasonal, intermittent or emergency basis, persons compensated on a fee basis, or persons whose compensation from the public employer is limited to reimbursement of necessary expenses actually incurred in the discharge of their duties. "Employees" and "dependents" shall also not include persons, active or retired, who are otherwise eligible for coverage under this act but who, although they meet the age eligibility requirement of the Federal Medicare Program, are not covered by the complete Federal program. Retired employees and their dependents may continue to be covered if they were covered by a group contract or contracts or a group remittance plan of the employer, (1) as of the effective date of this act, or (2) immediately prior to the employee's retirement. The contract shall exclude from eligibility for any coverage any class or classes of public employees who are eligible for like or similar coverage under another group contract covering such class or classes of employees and may condition the eligibility of any employee for coverage upon satisfying a waiting period stated in the contract. Nothing herein contained shall be deemed to authorize coverage of dependents of an employee under a group life insurance policy or to allow the issuance of a group life insurance policy on which the entire premium is to be derived from funds contributed by the insured employees.

(B) The coverage of any employee, and of his dependents, if any, shall cease upon the discontinuance of his employment or upon

cessation of active full-time employment in the classes eligible for coverage subject to such provision as may be made in any contract by his employer for limited continuance of coverage during disability, part-time employment, leave of absence other than leave for military service or lay-off, and for continuance of coverage after retirement.

(C) Any contract or contracts permitted under this act shall contain limitations, exclusions or exceptions so as to avoid duplication of benefits or services otherwise available pursuant to accidental death and dismemberment, hospitalization, medical, surgical, major medical expense or health and accident coverage under (1) any other law of this State or the coverage afforded under the laws of the United States, such as the Federal Medicare Program, and (2) at the option of the employer and the carrier, group insurance or any other arrangement of coverage for individuals in a group, whether on an insured or uninsured basis.

2. Section 2 of which this act is amendatory is amended to read as follows:

C. 40:11-16.1 Part payment of premium by employer; deduction of employee contributions from salaries; retired employee's contribution; summary of cost by insurance company.

2. (A) Any employer entering into a contract pursuant to the provisions of section 1 of this act is hereby authorized to pay part or all of the premiums or charges for such contracts and may appropriate out of its general funds any money necessary to pay such premiums or charges or portions thereof. The contribution required of any employee toward the cost of such coverage may be deducted from the pay, salary or other compensation of such employee upon an authorization in writing made to the appropriate disbursing officer.

(B) The continuance of coverage after retirement of any employee may be provided at such rates and under such conditions as shall be prescribed in the contract subject, however, to the requirements hereinafter set forth in this subsection. The contributions required of any retired employee toward the cost of such coverage may be paid by him to his former employer or in such other manner as the employer shall direct.

Retired employees shall be required to pay for the entire cost of coverage for themselves and their dependents at rates which are deemed to be adequate to cover the benefits, as affected by Medicare, of such retired employees and their dependents on the basis

of the utilization of services which may be reasonably expected of such older age classification, provided, however, that the total rate payable by such a retired employee for himself and his dependents, for coverage under the contract and for Part B of Medicare, shall not exceed by more than 25%, the total amount that would have been required to have been paid by the employee and his employer for the coverage maintained had he continued in office or active employment and he and his dependents were not eligible for Medicare benefits.

(C) Nothing herein shall be construed as compelling an employer to pay any portion of the premiums or charges attributable to such contracts.

(D) "Medicare" as used in this act means the coverage provided under Title XVIII of the Social Security Act as amended in 1965, or its successor plan or plans.

(E) In the event an insurance company issues a group insurance policy to an employer which includes 2 or more of the coverages authorized by this act, such insurance company shall at the end of each policy year furnish to the employer a summary of the cost of each such coverage.

C. 40:11-16.1a Reimbursement of active employee.

3. The employer may reimburse the active employee for his premium charges under Part B of the Federal Medicare Program covering the employee alone.

4. Any contracts in effect on the effective date of this act are hereby confirmed as good and effectual until the contract anniversary next following the first anniversary of the effective date of this act when such contracts, exclusive of group life insurance, will have to be conformed to satisfy the provisions of this act.

5. This act shall take effect immediately.

Approved September 20, 1967.

CHAPTER 205

AN Act to amend the title of “An act concerning education, relating to the furnishing of education to high school pupils of one school district by the board of education of another school district, and supplementing chapter 14 of Title 18 of the Revised Statutes,” approved July 25, 1953 (P. L. 1953, c. 273), so that the same shall read “An act concerning education, relating to the furnishing of education to pupils of one school district by the board of education of another school district, and supplementing chapter 14 of Title 18 of the Revised Statutes,” and to amend the body of said act.

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

1. The title of the act of which this act is amendatory is amended to read as follows:

Title amended.

“An act concerning education, relating to the furnishing of education to pupils of one school district by the board of education of another school district, and supplementing chapter 14 of Title 18 of the Revised Statutes.”

2. Section 1 of the act of which this act is amendatory is amended to read as follows:

C. 18:14-7.3 Additional facilities for furnishing education to pupils of another school district; agreement between boards of education; tuition.

1. Whenever a board of education, now or hereafter furnishing elementary and high school education or either thereof for the pupils of another school district, finds it necessary to provide additional facilities for the furnishing of education to such pupils, it may, as a condition precedent to the provision of such additional facilities, enter into an agreement with the board of education of such other district for a term not exceeding 10 years whereby it agrees to provide such education to the pupils of such other district during the term of such agreement, in consideration of the agreement by the board of education of such other district that it will not withdraw its pupils and provide school facilities for them in its own district during the term of said agreement, except as pro-

vided in this act, and that the sending district will provide for the payment of tuition in accordance with section 18:14-7 of the Revised Statutes.

3. Section 2 of the act of which this act is amendatory is amended to read as follows:

C. 18:14-7.4 Termination of agreement between boards of education.

2. Any board of education which shall have entered into such an agreement may apply to the Commissioner of Education for consent to terminate the same, and to cease providing education to the pupils of the other contracting district on the ground that it is no longer able to provide facilities for the pupils of the other district, or to withdraw its pupils from the schools of the other contracting district and provide educational facilities for them in its own district on the ground that the board of education of the receiving district is not providing school facilities and an educational program suitable to the needs of the pupils of the sending district or that the board of education of the receiving district will not be seriously affected educationally or financially by their withdrawal.

4. This act shall take effect immediately.

Approved September 21, 1967.

CHAPTER 206

AN ACT to amend an act entitled "An act relating to the reorganization of the executive and administrative offices, departments, and instrumentalities of the State Government; concerning the Division of Welfare in the State Department of Institutions and Agencies, and supplementing Title 30 of the Revised Statutes," approved June 1, 1950 (L. 1950, c. 166).

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

1. Section 1 of the act of which this act is amendatory is amended to read as follows:

C. 30:4B-1 Authority to establish and determine components of Division of Public Welfare.

1. The State Board of Control of Institutions and Agencies may, in accordance with section 30:1-9 of the Revised Statutes, establish a Division of Public Welfare. Said division shall consist of such personnel, bureaus, agencies and other administrative units as such State Board of Control may, from time to time establish therein.

2. Section 2 of the act of which this act is amendatory is amended to read as follows:

C. 30:4B-2 Functions and duties.

2. All functions, powers and duties relating to public assistance and welfare services, assigned to it by the State Board of Control of the Department of Institutions and Agencies, shall be administered through the said Division of Public Welfare, together with such other related functions and duties as the State Board of Control may, from time to time, find appropriate to be administered through the said division.

3. Section 4 of the act of which this act is amendatory is amended to read as follows:

C. 30:4B-4 Appointment of chief executive officer of each component of Division of Public Welfare.

4. The Commissioner of Institutions and Agencies shall, with the advice and consent of the Board of Public Welfare and of the director of the division, appoint the chief executive officers of each of the bureaus, agencies or other administrative units assigned by the State Board of Control to the division, which positions shall be in the competitive class of the classified civil service. The Commission for the Blind shall, from among persons nominated by the commissioner, and with the advice and consent of the Board of Public Welfare and of the director of the division, appoint the chief executive officer of the commission, which position shall be in the unclassified service. In the event of any disagreement with respect to any of such appointments as between 2 or more of the parties whose participation in such appointment is so required, the State Board of Control shall make the appointment. This act shall not affect the terms of office of members of the State Commission for the Blind, and such agency shall continue to be constituted and to exercise such functions as otherwise provided by law.

4. This act shall take effect immediately.

Approved September 21, 1967.

CHAPTER 207

AN ACT concerning education, authorizing the Board of Governors of Rutgers, The State University, to undertake a program for the further development of the medical education program of the Rutgers Medical School from a 2-year program to a 4-year program, and supplementing the "Rutgers, The State University Act of 1956," approved June 1, 1956 (P. L. 1956, c. 61).

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

C. 18:22-15.68 Development of medical school program.

1. The Legislature and the Governor of the State of New Jersey hereby find, declare and affirm, as a matter of public policy of the State, that the Rutgers Medical School shall be developed from a 2-year to a 4-year institution.

C. 18:22-15.69 Inclusion of necessary sums in annual budget request.

2. It is held further that in order to assure initiation of a 4-year curriculum by 1972 the Board of Governors shall include in its annual budget request to the Governor and the Legislature, such sums as will provide appropriations, by the end of the fiscal year 1972, of at least \$30,000,000.00 for the purposes of this act.

3. This act shall take effect immediately.

Approved September 25, 1967.

CHAPTER 208

AN ACT to amend the "State Competitive Scholarship Act," filed May 28, 1959 (P. L. 1959, c. 46).

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

1. Section 7 of the act of which this act is amendatory is amended to read as follows:

C. 18:22-14.3 Eligibility for scholarship.

7. No person shall be awarded a State competitive scholarship unless

(a) He has been a resident of New Jersey for a period of not less than 12 months immediately preceding the date of his application for such scholarship.

(b) He either has been graduated from high school within a period not greater than 5 years from the date of his application for such scholarship and has not previously attended college or will be graduated from high school within a period not greater than 1 year from the date of such application, except that time spent in the Armed Forces of the United States shall not be included in computing such period. Awards may be made tentatively to prospective high school graduates, dependent upon actual graduation at the end of the then current school year.

(c) He has demonstrated financial need for such scholarship as determined by standards and procedures to be established by the State Scholarship Commission.

(d) He has demonstrated high moral character, good citizenship, and dedication to American ideals.

(e) He has applied for a State competitive scholarship and has been determined, based upon a satisfactory scholastic record together with a competitive examination, to be eligible for such scholarship.

(f) He has complied with all rules and regulations adopted pursuant to this act by the State Scholarship Commission for the award, regulation, and administration of State competitive scholarships.

2. This act shall take effect immediately.

Approved September 25, 1967.

CHAPTER 209

AN ACT concerning judges of the municipal courts.

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

C. 2A:8-5.1 New title authorized.

1. From and after the effective date of this act the magistrate in each municipal court shall be known and referred to as the judge of the municipal court.

2. This act shall take effect immediately.

Approved September 25, 1967.

CHAPTER 210

**AN ACT concerning county detectives and amending section
2A:157-4 of the New Jersey Statutes.**

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

1. Section 2A:157-4 of the New Jersey Statutes is amended to read as follows:

County detectives in second-class counties over 400,000 population.

2A:157-4. (a) In counties of the second class having a population in excess of 400,000, there may be appointed not in excess of 12 county detectives, of whom one may be designated chief of county detectives, one captain of county detectives, and 2 lieutenants of county detectives. In any of such counties, except counties having a population in excess of 425,000 but less than 450,000, 2 of said county detectives may be designated as additional lieutenants of county detectives, making 4 in all in said counties, and 2 may be designated sergeants of county detectives.

(b) In the counties of the second class having a population of 400,000 or under, there may be appointed not in excess of 12 county detectives of whom one may be designated chief of county detectives, one captain of county detectives, and one lieutenant of county detectives.

(c) Their annual salaries shall be fixed as follows: chief of county detectives, not less than \$9,500.00; captain of county detectives, not less than \$8,000.00; lieutenant of county detectives, not less than \$7,000.00; sergeant of county detectives, not less than \$6,500.00; and other county detectives, not less than \$6,000.00.

2. This act shall take effect immediately.

Approved September 25, 1967.

CHAPTER 211

AN ACT concerning the inspection of steam and hot water boilers and amending sections 34:7-14, 34:7-15, 34:7-16, 34:7-17, 34:7-19, 34:7-20, 34:7-21, 34:7-22 and 34:7-24 of the Revised Statutes.

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

1. Section 34:7-14 of the Revised Statutes is amended to read as follows:

Boilers subject to test and inspection.

34:7-14. All steam or hot water boilers or similar equipment potentially capable of generating steam, except steam boilers having adequate relief devices set to discharge at a pressure not greater than 15 pounds per square inch, gage, or hot water boilers having adequate relief devices set to discharge at a pressure not greater than 160 pounds per square inch, gage, and which hot water boilers are reliability limited to temperatures not exceeding 250 degrees Fahrenheit, when such steam or hot water boilers serve dwellings of less than 6-family units or other dwellings with accommodations for less than 25 persons, shall be inspected and be subject to a hydrostatic test, if necessary, at least once in each year, at 12-month intervals, by an inspector of the Mechanical Inspection Bureau, excepting, however, such as may be insured after having been regularly inspected in accordance with the terms of this article by insurance companies, whose inspectors shall have satisfactorily passed an examination or received certificates of competency approved by the commissioner. Such inspection shall be as completely internal and external as construction permits. The inspection of any equipment described in this chapter by a certified inspector of an insurance company shall be acceptable in lieu of State inspection. This article shall not apply to any boiler having less than 10 square feet of heating surface or a heat input of less than 10 kilowatts or 40,000 British thermal units per hour or to equipment under the jurisdiction and control of the United States Government, the inspection of which is actively regulated by a Federal agency, or to equipment used solely for the propulsion of motor vehicles regulated by the Motor Vehicle Act, Title 39, of the Revised Statutes.

2. Section 34:7-15 of the Revised Statutes is amended to read as follows:

Fee for inspecting and testing; inspection of new vessels or vessels under construction.

34:7-15. For each annual internal and external inspection of vessels specified in section 34:7-14 of this Title, which shall include hydrostatic test if found necessary, the owner, lessee or operator of the vessel shall pay to the inspector a fee of \$10.00 for vessels having 10 and not over 60 square feet of heating surface, \$15.00 for vessels over 60 and not over 1,000 square feet of heating surface and \$25.00 for vessels over 1,000 square feet of heating surface; plus the actual travel expense of the inspector. The money so collected shall be paid to the Commissioner of Labor and Industry or his duly authorized representative. The Mechanical Inspection Bureau shall maintain an inspection service for the purpose of providing shop inspection of those vessels regulated by chapter 7 of Title 34, which are under construction or new or which have never been subjected to a previous inspection in New Jersey. This service shall be provided for the builders, owners or users of such vessels upon their request only. The fees for this service, exclusive of the actual travel expense of the inspector, which also shall be paid, shall be set by the commissioner and shall be: (1) Not more than \$10.00 for each vessel inspected, provided that he may establish a charge for each visit, for the purpose of inspection, of not less than \$25.00 nor more than \$50.00; (2) For construction review of vessel not designed in accordance with standards set by the Board of Boiler, Pressure Vessel and Refrigeration Rules, \$200.00.

3. Section 34:7-16 of the Revised Statutes is amended to read as follows:

Additional external inspection; fee.

34:7-16. In addition to the annual internal and external inspection, there may be an external inspection if found necessary of each vessel specified in section 34:7-14 of this Title, which shall be made as nearly as may be at the expiration of six months from each annual inspection and for which the owner, lessee or operator shall pay to the inspector a fee of \$5.00, in addition to the actual cost of travel incurred by the inspector in going to and returning from the place of inspection. Each vessel insured by an insurance company may also be given an external inspection by a certified inspector.

4. Section 34:7-17 of the Revised Statutes is amended to read as follows:

Commissioner may order additional inspections.

34:7-17. Whenever it shall be deemed necessary by the commissioner, additional inspections may be made of vessels specified in section 34:7-14 of this Title, which shall be paid for in accordance with section 34:7-16 of this Title.

5. Section 34:7-19 of the Revised Statutes is amended to read as follows:

Report by insurance company making inspection.

34:7-19. An insurance company making an inspection of any vessel specified in section 34:7-14 of this Title shall make a report of such inspection to the commissioner in such manner and at such intervals as he may by rules provide, and shall pay the commissioner a fee of not less than \$2.00 nor more than \$5.00 as set by the commissioner, payable by and collected from the owner, lessee or operator by the insurer or inspector at the time of inspection for each boiler insured within the State. It is further provided that payment of these fees may be made by the insurer through other methods when required or allowed by the commissioner, as provided in section 34:7-18 of this Title.

6. Section 34:7-20 of the Revised Statutes is amended to read as follows:

Report by vessel owner; fees.

34:7-20. The owner of any vessel specified in section 34:7-14 of this Title shall within 30 days after service on him of written notice so to do, furnish to the commissioner a report of an inspection made in accordance with this article, in default of which the commissioner shall assign an inspector to make the inspection in accordance with the terms of such notice. The fees for any inspection made under this section shall be paid by the owner to the commissioner. On the owner's failure to pay such fee within 30 days after the inspection the commissioner is authorized to sue for its collection in any court of competent jurisdiction.

7. Section 34:7-21 of the Revised Statutes is amended to read as follows:

Unfit vessels not to be used.

34:7-21. If after inspection it is found that any vessel specified in section 34:7-14 of this Title is unfit for use the inspector shall order its use to be discontinued until properly repaired or replaced. The owner before resuming its use shall cause proper repairs or replacements to be made and shall on the completion thereof notify

the commissioner who shall cause a further inspection to be made. If the inspector finds such boiler fit for use he shall deliver to the owner evidence of approval for further use.

8. Section 34:7-22 of the Revised Statutes is amended to read as follows:

Reinspection.

34:7-22. The owner or operator of any vessel specified in section 34:7-14 of this Title, dissatisfied with the result of any inspection may appeal to the commissioner by mail. Upon receipt of the appeal, the commissioner shall direct one of the members of the Mechanical Inspection Bureau to conduct an inspection of such vessel and make a report to him, and he shall thereupon render his decision, which shall be final.

9. Section 34:7-24 of the Revised Statutes is amended to read as follows:

Evidence of approval.

34:7-24. Upon payment of inspection fees and filing of inspection report, the commissioner shall deliver evidence of approval to the owner or operator of any vessel passing inspection.

10. This act shall take effect 6 months after adoption.

Approved October 5, 1967.

CHAPTER 212

AN ACT concerning the inspection of refrigeration systems and amending section 34:7-25 of the Revised Statutes.

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

1. Section 34:7-25 of the Revised Statutes is amended to read as follows:

Refrigeration systems; inspection; fees; certificate.

34:7-25. All refrigeration systems using flammable or toxic refrigerants of over 3 tons of refrigerating capacity or requiring over 6 driving horsepower, and all refrigeration systems using non-flammable and nontoxic refrigerants of over 18 tons of refrigerat-

ing capacity or requiring over 36 driving horsepower, having relief devices set over 15 pounds per square inch gage and used in a plant of any size or storage capacity, shall be inspected annually by an inspector of the Mechanical Inspection Bureau or of an insurance company, as provided in section 34:7-14 of this Title; and the owner, lessee or operator shall comply with the recommendations of the inspector in conformity with the rules and regulations adopted by the Board of Boiler, Pressure Vessel and Refrigeration Rules of the Mechanical Inspection Bureau and approved by the commissioner.

The fees for such inspection by an inspector of the Mechanical Inspection Bureau shall be as follows:

a. Refrigeration systems of 25 tons of refrigerating capacity and over, the sum of \$15.00 for each inspection plus the actual travel expense of the inspector;

b. Refrigeration systems under 25 tons and over 3 tons of refrigerating capacity, the sum of \$10.00 for each inspection, plus the actual travel expense of the inspector.

The fees and travel expenses shall be paid to the inspector, at the time of inspection, by the owner, lessee or operator of the refrigeration system.

The annual inspection and inspection reports of refrigeration systems by insurance companies licensed to do business within this State and otherwise complying with this chapter shall be accepted in lieu of other inspections. Each insurance company shall file with the commissioner a report of each inspection and shall pay to him a fee of \$2.00 for each annual refrigeration system inspection, to be collected by the insurer from the owner or lessee of the plant inspected. After the owner, lessee or operator has complied with the rules or regulations, a certificate shall be issued by the Mechanical Inspection Bureau, which certificate shall be valid for 1 year and be the authority for the operation of the refrigeration system during such time. Upon expiration, the certificate shall be renewed by the Mechanical Inspection Bureau if the refrigeration system is found to be in proper condition for operation within the prescribed rules of the Mechanical Inspection Bureau. All fees collected under this act shall be paid by the commissioner or his duly authorized representative into the State Treasury and shall become a part of the State General Fund.

2. This act shall take effect 60 days after adoption.

Approved October 5, 1967.

CHAPTER 213

AN ACT concerning the New Jersey Board of Boiler, Pressure Vessel and Refrigeration Rules and amending section 34:1-47 of the Revised Statutes.

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

1. Section 34:1-47 of the Revised Statutes is amended to read as follows:

Board of boiler, pressure vessel and refrigeration rules; composition; rules and regulations.

34:1-47. The Governor shall appoint 6 citizens of this State, 2 of whom shall be professional engineers licensed by this State, and who shall represent the following interests: one manufacturer of boilers, pressure vessels or refrigeration equipment; one authorized insurer of boilers, pressure vessels and refrigeration equipment in this State; one operator of boiler, pressure vessels or refrigeration equipment in this State and licensed by the Mechanical Inspection Bureau; 2 users of boilers, pressure vessels or refrigeration equipment in this State, and one resident of this State representing the general public.

All of these appointees shall serve at the pleasure of the Governor, and together with the commissioner and the examining board in the Mechanical Inspection Bureau shall constitute a Board of Boiler, Pressure Vessel and Refrigeration Rules. This board shall meet at the call of the commissioner, or his designee, who shall be chairman, and it shall promulgate, after a public hearing, subsequent to the publication of notice of said hearing, rules and regulations for the safe and proper construction and installation and use of steam boilers, pressure vessels and refrigeration plants which are subject to the provisions of article 2, chapter 7 of this Title.

2. This act shall take effect immediately.

Approved October 5, 1967.

CHAPTER 214

AN ACT concerning engineers' and firemen's licenses; boilers, pressure vessels and refrigeration plants and amending section 34:7-1 of the Revised Statutes.

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

1. Section 34:7-1 of the Revised Statutes is amended to read as follows:

License necessary; emergencies; exceptions; administration; examinations.

34:7-1. No unlicensed person shall operate a steam generator, similar equipment potentially capable of generating steam having relief devices set over 15 psig. and rated at or developing over 6 boiler horsepower or a steam power generator, if over 6 horsepower; a hoisting machine regardless of motive power, whenever the boom length exceeds 99 feet; a refrigerating plant of over 24 tons of refrigerating capacity, utilizing refrigerants of a flammable or toxic nature; or a steam or hot water heating plant of which the indicated or rated capacity exceeds either 499 square feet of heating surface or 100 boiler horsepower or 1,000 kilowatts or 4,000,000 British thermal units input regardless of pressure or temperature conditions; and no owner, agent, superintendent, manager or other person having charge of any building or work in which such equipment is located, or used, shall use, or cause or allow to be used, any such equipment described in this section unless the same is in charge of a properly licensed person, except in emergency, and then for no longer than 15 days unless the commissioner in writing extends such time, of which emergency the owner of such equipment, or the agent, superintendent, manager or other person in charge thereof shall promptly notify the Mechanical Inspection Bureau in writing, stating fully the circumstances.

The provisions of this chapter shall not require a license of any person in charge of or operating the following:

- (1) any equipment installed for emergency purposes only, or
- (2) any equipment under the jurisdiction and control of the United States Government, the operation of which is actively regulated by a Federal agency, or

(3) any railroad locomotive boiler or any type locomotive used in the service of a common carrier, or

(4) any refrigerating plant utilizing refrigerants classified as being in Group 1 in the Safety Code for Mechanical Refrigeration of the American Society of Refrigerating Engineers approved by the American Standards Association, Inc., or

(5) any equipment having relief devices set at or under 15 pounds per square inch gage or reliably regulated to operate at a temperature not greater than 200°F when serving a heating plant in a building which is unoccupied. A building shall not be deemed to be "occupied" solely on the basis of attendance by custodial or security personnel, or

(6) any steam generating equipment having relief devices set at or under 15 pounds per square inch gage or hot water equipment reliably regulated to operate automatically at a temperature not greater than 250°F, and having relief devices set at or under 160 pounds per square inch gage when serving a heating plant other than in a building of public assembly providing (a) the equipment shall be protected by such type of automatic safety control system which is approved by the State Mechanical Inspection Bureau for automatic operation; and (b) the boiler plant and its safety components are inspected operationally at reasonable intervals, when the building is occupied, by a person designated by the owner, agent, superintendent, or manager, which person's qualifications to operate such equipment have been certified by the State Mechanical Inspection Bureau on the basis of 90 days' experience and reasonable examination by that bureau in respect of such equipment. The "operational inspection" referred to in this subparagraph shall mean visual inspection of all indicators, gages, thermometers, external connections and other items which may be viewed by an external inspection. A log book shall be maintained on the premises recording such inspections, which log book shall be open to inspection by any designated representative of the State Mechanical Inspection Bureau.

The provisions of this article shall be administered by the commissioner through the Mechanical Inspection Bureau. Examinations for license under this article shall be conducted by the examining board or by any member of said board.

2. This act shall take effect immediately.

Approved October 5, 1967.

CHAPTER 215

AN ACT relating to disorderly persons and supplementing chapter 170 of Title 2A of the New Jersey Statutes.

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

C. 2A:170-92.1 Reprisal against tenant for reporting certain violations; penalty; rebuttable presumption created.

1. Any person, firm or corporation or any agent, officer or employee thereof who threatens to or takes reprisals against any tenant for reporting or complaining of the existence or belief of the existence of any health or building code violation, or a violation of any other municipal ordinance or State law or regulation which has as its objective the regulation of rental premises, to a public agency, is a disorderly person and shall be punished by a fine of not more than \$250.00, or by imprisonment for not more than 6 months or both.

In any action brought under this section the receipt of a notice to quit the rented premises or any substantial alteration of the terms of tenancy without cause within 90 days after making a report or complaint or within 90 days after any proceeding resulting from such report or complaint shall create a rebuttable presumption that such notice or alteration is a reprisal against the tenant for making such report or complaint.

2. This act shall take effect immediately.

Approved October 5, 1967.

CHAPTER 216

AN ACT to supplement "An act concerning minimum wage standards; providing for the enforcement of such standards and the orders and regulations made with respect thereto; prescribing penalties for the violation thereof, and supplementing Title 34 of the Revised Statutes," approved June 17, 1966 (P. L. 1966, c. 113).

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

C. 34:11-56a25.1 Validity of claim for unpaid wages, overtime compensation, other damages; determining when an action for recovery is commenced.

1. No claim for unpaid minimum wages, unpaid overtime compensation, or other damages under this act shall be valid with respect to any such claim which has arisen more than 2 years prior to the commencement of an action for the recovery thereof. In determining when an action is commenced, the actions shall be considered to be commenced on the date when a complaint is filed with the Commissioner of the Department of Labor and Industry or the Director of the Wage and Hour Bureau, and notice of such complaint is served upon the employer; or, where an audit by the Department of Labor and Industry discloses a probable cause of action for unpaid minimum wages, unpaid overtime compensation, or other damages, and notice of such probable cause of action is served upon the employer by the Director of the Wage and Hour Bureau; or where a cause of action is commenced in a court of appropriate jurisdiction.

C. 34:11-56a25.2 Limitations of employer's liability.

2. In any action or proceeding commenced prior to or on or after the date of the enactment of this act based on any act or omission prior to or on or after the date of the enactment of this act, no employer shall be subject to any liability or punishment for or on account of the failure of the employer to pay minimum wages or overtime compensation under this act, if he pleads and proves that the act or omission complained of was in good faith in conformity with and in reliance on any written administrative regulation, order, ruling, approval or interpretation by the Commissioner of the Department of Labor and Industry or the Director of the Wage and Hour Bureau, or any administrative practice or enforcement policy of such department or bureau with respect to the class of employers to which he belonged. Such a defense, if established, shall be a complete bar to the action or proceeding, notwithstanding, that after such act or omission, such administrative regulation, order, ruling, approval, interpretation, practice, or enforcement policy is modified or rescinded or is determined by judicial authority to be invalid or of no legal effect.

3. This act shall take effect immediately.

Approved October 5, 1967.

CHAPTER 217

AN ACT to amend “An act defining ‘blighted area,’ authorizing municipalities to determine that areas are blighted areas, and to undertake the clearance, replanning, development and redevelopment of such areas,” approved May 21, 1949 (P. L. 1949, c. 187).

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

1. Section 10 of the act of which this act is amendatory is amended to read as follows:

C. 40:55-21.10 Acquisition of property within blighted area.

10. If the determination is that an area is a blighted area, the governing body of the municipality may, but shall not be required to, acquire the real property within the area by purchase, or by eminent domain proceedings, and may proceed with the clearance, replanning, development or redevelopment of the area as a public purpose and for public use, or the said governing body may, by resolution, agree that a private corporation may undertake such clearance, replanning, development or redevelopment in accordance with statutory authority and subject to the provisions of paragraph 1, Section III, Article VIII, of the Constitution; provided, however, that the power of eminent domain hereinbefore conferred upon the governing body of the municipality shall not be exercised to acquire, for any of the purposes of this act, any property or interests in property owned or used by any public utility (as defined in section 48:2-13 of the Revised Statutes) in furnishing any commodity or service which by law it is authorized to furnish; and provided further, however, that in any eminent domain proceeding instituted by virtue of the power hereinbefore conferred, the value of any property sought to be acquired shall be fixed and determined to be no less than the value as of the date of the declaration of blight by the governing body either in the first instance or the date of final action by the governing body upon a report by a planning board.

2. This act shall take effect immediately.

Approved October 10, 1967.

CHAPTER 218

AN ACT relating to eminent domain, and amending section 20:1-9 of the Revised Statutes.

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

1. Section 20:1-9 of the Revised Statutes is amended to read as follows:

Commissioners; oath; duties.

20:1-9. The commissioners shall take and subscribe an oath faithfully and impartially to examine the matter in question and make a true report according to the best of their skill and understanding. Thereafter they shall meet at the time and place appointed and proceed to view and examine the land or other property and make a just and equitable appraisal of the value of the same, and an assessment of the amount to be paid by the plaintiff for the land or other property and damages as aforesaid, as of the date of the commencement of the action for condemnation or, if the land or other property is being acquired in connection with development or redevelopment of a blighted area, then and in that event, the value of any property sought to be acquired shall be fixed and determined to be no less than the value as of the date of the declaration of blight by the governing body upon a report by planning board.

2. This act shall take effect immediately.

Approved October 10, 1967.

CHAPTER 219

AN ACT concerning the State Department of Transportation and adding a route to the State highway system.

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

27:6-1 State highway route.

1. The State Commissioner of Transportation is authorized to add to the State highway system a new route beginning at a point

in or near the present intersection of Orchard street and Westfield avenue in the city of Elizabeth, in Union county, and extending generally easterly across U. S. Routes 1 and 9 and the New Jersey Turnpike, and thence generally northerly to a point in the vicinity of North avenue East and McLester street in the area of Port Elizabeth, in the city of Elizabeth.

2. Said route shall be laid out and constructed as soon as practicable by the commissioner in the same manner and subject to the same procedure as other State highways.

3. Said route shall be paid for and maintained as other roads in the State highway system are paid for and maintained.

4. Existing highways may be made use of wherever it is convenient to do so, and the commissioner may acquire rights of way where necessary.

5. This act shall take effect immediately.

Approved October 10, 1967.

CHAPTER 220

AN ACT authorizing the creation of the office of county administrator in certain counties.

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

C. 40:21-18.2 County administrator; powers, duties, compensation.

1. The board of chosen freeholders of any county, other than a county having a county supervisor, may by resolution create the office of county administrator, to act as the executive officer for the board to have such powers, perform such duties and to receive such compensation as the resolution creating such office shall provide and as may from time to time otherwise be directed by the board by resolution.

C. 40:21-18.3 Appointment, qualifications, term.

2. In any county creating the position of county administrator the board by majority vote of all its members shall appoint some suitably qualified person to such office for a term of 3 years and until appointment and qualification of his successor.

3. This act shall take effect immediately.

Approved October 11, 1967.

CHAPTER 221

A SUPPLEMENT to "An act to provide for the creation, setting apart, maintenance and administration of a city employees' retirement system in cities of the first class having a population of less than 400,000; providing that the said system supersedes any pension system existing in such city pursuant to article 2, chapter 13, Title 43 of the Revised Statutes, and further providing that any such previous pension system shall merge into the system created by this act," approved January 12, 1965 (P. L. 1964, c. 275).

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

C. 43:13-22.56a Widow's pension.

1. Any widow pensioner, whose husband died prior to January 12, 1965, and who is still qualified to receive a widow's pension, shall receive, in lieu of their present pension award 50% of the salary of her husband, at the time of his death, but in no event shall the award exceed the sum of \$1,600.00.

This act shall in no way affect the provisions of section 7 (A) and (B) of the act to which this act is a supplement.

2. This act shall take effect immediately.

Approved October 13, 1967.

CHAPTER 222

AN ACT to supplement "An act to provide for the creation, setting apart, maintenance, and administration of a city employees' retirement system in cities of the first class having a population of less than 400,000; providing that the said system supersedes any pension system existing in such city pursuant to article 2, chapter 13, Title 43 of the Revised Statutes, and further providing that any such previous pension system shall merge into the system created by this act," approved January 12, 1965 (P. L. 1964, c. 275) and repealing section 5 thereof.

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

C. 43:13-22.54a Retirement for service prior to age 60; survivors' benefits.

1. (a) Should a member resign after having completed 25 years of service for which credit has been established in the pension fund, before reaching age 60, he may elect to receive, in lieu of the payment provided in section 4 of the act to which this act is supplementary, or the benefit provided by subsection (b) of this section, a pension in the amount of $\frac{1}{2}$ of his final salary; provided, however, that such pension shall be reduced in accordance with a table of actuarial equivalents recommended by the actuary reflecting all months that the member lacks of being age 60.

Upon and after the death of such pensioner, the benefits provided by section 7 of the act to which this act is supplementary shall be payable to his eligible survivors.

(b) Should a member, after having completed 15 years of service for which credit has been established in the pension fund, be separated voluntarily or involuntarily from the service, before reaching age 60, he may elect to receive, in lieu of the payment provided in section 4 of the act to which this act is supplementary, or the benefit provided by subsection (a) of this section, a deferred pension beginning at age 60, in the amount based on his years of service credited in the fund bear to the total number of years of service that he could have achieved had he continued to age 60 and qualified for the pension of $\frac{1}{2}$ his final salary at the time he elected the deferred pension.

Upon and after the death of such pensioner, the benefits provided by section 7 of the act to which this act is supplementary shall be payable to his eligible survivors.

C. 43:13-22.54 Repealed.

2. Section 5 of P. L. 1964, chapter 275 is repealed.

3. This act shall take effect immediately.

Approved October 13, 1967.

CHAPTER 223

AN ACT to amend "An act to create a regional agency by inter-governmental compact for the continuing comprehensive, co-ordinated regional planning for the Delaware Valley Urban Area, and defining the functions, powers and duties of such agency," approved June 18, 1966 (P. L. 1966, c. 149).

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

1. The preamble of the act of which this act is amendatory is amended to read as follows:

Preamble amended.

WHEREAS, By an agreement dated January 23, 1959, the State of New Jersey, and the counties of Burlington, Camden, Gloucester, and Mercer, all in the State of New Jersey, and the Commonwealth of Pennsylvania, and the counties of Bucks, Chester, Delaware and Montgomery and the city of Philadelphia, all in the Commonwealth of Pennsylvania, provided for transportation planning in the Delaware Valley Urban Area and established therefor an organization known as the Penn Jersey Transportation Study, which has been in operation since that time; and

WHEREAS, The State of New Jersey and the Commonwealth of Pennsylvania now desire to create a successor to the said Penn Jersey Transportation Study in the form of a body politic and corporate to carry on the continuing comprehensive, co-ordinated transportation and regional planning study and process for the Delaware Valley Urban Area; and

WHEREAS, The Congress of the United States of America has, by the enactment of Public Law 87-866, 1962, declared it to be in the national interest to encourage and promote the development of transportation systems that will serve the States and local communities efficiently and effectively; and

WHEREAS, The Congress of the United States of America has by the enactment of Public Law 86-372, 1959, authorized the Administrator of the Housing and Home Finance Agency, United States Department of Housing and Urban Development, to make planning grants to official regional planning agencies empowered

by interstate compact to perform metropolitan or regional planning and by Public Law 87-70, 1961, gave its prior consent to such compacts; now, therefore,

2. Section 2 of Article II of the compact created by the act of which this act is amendatory is amended to read as follows:

C. 32:27-9 Commission membership.

2. Commission membership—The commission shall consist of the following members to be known as commissioners:

The Commissioner of Transportation of the State of New Jersey, ex officio,

The Secretary of Highways of the Commonwealth of Pennsylvania, ex officio,

The Commissioner of Community Affairs, State of New Jersey, ex officio,

The Executive Director, State Planning Board, Commonwealth of Pennsylvania, ex officio,

An appointee of the Governor of New Jersey who shall be a resident of New Jersey and the area, and shall serve at the pleasure of the Governor,

An appointee of the Governor of Pennsylvania by and with the consent of the Senate, who shall be a resident of Pennsylvania and the area, and shall serve at the pleasure of the Governor,

A representative from each of the 4 New Jersey counties and 4 Pennsylvania counties included in the area, and

One representative each from the cities of Camden, Trenton, Philadelphia and Chester.

3. Section 5 of Article II of the compact created by the act of which this act is amendatory is amended to read as follows:

C. 32:27-12 Officers.

5. Officers—The board shall elect a chairman, vice-chairman, a secretary and a treasurer from among its membership and may elect such other officers as it desires from among its membership. The vice-chairman, and either the secretary or treasurer, shall not reside in the same State as the chairman. The chairman or vice-chairman shall be elected from among the State officials or appointees of each party State. The remaining officer shall be selected from among the members representing the counties and municipalities.

4. Section 9 of Article II of the compact created by the act of which this act is amendatory is amended to read as follows:

C. 32:27-16 Executive committee; meetings, powers and duties.**9. Executive committee; meetings, powers and duties—**

(a) The Executive Committee of the Delaware Valley Regional Planning Commission shall consist of the following commissioners:

The 4 ex officio members or their alternates,

The 2 appointees of the Governors,

One representative to be chosen by the 4 New Jersey county members of the commission,

One representative to be chosen by the 4 Pennsylvania county members of the commission,

The representatives of the cities of Camden and Philadelphia.

(b) A quorum of the executive committee for the purpose of transacting business at any committee meeting shall exist only when there are present, in person, at least 3 members or alternates from each of the party States including at least 2 of the 3 State officials or appointees or their alternates from each State. No action of the committee shall be effective or binding unless a majority of each party State's representatives who are present at such meeting, including at least 2 of the 3 State's officials or appointees or their alternates, shall vote in favor thereof. Certified copies of the minutes of each committee meeting shall be sent to each of the Governors of the party States within 20 days of said meeting.

(c) The executive committee may elect a chairman, vice-chairman and a secretary from among its membership and may elect such other officers as it desires from among its members. The chairman and vice-chairman shall not reside in the same State. The chairman or vice-chairman shall be elected from among the State officials or appointees of each party State. The remaining officer shall be selected from among the members representing the counties and municipalities. The executive committee shall establish regular meeting dates and may call special meetings upon call of its chairman after 10 days' notice.

In addition to the powers and duties conferred upon the executive committee by this act, it shall have such other duties as the board shall from time to time delegate to it.

5. Section 2 of Article III of the compact created by the act of which this act is amendatory is amended to read as follows:

C. 32:27-18 Duties and responsibilities of commission.

2. The commission shall have the following duties and responsibilities:

The commission shall have the responsibility of providing for the needs of the highway and/or transportation departments of

the signatory parties in order that the States may qualify for all funds available to them from the Federal Government for the construction of highway facilities in the area and meet with the other planning needs of the said departments in the area. The commission shall also have the responsibility of providing for regional planning and the meeting and satisfaction of regional transportation planning requirements in order that the area may qualify for all funds available to it from the Federal Government of mass transportation facilities and services in the area. The commission shall also have the responsibility for meeting the needs of the New Jersey Department of Community Affairs and the Pennsylvania State Planning Board as required to obtain funds from the Federal Government available for such purposes as well as their other operations. The commission shall co-operate with all other State and local government agencies which have planning needs in the area. The commission shall serve as an advisory agency, with actual authority for carrying out planning proposals continuing to rest in the governing bodies of the States and counties. It shall initiate and develop surveys and plans of a regional nature and assist through co-ordination and planning programs involving regional matters of the planning bodies of the participants. The commission shall not assume any existing powers or functions of such planning commissions. It shall be the function and duty of the commission to make a master plan and such survey and studies as may be essential thereto for the physical development of the area and submit said plan to the participating governmental bodies. The commission shall encourage and promote the co-operation among all levels of government for the purpose of achieving the greatest possible benefit both economic and cultural for the inhabitants of the Delaware Valley Urban Area.

6. Section 4 of Article III of the compact created by the act of which this act is amendatory is amended to read as follows:

C. 32:27-20 Powers and duties of executive committee.

4. Powers and duties of the executive committee—The executive committee shall have the following powers:

(a) To exercise on behalf of the commission all the powers granted the commission by section 1, subsections (b), (c) and (d) of this article;

(b) The general supervision of the conduct of operations of the commission including individual projects;

(c) To manage the fiscal affairs of the commission and to prepare and adopt an annual budget not later than March 15 for each

fiscal year beginning July 1 of each calendar year and ending June 30 of the succeeding year, provided, however, that neither of the Departments of Highways and/or Transportation of the signatory parties nor the Department of Community Affairs of New Jersey or the State Planning Board of Pennsylvania shall be required to provide funds for any fiscal year without the approval of the representative of the department or board affected and such approval shall be subject to the availability of funds appropriated pursuant to the applicable laws of the respective party States;

The aforesaid requirement that budgets be adopted no later than March 15 shall not apply for the fiscal year beginning July 1, 1965;

(d) To prepare a work program for each fiscal year, consistent with the budget for that year in such form that budget items are chargeable to specific elements thereof and submit it to the board for approval and adoption not later than March 1 preceding the beginning of the fiscal year;

(e) The executive committee shall provide proper and adequate bonding surety conditioned upon the honest performance of such of the personnel of the commission as have responsibility for the custody of its receipts and control of its disbursements;

(f) The executive committee shall establish, by rules and regulation, the procedures for receipt and disbursement of funds and shall establish and cause to be maintained such fiscal records and shall meet the requirements for any Federal audits which may be authorized in connection with the financial participation of the United States of America in the commission's operation,

(g) Any by-laws adopted shall be consistent with this legislation.

7. Section 2 of Article IV of the compact created by the act of which this act is amendatory is amended to read as follows:

C. 32:27-22 Apportionment of expenses.

2. Apportionment of expenses—Subject to the availability of funds appropriated pursuant to the applicable laws of the respective party States, whenever the executive committee shall adopt a budget, the share of each State shall be apportioned upon the basis that its population in the Delaware Valley Urban Area bears to the total population of the Delaware Valley Urban Area as determined by the latest available population figures of the United States Bureau of the Census. In the application of this formula, any moneys to be provided from sources other than the governmental bodies comprising the Delaware Valley Urban Area shall

be first deducted. The commission may receive and disburse funds including any appropriation towards its annual budget made by any county, city, other municipality or by any private source in the manner it, the commission, authorizes. Counties and cities and/or other municipalities may contribute and are hereby authorized to contribute funds and/or personnel to the commission. All the direct expense related to any mass transportation demonstration project shall be paid by the State in which such project is located.

8. Section 1 of Article V of the compact created by the act of which this act is amendatory is amended to read as follows:

C. 32:27-24 Appointment of representatives to commission; compliance and co-operation by commission.

1. The Bureau of Public Roads, United States Department of Transportation, and the Department of Housing and Urban Development, may each appoint not more than 3 representatives to the commission who shall have no right to vote in any matter and may have such representation on the executive committee and other committees as the commission shall determine. The 2 Federal agencies shall be entitled to the regular communications of the commission and the committees on which they are represented as fully as are voting members.

The commission shall comply with all lawful and proper requirements of the Federal agencies, and shall co-operate with State and local agencies in meeting such Federal requirements.

9. Section 1 of Article VI of the compact created by the act of which this act is amendatory is amended to read as follows:

C. 32:27-25 Attributes of sovereign immunity.

1. Attributes of sovereign immunity—The commission, as an instrumentality of the State of New Jersey and the Commonwealth of Pennsylvania exercising a governmental function may not be sued in any court of law or equity and shall be vested with such attribute of sovereign immunity in its transactions within the boundaries of one or the other of the 2 States as shall apply to the respective highway and/or transportation departments thereof and no more. If the commission is liable in one State and would not have been liable in the other State, the State wherein such liability exists shall be solely obligated to discharge such liability, as well as any costs, fees, or expenses imposed upon or incurred by the commission, notwithstanding any other provisions of this agreement.

10. Section 1 of Part II of the act of which this act is amendatory is amended to read as follows:

C. 32:27-28 Interim agreement.

1. Interim agreement—Until the Commonwealth of Pennsylvania enacts legislation adequate to the consummation of the Interstate Compact set forth in Part I of this act, the State Transportation Commissioner and the Commissioner of Community Affairs of this State, with the approval of the Governors, are hereby authorized to enter into an agreement with the appropriate officials of the Commonwealth of Pennsylvania to effectuate the general purposes of the Delaware Valley Regional Planning Commission as set forth in this act. Such agreement shall be in such manner and form as shall be necessary to provide the continued eligibility of the State of New Jersey and the Commonwealth of Pennsylvania for the several Federal aids involved in the planning process which is the subject of this act. Any such agreement shall not extend beyond July 1, 1968.

11. Section 4 of Article II of the compact created by the act of which this act is amendatory is amended to read as follows:

C. 32:27-11 Voting power.

4. A quorum of the commission for the purpose of transacting business at any commission meeting shall exist only when there are present, in person, at least 5 members or alternates from each of the party States including at least 2 or 3 State officials or appointees or their alternates from each State. No action of the commission shall be effective or binding unless a majority of each party State's representatives who are present at such meeting, including at least 2 of the 3 State's officials or appointees or their alternates, shall vote in favor thereof. Certified copies of the minutes of each commission meeting shall be sent to each of the Governors of the party States within 20 days of said meeting.

12. Section 1 of Article III of the compact created by the act of which this act is amendatory is amended to read as follows:

C. 32:27-17 Powers of commission.

1. The commission shall have the following powers:

- (a) To adopt and use a corporate seal;
- (b) To acquire by purchase, lease, gift or governmental appropriation such estates or interests in real and personal property as are necessary or required for its operations;

(c) To contract in all respects necessary or convenient for its operations, and to enter into contracts with the United States of America to obtain financial assistance;

(d) To employ and discharge or to contract with such personnel as are necessary or convenient for its operations and to fix their compensation;

(e) To adopt by-laws and to rescind, amend or supplement the same from time to time. Any by-laws adopted shall be consistent with this legislation;

(f) To adopt, promulgate and publish rules and regulations as are determined necessary in the performance of its functions;

(g) To provide services for governmental bodies and public and business organizations consistent with the purposes of this act and to receive compensation therefor;

(h) To do any and all things necessary, convenient or incidental within the scope of its corporate purposes.

13. This act shall take effect immediately.

Approved October 13, 1967.

CHAPTER 224

AN ACT authorizing counties to make voluntary monetary contributions to county firemen's associations for the operation of emergency operating control centers.

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

C. 40:23-8.13 Monetary contribution for operation of emergency operating control center.

1. The board of chosen freeholders of any county may contribute to a county firemen's association within the county a sum not to exceed \$25,000.00 in any 1 year for the operation of an emergency operating control center to serve the entire county for the better preservation of life and property against fire or any other type of emergency.

2. This act shall take effect immediately.

Approved October 13, 1967.

CHAPTER 225

AN ACT relating to attendance before grand juries by members of municipal, county, and county boulevard police departments.

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

C. 40:11-13.8 Compensation of policemen for time spent as witness before grand jury.

1. No member of a municipal, county or county boulevard police department shall suffer loss of compensation for any time spent in attendance as a witness before a grand jury, and any day on which any such member shall be so engaged shall be considered a day of assignment to, and performance of, duty.

2. This act shall take effect immediately.

Approved October 13, 1967.

CHAPTER 226

AN ACT supplementing "An act making appropriations for the support of the State Government and for several public purposes for the fiscal year ending June 30, 1967, and regulating the disbursement thereof," approved April 27, 1966 (P.L. 1966, c. 33).

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

Appropriation.

1. In order to fulfill the many requests by New Jersey members of the armed services serving in Viet Nam for the State flag, there is hereby appropriated to the Department of Defense for the purchase of a sufficient number of State flags to satisfy the demand and to pay the shipping charges to Viet Nam the sum of \$1,000.00.

2. This act shall take effect immediately.

Approved October 13, 1967.

CHAPTER 227

AN ACT concerning the office of fire marshal and amending section 40:22-16 of the Revised Statutes and chapter 157 of the laws of 1940.

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

1. Section 40:22-16 of the Revised Statutes is amended to read as follows:

Fire marshals; appointment, term and salary.

40:22-16. In counties of the second, third, fourth and fifth classes, the board of chosen freeholders may by resolution create the office of fire marshal and such assistant fire marshals as it deems necessary. The offices so created in such a county shall continue in being notwithstanding any subsequent change in classification of the county. The fire marshal and such assistants, if any, shall be appointed by the board and shall hold office for 1 year, from January 15 of each year, except the first appointee, whose term shall terminate on January 15 following his appointment. The board may fix the annual salary of the fire marshal at not less than \$1,500.00 and the assistant fire marshals, if any, at not less than \$500.00.

2. Section 1 of chapter 157 of the laws of 1940 is amended to read as follows:

C. 40:22-16.1 Acting fire marshal when fire marshal incapacitated or disabled.

1. In the event that a fire marshal appointed under the provisions of section 40:22-16 of the Revised Statutes of 1937 becomes incapacitated or otherwise unable to perform his duties, the board of chosen freeholders of the county for which he was appointed may appoint and designate a suitable person as acting fire marshal to serve in the place and stead of the fire marshal during the term of such incapacity or disability. The acting fire marshal shall exercise all the powers of the fire marshal, but shall serve without any additional compensation or recompense for his service. Nothing herein contained shall prevent the said board of chosen freeholders from paying the fire marshal appointed under the provisions of section 40:22-16 his usual salary during his incapacity or disability.

3. This act shall take effect immediately.

Approved October 13, 1967.

CHAPTER 228

AN ACT concerning counties and municipalities in relation to contracts for the purchasing of materials and supplies and supplementing Title 40 of the Revised Statutes.

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

C. 40:23-6.34 Contracts with municipalities for materials and supplies.

1. The board of chosen freeholders of any county, by resolution, may provide for the entering into a contract by the said county with any municipality or municipalities located in such county to provide for the purchasing by the county of materials and supplies for use by the municipality or municipalities.

C. 40:23-6.35 Contract; required provisions.

2. The contract shall provide for the type of materials and supplies to be purchased by the county for the municipality or municipalities and shall specify the manner in which payment therefor and for the costs incidental thereto shall be made by the municipality or municipalities to the county.

C. 40:23-6.36 Advertising for bids and awarding of contracts.

3. Advertising for bids and awarding of contracts by the county on behalf of the municipality or municipalities shall be performed in accordance with chapter 25 of Title 40 of the Revised Statutes.

C. 40:23-6.37 Contract authorized by municipal ordinance; appropriation required.

4. The entering into any such contract by the municipality or municipalities shall be authorized by an ordinance or ordinances adopted by the governing body or bodies of said municipality or municipalities, and the costs for purchases made by the county pursuant to this act shall be appropriated and paid in the same manner as are other expenses of the municipality.

5. This act shall take effect immediately.

Approved October 26, 1967.

CHAPTER 229

AN ACT regulating the conduct of State officers and employees and members of the Legislature and providing penalties for the violations thereof.

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

C. 52:13D-1 Short title.

1. This act shall be known and may be cited as the “New Jersey Conflicts of Interests Law.”

C. 52:13D-2 Personnel not to accept certain gifts or services.

2. No State officer or employee or member of the Legislature shall accept from any person any gift, favor or service having value which is offered to him with intent to influence him in the performance of his public duties and responsibilities.

C. 52:13D-3 Written permission necessary for employees to engage in business activity; restrictions; filing statement; public record.

3. No State officer or employee shall engage in any business activity with the State of New Jersey or shall represent, directly or indirectly, for purposes of financial gain, any person whose interests are adverse to the interests of the State of New Jersey before any State agency, unless he has applied to the head of his State agency and received a written statement of permission to engage in such activity or representation.

The head of the State agency may impose such limitations or restrictions upon the granting of such permission as he shall deem necessary to preclude any conflict with the activities of his agency or any other State agency.

A copy of such statement of permission by the head of the State agency together with said officer's or employee's written statement of such business activity or representation, setting forth the name of the State agency, the name and address of the business or person represented and the nature of the activity before the State agency and his connection therewith shall be filed in the Secretary of State's office and shall be a public record.

C. 52:13D-4 Business activity of member of legislature; filing statement; public record.

4. No member of the Legislature shall engage in any business activity with the State of New Jersey or shall represent, directly

or indirectly, for purposes of financial gain, any person whose interests are adverse to the interests of the State of New Jersey before any State agency unless he shall have first filed with the Clerk of the General Assembly or the Secretary of the Senate, as the case may be, a written statement of such business activity or representation, setting forth the name of the State agency, the name and address of the business or person represented and the nature of the activity before the State agency and his connection therewith. Such a statement shall be a public record.

C. 52:13D-5 Jurisdiction of executive commission and joint legislative committee; penalties.

5. (a) The Executive Commission on Ethical Standards, as to State officers and employees in the Executive Branch of State Government, and the Joint Legislative Committee on Ethical Standards, as to members of the Legislature and State officers and employees in the Legislative Branch of State Government, shall have jurisdiction to initiate, receive, hear and review complaints regarding violations of this act. Any State officer or employee or member of the Legislature who shall be found guilty by the commission or the joint committee, as the case may be, of violating the provisions of this act shall be fined not less than \$100.00 nor more than \$500.00. Such penalty may be collected in a summary proceeding pursuant to the Penalty Enforcement Law (N. J. S. 2A:58-1).

(b) In the case of a State officer or employee, the commission or the joint committee, as the case may be, may order any such person found guilty suspended from his office or employment for a period not in excess of 1 year. If the commission or the joint committee shall find that the conduct of such officer or employee represents a willful and continuous disregard of the provisions of this act, the commission or the joint committee may order such person removed from his office or employment and may further bar such person from public employment in this State in any capacity whatsoever for a period not in excess of 5 years from the date he was found guilty by the commission or the joint committee.

(c) In the case of a member of the Legislature, the joint committee shall report its findings to the House of the Legislature in which such person shall be a member and shall recommend to such House such further action, as in its opinion, shall be appropriate under the circumstances. It shall be the sole responsibility of such House of the Legislature to determine what further action, if any, shall be taken against such member.

C. 52:13D-6 Executive commission established; composition, term, officers.

6. There is hereby established in the Executive Branch of the State Government an Executive Commission on Ethical Standards to be composed of 7 members, appointed by the Governor from among State officers and employees serving in the Executive Branch. Each member shall serve at the pleasure of the Governor during his term of office and until the appointment and qualification of the member's successor. The Governor shall designate from among his appointees one member to serve as chairman and one member to serve as vice-chairman of the commission.

C. 52:13D-7 Executive commission's powers.

7. The Executive Commission on Ethical Standards, in order to perform its duties pursuant to the provisions of this act, shall have the power to conduct investigations, hold hearings, compel the attendance of witnesses and the production before it of such books and papers as it may deem necessary, proper and relevant to the matter under investigation, and, in addition to any power conferred by this act, shall have power to render advisory opinions as to whether a given set of facts and circumstances would, in its opinion, constitute a violation of the provisions of this act. The members of the commission and the persons appointed by the commission for such purpose are hereby empowered to administer oaths and examine witnesses under oath.

C. 52:13D-8 Employment of counsel and other personnel; rules and regulations.

8. (a) Within the limits of available appropriations, the Executive Commission on Ethical Standards, subject to the approval of the Governor, may employ counsel and other professional personnel and employees, fix their compensation and assign their duties and responsibilities.

(b) The Executive Commission on Ethical Standards shall adopt such rules and regulations as shall be necessary to implement the provisions of this act applicable to officers and employees in the Executive Branch.

C. 52:13D-9 Joint legislative committee established; composition, term, organization, officers.

9. There is hereby established in the Legislative Branch of the State Government a Joint Legislative Committee on Ethical Standards to be composed of 4 members of the Senate, appointed annually by the President of the Senate and 4 members of the General Assembly, appointed annually by the Speaker of the General Assembly, no more than 2 of the appointees of the President and Speaker, respectively, shall be members of the same political party.

The joint committee shall organize annually by the selection of a chairman and vice-chairman from among its membership and the appointment of a secretary who need not be a member of the committee.

C. 52:13D-10 Joint legislative committee's powers; rules and regulations.

10. (a) The Joint Legislative Committee on Ethical Standards shall have all the powers of a joint committee of the Legislature pursuant to the provisions of chapter 13 of Title 52 of the Revised Statutes, and, in addition to any other power conferred by this act, shall have power to render advisory opinions as to whether a given set of facts and circumstances would, in its opinion, constitute a violation of the provisions of this act.

(b) The Joint Legislative Committee on Ethical Standards shall adopt such rules and regulations as shall be necessary to implement the provisions of this act applicable to members of the Legislature and State officers and employees in the Legislative Branch.

C. 52:13D-11 Definitions.

11. (a) "State agency" means any of the principal departments in the Executive Branch of the State Government, and any division, board, bureau, commission or other instrumentality within such department, the Legislature of the State and any office, board, bureau or commission in the Legislative Branch, and any independent State authority, commission, instrumentality or agency.

(b) "State officer or employee" means any person, other than a member of the Legislature, holding an office, position or employment in a State agency.

(c) "Member of the Legislature" means any person elected to serve in the General Assembly or the Senate.

(d) "Head of a State agency" means (1) in the case of the Executive Branch of government, the department head or, if the agency is not assigned to a department, the Governor, and (2) in the case of the Legislative Branch, (i) the President of the Senate, as to employees of the Senate or of any standing or special committee thereof, (ii) the Speaker of the General Assembly, as to employees of the General Assembly or of any standing or special committee thereof, (iii) the Chairman of the Law Revision and Legislative Services Commission as to officers and employees under the supervision and control of the Law Revision and Legislative Services Commission, (iv) the State Auditor as to officers and employees in the office of the State Auditor, and (v) the Chairman

of the Joint Legislative Committee on Ethical Standards as to officers and employees of any other legislative commission, joint committee or agency.

(e) "Business activity" means the negotiation of or entering into a contract or agreement with the State or any State agency (1) for the sale or purchase of any property, real or personal, materials, equipment, supplies or services, or (2) for the construction, alteration or repair of any public buildings, works or facilities and shall include any work or activity necessary to carry out such a contract or agreement. The purchase or attempt to purchase any property, real or personal, from the State or any State agency shall not constitute business activity if such property is offered for sale based upon the submission of sealed bids.

12. This act shall take effect immediately.

Approved October 30, 1967.

CHAPTER 230

AN Act concerning loans and investments made by savings banks, conferring regulatory powers upon the Commissioner of Banking and Insurance, and supplementing "An act concerning banking and banking institutions (Revision of 1948)," approved April 29, 1948 (P. L. 1948, c. 67).

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

C. 17:9A-182.1 Regulation of loans or investments of savings banks.

1. The Commissioner of Banking and Insurance shall have power to make, amend and repeal regulations authorizing savings banks to make specified kinds of loans or investments not authorized by the act to which this act is a supplement, or not otherwise authorized; except that the commissioner shall not make or continue in force any regulation authorizing savings banks to make any kind of loan or investment which Federally chartered savings and loan associations are not authorized to make.

C. 17:9A-182.2 Consideration of federal regulations.

2. In exercising the power conferred upon him by this act, the commissioner shall consider the statutes, regulations and rulings governing the lending and investing powers of Federally chartered

savings and loan associations, and the regulations made by him shall have as their objective the placing of savings banks on a substantial competitive parity with Federally chartered savings and loan associations.

3. This act shall take effect immediately.

Approved October 30, 1967.

CHAPTER 231

AN ACT to amend "Savings and Loan Act (1963)," approved August 30, 1963, (P. L. 1963, c. 144).

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

1. Section 11 of the act of which this act is amendatory is amended to read as follows:

C. 17:12B-11 First lien.

11. "First lien." A mortgage upon real property or a mortgage upon a lease of the fee of real property shall be deemed a first lien as follows:

(a) A mortgage upon real property shall be deemed a first lien notwithstanding the existence of a prior mortgage or mortgages held by the association, or liens of taxes or assessments which are not delinquent, building restrictions or other restrictive covenants or conditions, leases or tenancies whereby rents or profits are reserved to the owner, joint driveways, sewer rights, rights in walls, rights-of-way or other easements, or encroachments which in the opinion of an officer of the association, designated for that purpose by the board, do not materially affect the security for the mortgage loan.

(b) A mortgage upon a lease of the fee of real property shall be deemed a first lien notwithstanding the existence of liens of taxes or assessments which are not delinquent, building restrictions or other restrictive covenants or conditions, joint driveways, sewer rights, rights in walls, rights-of-way or other easements, or encroachments which, in the opinion of an officer of the association, designated for that purpose by the board, do not materially affect the security for the mortgage loan.

(c) A mortgage upon an apartment which is part of a horizontal property regime, established under the "Horizontal Property Act,"

shall be deemed a first lien notwithstanding the existence of other proportionate undivided interest in the "general common elements" of such horizontal property regime as the same are defined in the "Horizontal Property Act," and notwithstanding the indivisibility of such common elements or the existence of a prior mortgage or mortgages held by the association upon such apartment or the existence of a prior mortgage or mortgages on other apartments within the particular horizontal property regime, regardless of whether such prior mortgages are held by the association or any other mortgagee and notwithstanding liens of taxes or assessments which are not delinquent, building restrictions or other restrictive covenants or conditions, leases or tenancies whereby rents or profits are reserved to the owner, or other easements or encroachments which in the opinion of an officer of the association, designated for that purpose by the board, do not materially affect the security for the mortgage loan.

2. Section 155 of the act of which this act is amendatory is amended to read as follows:

C. 17:12B-155 Other loans.

155. Other loans. Other loans may be made as follows:

A. Account loans. Loans secured by a pledge of a member's savings account. No such loan shall exceed the withdrawal value of the pledged account, less interest thereon for a period of 6 months.

B. Purchase of loans. An association may purchase any mortgage loan, property repair, alteration, improvement or rehabilitation loan, or any other loan which an association is authorized to make.

C. Loans secured by a mortgage upon a lease of the fee of real property. Any association may invest in any obligation secured by a mortgage which is a first lien, as defined in section 11 of this act, on a lease of the fee of real property located in this State. The term of the leasehold interest securing such loan shall be not less than 50 years from the date such loan is granted, otherwise; such loans shall be made pursuant to sections 146 through 154, 167 and 168 of this act.

D. Camp meeting leaseholds. An association may invest in any obligation secured by a first mortgage, as defined in section 11 of this act, on any leasehold estate of real estate, in this State, of any camp meeting association, to the extent authorized by, and subject to, the limitations and restrictions contained in section 17:2-1 of the Revised Statutes.

E. Loans otherwise authorized. An association may make any other loan which it may be authorized to make by any law of this State.

F. Loans on apartments established under the "Horizontal Property Act." An association may invest in any obligation secured by a mortgage which is a first lien, as defined in section 11 of this act, on an apartment which is part of a horizontal property regime established under the "Horizontal Property Act." All such loans shall be made pursuant to sections 146 through 154, 167 and 168 of this act.

3. Section 167 of the act of which this act is amendatory is amended to read as follows:

C. 17:12B-167 Appraisals.

167. Appraisals. No investment in any mortgage loan shall be made until one or more appraisals of the value of the real estate or interest therein to be loaned upon shall have been made and until the loan shall have been approved by the board or by a committee of the board designated for that purpose. Where the amount of the mortgage loan is over \$25,000.00 and is or will be secured by a property which includes more than 4 family dwelling units, such appraisal shall be made by at least 2 persons, one of whom shall be an officer, director or employee of the association and the other shall be an independent qualified appraiser, not an officer, director or employee of the association. Otherwise the appraisal shall be made by at least 2 persons, one of whom shall be an officer, director or employee of the association or in lieu thereof, by an independent qualified appraiser, not an officer, director or employee of the association. The appraisal report of each appraiser shall be signed by him and shall be filed and preserved among the records of the association. Where more than one person appraises the real estate in question, a joint report or separate reports may be filed.

In the case of a mortgage loan secured by a lease of the fee of real property, the appraisal report shall also state an opinion as to the value of the leasehold interest to be subject to the mortgage.

In the case of a mortgage loan secured by an apartment which is part of a horizontal property regime, established under the "Horizontal Property Act," the appraisal report shall consider the percentage value of general common elements and limited common elements in stating an opinion as to the value of the apartment interest to be subject to the mortgage.

4. This act shall take effect immediately.

Approved October 30, 1967.

CHAPTER 232

AN Act authorizing State chartered savings and loan associations and Federal savings and loan associations to be included within the purview of the "Uniform Fiduciaries Law" and amending section 3A:41-1 of the New Jersey Statutes.

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

1. Section 3A:41-1 of the New Jersey Statutes is amended to read as follows:

3A:41-1 Definitions.

3A:41-1. Definitions. In this subtitle unless the context or subject-matter otherwise requires:

"Bank" includes any person or association of persons, whether incorporated or not, carrying on the business of banking and any State chartered savings and loan association, or any Federal savings and loan association, having its principal office in this State.

The inclusion of savings and loan associations within the provisions of this act shall not be construed as conferring upon such associations any powers not otherwise conferred by this act, nor as enlarging any powers so conferred.

"Fiduciary" includes a trustee under any trust, expressed, implied, resulting or constructive, executor, administrator, guardian, conservator, curator, receiver, trustee in bankruptcy, assignee for the benefit of creditors, partner, agent, officer of a corporation, public or private, public officer, or any other person acting in a fiduciary capacity for any person, trust or estate.

"Person" includes 2 or more persons having a joint or common interest.

"Principal" includes any person to whom a fiduciary as such owes an obligation.

A thing is done "in good faith" within the meaning of this subtitle, when it is in fact done honestly, whether it be done negligently or not.

2. This act shall take effect immediately.

Approved October 30, 1967.

CHAPTER 233

AN ACT concerning leave of absence from public employment, and amending section 38:23-2 of the Revised Statutes.

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

1. Section 38:23-2 of the Revised Statutes is amended to read as follows:

Leave of absence to attend State or National Conventions.

38:23-2. The head of every public department and of every court of this State, every superintendent or foreman on the public works of this State, the heads of the county offices of the several counties and the head of every department, bureau and office in the government of the various municipalities, shall give a leave of absence with pay to every person in the service of the State, county or municipality who is a duly authorized representative of the Grand Army of the Republic, United Spanish-American War Veterans, Disabled American Veterans of the World War, Veterans of Foreign Wars, Ladies Auxiliaries of Veterans of Foreign Wars, Ladies Auxiliary, Veterans of World War I of the U. S. A., American Gold Star Mothers, Indian War Veterans, American Legion, American Legion Auxiliary, Jewish War Veterans of the United States, Ladies Auxiliary, Department of New Jersey, Jewish War Veterans of the U. S. A., Catholic War Veterans of the United States, Ladies Auxiliary of New Jersey State Department, Catholic War Veterans, The 369th Veterans Association, Incorporated, Women's Overseas Service League, American Veterans World War II, Reserve Officers Association of the United States, Marine Corps League of the United States, Army and Navy Legion of Valor, the Twenty-ninth Division Association, Council of State Employees, War Veteran Public Employees Association, New Jersey Civil Service Association, Blind Veterans Association of New Jersey, Army and Air National Guard Association of New Jersey, The National Guard Association of the United States, The United States Coast Guard Auxiliary, Navy League, Veterans of World War I of the United States of America, Polish Legion of American Veterans, Polish Legion of American Veterans, Ladies Auxiliary, the Italian American War Veterans of the United States, Incorporated, and the Ladies Auxiliary, Italian American War

Veterans of the United States, Incorporated, to attend any State or national convention of such organization.

A certificate of attendance to the State convention or encampment shall, upon request, be submitted by the representative so attending.

Leave of absence shall be for a period inclusive of the duration of the convention with a reasonable time allowed for time to travel to and from the convention. No person shall be entitled to a total of more than 5 days leave of absence with pay each calendar year for the purpose of attending, as authorized representative, the State or national convention of one or more of the above enumerated organizations. The leaves of absence authorized hereunder shall not be cumulative and any unused leaves shall be canceled at the end of any given year.

2. This act shall take effect immediately.

Approved November 20, 1967.

CHAPTER 234

AN ACT creating the Division of State Medical Examination in the State Department of Law and Public Safety and prescribing its functions, powers and duties; establishing the office of county medical examiner; abolishing the county offices of coroners, county physicians and chief medical examiners and transferring their functions, powers and duties to the office of county medical examiner; and providing for an appropriation.

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

C. 52:17B-78 Title of act.

1. This act shall be known as, and may be cited as, the "State Medical Examiner Act."

C. 52:17B-79 State Medical Examiner; term, salary.

2. There is hereby established in the State Department of Law and Public Safety the Division of State Medical Examination. The

division shall be under the immediate supervision of a director, who shall be known as the "State Medical Examiner" and who shall be a duly licensed physician, a graduate of a regularly chartered and legally constituted medical school or college and a qualified forensic pathologist. He shall be appointed by the Governor, with the advice and consent of the Senate, and shall serve for a term of 5 years and until his successor is appointed and has qualified. He shall receive such salary as shall be provided by law. The Attorney General shall, subject to provisions of Title 11 of the Revised Statutes relating to Civil Service, appoint such other personnel as he may consider necessary for the efficient performance of the work of the division. He shall prescribe the duties of all such persons thus appointed and shall fix their compensation within the limits of available appropriations.

C. 52:17B-80 Supervision of act.

3. The State Medical Examiner shall have general supervision over the administration of and shall enforce the provisions of this act. He shall have general supervision over all county medical examiners. He shall promulgate such rules and regulations as he may deem necessary to effectuate the provisions of this act.

C. 52:17B-81 Facilities provided by Attorney General.

4. The Attorney General shall provide the State Medical Examiner with such laboratories, furniture, equipment, records and supplies as may be required in the conduct of his office. The Attorney General may, if he deems it advisable to do so, enter into agreements with the State Department of Health or with any State-operated college or school of medicine or public hospital for the use of certain of its laboratories, morgues and other technical facilities, and space in its buildings as offices and laboratories for the State Medical Examiner and his staff. In the discretion of the Attorney General, the State Medical Examiner and his assistants may be made available to such educational institutions for the teaching of legal medicine and other subjects closely related to their duties.

C. 52:17B-82 State Medical Examination Advisory Committee; members, terms, compensation, meetings, powers and duties.

5. (a) There is hereby established the State Medical Examination Advisory Committee.

(b) The committee shall consist of 7 members, 5 of whom shall be ex-officio members, viz., the Commissioner of Health, the Attorney General and the Superintendent of State Police, or when so designated by them, their deputies; the chairmen of the Depart-

ments of Pathology of the Medical School of Rutgers, The State University, and of the New Jersey College of Medicine and Dentistry; and 2 citizens of the State to be appointed by the Governor with the advice and consent of the Senate for terms of 5 years. A citizen member shall hold office for the term of his appointment and until his successor shall have been appointed and qualified. Vacancies shall be filled by appointment for the unexpired term only.

(c) Any member of the committee may be removed from office by the Governor for cause, upon notice and opportunity to be heard.

(d) The members of the committee shall serve without compensation but shall be reimbursed for reasonable and necessary expenses incurred in the performance of their duties.

(e) The Attorney General and the State Medical Examiner shall be the chairman and secretary, respectively, of the committee. The committee shall meet at the call of its chairman and at least 4 times each year, the time and place for such meetings to be fixed by the chairman.

(f) The committee shall consult with and advise the State Medical Examiner with respect to rules and regulations proposed to be promulgated pursuant to this act and advise the State Medical Examiner on matters concerning post-mortem examination generally.

C. 52:17B-83 County medical examiner; appointment, term, vacancy.

6. The office of county medical examiner is hereby created and shall be maintained in each county, except that several counties may jointly maintain the office on a co-operative basis. The office shall be directed by a county medical examiner who shall be appointed by the board or boards of chosen freeholders of the county or counties maintaining such office for a term of 5 years; provided, however, that any person in office as county physician or chief medical examiner on the effective date of this act shall continue as county medical examiner until the expiration of the term for which he was appointed. The county medical examiner shall be a licensed physician, a resident of the county, of recognized ability and good standing in his community, with such training or experience as may be prescribed by standards promulgated by the State Medical Examiner by rule or regulation.

If the board of chosen freeholders shall fail to appoint a county medical examiner or if the office of county medical examiner shall become vacant or upon the written request of any assignment judge

of the Superior Court or of the board of chosen freeholders of the county, the State Medical Examiner shall designate one of his assistants to perform the duties of the office. Whenever the State Medical Examiner shall have taken over the duties of a county medical examiner, he shall have all the authority conferred by law upon a county medical examiner and he may appoint such temporary assistants, aides, investigators or other personnel as he may deem necessary. In such event there shall be paid, by the treasurer of the county or counties, as the case may be, such sum for this service as the assignment judge of the Superior Court of the county or counties or a judge of a County Court of said county or counties shall certify and fix, on the application of the State Medical Examiner, provided, that the compensation allowed shall not exceed that provided by law for the payment of the county medical examiner in said county or counties for the same or similar services.

C. 52:17B-84 Appointment of personnel; qualifications.

7. The county medical examiner may, subject to the approval of the board of chosen freeholders, appoint and prescribe the duties of such deputy or assistant county medical examiners and other personnel required for the proper performance of the duties of the office. The deputy and assistant county medical examiners shall be licensed physicians and shall possess such qualifications as shall be determined by the county medical examiner after consultation with the State Medical Examiner.

C. 52:17B-85 Salaries and expenses; quarters and equipment.

8. The salaries and expenses incurred by the office of county medical examiner shall be included in the annual budget of the county or counties served by such office and the respective boards of chosen freeholders shall fix the compensation to be paid the county medical examiner, deputy and assistant medical examiners and other personnel of the office. The board or boards of chosen freeholders shall provide suitable quarters and equipment necessary for the performance of the duties of the office of county medical examiners.

C. 52:17B-86 Investigation of death from certain causes.

9. An investigation shall be conducted in the manner hereinafter described in the case of all human deaths from the following causes:

a. Violent deaths, whether apparently homicidal, suicidal or accidental, including but not limited to death due to thermal,

chemical, electrical or radiation injury and deaths due to criminal abortion, whether apparently self-induced or not;

b. Deaths not caused by readily recognizable disease, disability or infirmity;

c. Deaths under suspicious or unusual circumstances;

d. Deaths within 24 hours after admission to a hospital or institution;

e. Deaths of inmates of prisons;

f. Deaths of inmates of institutions maintained in whole or in part at the expense of the State or county, where the inmate was not hospitalized therein for organic disease;

g. Deaths from causes which might constitute a threat to public health; and

h. Deaths related to disease resulting from employment or to accident while employed.

C. 52:17B-87 Duties of medical examiner.

10. Upon the death of any person from any of the causes mentioned in section 9 of this act, it shall be the duty of the physician in attendance, any law enforcement officer having knowledge of such death, the funeral director, or any other person present, to notify immediately the county medical examiner and the county prosecutor of the county wherein the death occurred of the known facts concerning the time, place, manner and circumstances of such death. Immediately upon receipt of such notification, the said medical examiner or his deputy or assistant shall go to the dead body and take charge of the same. He shall fully investigate the essential facts concerning the medical causes of death and take the names and addresses of as many witnesses thereto as may be practicable to obtain, and, before leaving the premises shall reduce such facts, as he may deem necessary to writing and file the same in his office and which shall be made available to the county prosecutor at his request. The police officer present at such investigation, or if no officer be present, then the medical examiner shall, in the absence of the next of kin of the deceased person, take possession of all property of value found on such person, make an exact inventory thereof on his report and deliver such property to the police department of the municipality wherein the death occurred, which shall surrender the same to the person entitled to its custody or possession. The medical examiner shall take possession of any objects or articles which, in his opinion, may be useful in establishing the cause of death, and deliver them to the county prosecutor.

C. 52:17B-88 Establishing cause of death; transportation expenses.

11. If the cause of such death shall be established beyond a reasonable doubt, the county medical examiner shall reduce his findings to writing and promptly make a full report thereof to the State Medical Examiner and to the county prosecutor on forms to be prescribed by the State Medical Examiner for such purpose. If, however, in the opinion of the county medical examiner, the State Medical Examiner, an assignment judge of the Superior Court, the county prosecutor or the Attorney General, an autopsy is necessary, the same shall be performed by (1) the State Medical Examiner or an assistant designated by him or by (2) the county medical examiner or a deputy or assistant county medical examiner provided either has the recognized training or experience in forensic pathology or by (3) such competent forensic pathologists as may be authorized by the State Medical Examiner. A detailed description of the findings written during the progress of such autopsy, and the conclusions drawn therefrom shall thereupon be filed in the offices of the State Medical Examiner, the county medical examiner and the county prosecutor. It shall be the duty of any county medical examiner to call upon the State Medical Examiner or an assistant State medical examiner, or other person authorized and designated by the State Medical Examiner, to make an examination or perform an autopsy whenever he deems it necessary or desirable, and it shall be the duty of the State Medical Examiner or assistant State medical examiner to perform such examination, except in such cases as a competent pathologist is so authorized by the State Medical Examiner to perform such autopsy. The necessary expenses for transportation of a body for autopsy by the State Medical Examiner or an assistant State medical examiner or an authorized pathologist and such reasonable fee payable to the authorized pathologist as has been approved by the State Medical Examiner for each autopsy such authorized pathologist may perform shall be paid by the State.

C. 52:17B-89 Unusual deaths; failure to report.

12. Any person who may become aware of any death by criminal violence or by accident or suicide or in any suspicious or unusual manner, shall report such death to the office of county medical examiner, the office of State Medical Examiner, or to the police department of the municipality in which such person died.

Any person who shall willfully neglect or refuse to report such death, or who, without an order from the office of county medical examiner or the office of State Medical Examiner, shall willfully

touch, remove or disturb the body of any such person, or touch, remove or disturb the clothing upon or near such body, is a disorderly person.

C. 52:17B-90 Co-operation of other offices; failure to comply.

13. a. All law enforcement officers, county prosecutors and other officials shall co-operate fully with the offices of the State Medical Examiner and of the county medical examiners in making the investigations and conducting the autopsies herein provided. Such officials and all physicians, funeral directors, embalmers and other persons shall assist in making dead bodies and related evidence available to such medical examiners for investigations and autopsies.

In cases of apparent homicide or suicide, or of accidental death the cause of which is obscure, the scene of the event shall not be disturbed until authorization by the medical examiner in charge is given.

b. Any physician, funeral director, embalmer or other person who willfully fails to comply with this section or with section 10 shall be guilty of a misdemeanor.

C. 52:17B-91 Powers.

14. The State Medical Examiner, the assistant State medical examiners and the county medical examiners, shall have the power to administer oaths and affirmations, and take affidavits and make examinations as to any matter within the jurisdiction of their respective offices.

C. 52:17B-92 Duties.

15. It shall be the duty of the State Medical Examiner, and the county medical examiners, to keep full and complete records in their respective offices, properly indexed, giving the name, if known, of every such person, the place where the body was found, date and cause of death, and all other available information relating thereto. The original report of the State Medical Examiner, assistant State medical examiners, or county medical examiners, and the detailed findings of the autopsy, if any, shall be attached to the record of each case. The State Medical Examiner, or in case of his absence or inability, an assistant State medical examiner, and the county medical examiners, shall promptly deliver to the county prosecutor of the county wherein the death occurred copies of all records relating to every death in which, in the judgment of such medical examiner, further investigation may be deemed advisable. The county prosecutor may obtain from the office of

the State Medical Examiner, or of the county medical examiners, as the case may be, copies of such records or other information which he may deem necessary. The records of the office of the State Medical Examiner, and of the county medical examiners, made by themselves or by anyone under their direction or supervision, or transcripts thereof certified by such medical examiner, shall be received as competent evidence in any court in this State of the matters and facts therein contained. A reasonable fee may be charged to private persons for copies of such records and upon such conditions as may be prescribed by the State Medical Examiner; provided, however, that no person with a proper interest in such records shall be denied access thereto. All such fees collected by the State Medical Examiner and county medical examiners shall be paid into the State Treasury or county treasury, respectively, on or before the tenth day of each month. The records which shall be admissible as evidence under this section shall be records of the results of views and examinations of or autopsies upon the bodies of deceased persons by such medical examiner, or by anyone under his direct supervision or control, and shall not include statements made by witnesses or other persons.

C. 52:17B-93 Offices abolished.

16. The offices of coroner, county physician and chief medical examiner are hereby abolished but the powers and duties of said offices except insofar as they may be inconsistent with this act are continued and shall be exercised through the office of county medical examiner.

C. 52:17B-94 Priority of act.

17. All acts and parts of acts inconsistent with this act are hereby superseded and repealed.

Appropriation.

18. There is hereby appropriated to the State Department of Law and Public Safety for the purposes of the Division of State Medical Examination the sum of \$50,000.00 for the fiscal year ending June 30, 1968.

19. This act shall take effect January 1, 1968, but any appointments authorized by this act may be made prior thereto to take effect January 1, 1968.

Approved November 20, 1967.

CHAPTER 235

AN Act to amend "An act providing for the representation of the people of this State in the House of Representatives of the United States, revising the Congressional Districts of the State and repealing section 19:46-1 of the Revised Statutes," approved June 18, 1966 (P. L. 1966, c. 156).

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

1. Section 2 of the act of which this act is amendatory is amended to read as follows:

C. 19:46-3 Districts enumerated and boundaries stated.

2. For the purpose of electing members of the House of Representatives of the United States to serve in the 91st Congress and each subsequent Congress, this State shall be divided into 15 districts as follows, namely:

First. The county of Gloucester and all the portion of the county of Camden not contained in the sixth district shall constitute and be called the first district;

Second. The counties of Atlantic, Cape May, Cumberland and Salem shall constitute and be called the second district;

Third. The county of Monmouth, that portion of the county of Ocean embracing the townships of Jackson, Lakewood and Plumsted and the portion of Middlesex embracing the township of Madison, shall constitute and be called the third district;

Fourth. The counties of Mercer, Hunterdon, Warren and Sussex shall constitute and be called the fourth district;

Fifth. The counties of Morris and Somerset shall constitute and be called the fifth district;

Sixth. The county of Burlington, that portion of Ocean county not including the townships of Jackson, Lakewood and Plumsted, and that portion of the county of Camden embracing the borough of Collingswood, township of Cherry Hill, township of Haddon, boroughs of Merchantville and Oaklyn and township of Pennsauken shall constitute and be called the sixth district;

Seventh. All of the portions of the county of Bergen not contained in the ninth district shall constitute and be called the seventh district;

Eighth. The county of Passaic shall constitute and be called the eighth district;

Ninth. All of the portions of the county of Bergen embracing the boroughs of Bogota, Carlstadt, Cliffside Park, East Paterson, East Rutherford, Edgewater, Fairview, Fort Lee, the city of Garfield, the city of Hackensack, the boroughs of Hasbrouck Heights, Leonia, Little Ferry, Lodi, the township of Lyndhurst, the boroughs of Maywood, Moonachie, North Arlington, Palisades Park, Ridgefield, the townships of Ridgefield Park and Rochelle Park, the borough of Rutherford, the townships of Saddle Brook, South Hackensack, Teaneck, and the boroughs of Teterboro, Wallington and Wood-Ridge shall constitute and be called the ninth district;

Tenth. All of the portions of the county of Essex embracing the town of Belleville, town of Bloomfield, township of Cedar Grove, borough of Glen Ridge, town of Montclair, town of Nutley and the north, east and south wards of the city of Newark shall constitute and be called the tenth district;

Eleventh. All of the portions of the county of Essex embracing the city of East Orange, town of Irvington, township of Maplewood, city of Orange, village of South Orange, town of West Orange and the central and west wards of the city of Newark shall constitute and be called the eleventh district;

Twelfth. All of the portions of the county of Essex not contained in the tenth and eleventh districts and all the portions of the county of Union not contained in the thirteenth district shall constitute and be called the twelfth district;

Thirteenth. That portion of the county of Union embracing the city of Elizabeth, city of Linden and city of Rahway and that portion of the county of Hudson embracing the city of Bayonne and Ward "A" (Greenville), Ward "B" (West Side) and Ward "F" (Bergen-Lafayette) of the city of Jersey City shall constitute and be called the thirteenth district;

Fourteenth. All of the portions of the county of Hudson not contained in the thirteenth district shall constitute and be called the fourteenth district;

Fifteenth. All of the portions of the county of Middlesex with the exception of the portion set forth in the third district shall constitute and be called the fifteenth district.

2. This act shall take effect immediately.

Approved November 27, 1967.

CHAPTER 236

AN ACT concerning municipalities, and amending section 40:46-5 of the Revised Statutes.

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

1. Section 40:46-5 of the Revised Statutes is amended to read as follows:

Members of governing body ineligible for certain offices.

40:46-5. No member of any governing body of any municipality shall, during the term for which he shall have been elected or appointed such member, be eligible for election or appointment to an office required to be filled by the governing body of which he is a member, unless such office is required by law to be filled by a member of such governing body; provided, nothing herein contained shall prohibit a councilman or alderman or commissioner or member of a township committee from resigning as councilman or alderman or commissioner or member of a township committee and being appointed to a position required to be filled by the governing body of a municipality during the time for which he was elected such councilman or alderman or commissioner or member of the township committee; provided, further, that said position shall have been in existence and continuously filled for 5 years or more prior to the passage of this act or was created by statute; provided, said position was not created during said term of office; and provided further, that the salary of said office shall not be increased during the term for which said councilman or alderman or commissioner or member of the township committee was elected.

2. This act shall take effect immediately.

Approved December 5, 1967.

CHAPTER 237

AN ACT concerning the operation and inspection of motorcycles, requiring certain equipment for motorcycles and motorcycle operators and passengers, and amending section 39:8-1 and supplementing chapter 3 of Title 39, of the Revised Statutes.

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

1. Section 39:8-1 of the Revised Statutes is amended to read as follows:

Inspection of registered motor vehicles required; inspectors; inspection stations.

39:8-1. The director shall require every motor vehicle registered in this State which is used over the highways of this State, except vehicles and traction equipment registered pursuant to section 39:3-24 of this Title, motor vehicles used for the transportation of passengers for hire which are subject to the jurisdiction of the board of public utility commissioners and historic motor vehicles registered as such, to have such motor vehicles inspected with respect to mechanism, brakes and equipment by designated inspectors or at official inspection stations to be designated by the director.

C. 39:3-76.3 Handle bar height limitation.

2. No person shall operate on a public highway a motorcycle on which the handle bars or grips are more than 15 inches higher than the seat or saddle for the operator.

C. 39:3-76.4 Muffler system design.

3. In addition to the muffler requirements contained in section 39:3-70 of the Revised Statutes, motorcycles shall be equipped with muffler systems designed especially for motorcycles and of a type approved by the director.

C. 39:3-76.5 Seating of riders; required equipment.

4. A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto, and such operator shall not carry any other person nor shall any other person ride on a motorcycle unless such motorcycle is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat if designed for 2 persons, or upon another seat firmly attached to the rear or side of the operator.

Motorcycles designed to carry more than one person shall be equipped with adequate hand holds and footrests for each passenger. Seats, hand holds and footrests shall be of a type approved by the director.

C. 39:3-76.6 Authority to regulate.

5. The director is authorized to adopt rules and regulations covering the types and specifications of the equipment for motorcycles required by this act.

C. 39:3-76.7 Protective helmet specifications.

6. No person shall operate or ride upon a motorcycle unless he wears a protective helmet of a type approved by the director. Such a helmet must be equipped with either a neck or chin strap and be reflectorized on both sides thereof. The director is authorized and empowered to adopt rules and regulations covering the types of helmets and the specifications therefor and to establish and maintain a list of approved helmets which meet the specifications as established hereunder.

C. 39:3-76.8 Specifications of goggles or face shield.

7. No person shall operate a motorcycle unless he wears goggles or a face shield of a type approved by the director. The director is authorized and empowered to adopt rules and regulations covering types of goggles and face shields and the specifications therefor and to establish and maintain a list of approved goggles and face shields which meet the specifications as established hereunder.

C. 39:3-76.9 Wind screen specifications.

8. The provisions of section 7 of this act with respect to goggles and face shields shall not apply to the operator of a motorcycle equipped with a wind screen meeting specifications established by the director.

C. 39:3-76.10 Approval of protective equipment required prior to distribution for sale.

9. No person shall sell, offer for sale or distribute any protective helmets, goggles or face shields for use by the operators of motorcycles, or protective helmets for the use of passengers thereon, unless they are of a type and specifications approved by the director and appear on the list of approved devices maintained by the director.

10. This act shall take effect January 1, 1968.

Approved December 5, 1967.

CHAPTER 238

AN Act concerning the operation and inspection of motorcycles, requiring certain equipment for motorcycles and motorcycle operators and passengers, and amending sections 39:1-1, 39:3-13 and 39:8-1 and supplementing chapter 3 of Title 39, of the Revised Statutes.

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

1. Section 39:1-1 of the Revised Statutes is amended to read as follows:

Definitions.

39:1-1. As used in this subtitle, unless other meaning is clearly apparent from the language or context, or unless inconsistent with the manifest intention of the Legislature:

“Alley” means a public highway wherein the roadway does not exceed 12 feet in width.

“Authorized emergency vehicles” means vehicles of the fire department, police vehicles and such ambulances and other vehicles as are approved by the Director of the Division of Motor Vehicles in the Department of Law and Public Safety when operated in response to an emergency call.

“Automobile” includes all motor vehicles except motorcycles.

“Berm” means that portion of the highway exclusive of roadway and shoulder, bordering the shoulder but not to be used for vehicular travel.

“Business district” means that portion of a highway and the territory contiguous thereto, where within any 600 feet along such highway there are buildings in use for business or industrial purposes, including but not limited to hotels, banks, office buildings, railroad stations, and public buildings which occupy at least 300 feet of frontage on one side or 300 feet collectively on both sides of the roadway.

“Commercial motor vehicle” includes every type of motor-driven vehicle used for commercial purposes on the highways, such as the transportation of goods, wares and merchandise, excepting such vehicles as are run only upon rails or tracks and vehicles of the passenger car type used for touring purposes or the carrying of farm products and milk, as the case may be.

“Commissioner” means the Director of the Division of Motor Vehicles in the Department of Law and Public Safety of this State.

“Crosswalk” means that part of a highway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the shoulder or, if none, from the edges of the roadway; also, any portion of a highway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

“Dealer” includes every person actively engaged in the business of buying, selling or exchanging motor vehicles or motorcycles and who has an established place of business.

“Department” means the Division of Motor Vehicles in the Department of Law and Public Safety of this State acting directly or through its duly authorized officers or agents.

“Deputy commissioner” means deputy director of the Division of Motor Vehicles in the Department of Law and Public Safety.

“Deputy director” means deputy director of the Division of Motor Vehicles in the Department of Law and Public Safety.

“Director” means the Director of the Division of Motor Vehicles in the Department of Law and Public Safety.

“Division” means the Division of Motor Vehicles in the Department of Law and Public Safety acting directly or through its duly authorized officers or agents.

“Driver” means the rider or driver of a horse, bicycle or motorcycle or the driver or operator of a motor vehicle, unless otherwise specified.

“Explosives” means any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion and which contains any oxidizing and combustible units or other ingredients in such proportions, quantities, or packing that an ignition by fire, by friction, by concussion, by percussion, or by detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or of destroying life or limb.

“Farm tractor” means every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.

“Flammable liquid” means any liquid having a flash point below 200° Fahrenheit, and a vapor pressure not exceeding 40 pounds.

“Gross weight” means the combined weight of a vehicle and any load thereon.

“Highway” means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

“Horse” includes mules and all other domestic animals used as draught animals or beasts of burden.

“Inside lane” means the lane nearest the center line of the roadway.

“Intersection” means the area embraced within the prolongation of the lateral curb lines or, if none, the lateral boundary lines of 2

or more highways which join one another at an angle, whether or not one such highway crosses another.

“Laned roadway” means a roadway which is divided into 2 or more clearly marked lanes for vehicular traffic.

“Limited-access highway” means every highway, street, or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street, or roadway; and includes any highway designated as a “freeway” or “parkway” by authority of law.

“Local authorities” means every county, municipal and other local board or body having authority to adopt local police regulations under the constitution and laws of this State, including every county board of chosen freeholders with relation to county roads.

“Magistrate” means any municipal court, county district court, criminal judicial district court, County Court and the Superior Court, and any officer having the powers of a committing magistrate and the Director of the Division of Motor Vehicles in the Department of Law and Public Safety.

“Manufacturer” means a person engaged in the business of manufacturing or assembling motor vehicles, who will, under normal business conditions during the year, manufacture or assemble at least 10 new motor vehicles.

“Metal tire” means every tire the surface of which in contact with the highway is wholly or partly of metal or other hard non-resilient material.

“Motorcycle” includes motorcycles, motor bikes, bicycles with motor attached and all motor operated vehicles of the bicycle or tricycle type, whether the motive power be a part thereof or attached thereto, and having a saddle or seat with driver sitting astride or upon it, or a platform on which the driver stands.

“Motor-drawn vehicle” includes trailers, semitrailers, or any other type of vehicle drawn by a motor-driven vehicle.

“Motor vehicle” includes all vehicles propelled otherwise than by muscular power, excepting such vehicles as run only upon rails or tracks.

“Official traffic control devices” means all signs, signals, markings, and devices not inconsistent with this subtitle placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic.

“Omnibus” includes all motor vehicles used for the transportation of passengers for hire, except school buses if the same are not

otherwise used in the transportation of passengers for hire.

“Operator” means a person who is in actual physical control of a vehicle or street car.

“Outside lane” means the lane nearest the curb or outer edge of the roadway.

“Owner” means a person who holds the legal title of a vehicle, or if a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or if a mortgagor of a vehicle is entitled to possession, then the conditional vendee, lessee or mortgagor shall be deemed the owner for the purpose of this subtitle.

“Parking” means the standing or waiting on a street, road or highway of a vehicle not actually engaged in receiving or discharging passengers or merchandise, unless in obedience to traffic regulations or traffic signs or signals.

“Passenger automobile” means all automobiles used and designed for the transportation of passengers, other than omnibuses and school buses.

“Pedestrian” means a person afoot.

“Person” includes natural persons, firms, copartnerships, associations, and corporations.

“Pneumatic tire” means every tire in which compressed air is designed to support the load.

“Pole trailer” means every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach, or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes, or structural members capable, generally, of sustaining themselves as beams between the supporting connections.

“Private road or driveway” means every road or driveway not open to the use of the public for purposes of vehicular travel.

“Railroad train” means a steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails, except street cars.

“Residence district” means that portion of a highway and the territory contiguous thereto, not comprising a business district, where within any 600 feet along such highway there are buildings in use for business or residential purposes which occupy 300 feet or more of frontage on at least one side of the highway.

“Right of way” means the privilege of the immediate use of the highway.

“Road tractor” means every motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon either independently or any part of the weight of a vehicle or load so drawn.

“Roadway” means that portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes 2 or more separate roadways the term “roadway” as used herein shall refer to any such roadway separately, but not to all such roadways collectively.

“Safety zone” means the area or space officially set aside within a highway for the exclusive use of pedestrians, which is so plainly marked or indicated by proper signs as to be plainly visible at all times while set apart as a safety zone.

“School bus” means every motor vehicle operated by, or under contract with, a public or governmental agency, or religious or other charitable organization or corporation, or privately operated for compensation for the transportation of children to or from school for secular or religious education which complies with the regulations of the Department of Education affecting school buses.

“School zone” means that portion of a highway which is either contiguous to territory occupied by a school building or is where school crossings are established in the vicinity of a school, upon which are maintained appropriate “school signs” in accordance with specifications adopted by the director and in accordance with law.

“School crossing” means that portion of a highway where school children are required to cross the highway in the vicinity of a school.

“Semitrailer” means every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

“Shoulder” means that portion of the highway, exclusive of and bordering the roadway, designed for emergency use but not ordinarily to be used for vehicular travel.

“Sidewalk” means that portion of a highway intended for the use of pedestrians, between the curb line or the lateral line of a shoulder, or if none, the lateral line of the roadway, and the adjacent right of way line.

“Sign.” See “Official traffic control devices.”

“Slow moving vehicle” means a vehicle run at a speed less than the maximum speed then and there permissible.

“Solid tire” means every tire of rubber or other resilient material which does not depend upon compressed air for the support of the load.

“Street” means the same as highway.

“Street car” means a car other than a railroad train for transporting persons or property and operated upon rails principally within a municipality.

“Stop,” when required, means complete cessation from movement.

“Stopping or standing,” when prohibited, means any cessation of movement of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control sign or signal.

“Through highway” means every highway or portion thereof at the entrances to which vehicular traffic from intersecting highways is required by law to stop before entering or crossing the same and when stop signs are erected as provided in this chapter.

“Trackless trolley” means every motor vehicle which is propelled by electric power obtained from overhead trolley wires but not operated upon rails.

“Traffic” means pedestrians, ridden or herded animals, vehicles, street cars, and other conveyances either singly, or together, while using any highway for purposes of travel.

“Traffic control signal” means a device whether manually, electrically, mechanically, or otherwise controlled by which traffic is alternately directed to stop and to proceed.

“Trailer” means every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

“Truck” means every motor vehicle designed, used, or maintained primarily for the transportation of property.

“Truck tractor” means every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

“Vehicle” means every device in, upon or by which a person or property is or may be transported upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

2. Section 39:3-13 of the Revised Statutes is amended to read as follows:

Learner's permit; scope and effect; fee.

39:3-13. The director may, in his discretion, issue to a person over 17 years of age a written permit, under the hand and seal of the director, allowing such person, for the purpose of fitting himself to become an automobile driver or a motorcycle operator, to operate a motor vehicle or motorcycle, as the case may be, for a specified period of not more than 60 days, while in the company and under the supervision of a licensed automobile driver or licensed motorcycle driver, as the case may be. The permit shall be sufficient license for the person to operate an automobile or motorcycle in this State during the period specified, while in the company of and under the control of a licensed automobile driver or licensed motorcycle driver, as the case may be, of this State. Such person, as well as the licensed driver, shall be held accountable for all violations of this subtitle committed by such person while in the presence of the licensed driver. No written permit shall be issued unless the person applying therefor shall pay the sum of \$2.00 to the director, or an officer, employee or agent of the division, which sum shall be remitted by the director with the other funds collected in his division to the State Treasurer, in accordance with the provisions of this subtitle.

No examination for a driver's license shall be given unless the applicant has first secured a learner's permit.

The specified period for which a permit is issued may be extended for not more than an additional 60 days without payment of added fee upon application made by the holder thereof where the holder has applied to take the examination for a driver's license prior to the expiration of the original period for which the permit was issued and the director was unable to schedule an examination during said period.

3. This act shall take effect January 1, 1968.

Approved December 5, 1967.

CHAPTER 239

AN ACT vesting in Carl E. Lindgren, George A. Lindgren, Arlene Lindgren Cox and Paul A. Lindgren the title to the personal estate of which Otto H. Dittman died possessed, which is alleged to have escheated to the State of New Jersey.

Private act.

WHEREAS, Otto H. Dittman, late of the city of West Orange, in the county of Essex and the State of New Jersey, died intestate on February 26, 1966, possessed of certain personal property in bank accounts; and

WHEREAS, Otto H. Dittman was married to Frances Lindgren Dittman on or about October 12, 1945, it being Otto H. Dittman's first marriage and Frances Lindgren Dittman's second marriage, her previous husband having died; and

WHEREAS, Carl E. Lindgren, George A. Lindgren, Arlene Lindgren Cox and Paul A. Lindgren were the children of Frances Lindgren Dittman; and

WHEREAS, Otto H. Dittman and Frances Lindgren Dittman lived together for many happy years until her death and there was a great deal of love and affection among the said Otto H. Dittman and his stepchildren above named; and

WHEREAS, Otto H. Dittman neglected to execute a last will and testament and left him surviving no known heirs-at-law or next-of-kin other than the aforementioned children of his said wife who have an equitable and moral right to the said personal property; and

WHEREAS, Notice of Intention to apply for the passage of this act has been given and duly published; now, therefore,

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

1. All the estate, right, title, and interest of every kind and character of which it is alleged that the State of New Jersey has or may have by right of escheat, belonging to Otto H. Dittman, consisting of certain personal property in bank accounts, is hereby

vested in Carl E. Lindgren, George A. Lindgren, Arlene Lindgren Cox and Paul A. Lindgren, the stepchildren of Otto H. Dittman.

2. This act shall be deemed a private act and shall take effect immediately.

Approved December 5, 1967.

CHAPTER 240

AN ACT creating a commission to study and investigate the feasibility of revising the "Unsatisfied Claim and Judgment Fund Law," (P. L. 1952, c. 174, C. 39:6-61, et cetera), and making an appropriation therefor.

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

Temporary commission created; organization, duties, powers, meetings, appropriation.

1. There is hereby created a commission to consist of 6 members, 2 to be appointed from the membership of the Senate by the President thereof, no more than one of whom shall be of the same political party, 2 to be appointed from the membership of the General Assembly by the Speaker thereof, no more than one of whom shall be of the same political party, and 2 citizens of the State to be appointed by the Governor, who shall serve without compensation. Vacancies in the membership of the commission shall be filled in the same manner as the original appointments were made.

2. The commission shall organize as soon as may be after the appointment of its members and shall select a chairman from among its members and a secretary who need not be a member of the commission.

3. It shall be the duty of said commission to study and investigate the feasibility of revising the "Unsatisfied Claim and Judgment Fund Law," (P. L. 1952, c. 174, C. 39:6-61, et cetera) for the purpose of generally improving and streamlining administrative procedures with regard thereto and to consider the need, if any, for revising the financial structure of the fund.

4. The commission shall co-operate with the Unsatisfied Claim and Judgment Board in the Division of Motor Vehicles of the

Department of Law and Public Safety and shall be entitled to call to its assistance and avail itself of the services of such employees of any State, county or municipal department, board, bureau, commission or agency as it may require and as may be available to it for said purpose, and to employ such stenographic and clerical assistants and incur such traveling and other miscellaneous expenses as it may deem necessary, in order to perform its duties, and as may be within the limits of funds appropriated or otherwise made available to it for said purposes.

5. The commission may meet and hold hearings at such place or places as it shall designate during the sessions or recesses of the Legislature and shall report its findings and recommendations to the Legislature not later than April 1, 1968, accompanying the same with any legislative bills which it may desire to recommend for adoption by the Legislature.

6. There is hereby appropriated to the commission the sum of \$15,000.00 or so much thereof as may be necessary for said purpose to carry out the purpose of this act.

7. This act shall take effect immediately.

Approved December 5, 1967.

CHAPTER 241

AN ACT directing a transfer of funds from the Motor Vehicle Liability Security Fund to the Unsatisfied Claim and Judgment Fund.

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

1. The State Treasurer is hereby directed to transfer \$3,000,000.00 from the Motor Vehicle Liability Security Fund established pursuant to chapter 175 of the laws of 1952 to the Unsatisfied Claim and Judgment Fund established pursuant to chapter 174 of the laws of 1952.

2. The transfer directed in section 1 hereof shall be in cash, book value of investments or both.

3. This act shall take effect immediately.

Approved December 5, 1967.

CHAPTER 242

AN ACT to amend “An act relating to the authorization, acquisition, construction and financing, by or on behalf of any county, of lands, structures, and other property and facilities for certain public purposes and the operation, use or disposition thereof, and providing for the creation of authorities as public bodies corporate and politic to undertake the same, establishing the powers of such authorities and of other public bodies with respect thereto, and providing for the issuance of bonds and other obligations therefor and for rents, charges and other means to meet the expense thereof, and supplementing Title 40 of the Revised Statutes,” approved January 18, 1961 (P. L. 1960, c. 183), as said title was amended by chapter 224 of the laws of 1962.

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

1. Section 11 of the act of which this act is amendatory is amended to read as follows:

C. 40:37A-54 Purposes of authority.

11. The purposes of every authority shall be (a) provision within the county of public buildings for use by the State, the county, or any municipality in the county, or any 2 or more or any subdivisions, departments, agencies or instrumentalities of any of the foregoing, including buildings for use by any municipality bordering on the Atlantic ocean as enlargements or parts of or supplements to any municipal convention hall maintained by it, (b) provision within the county of structures and facilities for public transportation or terminal purposes, including development and improvement of port terminal structures, facilities and equipment for public use in counties in, along or through which a navigable river flows, (c) provision within the county of structures or other facilities used or operated by the authority or any governmental unit in connection with, or relative to development and improvement of, aviation for military or civilian purposes, including research in connection therewith, and including structures or other facilities for the accommodation of passengers, (d) acquisition of any real property within the county, with or without the im-

provements thereof or thereon or personal property appurtenant or incidental thereto, from the United States of America or any department, agency or instrumentality heretofore or hereafter created, designated or established by or for it, and the clearance, development or redevelopment, improvement, use or disposition of the acquired lands and premises in accordance with the provisions and for the purposes stated in this act, including the construction, reconstruction, demolition, rehabilitation, conversion, repair or alteration of improvements on or to said lands and premises, and structures and facilities incidental to the foregoing as may be necessary, convenient or desirable, and (e) any combination or combinations of the foregoing.

2. Section 16 of the act of which this act is amendatory is amended to read as follows:

C. 40:37A-59 Issuance of bonds; bond resolution contents.

16. For the purpose of raising funds to pay the cost of any public facility or facilities or for the purpose of funding or refunding any bonds, an authority shall have power to authorize or provide for the issuance of bonds pursuant to this act, by a resolution (in this act sometimes referred to as "bond resolution") which shall:

(a) describe in brief and general terms sufficient for reasonable identification the public facility or facilities or part thereof (in this act sometimes called "project"), to be constructed or acquired, or describe the bonds which are to be funded or refunded (if any);

(b) state the cost or estimated cost of the project (if any); and

(c) provide for the issuance of the bonds in accordance with section 17 of this act.

3. This act shall take effect immediately.

Approved December 11, 1967.

CHAPTER 243

AN ACT to amend "A supplement to the 'New Jersey Medical and Dental College Act of 1964,' approved December 22, 1964 (P. L. 1964, c. 231)," approved June 16, 1966 (P. L. 1966, c. 110).

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

1. Section 1 of the act of which this act is amendatory is amended to read as follows:

C. 18:22-158.1 Definitions.

1. As used in this act, the following words and terms shall have the following meanings, unless the text indicates or requires another or different meaning or intent:

“Authority” means the New Jersey Educational Facilities Authority created by the New Jersey Educational Facilities Authority Act.

“Existing dormitory” in relation to any conveyance, lease or sublease made under subsections 2 (a), (b) and (c) of this act means a housing unit with necessary and usual attendant and related facilities and equipment which was erected, constructed or installed prior to the making of such conveyance, lease or sublease.

“New dormitory” in relation to any conveyance, lease or sublease made under subsections 2 (a), (b) and (c) of this act means a housing unit with necessary and usual attendant and related facilities and equipment which is erected, constructed or installed after the making of such conveyance, lease or sublease.

“College” means the New Jersey College of Medicine and Dentistry.

“Revenue producing facility” in relation to any conveyance, lease or sublease made under subsections 2(a), (b) and (c) of this act means a structure or facility which produces revenues sufficient to pay the rentals due and to become due under any lease or sublease made under subsection 2(c), including, without limitation, student unions and parking facilities.

2. Section 2 of the act of which this act is amendatory is amended to read as follows:

C. 18:22-158.2 Dormitories; construction and financing; powers and duties of board of trustees.

2. In order to provide new dormitories and other revenue producing facilities and to enable the construction and financing thereof, to refinance indebtedness hereafter created by the authority for the purpose of providing a dormitory or dormitories and other revenue producing facilities or additions or improvements thereto which are located on land owned by the college, or for any one or more of said purposes, but for no other purpose unless authorized by law, the board of trustees has the following

powers and duties, subject to the provisions of the act to which this act is a supplement:

a. The power to sell and to convey to the authority such title as the college may have in any land and any existing dormitories or other revenue producing facilities thereon and upon such terms and conditions as the board of trustees shall determine.

b. The power to lease to the authority for a term or terms not exceeding 50 years each any land and any existing dormitories or other revenue producing facilities thereon owned by the college upon such terms and conditions as the board of trustees shall determine.

c. The power to lease or sublease from the authority, and to make available, any such land and existing dormitories, or other revenue producing facilities conveyed or leased to the authority under subsections 2(a) and (b), and any new dormitories or other revenue producing facilities erected upon such land or upon any other land owned by the authority, upon such terms, conditions and rentals, such rentals to be payable from available funds of the college other than moneys appropriated to it by the State, as the board of trustees shall determine.

d. The power to pledge and assign all or any part of the revenues derived from the operation of such new dormitories or other revenue producing facilities as security for the payment of rentals due and to become due under any lease or sublease of such new dormitories or other revenue producing facilities under subsection 2(c).

e. The power to covenant and agree in any lease or sublease of such new dormitories or other revenue producing facilities made under subsection 2(c) to impose fees, rentals or other charges for the use and occupancy or other operation of such new dormitories or other revenue producing facilities in an amount calculated to produce net revenues sufficient to pay the rentals due and to become due under such lease or sublease.

f. The power to apply all or any part of the revenues derived from the operation of any dormitories or other revenue producing facilities to the payment of rentals due and to become due under any lease or sublease made under subsection 2(c).

g. The power to pledge and assign all or any part of the revenues derived from the operation of any dormitories or other revenue producing facilities to the payment of rentals due and to become due under any lease or sublease made under subsection 2(c).

h. The power to covenant and agree in any lease or sublease made under subsection 2(c) to impose fees, rentals or other charges for the use and occupancy or other operation of any dormitories or other revenue producing facilities in an amount calculated to produce net revenues sufficient to pay the rentals due and to become due under such lease or sublease.

i. The power and duty, upon receipt of notice of any assignment by the authority of any lease or sublease made under subsection 2(c), or of any of its rights under any such lease or sublease, to recognize and give effect to such assignment, and to pay to the assignee thereof rentals or other payments then due or which may become due under any such lease or sublease which has been so assigned by the authority.

3. This act shall take effect immediately.

Approved December 12, 1967.

CHAPTER 244

AN ACT to amend “An act concerning education and supplementing chapter 2 of Title 18 of the Revised Statutes,” approved June 16, 1966 (P. L. 1966, c. 107).

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

1. Section 1 of the act of which this act is amendatory is amended to read as follows:

C. 18:2-7.1 Definitions.

1. As used in this act, the following words and terms shall have the following meanings, unless the text indicates or requires another or different meaning or intent:

“Authority” means the New Jersey Educational Facilities Authority created by the New Jersey Educational Facilities Authority Act.

“Existing dormitory” in relation to any conveyance, lease or sublease made under subsections 2 (a), (b) and (c) of this act means a housing unit with necessary and usual attendant and related facilities and equipment which was erected, constructed or installed prior to the making of such conveyance, lease or sublease.

“New dormitory” in relation to any conveyance, lease or sublease made under subsections 2 (a), (b) and (c) of this act means a housing unit with necessary and usual attendant and related facilities and equipment which is erected, constructed or installed after the making of such conveyance, lease or sublease.

“Revenue producing facility” in relation to any conveyance, lease or sublease made under subsections 2 (a), (b) and (c) of this act means a structure or facility which produces revenues sufficient to pay the rentals due and to become due under any lease or sublease made under subsection 2 (c), including, without limitation, student unions and parking facilities.

2. Section 2 of the act of which this act is amendatory is amended to read as follows:

C. 18:2-7.2 Dormitories; construction and financing; powers and duties of State board.

2. In order to provide new dormitories and other revenue producing facilities and to enable the construction and financing thereof, to refinance indebtedness hereafter created by the authority for the purpose of providing a dormitory or dormitories and other revenue producing facilities or additions or improvements thereto which are located on land owned by, or owned by the State and held for, the department or on lands of the institutions under the jurisdiction of the department or by the authority, or for any one or more of said purposes, but for no other purpose unless authorized by law, the State board has the following powers and duties:

a. The power to sell and to convey to the authority title in fee simple in any land and any existing dormitories or other revenue producing facilities thereon owned by the department or owned by the State and held for the department or of any of the institutions under the jurisdiction of the department for such consideration and upon such terms and conditions as the State board shall determine.

b. The power to lease to the authority for a term or terms not exceeding 50 years each any land and any existing dormitories or other revenue producing facilities thereon owned by the department or owned by the State and held for the department or of any of the institutions under the jurisdiction of the department upon such terms and conditions as the State board shall determine.

c. The power to lease or sublease from the authority, and to make available, any such land and existing dormitories or other revenue producing facilities conveyed or leased to the authority under subsections 2 (a) and (b), and any new dormitories or other revenue producing facilities erected upon such land or upon any other land

owned by the authority, upon such terms, conditions and rentals, subject to available appropriations, as the State board shall determine.

d. The power and duty, upon receipt of notice of any assignment by the authority of any lease or sublease made under subsection 2 (c), or of any of its rights under any such lease or sublease, to recognize and give effect to such assignment, and to pay to the assignee thereof rentals or other payments then due or which may become due under any such lease or sublease which has been so assigned by the authority.

3. Section 4 of the act of which this act is amendatory is amended to read as follows:

C. 18:2-7.4 Exercise of powers and duties.

4. All powers and duties conferred upon the State board or the department pursuant to this act shall be exercised and performed by resolution of the State board. All conveyances, leases and subleases made pursuant to this act, when authorized pursuant to resolution of the State board, shall be made, executed and delivered in the name of the Department of Higher Education and shall be signed by the chancellor and sealed with the seal of the department.

4. This act shall take effect immediately.

Approved December 12, 1967.

CHAPTER 245

AN ACT to amend and supplement the "Mortuary Science Act," approved June 18, 1952 (P. L. 1952, c. 340).

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

1. Section 23 of the act of which this act is amendatory is amended to read as follows:

C. 45:7-54 Renewal of licenses issued under this act or prior laws; fees.

23. Any person holding a license or licenses under this act or under any prior law of this State shall have the same renewed upon making and filing with the board an application therefor upon forms provided by the board and upon payment of a renewal fee of \$15.00; provided, that any person neglecting or failing to have

his license renewed, as above, shall have the same renewed by making application therefor and upon payment of a revival fee of \$75.00 in addition to the renewal fee of \$75.00.

2. Section 24 of the act of which this act is amendatory is amended to read as follows:

C. 45:7-55 Certificate of registration for each mortuary operated, maintained or used; fee.

24. Every individual, partnership, or corporation which operates or maintains within this State a mortuary or which in the usual and regular course of his or its practice makes use of a mortuary owned, operated, or maintained by another shall annually apply to the board for a certificate of registration for each mortuary operated, maintained, or used by the applicant and shall report under oath any facts requested by the board, and such individual, partnership, or corporation shall pay an annual registration fee of \$25.00 for each such mortuary. Upon verification of the statements thus reported and the receipt of the requisite fee, the board shall issue a certificate of registration which shall bear date of January 1 for the year of issue and shall expire on December 31 of such year. No mortuary shall be operated, maintained, or used at any location by any person, firm or corporation at any location not specified in a certificate of registration issued under this section.

3. Section 12 of the act of which this act is amendatory is amended to read as follows:

C. 45:7-43 Executive secretary, assistants, employees of board; appointment, employment, removal, term, duties, compensation; certain activities prohibited.

12. The board may, subject to the approval of the Attorney General, appoint, employ or remove such assistants and employees as may be necessary to carry out the provisions of this act. The board may, subject to the approval of the Attorney General, appoint and employ an executive secretary who shall serve without term but who may be removed from office by the Attorney General, for cause, upon notice and opportunity to be heard at a public hearing. The duties of the executive secretary shall be determined by the board and the board shall fix the compensation of its executive secretary, assistants and employees, subject to the approval of the Attorney General, within the limits of available appropriations therefor. Such executive secretary shall not be subject to the provisions of Title 11 of the Revised Statutes of this State. No such executive secretary, employee or assistant shall engage in the practice of mortuary science, embalming or funeral directing, nor shall

he in any way be connected with the work of a practitioner of mortuary science, embalming or funeral directing.

C. 45:7-73.1 Reciprocal agreements between states; limitations.

4. The board may, in its discretion, enter into an agreement with the corresponding licensing authority of any other State to permit a person duly registered and licensed as a practitioner of mortuary science or funeral director in either State to enter into the other State for the purpose of removing, transporting and burying dead human bodies and directing funerals in the same manner as if he were registered under the laws of such other State, except that such person shall not maintain an establishment, advertise or hold himself out, directly or through any agent or agency or otherwise, as a practitioner of mortuary science or a funeral director other than in the State in which he is registered and licensed.

5. This act shall take effect immediately.

Approved December 12, 1967.

CHAPTER 246

AN ACT to amend "An act to facilitate the construction and rehabilitation of housing projects in certain areas for families of moderate income by providing for mortgage loans to qualified housing sponsors to be used for such construction and rehabilitation, creating within the Department of Community Affairs a New Jersey Housing Finance Agency and prescribing the powers and duties thereof, authorizing the New Jersey Housing Finance Agency to issue bonds and other obligations and providing for the terms and security thereof and the means to pay such bonds and other obligations and the interest thereon, prescribing penalties for certain violations and making an appropriation," approved May 31, 1967 (P. L. 1967, c. 81).

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

1. Section 21 of the act of which this act is amendatory is amended to read as follows:

C. 55:14J-21 Annual appropriation.

21. In order to assure the maintenance of the required minimum capital reserve in the Housing Finance Fund, there shall be annually appropriated and paid to the agency for deposit in said fund, such sum, if any, as shall be certified by the chairman of the agency to the Governor as necessary to restore said fund to an amount equal to the required minimum capital reserve. The chairman shall annually, on or before December 1, make and deliver to the Governor his certificate stating the sum, if any, required to restore said fund to the amount aforesaid, and the sum or sums so certified shall be appropriated and paid to the agency during the then current State fiscal year.

For purposes of valuation of said fund, securities acquired as an investment for said fund shall be valued at par, actual cost to the agency or market value, whichever value is less.

2. This act shall take effect immediately.

Approved December 12, 1967.

CHAPTER 247

AN ACT to amend "An act to facilitate the construction and rehabilitation of housing projects in certain areas for families of moderate income by providing for mortgage loans to qualified housing sponsors to be used for such construction and rehabilitation, creating within the Department of Community Affairs a New Jersey Housing Finance Agency and prescribing the powers and duties thereof, authorizing the New Jersey Housing Finance Agency to issue bonds and other obligations and providing for the terms and security thereof and the means to pay such bonds and other obligations and the interest thereon, prescribing penalties for certain violations and making an appropriation," approved May 31, 1967 (P. L. 1967, c. 81).

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

1. Section 3 of the act of which this act is amendatory is amended to read as follows:

C. 55:14J-3 Definitions.

3. The following terms wherever used or referred to in this act shall have the following meanings, unless a different meaning clearly appears from the context:

(a) "Act" means this act and the rules and regulations adopted by the agency hereunder.

(b) "Agency" means the New Jersey Housing Finance Agency created by section 4 of this act, or, if said agency shall be abolished by law, the person, board, body or commission succeeding to the powers and duties thereof or to whom such powers and duties shall be given by law.

(c) "Bonds, bond anticipation notes and other obligations," or "bonds, bond anticipation notes or other obligations" means any bonds, notes, debentures or other evidences of financial indebtedness issued by the agency.

(d) "Family" means 2 or more persons related by blood, marriage or adoption who live or expect to live together as a single household in the same dwelling unit; provided, however, that any individual who (1) has attained retirement age as defined in section 216a of the Federal Social Security Act, or (2) is under a disability as defined in section 223 of that act, or (3) such other individuals as the agency by rule or regulation shall include, shall be considered as a family for the purpose of this act; and provided further, that the surviving member of a family whose other members died during occupancy of a housing project shall be considered as a family for purposes of permitting continued occupancy of the dwelling unit occupied by such family.

(e) "Family of moderate income" means a family (1) whose income is too low to compete successfully in the normal rental or mutual housing market, and (2) whose gross aggregate family income does not exceed the limits established under section 10 of this act.

(f) "Gross aggregate family income" means the total annual income of all members of a family, from whatever source derived, including but not limited to, pension, annuity, retirement and social security benefits, provided, however, that there may be excluded from income (1) such reasonable allowances for dependents, (2) such reasonable allowances for medical expenses, (3) all or any proportionate part of the earnings of gainfully employed minors or family members other than the chief wage earner, or (4) such income as is not received regularly, as the agency by rule or regulation may determine.

(g) "Housing project" or "project" means any work or undertaking, whether new construction or rehabilitation, which is designed for the primary purpose of providing decent, safe and sanitary dwelling units for families of moderate income in need of housing; such undertaking may include any buildings, land, equipment, facilities, or other real or personal properties which are necessary, convenient, or desirable appurtenances, such as, but not limited to streets, sewers, utilities, parks, site preparation, landscaping, and such stores, offices, and other nonhousing facilities such as administrative, community, health, recreational, educational and welfare facilities as the agency determines to be necessary, convenient or desirable appurtenances.

(h) "Municipality" means any political subdivision of the State other than a county or a school district.

(i) "Mutual housing" means a housing project operated or to be operated upon completion of construction or rehabilitation exclusively for the benefit of the families of moderate income who are entitled to occupancy by reason of ownership of stock in the qualified housing sponsor, or by reason of co-ownership of premises in a horizontal property regime pursuant to chapter 168 of the laws of 1963, provided, however, the agency may adopt rules and regulations permitting a reasonable percentage of space in such project to be rented for residential or for commercial use.

(j) "Project cost" means the sum total of all costs incurred in the development of a housing project, which are approved by the agency as reasonable and necessary, which costs shall include, but are not necessarily limited to, (1) cost of land acquisition and any buildings thereon, (2) cost of site preparation, demolition and development, (3) architect, engineer, legal, agency and other fees paid or payable in connection with the planning, execution and financing of the project, (4) cost of necessary studies, surveys, plans and permits, (5) insurance, interest, financing, tax and assessment costs and other operating and carrying costs during construction, (6) cost of construction, reconstruction, fixtures, and equipment related to the real property, (7) cost of land improvements, (8) necessary expenses in connection with initial occupancy of the project, (9) a reasonable profit or fee to the builder and developer, (10) an allowance established by the agency for working capital and contingency reserves, and reserves for any anticipated operating deficits during the first 2 years of occupancy, (11) the cost of such other items, including tenant relocation, as the agency shall determine to be reasonable and necessary for the development of the project, less

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any and all net rents and other net revenues received from the operation of the real and personal property on the project site during construction.

All costs shall be subject to approval and audit by the agency. The agency may adopt rules and regulations specifying in detail the types and categories of cost which shall be allowable if actually incurred in the construction or reconstruction of a housing project.

(k) "Qualified housing sponsor" means (1) any housing corporation qualified under the provisions of the "Limited-Dividend Housing Corporations Law," P. L. 1949, chapter 184 (C. 55:16-1 et seq.), (2) any urban renewal corporation or association qualified under the provisions of the "Urban Renewal Corporation and Association Law of 1961," P. L. 1961, chapter 40 (C. 40:55C-40 et seq.) which has as one of its purposes the construction, rehabilitation or operation of housing projects, (4) any corporation or association organized not for profit under the provisions of Title 15 of the Revised Statutes or any other law of this State which has as one of its purposes the construction, rehabilitation or operation of housing projects, (5) any horizontal property regime formed under the "Horizontal Property Act," P. L. 1963, chapter 168 (C. 46:8A-1 et seq.) which has as one of its purposes the construction, rehabilitation or operation of housing projects, and (6) any individual or association approved by the agency as qualified to own, construct, rehabilitate, operate, manage and maintain a housing project.

(l) "Required minimum capital reserve" means the reserve amount required to be maintained in the Housing Finance Fund under the provisions of section 20 of this act.

2. Section 6 of the act of which this act is amendatory is amended to read as follows:

C. 55:14J-6 Additional powers.

6. (a) The agency, for the purpose of carrying out the purposes of this act, may (1) accept from qualified housing sponsors applications for loans;

(2) enter into agreements with qualified housing sponsors for permanent loans and temporary loans or advances in anticipation of such permanent loans for the construction or rehabilitation of housing projects; and

(3) make permanent loans and temporary loans or advances in anticipation of such permanent loans to qualified housing sponsors under the provisions of this act.

(b) No application for a loan for the construction or rehabilitation of a housing project to be located in any municipality shall be

processed unless there is already filed with the secretary of the agency a certified copy of a resolution adopted by said municipality reciting that there is a need for moderate income housing projects in said municipality.

3. Section 9 of the act of which this act is amendatory is amended to read as follows :

C. 55:14J-9 Loan terms and conditions.

9. (a) Loans made by the agency shall be subject to the following terms and conditions :

(1) The loan shall be for a period of time not in excess of 50 years as determined by the agency ;

(2) The amount of the loan shall not exceed 90% of the total project cost as determined by the agency, except that as to projects to be owned, constructed, rehabilitated, operated, managed and maintained as mutual housing or by any corporation or association organized not for profit which has as one of its purposes the construction or rehabilitation of housing projects, the amount of the loan shall not exceed 100% of the total project cost as determined by the agency ; provided, however, that any such loan shall be subject to an agreement between the agency and any such corporation or association organized not for profit or for mutual housing which will prohibit the transfer of ownership or management responsibilities by said corporation or association, at any time prior to repayment of at least 10% of the original loan, unless the transfer of ownership or management responsibilities is ordered by a court of competent jurisdiction to a qualified housing sponsor.

(3) The interest rate on the loan shall be established by the agency at the lowest level consistent with the agency's cost of operation and its responsibilities to the holders of its bonds, bond anticipation notes and other obligations ;

(4) The loan shall be evidenced by a mortgage note or bond and by a mortgage which shall be a first lien on the project and which shall contain such terms and provisions and be in a form approved by the agency. The agency shall require the qualified housing sponsor receiving a loan or its contractor to post labor and materials, and construction performance, surety bonds in amounts related to the project cost as established by regulation and to execute such other assurances and guarantees as the agency may deem necessary and may require its principals or stockholders to also execute such other assurances and guarantees as the agency may deem necessary ;

(5) The loan shall be subject to an agreement between the agency and the qualified housing sponsor which will subject said qualified housing sponsor and its principals or stockholders to limitations established by the agency as to rentals and other charges, builders' and developers' profits and fees, and the disposition of its property and franchises to the extent more restrictive limitations are not provided by the law under which the borrower is incorporated or organized;

(6) The loan shall be subject to an agreement between the agency and the qualified housing sponsor limiting said qualified housing sponsor, and its principals or stockholders, to a return of 8% per annum of its investment in any housing project assisted with a loan from the agency. No qualified housing sponsor which is permitted by the provisions of the law under which it is organized or incorporated to earn a return on its investment, nor any of the principals or stockholders of such qualified housing sponsor, shall at any time earn, accept or receive a return greater than 8% per annum of its investment in any housing project assisted with a loan from the agency, whether upon the completion of the construction or rehabilitation of such project, or upon the operation thereof, or upon the sale, assignment or lease of such project to any other person, association or corporation. Any person, association or corporation who shall be found guilty of violating the provisions of section 9(a) (6) of this act shall be a disorderly person and subject to a fine of not less than \$500.00 or more than \$2,500.00.

(7) No loan shall be executed except a loan made to a corporation or association organized not for profit which has as one of its purposes the construction or rehabilitation of housing projects or for mutual housing unless the qualified housing sponsor agrees (1) to certify upon completion of project construction or rehabilitation, subject to audit by the agency, either that the actual project cost as defined herein exceeded the amount of the loan proceeds by 10% or more, or the amount by which the loan proceeds exceed 90% of the total project cost, and (2) to pay forthwith to the agency, for application to reduction of the principal of the loan, the amount, if any, of such excess loan proceeds, subject to audit and determination by the agency. No loan shall be made to a corporation or association organized not for profit or for mutual housing unless the corporation or association organized not for profit or for mutual housing agrees to certify the actual project cost upon completion of the project, subject to audit and determination by the agency, and further agrees to pay forthwith to the agency, for application to

- reduction of the principal of the loan, the amount, if any, by which the proceeds of the loan exceed the certified project cost subject to audit and determination by the agency. Notwithstanding the provisions of this subsection, the agency may accept, in lieu of any certification of project cost as provided herein, such other assurances of the said project cost, in any form or manner whatsoever, as will enable the agency to determine with reasonable accuracy the amount of said project cost.

(8) No loan shall be made for the construction or rehabilitation of a housing project for which tax exemption is granted by a municipality unless such tax exemption remains in effect during the entire term of the loan, unless a lesser period of tax exemption is approved by the agency.

(9) The loan shall be subject to an agreement between the agency and the qualified housing sponsor which contains a provision stating the prevailing wage rate (as determined by the Commissioner of Labor and Industry pursuant to section 37 of this act) which can be paid to the workmen employed in the performance of any contract for the construction or rehabilitation of any housing project, and which stipulates that the qualified housing sponsor, or any builder, contractor or subcontractor thereof, shall pay to such workmen not less than such prevailing wage rate.

(b) As a condition of the loan, the agency shall have the power at all times during the construction and rehabilitation of a housing project and the operation thereof:

(1) To enter upon and inspect without prior notice any project, including all parts thereof, for the purpose of investigating the physical and financial condition thereof, and its construction, rehabilitation, operation, management and maintenance, and to examine all books and records with respect to capitalization, income and other matters relating thereto and to make such charges as may be required to cover the cost of such inspections and examinations;

(2) To order such alterations, changes or repairs as may be necessary to protect the security of its investment in a housing project or the health, safety, and welfare of the occupants thereof;

(3) To order any managing agent, project manager or owner of a housing project to do such acts as may be necessary to comply with the provisions of all applicable laws or ordinances or any rule or regulation of the agency or the terms of any agreement concerning the said project or to refrain from doing any acts in violation thereof and in this regard the agency shall be a proper party to file a complaint and to prosecute thereon for any violations of laws or ordinances as set forth herein;

(4) To require the adoption and continuous use of uniform systems of accounts and records for a project and to require all owners or managers of same to file annual reports containing such information and verified in such manner as the agency shall require, and to file at such times and on such forms as it may prescribe, reports and answers to specific inquiries required by the agency to determine the extent of compliance with any agreement, the terms of the loan, the provisions of this act and any other applicable law; and

(5) To enforce, by court action if necessary, the terms and provisions of any agreement between the agency and the qualified housing sponsor and the terms of any agreement between the qualified housing sponsor and any municipality granting tax exemption, as to schedules of rental or carrying charges, income limits as applied to tenants or occupants, or any other limitation imposed upon the qualified housing sponsor as to financial structure, construction or operation of the project.

(6) In the event of a violation by the qualified housing sponsor of the terms of any agreement between the agency and the qualified housing sponsor, or between the municipality granting tax exemption and the qualified housing sponsor, or in the event of a violation by the qualified housing sponsor of this act or of the terms of the mortgage loan agreement or of any rules and regulations of the agency duly promulgated pursuant to this act, or in the event that the agency shall determine that any loan or advance from the Housing Development Fund pursuant to section 36 of this act is in jeopardy of not being repaid, the agency may remove any or all of the existing officers and directors of such qualified housing sponsor and appoint such person or persons who the agency in its sole discretion deems advisable, including officers or employees of the agency, as new officers or directors to serve in place of those removed. Officers or directors so appointed need not be stockholders or meet other qualifications which may be prescribed by the certificate of incorporation or by laws of such qualified housing sponsor. In the absence of fraud or bad faith, officers or directors so appointed shall not be personally liable for debts, obligations or liabilities of such qualified housing sponsor. Officers or directors so appointed shall serve only for a period coexistent with the duration of such violation or until the agency is assured in a manner satisfactory to it that such violation, or violations of a similar nature, have not and will not re-occur. Officers or employees of the agency who are so appointed as officers or directors shall serve in such capacity without compensation, but shall be entitled to be reim-

bursed, if and as the certificate of incorporation or by-laws of such qualified housing sponsor may provide, for all necessary expenses incurred in the discharge of their duties as officers or directors so appointed of such qualified housing sponsor and such other necessary expenses incurred in the discharge of their duties as officers or directors of such qualified housing sponsor as determined by the agency.

4. Section 10 of the act of which this act is amendatory is amended to read as follows:

C. 55:14J-10 Tenancy in housing projects; tenants' income limitations; periodic examination of income; removal terms.

10. (a) Admission to housing projects constructed or rehabilitated under this act shall be limited to families of moderate income whose gross aggregate family income at the time of admission does not exceed 6 times the annual rental or carrying charges, including the value or cost to them of heat, light, water, sewerage, parking facilities and cooking fuel, of the dwellings that may be furnished to such families, or 7 times said charges if there are 3 or more dependents. There may be included in the carrying charges to any family for residence in any mutual housing project constructed or rehabilitated with a loan from the agency an amount equal to 6% of the original cash investment of the family in said mutual housing project and, to the extent authorized by the agency where not included in said carrying charges, the value or cost of repainting the apartment and replacing any fixtures or appliances. Notwithstanding the provisions of this section, no family or individual shall be eligible for admission to any housing project constructed or rehabilitated with a loan from the agency whose gross aggregate family income exceeds \$15,000.00, as said sum may be adjusted from time to time by the agency, by rules or regulations promulgated hereunder, so as to reflect changes in any wage or salary indices for this State as determined and prepared by any department, division, office or agency of this State.

(b) The agency shall by rules and regulations provide for the periodic examination of the income of any person or family residing in any housing project constructed or rehabilitated with a loan from the agency. In the event that the gross aggregate family income of a family residing in any such housing project increases and the ratio to the current rental or carrying charges of the dwelling unit becomes greater than the ratio prescribed for admission in subsection (a) of this section but is not more than 25% above the family income so prescribed for admission to the project, the owner or managing agent of such housing project shall permit the family to

continue to occupy the unit. The agency or (with the approval of the agency) the qualified housing sponsor of any housing project constructed or rehabilitated with a loan from the agency, may terminate the tenancy or interest of any family residing in such housing project whose gross aggregate family income exceeds 25% of that prescribed herein and which continues to exceed the same for a period of 6 months or more; provided, that no tenancy or interest of any such family in any such housing project shall be terminated except upon reasonable notice and opportunity to obtain suitable alternate housing, in accordance with rules and regulations of the agency; provided further, that any such family, with the approval of the agency, may be permitted to continue to occupy the unit, subject to payment of a rent or carrying charge surcharge to the qualified housing sponsor in accordance with a schedule of surcharges fixed by the agency. Said qualified housing sponsor shall pay such surcharge to the municipality granting tax exemption, but only up to an amount that together with payments made to the municipality in lieu of taxes and for any land taxes equals 25% of the total rents or carrying charges of the housing project for the current and any prior years that the project has been in operation. Any remainder of the surcharge, or the total surcharge if tax exemption has not been granted, shall be paid into the housing finance fund created by section 20 of this act for the use of the agency.

(c) Any family residing in a mutual housing project required to remove from the project because of excessive income as herein provided shall be discharged from liability on any note, bond or other evidence of indebtedness relating thereto and shall be reimbursed, in accordance with the rules of the agency, for all sums paid by such family to the qualified housing sponsor on account of the purchase of stock or debentures as a condition of occupancy or on account of the acquisition of title for such purpose.

5. Section 15 of the act of which this act is amendatory is amended to read as follows:

C. 55:14J-15 Issuance of bonds authorized; types, terms, negotiability, sale of bonds or other obligations.

15. (a) The agency shall have the power and is hereby authorized from time to time to issue its bonds, bond anticipation notes and other obligations in such principal amounts as in the opinion of the agency shall be necessary to provide sufficient funds for achieving any of its corporate purposes, including the making of mortgage loans, the payment, funding or refunding of the principal of, or interest or redemption premiums on, any bonds, bond anticipation

notes and other obligations issued by it whether the bonds, bond anticipation notes or other obligations or interest to be funded or refunded have or have not become due, the establishment of reserves to secure such bonds, bond anticipation notes and other obligations and all other expenditures of the agency incident to and necessary or convenient to carry out its corporate purposes and power.

(b) Except as may be otherwise expressly provided herein or by the agency, every issue of bonds, bond anticipation notes or other obligations shall be general obligations payable out of any moneys or revenues of the agency, subject only to any agreements with the holders of particular bonds, bond anticipation notes or other obligations pledging any particular moneys or revenues. The agency may issue such types of bonds, bond anticipation notes or other obligations as it may determine, including bonds, bond anticipation notes or other obligations on which the principal and interest are payable (1) exclusively from the income and revenues of the project financed with the proceeds of such bonds, bond anticipation notes or other obligations; (2) exclusively from the income and revenues of certain designated projects whether or not they are financed in whole or in part with the proceeds of such bonds, bond anticipation notes or other obligations; or (3) from its revenues generally. Any such bonds, bond anticipation notes or other obligations may be additionally secured by a pledge of any grant or contributions from any department or agency of the United States or person or a pledge of any moneys, income or revenues of the agency from any source whatsoever.

(c) Any provision of any law to the contrary notwithstanding, any bonds, bond anticipation notes or other obligations issued pursuant to this act shall be fully negotiable within the meaning and for all purposes of Title 12A of the New Jersey Statutes, and each holder or owner of such a bond, bond anticipation note or other obligation, or of any coupon appurtenant thereto, by accepting such bond, bond anticipation note or other obligation or coupon shall be conclusively deemed to have agreed that such bond, bond anticipation note, other obligation or coupon is and shall be fully negotiable within the meaning and for all purposes of said Title 12A of the New Jersey Statutes.

(d) Bonds, bond anticipation notes or other obligations of the agency shall be authorized by resolution of the agency and may be issued in one or more series and shall bear such date or dates, mature at such time or times not exceeding 50 years from the date thereof, bear interest at a rate or rates within such maximum rate (not exceeding 6% per annum), be in such denomination or

denominations, be in such form, either coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable from such sources in such medium of payment at such place or places within or without this State, and be subject to such terms of redemption (with or without premium) as such resolution or resolutions may provide.

(e) Bonds, bond anticipation notes or other obligations of the agency may be sold at public or private sale at such price or prices as the agency shall determine, provided, however, that the interest cost to their average maturity of the money received for any group of bonds or other obligations sold in a single transaction (computed according to standard tables of bond values) shall not exceed 6% per annum.

6. Section 16 of the act of which this act is amendatory is amended to read as follows:

C. 55:14J-16 Bond resolution provisions; exceptions.

16. Any resolution or resolutions authorizing the issuance of bonds, bond anticipation notes or other obligations or any issue thereof may contain provisions, except as expressly limited in this act and except as otherwise limited by subsisting agreements with the holders of bonds, bond anticipation notes or other obligations, which shall be a part of the contract with the holders thereof, as to the following:

(a) The pledging of all or any part of the fees and charges made or received by the agency and all or any part of the moneys received in payment of loans and interest thereon, and other moneys received or to be received, to secure the payment of the principal or interest on any bonds, bond anticipation notes or other obligations or of any issue thereof;

(b) The pledging of all or any part of the assets of the agency, including but not limited to mortgages and other obligations securing the same, to secure the payment of bonds, bond anticipation notes or other obligations or of any issue of bonds, bond anticipation notes or other obligations;

(c) The use and disposition of the gross income from, and the payments of principal received by the agency on, mortgages held by the agency;

(d) The establishment of reserves or sinking funds, the making of charges and fees to provide for the same, and the regulation and disposition thereof;

(e) Limitations on the purpose to which the proceeds of sale of bonds, bond anticipation notes or other obligations may be

applied and pledging such proceeds to secure the payment of the bonds, bond anticipation notes, or other obligations, or of any issue thereof;

(f) Limitations on the issuance of additional bonds, bond anticipation notes or other obligations; the terms upon which additional bonds, bond anticipation notes or other obligations may be issued and secured; the refunding or purchase of outstanding bonds, bond anticipation notes or other obligations of the agency;

(g) The procedure, if any, by which the terms of any contract with the holders of any bonds, bond anticipation notes or other obligation of the agency may be amended or abrogated, the amount of bonds, bond anticipation notes or other obligations the holders of which must consent thereto, and the manner in which such consent may be given;

(h) The vesting in a trustee or trustees of such property, rights, powers and duties in trust as the agency may determine, which may include any or all of the rights, powers and duties of any trustee appointed by the holders of any bonds, bond anticipation notes or obligations and limiting or abrogating the right of the holders of any bonds, bond anticipation notes or other obligations of the agency to appoint a trustee under this act or limiting the rights, powers and duties of such trustee;

(i) Provision for a trust agreement by and between the agency and a corporate trustee which may be any trust company or bank having the powers of a trust company within the State, which agreement may provide for the pledging or assigning of any assets or income from assets to which or in which the agency has any rights or interest, and may further provide for such other rights and remedies exercisable by the trustee as may be proper for the protection of the holders of any bonds, bond anticipation notes or other obligations of the agency and not otherwise in violation of law, and the said agreement may provide for the restriction of the rights of any individual holder of bonds, bond anticipation notes or other obligations of the agency. All expenses incurred in carrying out the provisions of such trust agreement may be treated as a part of the cost of operation of the agency. The trust agreement may contain any further provisions which are reasonable to delineate further the respective rights, duties, safeguards, responsibilities and liabilities of agency, individual and collective holders of bonds, bond anticipation notes and other obligations of the agency, and the trustees;

(j) Covenants to do or refrain from doing such acts and things as may be necessary or convenient or desirable in order to better

secure any bonds, bond anticipation notes, or other obligations of the agency, or which, in the discretion of the agency, will tend to make any bonds, bond anticipation notes or other obligations to be issued more marketable notwithstanding that such covenants, act or things may not be enumerated herein;

(k) Any other matters of like or different character, which in any way affect the security or protection of the bonds, bond anticipation notes or other obligations.

7. Section 20 of the act of which this act is amendatory is amended to read as follows:

C. 55:14J-20 Housing finance fund.

20. (a) The agency shall establish and maintain a special fund called the "Housing Finance Fund" which shall consist of (1) all moneys appropriated by the State for inclusion therein, (2) all proceeds of the sale of bonds, required to be deposited therein by the terms of the resolution authorizing the sale of said bonds, and (3) any other moneys available to the agency which it determines to utilize for this purpose. All moneys held in the Housing Finance Fund, except as hereinafter provided, shall be used for the payment of the principal and interest of any bonds as such payment shall become due and for the retirement of bonds upon maturity and when due. In addition, moneys from the fund may be used to retire bonds before maturity and to pay any redemption premium required to be paid, provided, however, that no moneys shall be utilized in any year to retire bonds as provided herein if the consequence thereof is to reduce the fund below an amount of moneys sufficient to meet the maximum payments required in the succeeding calendar year for (1) payment of principal and interest falling due on all other outstanding bonds and (2) retiring all other bonds required by their terms to be retired, such amount being hereafter referred to as the "required minimum capital reserve."

(b) Income or interest from the investment of moneys held in the fund shall be retained therein if needed to meet any deficiency in the required minimum capital reserve but to the extent of any excess over the aforesaid required minimum capital reserve, moneys may be transferred by the agency to any other fund or account of the agency.

(c) Notwithstanding any other provision contained in this act, no bonds shall be issued by the agency unless there is in the fund the required minimum capital reserve for all bonds issued and to be issued, provided, however, that nothing shall preclude the agency

from satisfying the foregoing requirement by depositing so much of the proceeds of the bonds to be issued, upon their issuance as is needed for the fund to achieve the required minimum capital reserve.

8. Section 22 of the act of which this act is amendatory is amended to read as follows:

C. 55:14J-22 General fund; additional funds.

(a) The agency shall establish and maintain a fund called the "General Fund" which shall consist of (1) all fees and charges collected by the agency pursuant to subsection (o) of section 34 of this act, or otherwise (2) any moneys which the agency shall transfer from the Housing Finance Fund pursuant to subsection (b) of section 20 of this act, and (3) any other moneys of the agency not required to be deposited in any other fund of that agency. To the extent available, after paying all the operating costs of the agency, the moneys remaining in the general fund may be used for the payment of the principal of and interest on the bonds issued by the agency or for such other corporate purposes of the agency as this act authorizes.

(b) The agency may establish such additional and further funds as may be, in its discretion, necessary and desirable to accomplish any agency purpose or to comply with the provisions of any agreement made by the agency or any resolution approved by the agency. The resolution establishing such a fund shall specify the source of moneys from which it shall be funded and the purposes for which moneys held in the fund shall be disbursed.

9. Section 23 of the act of which this act is amendatory is amended to read as follows:

C. 55:14J-23 State pledges not to limit agency powers to fulfill terms of bond agreements.

23. The State of New Jersey does hereby pledge to and covenant and agree with the holders of any bonds, bond anticipation notes or other obligations issued pursuant to the authority of this act that the State will not limit or alter the rights or powers hereby vested in the agency to perform and fulfill the terms of any agreement made with the holders of such bonds, bond anticipation notes or other obligations, or in any way impair the rights or remedies of such holders until such bond, bond anticipation notes and other obligations, together with interest thereon, with interest on any unpaid installments of interest, and all costs and expenses in connection with any action or proceedings by or in

behalf of such holders, are fully met and discharged or provided for. The agency may include this pledge and agreement of the State in any agreement with the holders of bonds, bond anticipation notes and other obligations issued by the agency.

10. Section 29 of the act of which this act is amendatory is amended to read as follows:

C. 55:14J-29 State Treasurer authorized to receive moneys.

29. The State Treasurer is hereby authorized to receive from any department or agency of the United States for the purposes of this act amounts of money, if any, as and when appropriated, allocated, granted, turned over or in anywise provided by it. Said amounts of moneys shall be credited and made available to the agency.

11. Section 34 of the act of which this act is amendatory is amended to read as follows:

C. 55:14J-34 Additional powers.

34. In order to carry out the purposes and provisions of this act, the agency, in addition to any powers granted to it elsewhere in this act, shall have the following powers:

(a) To adopt by-laws for the regulation of its affairs and the conduct of its business; to adopt an official seal and alter the same at pleasure; to maintain an office at such place or places within this State as it may designate; to sue and be sued in its own name;

(b) To conduct examinations and hearings and to hear testimony and take proof, under oath or affirmation, at public or private hearings, on any matter material for its information and necessary to carry out the provisions of this act;

(c) To issue subpoenas requiring the attendance of witnesses and the production of books and papers pertinent to any hearing before such agency, or before one or more of the members of the agency appointed by it to conduct such hearing;

(d) To apply to any court, having territorial jurisdiction of the offense, to have punished for contempt any witness who refuses to obey a subpoena, or who refuses to be sworn or affirmed to testify, or who is guilty of any contempt after summons to appear;

(e) To acquire by purchase, gift, foreclosure or condemnation any real or personal property, or any interest therein, to enter into any lease of property and to hold, sell, assign, lease, encumber, mortgage or otherwise dispose of any real or personal property,

or any interest therein, or mortgage lien interest owned by it or under its control, custody or in its possession and release or relinquish any right, title, claim, lien, interest, easement or demand however acquired, including any equity or right of redemption, in property foreclosed by it and to do any of the foregoing by public or private sale, with or without public bidding, notwithstanding the provisions of any other law;

(f) To adopt such rules and regulations as shall be expressly authorized by this act and such additional rules and regulations as shall be necessary or desirable to carry out the purposes of this act; it shall publish the same and file them with the Secretary of State;

(g) To borrow money or secure credit on a temporary, short-term, interim or on a long-term basis, and to issue negotiable bonds, bond anticipation notes or other obligations and to provide for the rights of the holders thereof;

(h) To make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this act, including contracts or agreements with qualified financial institutions for the servicing and processing of mortgage loans pursuant to this act;

(i) To appoint an executive director and such additional officers, who need not be members of the agency as the agency deems advisable, and to employ consulting architects, engineers, attorneys, accountants, construction and financial experts and such other employees and agents as may be necessary in its judgment; to fix their compensation; and to promote and discharge such officers, employees and agents, all without regard to the provisions of Title 11 of the Revised Statutes, Civil Service;

(j) To receive and accept aid or contributions from any source, of money, property, labor or other things of value, to be held, used and applied to carry out the purposes of this act subject to such conditions upon which such grants and contributions may be made, including, but not limited to, gifts or grants from any department or agency of the United States or this State for payment of rent supplements to eligible families or for the payment in whole or in part of the interest expense for a housing project or for any other purpose consistent with this act.

(k) To enter into agreements to pay annual sums in lieu of taxes to any political subdivision of the State with respect to any real property owned or operated directly by the agency;

(l) To procure insurance against any loss in connection with its property and other assets (including mortgages and mortgage

loans) in such amounts and from such insurers as it deems desirable;

(m) To the extent permitted under its contract with the holders of bonds, bond anticipation notes and other obligations of the agency, to consent to any modification with respect to rate of interest, time and payment of any installment of principal or interest, security or any other term of any mortgage, mortgage loan, mortgage loan commitment, contract or agreement of any kind to which the agency is a party;

(n) To the extent permitted under its contract with the holders of bonds, bond anticipation notes and other obligations, to enter into contracts with any qualified housing sponsor containing provisions enabling the said qualified housing sponsor to reduce the rental or carrying charges to persons unable to pay the regular schedule of charges where by reason of other income or payment from the agency, any department or agency of the United States or this State, such reductions can be made without jeopardizing the economic stability of the housing project;

(o) To make and collect such fees and charges, including but not limited to payment for all costs of financing by the agency, service charges, mortgage insurance premiums, reserves against losses and reimbursement for advances made to the agency, as it shall determine is reasonable to enable the agency, to the extent feasible, to be self-sustaining;

(p) To invest and reinvest any moneys of the agency not required for immediate use or disbursement, at its discretion in certificates of deposit, secured by obligations of this State or the United States and to invest and reinvest any moneys held in the Housing Finance Fund, reserve funds or sinking funds in obligations of this State or the United States or in obligations the principal of and interest on which are guaranteed by this State or the United States;

(q) To provide, contract or arrange for, where by reason of the financing arrangement review of the application and proposed construction of a project is required by or in behalf of any department or agency of the United States, consolidated processing of any such application or supervision to avoid duplication thereof by either undertaking the processing in whole or in part for any such department or agency or, in the alternative, delegating the processing in whole or in part to any such department or agency;

(r) To make mortgage loans and to participate with any department or agency of the United States, this State, a municipality,

or any banking institution, foundation, labor union, insurance company, trustee or fiduciary in a loan to a qualified housing sponsor secured by a single participating mortgage or by separate mortgages, the interest of each having equal priority as to lien in proportion to the amount of the loan so secured, but need not be equal as to interest rate, time or rate of amortization or otherwise and to undertake commitments to make such loans;

(s) To sell, at public or private sale, with or without bidding, any mortgage or other obligation securing a mortgage loan made by the agency;

(t) To make commitments to purchase, and to purchase, service and sell, mortgages insured by any department or agency of the United States, and to make loans directly upon the security of any such mortgage;

(u) To provide qualified housing sponsors with such advisory consultation, training and educational services as will assist them to plan, construct, rehabilitate and operate housing projects for moderate income families, including but not limited to assistance in community development and organization, home management and advisory services for the residents of the housing projects, and to encourage community organizations to assist in developing such projects;

(v) To encourage research in, and demonstration projects to develop new and better techniques and methods for increasing the supply of housing for moderate income families and to engage in such research and demonstration projects and to receive and accept contributions, grants or aid, from any source, public or private, including but not limited to the United States and this State, for carrying out this purpose; and

(w) To do all acts and things necessary or convenient to carry out the powers expressly granted in this act.

12. This act shall take effect immediately.

Approved December 12, 1967.

CHAPTER 248

AN ACT concerning municipal courts and amending section 2A:8-6 of the New Jersey Statutes.

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

1. Section 2A:8-6 of the New Jersey Statutes is amended to read as follows:

Additional magistrates.

2A:8-6. In every municipality having in 1948 or thereafter a population of more than 200,000, the governing body of such municipality may provide for the appointment, as the need may appear, of not more than 5 additional magistrates of a municipal court of such municipality; and the governing body of every municipality having a population between 75,000 and 85,000, located in a county of the first class may provide for the appointment of one additional magistrate of the municipal court of such municipality.

2. This act shall take effect immediately.

Approved December 13, 1967.

CHAPTER 249

AN ACT concerning education, and supplementing chapter 14 of Title 18 of the Revised Statutes.

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

C. 18:14-3.1 Acceptance of transferees initially underage.

1. No board of education shall be required to accept by transfer from public or private school any child who was not eligible by reason of age for admission on October 1 of that school year, but the board may in its discretion admit such child if he or she meets such entrance requirements as may be established by rules or regulations of the board.

2. This act shall take effect immediately.

Approved December 18, 1967.

CHAPTER 250

AN ACT concerning the police and firemen's retirement system for the police and firemen of a municipality, county or political subdivision thereof, revising parts of the statutory law, amending and supplementing P. L. 1944, chapter 255, amending P. L. 1964, chapter 241, and repealing section 12 of P. L. 1944, chapter 255, sections 5 and 6 of P. L. 1953, chapter 266, section 2 of P. L. 1960, chapter 109 and section 3 of P. L. 1961, chapter 12.

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

1. Section 1 of chapter 255 of the laws of 1944 is amended to read as follows:

C. 43:16A-1 Definitions.

1. The following words and phrases as used in this act unless a different meaning is plainly required by the context shall have the following meanings:

(1) "Retirement system" shall mean the Police and Firemen's Retirement System of New Jersey as defined in section 2 of this act.

(2) "Policeman or fireman" shall mean any permanent and full-time active uniformed employee, and any active permanent and full-time employee who is a detective, lineman, fire alarm operator or inspector of combustibles, of any police or fire department of a municipality or a fire department of a fire district located in a township or a county police department.

(3) "Member" shall mean any policeman or fireman included in the membership of the retirement system as provided in section 3 of this act.

(4) "Board of trustees" or "board" shall mean the board provided for in section 13 of this act.

(5) "Medical board" shall mean the board of physicians provided for in section 13 of this act.

(6) "Employer" shall mean the county, municipality or political subdivision thereof which pays the particular policeman or fireman.

(7) "Service" shall mean service as a policeman or fireman or county policeman paid for by an employer.

(8) "Creditable service" shall mean service rendered for which credit is allowed as provided under section 4 of this act.

(9) "Regular interest" shall mean interest as determined from time to time by the board of trustees with the advice of the actuary under the provisions of section 13, subsection 15, of this act.

(10) "Aggregate contributions" shall mean the sum of all the amounts, deducted from the compensation of a member or contributed by him or on his behalf, standing to the credit of his individual account in the annuity savings fund.

(11) "Annuity" shall mean payments for life derived from the aggregate contributions of a member.

(12) "Pension" shall mean payments for life derived from contributions by the employer.

(13) "Retirement allowance" shall mean the pension plus the annuity.

(14) "Earnable compensation" shall mean the full rate of the salary that would be payable to an employee if he worked the full normal working time for his position. In cases where salary includes maintenance, the retirement system shall fix the value of that part of the salary not paid in money which shall be considered under this act.

(15) "Average final compensation" shall mean the average annual salary upon which contributions are made for the 5 years of creditable service immediately preceding his retirement, or it shall mean the average annual salary for which contributions are made during any 5 fiscal years of his or her membership providing the largest possible benefit to the member or his beneficiary.

(16) "Retirement" shall mean withdrawal from active service with a retirement allowance granted under the provisions of this act.

(17) "Annuity reserve" shall mean the present value of all payments to be made on account of any annuity or benefit in lieu of any annuity computed upon the basis of such mortality tables recommended by the actuary as shall be adopted by the board of trustees, and regular interest.

(18) "Pension reserve" shall mean the present value of all payments to be made on account of any pension or benefit in lieu of any pension computed upon the basis of such mortality tables recommended by the actuary as shall be adopted by the board of trustees, and regular interest.

(19) "Actuarial equivalent" shall mean a benefit of equal value when computed upon the basis of such mortality tables recommended by the actuary as shall be adopted by the board of trustees, and regular interest.

(20) "Beneficiary" shall mean any person receiving a retirement allowance or other benefit as provided by this act.

(21) "Child" shall mean a deceased member's unmarried child either (a) under the age of 18 or (b) of any age who, at the time of the member's death, is disabled because of mental retardation or physical incapacity, is unable to do any substantial, gainful work because of the impairment and his impairment has lasted or can be expected to last for a continuous period of not less than 12 months, as affirmed by the medical board.

(22) "Dependent parent" shall mean the parent of a member who was receiving at least $\frac{1}{2}$ of his support from the member in the 12-month period immediately preceding the member's death. The dependency of such a parent will be considered terminated by marriage of the parent subsequent to the death of the member.

(23) "Dependent widower" shall mean the man to whom a member was married at least 5 years before the date of her death and to whom she continued to be married until the date of her death and who was receiving at least $\frac{1}{2}$ of his support from the member in the 12-month period immediately preceding the member's death. The dependency of such a widower will be considered terminated by marriage of the widower subsequent to the death of the member. In the event of the payment of an accidental death benefit, the 5-year qualification shall be waived.

(24) "Widow" shall mean the woman to whom a member was married at least 5 years before the date of his death and to whom he continued to be married until the date of his death and who has not remarried subsequent to the member's death. In the event of the payment of an accidental death benefit, the 5-year qualification shall be waived.

2. Section 2 of chapter 255 of the laws of 1944 is amended to read as follows:

C. 43:16A-2 Retirement system established.

2. A retirement system is hereby established in the Division of Pensions of the Department of the Treasury for the purpose of providing retirement allowances and other benefits for policemen and firemen under the provisions of this act. It shall have the powers and privileges of a corporation and shall be known as "The Police and Firemen's Retirement System of New Jersey" and by such name all of its business shall be transacted, all of its funds invested, and all of its cash and securities and property held in trust for the purpose for which received.

3. Section 3 of chapter 255 of the laws of 1944 is amended to read as follows:

C. 43:16A-3 Membership; termination; return of contributions.

3. (1) After the date of the establishment of this retirement system, any person becoming a full-time policeman or fireman in a county or municipality or fire district located in a township where, prior to the date this act takes effect, a pension under chapter 16 of Title 43 or article 4 of chapter 10 of Title 43 of the Revised Statutes for policemen or firemen has been established, shall become a member of this retirement system as a condition of his employment; he will be enrolled provided, that his age at becoming such full-time policeman or fireman is not over 30 years or if such person shall have met the requirements at the announced closing date of a civil service examination for such position and was appointed during the existence of the civil service list promulgated as a result of such examination; and further provided, that he shall furnish such evidence of good health at the time of becoming a member as the retirement system shall require.

(2) After the date upon which this act becomes effective in any county, municipality or political subdivision thereof, pursuant to a referendum as hereinafter provided (a) any person becoming a full-time policeman or fireman in any such county, municipality or political subdivision shall become a member of this retirement system as a condition of his employment; he will be enrolled provided, that his age at becoming such full-time policeman or fireman is not over 30 years; and provided further, that he shall furnish such evidence of good health at the time of becoming a member as the retirement system shall require; and (b) any person in service as a full-time policeman or fireman in any such county, municipality or political subdivision on the date this act becomes effective therein who, within the time and in the manner permitted by this act, elects to become a member of this retirement system, shall become such member.

(3) Should any member withdraw his aggregate contributions, or become a beneficiary or die, or if more than 2 years have elapsed from the date of his last contributions to the system, he shall thereupon cease to be a member.

(4) Should any member resign or be dismissed from the police or fire service of the employing agency and not make application for the return of his aggregate contributions, the retirement system shall upon receiving conclusive advice of such separation, terminate the membership. The employees contributions from

memberships so terminated shall be held by the retirement system and returned to the employee without interest when application for such return is made.

4. Section 4 of chapter 255 of the laws of 1944 is amended to read as follows:

C. 43:16A-4 Creditable service.

4. Only service as a policeman or fireman paid for by an employer, which was rendered by a member since he became a member, or, since he last became a member in case of a break in service, plus service, if any, covered by a prior service liability, shall be considered as creditable service for the purposes of this act, except that temporary service as a policeman or fireman may also be considered as creditable service if it results, without interruption, in a valid permanent or probational appointment as a policeman or fireman and the member agrees during his first year of membership in the retirement system, to make contributions covering such temporary service on the basis of rates established by the actuary.

5. Section 5 of chapter 255 of the laws of 1944 is amended to read as follows:

C. 43:16A-5 Members 55 years old completing 25 years of service; members 65 years old; allowance; death benefits.

5. (1) Any member in service who has attained age 55 years may retire on a service retirement allowance upon written and duly executed application to the retirement system, setting forth at what time, not less than 30 days subsequent to the filing thereof, he desires to be retired. Any member in service who attains age 65 years shall be retired on a service retirement allowance forthwith or on the first day of the next calendar month.

(2) Upon retirement for service a member shall receive a service retirement allowance which shall consist of:

(a) An annuity which shall be the actuarial equivalent of his aggregate contributions at the time of retirement and

(b) A pension in the amount which when added to the member's annuity will provide a total retirement allowance of $\frac{1}{60}$ of his average final compensation multiplied by the number of years of his creditable service, or 2% of his average final compensation multiplied by the number of years of his creditable service up to 25 plus 1% of his average final compensation multiplied by the number of years of creditable service over 25, whichever is greater.

(3) Upon the receipt of proper proofs of the death of a member who has retired on a service retirement allowance, there shall be

paid to his beneficiary an amount equal to $\frac{1}{4}$ of the compensation upon which contributions by the member to the annuity savings fund were based in the last year of creditable service.

6. Section 6 of chapter 255 of the laws of 1944 is amended to read as follows:

C. 43:16A-6 Members who have had 5 years of service; allowance; death benefits.

6. (1) Upon the written application by a member in service, by one acting in his behalf or by his employer, any member, under 55 years of age, who has had 5 or more years of creditable service may be retired, not less than 30 days next following the date of filing such application, on an ordinary disability retirement allowance; provided, that the medical board, after a medical examination of such member, shall certify that such member is mentally or physically incapacitated for the performance of his usual duty and of any other available duty in the department which his employer is willing to assign to him and that such incapacity is likely to be permanent and to such an extent that he should be retired.

(2) Upon retirement for ordinary disability, a member shall receive an ordinary disability retirement allowance which shall consist of:

(a) An annuity which shall be the actuarial equivalent of his aggregate contributions at the time of retirement and

(b) A pension in the amount which when added to the member's annuity will provide a total retirement allowance of $1\frac{1}{2}\%$ of average final compensation multiplied by his number of years of creditable service but in no event shall the total allowance be less than 40% of the member's average final compensation.

(3) Upon the receipt of proper proofs of the death of a member who has retired on an ordinary disability retirement allowance, there shall be paid to such member's beneficiary, an amount equal to $3\frac{1}{2}$ times the compensation upon which contributions by the member to the annuity savings fund were based in the last year of creditable service if such death occurs before the member shall have reached 55 years of age but if such death occurs thereafter, an amount equal to $\frac{1}{4}$ of such compensation instead of $3\frac{1}{2}$ times such compensation.

7. Section 7 of chapter 255 of the laws of 1944 is amended to read as follows:

C. 43:16A-7 Retirement for accidental disability; allowance; death benefits.

7. (1) Upon the written application by a member, by one acting in his behalf or by his employer any member may be retired, not

less than 30 days next following the date of filing such application, on an accidental disability retirement allowance; provided, that the medical board, after a medical examination of such member, shall certify that the member is permanently and totally disabled as a direct result of a traumatic event occurring during and as a result of the performance of his regular or assigned duties and that such disability was not the result of the member's willful negligence and that such member is mentally or physically incapacitated for the performance of his usual duty and of any other available duty in the department which his employer is willing to assign to him. The application to accomplish such retirement must be filed within 5 years of the original traumatic event, but the board of trustees may consider an application filed after the 5-year period if it can be factually demonstrated to the satisfaction of the board of trustees that the disability is due to the accident and the filing was not accomplished within the 5-year period due to a delayed manifestation of the disability or other circumstances beyond the control of the member.

(2) Upon retirement for accidental disability, a member shall receive an accidental disability retirement allowance which shall consist of:

(a) An annuity which shall be the actuarial equivalent of the member's aggregate contributions at retirement and

(b) A pension, in addition to the annuity, equal to $\frac{2}{3}$ of the member's actual annual compensation for which contributions were being made at the time of the occurrence of the accident.

(3) Upon the receipt of proper proofs of the death of a member who has retired on accidental disability retirement allowance, there shall be paid to such member's beneficiary, an amount equal to $3\frac{1}{2}$ times the compensation upon which contributions by the member to the annuity savings fund were based in the last year of creditable service if such death occurs before the member shall have reached 55 years of age but if such death occurs thereafter, an amount equal to $\frac{1}{4}$ of such compensation instead of $3\frac{1}{2}$ times such compensation.

(4) Permanent and total disability resulting from a cardiovascular, pulmonary or musculo-skeletal condition which was not a direct result of a traumatic event occurring in the performance of duty shall be deemed an ordinary disability.

8. Section 8 of chapter 255 of the laws of 1944 is amended to read as follows:

C. 43:16A-8 Medical examination; rehabilitation requirement; report; beneficiaries restored to active service.

8. (1) Upon the receipt by the retirement system of a written application for a disability retirement allowance, the system shall refer the application to the medical board, which shall designate a physician or physicians to examine the applicant and the report of the medical board shall be considered by the board of trustees in acting upon such application.

(2) Except for circumstances beyond his control, every disability beneficiary, who is under the age of 55 years, will be required to report for rehabilitation at the nearest office of the New Jersey Rehabilitation Commission within 90 days following the effective date of his disability benefit. If the beneficiary fails to report within the 90 days, or within such further time as may be allowed by the board of trustees for valid reason, as the case may be, the pension shall be discontinued during such default.

A report of the findings of the rehabilitation commission shall be filed with the retirement system. If the report indicates that the person could be rehabilitated to perform either his former duty or comparable duty, it shall be his responsibility to follow such course of rehabilitation until the rehabilitation commission finds that he can be restored to active service. If the beneficiary refuses the prescribed treatment of rehabilitation, such refusal shall be stipulated in writing to the retirement system, citing the reasons for his refusal. In the absence of valid reason or such stipulation, as the case may be, the board of trustees shall find him in default and his pension shall be discontinued during such default.

If a disability beneficiary has completed a course of rehabilitation prescribed by the rehabilitation commission, he shall undergo a medical examination by a physician or physicians designated by the system. If the report of the medical board shall show that such beneficiary is able to perform his former duty, the beneficiary shall report for duty. If the beneficiary fails to return to duty within 10 days after being ordered so to do, or within such further time as may be allowed by the board of trustees for valid reason, as the case may be, the pension shall be discontinued during such default. If the beneficiary reports for duty in a timely manner, his employer shall be obligated to provide him with a position, in which he is to perform his former duty, at that time or at the earliest possible time in which his employer can provide such position or employment; such a beneficiary shall not suffer any loss of benefits while he awaits his restoration to active service. The head of any employer who knowingly and willfully violates his obligation to re-

store such disability beneficiary to active service shall be guilty of a misdemeanor as pursued by the office of the Attorney General before a court of proper jurisdiction.

If a disability beneficiary has completed a course of rehabilitation prescribed by the rehabilitation commission and the report of the medical board shall show that such beneficiary is not able to perform his former duty but can perform other comparable duty which his former employer is willing to assign to him, the beneficiary shall report for duty. If the beneficiary fails to return to duty within 10 days after being ordered so to do, or within such further time as may be allowed by the board of trustees for valid reason, as the case may be, the pension shall be discontinued during such default. If the beneficiary reports for duty in a timely manner, he may, in the discretion of the head of the employer, be restored to active service; such a beneficiary shall not suffer any loss of benefits while he awaits his restoration to active service.

If a disability beneficiary is not restored to active service, he shall nevertheless be subject to the provisions of subsection (3) of this section. If a disability beneficiary is restored to active service, he shall be subject to the provisions of subsection (4) of this section.

(3) Any beneficiary under the age of 55 years who has been retired on a disability retirement allowance under this act, on his request or upon the request of the retirement system shall be given a medical examination and he shall submit to an examination by a physician or physicians designated by the medical board, once a year for at least a period of 10 years following his retirement in order to determine whether or not the disability which existed at the time he was retired has vanished or has materially diminished. If the report of the medical board shall show that such beneficiary is able to perform either his former duty or any other available duty in the department which his employer is willing to assign to him, the beneficiary shall report for duty; such a beneficiary shall not suffer any loss of benefits while he awaits his restoration to active service. If the beneficiary fails to submit to any such medical examination or fails to return to duty within 10 days after being ordered so to do, or within such further time as may be allowed by the board of trustees for valid reason, as the case may be, the pension shall be discontinued during such default.

If such beneficiary is engaged in an occupation paying more than the difference between his retirement allowance and the salary now attributable to his former position in the police or

fire department, the amount of his pension shall be reduced to an amount which, together with his annuity and the amount of his earnings, shall equal the amount of the salary now attributable to his former position in the police or fire department. Should his earnings be later changed the amount of his pension shall be further modified; provided, that the new pension shall not exceed the amount of the pension originally granted.

(4) If a disability beneficiary is restored to active service, his pension, and the right to any death benefit as a result of his former membership, shall be suspended until he again retires.

Such person shall be re-enrolled in the retirement system and shall contribute thereto at a rate based on his age at the time of his prior enrollment. Such person shall be treated as an active member for determining disability or death benefits while in service.

Upon subsequent retirement of such member, he shall receive a retirement allowance based on all his service as a member since his last return to membership, and in addition he shall receive a retirement allowance equal to the retirement allowance on which he was retired at the time of his last retirement, but the total retirement allowance upon subsequent retirement shall not be a greater proportion of his average final compensation than the proportion to which he would have been entitled had he remained in service during the period of his prior retirement. Any death benefit to which such member shall be eligible shall be based on his latest retirement.

9. Section 9 of chapter 255 of the laws of 1944 is amended to read as follows:

C. 43:16A-9 Death in service; allowance to beneficiaries; active membership required.

9. (1) Upon the receipt of proper proof of the death of a member in service on account of which no accidental death benefit is payable under section 10 there shall be paid to such member's beneficiary:

(a) The member's aggregate contributions at the time of death and

(b) An amount equal to $3\frac{1}{2}$ times the compensation upon which contributions by the member to the annuity savings fund were based in the last year of creditable service.

(2) a. For the purposes of this section and section 10, a member shall be deemed to be an active member for a period of no more than 93 days while on official leave of absence without pay when such leave is due to any reason other than illness, and for a period

of no more than 2 years if satisfactory evidence is presented to the retirement system that such leave of absence without pay is due to illness.

b. Except in the case of members who have elected to receive (1) a deferred retirement allowance pursuant to section 17 of chapter 241 of the public laws of 1964, as amended, or (2) an early retirement allowance pursuant to section 16 of chapter 241 of the public laws of 1964, as amended, after separation from service pursuant to the aforesaid section 17, if a member dies within 30 days after the date of retirement or the date of board approval, whichever is later, a death benefit shall be payable only if he is deemed to be an active member in accordance with subpart a of this subsection; provided, however, a member applying for disability benefits shall be deemed an active member if he was covered by the death benefit provisions of the act at the termination of employment, filed the application for disability retirement with the retirement system within 30 days following such termination of employment and dies within 30 days after the date of retirement or the date of board approval, whichever is later.

10. Section 10 of chapter 255 of the laws of 1944 is amended to read as follows:

C. 43:16A-10 Accidental death benefits; pension benefits to widow and children.

10. (1) Upon the death of a member in active service as a result of an accident met in the actual performance of duty at some definite time and place, and such death was not the result of the member's willful negligence, an accidental death benefit shall be payable if a report of the accident is filed in the office of the retirement system within 60 days next following the accident, but the board of trustees may waive such time limit, for a reasonable period, if in the judgment of the board the circumstances warrant such action. No such application shall be valid or acted upon unless it is filed in the office of the retirement system within 5 years of the date of such death.

(2) Upon the receipt of proper proofs of the death of a member on account of which an accidental death benefit is payable, there shall be paid to his widow or dependent widower a pension of 50% of the compensation, upon which contributions by the member to the annuity savings fund were based in the last year of creditable service, for the use of herself or himself and the children of the deceased member, to continue during her or his widowhood; if there is no surviving widow or dependent widower or in case the widow or dependent widower dies or remarries, 20% of such compensation

will be payable to one surviving child, 35% of such compensation to 2 surviving children in equal shares and if there be 3 or more children, 50% of such compensation will be payable to such children in equal shares.

If there is no surviving widow, dependent widower or child, 25% of the compensation upon which contributions by the member to the annuity savings fund were based in the last year of creditable service, will be payable to one surviving dependent parent or 40% of such compensation will be payable to 2 surviving parents in equal shares.

In the event of accidental death occurring in the first year of creditable service, the benefits, payable pursuant to this subsection, shall be computed at the annual rate of compensation.

(3) If there is no surviving widow, dependent widower, child or dependent parent, there shall be paid to any other beneficiary of the deceased member, his aggregate contributions at the time of death.

(4) In no case shall the death benefit provided in subsection 2 be less than that provided under subsection 3.

(5) In addition to the foregoing benefits payable under subsection 2 or 3, there shall also be paid in one sum to such beneficiary, if living, as the member shall have nominated by written designation duly executed and filed with the retirement system, otherwise to the executor or administrator of the member's estate, an amount equal to $3\frac{1}{2}$ times the compensation upon which contributions by the member to the annuity savings fund were based in the last year of creditable service.

11. Section 11 of chapter 255 of the laws of 1944 is amended to read as follows:

C. 43:16A-11 Members ceasing to be firemen or policemen otherwise than by death or retirement; payment limitations.

11. If a member should cease to be a fireman or policeman, except by death or retirement as provided in this act, he shall be paid the amount of his aggregate contributions less any outstanding loan upon the filing of a written application as required by the retirement system. No member shall be entitled to withdraw the amounts contributed by his employer covering his military leave unless he shall have returned to the payroll and contributed to the retirement system for a period of 90 days.

If such person or any member shall die before withdrawing his aggregate contributions, such deductions shall be paid to the member's beneficiary.

12. Section 13 of chapter 255 of the laws of 1944 is amended to read as follows:

C. 43:16A-13 Board of trustees; members, appointment or election, oath, vacancies, compensation, duties, public records, legal advisor; medical board; actuary; interest rate; attendance at meetings.

13. (1) Subject to the provisions of chapter 70 of the laws of 1955, the general responsibility for the proper operation of the retirement system and for making effective the provisions of this act are hereby vested in a board of trustees.

(2) The board shall consist of 9 trustees as follows:

(a) Four members to be appointed by the Governor, who shall serve at the pleasure of the Governor and until their successors are appointed and who shall be private citizens of the State of New Jersey who are neither an officer thereof nor a member of any police or fire department thereof.

(b) The State Treasurer, ex officio.

(c) Two policemen and 2 firemen who shall be members of the system and who shall be elected by the members of the system for a term of 4 years according to such rules and regulations as the board of trustees shall adopt to govern such election; provided, however, that the elections conducted for the terms commencing July 1, 1964 shall provide for the election of 2 firemen representatives, the candidate receiving the highest number of votes to be elected for a 4-year term and the candidate receiving the next highest number of votes to be elected for a 2-year term, and provided further, the elections conducted for the terms commencing July 1, 1966 shall provide for the election of 2 policemen representatives, the candidate receiving the highest number of votes to be elected for a 4-year term and the candidate receiving the next highest number of votes to be elected for a 2-year term. At each election thereafter, one policeman representative and one fireman representative shall be elected for a 4-year term.

(3) Each trustee shall, after his appointment or election, take an oath of office that, so far as it devolves upon him he will diligently and honestly administer the affairs of the said board, and that he will not knowingly violate or willingly permit to be violated any of the provisions of the law applicable to the retirement system. Such oath shall be subscribed by the member making it, and certified by the officer before whom it is taken, and immediately filed in the office of the Secretary of State.

(4) If a vacancy occurs in the office of a trustee, the vacancy shall be filled for the unexpired term in the same manner as the office was previously filled.

(5) The trustees shall serve without compensation, but they shall be reimbursed for all necessary expenses that they may incur through service on the board.

(6) Each trustee shall be entitled to one vote in the board. Five trustees must be present at any meeting of said board for the transaction of its business.

(7) Subject to the limitations of this act, the board of trustees shall, from time to time, establish rules and regulations for the administration of the funds created by this act and for the transaction of its business.

(8) The board of trustees shall elect from its membership a chairman. The Chief of the Bureau of Police and Fire Funds of the Division of Pensions of the State Department of the Treasury shall be the Secretary of the Board. The administration of the program shall be performed by the personnel of the Division of Pensions.

(9) The board of trustees shall keep a record of all of its proceedings which shall be open to public inspection. It shall publish annually a report showing the fiscal transactions of the retirement system for the preceding year, the amount of the accumulated cash and securities of the system, and the last balance sheet showing the financial condition of the system by means of an actuarial valuation of the assets and liabilities of the retirement system.

(10) The Attorney General of the State of New Jersey shall be the legal advisor of the board of trustees.

(11) The board of trustees shall designate a medical board to be composed of 3 physicians as the board shall designate who are not eligible to participate in the retirement system. If required, other physicians may be employed to report on special cases. The medical board shall pass upon all medical examinations required under the provisions of this act, shall investigate all essential statements and certificates by or on behalf of a member in connection with an application for disability retirement, and shall report in writing to the board of trustees its conclusions and recommendations upon all matters referred to it.

(12) The board of trustees shall designate an actuary who shall be the technical advisor of the board of trustees on matters regarding the operation of the funds created by the provisions of this act, and shall perform such other duties as are required in connection therewith.

(13) The actuary shall prepare and submit to the board of trustees the mortality and service tables which he recommends to

the board for adoption and the board shall adopt for the retirement system such mortality and service tables as shall be deemed necessary, and shall certify the rates of contributions payable under the provisions of this act. At least once in each 5-year period following the establishment of the system, the actuary shall make an actuarial investigation into the mortality, service and compensation experience of the members and beneficiaries of the retirement system, and, taking into account the result of such investigation, the board of trustees shall adopt for the retirement system such mortality, service and other tables as shall be deemed necessary and shall certify the rates of contribution payable under the provisions of this act.

(14) The board of trustees from time to time shall set the rate of regular interest at such per centum rate compounded annually as shall be determined by the board with the advice of the actuary to be equitable both to members and to the taxpayers of the State, such rate to be limited to a minimum of 2% and a maximum of 4%, with the rate of 3% applicable until changed by the board.

(15) On the basis of such tables recommended by the actuary as the board of trustees shall adopt and regular interest, the actuary shall make an annual valuation of the assets and liabilities of the funds of the system created by this act.

(16) The various funds created by this act shall be subject to the supervision of the Department of Banking and Insurance of the State of New Jersey.

(17) Each policeman or fireman member of the board of trustees shall be entitled to time off from his municipal or county duty, with pay, during the periods of his attendance upon regular or special meetings of the boards of trustees or its duly appointed committees, and such time off shall include reasonable travel time required in connection therewith.

13. Section 15 of chapter 255 of the laws of 1944 is amended to read as follows:

C. 43:16A-15 Contributions; administrative expenses.

15. (1) The contributions required for the support of the retirement system shall be made by members and their employers.

(2) Upon the basis of such tables recommended by the actuary as the board shall adopt and regular interest, the actuary of the retirement system shall determine for each age at entrance into the system the percentage of compensation of the member entering at such age, exclusive of the additional contribution prescribed by subsections (15) (3) (c), which, if deducted from each payment

of his prospective earnable compensation throughout active service, is computed to be sufficient to provide for all benefits on account of his membership.

(3) (a) The percentage contribution rate of each member, exclusive of the additional contribution prescribed by subsection (15) (3) (c), shall be fixed according to his age at entrance into membership and shall be $\frac{1}{2}$ of the total percentage contribution rate calculated for such age to be required to provide all benefits except the pensions upon accidental disability and the benefits payable upon death.

(b) Notwithstanding the provisions of subsection (15) (3) (a), the percentage contribution rates for members of the retirement system exclusive of the additional contribution prescribed by subsection (15) (3) (c), shall be fixed at the contribution rates in effect as of July 1, 1967.

(c) Effective July 1, 1968, all proportions of compensation are increased by an additional 1% of compensation which is subject to deductions from the compensation of members or contributions made on their behalf by their employers in lieu of such deductions.

(4) Each employer shall make a contribution equal to that made by each member in its employ and in addition shall make a contribution equal to the percentage of the compensation of each such member certified by the retirement system to be required to provide the cost of accidental disability pensions and any death benefits on his account. Notwithstanding this provision, the retirement system shall certify an average and uniform rate for payments by all employers, which shall be set on the basis of the annual actuarial valuations to be sufficient to provide with previous contributions of employers all benefits for which employers are responsible.

(5) In addition each employer shall make such contribution, if any, as is certified by the retirement system to be required to provide for accrued liability arising out of all prior service granted to members chargeable to such employer.

(6) The percentage rates of contribution payable by future members and all employers shall be subject to adjustment from time to time by the board of trustees with the advice of the actuary on the basis of annual actuarial valuations and experience investigations as provided under section 13, so that the value of future contributions of members and employers, when taken with present assets, shall be equal to the value of prospective benefit payments.

(7) The retirement system shall certify to the chief fiscal officer of each employer the percentage of salary payable by each member

and by the employer in behalf of each member. The employer shall cause to be deducted from the salary of each member the percentage of earnable compensation of each member. In determining the amount earnable by a member in a payroll period, the retirement system may consider the rate of salary payable to such member on the first day of the payroll period as continuing throughout such payroll period, and to facilitate the making of deductions it may modify the deduction required of any member by such an amount as shall not exceed $\frac{1}{10}$ of 1% of the compensation upon the basis of which such deduction is to be made.

(8) The deductions provided for herein shall be made notwithstanding that the minimum salary provided for by law for any member shall be reduced thereby. Every member shall be deemed to consent and agree to the deductions made and provided for herein, and payment of salary or compensation less said deduction shall be a full and complete discharge and acquittance of all claims and demands whatsoever for the service rendered by such person during the period covered by such payment, except as to the benefits provided under this act. The chief fiscal officer of each employer shall certify to the retirement system in such manner as the retirement system may prescribe, the amounts deducted, and when deducted shall be paid into said annuity savings fund, and shall be credited to the individual account of the member from whose salary said deduction was made.

(9) (a) The amount payable each year by the employer based on the percentage rates certified by the retirement system, together with the amount, if any, payable each year by the employer on account of accrued liability arising out of prior service as certified by the retirement system, shall be included in the budget of the employer and levied and collected in the same manner as any other taxes are levied and collected for the payment of the salaries of members.

(b) In addition to the amounts indicated in subsection (15) (9) (a), the additional liabilities created by the provisions of this amendatory and supplementary act and those of chapter 241 of the laws of 1964 shall be computed by the actuary as a flat annual payment, which, if paid in each fiscal year next following the effective date of this act, for a period of 30 years, will provide for this liability.

(10) The treasurer or corresponding officer of the employer shall pay on or before December 27 in each year to the State Treasurer the amount so certified as payable by the employer for said year, and shall pay monthly to the State Treasurer the amount

of the deductions from the salary of the members in the employ of the employer, and the State Treasurer shall credit such amount to the appropriate fund or funds, of the retirement system.

If payment of the full amount of the employer's obligation is not made within 30 days of the due date established by this act, interest at the rate of 4% per annum shall commence to run against the unpaid balance thereof on the first day after such thirtieth day.

If payment in full, representing the transmittal and report of salary deductions, is not made within 15 days of the due date established by the retirement system, interest at the rate of 6% per annum shall commence to run against the total transmittal of salary deductions for the period on the first day after such fifteenth day.

(11) The expenses of administration of the retirement system shall be paid by the State of New Jersey. Each employer shall reimburse the State for a proportionate share of the amount paid by the State for administrative expense. This proportion shall be computed as the number of members under the jurisdiction of such employer bears to the total number of members in the system. The pro rata share of the cost of administrative expense shall be included with the certification by the retirement system of the employer's contribution to the system.

(12) Notwithstanding anything to the contrary, the retirement system shall not be liable for the payment of any pension or other benefits on account of the employees or beneficiaries of any employer participating in the retirement system, for which reserves have not been previously created from funds, contributed by such employer or its employees for such benefits.

14. Section 16 of chapter 255 of the laws of 1944 is amended to read as follows:

C. 43:16A-16 Establishment of funds.

16. (1) All the assets of the retirement system shall be credited according to the purpose for which they are held to one of 4 funds, namely, the annuity savings fund, the pension accumulation fund, the retirement reserve fund, and the special reserve fund.

(2) The annuity savings fund shall be a fund in which shall be accumulated contributions from the compensation of members to provide for their allowances. The aggregate contributions of a member withdrawn by him or paid to his estate or his designated beneficiary in event of his death as provided in this act shall be paid from the annuity savings fund. Upon the retirement or death of a member where the aggregate contributions of the member are to be provided in the form of an annuity, the aggregate

contributions of the member shall be transferred from the annuity savings fund to the retirement reserve fund.

(3) The pension accumulation fund shall be the fund in which shall be credited contributions made by employers. Upon the death of a member either before or after retirement any lump sum benefit payable in addition to the employee's contributions, shall be charged to the pension accumulation fund. Upon the retirement or death of a member the reserve of any pension payable to or on his account shall be transferred to the retirement reserve fund. All interest shall be credited to the pension accumulation fund and annually the retirement system shall transfer from the pension accumulation fund to the retirement reserve fund regular interest on the mean amount in the fund for the year. The retirement system shall also transfer annually from the pension accumulation fund to the special reserve fund, subject to the limitations of that special reserve fund, such portion of the interest earnings as shall be determined by the board of trustees. The board of trustees in its discretion, with the advice of the actuary, may transfer to and from the pension accumulation fund any surplus or deficit in the retirement reserve fund.

(4) The retirement reserve fund shall be the fund in which shall be held the reserves on all retirement allowances granted to members or their beneficiaries and from which all retirement allowances and benefits in lieu thereof shall be paid. Should a member who retired on account of disability be restored to active service his pension reserve shall be transferred from the retirement reserve fund to the pension accumulation fund and the excess of his aggregate contributions as they stood at retirement over the amount of annuity payments made shall be transferred to the annuity savings fund.

(5) The special reserve fund shall be the fund to which shall be credited all profits from the sale of securities and to which shall be transferred such portion of the interest earnings as shall be determined annually by the board of trustees. No additional amounts shall be credited to the special reserve fund at any time when the total accumulations in such fund equal 1% of the book value of the investments of the retirement system. In this event, any such excess shall be credited to the pension accumulation fund. All losses from the sale of securities shall be charged against the special reserve fund.

15. Section 16 of chapter 241 of the laws of 1964 is amended to read as follows:

C. 43:16A-11.1 Resignation before reaching service retirement age; settlement option.

16. Should a member resign after having established 25 years of creditable service before reaching age 55, he may elect to receive, in lieu of the payment provided in section 11, a retirement allowance which shall consist of:

(1) An annuity which shall be the actuarial equivalent of his aggregate contributions, and

(2) A pension in the amount, which when added to the member's annuity will provide a total retirement allowance of 2% of his average final compensation multiplied by the number of years of his creditable service up to 25 plus 1% of his average final compensation multiplied by the number of years of creditable service over 25; provided, however, that such retirement allowance shall be reduced in accordance with a table of actuarial equivalents recommended by the actuary and adopted by the board of trustees reflecting all months that the member lacks of being age 55.

Upon the receipt of proper proofs of the death of such a retired member, there shall be paid to his beneficiary an amount equal to $\frac{1}{4}$ of the compensation upon which contributions by the member to the annuity savings fund were based in the last year of creditable service.

16. Section 17 of chapter 241 of the laws of 1964 is amended to read as follows:

C. 43:16A-11.2 Separation from service before reaching service retirement age; settlement options.

17. Should a member, after having established 25 years of creditable service, be separated voluntarily or involuntarily from the service, before reaching age 55, and not by removal for cause or charges of misconduct or delinquency, such person may elect to receive the payments provided for in section 11 of chapter 255 of the laws of 1944 or section 16 of chapter 241 of the laws of 1964, or a deferred retirement allowance, beginning at age 55, which shall consist of:

(1) An annuity which shall be the actuarial equivalent of his aggregate contributions at the time of retirement and

(2) A pension in the amount which, when added to the member's annuity, will provide a total retirement allowance of 2% of his average final compensation multiplied by the number of years of his creditable service up to 25 plus 1% of his average final compensation multiplied by the number of years of creditable service over 25, provided that such election is communicated by such mem-

ber to the retirement system in writing stating at what time subsequent to the execution and filing thereof he desires to be retired; and provided further, that such member may later elect to receive payments provided under section 11 of chapter 255 of the laws of 1944 or section 16 of chapter 241 of the laws of 1964 if he had qualified under that section at the time of leaving service. If such member shall die before attaining age 55, his aggregate contributions shall be paid and, in addition if such member shall die after attaining age 55 and has not withdrawn his aggregate contributions, an amount equal to $\frac{1}{4}$ of the compensation upon which contributions by the member to the annuity savings fund were based in the last year of creditable service shall be paid to such member's beneficiaries.

17. Section 18 of chapter 241 of the laws of 1964 is amended to read as follows:

C. 43:16A-16.1 Borrowing privileges.

18. Any member who has at least 3 years of service to his credit for which he has contributed as a member may borrow from the retirement system, an amount equal to not more than 50% of the amount of his aggregate contributions, but not less than \$50.00; provided, that the amount so borrowed, together with interest thereon, can be repaid by additional deductions from salary, not in excess of 25% of the member's salary, made at the time the salary is paid to the member but not after the attainment of age 55. The amount so borrowed together with interest at the rate of 4% per annum on any unpaid balance thereof, shall be repaid to the retirement system in equal installments by deductions from the salary of the member at the time the salary is paid but such installments shall be at least equal to the members full rate of contribution to the retirement system and at least sufficient to repay the amount borrowed with interest thereon by the time the member attains age 55. Not more than 2 loans may be granted to any member in any calendar year. Notwithstanding any other law affecting the salary or compensation of any person or persons to whom this act applies or shall apply, the additional deductions required to repay the loan shall be made. Any unpaid balance of a loan at the time any benefit may become payable shall be deducted from the benefit otherwise payable.

Loans may be made to a member from his aggregate contributions. The interest earned on such loans shall be treated in the same manner as interest earned from investments of the retirement system.

18. Section 20 of chapter 241 of the laws of 1964 is amended to read as follows:

C. 43:16A-53 Purchase by State Treasurer of group life insurance to provide coverage for death benefits.

20. The State Treasurer is hereby authorized and permitted to purchase from one or more life insurance companies, as determined by him, a group life insurance coverage to provide for the death benefits specified in sections 5, 6, 7 (3), 9 and 10 (5) of chapter 255 of the laws of 1944 and sections 16 and 17 of chapter 241 of the laws of 1964. Such group life insurance coverage may be provided under one or more policies issued to the State Treasurer specifically for this purpose or, in the discretion of the State Treasurer, under one or more policies issued to the State Treasurer which provide group life insurance coverage for members of one or more other retirement systems of the State of New Jersey. Whenever such policy or policies of group insurance shall be in effect, the benefits payable thereunder shall be in lieu of the above mentioned death benefits provided by said sections. Any dividend or retrospective rate credit allowed by an insurance company shall be credited in an equitable manner to the special insurance funds from which premiums are paid.

19. Section 22 of chapter 241 of the laws of 1964 is amended to read as follows:

C. 43:16A-55 Purchase by State Treasurer of group insurance to provide coverage for death benefits.

22. The State Treasurer may, in his discretion, determine to purchase group insurance coverage for the death benefit provisions as provided in sections 5, 6, 7 (3), 9 and 10 (5) of chapter 255 of the laws of 1944 and sections 16 and 17 of chapter 241 of the laws of 1964, or may determine not to purchase any group insurance coverage for the death benefit provisions heretofore mentioned.

20. Section 23 of chapter 241 of the laws of 1964 is amended to read as follows:

C. 43:16A-56 Group insurance premium fund; employers' contributions.

23. In the event the State Treasurer shall determine to purchase group insurance coverage for the death benefits, premiums for the same shall be paid from a special fund, hereby created, called the "Group Insurance Premium Fund." The State Treasurer shall estimate annually the amount which will be required for premiums for such benefits for the ensuing fiscal year and shall certify such amounts to the participating employers as due and owing from

them. The participating employers shall pay over to the State Treasurer the amount for premiums so certified and the State Treasurer shall deposit these amounts in the Group Insurance Premium Fund. During the period such group insurance policy or policies are in effect with respect to members of the Police and Firemen's Retirement System of New Jersey the State Treasurer shall in no way commingle moneys in this fund with any pension fund established by chapter 255 of the laws of 1944.

21. Section 24 of chapter 241 of the laws of 1964 is amended to read as follows:

C. 43:16A-57 Disposition of reserves.

24. All reserves and moneys held by the insurance carrier under group life insurance contracts providing for employee contributions pursuant to the provisions of chapter 241 of the laws of 1964, and any amendments and supplements thereto, shall be transferred and merged with those purchased by the State Treasurer.

22. Section 25 of chapter 241 of the laws of 1964 is amended to read as follows:

C. 43:16A-58 Group policy conversion privileges; limitations.

25. Any such group policy or policies shall include, with respect to any insurance terminating or reducing because the member has ceased to be in service or has retired, the conversion privilege available upon termination of employment as prescribed by the law relating to group life insurance; and shall also include, with respect to insurance terminating because of termination of the group policy resulting from a termination of the death benefits for all members established under sections 5, 6, 7 (3), 9 and 10 (5) of chapter 255 of the laws of 1944, and sections 16 and 17 of chapter 241 of the laws of 1964, the conversion privilege available upon termination of the group policy as prescribed by such law. Any such group policy or policies shall also provide that if a member dies during the 31-day period during which he would be entitled to exercise the conversion privilege, the amount of insurance with respect to which he could have exercised the conversion privilege shall be paid as a claim under the group policy. When benefits payable upon the death of a member following retirement are determined as though the member had not retired, the death benefits payable under the group policy or policies, together with the amount of insurance paid under any individual policy obtained under the conversion privilege, shall in no event exceed the amount of insurance for which the member was insured under the group

policy or policies immediately prior to the date the right of conversion arose.

If any member who has exercised the conversion privilege under the group policy or policies again becomes a member of the Police and Firemen's Retirement System of New Jersey, and the individual policy obtained pursuant to the conversion privilege is still in force, he shall not again be eligible for any of the death benefits provided by sections 5, 6, 7 (3), 9 and 10 (5) of chapter 255 of the laws of 1944, and sections 16 and 17 of chapter 241 of the laws of 1964, unless he furnishes satisfactory evidence of insurability.

23. Section 26 of chapter 241 of the laws of 1964 is amended to read as follows:

C. 43:16A-59 Payment of benefits under group policies.

26. Benefits under such group policy or policies shall be paid by the insurance company to such person, if living, as the member shall have nominated by written designation duly executed and filed with the insurance company through the policyholder, otherwise to the executors or administrators of the member's estate. A member may file with the insurance company through the policyholder and alter from time to time during his lifetime, as desired, a duly attested written nomination of his payee for the death benefit.

24. Section 27 of chapter 241 of the laws of 1964 is amended to read as follows:

C. 43:16A-60 Settlement arrangements.

27. Any such group policy or policies shall provide that payment of any death benefits which are payable by the insurance company may be made in one sum directly to the beneficiary as hereinafter provided, in equal installments over a period of years or as a life annuity or in such other manner as may be made available by the insurance company. A member may make such arrangements for settlement, and may alter from time to time during his lifetime any arrangement previously made, by making written request to the insurance company through the policyholder. Upon the death of a member, a beneficiary to whom a benefit is payable in one sum by the insurance company may likewise arrange for a settlement as described above. If a member's or beneficiary's request for settlement of any death benefit in equal installments over a period of years or as a life annuity pursuant to the foregoing is approved by the policyholder, the amount of such installments or such life annuity, as the case may be, shall be determined on

the basis of such applicable mortality tables and rates of interest as shall have been adopted by the retirement system and are in effect at the member's death. Any arrangement for payment under the group policy to a beneficiary shall be in lieu of that provided by sections 5, 6, 7 (3), 9 and 10 (5) of chapter 255 of the laws of 1944, and sections 16 and 17 of chapter 241 of the laws of 1964.

C. 43:16A-11.3 Members of Police and Firemen's Retirement System; death benefit limitations; evidence of insurability; continuance of requirement.

25. a. Any person entitled to become a member of the Police and Firemen's Retirement System shall not be allowed any of the death benefits established by sections 5, 6, 7 (3), 9 and 10 (5) of chapter 255 of the laws of 1944, and sections 16 and 17 of chapter 241 of the laws of 1964, if he makes application for membership beyond the year after he first became eligible for membership, unless the member furnishes satisfactory evidence of insurability and on the effective date of his membership is actively at work and performing all his regular duties at his customary place of employment.

The effective date of coverage for such death benefits shall be the first day of the month which immediately follows the date when such evidence is determined to be satisfactory.

b. Such evidence of insurability will not be required of any person becoming a member of the Police and Firemen's Retirement System upon transfer from another State-administered retirement system, if such system provided death benefits of a similar nature and the transferring member was covered by such benefits just prior to the transfer. If such transferring member was not covered by such benefits just prior to the transfer, he may be allowed the death benefits of the Police and Firemen's Retirement System subject to the provisions of subsection a. of this section; provided, however, that such member must furnish satisfactory evidence of insurability under the provisions of subsection a. of this section if he had been unable to give such evidence as a member of the system from which he transferred.

c. Any person who must furnish satisfactory evidence of insurability under the provisions of this section and who ceases to be a member of the retirement system without such evidence having been given, shall continue to be subject to the same requirement if he subsequently becomes a member.

C. 43:16A-12.1 Death benefits; limitations.

26. a. Upon the death after retirement of any member of the retirement system there shall be paid to his widow or dependent widower a pension of 25% of average final compensation for the

use of herself or himself, to continue during her or his widowhood, plus 15% of such compensation payable to one surviving child or an additional 25% of such compensation to 2 or more children; if there is no surviving widow or dependent widower or in case the widow or dependent widower dies or remarries, 20% of average final compensation will be payable to one surviving child, 35% of such compensation to 2 surviving children in equal shares and if there be 3 or more children, 50% of such compensation would be payable to such children in equal shares.

b. The increased pension benefits payable under this act shall apply only to cases where such policeman or fireman retires on or after the effective date of this amendatory and supplementary act and shall not affect pensions paid or to be paid as a result of retirements occurring prior to said date.

c. As of the effective date of this amendatory and supplementary act, all widows' pensions previously granted pursuant to the provisions of section 10 of chapter 255 of the laws of 1944, as amended, and all such pensions previously granted, or to be granted where retirement for accidental disability occurred prior to said date, pursuant to the provisions of section 7 (3) of chapter 255 of the laws of 1944, as amended, will be subject to a maximum, annual, aggregate payment of \$1,600.00.

C. 43:16A-12.2 Pension, annuity or retirement allowance effective date; amount limitations; payment of unpaid benefits upon death of retirant.

27. A pension, an annuity or a retirement allowance granted under the provisions of this act shall be effective only on the first day of a month, shall be paid in equal monthly installments, and shall not be decreased, increased, revoked or repealed, except as otherwise provided in this act; provided, however, that at the time any benefit becomes payable any unpaid balance of a loan or arrearage outstanding shall be deducted from any benefit otherwise payable.

Upon the death of a retirant, any unpaid benefits due him shall be paid in one lump sum to such person, if living, as he shall have nominated by written designation duly executed and filed with the board of trustees, otherwise to the executor or administrator of the retirant's estate. No pension, annuity or retirement allowance shall be due to a retirant or beneficiary unless it constitutes a payment for an entire month.

C. 43:16A-12.3 Beneficiary or beneficiaries; designation, change of, absence of, settlement options for.

28. The designation of beneficiary by a member or retirant shall be made in writing on a form satisfactory to the retirement system, and filed with the retirement system. The member or retirant may, from time to time and without the consent of his death benefit designee, change the beneficiary by filing written notice of the change with the system on a form satisfactory to it. The new nomination will be effective on the date the notice, in proper form, is received by the system, and any prior nomination shall thereupon become void.

If more than one beneficiary is nominated and in such nomination the member or retirant has failed to specify their respective interests, the beneficiaries shall share equally. If any beneficiary predeceases the member or retirant, the interest of such beneficiary shall terminate and shall be shared equally by such of the beneficiaries as survive the member or retirant, unless the member or retirant has made written request to the contrary in his beneficiary nomination.

Any amounts due for which there is no beneficiary at the death of a member, retirant or beneficiary shall be payable to the estate of such member, retirant or beneficiary.

Except with regard to the payment of the member's accumulated deductions and the payment, upon the death of a retirant after attaining the age of 55 years, of the death benefits provided in sections 5, 6, 7 (3), 9 and 10 (5) of chapter 255 of the laws of 1944 and sections 16 and 17 of chapter 241 of the laws of 1964, a member may elect, by making written request to the retirement system, that the whole or any part of his death benefits be made payable to his beneficiary either as a life annuity or in equal installments over a period of years specified in such election, and may alter such election from time to time during his lifetime by again making such written request. In the event of a change of beneficiary, any previous arrangement by the member or retirant under this paragraph shall be void. The election set forth in this paragraph shall not apply or be available when the beneficiary is an estate, or a corporation, partnership, association, institution, trustee, or any fiduciary.

If, at the member's or retirant's death, an amount of death benefit would be payable to the beneficiary in a single sum, any election with regard to such amount which was available to the member or retirant immediately prior to his death in accordance with the

provisions of the immediately preceding paragraph shall then be available to such beneficiary for the benefit of such beneficiary.

The provisions of this section shall be construed separately with respect to each of the death benefits for which a beneficiary is designated by the member or retiree.

C. 43:16A-15.1 Purchase of prior service credit; employer's and employee's obligation.

29. a. In the case of any person who was required to become a member of the retirement system as a condition of employment, and whose application for enrollment in the retirement system or whose application for transfer from one employer to another within the system was filed beyond the effective date for his compulsory enrollment in the system or his transfer within the system, such person shall be required to purchase membership credit for his compulsory coverage by paying into the annuity savings fund the amount required by applying, in accordance with section 15 of chapter 255 of the laws of 1944, his full rate of contribution on his current base salary subject to the retirement system for each year of previous service during which he was required to have been a member.

b. If more than 2 years have elapsed from the time that contributions would have been required from such person, $\frac{1}{2}$ of the employee's cost, established by the computation provided by subsection a. of this section, will be required of his employer and shall be included in the next budget subsequent to the certification of this special liability by the retirement system. The amount certified by the system shall be payable by the employer to the pension accumulation fund and shall be due and owing to the system even if the employee is no longer in the employ of the employer by the date such moneys are to be paid to the system.

c. The employee's obligation may be satisfied by regular installments, equal to at least $\frac{1}{2}$ the full normal contribution to the retirement system, over a maximum period of 10 years.

d. In the case of any person coming under the provisions of this section, full pension credit for the period of employment for which arrears are being paid by the employee shall be given upon the payment of at least $\frac{1}{2}$ of the total employee's arrearage obligation and the completion of 1 year of membership and the making of such arrears payments, except that in the case of retirement pursuant to section 5 of chapter 255 of the laws of 1944 and sections 16 and 17 of chapter 241 of the laws of 1964, the total membership credit for such service shall be in direct proportion as the amount

paid bears to the total amount of the arrearage obligation of the employee.

C. 43:16A-15.2 Workmen's compensation benefits effect on employer's and employee's contributions.

30. a. If any member of the retirement system receives periodic benefits payable under the Workmen's Compensation Law during the course of his active service, in lieu of his normal compensation, his regular salary deductions shall be paid to the retirement system by his employer. Such payments shall be computed, in accordance with section 15 of chapter 255 of the laws of 1944, at the full rate of contribution on the base salary subject to the retirement system, just prior to the receipt of the workmen's compensation benefits. The moneys paid by the employer shall be credited to the member's account in the annuity savings fund and shall be treated as employee contributions for all purposes. The employer will terminate the payment of these moneys when the periodic benefits payable under the Workmen's Compensation Law are terminated.

The member for whom the employer is making such payments, will be considered as if he were in the active service.

b. No application for retirement benefits may be approved by the board of trustees while the member, applying for such benefits, is in receipt of periodic benefits under the Workmen's Compensation Law.

C. 43:16A-12, C. 43:16A-9.1, C. 43:16A-9.2, C. 43:16A-10.1, C. 43:16A-9.3 Repealed.

31. a. Section 12 of P. L. 1944, chapter 255 is repealed.

b. Sections 5 and 6 of P. L. 1953, chapter 266 are repealed.

c. Section 2 of P. L. 1960, chapter 109 is repealed.

d. Section 3 of P. L. 1961, chapter 12 is repealed.

32. This act shall take effect immediately except that the insurance death benefits payable under this act shall be applicable to deaths occurring on or after July 1, 1967.

Approved December 18, 1967.

CHAPTER 251

AN ACT concerning the State Highway Department and designating
Route 31A as a freeway.

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

27:6-1 State highway route.

1. That portion of Route No. 31A, established by P. L. 1938, chapter 345 and amended by P. L. 1941, chapter 105, beginning at State Highway Route 31 (Route 206 (1935)) north of Princeton, and thence to a point on U. S. 1 north of Penns Neck Circle, is hereby designated as a freeway as defined in chapter 83 of the laws of 1945.

2. This act shall take effect immediately.

Approved December 18, 1967.

CHAPTER 252

AN ACT to amend and supplement "An act relating to training of policemen prior to permanent appointment; appointments in certain municipal and county law enforcement agencies; establishing a police training commission; and providing an appropriation therefor," approved June 3, 1961 (P. L. 1961, c. 56).

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

1. Section 3 of the act of which this act is amendatory is amended to read as follows:

C. 52:17B-68 Authority to require training of policemen prior to permanent appointment.

3. Every municipality shall authorize attendance at an approved school by persons holding a probationary appointment as a police officer, and every municipality shall require that no person shall hereafter be given or accept a permanent appointment as a police officer unless such person has successfully completed a police training course at an approved school; provided, however, that the

commission may, in its discretion, except from the requirements of this section any person who demonstrates to the commission's satisfaction that he has successfully completed a police training course conducted by any Federal, State or other public or private agency, the requirements of which are substantially equivalent to the requirements of this act.

2. Section 6 of the act of which this act is amendatory is amended to read as follows:

C. 52:17B-71 Commission's powers, responsibilities, duties.

6. The commission is vested with the power, responsibility and duty:

a. To prescribe standards for the approval and continuation of approval of schools at which police training courses authorized by this act and in-service police training courses shall be conducted, including but not limited to present existing regional, county, municipal and police chiefs association police training schools;

b. To approve and issue certificates of approval to such schools, to inspect such schools from time to time, and to revoke any approval or certificate issued to such school;

c. To prescribe the curriculum, the minimum courses of study, attendance requirements, equipment and facilities, and standards of operation for such schools;

d. To prescribe minimum qualifications for instructors at such schools and to certify, as qualified, instructors for approved police training schools and to issue appropriate certificates to such instructors;

e. To certify police officers who have satisfactorily completed training programs and to issue appropriate certificates to such police officers;

f. To appoint an executive secretary, to serve at its pleasure, who shall perform general administrative functions, and to fix his compensation;

g. To employ such other persons as may be necessary to carry out the provisions of this act, and to fix their compensation;

h. To make such rules and regulations as may be reasonably necessary or appropriate to accomplish the purposes and objectives of this act;

i. To make a continuous study of police training methods and to consult and accept the co-operation of any recognized Federal or State law enforcement agency or educational institution;

j. To consult and co-operate with universities, colleges and institutes in the State for the development of specialized courses of study for police officers in police science and police administration;

k. To consult and co-operate with other departments and agencies of the State concerned with police training;

l. To participate in unified programs and projects relating to police training sponsored by any Federal, State, or other public or private agency;

m. To perform such other acts as may be necessary or appropriate to carry out its functions and duties as set forth in this act.

C. 52:17B-71.1 Authority for commission to accept and administer grants, donations, etc.

3. Subject to approval by the Attorney General and the Director of the Division of Budget and Accounting, the commission may accept on behalf of the State and administer for the State any grant, conveyance, devise, bequest, or donation to be applied, principal or income, or both, for the purposes specified in such grant, conveyance, devise, bequest, or donation to the maintenance and use of the commission.

4. This act shall take effect immediately.

Approved December 22, 1967.

CHAPTER 253

AN ACT concerning the Division of State Police and amending section 53:1-3 of the Revised Statutes and section 3 of chapter 65 of the laws of 1947.

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

1. Section 53:1-3 of the Revised Statutes is amended to read as follows:

Deputy superintendent.

53:1-3. The superintendent may appoint a deputy superintendent with the rank of major. He shall receive such salary as shall be approved by the Attorney General and the president of the Civil Service Commission, subject to the availability of funds.

2. Section 3 of chapter 65, P. L. 1947 is amended to read as follows:

C. 53:1-3.1 Executive officer.

3. The superintendent may appoint an executive officer, with the rank of major. He shall receive such salary as shall be approved by the Attorney General and the president of the Civil Service Commission, subject to the availability of funds.

3. This act shall take effect immediately.

Approved December 22, 1967.

CHAPTER 254

A SUPPLEMENT to “An act making appropriations for the support of the State Government and for several public purposes for the fiscal year ending June 30, 1968, and regulating the disbursement thereof,” approved May 23, 1967 (P. L. 1967, c. 63).

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

Appropriation.

1. The following sums are hereby appropriated out of the General Treasury, for the purposes specified:

DEPARTMENT OF LAW AND PUBLIC SAFETY

120-100. DIVISION OF STATE POLICE

For the cost of establishing and operating the Riot Training School termed “Operation Combine” for the period August 1967 through June 30, 1968	\$118,424
For the purchase of portable radio equipment for the purpose of maintaining liaison with other policing agencies during emergencies	29,409
Total	<u>\$147,833</u>

2. This act shall take effect immediately.

Approved December 22, 1967.

CHAPTER 255

A SUPPLEMENT to “An act making appropriations for the support of the State Government and for several public purposes for the fiscal year ending June 30, 1968, and regulating the disbursement thereof,” approved May 23, 1967 (P. L. 1967, c. 63).

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

Appropriation.

1. The following sum is hereby appropriated out of the General Treasury, for the purpose specified:

DEPARTMENT OF LAW AND PUBLIC SAFETY

120-100. DIVISION OF STATE POLICE

Salaries:

For the cost of salary adjustments, including 2 salary increments, required to provide an increase, effective September 4, 1967, of 2 range grades applicable to the titles of State Police uniformed personnel assigned to salary ranges; provided, however, that such adjustments shall not affect the existing salary increment anniversary dates of such personnel. . . . \$650,000

2. This act shall take effect immediately.

Approved December 22, 1967.

CHAPTER 256

A SUPPLEMENT to “An act making appropriations for the support of the State Government and for several public purposes for the fiscal year ending June 30, 1968, and regulating the disbursement thereof,” approved May 23, 1967 (P. L. 1967, c. 63).

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

Appropriation.

1. In addition to sums heretofore appropriated the following sums are hereby appropriated out of the General Treasury for the purposes herein specified:

GENERAL STATE OPERATIONS

LEGISLATURE

001-100. SENATE

Materials and Supplies	\$40,000
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002-100. GENERAL ASSEMBLY

Materials and Supplies	\$30,000
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Total Supplemental Appropriations	\$70,000
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2. This act shall take effect immediately.

Approved December 22, 1967.

CHAPTER 257

AN ACT to amend the "State Medical Examiner Act," approved November 20, 1967 (P. L. 1967, c. 234).

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

1. Section 18 of the act of which this act is amendatory is amended to read as follows:

Appropriation.

18. There is hereby appropriated to the State Department of Law and Public Safety for the purposes of the Division of State Medical Examination the sum of \$50,000.00 for the fiscal year ending June 30, 1968; provided, that out of the sum hereby appropriated there shall be paid, for the period January 1, 1968 through June 30, 1968, a salary to the State Medical Examiner, who shall receive \$22,000.00 per annum prorated over said period.

2. This act shall take effect immediately.

Approved December 22, 1967.

CHAPTER 258

A SUPPLEMENT to “An act making appropriations for the support of the State Government and for several public purposes for the fiscal year ending June 30, 1968, and regulating the disbursement thereof,” approved May 23, 1967 (P. L. 1967, c. 63).

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

Appropriation.

1. The following sum is hereby appropriated out of the General Treasury, for the purpose specified:

DEPARTMENT OF LAW AND PUBLIC SAFETY

140-100. DIVISION OF MOTOR VEHICLES

Salaries:

For the cost of salary adjustments, including 2 salary increments, required to provide an increase, effective September 4, 1967, of 2 range grades applicable to the titles of motor vehicle officer (enforcement) personnel; provided, however, that such adjustments shall not affect the existing salary increment anniversary dates of such personnel \$94,172

2. This act shall take effect immediately.

Approved December 22, 1967.

CHAPTER 259

AN ACT to amend “An act relating to labor camps, supplementing Title 34 of the Revised Statutes, and establishing a bureau of migrant labor in the Department of Labor and Industry, defining the functions, powers and duties of the bureau, and abolishing the migrant labor board and vesting its functions, powers and duties in the Commissioner of Labor and Industry,” approved April 2, 1945 (P. L. 1945, c. 71) as said title was amended by chapter 91 of the laws of 1967.

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

1. Section 17 of chapter 71 of the laws of 1945 is amended to read as follows:

C. 34:9A-17 Civil penalties.

17. In addition to any other sanctions herein or otherwise provided by law, the commissioner, upon notice and hearing, may impose a penalty not exceeding \$500.00 for any violation of this act or of any rule or regulation duly issued hereunder. Such penalty shall be used for, and recovered by and in the name of the commissioner in a civil action by a summary proceeding under the Penalty Enforcement Law (N. J. S. 2A:58-1). Where any violation of this act or of any rule or regulation duly issued hereunder is of a continuing nature, each day during which such violation continues after the date fixed by the commissioner in any order or notice for the correction or termination of such violation, shall constitute an additional separate and distinct offense, except during the time an appeal from said order or notice may be taken or is pending. It shall be a complete defense to any action for a penalty pursuant to this section for the defendant to prove that the violation complained of is solely the result of the willful destruction by the occupants of any camp; provided, that proof of such fact shall not alter any duty to correct or terminate said violation as ordered by the commissioner.

2. Section 19 of chapter 71 of the laws of 1945 is amended to read as follows:

C. 34:9A-19 Violations prohibited.

19. No person, or any agent or officer thereof, shall construct, establish, maintain, operate, or occupy, or permit the construction, establishment, maintenance, operation, occupancy or use of any camp which does not fully comply with any of the requirements of this act.

3. Section 20 of chapter 71 of the laws of 1945 is amended to read as follows:

C. 34:9A-20 Certified labor camps; application.

20. Each person employing any person to work in or at camps to which this article applies shall apply, not later than 60 days prior to the opening of any such camp in any calendar year, to the bureau for a certificate of compliance of such camp with the requirements of this act. Such application shall be made on such forms and

contain such information, drawings or photographs as the commissioner may deem necessary to enable him to determine the fact of compliance. A separate application shall be made and a separate certificate issued for each camp. The commissioner shall cause each camp to be inspected within 45 days of receipt of an application for a certificate of compliance. If the commissioner finds from the application and inspection that a camp fully complies with the requirements of this act, he shall issue a certificate to that effect. No camp shall be maintained, operated, used or occupied until the commissioner shall have issued therefor a certificate as required by this section; provided, that if no inspection of a camp has been made within 45 days of the receipt of an application for a certificate of compliance, such camp may open but shall be closed by the commissioner if subsequent inspection discloses the fact that such camp does not substantially comply with the requirements of this act.

No camp shall be erected, constructed or substantially altered subsequent to the effective date of this act until the plans and specifications for such erection, construction or alteration have been submitted to, and approved by, the commissioner. The commissioner shall approve any plans and specifications submitted to him pursuant to this section if he finds that such plans and specifications fully comply with the requirements of this act and any rule or regulation duly issued hereunder.

4. Section 24 of chapter 71 of the laws of 1945 is amended to read as follows:

C. 34:9A-24 Sleeping place standards; exceptions.

24. Every sleeping place erected or constructed subsequent to the effective date of this act shall contain sufficient air space and partitions to insure an adequate supply of fresh air, and reasonable privacy for each occupant; provided, that each such sleeping place shall conform to the standards prescribed by the Secretary of Labor of the United States pursuant to 48 United States Statutes at Large 117, section 12, approved June 6, 1933 (29 U. S. C. 49k), as amended and supplemented.

Every sleeping place which, on the effective date of this act, is maintained, operated, occupied or used by persons working in or at camps to which this article applies, shall be made to conform, no later than January 1, 1970, to the standards prescribed by the Secretary of Labor of the United States pursuant to 48 United States Statutes at Large, 117, section 12, approved June 6, 1933 (29 U. S. C. 49k), as amended and supplemented; provided, that the

commissioner, upon proper application therefor, may grant exceptions from the literal requirements of this section and any rule or regulation duly issued hereunder, if he finds that strict compliance would cause undue hardship and that the exception, if granted, will not unreasonably jeopardize the health or safety of the intended occupants.

5. Section 26 of chapter 71 of the laws of 1945 is amended to read as follows:

C. 34:9A-26 Water supply and consumption facility standards; exceptions.

26. (a) The occupants of each camp shall be provided a potable water supply in accordance with the following requirements:

(1) Each camp shall be provided with an adequate supply of potable water which is of safe sanitary quality.

(2) Wells or springs used as sources of water supply shall have tight covers and be so constructed and located as to preclude their pollution by seepage from cesspools, privies, sewers, sewage treatment works, stables or manure piles, or pollution from surface drainage. The water from such sources shall be obtained by free gravity flow or by a metal pump with watertight connection to a concrete slab covering such well or spring. If the pump is situated adjacent to the well or spring, it shall be so located and connected as to prevent pollution of the water.

(3) Basins, pressure tanks or reservoirs used for the storage of drinking water subsequently distributed without treatment shall be so lined, curbed, covered, or otherwise protected as may be necessary to prevent pollution of the supply by surface water, and to preclude pollution of an accidental, incidental or willful nature. Water therefrom shall be delivered to the camp fixtures, if such fixtures are provided, by means of a watertight discharge pipe by gravity or by pumping.

(4) No common drinking cup shall be used. If drinking fountains are provided they shall be of sanitary design and construction.

(b) The occupants of each camp erected or constructed subsequent to the effective date of this act shall be provided a potable water supply system in accordance with the provisions of "The Realty Improvement Sewerage and Facilities Act (1954)," P. L. 1954, chapter 199, and any standards or regulations duly issued pursuant thereto by the Commissioner of Health; provided, that the commissioner, for good cause shown, and upon consultation with the Commissioner of Health, is authorized to amend or revise

any such standard or regulation for application to the camps to which this article applies.

(c) The occupants of each camp which, on the effective date of this act, is maintained, occupied or used by persons working in or at camps to which the article applies, shall be provided, no later than January 1, 1970, with a potable water supply system in accordance with the provisions of "The Realty Improvement Sewerage and Facilities Act (1954)," P. L. 1954, chapter 199, and any standards or regulations duly issued pursuant thereto by the Commissioner of Health; provided, that the commissioner, for good cause shown and upon consultation with the Commissioner of Health, is authorized to amend or revise any such standard or regulation for application to the camps to which this article applies.

(d) The commissioner, upon proper application therefor, may grant exceptions from the literal requirements of this section and any rule or regulation duly issued hereunder, if he finds that strict compliance would cause undue hardship and that the exception, if granted, will not unreasonably jeopardize the health or safety of the intended occupants.

6. Section 27 of chapter 71 of the laws of 1945 is amended to read as follows:

C. 34:9A-27 Bathing facility standards; exceptions.

27. (a) Convenient and suitable bathing facilities of a reasonable nature to suit conditions, kept clean and sanitary, shall be provided for every camp.

(b) The occupants of each camp erected or constructed subsequent to the effective date of this act shall be provided convenient and suitable bathing facilities of a reasonable nature to suit conditions which shall be kept clean and sanitary, shall be constructed in accordance with regulations promulgated by the commissioner, and whose effluent shall be discharged into and treated by sewerage facilities constructed in accordance with the provisions of "The Realty Improvement Sewerage and Facilities Act (1954)," P. L. 1954, chapter 199, and any standards and regulations duly issued pursuant thereto by the Commissioner of Health; provided, that the commissioner for good cause shown and upon consultation with the Commissioner of Health, is authorized to amend or revise any such standard or regulation for application to the camps to which this article applies.

(c) The occupants of each camp which, on the effective date of this act, is maintained, occupied or used by persons working in or at camps to which this article applies, shall be provided, no later

than January 1, 1970, convenient and suitable bathing facilities of a reasonable nature to suit conditions which shall be kept clean and sanitary, shall be constructed in accordance with regulations promulgated by the commissioner, and whose effluent shall be discharged into and treated by sewerage facilities constructed in accordance with the provisions of "The Realty Improvement Sewerage and Facilities Act (1954)," P. L. 1954, chapter 199, and any standards or regulations duly issued pursuant thereto by the Commissioner of Health; provided, that the commissioner, for good cause shown and upon consultation with the Commissioner of Health, is authorized to amend or revise any such standard or regulation for application to the camps to which this article applies.

(d) The commissioner, upon proper application therefor, may grant exceptions from the literal requirements of this section and any rule or regulation duly issued hereunder, if he finds that strict compliance would cause undue hardship and that the exception, if granted, will not unreasonably jeopardize the health or safety of the intended occupants.

7. Section 28 of chapter 71 of the laws of 1945 is amended to read as follows:

C. 34:9A-28 Toilet, privy and sewage disposal facility standards; exceptions.

28. (a) Each camp to which this article applies shall provide privy or other toilet facilities and a sewage disposal system in accordance with the following requirements:

(1) An adequate number of convenient and suitable privy or other toilet facilities, kept clean and sanitary shall be provided for every camp. A privy other than a water-closet shall consist of a pit at least 2 feet deep with a suitable shelter. The openings of the shelter and pit shall be inclosed by screening or other suitable fly netting. No privy pit shall be filled with excreta to nearer than 1 foot from the surface of the ground and the excreta in the pit shall be covered with earth, ashes, lime or other similar substance.

(2) Privies shall be so located, constructed and maintained that they shall not be offensive to the users, nor permit access of flies to the privy vaults nor by leakage or seepage offer a possible pollution of any water supply, adjacent surface waters or ground surfaces.

(3) Sewage disposal systems shall not allow exposure of sewage or sewage effluent on the surface of the ground. All drainage from the kitchen sink shall be carried through a covered drain to a covered cesspool or septic tank or otherwise disposed of in such a way as not to become offensive or insanitary.

(b) Each camp erected or constructed subsequent to the effective date of this act shall provide a water-carried sewerage disposal system in accordance with the provisions of "The Realty Improvement Sewerage and Facilities Act (1954)," P. L. 1954, chapter 199, and any standards or regulations duly issued pursuant thereto by the Commissioner of Health; provided, that the commissioner, for good cause shown and upon consultation with the Commissioner of Health, is authorized to amend or revise any such standard or regulation for application to the camps to which this article applies; and provided further, that the commissioner, for good cause shown and upon consultation with the Commissioner of Health, may approve a nonwater carried sewerage disposal system for use at a camp if, but only if, he finds that, by reason of location, topography, soil permeability or ground water elevation, a nonwater carried sewerage disposal system offers protection to the health and welfare of the occupants of a camp superior to that offered by a water-carried sewerage disposal system.

(c) Each camp which, on the effective date of this act, is maintained, occupied or used by persons working in or at camps to which this article applies, shall provide, no later than January 1, 1970, a water-carried sewerage disposal system in accordance with the provisions of "The Realty Improvement Sewerage and Facilities Act (1954)," P. L. 1954, chapter 199, and any standards or regulations duly issued pursuant thereto by the Commissioner of Health; provided, that the commissioner, for good cause shown and upon consultation with the Commissioner of Health, is authorized to amend or revise any such standard or regulation for application to the camps to which this article applies; and provided further, that the commissioner for good cause shown and upon consultation with the Commissioner of Health, may approve a nonwater carried sewerage disposal system for use at a camp if, but only if, he finds that, by reason of location, topography, soil permeability or ground water elevation, a nonwater carried sewerage disposal system offers protection to the health and welfare of the occupants of a camp superior to that offered by a water-carried sewerage disposal system.

(d) The commissioner, upon proper application therefor, may grant exceptions from the literal requirements of this section and any rule or regulation duly issued hereunder, if he finds that strict compliance would cause undue hardship and that the exception, if granted, will not unreasonably jeopardize the health or safety of the intended occupants.

8. Section 29 of chapter 71 of the laws of 1945 is amended to read as follows:

C. 34:9A-29 Garbage and waste disposal.

29. All garbage, kitchen wastes, and rubbish in camps shall be deposited in suitable covered receptacles which shall be emptied daily and the contents buried or otherwise disposed of in accordance with regulations duly issued by the commissioner.

9. Section 31 of chapter 71 of the laws of 1945 is amended to read as follows:

C. 34:9A-31 Responsibilities of certain personnel; records.

31. Every person, or the agent or officer thereof, employing persons to work in or at camps to which this article applies and the superintendent or overseer in charge of the work in or at such camps shall carry out the provisions of this article. Said person, or the agent or officer thereof, and said superintendent or overseer, shall maintain a record of the names of the persons who work in or at said camp, and shall produce such record upon the request of the commissioner. At every camp a responsible person shall be appointed to assist in keeping the camp clean.

10. Section 34 of chapter 71 of the laws of 1945 is amended to read as follows:

C. 34:9A-34 Penalties.

34. Any person, or the agent or officer thereof, who violates any provision of this article or of any rule or regulation duly issued under this act, shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not more than \$1,000.00, or imprisonment for not more than 1 year, or both. It shall be a complete defense to any criminal proceeding pursuant to this section for the defendant to prove that the violation complained of is solely the result of the willful destruction by the occupants of any camp.

11. This act shall take effect immediately.

Approved December 26, 1967.

CHAPTER 260

AN ACT providing for the exemption from taxation of certain water supply and sewage disposal structures, facilities, machinery, equipment and devices and supplementing article 2 of chapter 4 of Title 54 of the Revised Statutes.

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

C. 54:4-3.59 Property tax exemption of improvement to real estate.

1. Notwithstanding the provisions of section 12 of "The Farmland Assessment Act of 1964," P. L. 1964, c. 48, the value of any improvement to real estate, to the extent that said improvement has enhanced the value of such property, shall be exempt from general property taxation pursuant to Title 54 of the Revised Statutes.

C. 54:4-3.60 Definition of improvement.

2. For the purposes of this act, an "improvement to real estate" or "improvement" shall mean any structure, machinery, equipment, device or facility necessary to the installation or maintenance of a potable water supply system or a water-carried sewerage disposal system in accordance with the provisions of sections 26, 27 or 28 of chapter 71 of the laws of 1945, as amended and supplemented.

C. 54:4-3.61 Tax exemption application; filing, form; authority to make inspection.

3. Initial application for a tax exemption pursuant to this section shall be filed by the taxpayer with the assessor of the taxing district on or before October 1 of the pretax year on a form to be prescribed by the Director of the Division of Taxation and supplied by the assessor. The application shall contain an authorization to the assessor, or to his authorized representative, to enter upon the premises to make periodic inspection of the improvement.

C. 54:4-3.62 Continuance of tax exemption.

4. A tax exemption granted pursuant to this act shall be continued in favor of the applicant from year to year without further application as long as the improvement, as shown by periodic inspection by the assessor, is maintained in working order.

5. This act shall take effect immediately.

Approved December 26, 1967.

CHAPTER 261

AN ACT to amend "An act concerning the distribution of certain tax revenues to the municipalities of this State and supplementing Title 54 of the Revised Statutes," approved June 17, 1966 (P. L. 1966, c. 135).

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

1. Section 6 of the act of which this act is amendatory is amended to read as follows:

C. 54:11D-6 Manner of distribution.

6. The distribution required to be made by the State Treasurer under this act shall be made in 4 installments as follows: The first installment shall be payable annually on March 1, commencing on March 1, 1968 and shall consist of $\frac{1}{4}$ of the amount certified under section 2 hereof; the second and third installments shall be payable on the succeeding May 1 and August 1 of each year and shall each consist of $\frac{1}{4}$ of the amount certified under section 2 hereof; and the fourth installment shall be payable on the succeeding November 1 of each year and shall consist of the balance of the amount certified under section 2 hereof plus the municipality's distributive share of the excess, if any, allocated under section 4 hereof.

2. This act shall take effect immediately.

Approved January 8, 1968.

CHAPTER 262

AN ACT to amend "An act concerning crimes and supplementing chapter 90 of Title 2A of the New Jersey Statutes," approved May 10, 1962 (P. L. 1962, c. 39).

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

1. Section 1 of the act of which this act is amendatory is amended to read as follows:

C. 2A:90-4 Assault and battery upon law enforcement officers or certain other persons engaged in performance of duties.

Any person who commits an assault and battery upon:

a. Any State, county or municipal police officer, or any public school law enforcement officer, or any other law enforcement officer, acting in the performance of his duties while in uniform or exhibiting evidence of his authority; or

b. Any paid or volunteer fireman acting in the performance of his duties while in uniform, or while riding in or upon a fire engine, hook and ladder truck or other fire-fighting apparatus or equipment, or while actively engaged in abating or quelling a fire, or while otherwise clearly identifiable as being engaged in the performance of the duties of a fireman; or

c. Any member of an ambulance, rescue, first-aid, or emergency squad or corps; or any physician, nurse, medical assistant, or employee of a hospital, clinic, or ambulance service; acting in the performance of his duties while in uniform; or while wearing an armband or other clearly visible identification indicating his status as a person engaged in emergency, first-aid, or medical services; or while riding in or upon, or entering or leaving, any clearly identifiable ambulance or other emergency vehicle—

Is guilty of a high misdemeanor.

2. This act shall take effect immediately.

Approved January 8, 1968.

CHAPTER 263

AN ACT to reconstitute and continue the commission to make a study of the services, activities and functions and the operations of the 3 branches of the State Government in the interest of the promotion of further economy, efficiency and improvement in the transaction of the public business of the State and to report thereon to the Governor and the Legislature, constituted under chapter 51 of the laws of 1966.

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

1. The commission heretofore constituted under chapter 51 of the laws of 1966 is hereby reconstituted and continued with the same

membership and the same officers as it last had and with the same powers and duties vested in and imposed upon it by said act.

2. Vacancies in the membership of the commission occasioned by any cause shall be filled in the same manner as the original appointments were made.

3. There is hereby appropriated to the commission for the purpose of continuing its studies, activities, and functions, the amount of \$50,000.00.

4. This commission shall report its findings to the Governor, the Chief Justice and the Legislature on or before January 2, 1970.

5. This act shall take effect immediately.

Approved January 8, 1968.

CHAPTER 264

AN ACT to exempt from transfer inheritance taxation certain annuity benefits payable under the Federal Civil Service Retirement act, and amending section 54:34-4 of the Revised Statutes.

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

1. Section 54:34-4 of the Revised Statutes is amended to read as follows:

Exemptions.

54:34-4. The following transfers of property shall be exempt from taxation:

a. Property passing to or for the use of the State of New Jersey, or to or for the use of a municipal corporation within the State or other political subdivision thereof, for exclusively public purposes.

b. Property passing to a beneficiary or beneficiaries having any present or future, vested, contingent or defeasible interest under any trust deed or agreement heretofore or hereafter executed by a resident or nonresident decedent, to the extent that the trust fund results from the proceeds of contracts of insurance heretofore or hereafter in force, insuring the life of such decedent, and paid or payable, at or after the death of such decedent, to the trustee or trustees under such trust deed or agreement.

c. Property passing to a trustee or trustees of any trust deed or agreement heretofore or hereafter executed, by virtue of any contract of insurance heretofore or hereafter in force insuring the life of a resident or nonresident decedent and the proceeds of which are paid or payable at or after the death of such decedent to such trustee or trustees for the benefit of a beneficiary or beneficiaries having any present or future, vested, contingent or defeasible interest under such trust deed or agreement.

d. That part of the estate of any decedent which passes to, for the use of or in trust for any educational institution, church, hospital, orphan asylum, public library or Bible and tract society or to, for the use of or in trust for any institution or organization organized and operated exclusively for religious, charitable, benevolent, scientific, literary or educational purposes, including any institution instructing the blind in the use of dogs as guides, no part of the net earnings of which inures to the benefit of any private stockholder or other individual or corporation; provided, that this exemption shall not extend to transfers of property to such educational institutions and organizations of other States, the District of Columbia, territories and foreign countries which do not grant an equal, and like exemption of transfers of property for the benefit of such institutions and organizations of this State.

e. That part of the estate of any decedent who has heretofore died, or may hereafter die, received, either heretofore or hereafter, by the legal representatives of such decedent, whether directly from the United States or through any intervening estate or estates, by reason of any war risk insurance certificate or policy, either term or converted, or any adjusted service certificate, issued by the United States. Nothing contained in this paragraph (e) shall entitle any person to a refund of any tax heretofore paid on the transfer of property of the nature aforementioned; and provided further, that the exemption provided for in this paragraph (e) shall not extend to that part of the estate of any decedent composed of property of the nature aforementioned, when such property was received by the decedent before death.

f. The proceeds of any contract of insurance heretofore or hereafter in force insuring the life of a resident or nonresident decedent paid or payable at or after the death of such decedent to any beneficiary or beneficiaries other than the estate or the executor or administrator of such decedent.

g. Any transfer, relinquishment, surrender or exercise at any time or times by a resident or nonresident of any right to nominate

or change the beneficiary or beneficiaries of any contract of insurance heretofore or hereafter in force insuring the life of such resident or nonresident irrespective of whether such transfer, relinquishment, surrender or exercise of such right took place or whether the proceeds of such policy were paid or payable, before or after the taking effect of this act.

h. The value of any pension, annuity, retirement allowance, return of contributions, or benefit payable by the Government of the United States pursuant to the Civil Service Retirement Act to a beneficiary or beneficiaries other than the estate or the executor or administrator of a decedent.

2. This act shall take effect immediately.

Approved January 8, 1968.

CHAPTER 265

AN ACT concerning leasehold estates in relation to deposits to secure performance of leases, and supplementing chapter 8 of Title 46 of the Revised Statutes.

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

C. 46:8-19 Ownership and disposition of money or security advanced to insure performance of contract.

1. Whenever money or other form of security shall be deposited or advanced on a contract, lease or license agreement for the use or rental of real property as security for performance of the contract, lease or agreement or to be applied to payments upon such contract, lease or agreement when due, such money or other form of security, until repaid or so applied, shall continue to be the property of the person making such deposit or advance and shall be held in trust by the person with whom such deposit or advance shall be made for the use in accordance with the terms of the contract, lease, or agreement and shall not be mingled with the personal property or become an asset of the person receiving the same. The person receiving money so deposited or advanced shall deposit such money in a banking institution or Savings and Loan Association in this State insured by an agency of the Federal Government

in an account and shall thereupon notify in writing each of the persons making such security deposit or advance, giving the name and address of the banking institution in which the deposit of security money is made, and the amount of such deposit.

All of the money so deposited or advanced may be deposited by the person receiving the same in one account as long as he complies with all the other requirements of this act.

C. 46:8-20 Disposition of security advance upon transfer of lease or leased property.

2. Any person, whether the owner or lessee of the property leased, who or which has or hereafter shall have received from a tenant or licensee a sum of money as a deposit or advance of rental as security for the full performance by such tenant or licensee of the terms of his contract, lease or license agreement, or who or which has or shall have received the same from a former owner or lessee, shall, upon conveying such property or assigning his or its lease to another, or upon the conveyance of such property to another person by a court in an action to foreclose a mortgage thereon, at the time of the delivery of the deed or instrument or assignment, or within 5 days thereafter, or in the event of the insolvency or bankruptcy of the person receiving said deposit, within 5 days after the making and entry of an order of the court discharging the receiver or trustee, deal with the security deposit in one of the 3 following ways:

(a) Turn over to his or its grantee or assignee, or to the purchaser at the foreclosure sale the sum so deposited, and notify the tenant or licensee by registered or certified mail of such turning over and the name and address of such grantee, assignee or purchaser.

(b) Return the sum so deposited to such tenant or licensee, less any charges expended in accordance with the terms of a contract, lease, or agreement or to his appointee or designee duly authorized in writing by such tenant to receive the same.

(c) Retain the sum so deposited and notify the tenant or licensee by registered or certified mail of such conveyance or assignment and the name and address of the grantee, assignee, or purchaser at the foreclosure sale, as the case may be, and of the fact that he or it, as such former landlord, has retained the sum so deposited.

C. 46:8-21 Liability for security deposit.

3. Any owner or lessee turning over to his or its grantee, assignee, or to a purchaser of the leased premises at a foreclosure sale the amount of such security deposit is hereby relieved of and

from liability to the tenant or licensee for the repayment thereof; and the transferee of such security deposit is hereby made responsible for the return thereof to the tenant or licensee, in accordance with the terms of the contract, lease, or agreement unless he or it shall thereafter and before the expiration of the term of the tenant's lease or licensee's agreement, transfer such security deposit to another, pursuant to section 2 hereof and give the requisite notice in connection therewith as provided thereby.

C. 46:8-22 Trust enforceable by civil action.

4. Any trust arising under the provisions of this act shall be enforceable by a civil action in a court of competent jurisdiction and that court shall have jurisdiction to make any appropriate order or judgment both pendente lite and final to fully effectuate the purposes of this act.

C. 46:8-23 Claim for unexpended moneys constitutes statutory trust in event of insolvency.

5. In the event of the insolvency or bankruptcy of the person receiving the said moneys, the claim of the person who paid the said moneys shall constitute a statutory trust with respect to any moneys so received and not previously expended in accordance with the terms of the contract, lease or agreement.

C. 46:8-24 Waiving provisions prohibited.

6. Any provision of such a contract, lease or agreement whereby a person who so deposits or advances money waives any provision of this act is absolutely void.

C. 46:8-25 Diversion of funds; penalty.

7. Any person party to said contract, lease or agreement, or any agent of said person, or any officer of a corporation receiving said moneys, who, with knowledge that such moneys constitute trust funds, unlawfully diverts or consents to an unlawful diversion of such moneys shall be a disorderly person and subject to a fine of not less than \$200.00 or by imprisonment for not more than 30 days, or both.

C. 46:8-26 Application of provisions.

8. The provisions of this act shall apply only to owners of rental property consisting of more than 4 rental units.

9. This act shall take effect January 1, 1968.

Approved January 8, 1968.

CHAPTER 266

AN ACT to amend "An act concerning the salaries of surrogates, registers of deeds and mortgages, county clerks and sheriffs in the several counties of the State and repealing certain acts and statutes relating thereto," approved June 12, 1959 (P. L. 1959, c. 96).

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

1. Section 1 of the act of which this act is amendatory is amended to read as follows:

C. 40:38-6.14 Salaries of surrogate, register of deeds and mortgages, county clerk and sheriff of certain counties.

1. The board of chosen freeholders in each county may fix by resolution the salaries of surrogate, register of deeds and mortgages, county clerk and sheriff as follows:

In counties having a population in excess of 600,000, not less than \$12,000.00 or more than \$20,000.00 per annum;

In counties having a population in excess of 400,000, but not more than 600,000, not less than \$12,000.00 or more than \$18,000.00 per annum;

In counties having a population in excess of 200,000, but not more than 400,000, not less than \$10,000.00 or more than \$15,000.00 per annum;

In counties having a population in excess of 100,000, but not more than 200,000, not less than \$7,500.00 or more than \$12,000.00 per annum;

In counties having a population in excess of 50,000, but not more than 100,000, not less than \$7,500.00 or more than \$11,000.00 per annum;

In counties having a population of not more than 50,000 not less than \$5,000.00 or more than \$10,000.00 per annum;

The salaries of such officers shall be paid by the proper county disbursing officer in equal semimonthly payments.

2. This act shall take effect immediately.

Approved January 8, 1968.

CHAPTER 267

AN ACT to amend “An act to reconstitute and continue the Commission to Study Workmen’s Compensation created by chapter 126, laws of 1966, and to require the commission to report its findings and recommendations to the Governor and the Legislature,” approved July 7, 1967 (P. L. 1967, c. 147).

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

1. Section 3 of the act of which this act is amendatory is amended to read as follows:

3. The commission shall report its findings and recommendations to the Governor and the Legislature on or before July 1, 1968.

2. This act shall take effect immediately.

Approved January 8, 1968.

CHAPTER 268

AN ACT giving the Commissioner of Transportation the authority to temporarily lease property acquired for highway purposes.

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

C. 27:7-21.4 Leasing property acquired for highway purposes.

1. Any real or personal property heretofore or hereafter acquired by the State Department of Transportation for highway purposes may be leased by the Commissioner of Transportation to any person or public body or agency on a temporary basis pending the commencement of construction of the highway improvement for which such property was acquired. Every such lease agreement shall be terminable by the commissioner by giving 30 days’ written notice to the lessee of intention to terminate. No person shall remain in possession of premises beyond the date for termination fixed in the lease agreement or fixed by the commissioner in the notice of termination.

C. 27:7-21.5 Management, maintenance, repair and operation of leased property.

2. The commissioner is hereby authorized to perform or contract for the performance of all acts necessary for the management, maintenance, repair and operation of property leased pursuant to this act and to expend moneys out of any rentals received for such management, maintenance, repair or operation.

C. 27:7-21.6 Terms of lease; first option; private negotiation; competitive public bidding, public notice.

3. If pursuant to this act the Commissioner of Transportation determines to permit the temporary lease of property, he shall give the first option to acquire the lease to the prior owner or person in possession at the time of acquisition or taking of said property. If the property is leased to an owner or person in possession at the time of acquisition or taking of said property, to a public body or agency for public use, to persons in need of temporary relocation facilities as a result of being displaced by any public action, or to persons or for uses exempted pursuant to article 2 of Title 54 of the Revised Statutes, the commissioner may lease such property by private negotiation upon such terms and conditions as he shall determine to be in the best interests of the State. Where property is leased to a public body or agency for public purposes, said lease may be without cost or at a nominal rental.

Except as provided by this section all property leased pursuant to this act shall be leased by competitive public bidding procedures to the highest responsible bidder. Where property is leased pursuant to competitive bids, a notice of intention to receive bids, briefly describing the property to be leased and summarizing the terms and conditions of the proposed lease, including any minimum rental established for the property, shall be published in at least one newspaper in the municipality in which the property is located at least 10 days prior to receipt of bids.

C. 27:7-21.7 Monthly service charge in lieu of local property tax; disposition of service charges.

4. Every lease agreement, except leases entered into by public bodies or agencies for public purposes, nonprofit housing corporations, or with persons or for uses exempted from taxation pursuant to the provisions of Title 54 of the Revised Statutes, shall contain a provision requiring the lessee to pay to the Department of Transportation, in addition to the rental price, a monthly service charge in lieu of local property or leasehold estate taxes for each month or portion thereof of possession or occupancy, said charge to be equal to 1/12 of the tax on the property for the year in which it was acquired by the department. All such service charges shall

be for the use of and shall be transmitted to the municipality in which such property is located; provided, however, no service charge collected by the department pursuant to such a provision shall be transmitted to the municipality for that portion of a calendar year in which taxes have previously been paid by the department or by the previous owner.

5. This act shall take effect immediately.

Approved January 8, 1968.

CHAPTER 269

AN ACT concerning the Select Commission for the Study of Civil Disorder in New Jersey.

WHEREAS, Civil disorder occurred in the city of Newark, the city of Plainfield and elsewhere during the summer of 1967; and

WHEREAS, The Governor, Richard J. Hughes, on August 8, 1967, appointed a Select Commission for the Study of Civil Disorder in New Jersey; and

WHEREAS, The Legislature of the State of New Jersey is resolved to prevent any further civil disorder; now, therefore,

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

1. The New Jersey Legislature joins and approves the appointment by the Governor of the Select Commission for the Study of Civil Disorder in New Jersey, consisting of 11 members chosen by the Governor, to examine the causes, the incidents and suggest remedies for the civil disorders which have occurred in New Jersey; the employment of an executive director and such other staff members as may be necessary to assist the commission in the performance of its duties; and the transfer of funds from executive departments by the Governor to defray the necessary expenses of the commission.

2. In the event any civil action is brought against any person who is or was a member of, or holds or has held any office, position or employment with the commission for any act or failure to act, including any reports or statements made or published by the com-

mission or its staff, arising out of and in the course of the performance of his duties for the commission, the State shall defray all costs of defending such action, including reasonable counsel fees and expenses, together with costs of appeal, if any, and the State shall save harmless and protect such person from any financial loss resulting from such action.

3. This act shall take effect immediately.

Approved January 11, 1968.

CHAPTER 270

AN ACT to amend "An act incorporating the University of Newark into the State University of New Jersey maintained by the Trustees of Rutgers College in New Jersey," approved April 30, 1946 (P. L. 1946, c. 217).

BE IT ENACTED *By the Senate and General Assembly of the State of New Jersey*:

1. Section 2 of the act of which this act is amendatory is amended to read as follows:

C. 18:22-15.15 Effective date of act; conditions.

2. This act shall take effect on July 1, 1946; provided, that meanwhile the University of Newark shall grant, convey, transfer and assign its real and personal property to the Trustees of Rutgers College in New Jersey to be maintained as a part of the State University of New Jersey and utilized as an instrumentality of the State of New Jersey for providing higher education and thereby to increase the efficiency of the public school system of the State; otherwise this act shall not become effective.

Nothing contained in this act shall prevent Rutgers, The State University from alienating any properties received from the University of Newark which are no longer needed for educational purposes.

2. This act shall take effect immediately.

Approved January 11, 1968.

CHAPTER 271

Text of Chapter 271, P. L. 1967, Title 18A, Education,
not printed in pamphlet laws.

CHAPTER 272

AN ACT providing for the printing and publication of Title 18A,
Education, of the New Jersey Statutes.

WHEREAS, Assembly Bill No. 655 entitled "An act revising the education law and the statutes relating to the State Library and the State Museum and continuing the Department of Higher Education and the State Department of Education and establishing a new Title to be known as Title 18A, Education, of the New Jersey Statutes" upon enactment will constitute a general revision of the New Jersey laws relating to education; now, therefore,

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

1. Title 18A, Education, of the New Jersey Statutes shall be printed and published as a separate volume of the Pamphlet Laws of the 1967 session of the Legislature, utilizing insofar as practicable existing type.

2. This act shall take effect immediately.

Approved January 11, 1968.

CHAPTER 273

AN ACT to amend "An act requiring the preparation and furnishing of a fiscal note as to certain effects of bills proposed for introduction or pending in the Legislature," approved April 10, 1962 (P. L. 1962, c. 27).

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

1. Section 1 of the act of which this act is amendatory is amended to read as follows:

C. 52:13B-1 Duty of Director of Division of Budget and Accounting; contents of note.

1. Whenever any bill proposed for introduction or pending in the Legislature contains any provision affecting the fiscal affairs of the State or of any county, municipality, special district or school district, it shall be the duty of the Director of the Division of Budget and Accounting upon receiving, from any committee of either House of the Legislature or any agency acting therefor, notice that a fiscal note is required as to said bill, together with a copy of said bill or a synopsis of the provisions thereof sufficient for the purpose, to forward the same to the State department, commission or agency which would be authorized or required to carry out the purposes of said bill or, if said bill would affect the fiscal affairs of any county, municipality, special district or school district without authorizing or requiring State action, to the State department, commission or agency having the most adequate information pertaining thereto, with a request that said department, commission or agency shall

(a) prepare and forward to him promptly a fiscal note containing an accurate estimate in dollars as to the amount by which revenues would be decreased or expenditures would be increased or the amount of the appropriation of funds which would be necessary to carry out the purposes of said bill, if said bill should be enacted, if no fiscal note is appended or annexed to said bill, or if any fiscal note so appended or annexed is found to be inaccurate, or

(b) certify to him accordingly, if any fiscal note so appended or annexed is found to be accurate, or

(c) certify that no such dollar estimate can be made as to any such bill setting forth concisely the reason therefor.

2. Section 3 of the act of which this act is amendatory is amended to read as follows:

C. 52:13B-3 Approval and certification; mailing of copy to introducer of bill.

3. Whenever any fiscal note to any bill is furnished to the Legislative Budget and Finance Director by the Division of Budget and Accounting or a copy of any bill which, if enacted, would increase revenues is delivered to him with a written request that a fiscal note for the bill be prepared, the director shall examine into the accuracy of any fiscal note so furnished to him or which may be appended or annexed to any such bill and if he finds any fiscal note so appended or annexed to be accurate he shall approve and certify

the same to the Committee on Revision and Amendment of the Laws of the House if said bill is under examination as to form by said committee and otherwise to the committee to which the bill has been referred or if it has not been referred to a committee, then to the Clerk of the House but if no fiscal note is so appended or annexed or if the director finds any fiscal note so furnished or so appended or annexed to any such bill to be inaccurate, he shall prepare an accurate fiscal note for the bill and except in any case in which he shall approve a fiscal note appended or annexed to the bill he shall promptly mail, by certified mail a copy of each fiscal note prepared or approved by him to the introducer whose name first appears upon the bill with a notice that such introducer may object to such fiscal note within 5 days after receipt thereof.

3. This act shall take effect immediately.

Approved January 11, 1968.

CHAPTER 274

AN ACT concerning the disposition of persons convicted of certain enumerated sex crimes and providing for sentence, incarceration and treatment, and amending sections 2A:164-3 and 2A:164-5 of the New Jersey Statutes.

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

1. Section 2A:164-3 of the New Jersey Statutes is amended to read as follows:

Sex offenses; commitment to Diagnostic Center; examination; determination of legal settlement.

2A:164-3. Whenever a person is convicted of the offense of rape, carnal abuse, sodomy, incest, private lewdness, open lewdness, indecent exposure or impairing the morals of a minor, or of an attempt to commit any of the aforementioned offenses, or assault with intent to commit rape, carnal abuse or sodomy, the judge shall order the commitment of such person to the Diagnostic Center for a period not to exceed 60 days. While confined in the said Diagnostic Center, such person shall be given a complete physical and

mental examination. The order of commitment shall contain a determination of the person's legal settlement in accordance with subdivision D of article 3 of chapter 4 of Title 30 of the Revised Statutes.

2. Section 2A:164-5 of the New Jersey Statutes is amended to read as follows:

Submission for specialized treatment.

2A:164-5. If it shall appear from said report that it has been determined through clinical findings that the offender's conduct was characterized by a pattern of repetitive, compulsive behavior; and, except in convictions for private lewdness, open lewdness or indecent exposure, if either violence was utilized in the commission of the offense; or the victim was under the age of 15 years; it shall be the duty of the court, upon recommendation of the Diagnostic Center, to submit the offender to a program of specialized treatment for his mental and physical aberrations.

3. This act shall take effect 30 days after date of enactment.

Approved January 11, 1968.

CHAPTER 275

AN ACT concerning the qualification of notaries and amending section 52:7-2 of the Revised Statutes.

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

1. Section 52:7-2 of the Revised Statutes is amended to read as follows:

Oath; filing; indorsement and transmission of certificate; penalty.

52:7-2. Within 3 months of the receipt of his commission, each notary public shall take and subscribe an oath before the clerk of the county in which he resides, faithfully and honestly to discharge all the duties of his office, and that he will make and keep a true record of all such matters as are required by law, which oath shall be filed with said clerk. Upon the administration of said oath, the said clerk shall cause the notary public to indorse a certificate of commission and qualification and shall deliver said certificate

to the notary public, and the notary public shall transmit said certificate to the Secretary of State within 10 days of the administration of said oath.

The Secretary of State shall cancel and revoke the appointment of any notary public who fails to take and subscribe said oath within 3 months of the receipt of his commission, or who fails to transmit said certificate to the Secretary of State within 10 days of the administration of said oath, and any appointment so canceled and revoked shall be null, void and of no effect.

2. This act shall take effect immediately.

Approved January 11, 1968.

CHAPTER 276

A SUPPLEMENT to "An act concerning health and accident insurance, supplementing chapter 38 of Title 17 of the Revised Statutes, and repealing section 17:18-7 of the Revised Statutes," approved August 2, 1939 (P. L. 1939, c. 305).

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

C. 17:38-20.2 Services of practicing psychologist; reimbursement.

1. Notwithstanding any provision of a policy or contract of group accident, group health or group accident and health insurance, hereafter issued or delivered in this State, whenever such a policy or contract provides for reimbursement for any service which is within the lawful scope of practice of a duly licensed practicing psychologist, a person covered under such group accident, group health and group accident and health policy or contract shall be entitled to reimbursement for such service whether the said service is performed by a physician or duly licensed practicing psychologist.

2. This act shall take effect immediately.

Approved January 11, 1968.

CHAPTER 277

AN ACT to validate certain proceedings at meetings or elections of school districts, and any bonds or other obligations issued or to be issued pursuant to such proceedings.

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

Validating act.

1. All proceedings heretofore had or taken by any school district or at any school district meeting or election for the authorization or issuance of bonds of the school district, and any bonds or other obligations of the school district issued or to be issued in pursuance of a proposal adopted by the legal voters at such meeting or election, are hereby ratified, validated and confirmed, notwithstanding that notices of such meeting or election were not published in accordance with the provisions of section 18:7-15 of the Revised Statutes, or that any notice of such meeting or election which otherwise complied with said section 18:7-15 did not set forth the full text of such proposal, and notwithstanding that the notice posted as required by the provisions of said section 18:7-15 contained a proposal which did not disclose or correctly disclose the effect of the authorization of bonds contained therein on the borrowing margin of any municipality comprised within the school district in compliance with the provisions of section 18:5-86 of the Revised Statutes, and that the adoption of such proposal authorized the board of education to issue bonds the principal amount of which, added to the amount of all the bonds and notes of the school district then issued and outstanding or authorized but unissued less the amount of any sinking funds held for payment of the same, exceeded any limitation or other restriction prescribed by section 18:5-84 of the Revised Statutes and that such proposal did not disclose or correctly disclose the effect thereof on the borrowing margin of any municipality comprised within the school district in compliance with the provisions of said section 18:5-86; provided, however, that notices of such meeting or election which specified the time, date and place thereof and the amount of bonds of the school district proposed to be authorized to be issued were at least 5 days before such meeting or election published and posted as required by the provisions of said section 18:7-15; and provided further that the consents of the State

Commissioner of Education and of the Local Finance Board provided for in said section 18:5-86 shall have been indorsed upon a copy of a proposal correctly disclosing the effect of the issuance of said bonds on the borrowing margin of any municipality comprised within the school district in compliance with the provisions of said section 18:5-86 prior to the date of such school district meeting or election; and provided further, that no action, suit or other proceedings of any nature to contest the validity of such meeting or election has heretofore been instituted prior to the date on which this act takes effect and within the time fixed therefore by or pursuant to law or rule of court, or, when such time has not theretofore expired, is instituted within 30 days after the effective date of this act.

2. This act shall take effect immediately.

Approved January 11, 1968.

CHAPTER 278

AN ACT to provide an alternate program of benefits for certain members of the faculty of the Newark College of Engineering, in lieu of benefits now provided.

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

C. 18A:66-130 Alternate benefit program for certain employees; additional death benefit coverage; certain contributions not returnable.

1. (a) Notwithstanding the provisions of any other law, within 180 days after the effective date of this act, the Newark College of Engineering shall provide an alternate program of benefits for certain employees in lieu of benefits under the Teachers' Pension and Annuity Fund or the Group Annuity Plan, which program shall be known as the alternate benefit program and which shall provide for individual retirement annuity contracts, both fixed and variable in nature, to become the property of the participants in said program individually; and group contracts providing life insurance which, notwithstanding any other provision of law, shall be in an amount equal to $1\frac{1}{2}$ times the base annual salary of said participant in the event of death prior to retirement; and which may provide

insurance coverage after retirement in an amount not to exceed $\frac{3}{16}$ of the participant's base annual salary at the time of retirement; and disability benefits for all such participants. The Board of Trustees of the Newark College of Engineering shall perform or provide for performance of all things necessary to prepare and operate said program.

(b) The Newark College of Engineering may also provide for additional death benefit coverage in accordance with rules and regulations as adopted by the Newark College of Engineering from time to time on the basis of factors deemed appropriate by it. A member of the alternate benefit program will be eligible to purchase the additional death benefit coverage provided that he or she selects such coverage within 1 year after the effective date of membership. A schedule of employee contributions shall be established by the Newark College of Engineering on a basis it deems appropriate which schedule shall be subject to adjustment from time to time for purpose of meeting the entire cost of the additional death benefit coverage.

(c) Any other provisions of this act notwithstanding the contributions of a member for the additional death benefit coverage under this section shall not be returnable to the member or his beneficiary in any manner, or for any reason whatsoever, nor shall any contributions made for the additional death benefit coverage be included in any annuity payable to any such member or to his beneficiary.

C. 18A:66-131 Participation in alternate benefit program; conditions.

2. All full-time faculty members, except those persons in ineligible categories designated in the regulations of the Newark College of Engineering which regulations shall be of uniform application, shall participate in the alternate benefit program, provided that no person who was in employment with the Newark College of Engineering on the effective date of this act and who was then a member of the Teachers' Pension and Annuity Fund or the Group Annuity Plan shall participate in the alternate benefit program unless he shall so elect by filing an application with the Teachers' Pension and Annuity Fund or the Group Annuity Plan within 90 days following the establishment of the alternate benefit program by the Newark College of Engineering declaring his election to participate in the alternate benefit program.

Upon such election, the Teachers' Pension and Annuity Fund or the Group Annuity Plan shall cause prompt notice of said election to be given to the Newark College of Engineering and shall transfer

to the individual's account in the alternate benefit program, the amount of accumulated deductions standing to his credit in the Annuity Savings Fund of the Teachers' Pension and Annuity Fund or the employee's contributions, including interest, in the Group Annuity Plan as of date of transfer.

C. 18A:66-132 Transfer of adequate pension reserve to alternate program; annuity determinant; pension formula; future change of eligibility requirement; employee's right to select option.

3. There shall also be transferred from the Contingent Reserve Fund or the pension fund of the Teachers' Pension and Annuity Fund or from the Group Annuity Plan to the individual's account in the alternate benefit program, the pension reserve required as of the date of his transfer to provide a pension for each year of service credited to the account of the member as set forth in section 36 or section 44 of chapter 37, of the laws of 1955 as amended and supplemented as of the effective date of this act, or for each year of service credited under the Group Annuity Plan. Such transfer from the Contingent Reserve Fund or the pension fund of the Teachers' Pension and Annuity Fund or the Group Annuity Plan shall be made at the time of the member's transfer to the alternate benefit program in the case of any such member who has then met the eligibility requirements for a pension under the aforementioned section 36 or section 44 of chapter 37, public laws of 1955 or the Group Annuity Plan. In the case of any member who elects to participate in the alternate benefit program who has not then met the eligibility requirements for a pension under section 36 or section 44 of chapter 37, public law of 1955 or under the Group Annuity Plan, the transfer from the Contingent Reserve Fund or the pension fund of the Teachers' Pension and Annuity Fund or from the Group Annuity Plan shall be effected at the time such requirements have been met, taking into account for the purpose of such eligibility requirement his years of membership service at the time of his election and his subsequent years of service as a full-time member of the faculty of the Newark College of Engineering, or at the time he shall have 10 years of credit for New Jersey service and become physically incapacitated for the performance of duty if he had been a member of the Teachers' Pension and Annuity Fund as of the date of transfer.

The annuity to be used in determining the amount of pension is the actuarial equivalent of the member's accumulated deductions transferred from the Teachers' Pension and Annuity Fund to the date the member attains 60 years of age, if subsequent to the date of election. The amount of pension is that established by formula

within section 44 of chapter 37, P. L. 1955 as amended and supplemented as of the effective date of this act or under the Group Annuity Plan and changes to section 44 enacted subsequent to this act or the Group Annuity Plan shall have no application to the provisions of this act.

In the event that the eligibility requirement under section 36 of chapter 37, P. L. 1955 or under the Group Annuity Plan is changed at some future date to permit members to become eligible for such benefit prior to the completion of 15 years of service, the transfer of the reserve from the Contingent Reserve Fund or the pension fund of the Teachers' Pension and Annuity Fund or from the Group Annuity Plan shall be effected as of the date the member who had elected the alternate benefits program meets the amended eligibility requirement or the effective date of the amendment, if later.

In the event an option is available with respect to the distribution of employee and employer contributions between fixed and variable annuities under the alternate benefit program, the employee shall have the right to determine the percentage distribution of these funds subject to any limitations imposed by the designated insurer or insurers.

C. 18A:66-133 Alternate program participation limitations.

4. Any person participating in the alternate benefit program shall be ineligible for membership in the Teachers' Pension and Annuity Fund or the Group Annuity Plan and any person electing to participate in the alternate benefit program shall thereby waive all rights and benefits provided by the Teachers' Pension and Annuity Fund as a member of said fund or as a participant in the Group Annuity Plan except as herein and otherwise provided by law or under the terms of the Group Annuity Plan.

Any person receiving a benefit by reason of his retirement from any retirement or pension system of the State of New Jersey or any political subdivision thereof shall be ineligible to participate in the alternate benefit program.

C. 18A:66-134 Contributions; number, amount, method of payment.

5. The Newark College of Engineering shall deduct from the compensation of each participant in the alternate benefit program an employee contribution equal to 5% of the participant's base salary and pay this amount to the insurer or insurers for the individual's retirement annuity contract or contracts. The intervals for deductions and payments shall be determined by the Newark College of Engineering. Based on a certification by the Newark College of Engineering of the number and base salary of participants, the

State shall make payments to the Newark College of Engineering as employer contributions to the alternate benefit program at a rate equal to the normal contribution made by the State on behalf of nonveteran members of the Public Employees' Retirement System, which moneys the Newark College of Engineering shall pay to the designated insurer or insurers for the benefit of each participant.

C. 18A:66-135 Designation of insurer; form and content of contracts.

6. The Board of Trustees of the Newark College of Engineering shall designate the insurer or insurers from which contracts are to be purchased under the alternate benefit program and shall approve the form and content of such contracts. In making such designation and giving such approval the board shall give due consideration to (a) the nature and extent of the rights and benefits to be provided by such contracts for employees and their beneficiaries, (b) the relation of such rights and benefits to the amount of contributions to be made under this act, (c) the suitability of such rights and benefits to the needs and interests of employees and to the interests of the college in the recruitment and retention of employees, and (d) the ability of the designated insurer or insurers to provide such suitable rights and benefits under such contracts.

C. 18A:66-136 Contributions during initial year of employment; exceptions.

7. (a) Notwithstanding any other provisions of this act, no contributions to any retirement annuity contracts shall be made by the Newark College of Engineering until the completion of 1 year of employment and commencement of a second consecutive year of employment. Employee contributions required during this initial year of service shall be deducted and held by the Newark College of Engineering. Upon the commencement of such second year the amount of the employee contributions, and such amount of the employer contribution herein required as has not theretofore been paid for said employee, together with interest on both portions at the rate of 4% per annum, shall be paid over to the designated insurer or insurers for and on behalf of such employee. If such an employee does not commence such second year the amount of employee contributions deducted from his compensation shall be refunded to him.

(b) The provisions of subsection (a) of this section shall not apply to any employee who, at the time of initial employment, owns a retirement annuity contract or contracts determined by the Board of Trustees of the Newark College of Engineering to be substantially similar to the contracts to be purchased under the

New Jersey State Library

alternate benefit program and issued by the designated insurer or insurers.

C. 18A:66-137 Voluntary salary reduction for annuity purchase; agreement specifications.

8. The Board of Trustees of the Newark College of Engineering is hereby authorized to enter into agreements with each employee participating in the alternate benefit program whereby the employee agrees to take a reduction in salary with respect to amounts earned after the effective date of such agreement in return for the agreement of the Newark College of Engineering to use a corresponding amount to purchase an annuity for such employee so as to obtain the benefits afforded under section 403(b) of the Federal Internal Revenue Code, as amended. Any such agreement shall specify the amount of such reduction, the effective date thereof, and shall be legally binding and irrevocable with respect to amounts earned while the agreement is in effect; provided, however, that such agreement may be terminated after it has been in effect for a period of not less than 1 year upon notice in writing by either party, and provided further that not more than one such agreement shall be entered into during any taxable year of the employee. For the purposes of this section, any annuity or other contract which meets the requirements of section 403(b) of the Federal Internal Revenue Code, as amended, may be utilized. The amount of the reduction in salary under any agreement entered into between the college and any employee pursuant to this section shall not exceed 10% of the employee's salary prior to such reduction.

C. 18A:66-138 Definitions.

9. The term "accumulated deductions" as used herein is as defined in section 2 of chapter 37, P. L. 1955, as amended and supplemented.

The term "pension reserve" as used herein is as defined in section 2 of chapter 37, P. L. 1955, as amended and supplemented or as it refers to the allowable credit of employer contributions which may be transferred under terms of the Group Annuity Plan.

The term "Newark College of Engineering" refers to the School for Industrial Education of Newark, New Jersey.

The term "Group Annuity Plan" refers to the Group Annuity Contract R-134 between the Board of Trustees of the Newark College of Engineering and the Prudential Insurance Company of America.

"Full-time" faculty shall be as defined by the Board of Trustees of the Newark College of Engineering by regulation of uniform

application, and shall also include the President and Vice-President of the College.

C. 18A:66-139 Credit of savings authorized.

10. Notwithstanding any other provision of law, any insurance company or companies, issuing policy or policies may credit the Newark College of Engineering, either directly or in the form of reduced premiums, with savings by said company or companies in the event that no brokerage commission or commissions are paid by said company or companies on the issuance of such policy or policies.

C. 18A:66-140 Use of dividend or rate credit.

11. Any dividend or retrospective rate credit allowed by an insurance company shall be used for purposes of the alternate benefit program and shall be credited to the funds available to purchase the contracts provided for in section 1 of the act in an equitable manner.

C. 18A:66-141 Retirement, death, or other benefit payment; limitations.

12. No retirement, death, or other benefit shall be payable by the State or the Newark College of Engineering under the alternate benefit program. Benefits shall be payable to participating employees and their beneficiaries only by the designated insurer or insurers under the terms of the contracts.

13. This act shall take effect immediately.

Approved January 11, 1968.

CHAPTER 279

AN ACT concerning traffic regulation, and amending section 39:4-197 of the Revised Statutes.

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

1. Section 39:4-197 of the Revised Statutes is amended to read as follows:

Ordinances or resolutions on matters covered by chapter; exceptions.

39:4-197. No municipality shall pass an ordinance or resolution on a matter covered by or which alters or in any way nullifies the provisions of this chapter or any supplement to this chapter; except that a municipality may pass ordinances or resolutions, or by

ordinances or resolutions may authorize the adoption of regulations by the board, body or official having control of traffic in the public streets, regulating special conditions existent in the municipality on the subjects and within the limitations following:

(1) Ordinance.

a. Altering speed limitations as provided in section 39:4-98 of this Title;

b. Limiting use of streets to certain class of vehicles;

c. Designating one-way streets;

d. Regulating the stopping or starting of street cars at special places such as railroad stations, public squares or in front of certain public buildings;

e. Regulating the passage or stopping of traffic at certain congested street corners or other designated points;

f. Regulating the parking of vehicles on streets and portions thereof including angle parking as provided in section 39:4-135 of this Title;

g. Regulating the parking of vehicles upon land owned or leased and maintained by the municipality, a parking authority or the board of education of a school district, including any lands devoted to the public parking of vehicles, the entrances thereto and exits therefrom;

h. Regulating the entrances to and exits from parking yards and parking places which are open to the public or to which the public is invited, except that this shall not apply to entrances or exits to and from State highways.

i. Designating streets or roads upon which heavy commercial vehicles may be required to use low gear in descending steep declivities and providing for the use of such gear thereon.

(2) Ordinance or resolution.

a. Designating through streets as provided in article 17 of this chapter (39:4-140 et seq.);

b. Designating and providing for the maintenance as "no passing" zones of portions of highway where overtaking and passing or driving to the left of the roadway is deemed especially hazardous.

(3) Ordinance, resolution or regulation.

a. Designating stops, stations or stands for omnibusses and taxis;

b. Designating curb loading zones.

2. This act shall take effect immediately.

Approved January 12, 1968.

CHAPTER 280

AN ACT to amend "An act to regulate and license employment agencies and certain employees of such agencies, defining the same, fixing the fees for such licenses and imposing penalties for violations, and supplementing Title 34 of the Revised Statutes," approved July 19, 1951 (P. L. 1951, c. 337).

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

1. Section 1 of the act of which this act is amendatory is amended to read as follows:

C. 34:8-24 Definitions.

1. As used in this act:

"Employment agency" means and includes the business of procuring or offering to procure help or employment, or the giving of information as to where help or employment may be procured, whether the business is conducted in a building or on the street or elsewhere; or the business of keeping an employment bureau, nurses' registry, or agency for procuring engagements for vaudeville or theatrical performers, or other agency or office for procuring work or employment for persons, where a fee or privilege is exacted, charged or received directly or indirectly for procuring or assisting or promising to procure employment, work, engagement or a situation of any kind, or for procuring or providing help or promising to provide help for any person, whether such fee is collected from the applicant for employment or the applicant for help, or whether the application for help or employment is made directly or indirectly by either the prospective employer or the prospective employee or by any person acting to secure either help or employment for the prospective employer or the prospective employee.

"Fee" means and includes any payment of money, or promises to pay money, or the excess of money received by a person furnishing employment or employees over what he has paid for transportation, transfer or baggage or lodging for an applicant for employment. It shall also mean and include the difference between the amount of money received by any person who either furnishes employees or performers for any entertainment, exhibition or performance, or who furnishes baby sitters for any occasion, and the

amount paid by such person or persons to the employees, performers or baby sitters.

“Privilege” means and includes the furnishing of food, supplies, tools or shelter to contract laborers, commonly known as commissary privileges. The furnishing of food, supplies, tools or shelter to laborers, if performed or paid for within this State, both in connection with the promise or offer to provide help or employment regardless of where such offer is made or where the help is obtained, shall be considered proof of violation of this act.

“Commissioner” means the Commissioner of Labor and Industry of this State or his duly authorized representative.

“Contract laborers” means unskilled or skilled workers, of either sex, furnished either directly or indirectly by any person, engaged directly or indirectly in the business of furnishing employees, to employers by whom they are to be employed in groups of 5 or more persons.

“Employment agency owner’s license” means a license authorizing the person to whom it is issued to own an employment agency and to have such employment agency operated by a person or persons duly authorized to perform the functions for which the agency is licensed.

“Employment agency operator’s license” means a license issued to an individual person who is the holder of an employment agency owner’s license or to an employee or agent of the holder of an employment agency owner’s license. When held by the employee or agent of the holder of an employment agency owner’s license such employment agency operator’s license shall authorize the holder to perform such functions as he may be duly authorized and empowered by his employer to perform and for the performance of which an employment agency operator’s license is required. No person, other than the holder of an employment agency operator’s license, shall furnish help or employment, or furnish information as to where help or employment may be obtained, or manage, operate or carry on the business of an employment agency.

“Representative” means any individual person holding an employment agency operator’s license duly authorized and empowered by the owner of the employment agency owner’s license, by whom he is employed, to solicit business and otherwise act as the duly authorized representative of his employer to the extent of such authorization and subject to the provisions of this act.

“Employee” means an applicant for a job, or an engagement to work, who is furnished to an employer, or prospective employer,

by an employment agency. This definition shall not apply to employees of the employment agency.

“Employer” means an applicant for help for whom an employee is to be supplied by an employment agency.

“Rules and regulations” means such rules and regulations as shall have been promulgated by the commissioner and are not inconsistent with the provisions of this act.

“Vaudeville or theatrical performers” means individual persons or groups of persons whose services are available for hire for the purpose of furnishing entertainment or amusement, whether the services are rendered by individuals performing alone or in groups commonly described as entertainment acts.

“Agency for procuring engagements for theatrical or vaudeville performers” means any person engaged in the business of procuring employment for vaudeville or theatrical employees for any employer other than himself.

“Baby sitters” means and includes any individual person under 21 years of age, of either sex, other than a registered nurse or a licensed nurse, entrusted temporarily with the care of children during the absence of their parents, guardians, or persons standing in loco parentis to them. This definition shall not include persons regularly employed by agencies, or institutions operated by or under the control or supervision of this State, or any of its political subdivisions, nor any nurseries operated for the care of children when such nurseries are similarly controlled or supervised.

2. This act shall take effect immediately.

Approved January 12, 1968.

CHAPTER 281

AN ACT to provide an alternate program of benefits for certain members of the faculty of the State colleges, in lieu of benefits now provided.

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

C. 18A:66-142 Alternate benefit program for certain employees; additional death benefit coverage; certain contributions not returnable.

1.(a) Notwithstanding the provisions of any other law, within 180 days after the effective date of this act, the Board of Higher

Education shall provide an alternate program of benefits for certain employees in lieu of benefits under the Teachers' Pension and Annuity Fund, which program shall be known as the alternate benefit program and which shall provide for individual retirement annuity contracts, both fixed and variable in nature, to become the property of the participants in said program individually; and group contracts providing life insurance which, notwithstanding any other provision of law, shall be in an amount equal to $1\frac{1}{2}$ times the base annual salary of said participant in the event of death prior to retirement; and which may provide insurance coverage after retirement in an amount not to exceed $\frac{3}{16}$ of the participant's base annual salary at the time of retirement; and disability benefits for all such participants. The Board of Higher Education shall perform or provide for performance of all things necessary to prepare and operate said program.

(b) The Board of Higher Education may also provide for additional death benefit coverage in accordance with rules and regulations as adopted by the Board of Higher Education from time to time on the basis of factors deemed appropriate by it. A member of the alternate benefit program will be eligible to purchase the additional death benefit coverage provided that he or she selects such coverage within 1 year after the effective date of membership. A schedule of employee contributions shall be established by the Board of Higher Education on a basis it deems appropriate which schedule shall be subject to adjustment from time to time for purpose of meeting the entire cost of the additional death benefit coverage.

(c) Any other provisions of this act notwithstanding the contributions of a member for the additional death benefit coverage under this section shall not be returnable to the member or his beneficiary in any manner, or for any reason whatsoever, nor shall any contributions made for the additional death benefit coverage be included in any annuity payable to any such member or to his beneficiary.

C. 18A:66-143 Participation in alternate benefit program; conditions.

2. All full-time faculty members, except those persons in ineligible categories designated in the regulations of the Board of Higher Education which regulations shall be of uniform application, shall participate in the alternate benefit program, provided that no person who was in employment with a State college on the effective date of this act and who was then a member of the Teachers' Pension and Annuity Fund shall participate in the

alternate benefit program unless he shall so elect by filing an application with the Teachers' Pension and Annuity Fund within 90 days following the establishment of the alternate benefit program by the Board of Higher Education declaring his election to participate in the alternate benefit program.

Upon such election, the Teachers' Pension and Annuity Fund shall cause prompt notice of said election to be given to the Board of Higher Education and shall transfer to the individual's account in the alternate benefit program, the amount of accumulated deductions standing to his credit in the Annuity Savings Fund of the Teachers' Pension and Annuity Fund as of date of transfer.

C. 18A:66-144 Transfer of adequate pension reserve to alternate program; annuity determinant; pension formula; future change of eligibility requirement; employee's right to select option.

3. There shall also be transferred from the Contingent Reserve Fund or the pension fund of the Teachers' Pension and Annuity Fund to the individual's account in the alternate benefit program, the pension reserve required as of the date of his transfer to provide a pension for each year of service credited to the account of the member as set forth in section 36 or section 44 of chapter 37, of the laws of 1955 as amended and supplemented as of the effective date of this act. Such transfer from the Contingent Reserve Fund or the pension fund of the Teachers' Pension and Annuity Fund shall be made at the time of the member's transfer to the alternate benefit program in the case of any such member who has then met the eligibility requirements for a pension under the aforementioned section 36 or section 44 of chapter 37, public laws of 1955. In the case of any member who elects to participate in the alternate benefit program who has not then met the eligibility requirements for a pension under section 36 or section 44 of chapter 37, public laws of 1955, the transfer from the Contingent Reserve Fund or the pension fund of the Teachers' Pension and Annuity Fund shall be effected at the time such requirements have been met, taking into account for the purpose of such eligibility requirement his years of membership service at the time of his election and his subsequent years of service as a full-time member of the faculty of a State college, or at the time he shall have 10 years of credit for New Jersey service and become physically incapacitated for the performance of duty if he had been a member of the Teachers' Pension and Annuity Fund as of the date of transfer.

The annuity to be used in determining the amount of pension is the actuarial equivalent of the member's accumulated deductions

transferred from the Teachers' Pension and Annuity Fund to the date the member attains 60 years of age, if subsequent to the date of election. The amount of pension is that established by formula within section 44 of chapter 37, P. L. 1955 as amended and supplemented as of the effective date of this act and changes to section 44 enacted subsequent to this act shall have no application to the provisions of this act.

In the event that the eligibility requirement under section 36 of chapter 37, P. L. 1955 is changed at some future date to permit members to become eligible for such benefit prior to the completion of 15 years of service, the transfer of the reserve from the Contingent Reserve Fund or the pension fund of the Teachers' Pension and Annuity Fund shall be effected as of the date the member who had elected the alternate benefits program meets the amended eligibility requirement or the effective date of the amendment, if later.

In the event an option is available with respect to the distribution of employee and employer contributions between fixed and variable annuities under the alternate benefit program, the employee shall have the right to determine the percentage distribution of these funds subject to any limitations imposed by the designated insurer or insurers.

C. 18A:66-145 Alternate program participation limitations.

4. Any person participating in the alternate benefit program shall be ineligible for membership in the Teachers' Pension and Annuity Fund and any person electing to participate in the alternate benefit program shall thereby waive all rights and benefits provided by the Teachers' Pension and Annuity Fund as a member of said fund except as herein and otherwise provided by law.

Any person receiving a benefit by reason of his retirement from any retirement or pension system of the State of New Jersey or any political subdivision thereof shall be ineligible to participate in the alternate benefit program.

C. 18A:66-146 Contributions; number, amount, method of payment.

5. The Board of Higher Education shall provide for deductions from the compensation of each participant in the alternate benefit program of an employee contribution equal to 5% of the participant's base salary and pay this amount to the insurer or insurers for the individual's retirement annuity contract or contracts. The intervals for deductions and payments shall be determined by the Board of Higher Education. Based on a certification by the Board

of Higher Education of the number and base salary of participants, the State shall make payments to the Board of Higher Education as employer contributions to the alternate benefit program at a rate equal to the normal contribution made by the State on behalf of nonveteran members of the Public Employees' Retirement System, which moneys the Board of Higher Education shall pay to the designated insurer or insurers for the benefit of each participant.

C. 18A:66-147 Designation of insurer; form and content of contracts.

6. The Board of Higher Education shall designate the insurer or insurers from which contracts are to be purchased under the alternate benefit program and shall approve the form and content of such contracts. In making such designation and giving such approval the board shall give due consideration to (a) the nature and extent of the rights and benefits to be provided by such contracts for employees and their beneficiaries, (b) the relation of such rights and benefits to the amount of contributions to be made under this act, (c) the suitability of such rights and benefits to the needs and interests of employees and to the interests of the State colleges in the recruitment and retention of employees, and (d) the ability of the designated insurer or insurers to provide such suitable rights and benefits under such contracts.

C. 18A:66-148 Contributions during initial year of employment; exceptions.

7.(a) Notwithstanding any other provisions of this act, no contributions to any retirement annuity contracts shall be made by the Board of Higher Education until the completion of 1 year of employment and commencement of a second consecutive year of employment. Employee contributions required during this initial year of service shall be deducted and held by the respective State college. Upon the commencement of such second year the amount of the employee contributions, and such amount of the employer contribution herein required as has not theretofore been paid for said employee, together with interest on both portions at the rate of 4% per annum, shall be paid over to the designated insurer or insurers for and on behalf of such employee. If such an employee does not commence such second year the amount of employee contributions deducted from his compensation shall be refunded to him.

(b) The provisions of subsection (a) of this section shall not apply to any employee who, at the time of initial employment, owns a retirement annuity contract or contracts determined by the Board of Higher Education to be substantially similar to the contracts to be purchased under the alternate benefit program and issued by the designated insurer or insurers.

C. 18A:66-149 Voluntary salary reduction for annuity purchase; agreement specifications.

8. The Board of Higher Education is hereby authorized to permit the State colleges to enter into agreements with each employee participating in the alternate benefit program whereby the employee agrees to take a reduction in salary with respect to amounts earned after the effective date of such agreement in return for the agreement of the college to use a corresponding amount to purchase an annuity for such employee so as to obtain the benefits afforded under section 403(b) of the Federal Internal Revenue Code, as amended. Any such agreement shall specify the amount of such reduction, the effective date thereof, and shall be legally binding and irrevocable with respect to amounts earned while the agreement is in effect; provided, however, that such agreement may be terminated after it has been in effect for a period of not less than one year upon notice in writing by either party, and provided further that not more than one such agreement shall be entered into during any taxable year of the employee. For the purposes of this section, any annuity or other contract which meets the requirements of section 403(b) of the Federal Internal Revenue Code, as amended, may be utilized. The amount of the reduction in salary under any agreement entered into between the colleges and any employee pursuant to this section shall not exceed 10% of the employee's salary prior to such reduction.

C. 18A:66-150 Definitions.

9. The term "accumulated deductions" as used herein is as defined in section 2 of chapter 37, P. L. 1955, as amended and supplemented.

The term "pension reserve" as used herein is as defined in section 2 of chapter 37, P. L. 1955, as amended and supplemented.

The term "Board of Higher Education" refers to the board established pursuant to section 2 of chapter 302, P. L. 1966.

The term "State colleges" refers to the colleges so designated by the Board of Higher Education.

"Full-time" faculty shall be as defined by the Board of Higher Education by regulation of uniform application, and shall also include the presidents of the colleges.

C. 18A:66-151 Credit of savings authorized.

10. Notwithstanding any other provision of law, any insurance company or companies, issuing policy or policies may credit the Board of Higher Education either directly or in the form of reduced premiums, with savings by said company or companies in the event

that no brokerage commission or commissions are paid by said company or companies on the issuance of such policy or policies.

C. 18A:66-152 Use of dividend or rate credit.

11. Any dividend or retrospective rate credit allowed by an insurance company shall be used for purposes of the alternate benefit program and shall be credited to the funds available to purchase the contracts provided for in section 1 of the act in an equitable manner.

C. 18A:66-153 Retirement, death, or other benefit payment; limitations.

12. No retirement, death, or other benefit shall be payable by the State or the Board of Higher Education under the alternate benefit program. Benefits shall be payable to participating employees and their beneficiaries only by the designated insurer or insurers under the terms of the contracts.

13. This act shall take effect immediately.

Approved January 12, 1968.

CHAPTER 282

AN ACT concerning railroads and supplementing chapter 12 of Title 48 of the Revised Statutes.

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

C. 48:12-125.1 Service of notice upon political entity; right of conveyance limited; right-of-way defined.

1. In order to permit the State and its political subdivisions to receive notice of, and be afforded an opportunity to acquire, by purchase or condemnation, railroad rights of way proposed to be abandoned, any railroad company which makes application to the Interstate Commerce Commission for authority to abandon any part of its right of way on which passenger or freight services are operated, or to abandon, sell or lease any of its right of way over which services have previously been abandoned and title to such right of way currently remains with the railroad shall, within 10 days of making such application, serve notice thereof upon the State and upon each county and municipality in which any part of the right of way proposed for abandonment is located. No sale

or conveyance of any part of such right of way shall thereafter be made to any person other than the State, a county or municipality for a period of 90 days from the date of approval by the Interstate Commerce Commission of the application for abandonment or from the date of service of the notice in this section required, whichever occurs later, unless prior thereto each governmental agency entitled to such notice shall have filed with the railroad company written disclaimer of interest in acquiring all or any part of said right of way. Any sale or conveyance made in violation of this act shall be void.

As used in this act "right of way" means the roadbed of a line of railroad, not exceeding 100 feet in width, as measured horizontally at the elevation of the base of the rail, including the full embankment or excavated area, with slopes, slope ditches, retaining walls or foundations necessary to provide a width not to exceed 100 feet at the base of rail, but not including tracks, appurtenances, ballast nor any structures or buildings erected thereon.

C. 48:12-125.2 Contents of notice.

2. Each notice, required to be served pursuant to this act, shall contain a brief description sufficient to identify the right of way intended to be abandoned and sold or otherwise disposed of together with a statement that the notice is given to afford the State and each county and municipality in which the said right of way is located an opportunity to acquire the right of way or such portion thereof as may be required for public use.

C. 48:12-125.3 Method of service.

3. Service of the said notice shall be made by certified mail, return receipt requested, addressed to the Governor in cases of service upon the State, to the director or clerk of the board of chosen freeholders, in cases of service upon a county, and to the mayor or municipal clerk, in cases of service upon a municipality.

4. This act shall take effect immediately.

Approved January 18, 1968.

CHAPTER 283

AN ACT relating to the bonding of county and municipal officers and employees for faithful performance and discharge of their duties.

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

C. 40A:5-34.1 Blanket bond coverage authorized; evidence satisfies requirement.

1. The board of chosen freeholders of any county or the governing body of any municipality, as the case may be, may provide by blanket bond for the bonding of certain county or municipal officers and employees for faithful performance and discharge of their duties. Blanket bond coverage may be by one or more blanket bonds issued by a surety company or companies or one or more underwriters. Blanket bond coverage may be provided in lieu of an individual bond as to any officer or employee required by law to be bonded, except treasurers and tax collectors, by whatever title known, provided the blanket bond meets the requirements for the individual bond in amount, rights of cancellation, and the governmental agencies in whose favor it runs.

Whenever a copy of an individual bond is required by law to be filed with or supplied to specified officers, evidence of blanket bond coverage filed with or supplied to such officers by the board of chosen freeholders or governing body shall be compliance with such requirement.

2. This act shall take effect immediately.

Approved January 18, 1968.

CHAPTER 284

AN ACT concerning the State bureau of identification in the Division of State Police, amending section 53:1-18 and supplementing chapter 1 of Title 53, of the Revised Statutes.

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

1. Section 53:1-18 of the Revised Statutes is amended to read as follows:

Report of indictable offenses; court clerk's duty.

53:1-18. For the purpose of submitting to the Governor and the Legislature a report of statistics on crime conditions in the annual report of the Division of State Police, the clerk of every court before which a person appears on any criminal charge or disorderly persons offense shall within 30 days report to the State Bureau of Identification the sentence of the court or other disposition of the case.

C. 53:1-18a County prosecutor's report.

2. For the purpose of submitting to the Governor and the Legislature a report of statistics on crime conditions in the annual report of the Division of State Police, the prosecutor of every county shall within 30 days report to the State Bureau of Identification, on forms prescribed by the superintendent of State Police, such information as he shall require for the aforesaid purpose.

3. This act shall take effect immediately.

Approved January 23, 1968.

CHAPTER 285

AN ACT concerning the State Transportation Department and designating a portion of Route 208 as a freeway.

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

27:6-1 State highway route.

1. That portion of Route 208, established by P. L. 1931, chapter 20, designated Route Number S-4-B, beginning at Route U. S. 202 in Oakland, Bergen county, and thence extending northwesterly in the vicinity of Ringwood, West Milford and terminating at the New York State line, is hereby designated as a freeway as defined in chapter 83 of the laws of 1945.

2. This act shall take effect immediately.

Approved January 23, 1968.

CHAPTER 286

AN ACT to revise and correct certain statutes.

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

1. The title of chapter 86 of the laws of 1964 is amended to read as follows:

C. 2A:127-5 Title amended.

“AN ACT concerning crimes and supplementing chapter 127 of Title 2A of the New Jersey Statutes.”

2. Section 2A:151-11 of the New Jersey Statutes is amended to read as follows:

Acquisition of weapons by minors; exceptions.

2A:151-11. Any person under the age of 18 years who purchases, barter, borrows, acquires or exchanges any firearm, grenade, bomb or other explosive, is guilty of a misdemeanor or an act of juvenile delinquency as may be provided otherwise in the statutes; except that any such person may carry, fire or use any firearm in the actual presence or under the direct supervision of his father, mother, guardian or some other person who is himself a holder of a permit to carry a pistol or revolver or a firearms purchaser identification card, or for the purpose of military drill under the auspices of a legally recognized military organization and under competent supervision, or for the purpose of competition or target practice in and upon a firing range approved by the governing body or the chief of police of the municipality in which such range is located or the National Rifle Association and which is under competent supervision at the time of such competition or target practice, and except further that a minor under the age of 18 years who has successfully completed a hunter's safety course taught by a qualified instructor or conservation officer and carries in his possession a certificate indicating the successful completion of such a course and has a valid hunting license in his own name, may carry and use a rifle or shotgun as otherwise provided in this chapter, for the purpose of hunting during the regularly designated hunting season.

3. Section 6 of chapter 104 of the laws of 1964 is amended to read as follows:

C. 17:48-6.5 Schedule of rates.

6. No hospital service corporation shall issue group contracts which are not experience-rated pursuant to section 5 of this act, until it shall have filed with the commissioner a full schedule of the rates which are to apply to such contracts. The commissioner may disapprove such schedule at any time if he finds that such rates are excessive, inadequate or unfairly discriminatory. It shall be unlawful for any corporation to effect any such group contract according to such rates thereafter.

4. Section 5 of chapter 105 of the laws of 1964 is amended to read as follows:

C. 17:48A-7.5 Schedule of rates.

5. No medical service corporation shall issue group contracts which are not experience-rated pursuant to section 4 of this act, until it shall have filed with the commissioner a full schedule of the rates which are to apply to such contracts. The commissioner may disapprove such schedule at any time if he finds that such rates are excessive, inadequate or unfairly discriminatory. It shall be unlawful for any corporation to effect any such group contract according to such rates thereafter.

5. Section 3 of chapter 106 of the laws of 1967 is amended to read as follows:

C. 26:2C-3.2 Clean air council created; membership, terms, compensation, officers.

3. (a) There is hereby created in the State Department of Health a Clean Air Council, which shall consist of 17 members, 3 of whom shall be the Commissioner of Labor and Industry or a member of the Department of Labor and Industry designated by him, the Commissioner of Community Affairs or a member of the Department of Community Affairs designated by him, and the Secretary of Agriculture or a member of the Department of Agriculture designated by him, who shall serve ex officio, 6 citizens of the State representing the general public at least one of whom shall be a medical doctor licensed to practice in this State and 8 members to be appointed from persons to be nominated by the organizations hereinafter enumerated, by the Governor.

(b) Within 30 days following the effective date hereof and thereafter as required, at least 1 month prior to the expiration of the term of the member chosen from nominees of each organi-

zation hereafter enumerated, each such organization shall submit to the Governor a list of 3 recommended nominees for membership on the council from which list the Governor shall appoint one.

If any organization does not submit a list of recommended nominees at any time required by this act, the Governor may appoint a member of his choice.

The organizations which shall be entitled to submit recommended nominees are: New Jersey Health Officers Association, New Jersey State Chamber of Commerce, New Jersey Society of Professional Engineers, Inc., New Jersey Manufacturers Association, New Jersey Section of the American Industrial Hygiene Association, New Jersey State League of Municipalities, the New Jersey Freeholders' Association and the New Jersey State AFL-CIO.

(c) Of the 14 members first to be appointed, 4 shall be appointed for terms of 1 year, 4 for terms of 2 years, 3 for terms of 3 years and 3 for terms of 4 years. Thereafter, all appointments shall be made for terms of 4 years. All appointed members shall serve after the expiration of their terms until their respective successors are appointed and shall qualify, and any vacancy occurring in the appointed membership of the council by expiration of term or otherwise, shall be filled in the same manner as the original appointment for the unexpired term only, notwithstanding that the previous incumbent may have held over and continued in office as aforesaid. The Governor may remove any appointed member of the council for cause after a public hearing.

(d) Members of the council shall serve without compensation but shall be reimbursed for expenses actually incurred in attending meetings of the council and in the performance of their duties as members thereof.

(e) The council shall elect annually a chairman and vice-chairman from its own membership.

6. Section 1 of chapter 109 of the laws of 1967 is amended to read as follows:

C. 26:2E-9 Clean water council created; membership, terms, compensation, officers.

1. (a) There is hereby created in the State Department of Health a Clean Water Council, which shall consist of 18 members, 7 of whom shall be the Commissioner of Labor and Industry or a member of the Department of Labor and Industry designated by him, the Commissioner of Community Affairs or a member of the Department of Community Affairs designated by him, the President of the Public Utilities Commission or a member of the Depart-

ment of Public Utilities designated by him, the Commissioner of Conservation and Economic Development or a member of the Department of Conservation and Economic Development designated by him, the Secretary of Agriculture or a member of the Department of Agriculture designated by him, the Chairman of the Water Policy and Supply Council in the Department of Conservation and Economic Development and the Executive Director of the Delaware River Basin Commission, who shall serve ex officio, 5 citizens of the State representing the general public and 6 members to be appointed from persons to be nominated by the organizations hereinafter enumerated, by the Governor.

(b) Within 30 days following the effective date hereof and thereafter as required, at least 1 month prior to the expiration of the term of the member chosen from nominees of each organization hereafter enumerated, each such organization shall submit to the Governor a list of 3 recommended nominees for membership on the council from which list the Governor shall appoint one.

If any organization does not submit a list of recommended nominees at any time required by this act, the Governor may appoint a member of his choice.

The organizations which shall be entitled to submit recommended nominees are: New Jersey State Chamber of Commerce, New Jersey Manufacturers Association, New Jersey State League of Municipalities, the New Jersey Freeholders' Association, New Jersey Society of Professional Engineers, Inc. and the New Jersey AFL-CIO.

(c) Of the 11 members first to be appointed, 4 shall be appointed for terms of 1 year, 3 for terms of 2 years, 2 for terms of 3 years and 2 for terms of 4 years. Thereafter, all appointments shall be made for terms of 4 years. All appointed members shall serve after the expiration of their terms until their respective successors are appointed and shall qualify, and any vacancy occurring in the appointed membership of the council by expiration of term or otherwise, shall be filled in the same manner as the original appointment for the unexpired term only, notwithstanding that the previous incumbent may have held over and continued in office as aforesaid. The Governor may remove any appointed member of the council for cause after a public hearing.

(d) Members of the council shall serve without compensation but shall be reimbursed for expenses actually incurred in attending meetings of the council and in the performance of their duties as members thereof.

(e) The council shall elect annually a chairman and vice-chairman from its own membership.

7. Section 5 of Article II of chapter 149 of the laws of 1966 is amended to read as follows:

C. 32:27-12 Officers.

5. Officers. The board shall elect a chairman, vice-chairman, a secretary and a treasurer from among its membership and may elect such other officers as it desires from among its membership. The vice-chairman, and either the secretary or treasurer, shall not reside in the same State as the chairman. The chairman or vice-chairman shall be elected from among the State officials or appointees of each party State. The remaining officers shall be selected from among the members representing the counties and municipalities.

8. Section 3 of chapter 61 of the laws of 1967 is amended to read as follows:

C. 40:55-57 Standards and conditions for planned unit development.

3. Standards and conditions for planned unit development. Every ordinance adopted pursuant to the provisions of this act shall set forth the standards and conditions by which a proposed planned unit development shall be evaluated. The municipal authority may prescribe, from time to time, rules and regulations to supplement the standards and conditions set forth in the ordinance provided (1) said rules and regulations are not inconsistent with said standards and conditions, (2) said rules and regulations are placed of public record, and (3) any amendment or change of said rules and regulations shall not apply to any plan for which an application for tentative approval has been made prior to the placing of public record of said amendment or change. Said standards and conditions and all supplementary rules and regulations established for a particular planned development authorized pursuant to such ordinance shall not be inconsistent with the following provisions:

(a) Permitted uses. An ordinance adopted pursuant to this act shall set forth the uses permitted in a planned unit development, which uses may include and shall be limited to (1) dwelling units in detached, semidetached, attached, groups of attached or clustered or multistoried structures, or any combination thereof; and (2) any nonresidential use, to the extent such nonresidential use is designed and intended to serve the residents of the planned unit development, and such other uses as exist or may reasonably be

expected to exist in the future, and (3) public and private educational facilities, and (4) industrial uses and buildings.

An ordinance may establish regulations setting forth the timing of development among the various types of uses and subgroups thereunder, and may specify whether some nonresidential uses are to be built before, after or at the same time as the residential uses.

(b) Residential density.

(1) An ordinance adopted pursuant to this act shall establish standards governing the density, or intensity of land use, in a planned unit development.

(2) Said standards shall take into account that the density, or intensity of land use, otherwise allowable on the site under the provisions of a zoning ordinance previously enacted pursuant to Revised Statutes 40:55-30, et seq., may not be appropriate for a planned unit development. The standards may vary the density, or intensity of land use, otherwise applicable to the land within the planned unit development in consideration of (a) the amount, location and proposed use of common open space, (b) the location and physical characteristics of the site of the proposed planned unit development, and (c) the location, design and type of dwelling units and other uses.

(3) In the case of a planned unit development proposed to be developed over a period of years, such standards may, to encourage the flexibility of housing density, design and type intended by this act, authorize a deviation in each section to be developed from the density, or intensity of use, established for the entire planned unit development. The ordinance may authorize the municipal authority to allow for a greater concentration of density, or intensity of land use, within some section or sections of development, whether it be earlier or later in the development, than upon others. The ordinance may require that the approval by the municipal authority of a greater concentration of density or intensity of land use for any section to be developed be offset by a smaller concentration in any completed prior stage or by an appropriate reservation of common open space on the remaining land by a grant of easement or by covenant in favor of the municipality, provided that such reservation shall, as far as practicable, defer the precise location of such common open space until an application for final approval is filed, so that flexibility of development which is a prime objective of this act, can be maintained.

(c) Common open space. The standards for a planned unit development established by an ordinance adopted pursuant to this act shall require that any common open space resulting from the application of standards for density, or intensity of land use, be set aside for the use and benefit of the residents in such development and shall include provisions by which the amount and location of any common open space shall be determined and its improvement and maintenance for common open space use be secured, subject, however, to the following:

(1) The ordinance may provide that the municipality may, at any time and from time to time, accept the dedication of land or any interest therein for public use and maintenance, but the ordinance shall not require, as a condition of the approval of a planned unit development, that land proposed to be set aside for common open space be dedicated or made available to public use. The ordinance may require that the landowner provide for and establish an organization for the ownership and maintenance of any common open space, and that such organization shall not be dissolved nor shall it dispose of any common open space, by sale or otherwise (except to an organization conceived and established to own and maintain the common open space), without first offering to dedicate the same to the municipality or any other government agency.

(2) In the event that the organization established to own and maintain common open space, or any successor organization, shall at any time after establishment of the planned unit development fail to maintain the common open space in reasonable order and condition in accordance with the plan, the municipality may serve written notice upon such organization or upon the residents and owners of the planned unit development setting forth the manner in which the organization has failed to maintain the common open space in reasonable condition, and said notice shall include a demand that such deficiencies of maintenance be cured within 30 days thereof, and shall state the date and place of a hearing thereon which shall be held within 14 days of the notice. At such hearing the municipality may modify the terms of the original notice as to the deficiencies and may give an extension of time within which they shall be cured. If the deficiencies set forth in the original notice or in the modifications thereof shall not be cured within said 30 days or any extension thereof, the municipality, in order to preserve the taxable values of the properties within the planned unit

development and to prevent the common open space from becoming a public nuisance, may enter upon said common open space and maintain the same for a period of 1 year. Said entry and maintenance shall not vest in the public any rights to use the common open space except when the same is voluntarily dedicated to the public by the residents and owners. Before the expiration of said year, the municipality shall, upon its initiative or upon the request of the organization theretofore responsible for the maintenance of the common open space, call a public hearing upon notice to such organization, or to the residents and owners of the planned unit development, to be held by the municipal authority, at which hearing such organization or the residents and owners of the planned unit development shall show cause why such maintenance by the municipality shall not, at the election of the municipality, continue for a succeeding year. If the municipal authority shall determine that such organization is ready and able to maintain said common open space in reasonable condition, the municipality shall cease to maintain said common open space at the end of said year. If the municipal authority shall determine such organization is not ready and able to maintain said common open space in a reasonable condition, the municipality may, in its discretion, continue to maintain said common open space during the next succeeding year and subject to a similar hearing and determination, in each year thereafter. The decision of the municipal authority in any such case shall constitute a final administrative decision subject to judicial review.

(3) The cost of such maintenance by the municipality shall be assessed ratably against the properties within the planned unit development that have a right of enjoyment of the common open space, and shall become a tax lien on said properties. The municipality, at the time of entering upon said common open space for the purpose of maintenance, shall file a notice of such lien in the office of the county clerk upon the properties affected by such lien within the planned unit development.

(d) Minimum number of dwelling units. No ordinance adopted pursuant to the provisions of this act shall authorize a planned unit that contains less than 5 dwelling units, or less than 5 commercial uses, or 3 industrial uses, singly or in combination.

(e) Public facilities. The authority granted a municipality by P. L. 1953, chapter 433 (C. 40:55-1.1 et seq.) to establish standards for the location, width, course and surfacing of public streets and

highways, alleys, ways for public service facilities, curbs, gutters, sidewalks, street lights, parks, playgrounds, school grounds, storm water drainage, water supply and distribution, sanitary sewers and sewage collection and treatment, shall be vested in the municipal authority for the purposes of this act. The standards applicable to a planned unit development may be different than, or modifications of, the standards and requirements otherwise required of subdivisions authorized under an ordinance adopted pursuant to P. L. 1953, chapter 433 (C. 40:55-1.1 et seq.) provided however, that an ordinance adopted pursuant to this act shall set forth the limits and extent of any modifications or changes in such standards and requirements in order that a landowner shall be able to know the limits and extent of permissible modifications from the standards otherwise applicable to subdivisions. The limits of such modification or change established in an ordinance adopted pursuant to this act as well as the degree of modification or change within said limits authorized in a particular case by the municipal authority shall take into account that the standards and requirements established in an ordinance adopted pursuant to P. L. 1953, chapter 433 (C. 40:55-1.1 et seq.), may not be appropriate or necessary for land development of the type or design contemplated by this act or for the planning and creation of a planned community.

(f) Other standards and conditions. An ordinance adopted pursuant to this act shall set forth the standards and criteria by which the design, bulk and location of buildings shall be evaluated, and all standards and criteria for any feature of a planned unit development shall be set forth in such ordinance with sufficient certainty to provide reasonable criteria by which specific proposals for a planned unit development can be evaluated. All standards in such ordinance shall not unreasonably restrict the ability of the landowner to relate the plan to the particular site and to the particular demand for housing, commercial or industrial users existing at the time of development.

9. Section 1 of chapter 296 of the laws of 1966 is amended to read as follows:

C. 40:81-11.1 Appointments to water commission by municipal council.

1. In any municipality operating under the municipal manager form of government law which has established or shall establish jointly with one or more other municipalities a water commission pursuant to the provisions of section 40:62-129 of the Revised Statutes, the municipal council shall appoint the member or mem-

bers of the water commission to which the municipality is entitled.

10. The title of chapter 307 of the laws of 1966 is amended to read as follows:

C. 43:16-17 Title amended.

AN ACT to amend sections 43:16-3 and 43:16-4 of the Revised Statutes and section 12 of P. L. 1944, c. 253, and repealing section 2 of P. L. 1960, chapter 108, and sections 2 and 3 of P. L. 1962, chapter 40.

11. Section 3 of chapter 307 of the laws of 1966 and its amendatory clause are amended to read as follows:

3. Section 12 of chapter 253 of the laws of 1944 is amended to read as follows:

C. 43:16-17 Definitions.

12. The following words and phrases as used in this act, unless a different meaning is plainly required by the context, shall have the following meaning:

(1) "Member" shall mean a person who on the effective date of the act of which this act is amendatory, that is on July 1, 1944, was a member of a municipal police department or paid or part-paid fire department or county police department or a paid or part-paid fire department of a fire district located in a township and who has contributed to the pension fund established under chapter 16 of Title 43 of the Revised Statutes and shall hereafter contribute to said fund.

(2) "Active member" shall mean any "member" who is a policeman, fireman, detective, lineman, driver of police van, fire alarm operator or inspector of combustibles and who is subject to call for active service or duty as such.

(3) "Employee member" shall mean any "member" who is not subject to call for active service or duty as a policeman, fireman, detective, lineman, driver of police van, fire alarm operator or inspector of combustibles.

(4) "Commission" shall mean the board having control of the fund and the administration of this act.

(5) "Physician or surgeon" shall mean the surgeon or surgeons, physician or physicians who shall be called upon to determine the disability of members as provided by this act.

(6) "Employer" shall mean the county, municipality or agency thereof, by which a member is employed.

(7) "Service" shall mean service rendered while a member is employed by a municipal police department, paid or part-paid fire department, county police department or paid or part-paid fire

department of a fire district located in a township prior to the effective date of this act for such service to such departments thereafter.

(8) "Pension" shall mean the amount payable to a member or his beneficiary under the provisions of this act.

(9) "Average salary" shall mean the average annual salary paid during the last 3 years of a member's service, or in the event he has been employed for less than 3 years, the average pay he received during the time he was employed.

(10) "Beneficiary" shall mean any person or persons, other than a member, receiving or entitled to receive a pension or benefit as provided by this act.

(11) "Dependent parent" shall mean the parent of a member who was receiving at least $\frac{1}{2}$ of his support from the member in the 12-month period immediately preceding the member's death. The dependency of such a parent will be considered terminated by marriage of the parent subsequent to the death of the member.

(12) "County police" shall mean all police officers having supervision or regulation of traffic upon county roads.

(13) "Dependent widower" shall mean the man to whom a member was married before the date of her retirement or at least 5 years before the date of her death and to whom she continued to be married until the date of her death and who was receiving at least $\frac{1}{2}$ of his support from the member in the 12-month period immediately preceding the member's death. The dependency of such a widower will be considered terminated by marriage of the widower subsequent to the death of the member.

(14) "Widow" shall mean the woman to whom a member was married before the date of his retirement or at least 5 years before the date of his death and to whom he continued to be married until the date of his death and who has not remarried subsequent to the member's death.

(15) "Child" shall mean a deceased member's unmarried child under the age of 18.

12. The title of chapter 30 of the laws of 1967 is amended to read as follows:

C. 43:21-14.1 Title amended.

AN ACT concerning unemployment compensation and temporary disability benefits, and amending sections 43:21-3, 43:21-4, 43:21-5, 43:21-7, 43:21-8 and 43:21-19 of the Revised Statutes, and sections 14, 15, and 16 of chapter 110 of the laws of 1948, amending section 1 of chapter 81 of the laws of 1944, supplement-

ing Title 43 of the Revised Statutes and repealing chapter 469 of the laws of 1948.

13. Section 43:21-7 of the Revised Statutes is amended to read as follows:

Contributions.

43:21-7. (a) Payment.

(1) Contributions shall accrue and become payable by each employer for each calendar year in which he is subject to this chapter (R. S. 43:21-1 et seq.), with respect to having individuals in his employ during such calendar year at the rates and on the basis hereinafter set forth. Such contributions shall become due and be paid by each employer to the Division of Employment Security for the fund in accordance with such regulations as may be prescribed, and shall not be deducted, in whole or in part, from the remuneration of individuals in his employ.

(2) In the payment of any contributions, a fractional part of a cent shall be disregarded unless it amounts to $\frac{1}{2}$ cent or more, in which case it shall be increased to \$0.01.

(b) Rate of contributions. Each employer shall pay the following contributions:

(1) For the calendar year 1947, and each calendar year thereafter, $2\frac{7}{10}\%$ of wages paid by him during each such calendar year, except as otherwise prescribed by subsection (c) of this section.

(2) The "wages" of any individual, with respect to any one employer as the term is used in this subsection (b) and in subsections (c), (d) and (e) of this section 7, shall include the first \$3,000.00 paid during each calendar year prior to January 1, 1968 and the first \$3,600.00 paid during each calendar year commencing on or after January 1, 1968, for services performed either within or without this State; provided, that no contribution shall be required by this State with respect to services performed in another State if such other State imposes contribution liability with respect thereto. If an employer (hereinafter referred to as successor employer) during any calendar year acquires substantially all the property used in a trade or business of another employer (hereinafter referred to as a predecessor), or used in a separate unit of a trade or business of a predecessor, and immediately after the acquisition employs in his trade or business an individual who immediately prior to the acquisition was employed in the trade or business of such predecessor, then, for the purpose of determining whether the successor employer has paid wages with respect to employment equal to \$3,000.00 to such individual during any

calendar year prior to January 1, 1968, or equal to \$3,600.00 during any calendar year commencing on or after January 1, 1968, any wages paid to such individual by such predecessor during such calendar year and prior to such acquisition shall be considered as having been paid by such successor employer.

(c) Future rates based on benefit experience:

(1) a separate account for each employer shall be maintained and this shall be credited with all the contributions which he has paid on his own behalf on or before January 31 of any calendar year with respect to employment occurring in preceding calendar years; provided, however, that if January 31 of any calendar year falls on a Saturday or Sunday, an employer's account shall be credited as of January 31 of such calendar year with all the contributions which he has paid on or before the next succeeding day which is not a Saturday or Sunday. But nothing in this chapter (R. S. 43:21-1 et seq.) shall be construed to grant any employer or individuals in his service prior claims or rights to the amounts paid by him into the fund either on his own behalf or on behalf of such individuals. Benefits paid with respect to benefit years commencing on and after January 1, 1953, to any individual on or before December 31 of any calendar year with respect to unemployment in such calendar year and in preceding calendar years shall be charged against the account or accounts of the employer or employers in whose employment such individual established base weeks constituting the basis of such benefits. Benefits paid under a given benefit determination shall be charged against the account of the employer to whom such determination relates. When each benefit payment is made the division shall promptly send either a copy of the benefit check or other form of notification to the employer against whose account the benefits are to be charged. Such copy or notification shall identify the employer against whose account the amount of such payment is being charged, shall show at least the name and social security account number of the claimant and shall specify the period of unemployment to which said check applies. If the total amount of benefits paid to a claimant and charged to the account of the appropriate employer exceeds 50% of the total base-year base week wages paid to the claimant by that employer, then such employer may apply to the division to have canceled from his account such excess benefit charges as specified above. Any such application for the cancellation of excess charges shall be submitted by the employer within 6 months from the date of the benefit check, payment of which creates such charges. In no event will the

erasure of such charges affect a contribution rate already assigned to the employer with respect to any fiscal year commencing prior to the date the application is received by the division.

The division shall furnish to each employer an annual summary statement of benefits charged to his account.

(2) The Division of Employment Security may prescribe regulations for the establishment, maintenance, and dissolution of joint accounts by 2 or more employers, and shall, in accordance with such regulations and upon application by 2 or more employers to establish such an account, or to merge their several individual accounts in a joint account, maintain such joint account as if it constituted a single employer's account.

(3) Each employer's rate shall be $2\frac{8}{10}\%$, except as otherwise provided in the following provisions: No employer's rate shall be other than $2\frac{8}{10}\%$ unless and until there shall have been 3 calendar years throughout which any individual in his employ could have received benefits if eligible. No employer's rate shall be lower than $2\frac{7}{10}\%$ unless assignment of such lower rate is consistent with the conditions applicable to additional credit allowance for such year under section 3303 (a) (1) of the Internal Revenue Code (U. S. Code Title 26, section 3303 (a) (1)), any other provision of this section to the contrary notwithstanding.

(4) (A) Each employer's rate for the 12 months commencing July 1 of any calendar year shall be determined on the basis of his record up to the beginning of such calendar year. If, at the beginning of such calendar year, the total of all his contributions, paid on his own behalf, for all past years exceeds the total benefits charged to his account for all such years, his contribution rate shall be:

(1) $2\frac{5}{10}\%$, if such excess equals or exceeds 4%, but less than 5% of his average annual payroll (as defined in paragraph (2), subsection (a) of section 43:21-19 of this Title);

(2) $2\frac{2}{10}\%$, if such excess equals or exceeds 5%, but is less than 6%, of his average annual payroll;

(3) $1\frac{9}{10}\%$, if such excess equals or exceeds 6%, but is less than 7%, of his average annual payroll;

(4) $1\frac{6}{10}\%$, if such excess equals or exceeds 7%, but is less than 8%, of his average annual payroll;

(5) $1\frac{3}{10}\%$, if such excess equals or exceeds 8%, but is less than 9%, of his average annual payroll;

(6) 1%, if such excess equals or exceeds 9%, but is less than 10%, of his average annual payroll;

(7) $\frac{3}{10}$ of 1%, if such excess equals or exceeds 10%, but is less than 11%, of his average annual payroll;

(8) $\frac{4}{10}$ of 1%, if such excess equals or exceeds 11%, of his average annual payroll.

(B) If the total of an employer's contributions, paid on his own behalf, for all past periods for the purposes of this paragraph (4), is less than the total benefits charged against his account during the same period, his rate shall be $3\frac{3}{10}\%$; provided, however, if the total of the contributions of such an employer for the past 120 consecutive calendar months is more than the total benefits charged against his account during the same period, his rate shall be $2\frac{8}{10}\%$.

(C) The contribution rates prescribed by subparagraphs (A) and (B) of this paragraph (4) shall be increased or decreased in accordance with the provisions of paragraph (5) of this subsection (c).

(5) (A) If on March 31 of any calendar year the balance in the Unemployment Trust Fund equals or exceeds 4% but is less than 7% of the total taxable wages reported to the division as of that date in respect to employment during the preceding calendar year, the contribution rate, effective July 1 following, of each employer eligible for a contribution rate calculation based upon benefit experience, shall be increased by $\frac{3}{10}$ of 1% over the contribution rate otherwise established under the provisions of paragraphs (3) or (4) of this subsection. If on March 31 of any calendar year the balance of the Unemployment Trust Fund is less than 4% of the total taxable wages reported to the Division of Employment Security as of that date in respect to employment during the preceding calendar year, the contribution rate, effective July 1 following, of each employer eligible for a contribution rate calculation based upon benefit experience, shall be increased by $\frac{6}{10}$ of 1% over the contribution rate otherwise established under the provisions of paragraphs (3) or (4) of this subsection; provided, that if on such March 31, such balance is less than $2\frac{1}{2}\%$ of such total taxable wages, the contribution rate so effective, of any employer, shall be not less than $2\frac{8}{10}\%$; provided further, that the contribution rate of any employer increased pursuant to the provisions of this subparagraph, when so increased, shall not exceed $4\frac{3}{10}\%$.

(B) If on March 31 of any calendar year the balance in the Unemployment Trust Fund equals or exceeds 10% but is less than $12\frac{1}{2}\%$ of the total taxable wages reported to the Division of Employment Security as of that date in respect to employment during the preceding calendar year, the contribution rate, effective July 1

following, of each employer eligible for a contribution rate calculation based upon benefit experience, shall be reduced by $\frac{3}{10}$ of 1% under the contribution rate otherwise established under the provisions of paragraphs (3) and (4) of this subsection; provided, that in no event shall the contribution rate of any employer be reduced to less than $\frac{4}{10}$ of 1%. If on March 31 of any calendar year the balance in the Unemployment Trust Fund equals or exceeds $12\frac{1}{2}\%$ of the total taxable wages reported to the division as of that date in respect to employment during the preceding calendar year, the contribution rate, effective July 1 following, of each employer eligible for a contribution rate calculation based upon benefit experience, shall be reduced by $\frac{1}{10}$ of 1% if his account for all past periods reflects an excess of contributions paid over total benefits charged of 3% or more of his average annual payroll, otherwise by $\frac{3}{10}$ of 1% under the contribution rate otherwise established under the provisions of paragraphs (3) and (4) of this subsection; provided, that in no event shall the contribution rate of any employer be reduced to less than $\frac{4}{10}$ of 1%.

(6) Additional contributions.

Notwithstanding any other provision of law, any employer who has been assigned a contribution rate pursuant to subsection (c) of this section for the year commencing July 1, 1948, and for any year commencing July 1 thereafter, may voluntarily make payment of additional contributions, and upon such payment shall receive a recomputation of the experience rate applicable to such employer including in the calculation the additional contribution so made. Any such additional contribution shall be made during the 30-day period following the date of the mailing to the employer of the notice of his contribution rate as prescribed in this section, unless, for good cause, the time for payment has been extended by the director for not to exceed an additional 60 days; provided, that in no event may such payments which are made later than 120 days after the beginning of the year for which such rates are effective be considered in determining the experience rate for the year in which the payment is made. Any employer receiving any extended period of time within which to make such additional payment and failing to make such payment timely shall pay, in addition to the required amount of additional payment, a penalty of 5% thereof or \$5.00, whichever is greater, not to exceed \$50.00. Any adjustment under this subsection shall be made only in the form of credits against accrued or future contributions.

(7) Transfers.

(A) Upon the transfer of the organization, trade or business, or substantially all the assets of an employer to a successor in interest, whether by merger, consolidation, sale, transfer, descent or otherwise, the Division of Employment Security shall transfer the employment experience of the predecessor employer to the successor in interest, including credit for past years, contributions paid, annual payrolls, benefit charges, et cetera, applicable to such predecessor employer, pursuant to regulations adopted by the division, if the division finds that the employment experience of the predecessor employer with respect to the organization, trade, assets or business, which has been transferred, may be considered indicative of the future employment experience of the successor in interest. Unless the predecessor employer was owned or controlled (by legally enforceable means or otherwise), directly or indirectly, by the successor in interest, or the predecessor employer and the successor in interest were owned or controlled (by legally enforceable means or otherwise), directly or indirectly, by the same interest or interests, the transfer of the employment experience of the predecessor shall not be effective if such successor in interest, within 4 months of the date of such transfer of the organization, trade, assets or business, or thereafter upon good cause shown, files a written notice with the division protesting the transfer of the employment experience of the predecessor employer.

(B) An employer, who transfers part of his or its organization, trade, assets or business to a successor in interest, whether by merger, consolidation, sale, transfer, descent or otherwise, may jointly make application with such successor in interest for transfer of that portion of the employment experience of the predecessor employer relating to the portion of the organization, trade, assets, or business transferred to the successor in interest, including credit for past years, contributions paid, annual payrolls, benefit charges, et cetera, applicable to such predecessor employer. The Division of Employment Security may allow such transfer of employment experience pursuant to regulations adopted by the division, only if it finds that the employment experience of the predecessor employer with respect to the portion of the organization, trade, assets or business which has been transferred may be considered indicative of the future employment experience of the successor in interest. Credit shall be given to the successor in interest only for the years during which contributions were paid

by the predecessor employer with respect to that part of the organization, trade, assets or business transferred.

(C) A transfer of the employment experience in whole or in part having become final, the predecessor employer thereafter shall not be entitled to consideration for an adjusted rate based upon his or its experience or the part thereof, as the case may be, which has thus been transferred. A successor in interest to whom employment experience or a part thereof is transferred pursuant to this subsection shall, as of the date of the transfer of the organization, trade, assets or business, or part thereof, immediately become an employer if not theretofore an employer subject to this chapter (R. S. 43:21-1 et seq.).

(d) (1) Contribution of workers; transfers to temporary disability benefit fund.

Each worker shall contribute to the fund $\frac{3}{4}$ of 1% of his wages paid by an employer with respect to his employment which occurs on and after January 1, 1953, and after such employer has satisfied the conditions set forth in subsection (h) of section 43:21-19 of this Title with respect to becoming an employer; provided, however, that such contribution shall be at the rate of $\frac{1}{4}$ of 1% of wages paid with respect to employment while the worker is covered by an approved private plan under the Temporary Disability Benefits Law or while the worker is exempt from the provisions of the Temporary Disability Benefits Law under section 7 of that law. Each employer shall, notwithstanding any provisions of law in this State to the contrary, withhold in trust the amount of his workers' contributions from their wages at the time such wages are paid, shall show such deduction on his payroll records, shall furnish such evidence thereof to his workers as the division may prescribe, and shall transmit all such contributions, in addition to his own contributions, to the office of the Division of Employment Security in such manner and at such times as may be prescribed. If any employer fails to deduct the contributions of any of his workers at the time their wages are paid, or fails to make a deduction therefor at the time wages are paid for the next succeeding payroll period, he alone shall thereafter be liable for such contributions, and for the purpose of section 43:21-14 of this Title, such contributions shall be treated as employer's contributions required from him. As used in this chapter (R. S. 43:21-1 et seq.), except when the context clearly requires otherwise, the term "contributions" shall include the contributions of workers pursuant to this section.

(2) (A) There shall be deposited in and credited to the State Disability Benefits Fund, as established by law, $\frac{3}{4}$ of all worker contributions, received by the Division of Employment Security with respect to wages paid prior to January 1, 1953, and upon which the rate of contributions is 1%.

(B) There shall be deposited in and credited to the State Disability Benefits Fund, as established by law, $\frac{2}{3}$ of all worker contributions, received by the Division of Employment Security pursuant to paragraph (1) above after December 31, 1952, with respect to wages paid on and after January 1, 1953, and upon which the rate of contributions is $\frac{3}{4}$ of 1%.

(3) If an employee receives wages from more than one employer during any calendar year, and either the sum of his contributions deposited in and credited to the State Disability Benefits Fund (in accordance with subparagraph (B) of paragraph (2) of this subsection) plus the amount of his contributions, if any, required towards the cost of benefits under one or more approved private plans under the provisions of section 9 of the Temporary Disability Benefits Law and deducted from his wages, or the sum of such latter contributions if the employee is covered during such calendar year, only by 2 or more private plans, exceeds \$15.00 in any calendar year prior to January 1, 1968, or \$18.00 in any calendar year commencing on or after January 1, 1968, the employee shall be entitled to a refund of the excess if he makes claim to the Division of Employment Security within 2 years after the end of the calendar year in which the wages are received with respect to which the refund is claimed and establishes his right to such refund. Such refund shall be made by the Division of Employment Security from the State Disability Benefits Fund. No interest shall be allowed or paid with respect to any such refund. The division shall, in accordance with prescribed regulations, determine the portion of the aggregate amount of such refunds made during any calendar year which is applicable to private plans for which deductions were made under section 9 of the "Temporary Disability Benefits Law," such determination to be based upon the ratio of the amount of such wages exempt from contributions to such fund as provided in subparagraph (B) of paragraph (1) of this subsection with respect to coverage under private plans to the total wages so exempt plus the amount of such wages subject to contributions to the disability benefits fund as provided in subparagraph (B) of paragraph (2) of this subsection. The division shall, in accordance with prescribed regulations, prorate the

amount so determined among the applicable private plans in the proportion that the wages covered by each plan bears to the total private plan wages involved in such refunds, and shall assess against and recover from the employer, or the insurer if the insurer has indemnified the employer with respect thereto, the amount so prorated. The provisions of Revised Statutes, section 43:21-14, with respect to collection of employer contributions shall apply to such assessments. The amounts so recovered by the division shall be paid into the State Disability Benefits Fund.

(4) If an individual does not receive any wages from the employing unit which for the purposes of this chapter (R. S. 43:21-1 et seq.) is treated as his employer, or receives his wages from some other employing unit, such employer shall nevertheless be liable for such individual's contributions in the first instance; and after payment thereof such employer may deduct the amount of such contributions from any sums payable by him to such employing unit, or may recover the amount of such contributions from such employing unit, or, in the absence of such an employing unit, from such individual, in a civil action; provided, proceedings therefor are instituted within 3 months after the date on which such contributions are payable. General rules shall be prescribed whereby such an employing unit may recover the amount of such contributions from such individuals in the same manner as if it were the employer.

(5) Every employer who has elected to become an employer subject to this chapter (R. S. 43:21-1 et seq.), or to cease to be an employer subject to this chapter (R. S. 43:21-1 et seq.), pursuant to the provisions of section 43:21-8 of this Title, shall post and maintain printed notices of such election on his premises, of such design, in such numbers, and at such places as the directors may determine to be necessary to give notice thereof to persons in his service.

(6) Contributions by workers, payable to the Division of Employment Security as herein provided, shall be exempt from garnishment, attachment, execution, or any other remedy for the collection of debts.

(e) Contributions by employers to State Disability Benefits Fund.

(1) Except as hereinafter provided, each employer shall, in addition to the contributions required by subsections (a), (b), and (c) of this section, contribute $\frac{1}{4}$ of 1% of the wages paid by such employer to workers with respect to employment after January 1, 1949. Such contributions shall become due and be paid by each

employer to the Division of Employment Security for the State Disability Benefits Fund as established by law, in accordance with such regulations as may be prescribed, and shall not be deducted, in whole or in part, from the remuneration of individuals in his employ. In the payment of any contributions, a fractional part of a cent shall be disregarded unless it amounts to $\frac{1}{2}$ cent or more, in which case it shall be increased to \$0.01.

(2) During the continuance of coverage of a worker by an approved private plan of disability benefits under the Temporary Disability Benefits Law, the employer shall be exempt from the contribution required by subparagraph (1) above with respect to wages paid to such worker.

(3) (A) The rates of contribution as specified in subparagraph (1) above shall be subject to modification as provided herein with respect to employer contributions due on and after July 1, 1951.

(B) A separate disability benefits account shall be maintained for each employer required to contribute to the State Disability Benefits Fund and such account shall be credited with contributions deposited in and credited to such fund with respect to employment occurring on and after January 1, 1949. Each employer's account shall be credited with all contributions paid on or before January 31 of any calendar year on his own behalf and on behalf of individuals in his service with respect to employment occurring in preceding calendar years; provided, however, that if January 31, of any calendar year falls on a Saturday or Sunday an employer's account shall be credited as of January 31 of such calendar year with all the contributions which he has paid on or before the next succeeding day which is not a Saturday or Sunday. But nothing in this act shall be construed to grant any employer or individuals in his service prior claims or rights to the amounts paid by him to the fund either on his own behalf or on behalf of such individuals. Benefits paid to any covered individual in accordance with Article III of the Temporary Disability Benefits Law on or before December 31 of any calendar year with respect to disability in such calendar year and in preceding calendar years shall be charged against the account of the employer by whom such individual was employed at the commencement of such disability or by whom he was last employed if out of employment.

(C) The division may prescribe regulations for the establishment, maintenance, and dissolution of joint accounts by 2 or more employers, and shall, in accordance with such regulations and upon application by 2 or more employers to establish such an account,

or to merge their several individual accounts in a joint account, maintain such joint account as if it constituted a single employer's account.

(D) Prior to July 1 of each calendar year, the Division of Employment Security shall make a preliminary determination of the rate of contribution for the 12 months commencing on such July 1 for each employer subject to the contribution requirements of this subsection (e).

(1) Such preliminary rate shall be $\frac{1}{4}$ of 1% unless on the preceding January 31 of such year such employer shall have been a covered employer who has paid contributions to the State Disability Benefits Fund with respect to employment in the 3 calendar years immediately preceding such year.

(2) If the minimum requirements in (1) above have been fulfilled and the credited contributions exceed the benefits charged by more than \$500.00, such preliminary rate shall be as follows:

(i) $\frac{2}{10}$ of 1% if such excess over \$500.00 exceeds 1% but is less than $1\frac{1}{4}$ % of his average annual payroll (as defined in this chapter (R. S. 43:21-1 et seq.));

(ii) $\frac{15}{100}$ of 1% if such excess over \$500.00 equals or exceeds $1\frac{1}{4}$ % but is less than $1\frac{1}{2}$ % of his average annual payroll;

(iii) $\frac{1}{10}$ of 1% of such excess over \$500.00 equals or exceeds $1\frac{1}{2}$ % of his average annual payroll.

(3) If the minimum requirements in (1) above have been fulfilled and the contributions credited exceed the benefits charged but by not more than \$500.00 plus 1% of his average annual payroll, or if the benefits charged exceed the contributions credited but by not more than \$500.00, the preliminary rate shall be $\frac{1}{4}$ of 1%.

(4) If the minimum requirements in (1) above have been fulfilled and the benefits charged exceed the contributions credited by more than \$500.00, such preliminary rate shall be as follows:

(i) $\frac{35}{100}$ of 1% if such excess over \$500.00 is less than $\frac{1}{4}$ of 1% of his average annual payroll;

(ii) $\frac{45}{100}$ of 1% if such excess over \$500.00 equals or exceeds $\frac{1}{4}$ of 1% but is less than $\frac{1}{2}$ of 1% of his average annual payroll;

(iii) $\frac{55}{100}$ of 1% if such excess over \$500.00 equals or exceeds $\frac{1}{2}$ of 1% but is less than $\frac{3}{4}$ of 1% of his average annual payroll;

(iv) $\frac{65}{100}$ of 1% if such excess over \$500.00 equals or exceeds $\frac{3}{4}$ of 1% but is less than 1% of his average annual payroll;

(v) $\frac{7}{100}$ of 1% if such excess over \$500.00 equals or exceeds 1% of his average annual payroll.

(5) Determination of the preliminary rate as specified in (2), (3) and (4) above shall be subject, however, to the condition that it shall in no event be decreased by more than $\frac{1}{10}$ of 1% of wages or increased by more than $\frac{2}{10}$ of 1% of wages from the preliminary rate determined for the preceding year in accordance with (1), (2), (3) or (4), whichever shall have been applicable.

(E) (1) Prior to July 1 of each calendar year the Division of Employment Security shall determine the amount of the State Disability Benefits Fund as of December 31 of the preceding calendar year increased by the contributions paid thereto during January of the current calendar year with respect to employment occurring in preceding calendar years. If such amount exceeds the total of the amounts withdrawn from the unemployment trust fund pursuant to section 23 of the Temporary Disability Benefits Law plus the amount at the end of such preceding calendar year of the unemployment disability account (as defined in section 22 of said law), such excess shall be expressed as a percentage of the wages on which contributions were paid to the State Disability Benefits Fund on or before January 31 with respect to employment in the preceding calendar year.

(2) The Division of Employment Security shall then make a final determination of the rates of contribution for the 12 months commencing July 1 of such year for employers whose preliminary rates are determined as provided in (D) hereof, as follows:

(i) If the percentage determined in accordance with paragraph (1) of this subsection equals or exceeds $1\frac{1}{4}\%$ of the final employer rates shall be the preliminary rates determined as provided in (D) hereof, except that if the employer's preliminary rate is determined as provided in (D) (2) or (D) (3) hereof, the final employer rate shall be the preliminary employer rate decreased by such percentage of excess taken to the nearest $\frac{5}{100}$ of 1%, but in no case shall such final rate be less than $\frac{1}{10}$ of 1%.

(ii) If the percentage determined in accordance with paragraph (1) of this subsection equals or exceeds $\frac{3}{4}$ of 1% and is less than $1\frac{1}{4}$ of 1%, the final employer rates shall be the preliminary employer rates.

(iii) If the percentage determined in accordance with paragraph (1) of this subsection is less than $\frac{3}{4}$ of 1%, the final employer rates shall be the preliminary employer rates deter-

mined as provided in (D) hereof increased by the difference between $\frac{3}{4}$ of 1% and such percentage taken to the nearest $\frac{5}{100}$ of 1%; provided, however, that no such final rate shall be more than $\frac{1}{4}$ of 1% in the case of an employer whose preliminary rate is determined as provided in (D) (2) hereof, more than $\frac{1}{2}$ of 1% in the case of an employer whose preliminary rate is determined as provided in (D) (1) and (D) (3) hereof, nor more than $\frac{3}{4}$ of 1% in the case of an employer whose preliminary rate is determined as provided in (D) (4) hereof.

(iv) If the amount of the State Disability Benefits Fund determined as provided in paragraph (1) of this subsection is equal to or less than the total of the amounts withdrawn from the unemployment trust fund pursuant to section 23 of the Temporary Disability Benefits Law plus the amount at the end of the preceding calendar year of the unemployment disability account, then the final rate shall be $\frac{3}{4}$ of 1% for all employers.

14. Section 11 of chapter 30 of the laws of 1967 is amended to read as follows:

C. 43:21-29.1 Repealed.

11. Chapter 469 of the laws of 1948 is hereby repealed.

15. Section 45:9-21 of the Revised Statutes is amended to read as follows:

Certain persons and practices excepted from operation of chapter.

45:9-21. The prohibitory provisions of this chapter shall not apply to the following:

a. A commissioned surgeon or physician of the regular United States Army, Navy, or Marine hospital service while so commissioned and actively engaged in the performance of his official duties. This exemption shall not apply to reserve officers of the United States Army, Navy or Marine Corps, or to any officer of the National Guard of any State or of the United States;

b. A lawfully qualified physician or surgeon of another State taking charge temporarily, on written permission of the board, of the practice of a lawfully qualified physician or surgeon of this State during his absence from the State, upon written request to the board for permission so to do. Before such permission is granted by the board and before any person may enter upon such practice he must submit proof that he can fulfill the requirements

demanding in the other sections of this article relating to applicants for admission by examination or indorsement from another State. Such permission may be granted for a period of not less than 2 weeks nor more than 4 months upon payment of a fee of \$25.00. The board in its discretion may extend such permission for further periods of 2 weeks to 4 months but not to exceed in the aggregate 1 year;

c. A physician or surgeon of another State of the United States and duly authorized under the laws thereof to practice medicine or surgery therein, if such practitioner does not open an office or place for the practice of his profession in this State;

d. A person while actually serving as a member of the resident medical staff of any legally incorporated charitable or municipal hospital or asylum approved by the board. Hereafter such exemption of any such resident physician shall not apply with respect to any individual after he shall have served as a resident physician for a total period of 5 years;

e. The practice of dentistry by any legally qualified and registered dentist;

f. The ministrations to, or treatment of, the sick or suffering by prayer or spiritual means, whether gratuitously or for compensation, and without the use of any drug or material remedy;

g. The practice of optometry by any legally qualified and registered optometrist;

h. The practice of podiatry by any legally licensed podiatrist;

i. The practice of pharmacy by a legally licensed and registered pharmacist of this State, but this exception shall not be extended to give to said licensed pharmacist the right and authority to carry on the business of a dispensary, unless the dispensary shall be in charge of a legally licensed and registered physician and surgeon of this State;

j. A person claiming the right to practice medicine and surgery in this State who has been practicing therein since before July 4, 1890, if said right or title was obtained upon a duly registered diploma, of which the holder and applicant was the lawful possessor, issued by a legally chartered medical institution which, in the opinion of the board, was in good standing at the time the diploma was issued;

k. A podiatrist, professional nurse, or a registered physical therapist, masseur, while operating in each particular case under the specific direction of a regularly licensed physician or surgeon. This exemption shall not apply to such assistants of persons who

are licensed as osteopaths, chiropractors, optometrists or other practitioners holding limited licenses;

l. A person while giving aid, assistance or relief in emergency or accident cases pending the arrival of a regularly licensed physician, or surgeon or under the direction thereof; or

m. The operation of a bio-analytical laboratory by a licensed bio-analytical laboratory director, or any person working under the direct and constant supervision of a licensed bio-analytical laboratory director.

n. Any employee of a State or county institution holding the degree of M.D. or D.O., regularly employed on a salary basis on its medical staff or as a member of the teaching or scientific staff of a State agency, may apply to the State Board of Medical Examiners of New Jersey and may, in the discretion of said board, be granted exemption from the provisions of this chapter; provided said employee continues as a member of the medical staff of a State agency or county institution or of the teaching or scientific staff of a State agency and does not conduct any type of private medical practice.

The provisions of this subsection (n) shall terminate on December 31, 1969.

16. Section 20 of chapter 109 of the laws of 1962 is amended to read as follows:

C. 45:14A-20 Qualifications of first five members of board.

20. Notwithstanding the provisions of section 4 of this act, the first 5 persons appointed as members of the board shall not be required, at the time of their first appointment to be licensed to practice professional planning. Each shall, however, be a member of the recognized organization representing professional planners in the State, and each shall have all the other qualifications necessary for appointment specified in this act.

17. Section 9 of chapter 93 of the laws of 1967 is amended to read as follows:

C. 49:3-56 Broker-dealer, agent or investment advisor; registration requirement.

9. (a) It shall be unlawful for any person to act as a broker-dealer, agent or investment advisor in this State unless he is registered under this act;

(b) It shall be unlawful for any broker-dealer or issuer to employ an agent in this State unless the agent is registered. The registration of an agent is not effective during any period when he is not associated with a particular broker-dealer registered under

this act or a particular issuer. When an agent begins or terminates a connection with a broker-dealer or issuer, or begins or terminates those activities which make him an agent, the agent as well as the broker-dealer or issuer shall promptly notify the bureau;

(c) It shall be unlawful for any person to transact business in this State as an investment advisor unless (1) he is so registered under this act, (2) he is registered as a broker-dealer without the imposition of a condition under section 11, paragraph (b) (5); or (3) his only clients in this State are investment companies as defined in the Investment Company Act of 1940 or insurance companies;

(d) Every registration shall expire 2 years from its effective date unless renewed, except that the bureau chief may by rule provide that registrations shall all expire on the same date.

18. Section 6 of chapter 293 of the laws of 1966 is amended to read as follows:

C. 52:27D-6 Organization of department.

6. (a) There is hereby established in the Department of Community Affairs an Advisory Council on Community Affairs, an Office of Community Services, a Division of Local Finance, a Division of Housing and Urban Renewal, a Division of State and Regional Planning, a Division on Aging, a Division of Youth, and an Office of Economic Opportunity.

The commissioner also shall have authority to organize and maintain in his offices an administrative division and to assign to employment therein such secretarial, clerical and other assistants in the department as his office and the internal operations of the department shall require.

(b) In addition, the commissioner shall have the authority to reorganize the department and the several divisions, offices, bureaus and agencies established therein, in any manner which he deems to be necessary and desirable.

19. Section 4 of chapter 135 of the laws of 1966 is amended to read as follows:

C. 54:11D-4 Allocation of excess amount among municipalities; formula; action by director.

4. If the amount determined by the director in section 3 hereof shall exceed the amount determined by the director in section 2 hereof, the director shall allocate such excess amount among the municipalities of this State in accordance with the following formula:

There shall be allocated to each municipality such amount as will be in the same ratio to such excess amount, as the local property tax levied, as reflected in the county table of aggregates certified pursuant to Revised Statutes 54:4-52, in the municipality in the preceding calendar year upon commercial, industrial and farm real estate (excluding railroad property) is to the total taxes levied upon such property in all municipalities in the State in the same year.

The director shall total the amounts allocated to each municipality under the provisions of this section and shall certify this amount to the State Treasurer on or before October 15, 1968 and on or before October 15 annually thereafter.

20. Section 26 of chapter 30 of the laws of 1966 is amended to read as follows:

C. 54:32B-26 Penalties and interest.

26. Penalties and interest. (a) Any person failing to file a return or to pay or pay over any tax to the director within the time required by this act shall be subject to a penalty of 5% of the amount of tax due; plus interest at the rate of 1% of such tax for each month of delay excepting the first month after such return was required to be filed or such tax became due; but the director if satisfied that the delay was excusable, may remit all or any part of such penalty, but not interest at the rate of 6% per year. Unpaid penalties and interest may be determined, assessed, collected and enforced in the same manner as the tax imposed by this act.

(b) Any person failing to file a return required by this act, or filing or causing to be filed, or making or causing to be made, or giving or causing to be given any return, certificate, affidavit, representation, information, testimony or statement required or authorized by this act, which is willfully false, or willfully failing to file a bond required by this act, or failing to file a registration certificate and such data in connection therewith as the director by regulation or otherwise may require, or to display or surrender a certificate of authority as required by this act, or assigning or transferring such certificate of authority, or willfully failing to charge separately the tax herein imposed or to state such tax separately on any bill, statement, memorandum or receipt issued or employed by him upon which the tax is required to be stated separately as provided in subsection (a) of section 12, or willfully failing to collect the tax from a customer, or referring or causing reference to be made to this tax in a form or manner other than

that required by this act, or failing to keep any records required by this act, shall, in addition to any other penalties herein or elsewhere prescribed, be guilty of a misdemeanor, punishment for which shall be a fine of not more than \$1,000.00 or imprisonment for not more than 1 year, or both such fine and imprisonment.

(c) The certificate of the director to the effect that a tax has not been paid, that a return, bond or registration certificate has not been filed, or that information has not been supplied pursuant to the provisions of this act shall be presumptive evidence thereof.

21. This act shall take effect immediately.

Approved January 23, 1968.

CHAPTER 287

AN ACT to amend the "Municipal Planning Act (1953)," approved September 18, 1953 (P. L. 1953, c. 433).

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

1. Section 11 of the act of which this act is amendatory is amended to read as follows:

C. 40:55-1.11 Master plan scope; permissible proposals and areas.

11. In scope the master plan may cover proposals for: (a) the use of land and buildings—residential, commercial, industrial, mining, agricultural, park, and other like matters; (b) services—water supply, utilities, sewerage, and other like matters; (c) transportation—streets, parking, public transit, freight facilities, airports, and other like matters; (d) housing—residential standards, slum clearance and redevelopment, and other like matters; (e) conservation—water, forest, soil, flood control, and other like matters; (f) public and semi-public facilities—civic center, schools, libraries, parks, playgrounds, scenic sites, historic sites, fire houses, police structures, hospitals, and other like matters; (g) the distribution and density of population; (h) other elements of municipal growth and development.

The master plan may include in its scope areas outside the boundaries of the municipality which the planning board deems

to bear an essential relation to the planning of the municipality. The studies in connection with the master plan shall be conducted wherever possible with the co-operation of adjacent planning agencies.

2. This act shall take effect immediately.

Approved January 25, 1968.

CHAPTER 288

AN ACT to amend the "Official Map and Building Permit Act (1953)," approved September 18, 1953 (P. L. 1953, c. 434).

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

1. Section 3 of the act of which this act is amendatory is amended to read as follows:

C. 40:55-1.32 Official map of municipality or part thereof.

3. The governing body may, by ordinance after public hearing, establish an official map of the municipality or of any part or parts thereof. The official map shall be deemed conclusive with respect to the location and width of streets, drainage rights of way and flood control basins, and the location and extent of public parks, playgrounds, and scenic and historic sites shown thereon, whether such streets, drainage rights of way, flood control basins, parks or playgrounds, or scenic or historic sites are improved or unimproved. Upon the application for approval of a plat, the municipality may reserve for future public use the location and extent of such streets, drainage rights of way and flood control basins, public parks and playgrounds, and scenic or historic sites shown on the official map, or any part thereof and within the area of said plat for a period of 1 year after the approval of the final plat or within such further time as agreed to by the applying party. Unless within such 1 year period or extension thereof the municipality shall have entered into a contract or purchase, or instituted condemnation proceedings according to law, for the tract or parcel of land or property so reserved for any of such purposes, such applying party shall not be bound to observe the reservation of such tract or parcel of

land or property. During such period of 1 year or any extension thereof the applicant for the plat approval, and his assigns and successors in interest, may use the area so reserved for any purpose other than the location of buildings or improvements thereon, except as provided in section 9 of this act.

2. Section 9 of the act of which this act is amendatory is amended to read as follows:

C. 40:55-1.38 Permit for building in bed of mapped street or drainage right of way.

9. For the purpose of preserving the integrity of the official map of a municipality, no permit shall be issued for any building in the bed of any street, drainage right of way, flood control basin, public park or playground, or scenic or historic site shown on the official map, or on a plat filed pursuant to the Municipal Planning Act (1953) before adoption of the official map, except as herein provided. Whenever one or more parcels of land upon which is located the bed of such a mapped street, drainage right of way or flood control basin, or any park or playground location, or any scenic or historic site reserved pursuant to section 3 hereof, cannot yield a reasonable return to the owner unless a building permit be granted, the board of adjustment, in any municipality which has established such a board, may, in a specific case by the vote of a majority of its members, grant a permit for a building in the bed of such mapped street, drainage right of way or flood control basin or within such reserved location of a public park, playground or scenic or historic site, which will as little as practicable increase the cost of opening such street, or tend to cause a minimum change of the official map, and the board shall impose reasonable requirements as a condition of granting the permit so as to promote the health, morals, safety and general welfare of the public and shall inure to the benefit of the municipality. In any municipality in which there is no board of adjustment, the governing body shall have the same powers and be subject to the same restrictions as provided in this section.

Before taking any action authorized in this section, the board of adjustment or governing body shall hold a public hearing at which parties in interest and others shall have an opportunity to be heard. At least 10 days' notice of the time and place of the hearing shall be published in an official publication of the municipality or in a newspaper having general circulation therein.

3. This act shall take effect immediately.

Approved January 25, 1968.

CHAPTER 289

AN ACT concerning the practice of architecture, amending sections 45:3-5, 45:3-6 and 45:3-10, and supplementing chapter 3 of Title 45 of the Revised Statutes.

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

1. Section 45:3-5 of the Revised Statutes is amended to read as follows:

License required; examinations; qualifications of applicants; fees.

45:3-5. A person shall, before entering the practice of architecture in this State, first apply to the board for a license. Provision shall be made by the board for holding examinations at least twice a year, if there are applicants for registration to practice said profession. Applicants for examination shall, at least 45 days before an examination, present to the board a written application on forms provided by the board, indorsed by 2 registered architects of good standing, one of whom must be a resident of this State, together with satisfactory proof that the applicant is more than 21 years of age, is of good moral character, is a citizen of the United States or has declared his intention to become such a citizen, has obtained a certificate or diploma issued after at least 4 years of study in an approved high school or in a legally constituted academy, seminary or institute of equal grade or has received an academic education considered and accepted by the Commissioner of Education as fully equivalent, has completed a full course in architecture in a university, college or technical school, approved by the board; and in addition thereto, has acquired experience in the office of a reputable architect in private practice or in public employ under the supervision of a registered architect where his activities are similar in scope to that of private practice, or in such other professional practice as the board may approve, for a period of 3 years, at least 1 year of which shall be accomplished subsequent to completion of the course in architecture. The board may admit to the examinations an individual who demonstrates to the board's satisfaction that he has acquired through years of experience or through experience and partial schooling, the equivalent of a full course in architecture. No individual shall be permitted to take the examination while a complaint is pending in which the

individual is charged with the illegal practice of architecture under section 45:3-10 of this act or while penalties imposed pursuant to section 45:3-11 of this act remain unsatisfied. The applicant shall pay to the board a fee of \$10.00 for filing application for examination and a fee of \$50.00, for the examination, if the application therefor is approved by the board. A re-examination fee of \$10.00 for each part, not exceeding \$50.00, shall be paid by all applicants required to take re-examinations in one or more parts. Examination of applicants for certificates to practice architecture shall be divided into 7 parts, as follows: Part I, building design; Part II, site planning; Part III, history and theory of architecture; Part IV, building construction; Part V, structural design; Part VI, professional administration; Part VII, building equipment.

C. 45:3-6.1 Certificate; issuance to foreign nationals.

2. Applicants examined and licensed in accordance with the provisions of this chapter who, when admitted to the licensing examination, were citizens of a foreign country, and who had declared intention of becoming citizens of the United States, shall, upon passing the examination, be issued a license valid for 6 years from the date of such declaration of intention and upon failure of such licensee to furnish evidence of his having actually become a citizen, his license shall become invalid and automatically become revoked and his registration shall be annulled.

3. Section 45:3-6 of the Revised Statutes is amended to read as follows:

Certificate; issuance, fee; persons holding certificates from other states; recording seal; use of seal without authority.

45:3-6. If the examination of an applicant for registration shall be satisfactory to the majority of the board, a certificate shall be issued to said applicant, upon the payment of an additional fee of \$25.00 to the board, authorizing him to practice the profession of architecture. Any person who shall present to the board a certificate from a similarly constituted board of another State, with such other satisfactory evidence of competency as the board in its discretion may require, where the qualifications required in such State are substantially equal to those required in this State, may be granted such certificate upon the payment to the board of a fee of \$50.00; provided, however, that such individual shall not be entitled to consideration of his application while a complaint is pending in which the individual is charged with the illegal practice of architecture under section 45:3-10 of this act or while pen-

alties imposed pursuant to section 45:3-11 of this act remain unsatisfied. Each person licensed shall cause such license to be recorded in the office of the Secretary of State. At the time of the issuance of the certificate, the board shall furnish to the applicant a seal to be used by him in the conduct of his practice, to be impressed upon plans and other papers prepared by him when necessary; where a seal has been lost by a duly licensed architect, a new one shall be issued by the board upon application therefor, accompanied by the prescribed fee, and proof to the satisfaction of the board of such loss or other good cause. The board shall require the payment of a reasonable fee for the issuance of the seal to cover the cost of the same. Any person who shall use a seal which has not been furnished to him by the board, or who shall impress same upon plans or other papers, or who shall come into possession of a seal not issued to him and fail to turn same over to the board after a demand is made therefor, or who, after the forfeiture, revocation or suspension of his license, shall fail to return a seal to the board shall be guilty of a violation of this chapter and upon conviction thereof shall pay a fine of \$100.00, or upon failure to forthwith pay said fine, shall be imprisoned in the county jail for a period not exceeding 30 days.

4. Section 45:3-10 of the Revised Statutes is amended to read as follows:

Illegal practice of architecture; definition; penalty; additional offenses; exceptions.

45:3-10. Any person who shall pursue the practice of architecture in this State, or shall engage in this State in the business of preparing plans, specifications and preliminary data for the erection or alteration of any building, except buildings designed by licensed professional engineers incidental or supplemental to engineering projects, or use the title architect or registered architect, or shall advertise or use any title, sign, card or device to indicate that such person is an architect, without a certificate thereof or while his certificate is revoked, suspended or forfeited in accordance with the provisions of this chapter, or any person aiding or assisting such person not having a certificate to practice architecture or while his certificate to practice architecture is revoked, suspended or forfeited, or any person who violates any provision of this act or any rule or regulation of the board shall be liable to a penalty of not less than \$200.00, nor more than \$500.00 for the first offense, and a penalty of not less than \$500.00 nor more than \$1,000.00 for a second or each subsequent offense, which

penalty shall be sued for, and recovered by and in the name of the board. The payment to the board of an amount at least equal to the minimum penalty prescribed in this act, prior or subsequent to the commencement of proceedings for the recovery of a penalty shall be deemed and construed to be a conviction, and any subsequent violation shall be considered an additional offense.

Any single act or transaction shall constitute engaging in business or in the practice of architecture within the meaning of this chapter.

Nothing herein contained shall prohibit students or employees of licensed architects from acting upon the authority of such licensed architects, whose certificates have not been revoked, suspended or forfeited, where said students or employees are under the immediate supervision of such licensed architect, or to prohibit any person in this State from acting as designer of a dwelling and all appurtenances thereto that are to be constructed by himself solely as a residence for himself or for a member or members of his immediate family.

No licensed architect shall permit his name to be used in connection with the name of any other person not licensed to practice architecture in this State in any advertisement, sign, card or device in such a manner as to indicate that such other person is a licensed architect.

C. 45:3-12.1 Injunctive relief by superior court.

5. The Superior Court may in an action brought by the Attorney General in the name of the board grant injunctive relief to prevent and restrain any habitual violation of this chapter or any of the orders or rules or regulations issued by the board or any other violation of any of the provisions of this chapter.

6. This act shall take effect immediately.

Approved January 25, 1968.

CHAPTER 290

A SUPPLEMENT to "An act concerning the judges of the County Courts in relation to their tenure, retirements and pensions, including pensions for their widows, in certain cases," approved May 13, 1963 (P. L. 1963, c. 36).

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

C. 2A:3-21.9 Judge of county court, 10 years of service; election of benefits.

1. Any judge of the County Court who has so served for 10 or more years may elect to take the pension benefits under the act to which this act is a supplement by filing a notice of election to take such benefits in the office of the Secretary of State within 90 days of the effective date of this supplementary act.

2. This act shall take effect immediately.

Approved February 5, 1968.

CHAPTER 291

AN ACT providing for tenure of office, position or employment of exempt firemen, amending section 40:47-60 and supplementing subdivision E of article 3 of chapter 47 of Title 40, of the Revised Statutes.

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

1. Section 40:47-60 of the Revised Statutes is amended to read as follows:

Tenure of exempt firemen; exception.

40:47-60. No person now holding any employment, position or office under the government of this State, or the government of any county or municipality, including any person employed by a school board or board of education or who may hereafter be appointed to any such employment, office or position, whose term of employment, office or position is not now fixed by law, and receiving a salary from the State, county or municipality, including any person employed by a school board or board of education, who is an exempt fireman of any volunteer fire department, volunteer fire engine, hook and ladder, hose or supply company or salvage corps of any municipality or fire district of this State, holding an exemption certificate issued to him as an exempt member of any such volunteer fire department company or corps, shall be removed from such employment, position or office except for good cause shown

after a fair and impartial hearing, but such exempt fireman shall hold his employment, position or office during good behavior and shall not be removed for political reasons.

For the purposes of this section no term of office, position or employment of any person shall be deemed to be fixed by law or co-terminous with that of the employing or appointing board or body by reason of the fact that such person was or is appointed or employed by a noncontinuous board or body, provided, however, that in no event is it intended that this act shall apply to appointments made for a fixed or stated period of time.

C. 40:47-62.7 Extent of rights, privileges or benefits granted to exempt firemen.

2. Whenever in any law, any rights, privileges or benefits are granted to persons holding any appointive office, position or employment in either the State, county or municipal government by reason of being an exempt fireman of any volunteer fire department, volunteer fire engine, hook and ladder, hose or supply company or salvage corps of any municipality or fire district of this State, holding an exemption certificate issued to him as an exempt member of any such volunteer fire department company or corps, such persons shall include all those engaged in the public service in any of its branches within this State. No distinction shall be made by reason of the source of the public funds from which such person is paid or the changes in or from the governmental office, position or employment to any other branch of the government within this State.

C. 40:47-62.8 Employment retention rights of exempt firemen.

3. No person now holding or who may hereafter be appointed to, any employment, position or office under a commission elected or appointed by the governing bodies of 2 or more municipalities, which, by legislative authority, have entered into an agreement for the election or appointment of such commission, whose term of employment, office or position is not now fixed by law, who is an exempt fireman of any volunteer fire department, volunteer fire engine, hook and ladder, hose or supply company or salvage corps of any municipality or fire district of this State, holding an exemption certificate issued to him as an exempt member of any such volunteer fire department company or corps, shall be removed from such employment, position or office, except for good cause shown after a fair and impartial hearing, but such person shall hold his employment, position or office during good behavior, and shall not be removed for political reasons.

No such commission shall abolish any position or office held by a person mentioned in this act, or change the title of such position, office or employment, or reduce the emoluments thereof for the purpose of terminating the service of such person.

For the purposes of this section no term of office, position or employment of any person, shall be deemed to be fixed by law or coterminous with that of the employing or appointing board or body by reason of the fact that such person was or is appointed or employed by a noncontinuous board or body.

4. This act shall take effect immediately.

Approved February 13, 1968.

CHAPTER 292

AN ACT to amend the "Savings and Loan Act (1963)," approved August 30, 1963 (P. L. 1963, c. 144).

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

1. Section 150 of the act of which this act is amendatory is amended to read as follows:

C. 17:12B-150 Special direct reduction loans.

150. Special direct reduction loans. A special direct reduction loan shall mean a direct reduction loan made by an association in an amount exceeding 80% of the value of the real estate securing such loan; provided, however, that at such time as the balance due on such loan has been reduced to 80% or less of the appraisal, obtained at the time the loan was made, then such loan shall be considered removed from this classification for all purposes and such loan shall thereafter be treated as a direct reduction loan under the provisions of section 147 of this act. Any association may make a special direct reduction loan subject to the conditions and limitations of this section, which are as follows:

(1) The amount of any such loan, less the withdrawal value of any account in the association which may be pledged as collateral security therefor, shall not exceed the following percentages of the value of such real estate, as found by appraisal at the time such loan is granted: Where the value is up to \$28,000.00, 90%;

where the value is between \$28,000.00 and \$31,000.00, 89%; where the value is between \$31,000.00 and \$34,000.00, 87%; where the value is between \$34,000.00 and \$37,000.00, 85%; where the value is between \$37,000.00 and \$40,000.00, 83%; and where the value is \$40,000.00 or over, 80%.

(2) The real estate securing the loan shall have been designed to be used for dwelling purposes for one to 4 families.

(3) No association shall make any such loan at any time that the aggregate amount of such special direct reduction loans made by an association exceeds an amount equal to 20% of its assets.

(4) No association shall make any such special direct reduction loans at any time that the aggregate amount of such association's general reserve, Federal insurance reserve, bad debt reserve and undivided profits is less than an amount equal to 3% of its assets.

(5) Except as provided by this section, special direct reduction loans shall otherwise conform to all of the terms, conditions and limitations set forth in sections 146 and 147 of this act.

2. This act shall take effect immediately.

Approved February 13, 1968.

CHAPTER 293

AN ACT concerning wills made by members of the armed forces of the United States, and amending section 3A:3-5 of the New Jersey Statutes.

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

1. Section 3A:3-5 of the New Jersey Statutes is amended to read as follows:

Wills made by members of armed forces in time of war, emergency or warlike conditions.

3A:3-5. A will made by any person of 18 years of age or upwards while in active military service as a member of the armed forces of the United States in time of war or in time of emergency or in time of warlike conditions shall be valid if it be in writing.

As used herein the term "in time of emergency" shall mean and include any time after June 23, 1950, and prior to July 27, 1953.

As used herein the term “in time of warlike conditions” shall mean and include any time after December 31, 1960, and prior to the date of the termination of the warlike conditions in the south-east Asia area by appropriate action of the President or Congress of the United States.

2. This act shall take effect immediately.

Approved February 15, 1968.

CHAPTER 294

AN ACT to provide for increases in the pensions payable to certain veterans retired on pension pursuant to article 1 of chapter 4 of Title 43 of the Revised Statutes.

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

C. 43:4-3.1 Pension increase; determination required.

1. Effective January 1, 1968 the pension payable by any county, municipality or school district to any veteran retired on pension prior to January 1, 1955 pursuant to article 1 of chapter 4 of Title 43 of the Revised Statutes may be increased in accordance with the provisions of this act; provided that the board of chosen freeholders of the county by resolution, or the governing body of the municipality by ordinance, or the board of education of the school district by resolution, as the case may be, shall so determine.

C. 43:4-3.2 Pension increase table.

2. The first \$900.00 of the annual pension or the full amount of the pension, if the same is less than \$900.00 per year, shall be increased in accordance with a ratio of increase formula calculated in accordance with the percentage applicable for the calendar year of retirement, as follows:

Year of Retirement	Ratio of Increase	Year of Retirement	Ratio of Increase
1920	88%	1924	61%
1921	72%	1925	66%
1922	64%	1926	66%
1923	61%	1927	65%

Year of Retirement	Ratio of Increase	Year of Retirement	Ratio of Increase
1928	65%	1942	96%
1929	65%	1943	87%
1930	66%	1944	79%
1931	71%	1945	70%
1932	79%	1946	61%
1933	89%	1947	51%
1934	99%	1948	41%
1935	107%	1949	33%
1936	111%	1950	26%
1937	109%	1951	19%
1938	106%	1952	15%
1939	104%	1953	12%
1940	103%	1954	10%
1941	101%		

C. 43:4-3.3 Method of funding; effective date of increase; continuance.

3. Funds to pay the increases provided in this act shall be provided in the budgets of the county, municipality or school district from whose service the veteran retired on pension and shall be added to pension payments payable for any period after January 1, 1968 or shall be added to pension payments retroactively to January 1, 1968 as to any pension payable by a school district having a fiscal year commencing in 1968 on a date other than on January 1.

The increase in pension shall continue to be paid as long as there shall be appropriated the amounts required. In the event that the necessary funds are not so appropriated, the increase in pension shall cease.

C. 43:4-3.4 Waiver authorized.

4. Any increase in pension, or a portion thereof, authorized by this act, may be waived upon written request of the person entitled thereto.

5. This act shall take effect immediately.

Approved February 15, 1968.

CHAPTER 295

AN ACT concerning pensions payable to certain veterans, supplementing article 1 of chapter 4 of Title 43 of the Revised Statutes.

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

C. 43:4-1.1 Application of chapter further extended to certain veterans.

1. War veterans employed in positions covered by any county or city public employee retirement system, established pursuant to chapter 160 of the laws of 1943, chapter 310 of the laws of 1948, chapter 218 of the laws of 1954, chapter 251 of the laws of 1954, or chapter 275 of the laws of 1964, but who are not members of any such pension fund, and who first became eligible for membership in the Public Employees' Retirement System of New Jersey pursuant to the provisions of chapter 71 of the laws of 1966, shall nevertheless be permitted to retire and be granted a pension under the provisions of article 1 of chapter 4 of Title 43 of the Revised Statutes, if they are otherwise eligible for benefits thereunder.

C. 43:4-1.2 Withdrawal of veterans from retirement system authorized.

2. Any such war veteran who enrolled in the Public Employees' Retirement System of New Jersey shall be permitted to withdraw therefrom upon the filing of a proper application for the return of his contributions if he makes such application within 90 days of the effective date of this act. Such withdrawal shall constitute a waiver of his rights to all benefits in the State system.

3. This act shall take effect immediately.

Approved February 15, 1968.

CHAPTER 296

AN ACT concerning alcoholic beverage control, and amending section 33:1-12 of the Revised Statutes.

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

1. Section 33:1-12 of the Revised Statutes is amended to read as follows:

Class C licenses; subdivisions, fees.

33:1-12. Class C licenses shall be subdivided and classified as follows:

Plenary retail consumption license. 1. The holder of this license shall be entitled, subject to rules and regulations, to sell any alcoholic beverages for consumption on the licensed premises by the glass or other open receptacle, and also to sell any alcoholic beverages in original containers for consumption off the licensed premises; but this license shall not be issued to permit the sale of alcoholic beverages in or upon any premises in which a grocery, delicatessen, drug store or other mercantile business (except, subject to such rules and regulations established from time to time by the director, the keeping of a hotel or restaurant including the sale of mercantile items incidental thereto as an accommodation to patrons, or the sale of cigars, cigarettes, packaged crackers, chips, nuts and similar snacks and ice at retail as an accommodation to patrons, or the retail sale of nonalcoholic beverages as accessory beverages to alcoholic beverages, or, in commercial bowling establishments, the retail sale or rental of bowling accessories and the retail sale from vending machines of candy, ice cream and nonalcoholic beverages) is carried on. The fee for this license shall be fixed by the governing board or body of the municipality in which the licensed premises are situated, by ordinance, at not less than \$200.00 and not more than \$2,000.00. No ordinance shall be enacted which shall raise or lower the fee to be charged for this license by more than 20% from that charged in the preceding license year or \$500.00, whichever is the lesser. The governing board or body of each municipality may, by ordinance, enact that no plenary retail consumption license shall be granted within its respective municipality.

Seasonal retail consumption license. 2. The holder of this license shall be entitled, subject to rules and regulations, to sell any alcoholic beverages for consumption on the licensed premises by the glass or other open receptacle, and also to sell any alcoholic beverages in original containers for consumption off the licensed premises, during the summer season from May 1 until November 1, inclusive, or during the winter season from November 15 until April 15, inclusive; but this license shall not be issued to permit the sale of alcoholic beverages in or upon any premises in which a grocery, delicatessen, drug store or other mercantile business (except, subject to such rules and regulations established from

time to time by the director, the keeping of a hotel or restaurant including the sale of mercantile items incidental thereto as an accommodation to patrons, or the sale of cigars, cigarettes, packaged crackers, chips, nuts and similar snacks and ice at retail as an accommodation to patrons, or the retail sale of nonalcoholic beverages as accessory beverages to alcoholic beverages) is carried on. The fee for this license shall be fixed by the governing board or body of the municipality in which the licensed premises are situated, by ordinance, at 75% of the fee fixed by said board or body for plenary retail consumption licenses. The governing board or body of each municipality may, by ordinance, enact that no seasonal retail consumption license shall be granted within its respective municipality.

Plenary retail distribution license. 3a. The holder of this license shall be entitled, subject to rules and regulations, to sell any alcoholic beverages for consumption off the licensed premises, but only in original containers. The governing board or body of each municipality may, by ordinance, enact that this license shall not be issued to permit the sale of alcoholic beverages in or upon any premises in which any other mercantile business is carried on, except that any such ordinance, heretofore or hereafter adopted, shall not prohibit the retail sale of nonalcoholic beverages as accessory beverages to alcoholic beverages. The fee for this license shall be fixed by the governing board or body of the municipality in which the licensed premises are situated, by ordinance, at not less than \$100.00, and not more than \$2,000.00. No ordinance shall be enacted which shall raise or lower the fee to be charged for this license by more than 20% from that charged in the preceding license year or \$500.00, whichever is the lesser. The governing board or body of each municipality may, by ordinance, enact that no plenary retail distribution license shall be granted within its respective municipality.

Limited retail distribution license. 3b. The holder of this license shall be entitled, subject to rules and regulations, to sell any unchilled, brewed, malt alcoholic beverages in quantities of not less than 72 fluid ounces for consumption off the licensed premises, but only in original containers; provided, however, that this license shall be issued only for premises operated and conducted by the license as a bona fide grocery store, meat market, meat and grocery store, delicatessen, or other type of bona fide food store at which groceries or other foodstuffs are sold at retail; and provided

further, that this license shall not be issued except for premises at which the sale of groceries or other foodstuffs is the primary and principal business and at which the sale of alcoholic beverages is merely incidental and subordinate thereto. The fee for this license shall be fixed by the governing body or board of the municipality in which the licensed premises are situated, by ordinance, at not less than \$25.00 and not more than \$50.00. The governing board or body of each municipality may, by ordinance, enact that no limited retail distribution license shall be granted within its respective municipality.

Plenary retail transit license. 4. The holder of this license shall be entitled, subject to rules and regulations, to sell any alcoholic beverages for consumption only on railroad trains, airplanes and boats, while in transit. The fee for this license for use by a railroad or air transport company shall be \$150.00 and, for use on a boat, the fee for this license shall be \$25.00 on a boat 65 feet or less in length, \$50.00 on a boat more than 65 feet in length but not more than 110 feet in length, and \$150.00 on a boat more than 110 feet in length; such boat lengths shall be determined in the manner prescribed by the Bureau of Customs of the United States Government or any Federal agency successor thereto for boat measurement in connection with issuance of Marine Documents. A license issued under this provision to a railroad or air transport company shall cover all dining and club cars and planes operated by any such company within the State of New Jersey. A license for a boat issued under this provision shall apply only to the particular boat for which issued.

Club license. 5. The holder of this license shall be entitled, subject to rules and regulations, to sell any alcoholic beverages but only for immediate consumption on the licensed premises and only to bona fide club members and their guests. The fee for this license shall be fixed by the governing board or body of the municipality in which the licensed premises are situated, by ordinance, at not less than \$50.00 and not more than \$150.00. The governing board or body of each municipality may, by ordinance, enact that no club licenses shall be granted within its respective municipality. Club licenses may be issued only to such corporations, associations and organizations as are operated for benevolent, charitable, fraternal, social, religious, recreational, athletic, or similar purposes, and not for private gain, and which comply with all conditions which may

be imposed by the Commissioner of Alcoholic Beverage Control by rules and regulations.

2. This act shall take effect immediately.

Approved February 15, 1968.

CHAPTER 297

AN ACT concerning workmen's compensation for members of boards of education, supplementing chapter 15 of Title 34 of the Revised Statutes, and amending section 34:15-75 of the Revised Statutes.

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

C. 34:15-74.2 Compensation insurance for board of education members.

1. Every board of education shall provide compensation insurance for its members covering the performance of their official duties as members of the board and also as members or officers of a county school board federation or of the State Federation of District Boards of Education. All payments of compensation to such board members shall be governed by and be subject to the provisions of this chapter. The premiums therefor shall be paid by the board, and the insurance shall protect such persons from loss by reason of injury or death suffered while in the performance of duty as herein provided.

2. Section 34:15-75 of the Revised Statutes is amended to read as follows:

Basis of compensation of certain firefighting officials, firefighters, volunteer workers and board of education members.

34:15-75. Compensation for injury and death, either or both, of any volunteer fireman, county fire marshal, assistant county fire marshal, volunteer first aid or rescue squad worker, volunteer driver of any municipally-owned or operated ambulance, or of any forest fire warden or forest fire fighter employed by the State of New Jersey, or of any member of a board of education shall be based upon a weekly salary or compensation conclusively presumed

to be received by such person in an amount sufficient to entitle him, or, in the event of his death, his dependents, to receive the maximum compensation by this chapter authorized.

3. This act shall take effect immediately.

Approved February 15, 1968.

CHAPTER 298

AN ACT to amend the title of "An act requiring the fingerprinting and photographing of persons arrested for any offense, against the laws of the United States or against the laws of this State, relating to narcotic drugs, the report of convictions of persons for such offenses under the laws of this State and the compilation and preparation of annual reports thereof, and supplementing chapter 1 of Title 53 of the Revised Statutes," approved April 24, 1952 (P. L. 1952, c. 92) so that the same shall read "An act requiring the fingerprinting and photographing of persons arrested for any offense, against the laws of the United States or against the laws of this State, relating to narcotic and certain other dangerous drugs, the report of convictions of persons for such offenses under the laws of this State and the compilation and preparation of annual reports thereof, and supplementing chapter 1 of Title 53 of the Revised Statutes," and to amend and supplement the body of said act.

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

Title amended.

1. The title of chapter 92 of the laws of 1952 is amended to read as follows: An act requiring the fingerprinting and photographing of persons arrested for any offense, against the laws of the United States or against the laws of this State, relating to narcotic and certain other dangerous drugs, the report of convictions of persons for such offenses under the laws of this State and the compilation and preparation of annual reports thereof, and supplementing chapter 1 of Title 53 of the Revised Statutes.

C. 53:1-18.5 Definition of dangerous drugs.

2. As used in the act of which this act is amendatory and supplementary "dangerous drugs" means and includes any of the following in any form: any depressant or stimulant drug as defined pursuant to section 1 of chapter 314 of the laws of 1966 (C. 24:6C-1) or any other prescription legend drug which is not a narcotic drug within the meaning of chapter 18 of Title 24 of the Revised Statutes, unless obtained from, or on a valid prescription of, a duly licensed physician, veterinarian or dentist.

3. Section 1 of the act of which this act is amendatory is amended to read as follows:

C. 53:1-18.1 Fingerprints of persons arrested for narcotic or dangerous drug offenses.

1. Every law enforcement officer designated in section 53:1-15 of the Revised Statutes shall, immediately upon the arrest of any person for any offense against the laws of the United States, or any offense against the laws of this State, relating to narcotic or dangerous drugs, whether the same shall be indictable or otherwise, take the fingerprints of such person and forward copies thereof together with photographs and such other description and information as is required by such section in the case of the arrest of persons for any offense indictable under the laws of this State.

4. Section 2 of the act of which this act is amendatory is amended to read as follows:

C. 53:1-18.2 Report of narcotic or dangerous drug cases; court clerk's duty.

2. The clerk of every court of this State in which any person is prosecuted for an offense under the laws of this State relating to narcotic or dangerous drugs, whether the same be indictable or otherwise, shall promptly report to the State Bureau of Identification the sentence of the court or other disposition of the case.

5. Section 3 of the act of which this act is amendatory is amended to read as follows:

C. 53:1-18.3 Compilation of results of reports of narcotic or dangerous drug cases.

3. It shall be the duty of the Superintendent of the State Police to compile and report annually to the Governor and to the Legislature the results of the reports of the arrests of all persons and the disposition of all cases involving offenses relating to narcotic or dangerous drugs within the preceding year.

6. This act shall take effect immediately.

Approved February 15, 1968.

CHAPTER 299

AN ACT to amend “An act concerning salaries of members of the governing body in certain cities of the second class,” approved July 19, 1951 (P. L. 1951, c. 339).

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

1. Section 1 of the act of which this act is amendatory is amended to read as follows:

C. 40:46-27.1 Second-class cities over 20,000; compensation of members of governing body; ordinance; petition protesting.

1. In any city of the second class having a population exceeding 20,000, the salary or other compensation to be paid the members of the governing body other than the mayor, may be fixed by ordinance, at not exceeding \$4,500.00 per annum for each member of the governing body, and at not exceeding \$5,000.00 per annum for the chairman of the governing body. Any such ordinance shall become operative 30 days after the publication thereof after its final passage, unless within said 30 days, a petition, signed by legal voters of such city equal in number to at least 15% of the entire vote cast in the last preceding general election, protesting against the passage of such ordinance, be presented to the governing body, in which case such ordinance shall remain inoperative unless and until a proposition for the ratification thereof shall be adopted at the next general election by a majority of the qualified voters voting on said proposition. The said ordinance may be retroactive but only to the first day of the calendar year in which the said ordinance is enacted, and the said ordinance may establish the salary for the members of the governing body then serving and voting on the same.

2. This act shall take effect immediately.

Approved February 15, 1968.

CHAPTER 300

AN ACT relating to the number of constables who may be elected and appointed in certain municipalities, and amending section 40:41-35 of the Revised Statutes.

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

1. Section 40:41-35 of the Revised Statutes is amended to read as follows:

Number of constables in various municipalities.

40:41-35. The number of constables hereinafter prescribed may be elected in the several municipalities and wards therein:

a. In cities of the first class the governing body may annually, by resolution, appoint not more than 150 constables, each of whom shall have been a resident and registered voter of the city for at least 3 years prior to his appointment;

b. In all cities except cities of the first and third classes—5 in each ward; except as otherwise provided by the charter of any such city;

c. In cities of the third class and in towns—in each ward having 2,000 inhabitants or less—2 constables, and in each ward having more than 2,000 inhabitants—4 constables, and in each ward having more than 4,000 inhabitants—5 constables;

d. In townships—2 constables, and at the option of the governing body of the township—3 additional constables;

e. In boroughs—2 constables, and at the option of the governing body of the borough—3 additional constables.

2. This act shall take effect immediately.

Approved February 15, 1968.

CHAPTER 301

AN ACT concerning consumer fraud, its prevention, and providing penalties therefor and amending section 2A:111-32 of the New Jersey Statutes, and chapter 39 of the laws of 1960.

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

1. Section 1 of chapter 39 of the laws of 1960 is amended to read as follows:

C. 56:8-1 Definitions.

1. (a) The term "advertisement" shall include the attempt directly or indirectly by publication, dissemination, solicitation, indorsement or circulation or in any other way to induce directly or indirectly any person to enter or not enter into any obligation or acquire any title or interest in any merchandise or to increase the consumption thereof or to make any loan;

(b) The term "Attorney General" shall mean the Attorney General of the State of New Jersey or any person acting on his behalf;

(c) The term "merchandise" shall include any objects, wares, goods, commodities, services or anything offered, directly or indirectly to the public for sale;

(d) The term "person" as used in this act shall include any natural person or his legal representative, partnership, corporation, company, trust, business entity or association, and any agent, employee, salesman, partner, officer, director, member, stockholder, associate, trustee or cestuis que trustent thereof;

(e) The term "sale" shall include any sale, rental or distribution, offer for sale, rental or distribution or attempt directly or indirectly to sell, rent or distribute.

2. Section 2 of chapter 39 of the laws of 1960 is amended to read as follows:

C. 56:8-2 Fraud, etc., unlawful in connection with sale or advertisement of merchandise.

2. The act, use or employment by any person of any deception, fraud, false pretense, false promise, misrepresentation, or the knowing, concealment, suppression, or omission of any material fact with intent that others rely upon such concealment, suppression or omission, in connection with the sale or advertisement of any merchandise or with the subsequent performance of such person as aforesaid, whether or not any person has in fact been misled, deceived or damaged thereby, is declared to be an unlawful practice; provided, however, that nothing herein contained shall apply to the owner or publisher of newspapers, magazines, publications or printed matter wherein such advertisement appears, or to the owner or operator of a radio or television station which disseminates such advertisement when the owner, publisher or

operator has no knowledge of the intent, design or purpose of the advertiser; and provided, further, that nothing herein contained shall apply to any advertisement which is subject to and complies with the rules and regulations of, and the statutes administered by the Federal Trade Commission.

3. Section 2A:111-32 of the New Jersey Statutes is amended to read as follows:

Advertising commodity or service with intent not to sell at stated price; misdemeanor; penalty.

2A:111-32. Any person who, by advertising, offers for sale any commodity or service as a part of a plan or scheme with the intent, design or purpose not to sell or not to sell at the price stated therein, the commodity or service so advertised, or to engage in any practice declared to be unlawful under section 2 of chapter 39 of the laws of 1960, is guilty of a misdemeanor. Nothing herein contained shall apply to the publisher of such advertising in newspapers, magazines, publications or programs where the publisher thereof has no knowledge of the said intent, design or purpose of the advertiser, or to the owner or operator of a radio or television station who disseminates such advertising without knowledge of the said intent, design or purpose of the advertiser.

Any person found guilty of a misdemeanor as set forth in this section shall be punished by a fine of not more than \$1,000.00 or by imprisonment of not more than 1 year, or both.

4. This act shall take effect immediately.

Approved February 15, 1968.

CHAPTER 302

AN ACT to amend "An act making uniform regulations on net fishing in certain waters within the jurisdiction of this State, and providing for the licensing of same, and repealing sections 23:9-59 to 23:9-93, inclusive, 23:9-99, 23:9-101 to 23:9-107, inclusive, and 23:9-113 of the Revised Statutes," approved June 14, 1941 (P. L. 1941, c. 211), as said title was amended by chapter 294 of the laws of 1942.

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

1. Section 2 of the act of which this act is amendatory is amended to read as follows:

C. 23:5-24.2 Application; issuance of license; fees.

2. A person intending to take fish with a net in the waters aforesaid shall, except as hereinafter provided, apply to the Division of Fish and Game for a license therefor, and the division upon receipt of the application and the fee hereinafter prescribed may in its discretion issue licenses for the taking of fish with nets as follows:

(a) Haul seines, the mesh of which shall not be larger than 3 inches stretched mesh while being fished, and not to exceed 70 fathoms in length, whether singly or attached, for all species, excepting striped bass. November 1 to April 30. Fee, \$15.00.

(b) Fykes, with leaders, shall not exceed 30 fathoms in length and no part of net or leaders to be larger than 3 inches stretched mesh while being fished, for all species excepting striped bass. November 1 to April 30. Fee, \$5.00.

(c) Special fyke for flounder only, the length of the net not to exceed 30 fathoms and the mesh of which shall not be less than 4 inches stretched mesh. October 1 to April 30. Fee, \$2.00.

(d) Miniature fykes or pots for the taking of catfish, suckers and eels, the same not to exceed 16 inches in diameter. March 15 to December 15. Fee, \$0.25.

(e) Drifting gill nets, run around or stab nets, the smallest mesh of which shall be $2\frac{3}{4}$ inches wide while being fished, and the length of which net shall not exceed 200 fathoms, for all species excepting striped bass. March 15 to December 15. Fee, \$10.00. These nets shall be used in the Atlantic ocean only.

(f) Shad nets, either staked or anchored, the smallest mesh of which shall be 5 inches while being fished, and shall not exceed 50 fathoms in length, for all species excepting striped bass. March 1 to June 15. Fee, \$2.00. These nets shall be used in the Atlantic ocean only.

(g) Bait seines, over 50 feet long and not exceeding 150 feet. Fee, \$1.00.

(h) Bait seines, not more than 50 feet long, may be used without application for or granting of license.

(i) Dip nets, not to exceed 24 inches in diameter, may be used for the taking of herring for live bait without application for or granting of license.

2. This act shall take effect immediately.

Approved February 15, 1968.

CHAPTER 303

AN ACT to amend "An act concerning the production, handling and distribution of milk, cream and milk products, supplementing Title 24 of the Revised Statutes and repealing sections 24:10-1 to 24:10-57 inclusive and 24:10-89 to 24:10-103 inclusive of the Revised Statutes and chapter 195 of the laws of 1938," approved May 18, 1964 (P. L. 1964, c. 62).

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

1. Section 1 of the act of which this act is amendatory is amended to read as follows:

C. 24:10-57.1 Definitions.

1. For the purpose of this act the following definitions are set up:

A. Milkfat or butterfat is the fat of milk.

B. Milk solids not fat is that portion of milk exclusive of milkfat and watery fluid.

C. Milk is the lacteal secretion, practically free from colostrum, obtained from one or more healthy dairy animals, properly fed and kept, which contains not less than 3¼% milkfat and not less than 8¼% milk solids not fat.

D. Certified milk shall mean milk produced in compliance with the laws of this State, the State Sanitary Code, rules and regulations of the department, and such methods and standards as may be established by the certifying medical milk commission so empowered by law and shall include certified milk which may have been pasteurized, homogenized or modified in accordance with practices approved by the department and the certifying medical milk commission.

E. Cream is a portion of milk which contains not less than 18% milkfat.

(1) Light cream is cream which contains not less than 18% milkfat.

(2) Medium cream is cream which contains not less than 30% milkfat.

(3) Heavy cream is cream which contains not less than 36% milkfat.

F. Skim milk, skimmed milk and nonfat milk is milk from which practically all milkfat has been removed and which contains not more than $\frac{1}{2}$ of 1% milkfat with or without added milk solids.

G. Fortified skim milk, fortified skimmed milk and nonfat fortified milk is nonfat milk to which has been added at least 2,000 U. S. P. units of Vitamin A and at least 400 U. S. P. units of Vitamin D per quart by methods acceptable to the department.

H. Dried whole milk is the food made by drying milk, and which contains not more than 5% moisture and not less than 26% milkfat.

I. Dried skim milk or nonfat dry milk is the food made by drying skim milk, and which contains not more than 5% moisture.

J. Flavored milk is a product consisting of milk to which has been added a syrup or flavoring material, and which contains not less than $3\frac{1}{4}$ % milkfat and not less than $7\frac{1}{2}$ % milk solids not fat.

K. Dairy drink is a product consisting of fluid skim milk or concentrated or dried skim milk recombined with water, with or without added milkfat, to which has been added a syrup or flavoring material, and which contains not less than $7\frac{1}{2}$ % milk solids not fat.

L. Condensed, evaporated or concentrated milk or fluid milk products are the fluid products resulting from the removal of a considerable portion of the water from the milk or fluid milk product and which contain:

(1) When made from milk without added sugar, not less than $7\frac{9}{10}$ % milkfat and not less than $25\frac{1}{10}$ % total milk solids.

(2) When made from milk with added sugars, not less than $8\frac{5}{10}$ % milkfat and not less than 28% total milk solids.

(3) When made from skim milk, not less than 20% total milk solids or, if sugar has been added, not less than 28% total milk solids.

M. Buttermilk is the fluid product resulting from the churning of milk or cream and which contains not less than $8\frac{1}{4}$ % milk solids not fat.

N. Cultured buttermilk or cultured skim milk is the product resulting from the souring or treatment of fluid skim milk, or concentrated or dried skim milk recombined with water, with or without added milkfat, by a culture of acidophilus, kefir, yogurt, kumiss, or other commonly known culture acceptable to the department and which contains not less than $8\frac{1}{4}$ % milk solids not fat with or without added syrup or flavoring.

O. Cultured milk is the product resulting from the souring or treatment of milk, or concentrated or dried whole milk recombined

with water, by a culture of acidophilus, kefir, yogurt, kumiss, or other commonly known cultures acceptable to the department which contains not less than $3\frac{1}{4}\%$ milkfat and not less than $8\frac{1}{4}\%$ milk solids not fat with or without added syrup or flavoring.

P. Cultured sour cream or cultured salad cream is the product resulting from the souring or treatment of cream by a lactic acid or other culture acceptable to the department, with or without enzymatic action, and which contains not less than 18% milkfat.

Q. Yogurt is the product resulting from the fermenting or treatment of whole milk or fluid skim milk or concentrated or dried whole or skim milk recombined with water with or without added milk solids, and with or without sweeteners and fruit flavorings, by a culture of yogurt and which contains not less than $8\frac{1}{4}\%$ milk solids not fat, provided that when it contains less than $3\frac{1}{4}\%$ milkfat the label shall include "fat partially removed."

R. Vitamin D milk, or Vitamin D fluid milk products, is milk or fluid milk products the Vitamin D content of which has been increased to at least 400 U. S. P. units of Vitamin D per quart by a method acceptable to the department.

S. Homogenized milk, is milk which has been treated in such a manner as to insure break-up of the fat globules to such an extent, that, after 48 hours of quiescent storage at a temperature of 40-50° Fahrenheit, the percentage of milkfat in the top 100 milliliters of milk in a quart bottle, or of proportionate volume in containers of other size, does not differ by more than 10% of itself from the percentage of milkfat in the remaining milk as determined after thorough mixing.

T. Modified milk is milk especially prepared for infant or invalid feeding, or as a special dietary food, in a manner which will not result in the finished product being adulterated as defined by law.

U. Ice cream mix is defined as the unfrozen fluid mixture from which ice cream is made by freezing and shall contain not less than 10% by weight of milkfat except when fruit, nuts, cocoa, chocolate cakes or confections are added for the purpose of flavoring when it shall contain not less than 10% by weight of milkfat except for such reduction in milkfat as is due to the addition of such flavoring, but in no case shall it contain less than 8% by weight of milkfat. Chocolate and cocoa flavored ice cream mix shall in no event contain less than 10% by weight of total fat.

V. Ice milk mix is the unfrozen fluid mixture from which ice milk is made by freezing and shall contain not less than 3% by weight of milkfat and not less than 14% by weight of total milk solids.

W. Half-and-half is a product consisting of a mixture of milk or skim milk, or both, with cream, with or without added milk solids not fat, and which contains not less than 10% milkfat and which may be homogenized.

X. Cultured or sour half-and-half is the product resulting from the souring or treatment of half-and-half by a lactic acid or other culture acceptable to the department, with or without enzymatic action and which contains not less than 10% milkfat.

Y. Butter shall be understood to mean the food product known as butter, and which is made exclusively from milk or cream, or both, with or without common salt, and with or without additional coloring matter, and containing not less than 80% of milkfat, all tolerances having been allowed for.

Z. Butter oil is the clean, wholesome and unadulterated milkfat obtained from milk, cream, or butter, and which contains not less than 99% milkfat.

AA. Cheese as referred to in this act shall mean and include those cheeses, processed cheeses, cheese foods, cheese spreads and related foods for which definitions and standards of identity have been promulgated under the provisions of the Federal Food, Drug and Cosmetics Act and shall conform to such definitions and standards of identity as set forth therein.

BB. Fluid milk products shall be taken to mean and to include the following products:

(1) Milk, cream, certified milk, skim milk, skimmed milk, nonfat milk, nonfat fortified milk, fortified skim milk, fortified skimmed milk, flavored milk, dairy drink, buttermilk, cultured buttermilk, cultured skim milk, cultured milk, cultured sour cream, cultured salad cream, yogurt, cultured half-and-half, Vitamin D milk, Vitamin D fluid milk products, homogenized milk, modified milk, ice cream mix, ice milk mix and half-and-half.

(2) Condensed, evaporated and concentrated milk and fluid milk products intended for further processing, unless sterilized and packaged in hermetically sealed containers; and

(3) Any other product made by the addition of any substance to milk, or to any of these fluid milk products, and used for similar purposes, and designated as a fluid milk product by the department.

CC. Milk products shall be taken to mean and to include ice cream, ice milk, sherbets, butter, butter oil, the various types of cheeses, dried milk, dried skim milk, and any other food for human consumption made from milk or cream or both and designated as a milk product by the department.

DD. Adulterated milk and fluid milk products shall mean and include, any milk or fluid milk products to which any water, drug, chemical, preservative, coloring matter, fats or oils other than milk-fat, or any substance of any kind or character has been added, or which if defined in this act, or under authority of this act which does not conform with its definition or comply with its standard shall be considered adulterated. This shall not apply to those fluid milk products defined by, and under authority of, this act wherein certain additives are permitted. Nothing in this definition shall be construed to prohibit the use of wholesome egg products, stabilizers or emulsifiers in the manufacture of ice cream mix or the sale of ice cream mix so manufactured.

EE. Pasteurization is the process of heating and holding every particle of milk or fluid milk products in properly operated equipment acceptable to the department at a temperature and for such time as is specified by the department.

FF. A dairy farm is any place or premises where one or more dairy animals are kept, a part or all of the milk from which is sold, offered for sale or delivered to any person.

GG. A producer or milk producer is any person who owns or controls one or more dairy animals, a part or all of the milk from which is sold, offered for sale or delivered to any person.

HH. A distributor or milk distributor is any person who sells, offers for sale, or distributes any milk or fluid milk products for human consumption as such.

II. A milk plant is any place, premises, or establishment, other than an ice cream plant, where milk or fluid milk products are collected, handled, processed, manufactured, stored, pasteurized, bottled, or prepared for distribution, sale or resale. This definition shall not include stores or milk depots handling retail containers of milk or fluid milk products in original unopened containers, nor to those establishments dispensing milk or fluid milk products for consumption on the premises or that portion of any establishment operated as a dairy farm.

JJ. An ice cream plant is any place, premises or establishment, including roadside stands and counter freezer operations where ice cream, ice milk, sherbet, ice or any related frozen dairy food is manufactured, prepared or processed for distribution or sale and from which no fluid milk products are sold or delivered as fluid milk products except in unopened retail containers or for consumption on the premises.

KK. A milk depot is any place or premises, other than a milk plant, where milk and fluid milk products packaged in final containers are stored prior to distribution.

LL. A bulk milk hauler is any person, other than a person holding a milk plant permit from the department, who purchases or collects milk in a tank truck from dairy farms for the purpose of distribution or sale to a milk plant or milk plants other than that or those for which he holds a permit.

MM. Department shall mean the State Department of Health.

NN. "Local board" or "local board of health" means the board of health of any municipality or the boards, bodies or officers in such municipality lawfully exercising any of the powers of a board of health under the laws governing such municipality, and includes any consolidated board of health or county board of health created and established pursuant to law.

2. This act shall take effect immediately.

Approved February 15, 1968.

CHAPTER 304

AN ACT to provide adequate protection to, and additional and supplemental remedies for, mortgage loans on projects for redevelopment, renewal or rehabilitation and to encourage private financing of such projects.

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

C. 55:17-1 Lease in connection with redevelopment project to continue beyond default in or foreclosure of mortgage loan.

1. Any lease or financial arrangement made by any governmental body or agency of this State pursuant to statute in connection with a project for redevelopment, renewal or rehabilitation shall continue in full force and effect beyond any default in or foreclosure of any mortgage loan made to finance the project, as though such default or foreclosure had not occurred, subject to the provisions of this act.

C. 55:17-2 Separate set of records required.

2. In the event of any default or foreclosure in respect to a project coming within this act, the holder of the mortgage loan shall estab-

lish a set of records, separate and distinct from those pertaining to its usual business or operations, to reflect with reasonable accuracy the appropriate debits and credits applicable to the project, from which all necessary and proper calculations can be made to continue to carry out the terms and provisions of the lease or financial arrangement, or both, as directed by this act. Such records shall be established and maintained in accordance with recognized accounting practices, to be certified to by independent certified public accountants, in order to assure the governmental body or agency involved that the terms and conditions of the lease or financial arrangement will continue to be applied according to their intent.

C. 55:17-3 Project and records considered equivalent to person entering into lease.

3. The project and the financial records herein provided for shall be considered to be equivalent to the person or entity entering into the lease or financial arrangement for all purposes of any applicable statute, including qualification and status under any such statute for the purpose of continuing such lease or financial arrangement beyond default or foreclosure. The holder of the mortgage loan and the governmental body or agency involved may enter into appropriate agreements to deal with administration of the project arrangements pursuant to this act; and in case of their inability to reach agreement on any one or more aspects thereof, either may apply to the Superior Court, Chancery Division, by a summary proceeding, to settle and resolve the details of such administration in such fashion as will tend to accomplish the purposes of this act.

C. 55:17-4 Maintenance of records must permit application of lease terms separately from other transactions of mortgage holder.

4. The financial records and data in respect to the administration of the project after default or foreclosure shall be so established and maintained as to permit the application of the terms of the lease or financial arrangement in respect to the calculation of payments to be made to a governmental body or agency, as well as of limitations upon profits, earnings, dividends and the like, separately and apart from the business operations of the holder of the mortgage loans arising from other transactions than the project itself.

C. 55:17-5 Restrictive statutory provisions applicable to project but not to mortgage holder.

5. Limiting and restrictive provisions of any statute otherwise applicable, in respect to the nature, identity or status of any person with whom a lease or financial agreement may be lawfully made

shall be applied to the project only, in case of a default or foreclosure, and shall not be applicable to the holder of the mortgage loan.

C. 55:17-6 Mortgage holder's consent required to modify lease.

6. So long as any mortgage loan remains unsatisfied in respect to any project, no agreement shall be made between the governmental body or agency on any lease or financial agreement and the other party thereto, either to modify or supplement any provision thereof, or to exercise any option or right thereunder, including any option to surrender a tax arrangement, without the prior written consent of the holder of the mortgage loan.

C. 55:17-7 Notice to mortgage holder required in event of default.

7. In the event of any default in connection with the terms and provisions of any lease or financial arrangement affecting a project, the governmental body or agency shall not take any steps it may otherwise be entitled to take, until it has first notified the holder of any mortgage loan thereon and provided a reasonable opportunity, in light of the nature of the default and the available means to correct it to cure the same; but in any case shall allow not less than 30 days for such purpose.

C. 55:17-8 Remedies available to mortgage holder.

8. In order to provide additional and supplemental remedies to the holder of a mortgage loan on a project, which remedies are deemed necessary and appropriate to the feasibility of making private funds available to finance a project, the holder of a loan may, in addition to any other remedy available by contract or by law:

(a) enter into possession of the project and operate the same, or engage some other person, association or corporation to do so;

(b) receive by transfer at least a majority of the capital stock of the mortgagor and assume operation and control of such mortgagor;

(c) receive and accept a deed or deeds of all of the right, title and interest of the mortgagor in and to the project and to enter into possession thereof and operate the same, or engage some other person to do so;

(d) apply to the Superior Court, Chancery Division, for the entry of a judgment of strict foreclosure in respect to any person or persons holding any claim or lien in respect to the project or the mortgagor, junior to that of the mortgage loan; and in such proceedings the court may provide for such marshaling of assets

and application thereof as may be appropriate to maintain the relative positions of the parties;

(e) institute suit and recover judgment upon the underlying loan obligation without being first required to proceed with foreclosure on the mortgage;

(f) proceed to foreclosure of the mortgage, separately from or together with suit on the underlying obligation, and public sale of the project under the supervision and control of the court, to any person, association or corporation willing and able to assume the performance of the terms and provisions of the lease or financial arrangement, either by literal compliance therewith or by means of proper separate records for the project of the nature provided for in this act, all as the court may direct, in order that the highest possible bid may be realized while preserving and maintaining the position of the governmental body or agency under the lease or financial arrangement;

(g) pursue any remedy available either under this act or otherwise either in its own name or through a subsidiary or affiliate, and for such purpose any holder of a mortgage loan is authorized to cause such subsidiary or affiliate to be formed, to hold the stock thereof either in its own name or that of nominee or nominees, without regard to the restriction or limitations of any other law.

C. 55:17-9 Definitions.

9. For the purposes of this act, the following terms shall have the designated meanings:

(a) "Lease or financial agreement" means any contractual arrangement between a governmental body or agency and some other person, pursuant to applicable statute, which is calculated to render financially feasible the undertaking of any project for redevelopment, renewal or rehabilitation, and shall include without limitation the granting of exemption from taxes, the payment of moneys for charges in lieu of taxes, and any other arrangement to assist in the realization of a project.

(b) "Governmental body or agency" means any governmental body or agency of the United States, of this State or of any subdivision thereof, which may be a party to or participant in any project.

(c) "Project" means any undertaking, whether of one or more units, which is the subject of any lease or financial arrangement for redevelopment, renewal or rehabilitation.

(d) "Holder of a mortgage loan" means any person, association or construction loans or for permanent financing, in respect to

lands, improvements or both which constitute a project or part of project.

(e) "Mortgagor" means any person, association or corporation having an interest in a project which is subject to a mortgage loan, whether or not the original mortgagor or a successor or assignee subject to the mortgage.

(f) "Default or foreclosure" means any event entitling the holder of the mortgage loan to pursue any one or more remedies available under this act or by other law or by contract, without regard to whether a traditional foreclosure or strict foreclosure occurs in fact.

C. 55:17-10 Liberal construing authorized.

10. The provisions of this act shall be liberally construed in order that holders of mortgage loans on projects may rely, in the event of a default or foreclosure, upon the continuation of terms and provisions of the lease or financial arrangements evaluated at the time of the making of the loan to determine its financial feasibility, and in case of any conflict between the provisions of any statute authorizing such leases or financial arrangements and the provisions of this act, this act shall prevail.

C. 55:17-11 Application of provisions.

11. The provisions shall apply to all mortgages executed and delivered on and after the effective date of this act, and, to the extent that it may be fairly and feasibly applied to mortgages heretofore made, shall be applicable thereto.

12. This act shall take effect immediately.

Approved February 15, 1968.

CHAPTER 305

AN ACT concerning the abandonment of motor vehicles in certain cases, prescribing penalties for violations, and supplementing chapter 4 of Title 39 of the Revised Statutes.

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

C. 39:4-56.5 Abandonment of motor vehicle on or along highway, public property or private property.

1. It shall be unlawful for any person to abandon a motor vehicle on or along any highway or other public property or on any private

property without the consent of the owner or other person in charge of the private property. A vehicle which has remained on or along any highway or other public property or on private property without such consent for a period of more than 48 hours or for any period without current license plates shall be prima facie evidence of such abandonment. Vehicles used or to be used in the construction, operation or maintenance of public utility facilities and which are left in a manner which does not interfere with the normal movement of traffic shall not be considered abandoned vehicles for the purposes of this section.

Any person who violates this section shall be subject to a fine not exceeding \$100.00 and his license or driving privilege may be suspended or revoked by the director.

2. This act shall take effect immediately.

Approved February 27, 1968.

CHAPTER 306

AN ACT to amend the "Temporary Disability Benefits Law," approved June 1, 1948 (P. L. 1948, c. 110).

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

1. Section 6 of the act of which this act is amendatory is amended to read as follows:

C. 43:21-30 Nonduplication of benefits.

6. Nonduplication of benefits. No benefits shall be required or paid under this act for any period with respect to which benefits are paid or payable under any unemployment compensation or similar law, or under any disability or cash sickness benefit or similar law, of this State or of any other State or of the Federal Government. Nor shall any benefits be required or paid under this act for any period with respect to which benefits, other than benefits for permanent partial or permanent total disability previously incurred, are paid or payable on account of the disability of the covered individual under any workmen's compensation law, occupational disease law, or similar legislation, of this State or

of any other State or the Federal Government. Where a claimant's claim for compensation for temporary disability, under the provisions of subparagraph a. of section 34:15-12 of the Revised Statutes, is contested, and thereby delayed, and such claimant is otherwise eligible for benefits under this chapter, said claimant shall be paid the benefits provided by this chapter until and unless said claimant receives compensation under the provisions of subparagraph a. of section 34:15-12 of the Revised Statutes. In the event that workmen's compensation benefits, other than benefits for permanent partial or permanent total disability previously incurred, are subsequently awarded for weeks with respect to which the claimant has received disability benefits pursuant to this act, the State fund, or the private plan, as the case may be, shall be entitled to be subrogated to such claimant's rights in such award to the extent of the amount of disability payments made hereunder. Disability benefits otherwise required hereunder shall be reduced by the amount paid concurrently under any governmental or private retirement, pension or permanent disability benefit or allowance program to which his most recent employer contributed on his behalf.

2. This act shall take effect immediately.

Approved February 27, 1968.

CHAPTER 307

AN ACT concerning death by wrongful act and amending section 2A:31-5 of the New Jersey Statutes.

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

1. Section 2A:31-5 of the New Jersey Statutes is amended to read as follows:

Assessment of damages by jury.

2A:31-5. In every action brought under the provisions of this chapter the jury may give such damages as they shall deem fair and just with reference to the pecuniary injuries resulting from such death, together with the hospital, medical and funeral ex-

penses incurred for the deceased, to the persons entitled to any intestate personal property of the decedent.

2. This act shall take effect immediately, provided, however, that this act shall not govern the distribution of amounts recovered under N. J. S. A. 2A :31-1, et seq., for injuries received prior to the effective date of this act.

Approved February 27, 1968.

CHAPTER 308

AN ACT to provide for the expunging of the record of adjudication upon the status of children, in certain cases, and supplementing article 5 of chapter 4 of Title 2A of the New Jersey Statutes.

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

C. 2A:4-39.1 Procedure for relief from adjudication against juvenile offender; limitations.

1. In any case wherein an adjudication has been entered upon the status of a child under 18 years of age, and 5 years has elapsed since the date thereof and no subsequent adjudication has been entered against such child, he, his parent or guardian may present a duly verified petition to the court wherein such adjudication was entered, setting forth all the facts in the matter and praying for the relief provided for in this section.

Upon reading and filing such petition such court may by order fix a time, not less than 10 nor more than 30 days thereafter, for the hearing of the matter, a copy of which order shall be served in the usual manner upon the prosecutor of the county wherein such court is located, and upon the chief of police or other executive head of the police department of the municipality wherein said offense was committed, within 5 days from the date of such order, and at the time so appointed the court shall hear the matter and if no material objection is made and no reason appears to the contrary, an order may be granted directing the clerk of such court to expunge from the records all evidence of said adjudication, excepting adjudications involving the following crimes:

treason, misprison of treason, anarchy, all capital cases, kidnapping, perjury, carrying concealed weapons or weapons of any deadly nature or type, rape, seduction, aiding, assisting or concealing persons accused of high misdemeanors, or aiding the escape of inmates of prisons, embracery, arson, robbery or burglary.

2. This act shall take effect immediately.

Approved February 27, 1968.

CHAPTER 309

AN ACT authorizing the creation of local convention hall authorities by certain municipalities and defining the powers, duties and functions of such authorities.

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

C. 40:54B-1 Authorization for creation of convention hall authority by certain municipalities; appointment of members; qualifications, terms, vacancies.

1. The governing body of any municipality bordering on the Atlantic ocean located in a county of the sixth class, and having a population of 25,000 or less, may by ordinance create a public body corporate and politic under the name of "the convention hall authority of " in
(insert here the name of the municipality)
accordance with the provisions of this act.

The members of each authority shall be appointed by resolution of the governing body of the municipality creating the authority. Each member shall be, for the last 5 years preceding his appointment, a citizen of the United States and a qualified voter of the State of New Jersey. One member shall be appointed for 1 year, one member for 2 years, one member for 3 years, 2 members for 4 years and 2 members for 5 years. At the expiration of each of the above terms, the new member or members shall be appointed for a term of 5 years. Vacancies in the membership of any authority, occurring for whatever cause, shall be promptly filled by appointment in the same manner for the unexpired term

thereof. Members shall serve for their respective terms and until their successors are appointed and qualify.

C. 40:54B-2 Joint creation of convention hall authority by 2 or more municipalities; appointment of members; qualifications, terms, vacancies.

2. The governing bodies of any 2 or more municipalities which together comprise an integral body of territory bordering on the Atlantic ocean in a county of the sixth class and which have a combined population of not in excess of 25,000 inhabitants may, by parallel ordinances, create a public body corporate and politic under the name of "the convention hall authority of"

(insert here a territorially descriptive name)
in accordance with the provisions of this act.

The number of members, not less than one or more than 3, to be appointed by resolution of the governing body of each municipality creating the authority, and the terms of the first members arranged so that no more than $\frac{1}{2}$ thereof shall expire in any year, shall be specified in the parallel ordinances. Each member shall possess the same qualifications as set forth for members appointed to an authority created under section 1 of this act. Upon the expiration of the terms of the members first appointed, their successors shall be appointed for terms of 5 years and until the appointment and qualifications of their successors. Vacancies occurring for whatever cause, shall be filled in the same manner for the unexpired term.

C. 40:54B-3 Conflict of interest of personnel; oath; compensation; officers; ex officio members; quorum; bonds.

3. No member, officer or employee of any authority shall be interested directly or indirectly in any contracts for work or materials used by the authority, or in any sales, leases or agreements in connection with lands, buildings or other property owned or controlled by it, or in any fees or compensation of any kind paid to any broker, architect, engineer, merchant or other person doing business with the authority or in any other transaction of or with the authority, or the benefits or profits thereof.

Each member and officer of the authority shall, before assuming office, take and subscribe an oath that he will faithfully and impartially discharge the duties of his office.

The members and officers of the authority shall serve without compensation, but each shall receive his actual disbursements for his expenses in performing his duties.

The members of the authority shall choose annually from among its members a chairman, and such other officers as it may deem necessary. The mayor or other executive head of each municipality creating or joining in the creation of the authority, shall be an ex-officio member thereof.

A majority of the members shall constitute a quorum of the authority.

The members and officers may be required to furnish bonds to the authority, to secure the faithful discharge of their duties, in form, amount and with such surety as may from time to time be required by resolution of the governing body of the municipality or by parallel resolutions of the governing bodies of the municipalities served by the authority.

C. 40:54B-4 Employees or services; compensation; civil service.

4. The authority may employ such employees or services and at such compensation as may be approved by resolution of the authority. If the municipality or all municipalities creating the authority shall have adopted the provisions of Title 11, Civil Service, the Civil Service laws, rules and regulations shall govern the appointment of employees of the authority.

C. 40:54B-5 Office; records.

5. The authority shall have and maintain a suitable office, where its maps, plans, documents, records and accounts shall be kept, subject to public inspection at such times and under such reasonable regulations as the authority shall determine. If practicable, existing office facilities of the municipality or one of the municipalities served by the authority may be made available for use of the authority.

C. 40:54B-6 Authority's duties.

6. Every authority created under this act shall have the responsibility and obligation:

To plan, construct, operate and maintain a convention hall.

C. 40:54B-7 Authority's powers.

7. In addition to any other powers conferred upon an authority by this act, each authority shall have the following powers:

- a. To adopt and have a common seal and to alter the same at pleasure;
- b. To sue and be sued;
- c. To acquire, hold, use and dispose of its facility charges and other revenues and other moneys;

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d. To acquire, rent, hold, use and dispose of other personal property for the purposes of the authority;

e. To acquire by purchase, gift, condemnation or otherwise, or lease as lessee, real property and easements or interests therein necessary or useful and convenient for the purposes of the authority, whether subject to mortgages, deeds of trust or other liens or otherwise, and to hold and to use the same, and to dispose of property so acquired no longer necessary for the purposes of the authority;

f. To lease to any person, all or any part of its convention hall facility for such consideration and for such period or periods of time and upon such other terms and conditions as it may fix and agree upon;

g. To borrow money and issue negotiable bonds or notes or other obligations and provide for and secure the payment of any bonds and the rights of the holders thereof, and to purchase, hold and dispose of any bonds;

h. To apply for and to accept gifts or grants of real or personal property, money, material, labor or supplies for the purposes of the authority from any governmental unit or person, and to make and perform agreements and contracts and to do any and all things necessary or useful and convenient in connection with the procuring, acceptance or disposition of such gifts or grants;

i. To determine the location, type and character of any convention hall facility and all other matters in connection with all or any part of any such facility which it is authorized to own, construct, establish, effectuate or control;

j. To make and enforce by-laws or rules and regulations for the management and regulation of its business and affairs and for the use, maintenance and operation of any convention hall facility, and to amend the same;

k. To do and perform any acts and things authorized by this act under, through or by means of its own officers, agents and employees, or by contracts with any governmental unit or person;

l. To acquire, purchase, construct, lease, operate, maintain and undertake any project and to fix and collect facility charges for the use thereof; and

m. To enter into any and all agreements or contracts, execute any and all instruments, and do and perform any and all acts or things necessary, convenient or desirable for the purposes of the authority or to carry out any power expressly given in this act.

C. 40:54B-8 Rents, rates, fees, etc.

8. Every authority is hereby authorized to charge and collect rents, rates, fees or other charges (in this act sometimes referred to as "facility charges") in connection with, or for the use of services of, or otherwise relating to any convention hall facility or other property owned or controlled by the authority.

C. 40:54B-9 Compliance of charges with terms of lease or other agreement; adjustment of rates; basis.

9. The facility charges fixed, charged and collected by an authority with respect to any convention hall facility shall comply with the terms of any lease or other agreement of the authority with regard to such convention hall facility, and the facility charges fixed, charged and collected by an authority may be so adjusted that the revenues of the authority will, together with other income of the authority, at all times be adequate to pay all expenses of the authority, including the expenses of operation and maintenance of any convention hall facility or other property owned or controlled by the authority, including insurance, improvements, replacements, reconstruction and any other required payments, and to pay the principal of and interest on any bonds, and to maintain such reserves or sinking funds for any of the foregoing purposes as may be required by the terms of any lease or other agreement of the authority or as may be deemed necessary or convenient and desirable by the authority.

C. 40:54B-10 Acquisition of real property; method; eminent domain.

10. Every authority is hereby empowered, in its own name, to acquire by purchase, gift, grant or device and to take for public use real property within the territory served by the authority, or any interest therein which may be deemed by the authority necessary for its purposes. Such authority is hereby empowered to acquire and take such real property or interests therein, by condemnation, in the manner provided by chapter 1 of Title 20, Eminent Domain, of the Revised Statutes (R. S. 20:1-1 et seq.) and, to that end, may invoke and exercise in the manner or mode of procedure prescribed in said chapter, in its own name the power to acquire or take property for public use.

C. 40:54B-11 Authority's annual report; municipalities' rights and powers.

11. Each authority shall make an annual report to the municipality or municipalities by which it has been created, setting forth in detail its operations and transactions for the preceding 12 months.

The creation of an authority by a municipality or municipalities shall not be deemed to limit in any manner any such municipality's right to deal with its lands, or to sell or lease the same, independently of such authority, as heretofore, but the powers conferred upon such municipality and authority by this act shall be in addition to any rights or powers now possessed by such municipality with reference to its lands or other properties.

C. 40:54B-12 Appropriations; use of funds; budget; record of accounts.

12. The governing body of such municipality or municipalities creating an authority under this act may appropriate annually, during the life of the authority, such sums as may be reasonably necessary to assist the authority in the conduct of its normal operations, but no moneys so appropriated shall be used by an authority for the construction of any building or to finance such construction. The authority shall annually present to the chief financial officer of the municipality or municipalities its budget for operations for the ensuing year, reflecting therein all unexpended balances on hand from previous appropriations received from the municipality or municipalities. Each authority shall keep complete and accurate records of its accounts, and separate accounts shall be kept for its normal functions. No authority shall exceed its budget, and moneys received from the municipality by which it has been created shall be expended only for the purposes for which they have been appropriated.

13. This act shall take effect immediately.

Approved February 27, 1968.

CHAPTER 310

AN ACT to provide for payroll deductions from the compensation of State, county and municipal employees for employee organization dues and supplementing Title 52 of the Revised Statutes.

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

C. 52:14-15.9e Deductions for payment of dues to employee organization; authorization; withdrawal.

1. Whenever any person holding employment, whose compensation is paid by this State or by any county, municipality or board

of education in this State, or by any board, body, agency or commission thereof shall indicate in writing to the proper disbursing officer his desire to have any deductions made from his compensation, for the purpose of paying the employee's dues to a bona fide employee organization, designated by the employee in such request, and of which said employee is a member, such disbursing officer shall make such deduction from the compensation of such person and such disbursing officer shall transmit the sum so deducted to the employee organization designated by the employee in such request.

Any such written authorization may be withdrawn by such person holding employment at any time by the filing of notice of such withdrawal with the above-mentioned disbursing officer. The filing of notice of withdrawal shall be effective to halt deductions as of the January 1 next succeeding the date on which notice of withdrawal is filed.

2. This act shall take effect immediately.

Approved February 27, 1968.

CHAPTER 311

AN ACT concerning the counterfeiting of drugs, cosmetics and devices, and supplementing Title 24 of the New Jersey Statutes.

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

C. 24:6D-1 Definitions.

1. Definitions. For the purpose of this act:

A. A "trademark" shall be deemed to mean a mark used to indicate the maker, owner or seller of a drug, cosmetic or device and includes, among other things, any name of a person, or corporation, or any letter, word, device, emblem, figure, seal, stamp, diagram, brand, wrapper, ticket, stopper, label or other mark, lawfully adopted by him, and usually affixed to a drug, cosmetic or device to denote that the same was imported, manufactured, produced, sold, compounded, bottled, packed, or otherwise prepared by him.

B. A trademark shall be "affixed" to a drug, cosmetic or device when it is placed in any manner in or upon:

1. the drug, cosmetic or device itself; or,
2. a box, bale, barrel, bottle, case, cask, platter, or other vessel or package, or a cover, wrapper, stopper, brand, label, or other thing in, by or with which the drug, cosmetic or device is packed, enclosed or otherwise prepared for sale or disposition.

C. A “drug” shall be deemed to include (1) articles recognized in the official United States Pharmacopœia, official Homeopathic Pharmacopœia of the United States, or official National Formulary, or any supplement to any of them; and (2) articles intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man or other animals; and (3) articles (other than food) intended to affect the structure or any function of the body of man or other animals; and (4) articles intended for use as a component of any article specified in clause (1), (2), or (3); but does not include devices or their components, parts, or accessories.

D. “Cosmetic” means (1) articles intended to be rubbed, poured, sprinkled, or sprayed on, introduced into, or otherwise applied to the human body or any part thereof for cleansing, beautifying, promoting attractiveness, or altering the appearance, and (2) articles intended for use as a component of any such articles; except that such term shall not include soap.

E. “Device” means instruments, apparatus, and contrivances, including their components, parts, and accessories, intended (1) for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals; or (2) to affect the structure or any function of the body of man or other animals.

F. A “counterfeit trademark” is one which is designed to resemble a genuine trademark so as to be likely to induce the belief that it is genuine, whether by the use of words or letters, similar in appearance or in sound, or by any sign, device or other means whatsoever.

C. 24:6D-2 Offenses.

2. Offenses. A person who:

- A. Counterfeits a trademark; or,
- B. Affixes to any drug, cosmetic or device a counterfeit trademark knowing the same to be counterfeit, or the genuine trademark of another, without the latter’s consent; or,
- C. Knowingly sells, offers for sale, or possesses a drug, cosmetic or device to which is affixed a counterfeit trademark, or the genuine trademark of another, without the latter’s consent; or,
- D. Has in his possession or conceals a counterfeit trademark, knowing it to be counterfeit, or a die, punch, plate, brand or other

thing for the purpose of counterfeiting a trademark; or, for the purpose of making the genuine trademark of another without the latter's consent; or,

E. Makes or sells, or offers to sell or dispose of, or has in his possession with intent to sell or dispose of, a drug, cosmetic or device with such a trademark or label as to appear to indicate the place of manufacture or production, or persons manufacturing, packing, bottling, boxing or producing the article, but not indicating it truly; or,

F. Knowingly sells, offers or exposes for sale, or delivers any drug, cosmetic or device which is represented in any manner, by word or deed, to be the manufacture, packing, bottling, boxing or product of any person, firm or corporation, other than himself, without the consent of such other person, firm or corporation, unless such drug, cosmetic or device is contained in the original package, box or bottle and under the labels, marks or names placed thereon by the manufacturer or other person who is entitled to use such marks, names, brands or trademarks; or,

G. Shall sell or shall expose for sale any drug, cosmetic or device in bulk, to which no label or trademark shall be attached, and shall by representation, name or mark written or printed thereon, represent that such drug, cosmetic or device is the production or manufacture of a person who is not the manufacturer; or,

H. Shall knowingly sell, offer or expose for sale any drug, cosmetic or device, and shall orally or by representation, name or mark written or printed thereon or attached thereto used in connection therewith, or by advertisement, or otherwise, in any manner, whatsoever make any false representation as to the person by whom such drug, cosmetic or device or the material thereof was made, or was in whole or in part produced, manufactured, finished, processed, treated, marketed, packed, bottled, or boxed or falsely represents that such drug, cosmetic or device or the material or any part thereof has or may properly have any trademark attached to it or used in connection with it, or is or may properly be indicated or identified by any trademark.

Is guilty of a high misdemeanor if the offense is committed with regard to a drug and is guilty of a misdemeanor if the offense is committed with respect to a cosmetic or device.

C. 24:6D-3 Enforcement of provisions.

3. Enforcement. A. It is hereby made the duty of the State Department of Health, its officers, agents, inspectors and representatives, and of all peace officers within the State, and of all county

prosecutors, to enforce all provisions of this chapter, and to cooperate with all agencies charged with the enforcement of the laws of the United States, of this State, and of all other States, relating to counterfeiting of trademarks used in connection with drugs, cosmetics or devices.

B. The commissioner and any officer or employee of the department designated by the commissioner to conduct investigations or engage in other enforcement activities relating to the counterfeiting of drugs, cosmetics or devices shall have the power to execute and serve search warrants and shall have the power of arrest in cases of violation of this chapter, and may, in the discharge of their duties, call in the aid of a constable, sheriff, or other peace officer when deemed necessary.

4. There is hereby appropriated to the Department of Health the sum of \$30,000.00 for the enforcement of this act.

5. This act shall take effect immediately.

Approved February 27, 1968.

CHAPTER 312

AN ACT concerning veterans in relation to the Civil Service law and amending section 11:27-1 of the Revised Statutes.

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

1. Section 11:27-1 of the Revised Statutes is amended to read as follows:

Definitions.

11:27-1. As used in this subtitle: "Commission" means the Civil Service Commission of this State.

"Appointing authority" means a commission, board, person or group of persons having the power authorized by law or by reason, of a lawfully delegated authority, to make appointments.

"War service" means service by a veteran, as hereinafter defined, in any war, uprising, insurrection or expedition mentioned in this section during the periods specified.

"Veteran with a record of disability incurred in line of duty" means any veteran as hereinafter defined who is eligible under the United States veterans' bureau qualifications for compensation for service-connected disability from World War service or who

is receiving or who is entitled to receive equivalent compensation for service-connected disability arising out of such other military or naval service hereinafter defined, and has presented to the Civil Service Commission of New Jersey full and convincing evidence of such record of disability incurred in line of duty on or before the announced closing date for filing applications for a particular examination.

“Veteran” means any honorably discharged soldier, sailor, marine or nurse who served in any army or navy of the allies of the United States in World War I, between July 14, 1914, and November 11, 1918, or who served in any army or navy of the allies of the United States in World War II, between September 1, 1939, and September 2, 1945, and who was inducted into such service through voluntary enlistment, and was citizen of the United States at the time of such enlistment, and who did not, during or by reason of such service, renounce or lose his United States citizenship, and any soldier, sailor, marine, airman, nurse or army field clerk, who has served in the active military or naval service of the United States and has or shall be discharged or released therefrom under conditions other than dishonorable, in any of the following wars, uprisings, insurrections or expeditions, and who has presented to the Civil Service Commission of New Jersey full and convincing evidence of such record of service on or before the announced closing date for filing applications for a particular examination:

(1) The Indian wars and uprisings during any of the periods recognized by the War Department of the United States as periods of active hostility;

(2) The Spanish-American War between April 20, 1898, and April 11, 1899;

(3) The Philippine insurrections and expeditions during the periods recognized by the War Department of the United States as of active hostility from February 4, 1899, to the end of 1913;

(4) The Peking relief expedition between June 20, 1900, and May 27, 1902;

(5) The army of Cuban occupation between July 18, 1898, and May 20, 1902;

(6) The army of Cuban pacification between October 6, 1906, and April 1, 1909;

(7) The Mexican punitive expedition between March 14, 1916, and February 7, 1917;

(8) The Mexican border patrol, having actually participated in engagements against Mexicans between April 12, 1911, and June 16, 1919;

(9) World War I between April 6, 1917, and November 11, 1918;

(10) World War II, after September 16, 1940, who shall have served at least 90 days commencing on or before September 2, 1945, in such active service, exclusive of any period he was assigned (1) for a course of education or training under the Army Specialized Training Program or the Navy College Training Program, which course was a continuation of his civilian course and was pursued to completion, or (2) as a cadet or midshipman at one of the service academies; provided, that any person receiving an actual service-incurred injury or disability shall be classed as a veteran whether or not he has completed the 90-day service as herein provided.

(11) Korean conflict, after June 23, 1950, who shall have served at least 90 days commencing on or before July 27, 1953, in such active service, exclusive of any period he was assigned (1) for a course of education or training under the Army Specialized Training Program or the Navy College Training Program which course was a continuation of his civilian course and was pursued to completion, or (2) as a cadet or midshipman at one of the service academies, any part of which 90 days was served between said dates; provided, that any person receiving an actual service-incurred injury or disability shall be classed as a veteran whether or not he has completed the 90-day service as herein provided.

(12) Viet Nam conflict after December 31, 1960, and prior to the date of termination as proclaimed by the President, who shall have served at least 180 days in such active service on overseas duty, exclusive of any period he was assigned (1) for a course of education or training under the Army Specialized Training Program or the Navy College Training Program which course was a continuation of his civilian course and was pursued to completion, or (2) as a cadet or midshipman at one of the service academies, any part of which 180 days was served between said dates; and exclusive of any service performed pursuant to the provisions of section 511(d) of Title 10, United States Code, pursuant to an enlistment in the Army National Guard or as a reserve for service in the Army Reserve, Naval Reserve, Air Force Reserve, Marine Corps Reserve, or Coast Guard Reserve.

2. This act shall take effect immediately.

Approved February 27, 1968.

JOINT RESOLUTIONS

Joint Resolutions

JOINT RESOLUTION No. 1

A JOINT RESOLUTION to declare the week March 5 through 11, 1967, as "Save Your Vision Week" and providing for a proclamation thereof by the Governor.

WHEREAS, The strength of America rests in the family as a unit and in the family's health and welfare; and

WHEREAS, The cultural and scientific progress of our country and our community has put greater demand on the personal and private lives of each citizen; and

WHEREAS, Good vision is a necessity for a healthier, happier, more productive life for every member of the family and the family unit as a whole; and

WHEREAS, Our better way of life and increased activities has made greater and more diversified demands on every citizen's vision; and

WHEREAS, The art and science of optometry and the doctors who practice it have contributed greatly to more accurate, more efficient and more comfortable vision of our citizenry by providing vision care, based on the latest research and development; and

WHEREAS, The attention of every individual must be brought to the values of good vision;

BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*:

1. The Week of March 5 through 11, 1967, is declared to be "Save Your Vision Week" in the State of New Jersey.

2. That the Governor, by appropriate proclamation, so proclaim the said week of March 5 through 11 as "Save Your Vision Week."

3. This joint resolution shall take effect immediately.

Approved February 23, 1967.

JOINT RESOLUTION No. 2

A JOINT RESOLUTION to declare the month of April, 1967, as "Cancer Control Month" in the State of New Jersey and providing for a proclamation thereof by the Governor.

WHEREAS, The American Cancer Society is a voluntary health agency, under its symbol, the "Sword of Hope," fighting cancer through an effective program of education, service and research; and

WHEREAS, The New Jersey Division of the said American Cancer Society is carrying on a year-round program, with volunteers in its 21 county chapters, in an effort to alert residents of the State to the necessity of regular health check-ups and at the same time is aiding those already stricken; and

WHEREAS, It is estimated that 12,400 residents of the State will die of cancer this year unless the disease is detected and treated in time by physicians through yearly check-ups; and

WHEREAS, The American Cancer Society is helping support by grants, research by more than 1,000 key investigators and more funds are needed if the cause of cancer is to be found; now, therefore,

BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey:*

1. The month of April, 1967, shall be known in New Jersey as "Cancer Control Month" and the residents of the State are urged to support the volunteers of the New Jersey Division of the American Cancer Society and its cancer control programs in the 21 counties of the State.

2. The Governor, by appropriate proclamation, is requested to designate the said month of April as "Cancer Control Month" in New Jersey.

3. This joint resolution shall take effect immediately.

Approved March 6, 1967.

JOINT RESOLUTION No. 3

A JOINT RESOLUTION requesting the Governor to issue a proclamation designating May 1, 1967, as "Law Day USA," in New Jersey.

WHEREAS, May 1 in each year has been designated by Federal Law (Joint Resolution No. 32 of the 87th Congress, first Session) as "Law Day USA"; and

WHEREAS, The purpose is to strengthen the nation's dedication to the rules of law as the foundation of our free society and to freshen every citizen's awareness of the rights and privileges which he enjoys by reason of our system of law and our courts; and

WHEREAS, The Legislature of the State of New Jersey is desirous that the State shall give proper recognition to these sentiments; now, therefore,

BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey:*

1. The Governor of the State of New Jersey is hereby respectfully requested to promulgate a proclamation designating May 1, 1967, as "Law Day USA" in the State of New Jersey.

2. This joint resolution shall take effect immediately.

Approved April 28, 1967.

JOINT RESOLUTION No. 4

A JOINT RESOLUTION to declare the week of March 19 through March 24, 1967, as "Life Insurance Week" in the State of New Jersey and providing for a proclamation thereof by the Governor.

WHEREAS, More families own life insurance than any other form of savings; and

WHEREAS, Life insurance has become a base of family financial security planning; and

WHEREAS, Life insurance renders another important service by carrying the policyholders' dollars back to the local community, where they go to work as investments, aiding all segments of the economy and the community as a whole; and

WHEREAS, The New Jersey State Association of Life Underwriters is co-operating in a program to inform the public of the many aspects of life insurance; now, therefore,

BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey:*

1. The week of March 19 through March 24, 1967, is declared to be "Life Insurance Week" in the State of New Jersey.

2. That the Governor, by appropriate proclamation, so proclaim the said week as "Life Insurance Week."

3. This joint resolution shall take effect immediately.

Approved April 28, 1967.

JOINT RESOLUTION No. 5

A JOINT RESOLUTION pursuant to P. L. 1960, chapter 52, canceling certain proposed Rules of Evidence, allowing certain other rules to be adopted with a stated effective date and without presentation at a judicial conference, and establishing the effective date for the proposed Rules of Evidence as modified by or pursuant to this joint resolution.

WHEREAS, Pursuant to sections 33, 34 and 35 of P. L. 1960, chapter 52, the Supreme Court of New Jersey did adopt certain proposed Rules of Evidence on September 14, 1964, did publicly announce the same, and did cause true copies thereof to be delivered to the President of the Senate, the Speaker of the General Assembly and the Governor of the State of New Jersey; and

WHEREAS, The effective date of the said Rules of Evidence has from time to time been postponed; and

WHEREAS, The study of said proposed rules by the Rules of Evidence Study Commission established by Senate Concurrent Resolution No. 28 (1966) and reconstituted by Senate Concurrent Resolution No. 1 (1967) has now been completed; and

WHEREAS, Said commission, in consultation with the Supreme Court of New Jersey, has arrived at agreement with said court that certain of said rules shall not be included in the Rules of Evidence, that the provisions of certain others of said rules should be modified, and that the effective date for all of said rules shall be September 11, 1967; now, therefore,

BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey:*

1. Pursuant to section 36 of P. L. 1960, chapter 52, the following rules proposed by the Supreme Court of New Jersey are hereby canceled and shall not take effect as part of the Rules of Evidence so proposed:

Rule 59. Appointment of Experts.

Rule 61. Credibility of Appointed Expert Witnesses.

Rule 63(31). Learned Treatises.

2. Pursuant to section 38 of P. L. 1960, chapter 52, the Supreme Court of New Jersey may adopt the particular rules specified in this section in the form here set out, at any time after this joint resolution has been delivered to and signed by the Governor of the State of New Jersey, by entering an order that the rules herein set out are adopted in lieu of the corresponding rules hertofore adopted and by causing true copies of its order of adoption to be delivered to the President of the Senate, the Speaker of the General Assembly and the Governor, without again presenting the subject matter and a tentative draft of rules at a Judicial Conference, and upon such delivery the said rules shall take effect on the date specified in section 3 of this joint resolution; and in the event that the Supreme Court of New Jersey shall not adopt the particular rules herein specified, then, pursuant to section 36 of P. L. 1960, chapter 52, the corresponding rules in the said proposed Rules of Evidence shall be canceled and shall not take effect as part of the Rules of Evidence:

RULE 9. FACTS AND LAW WHICH MUST OR MAY
BE JUDICIALLY NOTICED

(1) Judicial notice shall be taken, without request by a party, of the decisional, constitutional, and public statutory law and rules of court of this State and the decisional, constitutional, and public statutory law and rules of court of the United States, and of such specific facts and propositions of generalized knowledge as are so

universally known that they cannot reasonably be the subject of dispute.

(2) Judicial notice may be taken, without request by a party, of (a) the decisional, constitutional, and public statutory law and rules of court of every other State, territory and jurisdiction of the United States, private acts and resolutions of the Congress of the United States and of the Legislature of this State, and of every other State, territory and jurisdiction of the United States, and duly enacted ordinances and duly published regulations and determinations of governmental subdivisions or agencies of the United States, of this State, and of every other State, territory and jurisdiction of the United States; (b) records of the court in which the action is pending and of any other court of this State or Federal court sitting in or for this State; (c) the law of foreign countries; (d) such facts as are so generally known or of such common notoriety within the area pertinent to the event that they cannot reasonably be the subject of dispute; and (e) specific facts and propositions of generalized knowledge which are capable of immediate determination by resort to sources of reasonably indisputable accuracy.

(3) Judicial notice shall be taken of each matter specified in paragraph (2) of this rule if a party requests it and (a) furnishes the judge sufficient information to enable him properly to comply with the request and (b) has given each adverse party notice thereof in the pleadings, or at least 20 days before the trial. The judge, however, may permit such notice to be given at any time in the interest of justice. In the absence of an adequate basis for taking judicial notice of the law of any jurisdiction other than this State and the United States, the judge shall apply the law of this State.

Note: N. J. S. 2A:82-27 through 33 are rendered obsolete by this rule and Rules 10 through 12.

RULE 20. EVIDENCE GENERALLY AFFECTING CREDIBILITY

Except as otherwise provided by Rules 22 and 47, for the purpose of impairing or supporting the credibility of a witness, any party including the party calling him may examine him and introduce extrinsic evidence relevant upon the issue of credibility, except that the party calling a witness may not neutralize his testimony by a prior contradictory statement unless the judge finds he was surprised. No evidence to support the credibility of a witness shall

be admitted except to meet a charge of recent fabrication of testimony.

RULE 55. OTHER CRIMES OR CIVIL WRONGS

Subject to Rule 47, evidence that a person committed a crime or civil wrong on a specified occasion, is inadmissible to prove his disposition to commit crime or civil wrong as the basis for an inference that he committed a crime or civil wrong on another specified occasion but, subject to Rule 48, such evidence is admissible to prove some other fact in issue including motive, intent, plan, knowledge, identity, or absence of mistake or accident.

RULE 56. TESTIMONY IN THE FORM OF OPINION

(1) If the witness is not testifying as an expert his testimony in the form of opinions or inferences is limited to such opinions or inferences as the judge finds (a) may be rationally based on the perception of the witness and (b) are helpful to a clear understanding of his testimony or to the determination of the fact in issue.

(2) If the witness is testifying as an expert, testimony of the witness in the form of opinions or inferences is limited to such opinions as the judge finds are (a) based primarily on facts, data or other expert opinion established by evidence at the trial and (b) within the scope of the special knowledge, skill, experience or training possessed by the witness.

(3) Testimony in the form of opinions or inferences otherwise admissible under these rules is not objectionable because it embraces the ultimate issue or issues to be decided by the trier of the fact.

RULE 63. HEARSAY EVIDENCE EXCLUDED; EXCEPTIONS

Evidence of a statement offered to prove the truth of the matter stated which is made other than by a witness while testifying at the hearing is hearsay evidence and is inadmissible except as provided in Rules 63(1) through 63(32).

RULE 63(1). PREVIOUS STATEMENTS OF WITNESSES

A statement is admissible if previously made by a person who is a witness at a hearing, provided it would have been admissible if made by him while testifying and the statement:

(a) Is inconsistent with his testimony at the hearing and is offered in compliance with the requirements of Rule 22(a) and (b), except that such a statement may be admitted if offered by the party calling the witness only as permitted by Rule 20; or

(b) Concerns a matter as to which the witness has insufficient present recollection to enable him to testify fully and accurately and contained in a writing which (i) was made at a time when the fact recorded in the writing actually occurred or was fresh in the witness's memory, (ii) was made by the witness himself or under his direction or by some other person for the purpose of recording the witness's statement at the time it was made, and (iii) is offered after the witness has testified that the statement he made was a true statement of such fact, provided that where the witness remembers only a part of the contents of a writing, the part he does not remember may be read to the jury but shall not be introduced as a written exhibit over objection; or

(c) Is a prior identification of a party where identity is in issue, if made under circumstances precluding unfairness or unreliability.

RULE 63(5). DYING DECLARATIONS

In a criminal proceeding, a statement made by a victim unavailable as a witness because of his death is admissible if it was made voluntarily and in good faith and while the declarant was conscious of his impending death.

RULE 63(7). ADMISSIONS BY PARTIES

A statement made by a person who is a party to a civil action is admissible against him in that action.

RULE 63(9). VICARIOUS ADMISSIONS

A statement which would be admissible if made by the declarant at the hearing is admissible against a party if (a) when made it concerned a matter within the scope of a then existing agency, employment or representative relationship, or (b) at the time the statement was made the party and the declarant were participating in a plan to commit a crime or civil wrong and the statement was made in furtherance of that plan.

RULE 63(13). BUSINESS ENTRIES

A writing offered as a memorandum or record of acts, conditions or events is admissible to prove the facts stated therein if

the writing or the record upon which it is based was made in the regular course of a business, at or about the time of the act, condition or event recorded, and if the sources of information from which it was made and the method and circumstances of its preparation were such as to justify its admission.

Note: N. J. S. 2A:82-34 through 37 are rendered obsolete by this rule and paragraph (5) of Rule 62.

RULE 63(15). REPORTS AND FINDINGS OF PUBLIC OFFICIALS

Subject to Rule 64, a statement is admissible if in the form of (a) a written statement of an act done, or an act, condition or event observed by a public official if it was within the scope of his duty either to perform the act reported or to observe the act, condition or event reported and to make the written statement, or (b) statistical findings made by a public official whose duty it was to investigate the facts concerning the act, condition or event and to make statistical findings.

RULE 63(18). CERTIFICATES OF MARRIAGE

A certificate that the maker thereof performed a marriage ceremony is admissible as evidence of the matter certified, if it purports (a) to have been made within a reasonable time after the marriage ceremony and (b) to have been made by a person who at the time and place of the marriage was authorized by law to perform marriage ceremonies.

RULE 63(20). JUDGMENTS OF PREVIOUS CONVICTION OF CRIME

In a civil proceeding, except as otherwise provided by court order on acceptance of a plea, evidence is admissible of a final judgment against a party adjudging him guilty of an indictable offense in New Jersey or of an offense which would constitute an indictable offense if committed in this State, as against that party to prove any fact essential to sustain the judgment.

Note: The language, "but no conviction of an offender shall be received in evidence against him in a civil action to prove the truth of the facts upon which the conviction was based," in N. J. S. 2A:81-12 is in conflict with this rule.

RULE 63(23). STATEMENTS CONCERNING ONE'S OWN FAMILY HISTORY

A statement of a matter concerning a declarant's own birth, marriage, divorce, legitimacy, ancestry, relationship by blood or

marriage, or other similar fact of his family history is admissible, even though the declarant had no means of acquiring personal knowledge of the matter declared, if the declarant is unavailable as a witness.

RULE 63(24). STATEMENTS CONCERNING FAMILY HISTORY
OF ANOTHER

A statement concerning the birth, marriage, divorce, death, legitimacy, ancestry, relationship by blood or marriage or other similar fact of the family history of a person other than the declarant is admissible if the declarant is unavailable as a witness and was related to the other by blood or marriage or was otherwise so intimately associated with the other's family as to be likely to have accurate information concerning the matter declared.

RULE 63(26). REPUTATION IN FAMILY CONCERNING
FAMILY HISTORY

Evidence of reputation among members of a family is admissible if the reputation concerns the birth, marriage, divorce, death, legitimacy, ancestry, relationship by blood or marriage, or other similar fact of the family history of a member of the family by blood or marriage.

RULE 63(27). REPUTATION: BOUNDARIES, GENERAL HISTORY,
FAMILY HISTORY

Evidence of reputation in a community as tending to prove the truth of the matter reputed is admissible if (a) the reputation concerns boundaries of, or customs affecting, land in the community, where the reputation, if any, arose before controversy, or (b) the reputation concerns an event of general history of the community or of the State or nation of which the community is a party, where the event was of importance to the community, or (c) the reputation concerns the birth, marriage, divorce, death, legitimacy, ancestry, or relationship by blood or marriage of a person resident in the community at the time of the reputation, or some other similar fact of his family history or of his personal status or condition which was likely to have been the subject of a reliable reputation in that community.

RULE 63(30). COMMERCIAL PUBLICATIONS AND THE LIKE

Evidence of a statement of matters of interest to persons engaged in an occupation contained in a list, register, periodical,

or other published compilation is admissible to prove the truth of any relevant matter so stated if the compilation is published for use by persons engaged in that occupation and is generally used and relied upon by them.

RULE 63(32). TRUSTWORTHY STATEMENTS MADE IN GOOD FAITH
BY DECLARANTS UNAVAILABLE BECAUSE OF DEATH

Subject to Rule 64, in a civil proceeding, a statement made by a person unavailable as a witness because of his death is admissible if the statement was made in good faith, upon the personal knowledge of the declarant, and there is a probability from the circumstances that the statement is trustworthy.

RULE 64. DISCRETION OF JUDGE TO EXCLUDE EVIDENCE
UNDER CERTAIN EXCEPTIONS

Whenever a statement admissible by reason of Rules 63(3), 63(15), 63(16), 63(17), 63(19), 63(21), 63(29), or 63(32) is in the form of a writing, the judge may exclude it at the trial if it appears that the proponent's intention to offer the writing in evidence was not made known to the adverse party at such a time as to provide him with a fair opportunity to prepare to meet it.

3. The Rules of Evidence adopted by the Supreme Court of New Jersey on September 14, 1964 and not canceled or replaced by or pursuant to sections 1 or 2 of the joint resolution, and the particular rules specified by section 2 of this joint resolution, if ordered adopted by the Supreme Court of New Jersey, shall take effect September 11, 1967.

4. This joint resolution shall take effect immediately upon signature thereof by the Governor; and the Secretary of State is thereupon directed to transmit an authenticated copy thereof forthwith to the Chief Justice of the Supreme Court of New Jersey.

Approved May 9, 1967.

JOINT RESOLUTION No. 6

A JOINT RESOLUTION directing a proclamation designating May 12, 1967 as "Civil Service Day," in New Jersey.

WHEREAS, The New Jersey Civil Service Association meets each year in convention on the third Saturday in May; and

WHEREAS, The association has contributed, through the efforts of its membership, towards the betterment of all public employees in political subdivisions of the State; and

WHEREAS, It is deemed appropriate that the State give proper recognition to the efforts of the New Jersey Civil Service Association; now, therefore,

BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey:*

1. The Governor is hereby respectfully directed to promulgate a proclamation designating May 12, 1967 as "Civil Service Day" in the State of New Jersey.

2. This joint resolution shall take effect immediately.

Approved May 18, 1967.

JOINT RESOLUTION No. 7

A JOINT RESOLUTION reconstituting the commission created by 1965 Joint Resolution No. 10 to study and investigate the adequacy of existing laws relating to the taxation of State-owned lands by local taxing districts.

BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey:*

1. The commission created by 1965 Joint Resolution No. 10 is hereby reconstituted with the same membership, powers and duties as heretofore provided.

2. Any vacancy in the membership of the commission shall be filled in the manner provided as to the original appointment.

3. The commission shall report to the current Legislature or to the 1968 Legislature upon its convening.

4. This joint resolution shall take effect immediately.

Approved May 18, 1967.

JOINT RESOLUTION No. 8

A JOINT RESOLUTION requesting the Commission on State Tax Policy to study exemptions to the New Jersey Sales and Use Tax.

WHEREAS, Chapter 30 of the laws of 1966 provides for a sales and use tax in the State of New Jersey; and

WHEREAS, There has been introduced in the 1967 session of the Legislature Assembly Bill No. 705 which would provide for certain exemptions from the New Jersey Sales and Use Tax Act, which exemptions do not involve a significant reduction in the amount of revenue to be derived from the New Jersey Sales and Use Tax Act of 1966 and are in accordance with the policy of the New Jersey Sales and Use Tax Act of 1966; and

WHEREAS, Additional exemptions have been proposed which would involve a significant reduction in the amount of revenue derived from the New Jersey Sales and Use Tax Act of 1966 and are of a more complex nature; and

WHEREAS, It is desirable that the Commission on State Tax Policy study the scope of exemptions provided in the New Jersey Sales and Use Tax Act of 1966, now, therefore,

BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey:*

1. The Commission on State Tax Policy is hereby requested to study whether it is desirable to provide exemptions from the Sales and Use Tax Act of 1966 for the sale of household supplies, the sale of veterinary drugs, the sale of nonprescription drugs, the sale of pet food, the sale of building materials to contractors, subcontractors, and repairmen and whether exemptions should be provided for civic clubs, veterans' groups, fraternal organizations, social clubs and woman's clubs and whether any other exemptions from the New Jersey Sales and Use Tax as proposed in any legislation introduced in the 1967 session of the Legislature other than those provided for in Assembly Bill No. 705 of 1967, are desirable and necessary, and further to study the total scope of exemptions presently provided in the New Jersey Sales and Use Tax Act of 1966.

2. The commission shall report to the Governor and the Legislature on or before July 1, 1968 as to its findings and recommendations as to whether any exemptions from the Sales and Use Tax Act of 1966 set forth in section 1 herein are desirable and shall further make recommendations as to the entire scope of exemptions presently provided in the New Jersey Sales and Use Tax Act of 1966. The commission may make such interim reports prior thereto as its studies shall dictate.

3. This joint resolution shall take effect immediately.

Approved July 7, 1967.

JOINT RESOLUTION No. 9

A JOINT RESOLUTION to declare July 25 of each year as "Puerto Rican Day" in the State of New Jersey and providing for a proclamation thereof by the Governor.

WHEREAS, The Puerto Ricans of the State of New Jersey have distinguished themselves by their contributions to our community and, with their many spiritual and cultural values, have assumed the responsibilities of good and faithful American citizens, working for the common good, in the best American tradition; and

WHEREAS, The Congress of the United States, through enactment of the Jones Act, extended to the Puerto Ricans American citizenship; and

WHEREAS, Under our American democracy, the Puerto Rican people attained political sovereignty as an Associated Free State (Estado Libre Asociado) on July 25, 1952; and

WHEREAS, On July 25 of each year, it would be appropriate for the people of the State of New Jersey to help commemorate this significant Puerto Rican anniversary reflecting the great political and economic progress the Puerto Rican people have achieved in the island and the part they have played in this State and throughout our country by their many contributions to our community life as American citizens; now, therefore,

BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey:*

1. July 25 of each year is declared to be "Puerto Rican Day" in the State of New Jersey.

2. That the Governor, by appropriate proclamation, so proclaim July 25 of each year as "Puerto Rican Day."

3. This joint resolution shall take effect immediately.

Approved July 10, 1967.

JOINT RESOLUTION No. 10

A JOINT RESOLUTION creating a commission to make a study of the effect of mass housing developments on local school district budgets and to determine what steps may be taken by the State to assure adequate maintenance of the free public school system and by local planning boards, zoning boards of adjustment and governing bodies to control and regulate subdivision approval so that mass housing developments will not have an unreasonable impact on local school district budgets.

WHEREAS, The boards of education of the local school districts are charged by law with the duty of furnishing a complete and adequate free public school education for the students residing within the districts; and

WHEREAS, Mass housing developments within a school district increase the school population to a far greater degree than the ratables thereby created and have a great impact upon the facilities thereof within a relatively short period of time; and

WHEREAS, Frequently additional teachers must be employed and additional facilities must be provided to accommodate the increase in the school population with a resultant heavy impact on the school district budget; and

WHEREAS, The State school building aid formula does not provide necessary funds to meet the demands in fast growing school districts; now, therefore,

BE IT RESOLVED by the Senate and General Assembly of the State of New Jersey:

1. There is hereby created a commission to consist of 2 members of the Senate, appointed by the President thereof, 2 members of the General Assembly, appointed by the Speaker thereof, and 4 citizens of this State having experience in municipal planning, appointed by the Governor, no more than one of each group of 2, nor 2 of the group of 4, being of the same political party. All of the members of the commission shall serve without compensation but they shall be entitled to be reimbursed for all necessary expenses incurred in the performance of their duties.

Vacancies in the membership of the commission shall be filled in the same manner as the original appointments were made.

2. The commission shall organize as soon as may be after the appointment of its members and shall select a chairman from among its members and a secretary who need not be a member of the commission.

3. It shall be the duty of said commission to make a study of the effect of mass housing developments on local school district budgets and to determine what steps may be taken by the State to assure adequate maintenance of the free public school system in districts confronted with rapid increases in pupils and whether local planning boards, zoning boards of adjustment and governing bodies may be granted additional powers to control and regulate subdivision approval so that mass housing developments will not have an unreasonable impact on local school district budgets.

4. The commission shall be entitled to call to its assistance and avail itself of the services of such employees of any State, county or municipal department, board, bureau, commission or agency as it may require and as may be available to it for said purpose, and to employ such stenographic and clerical assistants and incur such traveling and other miscellaneous expenses as it may deem necessary, in order to perform its duties, and as may be within the limits of funds appropriated or otherwise made available to it for said purposes.

5. The commission may meet and hold hearings at such place or places as it shall designate during the sessions or recesses of the Legislature and shall report its findings and recommendations to the Legislature, accompanying the same with any legislative bills which it may desire to recommend for adoption by the Legislature.

6. This joint resolution shall take effect immediately.

Approved November 3, 1967.

JOINT RESOLUTION No. 11

A JOINT RESOLUTION to recommend that suitable materials dealing with the history of the Negro in America be included in the high school history curriculum.

WHEREAS, The Legislature, by chapter 261 of the laws of 1945, directed that a suitable 2-year course of study in the history of the United States be given to each student during the last 4 years of high school;

WHEREAS, It has come to the attention of the Legislature that the materials currently being used in said history courses do not fairly or accurately depict the role of the Negro in the history of the United States;

WHEREAS, A better understanding of the Negro's contribution to the development of the United States is necessary to foster more harmonious race relations and to relieve tensions;

BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey:*

1. The Legislature recommends to the Commissioner of Education that he take such action as is necessary to assure that the high school curriculum fairly and accurately depicts the role of the Negro in the history of the United States and that appropriate materials to achieve this purpose be included in said curriculum on or before September 1967.

2. This joint resolution shall take effect immediately.

Approved December 12, 1967.

PROCLAMATIONS

(1065)

Proclamations by the Governor

STATE OF NEW JERSEY
DEPARTMENT OF THE TREASURY
DIVISION OF TAXATION

January 24, 1967.

Hon. Richard J. Hughes,
Governor, State of New Jersey,
State House,
Trenton, New Jersey 08625.

MY DEAR GOVERNOR:

For the reasons set forth in the attached Statement of Facts, it is respectfully recommended that the Charter of Atlantic City Shore-Haven Development Corporation, a New Jersey corporation (incorporated August 24, 1959; Secretary of State's File No. Y87188; Charter voided February 3, 1965) be reinstated in accordance with the provisions of the Statute (R. S. 54:11-).

A proclamation for that purpose is herewith presented for approval.

Respectfully yours,

WILLIAM KINGSLEY,
Acting Director, Division of Taxation.

January 18, 1967.

Re: Atlantic City Shore-Haven Development Corporation,
No. 1673-6400-00

STATEMENT OF FACTS

1. On August 24, 1959, a corporation was formed with the name of "Atlantic City Shore-Haven Development Corporation" and an abstract so indicating was received from the Secretary of State.
2. Said corporation (hereinafter referred to as "taxpayer") was delinquent in filing its 1961 Corporation Business Tax Return. The due date for said return was April 15, 1962. Several notices of delinquency, sent under letterhead of the Attorney General's Office, evoked no reply that came to the attention of the Corporation Tax Bureau (hereinafter referred to as "Bureau").
3. Bureau's letter dated November 24, 1964 warned taxpayer that its corporate charter was to be forfeited by proclamation of the Governor, for failure to file a 1961 Return and to pay the tax for its privilege year ended September 30, 1961.
4. On December 3, 1964 the Bureau received in the mail its warning letter dated November 24, 1964 with a notation in ink from a corporate officer of taxpayer who claimed to be unaware as to what tax delinquency the Bureau was referring.
5. By letter dated December 11, 1964, Bureau advised taxpayer that it owed a 1961 Return and tax payment.
6. On January 4, 1965 taxpayer returned to the Bureau its letter dated December 11, 1964, a 1961 Return and remittance in the amount of \$37.50 to cover taxes, penalty and interest due on said return.
7. Through inadvertence, upon receipt of the 1961 Return and remittance on January 4, 1965, the name of the corporation was not removed from the previously created list which had been prepared for the Governor's signature.

8. As a consequence, the charter of the taxpayer was voided on February 3, 1965.
9. All departmental records have now been corrected, and the corporation taxes of Atlantic City Shore-Haven Development Corporation are fully paid to date, including all taxes for which it would be liable if its charter had remained in full force and effect down to the present day.

JOSEPH P. McDONOUGH,
State Supervisor, Corporation Tax Bureau.

PROCLAMATION

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

WHEREAS, As a result of a report on the 1st day of February 1965 by the acting Director, Division of Taxation, Department of the Treasury to the Governor of this State, setting forth that Atlantic City Shore-Haven Development Corporation, a corporation of this State (incorporated August 24, 1959), had failed to pay the corporation franchise taxes levied against said corporation for the year 1961, the Governor of this State, on the 3rd day of February 1965, issued a Proclamation declaring that the charter of said corporation was repealed and that all powers conferred by law upon such corporation would thereafter be inoperative and void, and

WHEREAS, Said report in the above particular was inadvertently made in that it appears that prior to the making thereof, said Atlantic City Shore-Haven Development Corporation, duly paid the corporation franchise taxes levied against it for the year 1961.

THEREFORE, acting pursuant to the provisions of R. S. 54:11-4, I, RICHARD J. HUGHES, Governor of the State of New Jersey, do hereby declare and make known that it has been established to my satisfaction that said Atlantic City Shore-Haven Development Corporation, did not neglect nor fail to pay the corporation franchise taxes levied against it for the year 1961, but that said corporation duly paid the taxes levied against it for said year; that the report by the Acting Director to the Governor, stating that said corporation had failed to pay the said corporation franchise taxes was inadvertently made and that the Proclamation of the Governor on the 3rd day of February 1965, declaring that the powers conferred by law upon the said corporation be thereafter inoperative and void, was without warrant in the law in the way of depriving said corporation of its said powers as a corporation of this State, and I hereby make Proclamation to that effect.

Given, under my hand and the Great Seal of the State
[SEAL] of New Jersey, this 30th day of January in the year of
Our Lord, one thousand nine hundred and sixty-seven,
and in the Independence of the United States the one
hundred and ninety-first.

RICHARD J. HUGHES,
Governor.

By the Governor:
R. J. BURKHARDT,
Secretary of State.

STATE OF NEW JERSEY
DEPARTMENT OF THE TREASURY
DIVISION OF TAXATION

To His Excellency
Richard J. Hughes,
Governor of the State of New Jersey.

I, WILLIAM KINGSLEY, Deputy Director of the Division of Taxation, in the Department of the Treasury, being the officer chargeable by statute with the administration of the Corporation Business Tax Act (1945) (Chapter 162, Laws of 1945, as amended and supplemented; N. J. S. A. 54:10A-1 et seq.), and the custody of the records pertaining thereto, and the assesment and collection of taxes chargeable thereunder, hereby report, in accordance with the provisions of Revised Statutes, Title 54, Chapter Eleven (R. S. 54:11-2), that the corporations named on the attached list have for two years next preceding this report, failed to pay the taxes assessed against them under the said Corporation Business Tax Act (1945).

Witness my hand and official seal at Trenton this 3rd day of January, A. D. 1967.

WILLIAM KINGSLEY,
Deputy Director of the Division of Taxation.

PROCLAMATION

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

WHEREAS, The Deputy Director, Division of Taxation, Department of the Treasury, on the 3rd day of January, one thousand nine hundred and sixty-seven, under the provisions of R. S. 54:11-2, reported to the Governor a list of all corporations created under the laws of this State, which for two years next preceding the report have failed to pay to the State the taxes assessed against them under the Corporation Business Tax Act (1945) (Chapter 162, Laws of 1945, as amended and supplemented; N. J. S. A. 54:10A-1, et seq.) and which taxes are by law made payable into the State treasury; and

WHEREAS, Under the provisions of R. S. 54:11-1, the charters of said corporations shall be declared void unless the Governor shall give further time for the payment of such taxes assessed against said corporations; and

WHEREAS, The Governor has not given further time to the corporations so reported and hereinafter named for the payment of such taxes, and the same are still unpaid;

THEREFORE, I, RICHARD J. HUGHES, Governor of the State of New Jersey, pursuant to the provisions of R. S. 54:11-2, DO HEREBY ISSUE THIS PROCLAMATION declaring that the charters of the following-named corporations, so reported and in default, to wit:

UNPAID TAXES FOR THE YEAR 1965

Pacific Mortgage Company,
Commerce Broadson Co.,
First Industrial Loan Company of Kearny,
AAA Associates,
A A A Equipment Sales, Inc.,
A & A Beverage Distributors Company, Inc.,
A & A Distributors, Inc.,
A & A Homes, Inc.,
A. Alberti & Son, Inc.,

A A Lighting and Electrical Supply Co., Inc.,
A & A Sport Center,
Abbey Mens Shop, Inc.,
Abbott Cement & Concrete Products Co.,
A B C Economy Express Co., Inc.,
A B C Nursery, Inc.,
Abco Holding Company, Inc.,
Abco Lace Cutting Co., Inc.,
A B C Sales Co., Inc.,
A B E Corp.,
Abels Realty Corp.,
Abes Factory Outlet, Inc.,
A & B Exterminating & Termite Control Co.,
A B J Corporation, Inc.,
Abjo Baking Corporation,
Able Associates, Inc.,
Abretta Corporation,
Absecon South Winds, Inc.,
A and B Sportswear, Inc.,
The Academic Company,
Academy Glass & Mirror, Inc.,
Academy Pole Co., Inc.,
Accent on Designs, Inc.,
Accepted Fire Equipment Co.,
Accredited Building Co.,
Accurate Specialties Co., Inc., N. J.
Ace Appliance Co., Inc.,
Ace Beverage Store, Inc.,
Ace & Boone, Inc.,
Ace Business Brokers, Inc.,
Ace Cabinet Corp.,
Ace Hymans of New Jersey, Inc.,
A. C. Gropper Co.,
A C J Corporation,
A. C. Mangone, Inc.,
A C M Color Photo Engraving, Inc.,
Acme Contractors Equipment Rental & Hauling Corp.,
Acme Dress Co.,
Acme Fence Co.,
Acme General Contractors,
Acpro Realty Corp.,
Acqua Scapers, Inc.,

Aera Homes, Inc.,
Action Ads, Inc.,
Action Galore, Inc.,
Action Plumbing Co.,
Active Delivery Service,
Active Industries, Inc.,
Active Systems, Inc.,
Acto Motor Operators Corp.,
Adamec Cycle Sales Company,
Adam Hoffman, Inc.,
Adams Conditioning Company, Inc.,
Ada Ozella Corporation,
Adelphia Poultry Farm, Inc.,
Adike Realty Company,
A D J, Inc.,
Admiral Plymouth, Inc.,
Admiral Realty Corp.,
Adroit Industries, Inc.,
A D S Sales, Inc.,
Advanced Caterers, Inc.,
Advanced Design Service, Inc.,
Advanced Petroleum Co., Inc.,
Advance Research, Inc.,
Advance Sales Co., Inc.,
The Adventurers Club, Inc.,
Advertising Associates, Inc.,
Advisory Service Agency,
A. Edward Swenson, Inc.,
Aero Ads, Inc.,
Aero Amoco Station, Inc.,
Aero Knight, Inc.,
Aero Test Pak, Inc.,
A F Engineering Co., Inc.,
A. F. Gilbert Co.,
Afro Products, Inc.,
A. G. Behn, Inc.,
Ageless Corporation,
Agency Service, Inc.,
Agro Farms Exchange,
Ahrons Appliances, Inc.,
A & H Trucking Company,
Aipak Corporation,

Aireactor Sales and Service, Inc.,
Airport Bowling Corp.,
Airspeed, Ltd.,
A J B Co.,
A. J. Cancro, Inc.,
A & J Contracting, Inc.,
A. J. Kasper Co.,
A. J. Orbach Co., Inc.,
A & J Plumbing & Heating Co., Inc.,
Akrem Corp.,
A K Restaurant Corp.,
Alad Ultrasonics Corp.,
Alaire Corp.,
Alamo Realty Corp.,
Alangro, Inc.,
Albee, Inc.,
Alben Jewelers,
Alberona Construction and Landscaping Service,
Albert Embroidery Co., Inc.,
Albin Realty Company,
Albion, Inc.,
Albrite Corp.,
Al Carols Service, Inc.,
Alethro Corp.,
Alco Construction, Inc.,
Alco Edsel, Inc.,
Al Coopers Arlington Lounge, Inc.,
Alcor Building Co., Inc.,
Alden Grocers, Incorporated,
Alden Packing Corp.,
Alexander Fruit Company, Inc.,
Alexander Reid & Co., Inc.,
Alex Diaczynsky,
Alfay Realty Co.,
Alfo, Ltd.,
Alfran Cigar Corp.,
Alfreda Builders, Inc.,
Alfred B. Ayers Co., Inc.,
Alfred Wall, Incorporated,
Algro Realty Corporation,
Al Joy, Inc.,
Alkador, Inc.,

All American Construction Co., Inc.,
Allatom Realty Company,
Allaur Realty Corp.,
Allcolor Aluminum, Inc.,
Allencon Builders, Inc.,
Allen Hats, Inc.,
Al Len, Inc.,
Alliance Distributors,
Allied Glass, Inc.,
Allied Graphic Corporation,
Allied Handbags, Inc.,
Allied Industrial Sales Corporation,
Allied Investors, Incorporated,
Allied Motels Corporation,
Allied Polymer Corporation,
Allied Trailer & Truck Body, Inc.,
Allison Beverages, Inc.,
Allison Industries, Inc.,
All Jersey Storm Window Co.,
All New Fabians T V
All Pak Machinery Distributors, Inc.,
All Plumbing Co.,
All Sash Construction, Inc.,
All Service Enterprise Co., Inc.,
All Star Development Corp.,
All State Building Corporation,
Allstate Chemical Corp.,
Allstate Floor Machine Service Co., Inc.,
All State Painting Corp.,
All Temp Ceramics, Inc.,
Allten Realty Co., Inc.,
All Toy Distributors, Inc.,
All Weather Jalousies, Inc.,
Allwood Bootery, Inc.,
Allwood Enterprises, Inc.,
Alma Distributors, Inc.,
Almerol Manor, Inc.,
Almor Construction Corp.,
Alper Tire & Auto Supplies Co.,
Alpha Stores, Inc.,
Alpha Technical Services, Inc.,
Alpine Stores, Inc.,

A & L Poolgolf, Inc.,
A L R, Inc.,
Alron Homes, Inc.,
Al Rus Corporation,
Al S Sport Shop,
Alstons Welding, Inc.,
Aluminum Finishers Company, Inc.,
Alven S Pharmacy, Inc.,
Al Vil, Inc.,
Alvin Feldman Associates,
Alvin Theatre Company,
Amada Escess and Surplus, Inc.,
A. Manhardt Milk, Inc.,
Amaryllis Realty, Inc.,
A. M. Basile, Inc.,
Amble Inn, Inc.,
Amboy Boat Company, Inc.,
Amboy General Cab Co., Inc.,
Amboy Records, Inc.,
A & M Cartage, Inc.,
Amedeo Realty Co.,
American Adjustment Agency, Inc.,
American Aquarium Co., Inc.,
American Association of Broadcasting Artists, Inc.,
American Better Foods, Inc.,
American Brickfacing Co., Inc.,
American Bureau of Standards and Safety,
American Chalet, Inc.,
American Clarifer Company,
American Dough Products Corporation,
American Enterprises, Inc.,
American Far Eastern Export & Import Co.,
American Fleet Car Corporation,
American Grain and Cattle Corporation,
American Heating and Home Improvement Consultants Co.,
American Home Plumbing & Heating Co.,
American Ice Cream Distributors, Inc.,
American Instant Car Rental System, Inc.,
American International Bowling Corp. of Kendall Park, Inc.,
American International Bowling Corp. of Levittown, Inc.,
American Jewish Community, Inc.,
American Lighting International, Inc.,

American Molded Fiberglass Co.,
American National Construction Co., Inc.,
American National Motor Inns, Inc.,
American Packaging and Novelty Co., Inc.,
The American Patchul 2 Company,
American Pre Cast Concrete,
American Profit Sharing Plan, Inc.,
The American Rigging Corporation,
American Seashore Homes, Inc.,
American Standard, Inc.,
American Station & Garage Supply, Inc.,
American Survival Shelters Corp.,
American Trading Stamp Co.,
The American Union Company,
American Uralite Corporation,
American Window Specialties, Inc.,
Americrude, Inc.,
Amhill Corporation,
Ami Corporation,
Amoco, Inc.,
Ampano Products Co., Inc.,
Ampere Electric Industries, Inc.,
Ampol Building Corporation,
Amprd, Inc.,
A M Transportation Co., Inc.,
Anchor Building Company,
Anchor Coil Co., Inc.,
Anchor Motors, Inc.,
A & N Company,
Anders B. Anderson Building Corp.,
Anderson Greenhouses,
Andersol, Inc.,
Anderson Advertising Agency, Inc.,
Anderson Johnson Company,
Andover Productions, Inc.,
Andrea Trucking, Inc.,
Andren, Inc.,
Andrew Manufacturing Company,
Andrews Adjustment Bureau, Inc.,
Andys Window Cleaning & Janitorial Service, Inc.,
Anfred Builders, Inc.,
Angus Thrift Wash, Inc.,

Anita Modes, Inc.,
Anje Laboratories, Inc.,
Anjopol Lathing and Plastering Company,
An Kor Electric, Inc.,
Anna Real Estate Co., Inc.,
Annel Engineering and Refrigeration, Inc.,
Annette Sportswear, Inc.,
Ann Gordon, Inc.,
Ann S. Club 163,
Another World, Inc.,
Ansan Realty Corp.,
Ansel Corporation,
A & N Service, Inc.,
Answer Radio Paging Service, Inc.,
Anthony Bonaccolta Painting Co., Inc.,
Anton Markets, Inc.,
Antons Interior Decorators,
A 1 Floor Covering Co., Inc.,
A 1 Wood and Mosaic Products, Inc.,
A P C Corp., Inc.,
Apco Contracting Corp.,
Apex Centerless Grinding Co.,
Apex Equipment and Leasing Corporation,
Apex Valve and Machine Corporation,
Aploff Building Co.,
Apolda Mills, Inc.,
Appollo Investment Corp.,
Appollo Restaurants, Inc.,
Apparel & Gift Shop, Inc.,
Applegate Farms & Poultry, Inc.,
Apple Hill Homes, Inc.,
Appliance Trading Company, Inc.,
Applied Educational Systems,
Aqua Lity Sales Corporation,
Aqua Marine Construction Co., Inc.,
Aqua Seal, Inc.,
Aral Corporation,
Aranat Corp.,
Arbee Wines & Liquors, Inc.,
Arber Builders, Inc.,
Arber Feed, Inc.,
Arbour Construction Co.,

A. & R. Caruso, Inc.,
Arcel Distributors, Inc.,
Arch Deys Garage, Inc.,
Architectural Engineering Corporation,
Arco Development Corporation,
Arco Welding and Machine Works, Inc.,
Arctic Lounge, Inc.,
Ardena Chemical Laboratories, Inc.,
Arden Advertising Associates,
Areca, Inc.,
Arendee Corp.,
Arey Electronics, Inc.,
Argus Investigating Service, Inc.,
Arjay Construction Co., Inc.,
Arkansas Investment & Development Corp.,
Arke Co., Inc.,
Arlene Construction Co., Inc.,
Arle Realty Co.,
Arlin Corporation,
Armin Morgen & Co., Inc.,
Armon Corp.,
Armstrong Milk Products, Inc.,
Arm Trucking, Inc.,
Arnall Realty Corp.,
Arnold Associates, Inc.,
Aro Corp.,
Aronsberg Agency, Inc.,
Arpad Corporation,
Arpin Products, Inc.,
Arrowhead Homes, Inc.,
Arrow Investment Co., Inc.,
Arrow Knitting Mills Corp.,
Artercraft Fence Co., Inc.,
Arthur Holford, Inc.,
Arthur J. Rees, Jr., Inc.,
Artisan Procces, Inc.,
Art Lace, Inc.,
Art Larters Mens Wear, Inc.,
Arts Carwash,
Artstan, Inc.,
Arturos Continental, Inc.,
Art Williams, Incorporated,

Asaro Van Senten, Inc.,
Asco Textiles, Inc.,
A & S Publishing Company, Inc.,
A & S Roofing Co.,
Associated Electrical Sales,
Associated Exterminating and Termite Control Co., Inc.,
Associated Marketing Corporation,
Associated Products and Service Company, Inc.,
Associated Public Relations Management Corp.,
Associated Services Packaging Co.,
Associated Steel Construction Co.,
Aston Corporation,
A. Straub, Inc.,
Astro Commercial Co.,
Astro Industrial Corp.,
Astro Transportation Corporation,
A. and S. Zeppetelli, Inc.,
Atco Mercantile Corporation,
Athena Corporation,
The Athletic Asociation of Pine Hill, Inc.,
Atid, Inc.,
Atkins Department Store, Inc.,
Atlantic Aggregates, Inc.,
Atlantic Bayview Terrace, Inc.,
Atlantic Coast Productions, Inc.,
Atlantic Electric Maintenance Corp.,
Atlantic Factories, Inc.,
Atlantic Motor Tours, Inc.,
Atlantic Portraits, Inc.,
Atlantic Radiant Heating and Pipe Fabricating Co., Incorporated,
Atlantic Stationers Corp.,
Atlantic Trades, Inc.,
Atlantic Venetian Blind Co., Inc.,
Atlantis Lodge, Inc.,
Atlas Auto Body & Repair,
Atlas Collection Agency, Inc.,
Atlas Commercial Body Builders, Inc.,
Atlas Homes Beautiful,
Atlas Mortgage and Investment Co.,
Atlas Shop, Inc.,
Atom Roofing & Sheet Metal Works, Inc.,
Atron Realty Co.,

Atwell Chemicals, Incorporated,
Auction Market Foods, Inc.,
Audel Corporation,
Audiger, Inc.,
Audio Corporation of America,
Audiographic Distributors, Inc.,
Audiotronics, Inc.,
Audit Management & Finance Co.,
Augello Building Company, Inc.,
August E. Miller Laboratories,
Augustus Hutchins Land Company, Inc.,
Aurora Building Co.,
Austin J. Conley, Inc.,
Austins Service Center, Inc.,
Autoclave Products, Inc.,
Autocube, Inc.,
Auto Discount Sales,
Automated Diners Corporation,
Automatic Cafeterias, Inc.,
Automatic Lawn Sprinklers, Inc.,
Automatic Technicians and Machinist Co., Inc.,
Autorama, Inc.,
Avalon Recovery Association, Inc.,
Aveco, Inc.,
Avig Sales Co.,
A & V, Inc.,
Avis Restaurant, Inc.,
A. V. Mazzuco, Inc.,
Avon Bonding Company,
Avon Products Company,

Baby Necessities, Inc.,
Backers Discount & Finance Co., Inc.,
Back Road Corporation,
Baer Products Corporation,
Baffles, Inc.,
Bahia Ric,
Bahr Enterprises, Inc.,
B A J Amusement Co.,
Baker Van Reipen Company,
Bakker Transportation Co.,
Baldwin Electronics Corp.,

Baldwin Home Improvement Co.,
Baldwin Shell Service,
Baltusrol Gardens,
Bam Investments, Inc.,
Bank Street Corporation,
The Banmark Corp.,
Banner Meat Products Corp.,
Banquet Bar, Inc.,
Barbara Hart Bakeries, Inc.,
Barbee Plumbing & Heating Supply Co., Inc.,
Barbest Realty Corp.,
Barbida Realty Co., Inc.,
Bardo Contractors, Inc.,
Bardy Farms of Warrenville, Inc.,
Bargain Bazaar,
Bargain Tile Center, Inc.,
Barhog Realty, Inc.,
Barich Construction Co., Inc.,
Barlane Corp.,
Barmel, Inc.,
Barnegat Bay Company, Inc.,
Barnegat Inn, Inc.,
Barnegat Packing Co., Inc.,
Barnes and Barnes, Inc.,
Baron Construction Corp.,
Baronet Realty Associates,
Barrett Materials, Inc.,
Barrett Realty Co.,
Barrie Rose, Inc.,
Barru Corporation,
Barry Parking Corp.,
Bart Construction Co., Inc.,
Bartna, Inc.,
Bartram Corporation,
Barylick Construction Co., Inc.,
Basgo Bros. Embroidery,
Basile Schiffli Embroidery,
Basil Frank Enterprises,
Basin Inn,
Bass River Industries,
Bass River Marina,
Bayard Prete Candy Company,

Bayend Agency,
Bayonne Bonding Agency, Inc.,
Bayou Land Co.,
Bayshore Apartments, Inc.,
Bayshore Construction,
Bayson Construction Corp.,
Bayview Enterprises, Inc.,
Bayville Berkeley Land and Development Corporation,
Bayville Builders, Inc.,
Bayville Manufacturing, Inc.,
Baywood Marina, Inc.,
Bazaar Equipment Corporation,
Bazaar Imports Corporation,
B & B Building Co.,
B. Bender & Co.,
B B L Mixers, Inc.,
B B S Chemical Company, Incorporated,
B & B Service Stations, Inc.,
B C Associates, Inc.,
B S F., Inc.,
B C Guaranteed Motors,
B & C Radio and Television Co.,
Beach Associates,
Beacon Glass, Inc.,
Beacon Steel Co., Inc.,
Beall and Morrow, Inc.,
Bears Hut, Inc.,
Beatrices Delicatessen,
The Beatties, Incorporated,
Beau Monde Beauty Salon, Inc.,
Beaux Art Gift Shop,
Becker Mortgage Corp.,
Becker Tech Painting, Inc.,
Bedros Corporation,
Beebac, Inc.,
Beechwood Development, Inc.,
The Beef House,
The Beef House Co., Inc.,
Beehler Motors, Inc.,
Bee Ray Associates, Inc.,
Beir Higgins Better Living Division, Inc.,
Bel Air Apartments, Inc.,

Bel Air Clinton,
Belaire Industrial Corp.,
Beland Corporation,
Belan Realty Corp.,
B E L Corporation,
Bella Investment Co.,
Bellaire Construction Co., Inc.,
Bella Samsons Liquors,
Bell Mont Sportswear Corp.,
Bells Drug Store of Fanwood, Inc.,
Bell T V & Hi Fi, Inc.,
Belmar General Tire Service, Inc.,
Belmont Arms, Inc.,
Belmont Dry Wall Co.,
Belmont Financial Corporation,
Belmont Pet Products,
Belott Construction Company,
Belsky, Ltd.,
Bel Vista Trailer Park, Inc.,
Benay Built Homes, Inc.,
Benike Realty Corp.,
Benjamin Edwards Cleaners, Inc.,
Benjamin Goldberg, Inc.,
Benjo Construction Co.,
Benmar Department Stores, Inc.,
Benmar Sales Corp.,
Bennert Contracting and Supply Corp.,
Bennys Tavern, Inc.,
Bens Barn, Inc.,
Ben Wal Builders, Inc.,
Beppler and Fedyna Construction Co.,
Berco, Inc.,
Bergen Associated Newspapers, Inc.,
Bergen Business Brokers, Inc.,
Bergen Business Forms & Supply Co., Inc.,
Bergen County Laboratory,
Bergen Fabrics, Inc.,
Bergenfield Bowla Bowla, Inc.,
Bergenfield Enterprises, Inc.,
Bergen Instomatic, Inc.,
Bergen International Creations, Inc.,
Bergen Lincroft, Inc.,

Bergen Passaic Engineering & Surveying, Inc.,
Bergen Passaic Surveying Associates,
Bergen Paving Co., Inc.,
Bergen Publications, Inc.,
Bergen Rambler, Inc.,
Bergen St. Motors, Inc.,
Bergenvue Land & Mortgage Co.,
The Bergen Agency,
Berkeley Associates Builders & Contractors, Inc.,
Berkeley Heights Beacon, Inc.,
Berleco, Inc.,
Berlin Pizzeria,
Bernabe Realty,
Bernard & Gross Trading Corp.,
Bernards Sales Market, Inc.,
Bernardsville Merchants Parking Facility, Inc.,
Bernie Construction Co.,
Bert Shoeland, Inc.,
Bert Sisoni Iron Works, Inc.,
Bertwin Stores, Inc.,
Beryl Brian Corporation,
Besco Leather Corp.,
Best Bros. Paints Harrisburg, Inc.,
Best Exterminating Company, Inc.,
Best Industrial Electrical Supply Co., Inc.,
Best Way Cab,
Bestwin Grip Products, Inc.,
Beteo, Inc.,
Betsy Town Bowling Center, Inc.,
Betta Products, Inc.,
Better Homes Co. for Improvements, Inc.,
Better Quality Homes, Inc.,
Bettijean Homes, Inc.,
Betty Barnes Womens Shop,
Beverage Industry Reporter,
Bez Stone Corporation,
B & F Holding Co., Inc.,
B. F. Hopkins, Inc.,
B & G Building Co.,
B G Corporation,
B & G Holding Co.,
B & G Provisions, Inc.,

B H G Aluminum Fabrications Wholesale,
Biancone Brothers, Inc.,
Beil Yarn and Textile Company,
Big Bear Lumber, Inc.,
Big Eds Sub, Inc.,
Big E Truck Terminal, Inc.,
The Big Knife & Fork, Inc.,
Big M Bar, Inc.,
Big M Construction Company,
Bil Jax Scaffolding, Inc.,
Bill Booth, Inc.,
Billett Gould Corporation,
Bill Fitzpatrick Catering, Inc.,
Billiam Corporation,
Billingham & McKee,
Bill Klem, Inc.,
Bill Mar Heating and Air Conditioning, Inc.,
Bilt Well Homes and Garages, Inc.,
Binders Enterprises, Inc.,
Bingert Miller Floor Waxing Service,
Birchwood Builders, Inc.,
Birchwood Estates, Inc.,
Bird Brothers, Inc.,
Bisby Co.,
Bishom Productions, Inc.,
Bishop & Bishop Quality Market, Inc.,
Bismark Enterprises, Inc.,
Bitler Ford, Inc.,
B & K Window Co.,
Black Diamond Grit Company,
The Black Horse Inn, Inc., of Mendham, N. J.,
Black Horse Pike Apartments, Inc.,
Black & White Taxi Service, Inc.,
Blanche Cole, Inc.,
Blanche Realty Corp.,
Blanche Shop of New Brunswick, Inc.,
B & L Holding Co.,
Bloomfield Marine, Inc.,
Bloomfield Storage Warehouse, Inc.,
Blue Chip Vending Co., Inc.,
Bluefield Heights, Inc.,
Blue Flame Gas, Inc.,

Blue Ribbon Chemical & Pool Co., Inc.,
Blue Ridge, Inc.,
Blue Rill Day Camp,
Blue Star Diner, Inc.,
Blue Star Land Development,
Blume, Inc., of New Jersey,
B M V Corporation,
Boardman Smith Corp. of New Jersey,
Boating Register, Inc.,
Bobbi Lyn Sportswear, Inc.,
Bo Bet Motel, Inc.,
Bo Bo, Inc.,
Bobpro, Inc.,
Bobs Servicenter, Inc.,
Bob White Auto, Inc.,
Bobwood Construction Corp.,
Bochese & Ceccon, Inc.,
Bock Builders, Inc.,
Bock & Sons,
The Bog, Inc.,
Bogota Board & Laminating Corporation,
Bohners, Inc.,
Bojab Truck Leasing Corp.,
Bojczuk and Lukiw, Inc.,
Bomer Aluminum Enterprises, Inc.,
Bon Air Lodge, Inc.,
Bonam, Inc.,
Bon Appetit Bake Shop, Inc.,
Bon Avis Farms, Inc.,
Bonded Auto Sales, Inc.,
Bond Holding Company,
Bonfin Realty Co.,
Bora Sales, Inc.,
Bordsam Corp.,
Bo Rex, Inc.,
Borinquen Travel Service,
Boro Taxi Transportation, Inc.,
Bostock Belt Co., Inc.,
The Boulevard Cleaners,
Boulevard Roller Dome,
Bowl Arena, Inc.,
Bowler City, Inc.,

Bowlhandl, Inc.,
Bowl More Restaurant Corp.,
Bowman Corporation,
Boyce Roche Book Company,
Boynton Brothers and Company, Inc.,
Boyntons of Brooklyn, Inc.,
Bozza & Miller, Inc.,
B P M Corporation,
Bradford Industries, Inc.,
Brad Lee, Inc.,
Bradley & Company, Inc.,
Bradley Manor Inn, Inc.,
Brainard Associates,
Brakes, Inc., of N. J.,
Bramar, Inc.,
Branch Brook Industrials, Inc.,
Branchburg Hills, Inc.,
Brand U Meats, Inc.,
Brandweins, Inc.,
Branford Lido, Inc.,
Brangs & O'Brien, Inc.,
Branigan Marine Corporation,
Brann & Stuart Co.,
Branstock Studios Corporation,
Brauer Knitting Company,
Braverman Construction Co.,
Brawil, Inc.,
Breland Motor Freight Lines, Inc.,
Brenmark Corp.,
Brentwood Enterprises, Inc.,
Breton Woods Beverage Distributors, Inc.,
Brettelli Corp.,
Brez, Inc.,
Brian Industries, Inc.,
Brick Asphalt & Paving Co., Inc.,
Brick Community Shopping Center,
Brick Medical Laboratories,
Bridal Creations, Inc.,
Brides Aid, Inc.,
Bridge Concrete Construction Company,
Bridgeton Hotel, Inc.,
Brief Const. Co.,

Brielle Court & Trailer Park, Inc.,
Brien Builders, Inc.,
Briga Dunes, Inc.,
Brigantine Boat Yard, Inc.,
Bright Crown Builders, Inc.,
Bristol Donald Manufacturing Corp.,
Britone, Inc.,
Brittany Holding Corp.,
Britt Liquors, Inc.,
Britton Agency,
Broadacres Construction Corporation,
Broad Art Theatre, Inc.,
Broadcast Editorial Reports, Inc.,
Broadview, Inc.,
Broadway Cities Service, Inc.,
Broadway Clothing Mfg. Co., Inc.,
Broadway Industries, Inc.,
Brokaw Gardens, Inc.,
Broman, Inc.,
Bronfman Realty Corp.,
Brook Hollow Land Co.,
Brooklawn Crescent Hardware Corporation,
Brook Shores, Inc.,
Brooktree, Inc.,
Brown Road Co., Inc.,
Brown Taylor Corporation,
Bruce Fuel Co., Inc.,
Bruhar Construction Co., Inc.,
Bruner & Boffo Associates,
Brunner Construction Company,
Bruno Bros., Inc.,
Bruno Hardecastle, Inc.,
Brunswick Container Corporation,
Buckstan Development Co., Inc.,
Budds Floor & Wall Tile,
Budget Cleaners, Inc.,
Budget Mortgage Brokerage Co.,
Budget Sales, Inc.,
Buglio Trucking Co.,
Buhrman Enterprises, Inc.,
Building Enterprises, Inc.,
Building Lots, Inc.,

Building & Zoning Consultants Co.,
Buist Contracting Company,
Bujitsu Judo Association,
Bull Pen, Inc.,
Bun N Burger, Inc.,
Buonpastore and Spand Real Estate Co., Inc.,
The Bur Barbell Co., Inc.,
Burco Truck Rentals, Inc.,
Burdette Corporation,
Burdette Electric, Inc.,
Bureau of Medical Collections, Inc.,
Burger Master, Inc.,
Burlews, Inc.,
Burlington Combination Storm Window and Screen Company,
Inc.,
The Burlington County Agency, Inc.,
Burlington County Broadcasting Company,
Burlington County Life,
Burlington Furniture Center, Inc.,
Burl Tren Placement Agency, Inc.,
Burnett Tavern, Inc.,
Burns Development Co.,
Burtoni Contractors, Inc.,
Busch Realty Co.,
Busichio Trucking Co.,
Business Enterprises, Inc.,
Business Investors Corp.,
Butler Ice Co.,
Butler Liquors, Inc.,
Buy Rite Paint & Wallpaper, Inc.,
Buzzco Leasing Corp.,
B. Vajda Construction Co., Inc.,
B & V Construction Co., Inc.,
By All Corporation,
By the Sea Hills,
B Z Clothing Co.,
B & Z Realty Corp.,

Cabbage Unlimited,
Cable Vision Company,
Caddell Corp.,
Cadillac Car Hop, Inc.,

Cadillac Linen Service, Inc.,
Cafiero Superette, Inc.,
Cala Corp.,
Caldan, Inc.,
Caldwell Diner,
Caldwell Manor Construction Company,
Caldwell Remnant Shop, Inc.,
Calicchios, Inc.,
• Cambeis Truck Rental Corp.,
Camcopy, Inc.,
Camcopy Reader, Inc.,
Camden Bonding Company,
Camden and Burlington Counties Bus Company,
The Camden Street Co., Inc.,
Camden Urban Renewal Co.,
Camden Wire Works, Inc.,
Camel Club, Inc.,
Camelot Equipment Corp.,
Cameo Knitting Mills,
Cameo Park, Inc.,
Camera Sales, Inc.,
Cameron Company,
Cameron Studios, Incorporated,
Campat, Inc.,
Campbell Morrell Supply Co.,
Camp Harmony, Inc.,
Camping and Travel Trailers, Inc.,
Campo & Dimarco Builders, Inc.,
Camptown Motors, Inc.,
Camp Weehawken, Inc.,
Camton Dress Manufacturing Corp.,
Can Am Construction Co., Inc.,
Candle Craft, Inc.,
Candy Castle, Inc.,
Candydynamics, Inc.,
Cap A Tel Hotel Enterprises, Inc.,
Cape Manufacturing, Inc.,
Cape May County Milk Company,
Cape May County Order System, Inc.,
Capital Factors, Inc.,
Capital Outfitters, Inc.,
Capital Valet, Inc.,

Capitol Bargain Stores, Inc.,
Capitol Projectors, Inc.,
Cappies Tavern,
Capri Realty, Inc.,
The Capri Sales Co., Inc.,
Capri XXXV,
Captain Eddies U Drive Boats, Inc.,
Captains Cove Corporation,
Cardiff Circle Department Store,
Cardiff Homes, Inc.,
Cardinal Corporation,
Cardinal Embroidery Corp.,
Cardinale Real Estate Co., Inc.,
Carhire, Inc.,
Caribe Travel Service, Incorporated,
Carina Corporation,
Carlant Construction Corporation,
Car Lin Holding Company,
Carlin Land Corporation,
Carlo Bros. Plumbing & Contracting Co.,
Carlo J Beauty Salon, Inc.,
Carl Realty Company,
Carlton Paper Converters, Inc.,
Carlton Young Estates,
Carlyle House, Inc.,
Carmel Door Sales Co. of N. J.,
Carmel, Inc.,
Carmichael Furniture Company,
Carol Elser Corporation,
Carol Gardens, Inc.,
Carollas Food Products of Lavallette, Inc.,
Car O Mat, Inc.,
Carousel Delivery Service, Inc.,
Carousel Spa, Inc.,
Carpet Rental Corporation of America,
Carpool Clubs, Inc.,
Carr Appliance Repair Co., Inc.,
Carretta Coal and Fuel Co., Inc.,
Carrier Products, Inc.,
Carrol Chemical Corporation,
Carroll Insulation Company,
Carrols, Inc.,

Carroll Towing & Transportation Company, Inc.,
Carrols Black Horse Pike, Inc.,
Cars for Hire, Inc.,
Carsons of Shrewsbury,
Carsu Land & Processing Co.,
Carteret Department Store Co.,
Carter Wheeling Investment Co.,
Cascades Music, Inc.,
Case Agency, Inc.,
Casino Beach and Pool,
Cas Linda Corp.,
Cass Construction Co., Inc.,
Castle Roc Motel, Inc.,
Castle Wines & Liquors, Inc.,
Cast N Set Plastics, Inc.,
Catch On, Incorporated,
Cates Jones & Lambert, Inc.,
Cathay Gardens Restaurant, Inc.,
Caterpleat Corporation,
C A W Realty Co., Inc.,
Cawthorne Sales Associates,
C & B Devices, Inc.,
C & B Distributors, Inc.,
C B M Products, Inc.,
C. Bott, Inc.,
C & C Liquor Stores, Inc.,
C C & M Co., Inc.,
C & C Roofing and Siding Co., Inc.,
C & D Associates, Inc.,
C D G Corp.,
Cecelia Brandt, Inc.,
Cedar Gardens Realty, Inc.,
Cedar Grove Bar & Grill,
Cedargrove Mortgage Company,
Cedar Hill Liquors, Inc.,
Cedar Lane Developers, Inc.,
Cedarlum Aluminum Shingle Mfg. Co.,
Cedar Park Memorials, Inc.,
Cedar Reserve, Inc.,
Ceejay Construction Co., Inc.,
Ceep, Inc.,
Celebrity Novelties, Inc.,

Celina, Inc.,
Cellex International Corporation,
C E L Realty Co., Inc.,
Center Homes, Inc.,
Center Launderette, Incorporated,
Center Market of Cranford, Inc.,
Central Box Lunch & Sandwich Co., Inc.,
Central Clearance Bureau, Inc.,
Central Dental Laboratory, Inc.,
Central Jersey Brokerage Co., Inc.,
Central Jersey Electronics Corp.,
Central Jersey Management Corp.,
Central Jersey News Co.,
Central Morris Associates, Inc.,
Central Wholesale Florists, Inc.,
Central X Ray, Incorporated of New Jersey,
Centre Trucking Company, Inc.,
Centreville Realty Co.,
Century Associates, Inc.,
Century Brick Company of Mercer County,
Cer Corp., Inc.,
Certified Industrial Welding, Inc.,
C F L, Inc.,
C F M Industries, Inc.,
C & F Paving Company,
C & F Trucking Co., Inc.,
C & G Food, Incorporated,
C G & G Builders, Inc.,
C & G Painters & Decorators,
C G 10 Realty Co., Inc.,
C. G. Wyatt Machinery Company,
Chaber, Inc.,
Chalemin Construction Co., Inc.,
Challender Realty Company,
Chamberlain Manor, Inc.,
Champ Stores Corp.,
Chapel Candle Co., Inc.,
Char Go Company,
Charles Berman Carpet Mart No. 6, Inc.,
Charles D. Lane, Inc.,
Charles E. Reep, Inc.,
Charles J. Coffey, Inc.,

Charles Simpson & Co., Inc.,
Charlies Riding Academy, Inc.,
Charling Realty Corp.,
Charm Craft Sportswear,
Charmwood Builders, Inc.,
Charter Associates, Inc.,
Chartex Paint Co., Inc.,
Chatham Main Contractors, Inc.,
Chatham Main Sales Rental, Inc.,
Chatim Construction Co.,
Check Back Protection Systems, Inc.,
Chek Chemical Products Co., Inc.,
Chelsea Associates,
Chelsea Elbero Corp.,
Chelsea Laundry, Inc.,
Chelton Industries, Inc.,
Chem Tide, Inc.,
Cheque Realty, Inc.,
Cherhil, Inc.,
Chermor, Inc.,
Cherry Hill Mortgage Co.,
Chesney, Inc.,
Chez Joey, Inc.,
C H F Mortgage Investment Co.,
Chicago Refining Corporation,
Chicken Inn, Inc.,
Chiddo & Sons, Inc.,
Childrens Discount Center, Inc.,
Childrens Footwear Corp.,
China Garden,
Chocolates By Sari, Inc.,
Choice Embroidery Co.,
Choice Homes, Inc.,
Chonna Trucking Corp.,
Chosich Service Co., Inc.,
Chow Time Corporation of the State of New Jersey,
C & H Rentals, Inc.,
Chris Motors, Inc.,
Christie and Terhune Coal & Oil Corporation,
Christopher Construction, Inc.,
Churchill Golf & Country Club,
Church & Home, Inc.,

Churchill Estates, Inc.,
Churchill Sterred of New Jersey, Inc.,
Church Road Associates, Inc.,
Cicarelli and Gibase Enterprises, Inc.,
C I C I Co.,
Cicoria Brothers Corporation,
Cilk Chemical Co.,
Cindys Sportswear,
Cinnaminson Sewage Corporation,
Cippy, Inc.,
Circle G Construction Corporation,
Circle Line Publishers Management Corporation,
Circle Plaza Delicatessen, Inc.,
Circle Plumbing Supply, Inc.,
Circle Valet Service,
Circus Motors, Inc.,
Ciriaco Co.,
Cirillo & Sons, Inc.,
City of Bridgeton Industrial Development Corporation,
City Estates,
City Line Enterprises,
City Maintenance Corp.,
City & State Automotive Corp.,
City Wide, Inc.,
Civic Press Publishing Co., Inc.,
Civil Defense Construction Corp.,
C & J Corporation,
C. J. Lipinski, Inc.,
Claire Lynne, Inc.,
Clarences Music World, Inc.,
Clark Construction Corporation,
Clark Country Club, Inc.,
Clark, Incorporated,
Clark Manufacturing Company, Inc.,
Clark Mc Caffrey Supply Co.,
Clarks Mobil Service, Inc.,
Classic Home Improvement Co., Inc.,
Classic Mart,
Class & Solomon Realty, Inc.,
Clayton Ford Leasing, Inc.,
Clayton Marine Industries, Inc.,
C & L Bar, Inc.,

Clean Coin Op Centers,
Clean O Rama of Edison, Inc.,
Clearview Country Club,
Cliff Land Improvement Co.,
Clifford S. Evans, Inc.,
Cliffside Inn, Inc.,
Cliffwood Inn,
Cliffwood Properties, Inc.,
Clingran Company, Inc.,
Clinton Equity Corporation,
Clinton Kay Corporation,
Clinton Service Station, Inc.,
The Clip Joint,
Closter Homes, Inc.,
Closter Paper Board Converters, Inc.,
Cloverdale Construction Company,
Clover Equipment Company,
Cloverleaf Homes, Inc.,
Club Fremont, Inc.,
Club Linrose, Inc.,
Club 188, Inc.,
Club 16 Corporation,
Club 36, Inc.,
Clybat Corporation,
C. M. Adrian, Inc.,
The C Mar Instrument Corporation,
C M Builders, Inc.,
C M S, Inc.,
Coal Coke & Ore, Inc.,
Coane Veterinary Products Co.,
Coastal Mortgage Company,
Coast Beverage Distributors, Inc.,
Coast Engineering Corp.,
Coast Fishing, Inc.,
Coast and General Construction,
Coast to Coast Participation Corp.,
Codones, Inc.,
Coeur D. Alene Construction Co., Inc.,
Coffee Break, Inc.,
Coffee Pot, Inc.,
Coffee Service of Belleville, Inc.,
Coffee Service of Englewood, Inc.,

Coffee Service of Keyport, Inc.,
Coffee Service of Newark, Inc.,
Coffee Service of Orange, Inc.,
Coffee Service of Rahway, Inc.,
Coin Op Construction Co.,
Coit Realty Co.,
Colby Drug Company, Inc.,
Cold Cut Center of Burlington, Inc.,
Cold Cut Center of Highland Park, Inc.,
Cold Cut Center of Pennsauken, Inc.,
Collas Elevator Co., Inc.,
College Facilities, Inc.,
College Italian Style, Inc.,
College Park Estates, Inc.,
College Park Homes, Inc.,
College Scholarship Bowl, Inc.,
Collins Trucking Co.,
Collucci Corp.,
Collyer Corporation,
Colmac Capital Corporation,
Colmac Co., Inc.,
Colonial Button Company,
Colonial Estates,
Colonial Luxury Motel, Inc.,
Colonial Painting Contractors, Inc.,
Colonial Wayside Inn, Inc.,
Colorall Paint Co.,
Colorama Home Improvement, Inc.,
Colorcraft Photographers, Inc.,
Color Tone Engraving Corporation,
Coltisch Realty Corp.,
Colts Neck Diner,
The Colt Warehouse, Inc.,
Columbia Enterprises, Inc.,
Columbia Park Caterers, Inc.,
Columbia Supply Co., Inc.,
Columbus Yarn Company,
Column Construction Co., Inc.,
Comas Rambler Sales,
Combined Services Corporation,
Combustion Control Corporation,
Comet Bar,

Comfort Cooling Company,
Comfort Homes, Inc.,
Command Carrier Corporation,
Commerce Coffee Shoppe,
Commercial Construction Corp., Inc.,
Commercial Enterprises, Inc.,
Commercial Maintenance, Inc.,
Commercial Rubbish Removal Corp.,
Commodity Meats, Inc.,
Community Bond & Mortgage Company,
Community Cleaners & Dyers, Inc.,
Community Organic Service Corporation,
Community Tailors and Cleaners, Inc.,
Compact Atlantic, Inc.,
Compact Corona, Inc.,
Complete Vending Service, Inc.,
The Concord Company,
Conestoga Chemical Company,
Connolly Associates, Inc.,
Connolly Foam Corporation,
Consolidated Commercial, Inc.,
Consolidated of North Hudson,
Consolidated Pressure Vessels, Inc.,
Consolidated Stuffing Material Corp.,
Consteele Corporation,
Construction Funds, Inc.,
Construction Products Corporation,
Consulting Industrial Microbiological Co.,
Consulting Services, Inc.,
Consumer Distribution,
Consumers Buying Guide,
Consumers Forum, Inc.,
Continental Air Conditioning & Refrigeration Corp.,
Continental Auto Salvage Corporation of America,
Continental Brands Corporation,
Continental Discount Foods, Inc.,
Continental Enterprises, Inc.,
Continental Esso Servicenter, Inc.,
Continental Gift Shop, Inc.,
Continental Land and Home Development Corp.,
Continental Mutual Company, Inc.,
Continental Sales Company, Inc.,

Contract Furnishers of New Jersey, Inc.,
Contractors Lumber Co. of New Jersey,
Contro Flo Valve Corp.,
Controlescent Lighting Corp. of New Jersey,
Control and Service Company, Inc.,
Cook & Harris, Inc.,
Cookie Jules Restaurants, Incorporated,
Cooney Sheehan Associates, Inc.,
Co Op Distributors, Inc.,
Cooperative Builders Supply, Inc.,
Cooperative Sales, Inc.,
Cooper Holding Corp.,
Co Op Rent A Car System, Inc.,
Copenhagen Confections, Ltd. of America,
Copperfield Estates, Inc.,
Copy Cat Fashions Corp.,
Core Systems, Inc.,
Corner Laundromat,
The Corner Pocket, Inc.,
Corners Co., Inc.,
Coronet Builders, Inc.,
Coronet Catering Service, Inc.,
Coronet Distributors, Inc.,
Coronet Record Club, Inc.,
Correa Realty Co.,
Corrosion Master Distributing Corporation,
Corrugated Service Center, Inc.,
Corrugating Mixing Equipment Corp.,
Cory Knit Wear, Inc.,
Coryngton Products Co.,
Cosmevo Surgical Supply Co.,
Cosmopolitan Commodity Corp.,
Cosmos Internationale, Ltd.,
Coss Industries, Inc.,
Cossman Corp.,
Cottage Bakery, Inc.,
Cottage Holding Corp.,
Cottage Place Corp.,
Cotter & Rowan, Inc.,
Cottrell Construction Co.,
Country Day Lines, Inc.,
Country Gentleman, Inc.,

County Adjustment Bureau, Inc.,
County Distributing Corporation,
County Mortgage Co.,
Courier Construction Co., Inc.,
Court & Jay, Inc.,
Courtside Corporation,
Court Street Properties, Inc.,
Coverages, Inc.,
Cowell, Inc.,
Cozzzone Manufacturing Co., Inc.,
C. P. Investments, Inc.,
Craig A. Vail, Incorporated,
Craig Blake Motor Co.,
Craig Bros. Development Corporation,
Craig Wood of Asbury Park,
Crandon Construction Co., Inc.,
Cranford Associates, Inc.,
Cranford Cycle & Toy Co., Inc.,
Cranhill Realty Corporation,
Cranstoun Manor, Inc.,
C R C Revynlizer Corporation of Southern New Jersey,
Creative Construction Corporation,
Creative Drapery Corporation,
Creative Products, Inc.,
Crel Realty Co.,
The Crescent Park Corporation,
Crest Associates, Inc.,
Crestdale, Inc.,
Crestline Metal Products Co.,
Crestmont Contractors Corp.,
Crest Restaurant Corp.,
Crest Softener Co.,
Crestwood Embroidery, Inc.,
Crestwood Fashions, Ltd.,
The Crier, Inc.,
Criterion, Inc.,
Crosby Jewelers of Woodbury, Inc.,
Cross Keys Corporation,
Crowell Book Shop, Inc.,
Crown Park Homes, Inc.,
Crown Point Sand Co., Inc.,
Cruise Music Corporation,

Crystal Diner, Inc.,
C & S Deli Stores, Inc.,
C S I Associates,
C and S Investment Corp.,
Cue Club, Inc.,
Cullerton Motors, Inc.,
Culver Construction Co., Inc.,
Culver Restaurant Co.,
Cumberland Abstract Co.,
Cumberland Builders, Inc.,
Cumberland Coak Company, Inc.,
Cumberland Optical Co.,
Cumberland Realty Company,
Cundiff Solvents Company, Inc.,
Cup & Saucer, Inc.,
Current Distributors, Inc.,
Curtains Aweigh, Inc.,
Cushion & Cue, Inc.,
Custom Bottling, Inc.,
Custom Drape Clean, Inc.,
Custom High Fidelity, Inc.,
Custom Shirt Launderers, Inc.,
Cutaars Co.,
Cyamada,
Cydon, Inc.,
Cys Hotel Terrace & Restaurant Corp.,

Dabet Realty Co.,
D A C Productions, Inc.,
Dadson, Inc.,
Daflo Corp.,
Daileys Meadowbrook, Inc.,
Dairy Duke Corporation,
Daisy Fresh, Inc.,
Dajohn Corp.,
Dakota Estates, Inc.,
Dale Company, Inc.,
Dale Development Co.,
Dale Machine Works, Inc.,
Dalen Construction Corp.,
Dale Productions, Inc.,
Dal Leasing, Inc.,

Dals, Inc.,
The Dalton Corporation,
Daman Industries Co., Inc.,
Damar Products, Inc.,
D Amico Contracting Co., Inc.,
Damico, Inc.,
Damrac Realty, Inc.,
Danahy Machine Corp.,
Danbel, Inc.,
Danceland, Inc.,
D. Andrea & Atkins, Inc.,
Dan Fair Co., Inc.,
Danforth Realty Corporation,
Dan Howard Automotive, Inc.,
Daniel Motel Corporation, Inc.,
Dan Lerner Electronics Corp.,
Daoud Galleries, Inc.,
Darbob Theatrical Agency, Inc.,
Darcy Builders and Contractors, Inc.,
Darland Realty Co.,
Darling Garment Corp.,
The Dartmouth Company,
Darwin Corporation,
Dash Trucking Company,
Data Concepts,
Data Floors Sales & Installations, Inc.,
Daubner Agency, Inc.,
Dave Gibb Automotive Rental, Inc.,
Dav El Hatchery, Inc.,
Davies and Jackson Construction Co.,
Davis Pontiac, Inc.,
Davona Homes, Inc.,
Daw Wood Products, Inc.,
D. Boice Corp.,
D & B Tavern,
D & C Electronics,
D Contemporary Paintings,
D C Realty, Inc.,
Deal Lake Towers, Inc.,
Deangelis Commodities Co., Inc.,
Deanna Shoppes, Inc.,
Dean of Paramus, Inc.,

Deans Enterprises, Inc.,
Deca Metal Finishing Corporation,
De Carlo Bros. Builders, Inc.,
Decor Tile International, Inc.,
Dee Construction Co., Inc.,
Deepwater Lumber Company, Inc.,
Deerfield Park Acquisition Corp.,
Deer Mountain Painting, Inc.,
Deerpath Corporation,
De Freitas Amusement Corporation,
D & E Garage, Inc.,
De Groff Gardens,
De Jong, Inc.,
Delanwood, Incorporated,
Delaware Associates, Inc.,
De Lorenzo and Gerber, Inc.,
Delta Petroleum, Inc.,
Deremer Builders Supply Co., Inc.,
Derwyn Construction Company,
Design Floors Corporation,
Detectives, Inc.,
Detmer Tailoring, Inc.,
Detro Co., Inc.,
Devco Corporation,
Developers Associates, Inc.,
Devonbrook, Inc.,
Devron Realty Co.,
Dewitt Building Company,
D & F Trucking, Inc.,
D. & G. Bainbridge Co.,
D & G Trading Co.,
Diaflo Development Corp.,
Diamond Motors,
Diamonds Delicatessen Store,
Diamond Transports, Inc.,
Di Chiara Sportswear, Inc.,
Dieffenbach Company,
Diener Development Corp.,
Diesel Inn,
Diesner Construction Corporation,
Dietary Controls, Inc.,
Diet King Beverages, Inc.,

Dilley Flannery, Inc.,
Diners Steel Corporation,
Di Nizo Bros., Inc.,
Dinos,
Discount Jewelers at Clementon, Ltd.,
Disposal Contractors, Inc.,
Distinctive Signs, Inc.,
Dixie Lounge, Inc.,
Dixie Motel, Inc.,
Dix McGuire Discount Center, Inc.,
The D. J. Clark Agency,
D & J Clothing, Inc.,
D & N Construction Corporation,
Dodd Real Estate & Development Corporation,
Dodd Tire Company,
The Dog Owners Association of America, Inc.,
Dollar Mortgage Associates,
Dollyanna Publishers, Inc.,
Dolphin Beach Club,
Domapp, Inc.,
Domino Club, Inc.,
Donald H. Boycott Plumbing and Heating, Inc.,
Donald J. Valis, Inc.,
Don Howard Associates, Inc.,
Don Mar Motel Corp.,
Donnie Brook Emb Co., Inc.,
Dons West Orange, Inc.,
Donut Pantry Allentown, Inc.,
Donut Pantry Harrison, Inc.,
Don White, Inc.,
Donwinn Associates,
Donya Corporation,
Dorant, Inc.,
Doreen Navarro Originals, Inc.,
Dorian, Inc.,
Dorian Printing Corp.,
Dorman Manufacturing Co., Inc.,
The Dorm Gar Construction Company,
Dorn Realty & Construction Corp.,
Doros Associates, Inc.,
Dorothy and Marie, Inc.,
Dorris Lounge,

Dot Al Food Town, Inc.,
Dot Line, Inc.,
Double O Construction Co., Inc.,
Dougherty Company,
Douglas Hardware Company, Inc.,
Douglas Management Corp.,
Douglas Penthouse Motor Hotel, Inc.,
Douglas T Construction Company, Inc.,
Douglas Trucking Corp.,
Dover Cabinet Shop, Inc.,
Dover Home Sites, Inc.,
Dover Lanes, Inc.,
Dovin Corp.,
Downtown Travel Center, Inc.,
D & P Construction Co., Inc.,
Drake Construction Company,
Drapery Renovators, Inc.,
Dream Homes, Inc.,
Dreams Corporation,
Drells Live Poultry Market, Inc.,
Drentwood, Inc.,
Dresses Unlimited, Inc.,
Dretel & Weinstock, Inc.,
Drive In Construction Corporation,
Drobners Motors,
Drucker Manufacturing, Inc.,
Drufield Company,
Drug Approved of New Jersey,
Drug Approved of New York,
Drug Approved of Pennsylvania,
Drug Approved Pharmacals,
Drug Associates, Inc.,
Druhls, Inc.,
Drum Associates, Inc.,
Drummer Boy Products,
Dryden Construction Corp.,
D & S Corporation,
D. Sorrentino & Sons, Inc.,
D & S Specialties, Inc.,
Dube Food Service, Inc.,
Dubins Dress Shop, Inc.,
Duchess Coiffeurs, Inc.,

Duf Check Holding Co.,
Duik Conversion Corporation,
Dulineckas Corp.,
Dumont Finance Co., Inc.,
Dumont Leasing, Inc.,
Dunham Corporation, Inc.,
Dunham Manor, Inc.,
Dunns United Rent Alls, Inc.,
Dun Rite Laundry & Dry Cleaning, Inc.,
Dun Rite Parlor Frame Co., Inc.,
Dunann Associates Corporation,
Durantes Coffee Shop, Inc.,
Du Reid Realty Co.,
Durham, Inc.,
Du Rite Auto Body, Inc.,
Du Rite Car Wash Co.,
Durling Woolley Dairy,
Dutch Meles, Inc.,
Dutronics, Inc.,
Duvanrow, Inc.,
DVF Sanitation Service, Inc.,
D. Wolff and Company, No. 1,
Dynamic Futures, Inc.,
Dynamic Investment Corporation,
Dynamic Research and Product Development Corp.,
Dynatron Industries, Inc.,
Dyne O Therm Corporation,

Eaco, Inc.,
Eagle Industrial Uniforms, Inc.,
Eagle Locomotive Works, Inc.,
Eagle Rest, Inc.,
E A O Corporation,
Earthco, Inc.,
East Coast Dredging and Fill Co., Inc.,
East Coast Pipe Line Corp.,
East Coast Sanitary & Pottery Corp.,
East Crescent Construction Corp.,
Eastern Air Taxi,
Eastern American, Incorporated,
Eastern Animal Company, Inc.,
Eastern Bronze Memorials, Inc.,

Eastern Car Wholesalers,
Eastern Cemetery Associates, Inc.,
Eastern Concrete Company,
Eastern Factoring Corp.,
Eastern Felt Co., Inc.,
Eastern Industrial Leasing Corporation,
Eastern Investment Group,
Eastern Ordnance and Technical Corporation,
Eastern Tile Co., Inc.,
Eastern United Services of Princeton,
East Orange Lathing, Inc.,
East Slope Builders, Inc.,
Ebanks Realty Co.,
Echo Publishing Company,
Eckhart & Smith, Inc.,
Eco Gas Equipment, Inc.,
Econ O Mart Co.,
Economotors, Inc.,
Economy Mens Shop,
E & C Printing Corp.,
Edan Development Corporation,
Ed & Barts Tavern, Inc.,
Edde Enterprise Corp.,
Eddie Eisler & Sons, Inc.,
Eddies Garage, Inc.,
Edel Investment Corp.,
Edfair Homes, Inc.,
Edgewood Construction and Realty, Inc.,
Edgewood Service Corporation,
Edgewood Terrace, Inc.,
Edison Farms, Inc.,
Edmond S. Gay, Inc.,
Edro Mfg. Corp.,
Edseo, Incorporated,
Edward Associates,
Edward E. Freit, Inc.,
Edward Franklin Schill, Inc.,
Edward James Agency, Inc.,
Edward Katz Corporation,
Edward R. Montgomery, Inc.,
Edwards Equipment Co.,
Edward S. McGonigal, Inc.,

E & E Holding Co., Inc.,
E and E Sales Corp.,
E & G Enterprises, Inc.,
Egg Harbor Trailer Court,
Egg Producers & Packers of New Jersey, Inc.,
Eggs, Inc.,
E and G Salvage Co., Inc.,
Ehlers Bros., Inc.,
E H Machine Works, Inc.,
E. H. Taylor Realty Co.,
E. I. Doucette Associates,
800 No Mass, Inc.,
87 Evergreen Place, Inc.,
Eip Realty Park, Inc.,
E. J. Mc Govern Dairy Products, Inc.,
E. J. Rein and Sons,
E. K. Corporation,
Elb Enterprises, Inc.,
Elcom Corp.,
Eldorado Packing Co., Inc.,
Eleanor Construction Co.,
The Electra Spark Co.,
Electric City,
Electric City, U. S. A.,
Electric Products Manufacturing & Sales Company,
Electronaire, Inc.,
Electronic Equipment & Communication Services, Inc.,
Electronic Fabrication Laboratories,
Electronic Flooring Systems, Inc.,
Electronic Tooling and Manufacturing Co.,
Electronoplate, Inc.,
Electro Sonic Corp.,
Electrovan, Inc.,
Electroweld Packaging Corp.,
1145 Stuyvesant Avenue, Inc.,
Elias M. Light Co., Inc.,
Elias M. Light Discount Furniture, Inc.,
Elite Estates Construction Corporation,
Elite Sportswear Pleating & Stitching, Inc.,
Elizabeth Adjustors, Inc.,
Elizabeth Hilton, Inc.,
Elizabeth School of Dance and Related Arts, Inc.,

New Jersey State Library

Elizabeth Waxing Service, Inc.,
Eljan Builders,
Elkins Cleaners & Dyers, Inc.,
Ella Construction Co.,
Ellanenn Corporation,
Ellbee Mfg. Co.,
Ell Builders, Inc.,
Elmaral Realty Corp.,
E & L Metal Products Co., Inc.,
Elmora Homes, Inc.,
Elmore Fabrics Co.,
Elmtree Homes, Inc.,
Elm Tree Village,
Elm Village Development Corporation,
El Rays Gourmets Haven, Inc.,
Elsie Stone, Inc.,
Elso Construction Corporation,
Elson, Inc.,
Elvee Corporation,
Elwell Corp.,
Elwood Corporation,
Elwood Holding Company,
Elwood Industries, Inc.,
Elwood Investment Corporation,
Elycroft Farms,
The Embassy Restaurant,
Emerson Home Improvement, Inc.,
Emerson Plate Glass Company,
E M I C Corp.,
Emjay Maintenance Corporation,
Emjay Maintenance Engineers,
Empire Builders, Inc.,
Empire Home Builders and Renovators,
Empire Land Co.,
Empire Ready Mix Corporation,
Enchanted Cottage Coiffures, Inc.,
Encore Coffee Shop, Inc.,
Enertron Corporation,
Engineered Construction, Inc.,
Englander Furniture, Inc.,
Englemen Enterprises, Inc.,
Englewood Builders, Inc.,

Englewood Coal and Lumber Corporation,
Englewood Motors, Inc.,
Englewood 9W, Inc.,
Enterprise Manufacturing Co.,
Enterprises Unlimited, Inc.,
Enzymes International Corporation,
Epicure Liquors,
Eppright, Inc.,
Equipment Manufacturers of N. J., Inc.,
Equipment and Steel Erectors Co.,
Erie Realty Corporation,
E R M Corp.,
Ernie & Larrys,
Ernies Auto Laundry,
Erskine Mills Co., Inc.,
Eskaen Corp.,
Eskay Farms, Inc.,
Esk Ette Sportswear, Inc.,
Esmie Corporation,
E & S Optical Co.,
Esor Bus Co., Inc.,
Esquire Homes,
Essers of Verona, Inc.,
Essex Trucking, Inc.,
Estate of Henry E. Brinkerhoff,
Estate of Pauline Peller, Inc.,
Estave, Inc.,
Estene Realty Corp.,
Estico Floor Products, Inc.,
Ethical Pharmaceutical, Inc.,
E T S Co.,
Eugene Amron, Inc.,
Eugene Greenwald, Inc.,
E. Unsworth Laboratory, Inc.,
Evergreen Estates,
Evergrip Products Mfg., Inc.,
Evesham Corporation,
Ewer Corporation,
Ewing, Inc.,
Excel Elevator Service, Inc.,
Executive Development Corp.,
Executive Food Service, Inc.,

Executive Homes,
Executives Economic Services,
Exotic Metals Corporation,
Expanded Living, Inc.,
Exposition Amusement Rides, Inc.,
Ezco, Inc.,
E Z C Playing Card Co., Inc.,
E Z Farm Equipment Corp.,

Fabart Truck Stop, Inc.,
Fabian Aviation Corporation,
Fabrics Development & Sales,
Fadler Corporation,
Fairbrook Associates,
Faircraft Coats,
Fairedell Farm, Inc.,
Fairfax Contracting Corporation,
Fairlawn Grill, Inc.,
Fairlawn, Inc.,
Fair Lawn Plumbing & Heating, Inc.,
Fairmount Mutual Associates,
Fair Valley Florist,
Fairview Pork Store, Inc.,
Fair Water Excursions, Inc.,
Fairway Fells, Inc.,
Fairway General Realty Corp.,
Falco Service, Inc.,
Fald Upholstery Corporation,
Falivend Holding Company,
Falkman Realty Co., Inc.,
Fallon Construction Co.,
Fam Bar Liquors,
Fameco, Inc.,
Fame Industries, Inc.,
Fame Investment Co.,
Family Food Club,
Family Frozen Foods, Inc.,
Family Inn, Inc.,
Family Shoe Center of Moorestown, Inc.,
F A M M, Inc.,
Famous Delicatessen and Restaurant Co., Inc.,
Famous Textiles, Inc.,

Fan Ray Realty Company, Inc.,
Fargrass Trucking & Rental Corporation,
Far Hills Associates,
Farlee Associates,
Farmers Furniture Outlet of N. J., Inc.,
Farm Fresh Dairy Stores, Inc.,
Farm Fresh Stores, Inc.,
Farmingdale Park Co.,
Farmor Company, Inc.,
Farm Units, Inc.,
Farrell Engineering & Manufacturing Co.,
Farview Gardens, Inc.,
Farwood Construction Co., Inc.,
Fashion Decor,
Fashion Homes, Inc.,
Fashion Knit Co., Inc.,
Fashion Screen Printing Company,
Fat Daddys, Inc.,
Fathson Manufacturing Co., Inc.,
F A V Realty Co.,
Fawn Lakes Sales Corp.,
Fay Corporation,
Fayette Realty Co.,
Fays Trucking Co., Inc.,
F B Dress Co.,
F. Bright Merritt Agency, Inc.,
F & C Builders, Inc.,
F. C. Hays & Son, Inc.,
Federal Home Remodeling Company,
Federated Auditors & Examiners, Inc.,
Fedmay Corp.,
Feeney Real Estate Co.,
Feinswog Bros., Inc.,
Fells Homes, Inc.,
Felso Paving & Contracting, Inc.,
Fembrook Products, Inc.,
Fences Unlimited, Inc.,
Fern Embroidery Corp.,
Ferralotta Construction Co., Inc.,
Ferraris Tile Co., Inc.,
Ferris Instrument Company,
Ferro Contracting Co., Inc.,

Festival Embroideries, Inc.,
F & F Laundries of Bergenfield, Inc.,
F & F Stands, Inc.,
F. H. Carney Co., Inc.,
F H & F Construction Company,
Fibers, Inc.,
Fidelity Audio & Video Electronics, Inc.,
Fidelity Beverage Corporation,
Fidelity Carpenters, Inc.,
Fiduciary Investment Corporation,
Fiesta Manufacturing Corp.,
5804 Bergenline Avenue Corp.,
55 Corp.,
Fighera, Inc.,
Filippi, Inc.,
Filmar Corporation of New Jersey,
Filmsmiths,
Fine Enterprises, Inc.,
Fine Green Corporation,
Fine Sewing Centers,
Finetto Homes, Inc.,
Finishing Process Equipment Corp.,
Finisterre, Inc.,
Finn Delicatessen, Incorporated,
Finos Superette,
Florina Excavators, Inc.,
Firmility Land Corporation, Inc.,
First Bel View Realty Corp., Inc.,
First Garden State Steel Corp.,
First Jersey Agency,
First Jersey Realty Investment Corp.,
First Jersey Securities Corporation,
First Jersey Servicing Co., Inc.,
1st Mark Construction Co., Inc.,
1st Mark Enterprise, Inc.,
First Security Mortgage Company,
Fish A Matic, Inc.,
Fisher Bros. Launderama,
Fishkill Dyeing and Printing Corp.,
Fisler and Euler, Inc.,
Fit Rite, Inc.,
518 Central Realty, Inc.,

550 Summit Corp.,
597 Gates Avenue Corp.,
513 515 No. Broad St. Corp.,
535 Company, Inc.,
The 527 Corp.,
57 Monroe Street Corp.,
F. J. Brower, Inc.,
F & J Delicatessen, Inc.,
F & J Equipment, Inc.,
F & K Realty Corp.,
Flair Cleaners of Ramsey, Inc.,
Flair, Inc.,
The Flamboyant, Incorp.,
Flemington Discount City, Inc.,
Flemington Egg Producers, Inc.,
Flemington Sign Co., Inc.,
Fleon Realty Co.,
Flexographic Chemical Co., Inc.,
The Flint Corporation,
Flo Food Co.,
Flood Sechler Agency, Inc.,
Floors and Walls, Inc.,
Floral Building Corp.,
Florence and Pats, Inc.,
Floren Construction Co., Inc.,
Florham Liquors, Inc.,
Florida Division of M. Krone Associates, Inc.,
Florida Realty Company,
Flosam Realty Co.,
The Flower Pot, Inc.,
Flowers by Bill, Inc.,
Floyd Brown Construction Co., Inc.,
Flurulon Laboratories, Inc.,
F M A Corp.,
F M Holding Co.,
F M M Associates, Inc.,
F M T Corporation,
Fogelsons Super Market,
Foglias Tavern, Inc.,
Fonsetto Trucking Service,
Food for Freezers Co.,
Food Masters, Inc.,

Foothill Real Estate Company, Inc.,
Foreign Motor Sales, Inc.,
Fore Plan Summit Corporation,
Forest Motors, Inc.,
Forham Holding Co.,
Forge Properties, Inc.,
Form Cut Precision Products,
Formit Tool & Die Co., Inc.,
Formont Realty Corp.,
Forsen Motors,
Forstner Creations, Inc.,
Forstner, Inc.,
48 Washington St. Corp.,
45th St. Bowling, Inc.,
Forty Winks Inn,
Forum Construction Company,
Foster Associates, Inc.,
Fosters Tavern, Inc.,
Foundation Contracting Co., Inc.,
Fountainbleau,
449 Jersey Ave., Inc.,
400, Inc.,
419 Central Avenue, Newark, Inc.,
460 Cab Corp.,
463 N. Fifth Street Corporation,
430 Moris Ave. Co., Inc.,
Four and One Enterprises, Inc.,
Four Season Resorts, Inc.,
Four Seasons Discount Centers, Inc.,
14 Baldwin Street Corporation,
1465 Corporation,
Fourteen Southard Street, Inc.,
Fourth Dimension Corporation,
The Fourth Estate, Inc.,
Fourth and Railroad Realty Co.,
F. O. Walter Coal & Supply Co.,
Fox Building and Finance Co.,
Fox Realty Co.,
F P CS Private Brands,
F P T Hycallex, Inc.,
Franann Corporation,
Franann Development Company, Inc.,

Francines, Ltd.,
Francisco, Inc.,
Francis Construction Company,
Francis P. D. Autrechy, Inc.,
Francis R. Murphy, Inc.,
Fran Clin, Inc.,
Fran & Jan,
Franken Company,
Frankie Avalon Restaurant, Inc.,
Frank J. Ench, Jr., Roofing & Contracting, Inc.,
Franklin Brown Corp.,
Franklin Distributors, Inc.,
Franklin Enterprises, Inc.,
Franklin Fabricators, Inc.,
Franklin Miners, Inc.,
Frank Lopresti, Inc.,
Frankmans Poultry Farm, Inc.,
Frank N. Stein Burgermeister,
Frank & Son, Inc.,
Frank W. Furrey & Sons, Inc.,
Fran Wick Corporation,
Frat Corporation,
The Fraternity Four Enterprises, Inc.,
Fred Astaire Dance Studio Washington, D. C., Inc.,
Fred E. Lehle Provision Co.,
Fredericks General Contracting, Inc.,
Fredob, Inc.,
Fred Parodi, Inc.,
Freds Motors, Inc.,
Freeman Realty Corp.,
Freeway Mortgage & Realty Corp.,
Friction Industries, Inc., Corp.,
Friedas Pizzeria, Inc.,
Friend Realty Co., Inc.,
Front & Clinton Corporation,
Frontier Sales, Inc.,
F. Russell Holt, Jr., Inc.,
F. R. Wykoff,
F & S Dairies, Inc.,
F & S Plastering Company,
Fulber Holding Co.,
Funicelli Giusto Associates,

Furniture Sales Associates, Inc.,
Furst Manufacturing Co., Inc.,
Futura Pools, Inc.,
Future Salesmen of America, Inc.,
F. W. Allen Company, Inc.,
F & W Food Distributors, Inc.,
Fyne Wash Co.,

Gabbys, Inc.,
Gabrian Bus Company, Inc.,
Gabriele Bros.,
Gaess Neon Metal Products, Inc.,
Gail Craig Corp.,
Gail Lewis Bakeries, Inc.,
Gaito, Inc.,
Gallopig Hill Houses, Inc.,
Gambatese Cocktail Lounge and Restaurant, Inc.,
Gambit, Inc.,
Gamm, Inc.,
Gamor Realty Co.,
Gan, Inc.,
Gansers Tavern, Inc.,
Garbage Disposal, Inc.,
Garbo Realty, Inc.,
Garden County Investment Corp.,
Garden State Carbonated Service Co., Inc.,
Garden State Development Company,
Garden State Helicopter Service, Inc.,
Garden State Homespray Company,
Garden State Plastics, Inc.,
Garden State Power and Pipe Corporation,
Garden State Westville Discount Company,
Garden State Wire Machine Corp.,
Garfield Gardens,
Garfield Holding Co.,
Garfield Manor,
Garfunkel Bros. Electric Co.,
Garland Associates, Inc.,
Garlen, Inc.,
Garner Air Conditioning Co.,
Garner Publishing Co., Inc.,
Garison Contracting Co.,

Garrison Music Company, Inc.,
Garth Products, Inc.,
Garven Building Corporation,
Gary Elliott Salons of New Jersey, Inc.,
Gas Detection Systems, Inc.,
Gatco Agency, Inc.,
Gates Orange Terrace,
Gateway Fashions,
Gat, Inc.,
Gaynor, Inc.,
Gaynors Pharmacy, Inc.,
Gayton Bindery, Inc.,
The Gebauer Company,
Geb Corp., Inc.,
Gem Investment Corporation,
Gemma An Corp.,
Gem Products and Supply Co., Inc.,
Gendel Furniture, Inc.,
Gendo, Inc.,
General Chemical Corporation of New Jersey,
General Collection Bureau,
General Commercial Construction Company,
General Communications Associates, Inc.,
General Contractors Engineering Co.,
General Cybernetics, Inc.,
General Earthmovers, Inc.,
General Magazine Service,
General Merchandizing Corporation,
General Motel Furnishing, Inc.,
General Packaging & Plastics Service, Inc.,
General Socket Corp.,
General Transfer & Trucking Co.,
General Woodcraft Co., Inc., No. 2,
Gennard Bros. Holding Co., Inc.,
Genneken Linoleum & Carpet Co.,
Genung Corp.,
Geolett Realty Co., Inc.,
George Breyer, Inc.,
George Construction Co.,
George Crain, Inc.,
George Electric Co., Inc.,
George F. Babbitt,

George H. Hahn & Son, Inc.,
Geo. H. Orfe, Jr. and Sons, Inc.,
George Hoyns Realty, Inc.,
George K. Bruns, Inc.,
George Lewis Manufacturing Co., Inc.,
Geo. L. Park Industries, Inc.,
George L. Smith Construction Co.,
George R. Stephens, Inc.,
Georges Laundry, Inc.,
George Theodores, Inc.,
Georgetown Apartments, Inc.,
George W. Kehr Plumbing Co.,
Geothermic Power and Chemical Co., Inc.,
Gera Mills, Inc.,
Gerco Development Co., Inc.,
The Geri Agency,
Geriatrics Association, Inc.,
Germania Fruit Growers Union & Cooperative Society,
Gerodan Leasing Corp.,
Gertrude Embroidery Company,
Geso, Inc.,
G & F Supply,
G. Galiano Building Contractor, Inc.,
G & G Construction Co., Inc.,
G & G Floor Waxing, Inc.,
G & G Holding Company,
GGS Hotel Operating Corporation,
G & H Food Stores,
G and H Realty Co., Inc.,
Gibbsboro Lumber and Millwork Co., Inc.,
Gibbstown Developers, Inc.,
Gibraltar Mortgage and Refinancing Company,
Gijanto, Inc.,
Gilisade Corp.,
Gill Greenaway Co., Inc.,
Gilsonite Products Corp.,
Giordano Holding Company,
Giuliano Associates, Inc.,
G & J Construction Co., Inc.,
G K Accident & Health Agency, Inc.,
Glad Cor., Inc.,
Glamorette Fashions, Inc.,

Glass Sales & Service Co., Inc.,
G L & B Corp.,
Glencrest Builders, Inc.,
Glendale Manor, Inc.,
Glengyle Glenton Mfg. Co.,
Glen Maryland, Inc.,
Glenmore Builders, Inc.,
Glenmore Corporation,
Glen Rob Associates,
Glenside, Inc.,
Glenwood Dairy, Inc.,
Glenwood Tavern, Inc.,
The Glin Corporation,
Global Marketing Service, Inc.,
Globe Consolidating Co., Inc.,
Gloria Horton Realty, Inc.,
Glorianna Aluminum Company,
Glynn Real Estate Agency,
G & M Drywall Construction Co., Inc.,
G M F Corporation,
G M R Builders, Inc.,
G M R, Inc.,
G M S Corporation,
G & N Builders,
Goddess, Inc.,
Godfreys, Inc.,
Goldberg Coat Manufacturing Co., Inc.,
Golden Acres Day Camp of New Jersey, Inc.,
Golden Cue of Denville, Inc.,
Golden Development Corp.,
Golden Girl Hoisery Co., Inc.,
Golden Harp, Inc.,
The Golden Moon, Inc.,
Golden Point Operating Company,
Golden Wheel Creations, Inc.,
Goldfarb, Inc.,
Goldfeins TV & Appliances, Inc.,
Gold Por Corporation,
Gold View Manor Homes, Inc.,
Good Deal Builders Corporation,
Goodie Bakery Shoppe, Inc.,
Goodner Decorators, Inc.,

Gormans Catering Service, Inc.,
Gormans Liquor Stores, Inc.,
Gorovoy Associates,
Gorsen & McCormick Farms, Inc.,
Gorsen & McCormick Frozen Foods Co.,
Gorzelnik Realty Corp.,
Goyia, Inc.,
Gracebrooke, Inc.,
Graceland Management Corporation,
Graefs Service Pharmacy, Inc.,
Grago Realty Co., Inc.,
Grand Chevron,
Grand Chilton Corp.,
Grandview Electric, Inc.,
Grandview Management Corporation,
Grant Auto Sales, Inc.,
Grant Billiard Recreation, Incorporated,
Grant Furniture Stores, Inc.,
Graphic Arts International Corporation,
Graphic Arts Machinists, Inc.,
Grays Food, Inc.,
Grayson List & Co.,
Great Commonwealth Realty Corp.,
Great Eastern Corporation,
Great Eastern Leasing Systems, Inc.,
Great Eastern Printing Co., Inc.,
Greater New Jersey Agency,
Greatway Diner, Inc.,
Grebla, Inc.,
Greeby Elevator Corp.,
Green Bush Films, Inc.,
Green Cleaners, Inc.,
Green Croft,
Greene Holding Corp.,
Green Enterprises, Inc.,
Green Garden Builders, Inc.,
Greenlawn Farms,
Greenlawn Gardens Nursery, Inc.,
Green Pine Construction Co., Inc.,
Green Pond Heights, Inc.,
Green Realty Corp.,
Greenspoon Electric Service, Inc.,

Green State Builders, Inc.,
Greenwich Yacht Company,
Green Willow Stables, Inc.,
Greenwood Acres, Inc.,
Gregg Engineering Co., Inc.,
Gregory Park, No. 1, Inc.,
Grier & Pohli Builders, Inc.,
Griffith Chemical Co.,
Grimeco,
Grimeco Mfg., Inc.,
Grimm Brodder Mfg. Co., Inc.,
Grimsgaard Builders, Inc.,
Grip Lock Golf Glove Co., Inc.,
Griswold Contracting Company,
Grods Discount Center, Inc.,
Group Ten Corporation,
G. Taylor Trucking, Inc.,
G. T. Corp.,
G T M Enterprises, Inc.,
Guardian Enterprises, Inc.,
Guardian Paint & Specialty Company, Inc.,
Gubernat Bros., Inc.,
Guest Dinners, Inc.,
Guide Rite Foundations, Inc.,
Guild Aluminum Products, Inc.,
Gull Reproductions, Inc.,
Gunhill Embroidery Co.,
Gus Coffee Shoppe, Inc.,
Guttenberg Motors,
Guy and Bennies Meat Market,
Guys Auto Exchange, Inc.,
Guys Meat Market, Inc.,
G & V Realty Co., Inc.,
G. W. Oddoux Hotel & Restaurant Corporation,

Habet, Ltd.,
Hackensack Construction Company, Inc.,
Hackensack Dodge, Inc.,
Hackettstown Concrete Corp.,
Haddon Agency, Inc.,
Haddonbrook, Inc.,
The Haddon Company,

Haddon Control Corporation,
Haddon Motor Sales,
Haddon Rambler, Inc.,
Haddon Sewing Center, Inc.,
Hadov & Co., Inc.,
Hagys Imported Cars, Inc.,
Hainesport Construction Co.,
Hajobe, Inc.,
Haleon, Inc.,
Haldor Rent It Distributors, Inc.,
Haled Industries, Inc.,
Hall & Lachenmayr, Inc.,
Hallmark, Inc.,
Halo Paramus, Inc.,
Halo Wigs Corp.,
Halshire Plaza, Inc.,
H. A. Meyers, Inc.,
Hamilton Hairdressers, Inc.,
Hamiltonian at Middlesex,
Hamilton Liquor Co.,
Hamiltons Auto Body, Inc.,
Hamilton Tavern,
Hamilton Two Construction Corp.,
Hamlet, Inc.,
Hammond Halo, Inc.,
Hammonton Blueberry Growers Exchange, Inc.,
Hammonton Quality Beef, Inc.,
Hampshire Associates, Inc.,
Hand Car Wash, Inc.,
Hand Hardware Company, Incorporated,
Hand Holding Co.,
Handra, Inc.,
Hanford Wire Company, Inc.,
Hanover Building Corporation,
Hanover Sweet Shop, Inc.,
Hanover Woodworking Machinery Corp.,
Hans Tobeason, Inc.,
Happy Realty, Inc.,
Harbor Industries, Inc.,
Harbor Terrace Apartments, Inc.,
Haron Corporation,
Hardave Corporation,

Hardenbergh Canetti & Hill,
Harden Garage Company,
Harding Landscape Nursery,
Hardy Building Company, Incorporated,
Hardy Development Company, Incorporated,
Hardys Baby Bar, Inc.,
Hardys Bar & Steak House, Inc.,
H & A Realty, Inc.,
Har Ed Marine Distributors, Inc.,
Harglan Realty Corp.,
Harl Co., Inc.,
Harlene Cosmetics, Inc.,
Harley Builders, Inc.,
Harley & Riddick, Inc.,
Harman Motor Trucks, Inc.,
Harmony Heating and Cooling Systems, Inc.,
Harmony Liquor Stores, Inc.,
Harmony Speedways, Inc.,
Harold F. Koones & Co., Inc.,
Harold Raymond Associates, Inc.,
Harrington Plastics, Inc.,
Harris Auto Body and Refinishing Co., Inc.,
Harris Electric Construction Company,
Harris Newark Motors,
Harrison Baking Company,
Harrison Haulage, Inc.,
Harrison Kinnear, Inc.,
Harrison Sprinkler Systems, Inc.,
Harris Rambler, Inc.,
Harry & Als Dairy,
Harry C. Fadde, Inc.,
Harry Davis, Inc., of New Jersey,
Harry E. Mundy & Sons,
Harry and Marys, Inc.,
Harry Mc Quillan, Inc.,
Harry Weiner, Inc.,
Harstar, Inc.,
The Hart Agency, Inc.,
Hartco Corporation,
Hartford Sweet Shoppe, Inc.,
Harts Boat Yard, Inc.,
Harvi Lease, Inc.,

Harwood Contractors, Inc.,
Harzow Company, Inc.,
Hasbrouck Chemical Company,
H. A. Steinberg Corp.,
Hatch O'Neill Ford, Inc.,
Hat Club,
Havall Refrigeration Supply,
Havana Bakery, Inc.,
Haven Apartments, Inc.,
Havex Corp.,
Hawaiian Bamboo Rattan Furniture Mfg. Corp.,
Hawill Company,
Haworth Homes, Inc.,
Hawthorne Sales Co., Inc.,
Haycramar Investments, Inc.,
Haydu International, Inc.,
Hayes Bridge Servicenter, Inc.,
Hayes Circle Bar & Grill,
H. B. Crume Construction Co., Inc.,
H C H Realty Company,
Head Eze Manufacturing Co., Inc.,
The Health Center & Judo Academy,
Hef Realty, Inc.,
Helarc Enterprises, Inc.,
Helen A. Dietz Company,
Helene, Inc.,
Helen & Franz Star Tavern, Incorporated,
Helm Flying Club, Inc.,
Helvine, Inc.,
Helyar House Association,
Hemlocks Estates, Inc.,
Henny Penny Eggs, Inc.,
Henry J. Weigel, Inc.,
Henrys Diner, Inc.,
Henry Stores, Inc.,
Henry Uhlen, Inc.,
Henry V. Vaughans Son & Co., Inc.,
Henry Williams Trucking Company, Inc.,
Hepner Manufacturing Company,
Herbert Equipment Co., Inc.,
Herbert Truskin, Inc.,
Herbs Trucking, Inc.,

Hercules Traffic Paints, Inc.,
Herel Construction Corp.,
Hermes Corp.,
Herzog Getter, Inc.,
Hesperides, Inc.,
Hess TV of Burlington,
The Hewson Company, Inc.,
Hex Associates, Inc.,
Heyman Lieb, Inc.,
H G H Associates of Weehawken, Inc.,
H G R Sales Co., Inc.,
H & H Excavating Company,
H H K Builders, Inc.,
Hickory Caterers, Inc.,
Hickory Developers, Inc.,
Hickory Run Builders, Inc.,
Hickory Tree Corp.,
Hidden Valley, Inc.,
High Bar Harbor Golf Course, Inc.,
High Bar Harbor Water Co.,
High Boy, Inc.,
High Country Motor Inn, Inc.,
Highland Chemical Company,
Highland Estates, Inc.,
The Highlandia, Inc.,
Highland Inn, Inc.,
The Highlanders of Morris County, No. 2, Inc.,
High Ridge Ranch, Inc.,
High Rise Service Company, Inc.,
High Street Corp.,
Highview Homes,
Hi Hat Lounge, Inc.,
Hilda Meyersville Chatham Enterprises,
Hilite Fashions, Inc.,
Hill City Real Estate, Inc.,
Hillcrest Gardens,
Hillcrest Holding Corporation,
Hillsboro Inn, Inc.,
Hillsdale Camera Center, Inc.,
Hillsdale Homes, Inc.,
Hillside Auto Sales, Inc.,
Hill Terrace Homes Company,

Hilltop Cleaners, Inc.,
Hilmor Sales Company,
Hi Lo Billiards Lounge, Inc.,
Hi Lo Corp.,
Hilton Acres, a Corp. of N. J.,
Hilton Industrial Park, Inc.,
Hil Tronics, Inc.,
Hinsch Confectionery Company,
Hirhn Corporation,
Hi Style Beauty Salon, Inc.,
Hitchner Bros.,
Hi Tred Tire Company,
Hi Way Bargains, Inc.,
Hi Way Pharmacy, Inc.,
H. & J. Hyde, Inc.,
H & K Corporation,
H. K. Scott Painting Co., Inc.,
H. L. Adams and Son, Inc.,
Hlywa Corporation,
H M K Agency, Inc.,
H & M Restaurant & Coffee Shoppe,
H M S Racing Enterprises, Inc.,
Hob Nob, Inc.,
Hoboken Dock Stores, Inc., No. 2,
Hodor of East Orange, Inc.,
Hoffman Advertising, Inc.,
Hoffman Machinery Distributors of New Jersey, Inc.,
Hoffmans Gift & Card Shop,
Hogan Land Company, Inc.,
Ho Ho Kus Park, Inc.,
Holbar Realty Co., Inc.,
Holdens Building & Renovating Co.,
Holiday Bowl Cafe, Inc.,
Holiday Bowl, Inc.,
Holiday House Motel, Inc.,
Holiday Inns of America, Inc.,
Holiday Piece Dye Works, Inc.,
Holiday Trucking Company, Inc.,
Holly Agency, Inc.,
Holly Beach Amusement Co., Inc.,
Holly Estates Realty Co.,
Holly Loan Company, Inc.,

Holly Manor, Inc.,
Holran Silver Smith Associates, Inc.,
Holton Construction, Inc.,
Holyoke Crescent Dyeing Corp.,
Home Building Associates,
Home and Business Finance Service, Inc.,
Home by Sheldon,
Home & Commercial Agency, Inc.,
Home & Commercial Mortgage Co.,
Home Diathermy Co., Inc.,
Homefinder Agency,
Home Flouridation Corp.,
Home Food Service, Inc.,
Home Furniture Co. of N. J.,
Homeland Real Estate, Inc.,
Homemakers Digest,
Homemaster Corporation of New Jersey,
Home Owners Building Supply, Inc.,
Home Owners Trade in Co., Inc.,
Homes by York, Inc.,
Home Shelters, Inc.,
Homestead Electric,
Homestead Inn,
Home Town Motors, Inc.,
Homewood, Inc.,
Honest Johns Distributors, Inc.,
H O N Metropolitan Area Corp.,
The Honor Cup Corp.,
Hoover Service Corp.,
Hopatecong Lumber Plumbing and Building Supply Corporation,
Hopkins Hill & Company, Inc.,
Horak Realty Co.,
Hospital & Institutional Services, Inc.,
Hospital Safety Designs, Inc.,
Hotel Commodore, Inc.,
Hotel East Orange, Inc.,
Hotel Montauk, Inc.,
Hotel Motel Furniture Company,
House of Billiards, Inc.,
House of Distinction, Inc.,
The House of Fine Music, Inc.,
Household Appliances Corporation,

Household Improvement Company,
House of Tile, Inc.,
Housewives Laundromat, Inc.,
Howard Service, Inc.,
Howell Sun Club, Inc.,
How Gar, Inc.,
Howies Wines & Liquors,
H & R Engraving Specialties, Inc.,
Hric Associates, Inc.,
H. Russell Spinning & Stamping Co., Inc.,
H. Smith Holding Co., Inc.,
H & S Painters, Inc.,
Hu Dik Advertising Service, Inc.,
Hudson Compact, Inc.,
Hudson County Lanes,
Hudson Protection Agency,
Hudson Sales, Inc.,
Hudson Transportation Company,
Huebel Mfg. Co., Inc.,
Huguenot Hills, Inc.,
Hull Holding Company, Inc.,
Hunterdon Company,
Hunterdon Delaware Realty, Inc.,
Hunterdon Homes, Inc.,
The Hut,
Hutzler Mfg. Co., Inc., of N. J.,
H V W Foods, Inc.,
H. Walsky Construction Corporation,
H. William Hanson, Inc.,
Hyal Realty Company,
Hydro Cel, Inc.,
Hydro Clay Basement Water Proofing Corp.,
Hy Frank Construction, Inc.,
Hy Grade Felt & Batting Co., Inc.,
Hygrade Pretzel Exchange, Inc.,
Hy Par Building Corp.,
Hy Par Land Corp.,
Hys Nitespot, Inc.,
Hy Way Sweet Shop,

I & A Builders, Inc.,
I. Bloom and Sons, Incorporated,

I B M Caterers, Inc.,
Iceland Toys of Lodi, Inc.,
Idadot Corporation,
Ideal Agency, Inc.,
Ideal Associates, Inc.,
Ideal Fix It Service, Inc.,
Ideas & Products, Inc.,
I F S Company, Inc.,
Iglemont Publications, Inc.,
I & H Construction Co., Inc.,
I H O P 46 3,
I H O P No. 46 4,
I J W, Inc.,
Ilventos Farm, Inc.,
Imperial Crown Corporation,
Imperial Food Industries, Inc.,
Imperial Hose Manufacturing Corp.,
Imperial Knights,
Imperial Realty Co.,
Imperial Storage Company, Inc.,
Imperial Storage, Inc.,
Imported Auto Parts, Inc.,
Incofog, Inc.,
Independent Traffic Association,
Indian Park Estates, Inc.,
Indian Pizzeria,
Indoor Comfort Control, Inc.,
Industrial Engineering & Contracting Corp.,
Industrial Investment Corp.,
Industrial Plastic Coating Corporation,
Industrial Terminal, Inc.,
Industries Oil Corp.,
Infloex, Inc.,
Ink Corporation of America,
Inman Associates,
The Inquiry & Adjustment Bureau, Inc.,
Insel Meyer Services, Inc.,
Insinga, Inc.,
Instant Crete Corp.,
Institute of Applied Fine Arts,
Institutional Electronics Corporation,
Instore Service, Inc.,

Insula, Inc.,
Insulated Masterkraft Sidings, Inc.,
Insulators, Inc.,
Interboro Transportation Co.,
Inter Com., Inc.,
International Telephone Corporation,
Inter County Truck Rental Co.,
International Astrodyne, Inc.,
International Biochemical Reduction Corp.,
International Cargo Corporation of America,
International Circuit Corp.,
International Communications Corporation,
International Driveway Service, Inc.,
International Graphic Company, Inc.,
International Seating Corporation,
International Technical Service Corporation,
The International Travellers Club,
International Vending Corporation,
International of Wayne,
International Wines, Inc.,
Interstate Fire Equipment Corporation,
Interstate Limousine Service, Inc.,
Interstate Optical Corp.,
Inter State Service Organization, Inc.,
Intransit Terminals Corporation,
Invengineering, Inc.,
Investors Management Corporation, Inc.,
Invincible Metropolitan Area Corp.,
Ionic International Sales, Inc.,
I O O F Hall Association of Carteret,
Ir Chall Associates, Inc.,
Ired Sound, Inc.,
Irene of Glenton Sales Corp.,
Irish Homes, Inc.,
Irnel Realty Corp.,
Iroquois Builders, Inc.,
Irving's Spot, Inc.,
Irvington Elks Holding Company,
Iselin Gardens, Inc.,
Iselin Laundermat, Inc.,
The Island Shop, Inc.,
Island View Company,

Israel Memorials, Inc.,
Italian Chef Food Specialties, Inc.,
Italian Villa Restaurant,
Izaak Walton, Inc.,
Izzys New Village Cafe, Inc.,

Jab Dask, Inc.,
Jabet, Inc.,
Jac Dun, Inc.,
Jace Realty Co., Inc.,
Jack Colon Realty Corp.,
Jack Garrett, Inc.,
Jack Hoffman, Inc.,
Jacks Auto Parts, Inc.,
Jackson Furniture and Appliance Company, Inc.,
Jackson Novelties, Inc.,
Jackson Transit Company,
Jacks Royal Scarlet Store, Inc.,
Jacob Rubinoff Co.,
Jacobs Sportswear Co.,
Jacrealco,
Jacuzzi Whirlpool Bath of North Jersey, Inc.,
J A D Company,
Jade, Inc.,
Jaguar Construction Company,
Jaguar Enterprises Co., Inc.,
J & A Holding Company,
J A, Inc.,
Jajoanlee Corp.,
Jalaur, Inc.,
Jalm Realty Corp.,
Jamaica Room, Inc.,
Jamboy Corporation,
James B. Edwards & Co.,
James Evans Parking Lot, Inc.,
James Fall Out Shelter, Inc.,
James Gennaro & Sons, Inc.,
James H. Oeste Land Development Co., Inc.,
James Paint and Allied Products, Inc.,
James Studio, Inc.,
Jamie Fashions, Inc.,
Jamor Construction Co., Inc.,

Janbar Corp.,
Jancik Operating Company,
Jane Real Estate Company,
Janileen Realty Co.,
Jan Morrow Corporation,
Janney Outdoor Advertising Corporation,
Jano Construction Corp.,
Janott Realty Company,
Jan Pam, Inc.,
Jans, Inc.,
Janus Company,
Janus Realty Co., Inc.,
Jaquil Clothing Mfg., Inc.,
Jardo Contractors, Inc.,
Jarkay Corp., Inc.,
J. Armaniacco, Inc.,
Jatco Chemicals, Inc.,
Jay Bee Homes, Inc.,
The Jay Bird,
Jay Cee Sportswear, Inc.,
Jayce Realty Co.,
Jaycind, Inc.,
Jaydee Realty Co., Inc.,
Jay Kay Enterprises, Incorporated,
Jaymar Realty Co.,
Jayne Manufacturing Co.,
The Jayne Williams Company, Inc.,
Jay Stephen, Inc.,
Jay Victor & Associates, Inc.,
Jay Wye, Inc.,
J B Associates, Inc.,
J B J Corporation,
J B J Realty, Inc.,
J. Blacks, Inc.,
JBR, Inc.,
J. C. Home Improvement Corporation,
J. David Burton, Inc.,
J D M Associates,
J D N B, Inc.,
J D P Masonry,
J D Trading Co., Inc.,
Jean Ireland, Inc.,

Jeanmort Realty Corp.,
Jeb Builders, Inc.,
Jeb Co., Inc.,
Jefferson Amusement Company,
Jefferson Scientific Co.,
Jeff More Construction Co., Inc.,
Jeffrey Realty, Inc.,
Jefton Enterprises, Inc.,
Jelf Company,
J. E. Linde Paper Company,
Jellco Products Co.,
Jelo Realty Corp.,
Jem Custom Record Mfg. Corp.,
Jennies Cafe,
Jerdel Masonry Contractors, Inc.,
Jernesday Realty Co., Inc.,
Jerome Corp.,
Jerome Industrial Enterprises, Inc.,
Jerome Robbins, Inc.,
Jerry Clapp, Inc.,
Jerry Diamond, Incorporated,
Jerrys Giant Submarine Sandwiches, Inc.,
Jerry Sheehan, Inc.,
Jersey Aggregates,
Jersey Automatic Transmissions, Inc.,
Jersey Bayshore Builders, Inc.,
Jersey Branch Farmers Cooperative Marketing Association,
Jersey Cheese Stores, Inc.,
Jersey City Auto Wreckers, Inc.,
Jersey City Holding Co.,
Jersey City Storage Battery Company,
Jersey Construction Sales Associates, Inc.,
Jersey Giants Football Club, Inc.,
Jersey Hosiery Dye Corporation,
Jersey Joe Walcott Finance Co.,
Jersey Mail Agency, Inc.,
Jersey Offset, Inc.,
Jersey Sea Skiff, Inc.,
Jersey Shore Shopping Center, Inc.,
Jersey Sure Stop Brake Shops, Inc.,
Jet Lands, Incorporated,
Jett Dress Shoppe,

Jewelry Concessions, Inc.,
J & F Auto Body Corp.,
J & F Co., Inc.,
J. F. Lane Building Corporation,
J F L Holding Co., Inc.,
J F S Corp.,
J. F. Zucker Co., Inc.,
J & G Associates,
J & G Shoppes, Inc.,
J. Guarino Builders, Inc.,
J H C, Inc.,
J. Howell Trucking Co.,
J & H Welding Co., Inc.,
Jiffy Construction Co.,
Jimann Holding Co., Inc.,
Jim Gabriel & Sons, Inc.,
Ji Rich Realty Corp.,
Jive Shack Bar,
J & J Auto Equipment and Machine, Inc.,
J & J Homes, Inc.,
J. & J. Mc Mahon Agency,
J. & J. Oliverira Mason Corp.,
J J R, Inc.,
J K G Restaurant Corp.,
J. Kissak & Co., Inc.,
J & K Realty, Inc.,
J & L Craft Builders, Inc.,
J. L. Knight Cab Corp.,
J. M. Byrne, Jr., and Company,
J M C Builders, Inc.,
J M F Corporation,
J & M Hotel Corp.,
J. M. Morehouse Mailing Service, Inc.,
J. M. Morehouse Printing Co., Inc.,
J M T Corporation,
J M Transportation Company, Inc.,
J. M. Waitts, Inc.,
J & N Corporation,
Jno Phyfe Cabinets, Inc.,
J N Realty Corp.,
Joann Realty Co.,
Jobar Chemicals, Inc.,

Joca Development Corp.,
Jochim Realty Co., Inc.,
Joden Builders, Inc.,
Jodie Fashions, Inc.,
Joe DS Blue Moon, Inc.,
Joe Goldstein Company, Inc.,
Joe H. Bailey, Inc.,
Joejack, Inc.,
Joes Diner, Inc.,
John A. Sarubbi,
John Bellizia & Son, Inc.,
John Belluardo Golf Studio, Inc.,
John Burns, Inc.,
John D. Corp.,
John Esposito Sons, Inc.,
John Gillan Plumbing and Heating, Inc.,
John Glen Estates, Inc.,
John J. Harold Realty Co.,
John Macaluso, Inc.,
The John M. Oliphant Corporation,
Johnnys Trucking, Inc.,
John Obie Auto Sales, Inc.,
John P. Crerand Industrial Engineering Co.,
John P. Garrison, Inc.,
John Robert Powers Schools of New Jersey, Incorporated,
Johnsen Design Service, Inc.,
Johnsons Fair, Inc.,
Johnsons Floor Waxing & Maintenance Service, Inc.,
Johnson Thomas & Company,
John W. Oppelaar & Son, Inc.,
Jo Jak Mason Co.,
Jo Jos. Lounge & Restaurant, Inc.,
Jo L. Dot Laundro Kleen Corp.,
Joleo Corporation, Inc.,
Joli Realty & Investment Corp., Inc.,
Joman Trucking Corp.,
Jomar Investments, Inc.,
Jo Mike Hotel Corp.,
Jonathan Construction Corporation,
Jonathan Enterprises, Inc.,
Joncor Corporation,
Jonel Products Company, Inc.,

Jonemun Corp.,
The Jones Porter Instrument Company,
Jonhar Corporation,
Jonmac Construction Corp.,
Jonna Music, Inc.,
Jon Realty Corporation,
Jo Pat Ter Enterprises, Inc.,
Jordan Construction Co., Inc.,
Jord, Inc.,
Jorose Club, Inc.,
Josam Agency, Inc.,
Joseph Diamond Co.,
Joseph Di Chiara Plumbing and Heating, Inc.,
Joseph Hausbach Leasing Corp.,
Joseph Hynes, Inc.,
Joseph and Jane Corp.,
Jos. J. Pacelli and Company, Incorporated,
Joseph Lande & Son, Inc.,
Joseph Logando and Sons Trucking Company, Inc.,
Jos. Schenkel, Inc.,
Josephs, Inc.,
Joseph T. Caulfield, Inc.,
Joseph Varbalon Realty Co.,
Joseph Weiser, Inc.,
Jones Modern Furniture, Inc.,
Josetta Investment Co.,
Journal Square Coffee Shop, Inc.,
Journal Square Home, Inc.,
J P Associates, Inc.,
J. Pastor, Inc.,
J P Foods, Inc.,
J P G Corporation,
J. P. Howell & Company, Inc.,
J Press, Inc.,
J & R Embroidery Works,
J. R. White Construction Co.,
J S K Co., Inc.,
J. S. King Trucking, Inc.,
J. Soares Construction Corp.,
J. S. Rowe Associates, Inc.,
J & T Coat Co.,
J T Corporation,

J. T. Ross of New Jersey, Inc.,
J T V Corporation,
Judelan Company, Inc.,
Judko Sales, Inc.,
Jud Mar Realty,
Judo Centers, Inc.,
Judo Lock Box Corporation,
Jules Tap Room,
Jumping Jack, Inc.,
June & Andys Lounge, Inc.,
Junior Footwear,
Juniorland, Inc.,
Juniors Fine Foods, Inc.,
J. V. De Palma, Inc.,
J. Voorhees, Inc.,

Kaber Builders,
Kafer Realty Co.,
Kaga Corp.,
Ka Go Corporation,
Kahl Electro Parts, Inc.,
Kahn Girl Coat, Inc.,
Kalaaur Corp.,
Kalbern, Inc.,
Kalff & Kalff, Inc.,
Kamp Bakeries, Inc.,
Kampel Motors, Inc.,
Kapa, Inc.,
Karen Holding Company,
Karin Lace Mills, Inc.,
Karlant Homes, Inc.,
Karls Diner,
Karl Voss Corporation,
Karols Tavern,
Kary Advertising Associates, Inc.,
Kath Hug Company, Inc.,
Kay Dee Distributors, Inc.,
Kay Provision Corp.,
Kays Amusement Corporation,
Kayser Lane Corp.,
K & B, Inc.,
K B K Embroidery Co.,

Kearney & Waters Realty Co.,
Keasbey Marine Corporation,
Keaton Plastics, Inc.,
Kedi Corporation,
Kelly Beverages,
The Kelly House,
Kellys Spot,
Kelmar Dress, Inc.,
Kemiko Manufacturing Co.,
Kemro Corporation,
Ken Ap Corp.,
Kendall Tavern, Inc.,
Kened Co., Inc.,
Kenilworth Cranford Realty Corporation,
Kenilworth Lakes, Inc.,
Kenmore Washer Service Corp.,
Ken Mur Corporation,
Kennedy Towers, Inc.,
Kenneth Kline, Inc.,
Kenray Building Supply Co., Inc.,
Kenrec, Inc.,
Kent Imports, Inc.,
Kent Investment Corp.,
Kent Oil, Inc.,
Kentucky Stores, Inc.,
Kenwick Transfer & Storage Co.,
Kenya Sales, Inc.,
Kepco Mfg. Co.,
Kerco, Inc.,
Key Girls & Key Men, Inc.,
Key Oil Co.,
Keyport Office Supplies,
Keyport Plaza, Inc.,
Key Service, Inc.,
Keystone Construction Company, Inc.,
Keystone Office Supply, Inc.,
K & F Construction Company, Inc.,
K F G Corp.,
K & G Fabrics, Inc.,
Khins, Inc.,
Kiewell, Inc.,
Kikos Self Service Market, Inc.,

Kilbourne Air Conditioning, Inc.,
Kilmer Periodicals, Inc.,
Kilmer Transportation,
Kim Cam, Inc.,
Kimlo Realty Corporation,
Kim Trucking Corporation,
King Construction Corp.,
King Shaw Dance Studios, Inc.,
Kings Korner,
Kings Lawn Mower & Engine Service,
Kings Roost, Inc.,
Kingston Corp., Inc.,
Kings T V, Inc.,
Kingsway Plumbing Supply, Inc.,
The Kinney Rest Home of N. J.,
Kipperly Realty Corporation,
K. J. Troy, Ltd., Inc.,
KKH Corporation,
Klaygar Company, Inc.,
Kleenomat Corporation, Inc.,
Klepesch Malavarca & Wolf Associates, Inc.,
Klik Shoes, Inc.,
K Line Industries, Inc.,
Kline and Owens, Inc.,
KLM Corporation,
Klotzers, Inc.,
K & M Embroidery Co.,
K & M Packing Corp.,
K & N Contracting Corporation,
Kneadlers Shore Hotel, Inc.,
Knickwood Co.,
Knight Construction Company,
The Knights Table,
Knollcroft Homes Co., Inc.,
Kob Realty Company,
Kohan Petroleum Enterprises,
Konefal Construction Co.,
Korbel Corporation,
Ko Sac, Inc.,
Kowanna Realty Co., Inc.,
Kram Cab Corporation,
Kramer Pants Manufacturing Co., Inc.,

Krefsky Gutherz, Inc.,
Krichman Fur Shop, Inc.,
Krisanne Corp.,
K R L Corporation,
K R M Industries, Inc.,
K R Painting, Inc.,
Krueger Associates, Inc.,
K and S Bar & Grill, Inc.,
K. Shuey, Inc.,
Kull Construction Co.,
Kullich Trucking Corp.,
Kurian Builders, Inc.,
K W Engineering & Manufacturing Company,
Kwik Way Services, Inc.,
K. Yonowitz, Inc.,

La Bruno Sheet Metal Works,
Lacey Luci, Inc.,
Laclair Shoppes, Inc.,
Ladies Specialties, Inc.,
Lady Blanche, Inc.,
Lafayette Dresses, Inc.,
Lafayette Frocks, Inc.,
La Fayette Institute,
Lafayette Iron Works, Inc.,
Lafayette Manor,
Lafayette Mortgage Corporation,
La Fera Disposal Co., Inc.,
Laffler Enterprises, Inc.,
Lake Construction Company, Inc.,
Lake Corp.,
Lake James, Inc.,
Lake Lenape Corporation,
Lake Lumber, Inc.,
Lake Region Lumber & Fuel Co.,
Lakeside News & Advertising Co.,
Lakeside Park, Incorporated,
Lake Tranquility Hills, Inc.,
Lakeview Manufacturing, Inc.,
Lakewood Arms, Inc.,
Lakewood Hotels Corporation,
Lakewood Majestic Hotel, Inc.,

Lakewood Shopping Plaza, Inc.,
Lakewoods One Hour Valet, Inc.,
Lako, Inc.,
Lal Construction Co.,
Lameg, Inc.,
La Mode Dress Factory, Inc.,
Lamp Life, Inc.,
Lancaster Construction Co.,
Lance Homes, Inc.,
Land Development Co.,
Land and Ground Realty, Inc.,
Landis, Inc.,
Land Manufacturing Company,
Landscape Supply Co.,
Lantin Corp.,
La Porte Industries, Inc.,
Larbar, Inc.,
Larchmont Corporation,
Larry & Company,
Larser Publishing Co.,
La Sabre Realty, Inc.,
Laskey Brothers, Inc.,
Last Stop Tavern, Inc.,
Late Corporation,
Lathrops Fabric Mart, Inc.,
Lat Realty Corp.,
Launch Haven Inn, Inc.,
The Launderwell Service Corp.,
Laurel Estates, Inc.,
Laurel Home Improvement Company,
Laurel Nurseries, Inc.,
Laurie Construction Co.,
Laurie Shoe Company, Inc.,
Laurma Realty Co.,
Laurolan, Inc.,
Lawn Electronics Corporation,
Lawnside Construction Co., Inc.,
Lawns, Inc.,
Lawrence Estates, Inc.,
Lawrence Feed Co., Inc.,
Lawrence Jepson and Co., Inc.,
Lawrence Leather Corporation,

Lawrence Realty Corp.,
Lawson Oil Co., Inc.,
Lawyers Courier Service,
Layton Estates, Inc.,
L & B Associates, Inc.,
L & B Construction Co.,
L B Investment Corporation,
L B I Realty, Inc.,
L & B Painting & Decorating Co., Inc.,
L & D Builders, Inc.,
Leader Publishing Co.,
Leasing by Richards,
Lebern Enterprises, Inc.,
Le Bog Realty Co.,
Lebro Construction Company,
Lectro Lite Corporation,
L E D S, Inc.,
Lee Bern Dress Corp.,
Lee Crest, Inc.,
Lee E. Gessner & Sons of New Jersey, Inc.,
Lee Fish Enterprises, Inc.,
Lee Shirl, Inc.,
Lee Shoe Repair, Inc.,
Lee Wayne Corporation,
Le Gold Realty Corp.,
Legow Management Company,
Legra Realty Corp.,
Lehan, Inc.,
Lehigh Factors,
Lehigh Valley Trucking Corp.,
Leifer Asociates, Inc.,
Leif Properties, Inc.,
Leland Theatre Co.,
Lemad Realty Corp.,
Lemtle Enterprises,
Lence Lodi Lanes, Inc.,
Lenhur Corporation,
Len Lad Corp.,
Lenox Roofing & Siding Co., Inc.,
Len Ray Enterprises, Inc.,
Leonard D. Nicoletti, Inc.,
Leonard W. Garner, Inc.,

Leonetti Construction Co.,
Leonore Realty Co.,
Leons Jewelry, Inc.,
Lepak Builders, Inc.,
Leskay Corp.,
Leslie Electric Co., Inc.,
Lestop, Inc.,
Lestourgeon, Inc.,
Lets Go Boating,
Leveline Construction Co.,
Levines Half Size Shops,
Levittown Hardware,
Lewel, Inc.,
Lewenec and Linzer, Inc.,
Lewis Construction Co.,
Lewis & Trubee, Inc.,
LFC Agencies, Inc.,
L & G Finishing Corp.,
L G L, Inc.,
L H F Realty Corp.,
Libby Bus Company, Inc.,
Liberty Acres, Inc.,
Liberty Diner, Inc.,
Liberty Office Supply Corp.,
Liberty Stone Company, Inc.,
Lido Arms Restaurant, Inc.,
Lido Shoes,
Life Lease, Inc.,
Life Saver Alarm Co.,
Lifetime Eastern Warehouse, Inc.,
Lifetyme Portraits, Inc.,
Light Blue Enterprises, Inc.,
Lighthouse Construction Co.,
Lighting Discount Center, Inc.,
Lightolux Mfg. Corp.,
Liljean, Inc.,
Lily Lace & Embroidery Co., Inc.,
Lime Waterproofing, Inc.,
Line Company,
Linco Construction, Inc.,
Lincoln Associates, Inc.,
Lincoln Automobile and Repair Company,

Lincoln Blue Print Company, Inc.,
Lincoln Homes, Inc.,
Lincoln Inn,
Lincoln Metal Products Corp.,
Lincoln Motors Co.,
Lincoln Park Estates, Inc.,
Lincoln Record Hop, Inc.,
Lincolnshire Co.,
Lincroft Waxing and Maintenance Services, Inc.,
Lindenwold Arms Apts.,
Lindstrom Bros., Inc.,
Linens of the Week, Inc.,
Lin Essex Avenue Corporation,
Linio Holding Corporation, Inc.,
Linmars, Inc.,
Linn Realty Co.,
Linwal, Inc.,
Linwood French Pastry Shop,
Lipari Realty Corporation,
Lipski Development Company,
The Lipstein Agency, Inc.,
Liquor Products Development Co.,
Lisam Realty Corp.,
Lisandi Construction Co., Inc.,
Lithocraft, Inc.,
The Little Doll, Inc.,
The Little Food Shops,
Little Friendship Bus Co., Inc.,
Little Jos., Inc.,
The Little Roes Tavern,
L B J Corporation,
L. Klobertanz, Inc.,
L. Kreisle, Inc.,
L L & M, Inc.,
L. L. Taylor Funeral Home, Inc.,
L & M Associates, Inc.,
L & M Bindery Company, Inc.,
L M C Realty Co.,
L. Meyer and Company,
L & M Knitting Mills, Inc.,
L & M Meat Market,
L and M Service Station, Inc.,

L & N Co., Inc.,
Lobosco and Ferro, Inc.,
Local Plumbing & Heating Co.,
Lock Rite Aluminum Company,
Lodi Barlane, Inc.,
The Lofrasa, Inc.,
Lohmans,
Lokker Builders, Inc.,
Lomar Sales and Distributors of New Jersey, Inc.,
Lombardo Car Wash, Inc.,
London Galleries,
Lonette Fashions, Inc.,
Long Beach Island Realtors Multiple Listing System, Inc.,
Long Branch Furniture Co., Inc.,
Long Dip, Inc.,
Long Valley Heights, Inc.,
Longview Development Company,
Longview, Inc.,
Looking Glass Coiffures,
The Look Optical Mfg. Corp.,
Loop Billiard Lounge, Inc.,
Lope Bar, Inc.,
Lopshire & Page Associates, Inc.,
Loran Realty Corp.,
Lord Robinson, Incorporated,
Lorelei Records, Incorporated,
Lorenzo Oil Company,
Lori Coffee Shop, Inc.,
Lord, Inc.,
Lou Angelo Sales Co., Inc.,
Louis A. Nelson, Inc.,
Louis Dress Suits, Inc.,
Louis Scott Wigs, Inc.,
Louis Fashek, Inc.,
Louis J. Duca Homes, Inc.,
Louis S. Fugazzi, Inc.,
Louis Weiner Formal Wear, Inc.,
Lou Mac, Inc.,
Lou Nes, Inc.,
The Lounge Bar and Restaurant, Inc.,
Loupetron, Inc.,
Lous Diner, Inc.,

Lo Vuolo & Schafer, Inc.,
Lowe Donald & Co., Inc.,
Lowes Tavern, Inc.,
Lows Liquor, Inc.,
L. Ritter, Ltd.,
L. R. Paterson Construction Co.,
L & S Hotels, Inc.,
Lual, Incorporated,
Lu Anne, Inc.,
The Lubal Corporation,
Lucas Construction Company,
Lucile Fashions, Inc.,
Luckys Pancake Lounge, Inc.,
The Luddington Corporation,
Lu Dom, Inc.,
Lu Les Embroidery Corporation,
Lumar Corp.,
Luna Stix, Inc.,
Lupos Terminal Bar and Grill, Inc.,
Lurias Trenton, Inc.,
Lurkis Furs, Inc.,
Luther Young Builders, Inc.,
L V C Construction Co., Inc.,
L. W. Evans Construction Co., Inc.,
L. W. Evans & Son Holding Company, Incorporated,
Lynch Bros., Inc.,
Lynch Novelties, Inc.,
Lyncrest Homes, Inc.,
Lyndado Corporation,
Lynds Investment Corporation,
Lynn Brook Estates, Inc.,
Lynn Jeffrey, Inc.,
Lyn Ryan Liquor Store,
Lyons Equity and Abstract Co.,
Lyons Investment Corp.,
Lyons Mortgage Company,
Lyru Corporation,

Macbet Rubber Co., Inc.,
Machinery Rental Co.,
Macks Luncheonette,
Mac Nammaras Cafe, Inc.,

Macris Realty Corp.,
Mme A. Varians De Luxe Cleaners & Dyers, Inc.,
Madel Realty Co.,
Madison Hill Realty Agency,
Madison Lewis, Inc.,
Magic Knitwear Corp.,
Magic Wash, Inc.,
Magiocca Corp.,
Magmat Construction Co., Inc.,
Magnalarm Corp.,
Magnetic Recording Co.,
Magnolia Holding Corp.,
Mahoney Teletronic Laboratories, Inc.,
Main Lee Luncheonette,
Main Line South, Inc.,
Main Linoleum Company,
Main Lumber Company, Inc.,
M A J Corp.,
Majestic Building Company,
Major Oil and Coal Co.,
Majukaro, Inc.,
Makal Corp. of Camden,
Make Trucking Corp.,
Mak Manufacturing Corporation,
Mal Des Realty Corp.,
Malibu Construction Corp.,
Malzone Sports, Inc.,
Managed Investments & Diversified Enterprises Corp.,
Managers, Inc.,
Manasquan Manor, Inc.,
Manasquan Rest Home, Inc.,
Manco Realty Corp.,
Mancuso River Road Corp.,
Mangieris, Inc.,
Manhattan Distributors, Inc.,
Manlake Shopping Center, Inc.,
Mansell Bumper Corp.,
Manville Boiler Co., Inc.,
Manville Sportswear, Inc.,
Maple Crest Estates,
Maple Holding Corporation,
Maple Wine & Liquors, Inc.,

Maplewood Auto Sales Corp.,
Marambo, Inc.,
Marban Industries, Inc.,
Marberne Development Corp.,
Marble Craft Enterprises, Inc.,
Marblend Industries,
Mar Blue Enterprises,
Marcar Corp.,
Marce Enterprises, Inc.,
Marci Estates, Inc.,
Marco Provision Co., Inc.,
Marcorpat, Inc.,
Marcraft Custom Homes,
Mar Don Publishers, Inc.,
Mar Fine Construction, Inc.,
Marfre Corp.,
Margaret James Beauty Salon, Inc.,
Margate Professional Building,
Margate Towers, Inc.,
Marglo Builders, Inc.,
Marglo, Inc.,
Margolin Realty Corp.,
Margolis Stationery Corp.,
Marianna Realty Co., Inc.,
Marianne Estates, Inc.,
Marianne Fashions, Inc.,
Marich Construction, Inc.,
Maric Realty Corp.,
Marida Building Co., Inc.,
Marika Construction Co., Inc.,
Marine Acceptance Corporation,
Marine Chemical Corporation,
Marine Closures, Inc.,
Marine Forwarding, Inc.,
Marine Handling Corporation of Edgewater,
Marine Hauling & Construction Co., Inc.,
Marino Bros.,
Mario Construction Company,
Marion Yacht Rentals, Inc.,
Marios Restaurant, Inc.,
Maritime Enterprises, Inc.,
Mar Jen Development Co.,

Marjo Builders, Inc.,
Marjonby Corp., Inc.,
Markay Billiard Emporium, Inc.,
Markem Corporation,
Market Associates, Ltd.,
Market Display, Incorporated,
Marketing Industries, Inc.,
Mark Fore & Strike of New Jersey, Inc.,
Mark V,
Marlac Construction Co.,
Marlboro Land Corp., Inc.,
Marlboro Manalapan Corporation,
Marlee Holding Co.,
Marlee Industries, Inc.,
Marlo Asphalt Company, Inc.,
Marlton General Hardware,
Marmat Corporation,
Mar Motors,
Marnett, Inc.,
Marnick Realty Company,
Marold Corp.,
Marshalls Sweet Shop, Inc.,
Marsh Associates,
Marso Sportswear, Inc.,
Marten Norton Beauty Shops, Inc.,
Martensite Corporation,
Mart Hall Corporation,
Martines Restaurant,
Martin Faren, Inc.,
Martin F. Beck, Inc.,
Martinho Bros. Construction Corp.,
Martin J. Heppinstill, Inc.,
Martin Lucarelli, Inc.,
Martino & Martino, Inc.,
Martin Pharmacy of Pompton Plains, Inc.,
Martins New Silver Dollar, Inc.,
Martinu Cleaning and Dyeing Corporation,
Martone Bros. Corporation Co.,
Martsal, Inc.,
Martys Bakery, Inc.,
Marvel Plant Products, Inc.,
Marvil Homes, Inc.,

Marvin D. Schachter Company, Inc.,
Marwood Contracting Company,
Mary Beth, Incorporated,
Mary Donnas,
Mary Ed Corp.,
Mary F. Frawley, Inc.,
Mary Louise Holding Co.,
Marzik Corp.,
Mase Mountain Diner,
Masi Contracting Company, Inc.,
Masla Development Corporation,
Mason All Chemicals, Inc.,
Mason & Mueller, Inc.,
Maspeth Tanning Co., Inc.,
Massimino & Cologna, Inc.,
Massi Music Corporation,
Mastal Printers, Inc.,
Masters Jersey, Inc.,
Matador Construction Co., Inc.,
Matawan Auto Supply, Inc.,
Match Imports, Inc.,
Material Techniques, Incorporated,
Matira Realty, Inc.,
Matrix Controls Company,
Matson Brothers, Inc.,
Matsumoto International of New York, Ltd.,
Matthias Realty Company, Inc.,
Mattias Luncheonette,
Matt & Jims, Inc.,
Mattys Tavern, Inc.,
Maurave, Inc.,
Max's Kosher Delicatessen & Appetizers, Inc.,
Max's Underwater Shop, Inc.,
Mayann Gardens, Inc.,
Mayburn Knitting Mills Corp.,
May Electric Co.,
Mayfair Estates, Inc.,
Mayfair Refrigeration Service Corp.,
Mayflower Plymouth, Inc.,
Mayflower Spa, Inc.,
Maynard Managements, Inc.,
May Realty Corp.,

Mayview Realty Corp.,
Mazza Beauty Shop, Inc.,
The M. Blatt Co.,
MBR Construction Corporation,
McAllister Holding Corp.,
Mc Avoy Metal Company,
McDonnells Bar, Inc.,
McCoys Shoes, Inc.,
McCracken Realty, Inc.,
McEvoys Men Shop, Inc.,
McGeehans,
Mc Govern Enterprises, Inc.,
McGowens Holding Co., Inc.,
Mc Henry and Company,
McKee City Dress Co., Inc.,
McKinley Equipment Co.,
McMahon Distributing Corp.,
M. & C. Mason and Building Co.,
Mc Neil Homes, Inc.,
Mc Nulty Ordnance Corp.,
Mc Pherson Operators, Inc.,
McPherson Realty Company,
M. C. Royal Spas, Inc.,
M & C Trucking Co., Inc.,
Meadow Brook Stock Farms, Inc.,
Meadow Green Nurseries, Inc.,
Meadow Homes, Inc.,
Meat Land, Inc.,
Meats N Treats, Inc.,
Meat Specialists, Inc.,
Mecca Farms,
Meccas Lamp Shade Co.,
Mechanics, Incorporated,
Mechatron Controls, Inc.,
Medical Arts Pharmacy, Inc.,
Medical & Professional Building of Jackson, N. J., Inc.,
Medical Sales Co., Inc.,
Megas Enterprises, Inc.,
M & E Jewelry, Inc.,
Melamine Dinnerware, Inc.,
Mel Fer, Inc.,
Melinis Started Pullets, Inc.,

Melody Builders, Inc.,
Melody Lounge, Inc.,
Melsam Construction Co.,
Melstan,
Melville H. Lyman, Inc.,
Melvina Realty Company,
Mema Company, Inc.,
Memorial Arts, Inc.,
Menlo Park Barber Shop, Inc.,
Menlo Park Disposal Service,
Mercer Aluminum Products, Inc.,
Merchandise World of Cherry Hill, Inc.,
Mercury Construction Co., Inc.,
Mercury Equipment & Repair, Inc.,
Mercury Investment Company,
Mergers & Acquisitions, Inc.,
Merion Inn, Inc.,
Merit Chemical Co., Inc.,
Merit Manufacturing Company,
Merit Mortgage Refinance Corp.,
Mermaid Manor,
Merz Corporation,
M E S H Realty Corp.,
Metal Creations, Inc.,
Metal Machining Co., Inc.,
Metal Made Products Co., Inc.,
Metals Joining Corporation,
Metedeconk Dock & Timber Co., Inc.,
Metro Instrument Labs, Inc.,
Metropolitan Agency, Inc.,
Metropolitan Auditing System, Inc.,
Metropolitan Auto & Truck Rental, Inc.,
Metropolitan Dispensers, Inc.,
Metropolitan Fats and Oils, Inc.,
Metropolitan Gibraltar Building Corp.,
Metropolitan Industrial Corporation,
Metropolitan Offset Printers, Inc.,
Meydon Construction Co.,
Meyer Enterprises, Inc.,
M G Associates, Inc.,
M G Laboratories, Inc.,
M I Baby Needs, Inc.,

Micarble Corporation of America,
Michael Apartments, Inc.,
Michael Bruce of New Jersey, Inc.,
Michael De Lucas, Inc.,
Michael Home Builders, Inc.,
Michael Kotis, Inc.,
Michael Pasteelnick, Inc.,
Michaels Sportswear, Inc.,
Michael Steinbrook, Inc.,
Michaud Securities, Inc.,
Michelle Realty Co., Inc.,
Micro Reproductions, Inc.,
Microtech, Inc.,
Microtronics, Inc.,
Micus Realty Co., Inc.,
Midas Fixtures and Store Contracting Co., Inc.,
Mid Atlantic Enterprises, Inc.,
Mid Atlantic Forms & Systems, Inc.,
Mid Atlantic Supply Co., Inc.,
Mid Atlantic Warehousing, Inc.,
Mid Atlantic Oil Co.,
Middle Atlantic Development Corporation,
Middle Bruns Realty Corp.,
Middle Jersey Mortgage & Investment Company,
Middlesex Improvement & Investment Corp.,
Middlesex Lawn Service, Inc.,
Middleton & Runnels Realty Co., Inc.,
Mid Jersey Aluminum Corp.,
Midland Acres, Inc.,
Midland Investment Corporation,
Midland Packing Co., Inc.,
Midland Publishing Co., Inc.,
Mid Lee, Inc.,
Mid Somer Investment Co.,
Mid State Brick Supply Co., Inc.,
Mid State Holding Company,
Midstate Landscape Co., Inc.,
Mid State Petroleum Corporation,
Mid States Steel Equipment & Rental Corp.,
Midstate Tile & Terrazzo, Inc.,
M & I Holding Co., Inc.,
Mijo, Inc.,

Mijopat, Incorporated,
Mika Lite Corp.,
Mikeleedean Productions, Inc.,
Mik Gabe, Inc.,
Mikrut Storm Window Co., Inc.,
Milbar,
Miles Tavern Corp.,
Milford Lace Corp.,
Milhathan Holding Company,
Milie Realty Corp.,
Millbrook Realty Corporation,
Millburn Mfg. Company,
Milleo, Inc.,
Miller & Merrill, Inc.,
Millers Lounge, Inc.,
Millers Metal Art Shop, Inc.,
Millet Corporation,
Millet New Brunswick, Inc.,
Millman Distributors, Inc.,
Millmarth, Inc.,
Mill Road Development Co.,
Mill Road Equip., Inc.,
Mills Estates, Inc.,
The Millstone Corporation,
Milltep Co., Inc.,
Millville Automatic Laundry, Inc.,
Millwood Builders, Inc.,
Milo Paper Converters, Inc.,
Milos System Devices,
Milton Robinsonu & Son, Inc.,
Minday Corporation,
Mindys Fashion Shop, Inc.,
Minette Fashions, Inc.,
Mini Tool Technical Industries, Inc.,
Mintru Corporation,
Minute Key & Glass Shop, Inc.,
Miriam Estates,
Miss Erna Novelty Corp.,
Mr. D of Spring Lake Heights, N. J., Inc.,
Mr. Ivy League Mens Wear, Inc.,
Mr. Jules, Inc.,
Mr. TS Chip & Pretzel Co., Inc.,

Mr. Zee Bee of Clifton, Inc.,
Mitch Cartage Co.,
Mitchells Furniture Center, Inc.,
M & J Home Improvement Co., Inc.,
MKR Corp.,
M L Manufacturing Company,
M L R Business Services, Inc.,
M & L Toy Co., Inc.,
M & M Agency, Inc.,
M & M Appliance Service, Inc.,
M & M Plumbing and Heating Supply, Inc.,
M & M Restaurant Corp.,
M & N Transportation Corp.,
Mobile Fallout Shelters, Inc.,
Mobilefone, Inc.,
Mobile Sales Company,
Modern Auction Co.,
Modern Car Wash,
Modern Coin Op, Inc.,
Modern Exteriors,
Modern Papers, Inc.,
Modern Press O Matic Corporation,
Moe Jacobs, Inc.,
Moeltner Roofing Company,
Moes Tire Town, Inc.,
Mohado Corporation,
M & D Holding Co.,
Molino Rojo, Inc.,
Mollie Zeller, Inc.,
Molly Pitcher Dressed Beef, Inc.,
Molnick and Sons Memorial Chapels, Inc.,
Mo Mac, Inc.,
Monarch Soft Pretzel Co., Inc.,
Mon Cam Builders, Inc.,
Monmouth Bakers, Inc.,
Monmouth Blueprint & Supply Co., Inc.,
Monmouth County Auto Sales,
Monmouth Egg Co.,
Monmouth Marine Corp.,
Monmouth Oaks Homes, Inc.,
Monmouth Properties, Inc.,
Monmouth Radio Electronics Institute,

Monmouth Religious Art Co., Inc.,
The Monroe Jay Associates,
Montcalm Realty Corp.,
Monterey Builders, Inc.,
Montrex Corporation,
Montvale Delicatessen,
Moore Capaci Mason Contractors, Inc.,
Moray Gift Shop,
Morbart, Inc.,
Moreland Ressler Co., Inc.,
Morey Bros.,
Morfrey Homes, Inc.,
Morgan Marine Corporation,
Morgen Builders, Inc.,
Morie Enterprises, Inc.,
Morlene Realty Corporation,
Morley Estates, Inc.,
Morris County Bookkeeping Service, Inc.,
Morris County Realty Organization, Inc.,
Morristown Contracting Co., Inc.,
Morristown Lanes, Inc.,
Morristown School of Business Machines, Inc.,
Mortgage Placement Service, Inc.,
Morton Estates, Inc.,
Moscaro Bros., Inc.,
Mossman Corp.,
Motel Realty Corporation,
Motivation Consulting Associates, Inc.,
Motoronics, Inc.,
Mountain Construction Corp.,
The Mountain Development Co., Incorporated,
Mountain Fuel Oil Co.,
Mountain View Center, Inc.,
Mt. Arlington Realty Co., Inc.,
Mt. Horeb Realty, Inc.,
Mt. Kemble Holding Co.,
Mt. Olive Holding Corporation,
Mount Olive Water Company,
M. Paul Austin Engineering Co., Inc.,
M. Pire, Inc.,
M P M Construction Co., Inc.,
M & R Construction Co., Inc.,

M R & F, Inc.,
M & R Holding Co., Inc.,
M & R Sandwich Shop, Inc.,
M. Saudi Corporation,
M & S Construction Company,
M. Stone & Co.,
M & S Trucking Corporation,
M & T Company,
Muckland Equipment Co., Inc.,
Mullens Service Center, Inc.,
Muller Realty Company,
Mullers Park,
Multiple Agencies, Inc.,
Mundelein, Inc.,
Municipal Investment Corporation, Inc.,
Munroe Towers Cooperative Apts., Inc.,
Mura Corp.,
Murrich, Inc.,
Musconetcong Golf & Country Club, Inc.,
Musical Notions, Inc.,
Music Mart, Inc.,
The Music Note,
Mutual Auto Leasing Co.,
Mutual Export & Import Co., Inc.,
M. Weiner Co., Inc.,
M W Holding Company,
M & W Trucking Corporation,
Myriam Carange, Inc.,

Naco Corp.,
Nadin Co., Inc.,
Nald Corp.,
Nalgon Corporation,
Namil, Inc.,
Nancy Estates,
Narva Products, Inc.,
Nassau Garment Manufacturing Co., Inc.,
Nassau Mortgage Co., Inc.,
Nastasis Tavern, Inc.,
Nate & Lils, Inc.,
National Acceptance Corporation,
National Air O Spray Corporation,

National Antiques Show, Inc.,
National Appraisal Co.,
National Auto Electric and Towing Service, Inc.,
National Carpet Rental Corp.,
National Credit Service,
National Dormitory Corp.,
National Farmers Outlet, Inc.,
National Gas Savers, Inc.,
National Highway Observers of New Jersey, Inc.,
National Home Construction Corp.,
National Lash Motor Inn, Inc.,
National Materials Corporation,
National Metals, Inc.,
National Procurement Corp.,
National Protective Corporation,
National Realty Investments, Inc.,
National Realty Investors, Inc.,
National Sites Corp.,
National Underwriters, Inc.,
National Wholesale Foods, Inc.,
Nationwide Displays Corp.,
Nationwide Paint Company of New Jersey,
Natural Gas Equipment Corporation,
N B C Electronics Corp.,
Neal Product Development Corporation,
Neb Realty Corporation,
N E G J Development Corp.,
N E Holding Co.,
Nelab Realty Corp.,
Nelway Realty Corp.,
Nepco Terminals, Inc.,
Neptune City Industrial Building,
Neptune Gables Holding Company,
Nero Corp.,
Nesbitt Holding Co.,
Netlo, Inc.,
The Neu Colostomy Appliance Corp., Inc.,
New Accounts Associates,
Newark Dress Belt Co.,
Newark Electric Fixture Co.,
Newark Essex Realty & Investment Co.,
Newark Organic Service Corporation,

Newark Shoulder Pad Co.,
Newbay Apartments, Inc.,
New Bridge Meat Market, Inc.,
New Broad Street Bar,
New Brunswick Realty Corporation,
New Deal Realty & Development Co.,
Newell Realty Company, Inc.,
New Geddis Cab Company,
New House of Billiards, Inc.,
New Investment Co., Inc.,
New Jersey Academy of Fine Arts,
New Jersey Agency, Inc.,
New Jersey Auto Top, Inc.,
New Jersey Food Craft, Inc.,
N. J. Fornaby Service Company,
New Jersey Lace Corporation,
New Jersey Millwork Co., Inc.,
New Jersey Pharmacal Company,
N. J. Riviera Pool Supplies, Inc.,
New Jersey Screen Engraving Co., Inc.,
N. J. Shelters, Inc.,
New Jersey Specialty Co.,
New Jersey State AFL CIO Housing, Inc.,
New Jersey Tile Supply, Inc.,
New Jersey Transportation Co., Inc.,
New Jersey Wholesale Florist Supply, Inc.,
New Jersey Window Shade & Awning Co., Inc.,
New Life Development Corporation,
Newman Green Corp.,
Newman & Son, Inc.,
New Market Bakery, Inc.,
New Market Pharmacy, Inc.,
New Milford Construction & Repair Co.,
New Nathans, Inc.,
New Penn Lounge,
Newphil Machinery & Equipment Co.,
New Providence Research & Development, Inc.,
New Rapids Furniture Warehouses, Inc.,
New Riviera, Inc.,
New Riviera Properties, Inc.,
New Rotunda, Inc.,
New Sherwood Builders, Inc.,

New Terry Lee, Inc.,
New York Realty Co.,
New York Splicing Corp.,
N & F Realty Corp.,
The Niagara Packing Co.,
The Niagara Wall Corp.,
Nibor Industries, Inc.,
Nick & John, Inc.,
Nick Meyers, Inc.,
Nicks Seafood and Clam Bar, Inc.,
Nicola Chevrolet, Inc.,
938 Glen Rock Corp.,
91 Huntingdon Terrace Corp.,
Ninos Delicatessen, Inc.,
Ninth and Adams Streets Corporation,
Ninth Street Tavern, Inc.,
Ni Par Corporation,
Nixon Heating Works, Inc.,
N & K Building Corporation,
Nob Hill Development Co.,
Nob Hill Park,
Nod Furniture Co., Inc.,
Nogrady Service, Inc.,
No Ice, Inc.,
Nomehegan Hills, Inc.,
Nonnis Char Broil, Inc.,
Norco Air Conditioning & Refrigeration Service, Inc.,
Noreen Noonan,
Norist Realty Corp.,
Norkoye Truck Rental, Inc.,
Norman Bldg. Corp.,
Norman Motors, Inc.,
Norman Peetluk & Ass., Inc.,
North Amboy Plumbing Supply Co., Inc.,
North Avenue West, Inc.,
North Bergen Builders, Inc.,
North Bergen Millwork Co., Inc.,
North Broad Apartments, Inc.,
North Centerville Dental Products, Inc.,
North Day Corporation,
Northeast Equipment Company, Inc.,
Northeastern Research Company,

Northeast Service Plan, Inc.,
North End Auto Sales, Inc.,
Northern Counties Realty Co.,
Northfield Construction, Inc.,
North Jersey Agency, Inc.,
North Jersey Butchers, Inc.,
North Jersey Poultry Corp.,
North Jersey Power Equipment Co.,
North Jersey Refrigeration and Air Conditioning, Inc.,
North Jersey Repro, Inc.,
North Jersey Wall Covering, Inc.,
North Jersey Warehouse Corp.,
North Oak Knoll, Inc.,
North Park Homes,
North Park Street Corp.,
North Plainfield Investment Club,
Northvale Variety Store, Inc.,
North Ward Trucking Co.,
Northwest Bergen Real Estate Listing Exchange, Inc.,
Northwood Inn,
Norwalk Boat Works of New Jersey, Inc.,
Norwood Realty Corporation,
Nosh A Burger, Inc.,
Notch Park Corporation,
Notob of New Jersey Distributing Corp.,
Novelty Fabric Mills, Inc.,
Nucleonics, Incorporated,
Nu Famous South Orange Restaurant & Delicatessen Co., Inc.,
No. 9 North Broad St. Corp.,
No. One Scotch Road, Inc.,
Nursecraft Uniforms of New Jersey,
Nursery Estates, Inc.,
Nusser Sheet Metal and Air Conditioning, Inc.,
Nu Structures, Inc.,
Nutley Telegram, Inc.,
Nutri Bio of New Jersey, Inc.,
The Nutritional Research Corp.,
N. V. Krassowski, Inc.,

Oak Engineering Co.,
Oak Hill Realty Company, Inc.,
Oakhurst Builders, Inc.,

Oak Inn, Inc.,
Oak Tree Home for the Aged and Retired,
Oakwood Construction Co., Inc.,
O. B. Duke, Inc.,
Ocean Avenue Gift Shop, Inc.,
Ocean Bar, Inc.,
Ocean Beer Co.,
Ocean Spray Marina, Inc.,
Ocean Spray Paint Company,
Ocean Trading Company, Inc.,
Ocean Traymore Corp.,
Ocean View Amusement Corporation,
Oceanview at Manasquan, Inc.,
Oceanwise Party Fishing Boats,
O C M, Inc.,
Odette,
Ogden Equipment & Manufacturing Corp.,
O & D Land Co., Inc.,
Oelle Construction Co., Inc.,
Office Buildings of America, Inc.,
Office Essentials, Inc.,
Ohman Metal Spinning Products Corp.,
Ojam, Inc.,
O. Keefe Contracting Company, Inc.,
O. K. Skein Dyeing Corp.,
O K Woodcraft,
Olbry Development Co., Inc.,
Olchem, Inc.,
Oldanos Self Service Market, Inc.,
Older Adult Housing Corp. of America,
Oldfield Corporation,
Oldham Realty Corp.,
The Old Road Coffee House, Inc.,
Old Willicks Farm, Inc.,
Oldwitchen Farms, Inc.,
Olegna Corp.,
Olympic Contracting Co.,
Olympic Enterprises, Inc.,
Omega Design Corp.,
Omelio Realty Corporation, Inc.,
Onaps Realty Co., Inc.,
180 Mercer St., Inc.,

1 Fairmount Ave. Corp.,
One Five Lenox Avenue Corp.,
One Forty Corporation,
186 Hillside Avenue, Newark, Inc.,
156 W. Grand Ave., Inc.,
150 Stegman St., Inc.,
105 Hartford St. Corp.,
149 Bathurst Avenue Corporation,
One Hundred Forty-nine Thirty-fourth Street Holding Corp.,
140 13th Avenue Corporation,
114 County Road Corp.,
195 Mallory Avenue, Inc.,
107 Spruce Corporation,
177 Third St. Corp.,
173 Monticello Avenue Corp., Inc.,
164 Bruce St. Co., Inc.,
130 Main Street Holding Co.,
137 West Jersey,
136 Dewey Street Corp.,
132 Newton Street Newark, Inc.,
The 132 Third Street Corporation,
112 Oraton Parkway Corp.,
128 Bodman Place, Inc.,
125 South Harrison, Inc.,
124 48 Street Corporation,
One Note Music Corporation,
One Wilkinson Avenue, Inc.,
On Watch Fire Equipment Corporation,
O and P Company,
Ops Records, Inc.,
Optical Sun Glass Products, Inc.,
Oradell Credit Adjustment Bureau, Inc.,
Oradent Const. Co.,
Orange City Hall Service, Inc.,
Orange East Productions, Inc.,
Orange Motor Mart, Inc.,
Orange Storage Warehouse,
Orbit Home Cooking, Inc.,
Orbit Leasing Corp.,
Orchard Crest Manor, Inc.,
Orchard View Farms, Inc.,
O. Ringo, Inc.,

Ormont Industrial Park,
Orseno Bros., Inc.,
Ortho Glass Components, Inc.,
Osceola Groves, Inc.,
Oskar Schaefer Industries, Inc.,
O & S Ladies Apparel, Inc.,
Osmuns Service, Inc.,
Oswald Bank Corp.,
Otor Properties, Inc.,
Outdoor Leasing Corporation,
Owen Market, Inc.,
Owens Hofbrau, Inc.,
Owl Cleaners, Inc.,
Owl Drug Co.,

Pabodi Associates, Inc.,
Pacade Chemical Corp.,
Pace Transport, Inc.,
Pacicco Realty Corporation,
Pacific Construction, Inc.,
Packanack Enterprises, Inc.,
Packer Auto Parts, Inc.,
Packman Brothers, Inc.,
Pacono Realty Corp.,
Padgetts Boat Basin, Inc.,
Pador, Inc.,
Paige Manufacturing Co., Inc.,
Painted Pony Day Camp,
Paisano Pizza,
Palermo Products Corp.,
Palgrott, Inc.,
Palisades Record Co., Incorporated,
Pal Joey Tavern, Inc.,
Pambon of N. J., Ltd.,
Pampalone Construction Company, Inc.,
Pan American Cigar Company,
Pan Bell Farms,
Pandae Corporation,
Panel Technology, Inc.,
Pan, Inc.,
Panu World Travel Service, Ltd.,
Parade Dress Company, Inc.,

Paradise Club, Inc., of Paterson,
Paragon Construction Co.,
Paramount Amusement Co.,
Paramus Auto Accessories, Inc.,
Para Security Guard & Detective Agency, Inc.,
Parfuns Ronni, Inc.,
Par Jack, Inc.,
Parka Construction Corp.,
Park Air Conditioning, Inc.,
Park Avenue Beauty Mart,
Park Avenue Company, Inc.,
Park Billiard & Recreation Center,
Park Brook, Inc.,
Park Coin Launderette,
Park Equipment Corp.,
Parker Catholic & Parochial Tours, Inc.,
Parker Dist., Inc.,
Parker Terrace,
The Park Fishery,
Park Hill Homes, Inc.,
Parkhurst Estates, Inc.,
Park Lane Coats Company, Inc.,
Park Munn Co.,
Park One Seven One, Inc.,
Park Palisades, Inc.,
Park Printing Company,
Park Public Warehouse, Inc.,
Park Ridge Coin Op, Inc.,
Park View Golf, Inc.,
Park View Tavern, Inc.,
Parkway Development, Inc.,
The Parkway Diner, Inc.,
Parkway Homes, Inc.,
Parkway Oil Sales, Inc.,
Parkway Photographers, Inc.,
Parkway Service Center, Inc.,
Parnal Construction Co.,
Parsippany Hills Apts.,
Parties Unlimited, Inc.,
Par Trucking Corp.,
Parview Construction Company, Inc.,
Pascack Acres, Inc.,

Pascack Valley Construction Consultants, Inc.,
Pascack Valley, Inc.,
Passafiume and Sons Construction Co.,
Passaic Bergen Journal Mail, Inc.,
Passaic Redevelopment North Corp.,
Passaic Redevelopment South Corp.,
Pastranas Bar, Inc.,
Pastry Chef, Inc.,
Paterson Audio, Inc.,
Paterson Auto Seat Covers, Inc.,
Paterson Central Realty Co., Inc.,
The Paterson Company,
Paterson Construction Co., Inc.,
Paterson Fish Corp.,
Paterson Salvage Co., Inc.,
Paterson Suburban Bus Corp.,
Paterson Window Cleaning Co., Inc.,
Patio Court Motel,
Pat Jer, Inc.,
Patken, Incorporated,
Pat Lehmann, Inc.,
Patlo Co., Inc.,
Pat Lynne, Inc.,
P A T Provisions, Inc.,
Pat Ray Engraving Corporation,
Patricia Lorraine Sportswear, Inc.,
Patrick Hennessey Building, Inc.,
Patrick Mullins,
Patro, Inc.,
Patten Seed Company,
Patti Cake Bakery,
Patti Portion Pak, Inc.,
Pat Toey, Inc.,
Patundlis, Inc.,
Paul Atterman, Inc.,
Paul Bunyan Tree Service, Inc.,
Paul Corporation,
Paulinskill Range, Inc.,
Paul Reichle Associates, Inc.,
Paul Roe Co., Inc.,
Paul Wiese, Inc.,
Payerigg Engineering Corp.,

Pay Less Drug Corp.,
P B C Enterprises, Inc.,
P C N Corp., Inc.,
P & C Plumbing Contractors, Inc.,
Peach Realty Co.,
Peachway Contracting Co., Inc.,
Peacock Products Co., Inc.,
Peckman Enterprises, Inc.,
P and E Construction Co.,
Peegee, Inc.,
Peerless Appliance Stores, Inc.,
Peerless Homes, Inc.,
Peg, Inc.,
Peje Corp.,
Pel Tech Services, Inc.,
Pennella Landscaping Company,
Pennington Realty Corp.,
Pensauken Motel Co.,
Pennsauken Shoe Mart, Inc.,
Penn Trucking Co., Inc.,
Penny Lee Homes, Inc.,
Pequannock Construction Co.,
Pequannock Industrial Corp.,
Pequest Realty Co., Inc.,
Per Feet Construction, Inc.,
Perk O Matic, Inc.,
Permanent Mortgage Company, Inc.,
Perma Stone Remodeling Co., Inc.,
Perone Builders, Inc.,
Perth Amboy A One Corporation,
Perth Gardens, Inc.,
Peshine Corporation,
Petco Country Style Bakeries, Inc.,
Petco Holding Corp.,
Pet Di Wholesalers, Inc.,
Pete Jacobs, Inc.,
Peter Labella, Inc.,
Peter M Realty Co.,
Peters Florist, Inc.,
Petersons Hardware, Inc.,
Peterstown Painting Corp.,
Pet Mil Food Co., Inc.,

Petrozzello Bros., Inc.,
Pet Vac, Inc.,
Pharmadyne Chemical Corp.,
Pharma Laboratory Breeders, Inc.,
Philharmonic Conservatory of Music, Inc.,
Philip Lago & Sons, Inc.,
Philip Virginia, Inc.,
Phils Service Center, Inc.,
Phoenix Imperial, Inc.,
Phoenix Land Company, Inc.,
Photo Electronic Controls, Inc.,
Pic A Car, Inc.,
Piccadilly Catering Service,
Pici Shell Service, Inc.,
Piedmont Realty, Ltd.,
Pied Piper Amusement Corporation,
Pierson Laboratories, Inc.,
Pilgrim Vending Co.,
Pinbros Excavators, Inc.,
Pinebelt Masons, Inc.,
Pinecrest Floral Supplies, Incorporated,
Pine Distributors, Inc.,
Pines, Inc.,
Pine Valley Home Builders, Inc.,
Pine Valley Sand & Gravel Co., Inc.,
Pio Plasti Flex Co.,
Pirates Cove, Inc.,
Pittel Plastics, Inc.,
Pivco Realty, Inc.,
P & J Associates,
P J Roofing Co., Inc.,
The P. J. Timmons Contracting Co., Inc.,
P & K Realty Co.,
Pla Ko, Inc.,
Plan A Tan, Inc.,
Plane Brass Rail, Inc.,
Plan Et Tech Graphic Arts Service,
Planed Marketing, Inc.,
Plantation Homes, Inc.,
Plastic Chemical Industries, Inc.,
Plastic Imports, Inc.,
Plastic Research and Development, Inc.,

Plastic Rivet Co., Inc.,
Plastic Training Products Company,
Plattmount Construction Company, Inc.,
Playboy Billard Lounge,
Playhouse Nursery School, Inc.,
Playrite Amusement Corporation,
Playtime Amusement Corp.,
Playtime Ice Cream Co.,
Plaza Construction Company,
Plaza Meat Center, Inc.,
Plaza Theatre,
Pleasant Homes, Inc.,
Pleasant Valley Farm, Inc.,
Pleasant Valley Mining Co.,
Pleasant View Estates, Inc.,
Pleasantville Realty Corp.,
Pleasure Lanes, Inc.,
Ploro, Inc.,
Plumbing and Heating Contractors of Avenel,
Plymouth Industrial Maintenance Service Corp.,
Plymouth Montclair Corp.,
Plym Tex Finishing Corp.,
P M Express, Incorporated,
P M F, Inc.,
P & M Provisions Corp.,
Poe Enterprises, Inc.,
Point Pleasant Bake Shop, Inc.,
Point Pleasant Building Supply, Inc.,
Politans, Inc.,
Polizzano Realty, Inc.,
Polst & Baker, Inc.,
Polydynamics Corporation,
The Polyvinyl Corporation,
Polyxor Chemical Co., Inc.,
The Pompeii, Inc.,
Pompton Foodtown, Inc.,
Poms, Inc.,
Ponzios Brooklawn Diner and Grill, Inc.,
P O P Display Service, Inc.,
P O P Egg Corp.,
Potomac Electrotpe Company of New Jersey,
Powdermill Lodge, Inc.,

Power, Inc.,
Power Tube Cleaners, Inc.,
P & P, Inc.,
P Q W, Inc.,
Preakness Development Co.,
Preferred Inspections, Inc.,
Premier Embroidery Corp.,
Premier Nurseries, Inc.,
Premier Purveyors Corp.,
Premier Realty Corp.,
Premium Auto Sales,
The Presburn Corporation,
Prescon Container Company, Inc.,
Preserved Products Corp.,
Press Fashions, Inc.,
Pressure Coat Corp.,
Prestige Home Furnishings, Inc.,
Preteen Footwear Corp.,
Pretzel Vendors, Inc.,
Prevue Records,
Preway Construction, Inc.,
P R Homes, Inc.,
Price City, U. S. A. of Bayonne, Inc.,
Price City, U. S. A., Inc.,
Price City, U. S. A. of New Brunswick, Inc.,
Price City, U. S. A. of West New York, Inc.,
Prices, Inc.,
Pride Dress Company, Inc.,
Prince Theatre, Inc.,
Princeton Auction Galleries, Inc.,
Princeton Cities Service, Inc.,
Princeton Country Club,
Princeton Properties, Inc.,
Princeton Stable, Inc.,
Princeton Swim and Racquet Club,
Princewell Estates, Inc.,
Principal Locations, Inc.,
Printarsia Sweaters, Inc.,
The Printers, Inc.,
Print With Pride, Inc.,
Private Instruction Institute, Inc.,
Products of Handicapped Workers, Inc.,

Profession Aide, Inc.,
Professional Business Consultants, Inc.,
Professional Management Associates,
Profit Credit Company,
Progood Corporation,
The Progressive Business Club, Inc.,
Progressive Planners, Inc.,
Progressive Pork Packers, Inc.,
Promotional Container Company,
Properties Management & Investment Co., Inc.,
Properties Unlimited, Inc.,
Property Holdings, Inc.,
Pro Realty Corp.,
Prospect Management Corporation,
Prospect Park Construction Co., Inc.,
Protection Securance Corp.,
Protexol International, Inc.,
Prudent Co., Inc.,
P S Agency, Inc.,
PS, Incorporated,
Publication Offset Printers, Inc.,
Public Beverage Co.,
Puled Enterprises,
Pure Food and Beverage Concentrates, Inc.,
Puritan Paper Company,
Puritan Plymouth, Inc.,
P W M Realty, Inc.,
Pyro Installations Corporation,

Quaker Development Corporation,
Quality Decorations, Inc.,
Quality Embroidery Co., Inc.,
Quality Farms Co Operative Asociation,
Quality, Incorporated,
Quality Radio & Television of Cedar Grove,
Quality Radio & Television of Pompton,
Quality Snack Bar of New Jersey, Inc.,
Quarter Horses, Incorporated,
Queen City Luncheonette,
Queen City Taxi, Inc.,
Queen Dress, Inc.,
Queens Development Co., Inc.,

Queens Taste Doughnuts, Inc.,
Quick Meals of Farm and Sea,
Quitman Co.,

R and A Auto and Bike Suppliers Corp.,
Rack Paddle & Cue, Inc.,
Radcon Realty Company,
Radio Haddonfield, Inc.,
Radlen Investment Co., Inc.,
Raeco Enterprises, Inc.,
Raedon Arabian Ranch, Inc.,
R. A. Gilmore and Company, Inc.,
Rahway Valley Investment Company,
Rainbow 5 & 10 Corp.,
Rainbow Homes, Inc.,
Rainbow Lounge, Inc.,
Rainbow Painting & Decorating Company, Inc.,
Rainer Coat, Inc.,
Rajah Enterprises, Inc.,
Rakoff Auto Supplies, Inc.,
Ralfbar, Inc.,
Ral Lou Building Co.,
Ralph David Enterprises,
Ralph Heise, Inc.,
Ralph K. Johnson Advertising, Inc.,
Ralph Electric Corp.,
Ralston Heights Ranch, Inc.,
Ramapo Products Corp.,
Ramar Realty, Inc.,
Ramar Trucking Company,
Ramblewood Associates, Inc.,
Rambos Corporation,
Ramsey News Service, Inc.,
Rancocas Life,
Rand Al Corp.,
Randfred Builders, Inc.,
Random Construction Corp.,
Random Contracting Co., Inc.,
Random Investment Company, Inc.,
Rapettis Delicatessen & Restaurant Co.,
Rapidol Company,
Rapid Products, Inc.,

Raritan Candy & Tobacco Co.,
Raritan Gardens, Ltd.,
Raski Corp.,
Rayge Candy Co.,
Raylyn Associates, Inc.,
Raymie Greeting Cards, Inc.,
The Raymond E. Walden Agency, Inc.,
Raymor Stables, Inc.,
Raynes Distributing Corp. of Rockaway,
Ray No Industries, Inc.,
Rayon Processing & Warp Sizing Co.,
Rays Diner, Inc.,
R & B Auto Service, Inc.,
R B School Transportation, Inc.,
R C A Gem Imports, Inc.,
R C Holding Corp.,
RCOM Corp.,
R & D Discount Bedding Corp.,
Ready Sales Corp.,
Realty Plans, Inc.,
Reb Engineering Co.,
Record Realty Co., Inc.,
Redington Motors, Inc.,
Redi of South River, Inc.,
Red & Jacks Bar & Grill,
Red Nichols Sport Shop, Inc.,
Redondo Holding Corp.,
Red Rock Homes, Inc.,
Red Top, Inc.,
Redwood Associates, Inc.,
Redwood Paterson Corporation,
Reeds Clothiers,
Reef Club Sports Enterprises,
Regal Investment Corporation,
Regal Screw Products, Inc.,
Regal Textile Engravers,
Regent Homes, Inc.,
The Reger Agency,
Reggies, Inc.,
Regional Land Development Corp.,
Regis Realty Corporation,
Register Publishing Company,

Reidel, Incorporated,
Rein Builders, Inc.,
Rek Investment Co.,
Relar Realty Co.,
Reliable Automatic Transmission Rebuilders,
Reliable Marble & Onyx Co.,
Reliable Water Company,
R E L Yacht Sales, Inc.,
Remes Investment Corp.,
R. E. Mommo Construction Company,
Remo Newark Corp.,
Renand, Inc.,
Renner Avenue, Inc.,
Renown Corporation,
Rent A Maid Service, Inc.,
Rent A Mobile U Drive Systems, Inc.,
Renterprises, Incorporated,
Rent Rite Car Rental Service, Inc.,
Repicz Company,
Reproductions, Inc.,
Research Construction Corporation,
Residential & Commercial Realty Co., Inc.,
Retirement City, U. S. A.,
Revere Loan Company, Inc.,
Reverter Corporation,
R E W Industries, Incorporated,
Rewlan Corp.,
Rex Jobbing Company, Inc.,
Rex Oil Corp.,
Reynolume Industries, Inc.,
R. F. Grampp Trucking Co.,
R & G Dress Corp.,
R & G Motors, Inc.,
R G Realty Corporation,
R. Houser & Son, Inc.,
Ribbon Tex Corp.,
Ribe Factors Corporation,
Ricala Realty Corp.,
R I C Construction, Inc.,
Richards Clifton, Inc.,
Richards Fabrics, Inc.,
Richfield Village Sweet Shoppe, Inc.,

Richmond Home Products,
Richmond Laboratories,
The Richton Company,
Ridge Investment Associates,
Ridgewood Corp.,
Ridgewood Inn, Inc.,
R I H, Inc.,
Rimar, Inc.,
Rimback Carpet and Rug Cleaning Company,
Rinaldi Home Repair,
Rinse Off Corp.,
Risley Dorraine, Inc.,
Rite Realty,
Riteway Electric Corp.,
Riteway Realty, Incorporated,
Rite Way Stores Corp.,
Rit Lynn Corp.,
Riverdell Contracting Corp.,
River Dell Investment Company,
River Land & Improvement Co.,
Riverside Monument Works,
Riverton Sand & Gravel Co., Inc.,
Riverview, Inc.,
Riverview Towers Cooperative A, Inc.,
Riviera Beach, Inc.,
Rizzuto Construction Co.,
R J P Realty,
R K R Acres, Inc.,
R & L Associates, Inc.,
R & M Homes, Inc.,
R & N Dry Wall Construction, Inc.,
Roanoke S & F Warehouse & Distributing Corp.,
Robbys Mariners Inn, Inc.,
Robert Alan, Inc.,
Robert Barry, Inc.,
Robert E. Foote, Inc.,
Robert E. Godwin & Associates, Inc.,
Robert N. Willis, Inc.,
Robert Scotts Gym & Health Club, Inc.,
Robt Surles Overseas, Ltd.,
Robin Lane Estates, Inc.,
Robinsons Crane Service Company, Inc.,

Ro Cap Company,
Roche Bros., Inc.,
Rock Cliff Holding Corp.,
Rockcloth, Inc.,
Rockefeller Estates, Inc.,
Rock Lawn Estates, Inc.,
Rockleigh Construction Co., Inc.,
Rock Ridge Development Corporation,
The Rocks, Inc.,
Rockys Texan,
Roelan, Inc.,
Rodas Realty, Inc.,
Rodger C. Low Construction Co.,
Rodger Spencer Business College,
Rods Acres, Inc.,
Rogal Associates, Inc.,
Rogin Realty Corp.,
R O K Productions, Inc.,
Roland Trading Corp.,
Ro Lin Auto Body, Inc.,
Rollin Construction Co., Inc.,
Rollomatic of N. J.,
Rolube, Inc.,
Roman Construction Company,
Ro Mark Hardwood Flooring Corp.,
Ro Mat Aluminum Products Co., Inc.,
Roma Tavern, Inc.,
Roma Tool, Inc.,
Roma Vinegar Company,
Romel, Incorporated,
Romeos Bar and Restaurant,
Romosa, Inc.,
Ronald Rosengard Agency,
Ronalee Productions,
Ron Builders, Inc.,
Ron Corp.,
Ron Len Decorators, Inc.,
Ron Nat Realty Co., Inc.,
Ronnie Realty Co., Inc.,
Ronva Realty Company,
Ropam Realty Co., Inc.,
Rosand, Inc.,

Rosa Trucking Company, Inc.,
Roscommon Realty Corporation,
Rose Fashions, Inc.,
Rose Louis Realty Co.,
Roselyn Construction Co., Inc.,
Roseman Embroideries, Inc.,
Rosemar Holding Company, Inc.,
Rosenbaum Accessories of Sayreville, Inc.,
Rosenbaum Weinberger Construction & Building Corporation,
Rosenblum, Inc.,
Rosette 1 Hour Cleaners, Inc.,
Roseville Garage & Service, Inc.,
Rossbrook, Inc.,
Ross Builders, Inc.,
Ross Hall Realty Corporation,
Ross Restaurants, Inc.,
Rothberg Bros., Inc.,
Route 4 Diner, Inc.,
Route 9 Corp.,
Route 1 Auto Body, Inc.,
Route 17 Enterprises, Inc.,
Route 3 Diner, Inc.,
Rovin Airfreight Service,
Rowan Building Co., Inc.,
Rowantree Realty Corp.,
Rowland, Inc.,
Royal Acres,
Royal Concrete Fireproofers, Inc.,
Royal Diner, Inc.,
Royal Heating Service Co., Inc.,
Royal Printing Co., Inc.,
Royal Realty & Investment Co.,
Royal Recreation Club, Inc.,
Royalty Holding Corporation,
Royce Embroidery Co.,
Rozan Realty Co., Inc.,
Rozbe Homes, Inc.,
R R Corporation,
R. R. Harden, Inc.,
R. R. Johns, Inc.,
R & R Masonry Construction Co., Inc.,
R. Sde Construction Co.,

R & S Trophy Construction Co.,
R. Taylor Essex Green, Inc.,
R. Taylor Journal Square, Inc.,
R. Taylor Trenton, Inc.,
R and T Industries, Inc.,
Ruberto Homes, Inc.,
Rubinoff Feed Co. of Clayton,
Rubinoff Feed Co. of Egg Harbor,
Rubinoff Feed Co. of Woodbury,
Rubinoff Grain & Feed Co.,
Rubinoff Milling Co.,
Rubinoff Transportation Co.,
Rubins Distributing Co.,
Rudek, Inc.,
Ruder Company, Inc.,
Ruepp Tex Machinery, Inc.,
Rufus G. Clements Enterprises,
Rumart Products Co.,
Runnymede Estates, Inc.,
Rupat Realty Co., Inc.,
Ruscombe Manufacturing Company,
Rusco Realty Co., Inc.,
Rusland Research & Development Corp.,
Russell Aluminum Products, Inc.,
Russi Embroidery Works, Inc.,
Russmoran Corporation,
Rute Corp.,
Rutgers Realty Co.,
Ruthals, Inc.,
Ruth Morgan, Inc.,
Rutland Trading,
R W Fashions, Inc.,
RX 308 Distributors,

Sabu Holding Co.,
Saddle River Friendly Service, Inc.,
Safety Line Products Corp.,
Safeway Sign Co., Inc.,
Saf T Sales Corporation,
St. Anna Food Products Corp.,
St. Josephs Ironbound Cadets of Newark, N. J.,

St. Thomas Jamaica Inn, Inc.,
Sales Rooms, Inc.,
Saletto Bros. Construction Corporation,
Salgajo, Inc.,
Sallie Ann, Inc.,
Salmur Realty Co.,
Salon Ette Vibrating Products, Inc.,
Salon Flair, Inc.,
Sam Basil, Inc.,
Sam Halpern Neckwear Co.,
Samlou Corp., Inc.,
Sam Orenstein Industries,
Sam Roth Corp.,
Sam Solomon, Inc.,
Samson Construction Corp.,
Samston, Inc.,
Samuel Berelman, Inc.,
Samuel I. Friedman & Sons, Inc.,
Samuel Youtie, Inc.,
Sanal Liquors, Inc.,
Sanborn Publishing Company,
The San Brau Inn,
Sandau and Trapani Construction Company, Inc.,
Santee Plastics, Inc.,
Sandi Embroidery Corp.,
Sandys Department Store,
Sanford Pizza House, Inc.,
Sanitary Plumbing & Heating Corp.,
Sanitizing Systems, Inc.,
Sand Vend Dist. Co.,
Sanshire Corp.,
Sans Motel Corporation,
Santan Construction Corp.,
Sarah Vaughan Enterprises, Inc.,
Sardys Restaurant, Inc.,
Sarwein Company,
Sassies Music Publishing, Inc.,
Satam, Inc.,
Saul L. Herman, Inc.,
Savage Florists, Inc.,
Save On Delicatessen & Dairy, Inc.,
Sav On Rentals, Inc.,

Sav On Wash,
Savoy Knitting Mills, Inc.,
Sayrewood Inn, Inc.,
Scagliola Manufacturing Co.,
Schafer Kirkpatrick, Inc.,
Schall Co., Inc.,
Schlecters Berkeley, Inc.,
Schmid, Inc.,
Schmitt Buying Service, Inc.,
Schmitz Electrical and Construction Company, Inc.,
Schneid, Inc.,
Schraegle Engineering Co.,
Schreibers Wholesale Photo Supplies, Inc.,
Schul Mac Company,
Schumann Photo Company,
The Schwarz Corp.,
Scorese Bros. Holding Co.,
Scotch Plains Kleen O Mat, Inc.,
Scotch Transport, Inc.,
Scotchwood Stationery & School Supplies, Inc.,
Scotland Auto Leasing Co., Inc.,
Scotland Rental Systems, Inc.,
Scott Harvey & Co., Inc.,
Scott Home Furnishings & Appliances Co.,
Scott Mills of New Jersey, Inc.,
Scott Promotions, Inc.,
S C Produce Co., Inc.,
S D L Realty Company,
S D & S Corporation,
Seaboard Manufacturing Corporation,
Seagull Aero, Inc.,
Sea Island Realty Company,
Seajohn Construction Corp.,
Sea Mac, Inc.,
Seashore Manufacturing Corp.,
Seaside Maintenance Co., Inc.,
Seaside Recreation Bowling Center, Inc.,
Sea Sun Pool Co., Inc.,
Seaview Transportation Service, Inc.,
Security Alarm & Signal Co., Inc.,
Security Estates, Inc.,
Security Leasing Corporation,

Security Mortgage Co.,
Security Systems Company,
Sedeco Corp.,
Sedzeka Corp.,
See Bo, Inc.,
Seharo Holding Corporation, Inc.,
Seibel Schlenger Realty Company,
Seifer Brothers, Inc.,
Seixas Holding Co.,
Selbra Truck Renting Co., Inc.,
Selling and Listing Exchange Service, Inc., of New Jersey,
Sencol Construction Co.,
Semp Hart Lab.,
Sempoll Associates,
Seniors, Inc.,
Sentinel Electric Co., Inc.,
Seok Corporation,
Sepaul Liquors, Inc.,
Serbco, Inc.,
Service Cleaners,
Service Investment Corporation,
Service King,
Service Mortgage & Abstract Corporation,
Service Sales Company,
Services for Latin Americans, Inc.,
Servo Services,
Seton Taxi Service,
Set Tes, Inc.,
Seven Bedford Corp.,
701 Livingston Avenue, Inc.,
725 Parker St., Inc.,
Sevenmen, Inc.,
Seventeen Diner, Inc.,
17 Earl St. Corp.,
78 Sherman Avenue, Newark, Inc.,
74th Street Diner, Inc.,
Seventy-six Mountain Way Corporation,
76 South, Inc.,
72 Haskell Ave. Corp.,
Severyn Furs,
Sewer Service Company,
Seyton Construction Co.,

S G S, Inc.,
Shadow Box, Inc.,
Shadowbrook Gardens, Inc.,
Shadow Lake Estates, Inc.,
Shady Hollow Farms, Inc.,
Shady Valley Estates, Inc.,
Shamrock Carting Company,
Shamrock Inn, Inc.,
Shamrock Textile, Inc.,
Shanghai Restaurant,
Shanly Realty Co.,
Shannon Associates, Inc.,
Shape Associates,
Shari Enterprises,
Sharon Press, Inc.,
Shawnee Builders, Inc.,
Shawnee Corp.,
Sheffield Supply Company,
Shelby Homes, Inc.,
Shelby, Incorporated,
Shelter Cove Inn,
Shelter Homes, Inc.,
Shepard Associates, Inc.,
Shepherd Lake Properties, Inc.,
Sherman Pizza, Inc.,
Sherrie Holding, Inc.,
Sherrie Lynn Construction Co., Inc.,
Sherwood Inn, Inc.,
Sherwood Motors, Inc.,
Sherwood Square, Inc.,
Sherwood Stud, Inc.,
Shield International Corporation,
Shield Laboratories, Inc.,
Shield Realty Company, Inc.,
Shiffland Realty Co., Inc.,
Shir Bob, Inc.,
Shirley Miller Agency, Inc.,
Shoe Buyers, Inc.,
Shoe Machinery Corporation of America,
Shook Realty Co., Inc.,
Shore Atlantic Club, Inc., of Middletown, N. J.,
Shore Area Industrial Park, Inc.,

Shore Bakery, Inc.,
Shore Development,
Shore Hearing Air Center,
Shore Hills Motel, Inc.,
Shoreline Communication, Incorporated,
Shore Press, Inc.,
Shore Road Clothing Company,
Shore Stores, Inc.,
Shore Thriftway, Inc.,
Short Delicatessen, Inc.,
S I C Diner, Inc.,
Siconolfi Contracting Corporation,
Sidlen Corp.,
Sidney P. Rubinstein Associates, Inc.,
Sigma Associates, Inc.,
Sigma Construction Co.,
Sigma Corp.,
Sigma Homes, Inc.,
Signalab Communications,
Sihalled, Inc.,
Silco Construction, Inc.,
Silva Realty Associates,
Silver Bros. Stores, Inc.,
Silver Hill Corporation,
Silver Variety Corp.,
Simons Sales,
Simons Steel Products Corporation,
Simpkins Realty Co.,
Simplified Data Processing, Inc.,
Sincad Realty Corp.,
Sinco, Inc.,
Sip Avenue Corporation,
Sipcor Corp.,
Sire, Inc.,
Sivak Construction Co., Inc.,
611 Gates Avenue Corp.,
615 Gates Avenue Corp.,
605 Gates Avenue Corp.,
609 Gates Avenue Corp.,
698 Bergen St., Inc.,
601 Gates Avenue Corp.,
635 McBride Realty Corp.,

The 612 Corp.,
Six Seventeen Co.,
6 Star Record Co.,
1615 Park Ave. Bldg. Corp.,
1615 Park Ave. Corp.,
6815 Park Corp.,
6911 Bergenline Avenue, Inc.,
67 Realty Garage, Inc.,
63 Dayton,
6303 Hudson Ave. Corp.,
6312 6316 Durham Avenue Corp.,
S. & J. Cowell of N. J.,
Skimmer 11 Corporation,
Skye Corporation,
Skylight Jewelry, Inc.,
Skymac Enterprises, Inc.,
Sky View Construction, Inc.,
The Slenderizing Research Co.,
S & L Garage, Inc.,
SLG Corporation,
S. Lipton, Inc.,
S & L Poultry Co., Inc.,
Smada Toys, Inc.,
Small Construction Co.,
S & M Amusements, Inc.,
S M G Parkway Motors, Inc.,
S M H, Inc.,
Smith Brothers Express, Inc.,
Smith Davis, Incorporated,
Smith, Kline and Fender Mortgage Company, Inc.,
Smith Marine Sales,
Smith & Nann Enterprises, Inc.,
Smith Quality Homes,
Smitro Construction Corporation,
S M P Realty Corp.,
S & N Management Corp.,
Snoelbar, Inc.,
Snow Construction Company,
Snow Kleen Launderette,
Snow Speechley Construction Corp.,
S. N. Millner & Co., Inc.,
Snyder Buckram Co.,

Society Catering, Inc.,
Society Unlimited, Inc.,
Soft Foam Manufacturing Co.,
Sojasco, Inc.,
Solomon Shoulson Home for Services,
Soloways, Inc.,
Somerdale Park, Inc.,
Somerset Diner, Inc.,
Somerset Hills Bottle Gas Co.,
Somerset Hills Homes,
Somerset Productions, Inc.,
Somerset Tavern,
Sonic Clean, Inc.,
Sonic Separation, Inc.,
Sonnert Development Company, Inc.,
Sonolux, Inc.,
Sonoma,
Sorco Laundry, Inc.,
Soroco Terminals, Inc.,
Soussa Enterprises,
Southard Realty Corp.,
South Atlantic Construction Corp.,
South Bay Boat Co., Inc.,
South Brunswick Auto Body Shop, Inc.,
South China, Inc.,
Southern Advertising & Sports Supply Co.,
Southern Foods, Inc.,
Southern Minerals of New Jersey, Inc.,
South Hill Apts., Inc.,
South Jersey Holding Corporation, 2,
South Jersey Knitting Mills, Inc.,
South Jersey Lumber Company,
South Jersey Manufacturing & Welding Co., Inc.,
South Jersey Supply and Construction Co., Inc.,
South Monmouth Builders, Inc.,
South Orange Taxi Service, Inc.,
South Prospect Corp.,
Space Control, Inc.,
Span Craft Studios,
Sparamore, Inc.,
Spar Construction Corp.,
S P A Realty Corp.,

Spar Knoll Corporation,
Spartan, Inc.,
Sparta Sales Corp.,
Sparton Builders Corporation,
Specialty Auto Electric Corporation,
Specialty Spinning, Inc.,
Speck Realty Corp.,
Spectra Waterproof Coating Co.,
Speeds Trucking & Rigging, Inc.,
Speedway Custard, Inc.,
Spence Realty Company,
Sportier,
The Sports Corner, Inc.,
The Sportsman Press, Inc.,
Sportsmans Cabins, Inc.,
Spotts Motor Co., Inc.,
Sprayomatic Corporation,
Sprayon Corporation,
Spring Bar & Grill, Inc.,
Springfield Nadel Cab Company,
Springfield Properties, Inc.,
Springfield Sun Publishing Co.,
Spring Glen Development Company, Inc.,
Spring House Homes, Inc.,
Spring Lake Hotel and Guest House Association,
Spring Lake Homes, Inc.,
Spring Pike Apartments,
Spring Valley Meats, Inc.,
Springwood Gardens, Inc.,
Sprinkler Protection, Inc.,
S. Ridon, Inc.,
S. S. Allan Corporation,
S & S Brothers, Inc.,
S & S Embroidery Company, Inc.,
S & S Embroidery Works, Inc.,
S & S M Electronics, Inc.,
S. Sorce & Sons, Inc.,
S & S Research, Inc.,
S & S Ventures, Inc.,
Stackhard Chemical Corporation,
Stacks, Incorporated,
Stacy Construction Corp.,

Stage Six Productions,
Stain Alloy Products, Inc.,
Stainless Oil & Chemical Delivery Service, Inc.,
Stak Company,
Stalp Realty Corp.,
Standard Aluminum & Builders, Inc.,
Standard Cleaners & Dyers, Inc.,
Standard Decal Company,
Standard Farm Equipment Co., Inc.,
Standard Modernizers, Inc.,
Standard Supply and Construction Co.,
Standard Technical Ceramics Corp.,
Stanhope Supply Co., Inc.,
Stanhow Corp.,
Stanislaw Equipment Corp.,
Stanley J. Ziobro, Inc.,
Stanleys Cabinet Shop, Inc.,
Stanrick Contracting Company, Inc.,
Stanrob Realty Co.,
Stansach Corporation,
Stanton Corporation,
Staples Boats, Incorporated,
Star Carriers, Inc.,
Star Commercial Builders, Inc.,
Star Embroidery Co., Inc.,
Starita Realty Company,
Star Light Manor,
Starlite Investment Co.,
Starlite Swimming and Construction Company, Inc.,
The Star of Morris County,
Star Printing and Publishing Corporation,
Starr Realty Co.,
State Adjustment Bureau,
State Capital Corporation,
State Exterminating Co., Inc.,
State Products, Inc.,
State Roofing Co., Inc.,
State Sales Corp.,
State Sewer Co., Inc.,
Stateside Builders, Inc.,
Statewide Associates, Inc.,
State Wide Auto Body Works,

Staton Truck and Car Leasing,
Statronic Filters, Inc.,
Statco, Inc.,
Stay Six Productions,
Steady Cane Associates, Inc.,
Stecklers Footwear of Paterson, Inc.,
Steelco Industries,
Steele and Rosloff Agency, Inc.,
Stelar Products,
Stella Knitting Mills, Inc.,
Stellar Realty Company,
Stenor Corporation,
Stephens Associates,
Step Inn Tavern,
Sterling Delicatessen & Restaurant, Inc.,
Sterling Homes, Inc.,
Sterling Products, Incorporated,
Sterling Sports Shop, Inc.,
Sternrich, Inc.,
Stevens Express, Inc.,
Stevens Mortgage Company,
Stevens Restaurant, Inc.,
Stevens Shoes, Inc.,
Stickel & Brush Motors, Inc.,
Stiles Holding Co., Inc.,
Stockton Agency, Inc.,
Stonebridge Developers, Inc.,
Stone Builders,
Stonecraft Construction Co., Inc.,
Storms & Speaker, Inc.,
Stout Construction Co., Inc.,
Stout Packaging Products Co., Inc.,
Stowells Jewelers, Inc.,
Stratford Park, Inc.,
Strathmore at Berkeley, Inc.,
The Strike Out, Inc.,
Studebaker of Passaic, Inc.,
Stuyvesant Medical Building Corp.,
Stuyvesant Realty & Finance Co.,
Stuyvesant Wine and Liquor Co., Inc.,
Stylcraft Embroidery Co.,
Style Dinettes, Inc.,

Submarpen, Inc.,
Suburban Bridge Center, Inc.,
Suburban Construction Corp.,
Suburban Diner, Inc.,
Suburban Electric Contractors, Inc.,
Suburban Footwear,
Suburban Kings, Inc.,
Suburban Marine Power & Equipment, Inc.,
Suburban Park Swim Club, Inc.,
Suburban Rental Co., Inc.,
Suburbia Drive Plumbing and Heating Co.,
Suburbia, Inc.,
Succasunna Markets, Inc.,
S U Development Corporation,
The Sulky Company, Inc.,
Summerfield Realty, Inc.,
Summer Machine Co., Inc.,
Summit East, Inc.,
Summit Embroidery Corporation,
Summit Flour Company, Inc.,
Summit Marketing, Inc.,
Summit Securities Corporation,
Summit South, Inc.,
Summit Tire Sales Co.,
Sun Brite, Inc.,
Sunbury Foods, Inc.,
Sundries Department of Totowa, Inc.,
Sunkrest Packing Co.,
Sun Motel, Inc.,
Sun & Sand Motel, Inc.,
Sunny Brae Homes, No. 8,
Sunny Brae Homes, No. 18,
Sunny Brae Homes, No. 15,
Sunny Brae Homes, No. 9,
Sunny Brae Homes, No. 19,
Sunny Brae Homes, No. 17,
Sunny Brae Homes, No. 16,
Sunny Brae Homes, No. 10,
Sunny Brae Homes, No. 13,
Sunny Brae Homes, No. 20,
Sunny Brae Homes, No. 24,
Sunny Brae Homes, No. 21,

Sunny Brae Homes, No. 23,
Sunny Brae Homes, No. 22,
Sunny Ridge,
Sunrise Knoll, Inc.,
Sunrise Laundry, Inc.,
Sunset, Inc.,
Sunset Realty and Mortgage Co.,
Sunshine Publishing Co.,
Sun Valley Lake Club,
Suozzo, Inc.,
Superb Developments, Inc.,
Super Grass Seeds, Inc.,
Superior Advertising Agency, Inc.,
Superior Artistry System, Inc.,
Superior Coating & Mfg. Corp.,
Superior Devices, Inc.,
Superior Quality Vest Company,
Super Manufacturing Co., Inc.,
Supracote Development Laboratory, Inc.,
Supreme Vending Service, Inc.,
Sure Lock Fastener Corp.,
Sureseal Burial Vault Co.,
Surfside Aviation, Inc.,
Surfside Towers, Inc.,
Surrey Builders, Inc.,
Susan Engel, Inc.,
Susan Enterprises, Inc.,
Susan Joyce, Inc.,
Sussex County News, Inc.,
Sutton Decorators,
Suttons, Inc.,
Suzanne Interiors, Inc.,
Swallow Construction Corp.,
Swan Lace, Inc.,
Swans American Service,
Swartswood Acres, Inc.,
Swartswood Lodge, Inc.,
S & W Atlantic Service Station, Inc.,
S & W Builders, Inc.,
Sweco Products, Inc.,
Swift Cleaners, Inc., No. 2,
Swing Sales Corp.,

Swiss American Food Import Corporation,
S & W Service Station,
S Y B Restaurant Corp.,
Sycamore Hills,
Sycamore Trucking Co., Inc.,
Syl B Enterprises, Inc.,
Sylvan Transport Leasing,
Sylvern, Ltd.,
Sy Max, Inc.,
Syndico Corp.,
Syr Renae Associates,

Tabard Management Corporation,
T A D S Corporation,
Tag Music Publishing Co., Inc.,
Tailor Maid Coat, Inc.,
Talbot Holding Co., Inc.,
Talechap Corp.,
Tally Ho Metals Corp.,
Tal Supply Company, Inc.,
Tamarack Diner Restaurant, Inc.,
Tami Builders, Inc.,
Tammy Homes, Inc.,
Tan Mars Co., Inc.,
Tap A Keg,
Tape Accounting Center, Inc.,
Tapwood Builders, Inc.,
Tarblu Construction Co.,
Tarzan Construction Co., Inc.,
Tastee Sub, Incorporated,
Tath Company, Inc.,
Tavern Restaurant, Inc.,
Tav Realty Corp.,
Taxicab Safety Group,
Taylor Motor Service, Inc.,
Teaneck Colonial Estates, Inc.,
Teaneck Restaurant Corp.,
Technicopy, Incorporated,
Technifab, Inc.,
Technophysics, Inc.,
Tedco Builders, Inc.,
Teddies 74th Street Diner, Inc.,
Teddys Sea Food Restaurant, Inc.,

Ted Erck, Inc.,
Tedesco, Inc.,
Ted Smith,
Tee Bee, Inc.,
Teedom Recreation Center, Inc.,
Teenarena, Inc.,
Teen Model, Inc.,
Teen Record Corporation,
Tel A Car Rental System, Inc.,
Telegram of Belleville,
Teljac Development Corp.,
Temco Associates, Inc.,
1095 Broad St. Corp.,
Ten Luck Investment Company, Inc.,
Tenney Industrial Park Corp.,
Tenth Madison Corp.,
Ten W Fourth Ave., Inc.,
Tepmar Properties, Inc.,
Teris Restaurant, Inc.,
Termil Corp.,
Terminal Bar, Inc.,
Terminal Transportation Co., Inc.,
Terona, Inc.,
Terrace Parking Corp.,
Terrace Research, Inc.,
Terra Firma Development Corp.,
Terra Specialties Corp.,
Terry & Co., Inc.,
Terry Giant Submarine Sandwiches, Inc.,
Test Rite Electronics, Inc.,
Texas Brickwork, Inc.,
Textile Converters Corp.,
Theibault Service Center, Inc.,
Theodore A. Seybold, Inc.,
Theosam Realty Corp.,
Thermal Instruments Corp.,
1311 Trading Corp.,
35 Circle Avenue, Inc.,
35 Essex Corp.,
3285 Boulevard Corporation,
Thistle Estates, Incorporated,
Thomas Anthony Dress Co.,

Thomas E. Moeller, Inc.,
Thomas E. Moeller Paint Supply and Sales, Inc.,
Thomas J. Hughes, Inc.,
Thomas Murphy Detective Agency, Inc.,
Thomas S. San Giacomo, Inc.,
Thomas Supply Co.,
Thomas Wright Company,
Thompson Typewriters, Inc.,
Thorn Bros.,
3 B Trucking Co., Inc.,
Three D Construction Co., Inc.,
399 Auto Rental System of Northern New Jersey, Inc.,
3 Fellows, Inc.,
3 GS Construction Company,
384 Littleton Avenue Realty Co., Inc.,
380 Grove Street Corporation, Inc.,
315 Halsey, Inc.,
348 350 First St. Corp.,
347 351 Main Street Realty Co., Inc.,
398 Central Avenue, Inc.,
307 W. Fourth Street Co., Inc.,
The 325 Corp.,
Three Point Development Corporation,
Thriftville Corporation,
Thriftway Stores, Inc.,
Thrifty Diamond Corporation,
Thriftys, Inc.,
Ti Cel Manufacturers,
Tile Distributors, Inc.,
Timco, Inc.,
Time Automated Mfg., Inc.,
Times Square Service Co.,
Timothy Trucking Company,
Tincoh Realty Co., Inc.,
Tiny Tot Day School,
Tip Top Construction Corp.,
Titan Painting Corporation,
Tittmans Towne Shoppe,
Tobaccoless Smoking Products Co. of N. J., Inc.,
Tog Textile Service, Inc.,
Tom Alan Construction Corp.,
Tom Alan Land Corp.,

Tomasi Brothers Auto Body, Inc.,
Tomax, Inc.,
Tom Lamore Motors, Inc.,
The Tomorrow Plan,
Toms Barge, Inc.,
Toms River Shrubbery Mart,
Tonbrox, Inc.,
Tony Dantes Liquors, Inc.,
Tony Maitas Oasis, Inc.,
Tonys Auto Repair Co.,
Topps Bake Shop, Inc.,
Tops Electronic Distributors, Inc.,
Tops & Pops, Inc.,
Toray Realty Company,
Torcar Industries, Inc.,
Toros of Egg Harbor, Inc.,
Totowa Theatre Corp.,
The Towers Delicatessen,
Town Bar and Grill, Inc.,
Town and Country Gourmet Delicatessen,
Town & Country Holding Corp.,
Town and Country Improvement Corporation,
Town & Country Pools, Inc.,
Town and Country Realty,
Town & Country Sales, Inc.,
Town & Country Taxicab Association,
Town Crier Associates, Inc.,
Towne Decorators, Inc.,
Towne Delicatessen, Inc.,
Town House Builders, Inc.,
Township Holding Co.,
Toy Demonstrators, Inc.,
Toy Juvenile Associates,
Traco Super Drug, Inc.,
Trade Building Corp.,
Trade Decorators, Inc.,
Trade Milers, Inc.,
Trade Packaging, Inc.,
Trailer Fabricators, Inc.,
Tramporama Health Center of Linden, N. J., Inc.,
Tranex Scientific of New Jersey, Inc.,
Trans American World Transit, Inc.,

Transco Television Productions, Inc.,
Transfer Restaurant, Inc.,
Transistors, Inc.,
Transportation Equipment Company,
Travel Trailers, Inc.,
Treasure Island, Inc.,
Tree O Garage, Inc.,
Tren More Homes,
Trends, Inc.,
Trenton Associates, Inc.,
Trenton Broad Corp.,
Trenton Oxygen & Equipment Co., Inc.,
Trenton Value Housewares Co.,
Trent Paper & Stock Co., Inc.,
Triangle Air Conditioning Co.,
Triangle Associates, Inc.,
Triangle Auto Body, Inc.,
Triangle Sign Company, Inc.,
Tri Bar Sales & Service, Inc.,
Trico Improvement Co., Inc.,
Tricolite of New Jersey,
Tri Com, Inc.,
Tri Contact, Inc.,
Tri County Marine, Inc.,
Tri County Paving, Inc.,
Tri County Publishing Company,
Tri County Realty, Inc.,
Tri County Services Corp.,
Trillings Tires and Appliances, Inc.,
Trinak Industries, Inc.,
T & R, Inc.,
Trio Handbag Co., Inc.,
Triola Builders, Inc.,
Tri Par Co., Inc.,
Triple S Mfg. Co.,
Tri Port Leasing Co.,
Tri Son Commercial Corp.,
Tri State Distributors, Inc.,
Tri State Maintenance, Inc.,
Tri Trucking Corporation,
Trojan Equipment Corporation,
Trophy Auto Sales, Inc.,

Troublefield Enterprises, Inc.,
Troy Associates, Inc.,
Troy Hills Estates,
Troy Laundry Corporation,
Troy Lumber and Supply Co., Inc.,
T R Power Contracting Co., Inc.,
Trudee Furniture Corp.,
True Type Homes, Inc.,
Tru Home Sales Corporation,
Trutone Products Corp.,
Tru Way Cleaners and Dyers, Inc.,
T & S Construction, Inc.,
T. S. Evans Enterprises, Inc.,
Tucker Homes, Inc.,
Tucker & Paley Development Corporation,
Tuckerton Beach Yacht Club,
Tudi Fashions, Inc.,
Tullsen Contracting Company, Inc.,
Tulop Industrial Corp.,
Tunnel Construction Co., Inc.,
Tunnel Constructors, Inc.,
Tuohy Sales & Service, Inc.,
Turco, Inc.,
Turner Homes, Inc.,
Turnpike Communications, Incorporated,
Turnpike, Ltd.,
Turnpike Servicer, Inc.,
Turnpike Sports, Inc.,
Tuxbury Distributing Corp.,
T V Consumers, Inc.,
Tween Hills, Inc.,
Twelve Tell Corporation,
Twenty Acres, Inc.,
24 East Front Street Realty Corporation,
29 Hartford Street Corporation,
21 Rodney Rd. Corp.,
21st Century Toy Corporation,
22 Pennington St. Corporation,
Twin Bay Holding Co.,
Twin Boro. Gas Co.,
Twin Brook Limousine Service, Inc.,
Twin Brook Marine and Timber, Inc.,

Twin Castle Health Resort, Inc.,
Two Daves, Inc.,
Two Guys from Alberdna, Inc.,
Two Herbs, Inc.,
218 Neilson Street, Inc.,
218 Realty Corporation,
208 First Street Corp.,
215 Thirteenth Ave.,
247 Market St. Corporation,
242 Peshine Avenue, Inc.,
240 Wayne Street Corporation,
295 Broadway Corner Carroll St., Inc.,
Two Hundred One Fifth Street Corp.,
279 Grand Street Corp.,
279 Ravens Wood, Inc.,
279 10, Incorporated,
206 Copley Ave. Corp.,
206 Drive In Theatre Corporation,
266 State Street Corporation,
235 Ewingville Road Corporation,
239 Trenton Avenue, Inc.,
231 Godwin Ave. Corp.,
223 Park Place Corp.,
202 Boulevard Investment Company,
Two Nicks Restaurant, Inc.,
Two Tone Taxi, Inc.,
2 Tonys, Inc.,
Tyne Trucking & Warehouse Co., Inc.,

U B C, Ltd.,
Ultra Insulation Corporation,
Ultra Products, Inc.,
Una Har Corp.,
Unander Scharin Manufacturing, Inc.,
Uncle Moe, Inc.,
The Under Twenty-one Club,
Underwater Enterprises, Inc.,
Underwriters Agency, Ltd.,
Uneeda Window Specialties Co., Inc.,
Unified Systems, Inc.,
Uniforms Unlimited,
Union Hill Construction Co.,

Union Realty Corp.,
Union and Second, Inc.,
Unique Sales Co., Inc.,
Unison Properties, Inc.,
United Auto Specialties Corp.,
United Chemical Carriers, Inc.,
United Components, Inc.,
United Environmental Cabinets, Inc.,
United Exhibitions,
United Factors Service Corporation, Inc.,
United Glass Tinting Corp.,
United Healthways, Inc.,
United Ideal Five Businessmens Club, Inc.,
United Machine Shops, Inc.,
United Millwork, Inc.,
United Packing Company,
United States Drum, Inc.,
U. S. Lumber and Construction,
U. S. Motor Sales Co.,
U. S. Pallet Leasing Corp.,
United Trades, Inc.,
United Wholesale Building Supply Company,
Unity Food Sales, Inc.,
Universal Appraisal Co.,
Universal Art Films Productions, Inc.,
Universal Book Company, Inc.,
Universal Chemical Applicators Corporation,
Universal Communications, Inc.,
Universal Flat Knitting Machines Corp. of America,
Universal Flat Knitting Machines Parts & Service Corp. of
America,
Uptons, Inc.,
Urban Masonry Corporation,
Usel, Inc.,

Vac Motors, Inc.,
Vail Agency, Inc.,
Valentine Bros., Inc.,
Valentine Products, Inc.,
Valley Bottling Co., Inc.,
Valley Crest Estates, Inc.,
Valley Day Camp,

Valley Food Service, Inc.,
Valley Investment Company, Inc.,
Valley Meat Market of Wayne, Inc.,
Valley Newspapers, Inc.,
Valley Services, Inc.,
Value Amusement Corp.,
Val Vadino & Son, Inc.,
Vanak Embroidery, Inc.,
Vanco Builders, Inc.,
Vanef Realty Company,
Van Equipment & Construction Co.,
Van Frank Corporation,
Vanguard Developers,
Vanguard of New Jersey, Inc.,
Van Horn and Ekey, Inc.,
Vanity Fair Handbags, Inc.,
Variety Footwear, Inc.,
Varsity Drug and Variety Stores,
Varsity Lumber and Construction Company,
V & B Construction Co., Inc.,
V & B Dress Co., Inc.,
Vel, Inc.,
Velo International, Inc.,
Vending Machine Sales, Inc.,
Vendita Sales Corporation,
Vendix, Inc.,
Venice Production Co., Inc.,
Veniero Lock & Safe Co., Inc.,
Ventnor Furniture and Carpet Co.,
Ventnor Towers, Inc.,
Venus Interiors, Inc.,
Venus Plumbing Heating & Supply Co., Inc.,
Venus Tub Enclosure Co., Inc.,
Verdon Meat Wholesalers, Inc.,
Verifidelity, Inc.,
Veri Tone Cosmetic, Inc.,
Vermiculite Placing Co.,
The Verona Drilling Company,
V & F Construction Co., Inc.,
V & G Construction Co., Inc.,
Victor Associates, Inc.,
The Victor Development Co.,

Victoria Mail Order Co.,
Victorian Construction Company, Inc.,
Victoria Park, Inc.,
Victory Cap Corp.,
Victory Demolition Company,
Vidas Bridal Salon, Inc.,
Video Electronics Corp.,
Viking Dockbuilding, Inc.,
Viking Pool and Supply Company, Inc.,
Village Discount Mart, Inc.,
Village Pizza, Inc.,
Villa Luisa Construction Co.,
Villand Enterprises, Inc.,
Vimac, Inc.,
Vim Embroidery Co., Inc.,
Vincent Murphy,
Vincent R. Vespole, Inc.,
Vincent X. Miller Co.,
Vinc Madonna, Inc.,
Vineland Distributing Company, Inc.,
Vineland Sportscar, Limited,
Vineyard Haven Corporation,
Vinjohn Extrusion Corp.,
Vinlen Corp.,
Vinyl Interiors, Inc.,
Virginia Enterprises, Inc.,
Visna, Inc.,
Vitale David Corp.,
Vita Realty Corporation,
Vitbel Homes Corporation,
Vitomass Productions Company,
Vittoria Castle, Inc.,
Vixen Chemical Corporation,
Vizual Laboratories, Inc.,
Vogels of Freehold, Inc.,
Vogue Bonjour, Inc.,
Voltaco, Inc.,
Vue Tronics Co.,
V & W T V Enterprises, Inc.,

W. A. Cook, Ltd.,
Wainwright, Inc.,

Walbern Co.,
Walbert Realty Co., Inc.,
Waldemar J. Mazur Co.,
Waldher Construction Company, Inc.,
Wald Research, Inc.,
Waldwick Estates, Inc.,
Waldwick Prime Meats, Inc.,
Wales, Inc.,
Walkers Realty Corporation,
Wall Ad, Inc.,
Wall Apartments, Inc.,
Wallkill Printing & Publishing Company, Inc.,
Wallson Associates, Inc.,
Walter C. Ingham, Inc.,
Walter H. Schlecksher, Inc.,
Walter J. Olson & Associates, Inc.,
Walter L. Powell, Inc.,
Walton Resilient Floors, Inc.,
Walts Excavating Co.,
Wana Q Hardware Co.,
Wan Holding Co.,
Ward & Stickle Pallet Co., Inc.,
Waretown Hotel, Inc.,
Warich Company,
Warlen Realty Co., Inc.,
Warner Irons, Inc.,
Warren Motor Lodge, Inc.,
Warren Motors, Inc.,
Warren Point Builders, Inc.,
Warrenville Construction Co., Inc.,
Wascot Construction Corp.,
Wash A Teria, Inc.,
Wash Em Cleaner Corp.,
Washer Service, Inc.,
Washington Delicatessen, Inc.,
Washington Valley Bar and Liquors, Inc.,
Washington Valley Water Co.,
Wash O Mat of Mount Holly, Inc.,
Watchung Grocery Co., Inc.,
Watchung Mountain Gardens, Inc.,
W A & W H Stock Amusements, Inc.,
Wayne Motor Inn, Inc.,

Wayne Plaza Corp.,
Wayne Plaza Realty Corporation,
Wayneview, Inc.,
Wayside, Inc.,
W C Realty Company,
W. C. T. Kirby, Inc.,
Weagley Construction Company,
Wear House, Ltd.,
Weather Conditioning Co., Inc.,
Weather Control Products Company, Inc.,
Weavers Bar, Inc.,
Weaver Welding Works, Inc.,
Webbs Drive In,
Weber Electric Co., Inc.,
Webers Yumpin Yiminy, Inc.,
Weequahic Realty Co., Inc.,
Weiss of New Jersey City, Inc.,
Weissman Salvage Corporation,
Welbilt Shelving Distributors, Inc.,
Welbilt Upholstering Shop,
Welbuilt Garages, Inc.,
The Welcome Homes Realty Company,
Wel Don Transport Rental Corp.,
Wel Don Machine Co., Inc.,
Well Built Sales of Hunterdon, Inc.,
Wellings Restaurant, Inc.,
Wellmore Builders, Inc.,
Welsch & Driscoll Corporation,
Wendy Holding Company,
Wescott Company,
Wes Les Apartments, Inc.,
Wesley Construction Co.,
Westamerican Charcoal and Coal Co., Inc.,
Westates Electronics Corp.,
Westbrook Heights, Inc.,
Westchester Fabricating Industries, Inc.,
West East Broadcasting Corporation,
Western Roofing and Aluminum Building Supply Co., Inc.,
Westfield Cab Co., Inc.,
Westfield Realty Investing Company,
West Homes, Inc.,
West Hudson Furs,

West Jersey Supply,
Westlake Terrace, Inc.,
West Metal Processing Company,
West Millwork & Cabinet, Inc.,
Westmont Realty and Investment Corporation,
Westmore, Incorporated,
West Mountain Realty Co.,
West Mount Cabana Club, Inc.,
West New York Glass Co., Inc.,
West New York Panorama, Inc.,
West Shore Marine, Inc.,
West Side Garage,
West Side and Park Avenue Corporation,
Westview Auto Sales, Inc.,
Westville Construction Corporation,
Westwood Building Maintenance Co., Inc.,
Westwood Engineering & Construction Co., Inc.,
Westwood Heights, Inc.,
Wether Bee of New Jersey, Inc.,
Weygand Realty Co., Inc.,
Wharton Homes, Inc.,
Wheelhouse, Inc.,
Whip Records, Inc.,
White Building Material Distributors,
White Corporation,
White Eagle Home Improvement Co., Inc.,
White Elephant Restaurant and Retail Bakery, Inc.,
White Engineering Co.,
Whitehead Kitchens, Inc.,
White Horse Pike Printers,
White House Dairy Products, Inc.,
Whitehouse Research Bureau,
White Oak Estates,
White Rock Country Club, Inc.,
White Trucking Co., Inc.,
Whitman Caterers, Inc.,
Whitman Food & Beverage Service, Inc.,
Whitmore Construction Company,
Wholesome Dairies, Inc.,
Widmer Bindery, Inc.,
Wig City,
Wilco Truck Rentals, Inc.,

New Jersey State Library

Wilco of Wayne, Inc.,
Wilderotter Union Furniture Co., Inc.,
Wildon Builders, Inc.,
Wild Ridge Holding Co., Inc.,
Wilgram, Inc.,
Wilkie Corp.,
Willenbrock Tool & Machine Co., Inc.,
Willesden Proofing Company, Inc.,
William B. Fedishen, Inc.,
William Brouwer, Incorporated,
Wm. C. Van Handel & Son, Inc.,
William Dennig Corporation,
Wm. J. Hare, Inc.,
William J. Weinmann, Inc.,
William M. Meister and Company,
Wm. Reinhardt & Son, Inc.,
Williamsburg Day School, Inc.,
Williams Corp.,
Williams Land Co., Inc.,
Wm. S. Law & Bros.,
William S. Roberts, Inc.,
Williams & Son Equipment Co., Inc.,
Williamstown Motors,
William V. Pulis and Son, Inc.,
Willingboro Life,
Willingboro Weekly News,
Willingboro World,
Willis Wool Corporation,
Willow Avenue Dry Cleaners, Inc.,
Willowglade Corp.,
Willow Music Publishers, Inc.,
Wilson Construction Corp.,
Wilson Equipment Corporation,
Wilson and Goettel, Inc.,
Wilson Trading Co., Inc.,
Winans Service, Inc.,
Winchell & White, Inc.,
Winchester, Ltd., of Spring Lake,
Windeler Construction Co., Inc.,
Windsor Land Development, Inc.,
Windsor Luncheonette,
Winfield, Inc.,

Winna Construction Co.,
Winston Associates, Inc.,
Winston Construction Co., Inc.,
Winston Jewelers, Inc.,
Winthrop Housing Construction Corp.,
Winthrop Martin, Inc.,
Wise Owl Ship Chandler, Inc.,
The Wishing Well Card and Gift Shop, Inc.,
W L M & Company, Inc.,
W. N. Scanlan, Inc.,
Wolfe & Son, Inc.,
Wolff Auto Rental Associates, Inc.,
Wolfson, Inc.,
Wolfson Realty Co., Inc.,
Wolinskys Atlantic Service Center, Inc.,
Wonder Homes Builders, Inc.,
Wonder Homes, Inc.,
Woodbridge Hairdressers, Inc.,
Woodbury Electrical Contractors, Inc.,
Woodbury Motor Company,
Wood N Craft, Inc.,
Wood Neptune Steel Company, Inc.,
Woodside Construction Co.,
Woodside Homes, Inc.,
Woodstock Estates, Inc.,
Woodzan Industries, Inc.,
Worab Foods of New Jersey, Inc.,
World Corporation,
World Famous Foods, Inc.,
World Liquors, Inc.,
World Motors, Inc.,
World O Flowers, Inc.,
The World Telephone and Equipment Co.,
World Trophies, Inc.,
World Wide Mortgage Service, Inc.,
Wright Motors, Inc.,
The Wright Store of Bound Brook, Inc.,
Wrigley Products Corporation,
WTOA Associates, Inc.,
Wulster Built Homes, Inc.,
Wulster & Spader, Inc.,
W & W Furniture Co., Inc.,

W & W Trucking Corp.,
Wychwood Limousine Service, Inc.,
Wyckoff Agency, Inc.,
Wyckoff Brook Estates, Inc.,
Wyckoff Machine and Tool Co., Inc.,
WZS Company, Inc.,

Xavier Cugat Dance Studios of New Jersey, Inc.,

Yachtfinders, Inc.,
Yankee Brake Shops, Inc.,
Yannelli & Simoes, Inc.,
Yanuzzi Realty Corp.,
Yards Shoe Corporation,
Yardville Sales Center, Inc.,
Yarmouth Realty Company,
Ybry, Incorporated,
Yetmor Holding Company,
York Auto Body, Inc.,
York Auto Repairs, Inc.,
Young Playboy,
Young Realty Associates, Inc.,
Youngs Cleaners, Inc.,
Youngstown Products, Inc.,
Your Meat Center, Inc.,
Yuengling Construction Co., Inc.,
Yuskos Tavern, Inc.,

Zaccaros Electric Service, Inc.,
Zandy Enterprises, Inc.,
Zaris Construction Company, Inc.,
Z & E Contractors, Inc.,
Zemco Realty, Inc.,
Zenith Aluminum Products, Inc.,
Zenith Artist, Inc.,
Zimmer Drug Co., Inc.,
Z N Z Plastic Products, Inc.,
Zrenner Casper Bus Co., Inc.,
Zumpie, Inc.,

are repealed, and that all powers conferred by law upon such corporations and each of them, shall hereafter be inoperative and void.

Given under my hand and the Great Seal of the State
[SEAL] of New Jersey, this 3rd day of January A. D., one
thousand nine hundred and sixty-seven, and in the In-
dependence of the United States, the one hundred and
ninety-first.

RICHARD J. HUGHES,
Governor.

By the Governor,
ROBERT J. BURKHARDT,
Secretary of State.

AMENDMENTS TO THE
1947 CONSTITUTION

Amendments to the 1947 Constitution

PROPOSED AMENDMENTS ADOPTED

Amend Article IV, Section I, Paragraph 2 of the State Constitution to read as follows:

2. No person shall be a member of the Senate who shall not have attained the age of thirty years, and have been a citizen and resident of the State for four years, and of the district for which he shall be elected one year, next before his election. No person shall be a member of the General Assembly who shall not have attained the age of twenty-one years and have been a citizen and resident of the State for two years, and of the district for which he shall be elected one year, next before his election. No person shall be eligible for membership in the Legislature unless he be entitled to the right of suffrage.

Amend Article IV, Sections II and III of the State Constitution to read as follows:

SECTION II.

1. The Senate shall be composed of forty senators apportioned among Senate districts as nearly as may be according to the number of their inhabitants as reported in the last preceding decennial census of the United States and according to the method of equal proportions. Each Senate district shall be composed, wherever practicable, of one single county, and, if not so practicable, of two or more contiguous whole counties.

2. Each senator shall be elected by the legally qualified voters of the Senate district, except that if the Senate district is composed of two or more counties and two senators are apportioned to the district, one senator shall be elected by the legally qualified voters of each Assembly district. Each senator shall be elected for a term beginning at noon of the second Tuesday in January next following his election and ending at noon of the second Tuesday in January four years thereafter, except that each senator, to be elected for a term beginning in January of the second year following the year in which a decennial census of the United States is taken, shall be elected for a term of two years.

3. The General Assembly shall be composed of eighty members. Each Senate district to which only one senator is apportioned shall constitute an Assembly district. Each of the remaining Senate districts shall be divided into Assembly districts equal in number to the number of senators apportioned to the Senate district. The Assembly districts shall be composed of contiguous territory, as nearly compact and equal in the number of their inhabitants as possible, and in no event shall each such district contain less than eighty per cent nor more than one hundred twenty per cent of one-fortieth of the total number of inhabitants of the state as reported in the last preceding decennial census of the United States. Unless necessary to meet the foregoing requirements, no county or municipality shall be divided among Assembly districts unless it shall contain more than one-fortieth of the total number of inhabitants of the state, and no county or municipality shall be divided among a number of Assembly districts larger than one plus the whole number obtained by dividing the number of inhabitants in the county or municipality by one-fortieth of the total number of inhabitants of the state.

4. Two members of the General Assembly shall be elected by the legally qualified voters of each Assembly district for terms beginning at noon of the second Tuesday in January next following their election and ending at noon of the second Tuesday in January two years thereafter.

SECTION III.

1. After the next and every subsequent decennial census of the United States, the Senate districts and Assembly districts shall be established, and the senators and members of the General Assembly shall be apportioned among them, by an Apportionment Commission consisting of ten members, five to be appointed by the chairman of the state committee of each of the two political parties whose candidates for governor receive the larger number of votes at the most recent gubernatorial election. Each state chairman, in making such appointments, shall give due consideration to the representation of the various geographical areas of the state. Appointments to the Commission shall be made on or before November 15 of the year in which such census is taken and shall be certified by the Secretary of State on or before December 1 of that year. The Commission, by a majority of the whole number of its members, shall certify the establishment of Senate and Assembly districts and the apportionment of senators and members of the

General Assembly to the Secretary of State within one month of the receipt by the Governor of the official decennial census of the United States for New Jersey, or on or before February 1 of the year following the year in which the census is taken, whichever date is later.

2. If the Apportionment Commission fails so to certify such establishment and apportionment to the Secretary of State on or before the date fixed or if prior thereto it determines that it will be unable so to do, it shall so certify to the Chief Justice of the Supreme Court of New Jersey and he shall appoint an eleventh member of the Commission. The Commission so constituted, by a majority of the whole number of its members, shall, within one month after the appointment of such eleventh member, certify to the Secretary of State the establishment of Senate and Assembly districts and the apportionment of senators and members of the General Assembly.

3. Such establishment and apportionment shall be used thereafter for the election of members of the Legislature and shall remain unaltered until the following decennial census of the United States for New Jersey shall have been received by the Governor.

Amend Article XI by adding thereto Section V as follows:

SECTION V.

1. For the purpose of electing senators in 1967 and until the 1970 decennial census of the United States for New Jersey shall have been received by the Governor, the forty senators are hereby allocated among fifteen Senate districts, as follows:

First District—the counties of Gloucester, Atlantic and Cape May, two senators;

Second District—the counties of Salem and Cumberland, one senator;

Third District—the county of Camden, three senators;

Fourth District—the counties of Burlington and Ocean, two senators;

Fifth District—the county of Monmouth, two senators;

Sixth District—the county of Mercer, two senators;

Seventh District—the county of Middlesex, three senators;

Eighth District—the county of Somerset, one senator;

Ninth District—the county of Union, three senators;

Tenth District—the county of Morris, two senators;

Eleventh District—the county of Essex, six senators;
Twelfth District—the county of Hudson, four senators;
Thirteenth District—the county of Bergen, five senators;
Fourteenth District—the county of Passaic, three senators; and
Fifteenth District—the counties of Sussex, Warren and Hunterdon, one senator.

2. For the purpose of electing members of the General Assembly and the senators from Assembly districts where so required in 1967 and until the 1970 census of the United States for New Jersey shall have been received by the Governor, the Assembly districts shall be established by an Apportionment Commission consisting of ten members, five to be appointed by the chairman of the state committee of each of the two political parties whose candidates for governor receive the largest number of votes at the most recent gubernatorial election. Each state chairman, in making such appointments, shall give due consideration to the representation of the various geographical areas of the state. Such Apportionment Commission shall be appointed no earlier than November 10 nor later than November 15, 1966, and their appointments shall be certified by the Secretary of State on or before December 1, 1966. The Commission, by a majority of the whole number of its members, shall certify the establishment of Assembly districts to the Secretary of State on or before February 1, 1967.

3. If such Apportionment Commission fails so to certify the establishment of Assembly districts to the Secretary of State on or before the date fixed or if prior thereto it determines that it will be unable so to do, it shall so certify to the Chief Justice of the Supreme Court of New Jersey, and he shall appoint an eleventh member of the Commission. Such Commission, by a majority of the whole number of its members, shall within one month after the appointment of such eleventh member certify to the Secretary of State the establishment of Assembly districts.

4. The Assembly districts so established shall be used thereafter for the election of members of the General Assembly and shall remain unaltered until the following decennial census of the United States for New Jersey shall have been received by the Governor.

Adopted November 8, 1966.

PROPOSED AMENDMENTS
TO THE 1947 CONSTITUTION
THAT HAVE BEEN REJECTED

Proposed Amendments to the 1947 Constitution that have been Rejected

PROPOSED AMENDMENT REJECTED

Amend Article VII, Section II, paragraph 2 to read as follows :

2. County clerks, surrogates and sheriffs shall be elected by the people of their respective counties at general elections. The term of office of county clerks, surrogates and sheriffs shall be 5 years. Whenever a vacancy shall occur in any such office, it shall be filled in the manner to be provided by law.

There shall be printed on each official ballot to be used at such general election the following :

If you favor the proposition printed below make a cross (×), plus (+) or check (√) in the square opposite the word “Yes.” If you are opposed thereto make a cross (×), plus (+) or check (√) in the square opposite the word “No.”

	Yes.	Shall the amendment of Article VII, Section II, paragraph 2 of the Constitution to fix the terms of sheriffs at 5 years instead of 3 years, be approved?
	No.	

In any municipality in which voting machines are used, the question shall be placed upon the official ballots to be used upon the voting machines without the foregoing instructions to the voters and shall be voted upon by the use of such machines without marking as aforesaid.

Filed July 9, 1956.

PROPOSED AMENDMENT REJECTED

Amend Article VII, Section I, paragraph 1 of the Constitution to read as follows :

1. Property shall be assessed for taxation under general laws and by uniform rules. All real property assessed and taxed

locally or by the State for allotment and payment to taxing districts shall be assessed according to the same standard of value; and such real property shall be taxed at the general tax rate of the taxing district in which the property is situated, for the use of such taxing district. The Legislature may authorize the governing body of any municipality constituting a taxing district to establish a proportion of the standard of value at which such real property situate therein shall be assessed, and such proportion shall be uniformly applied to all such real property within the taxing district.

EXECUTIVE ORDERS

(1223)

Executive Orders

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 33

NEVER ISSUED.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 34

WHEREAS, On the 7th day of February, 1967 a heavy snowfall reaching blizzard proportions has seriously disrupted transaction of business in the State of New Jersey, Now, THEREFORE,

I, RICHARD J. HUGHES, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and the statutes of this State do hereby ORDER and DIRECT that:

1. All State chartered banks and savings banks and national banking associations shall be closed on February 8, 1967 and that said closing shall have the effect of a Bank Holiday within the meaning and provisions of Section 36:1-1 of the Revised Statutes.

[SEAL] Given under my hand and seal this 7th day of February, in the year of Our Lord, one thousand nine hundred and sixty-seven, and in the Independence of the United States, the one hundred and ninety-first.

/s/ RICHARD J. HUGHES,
Governor.

Attest:
/s/ LAWRENCE BILDER,
Secretary to the Governor.

(1225)

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 35

TO: THE HEADS OF ALL STATE DEPARTMENTS, BUREAUS, DIVISIONS, ETC.

I, RICHARD J. HUGHES, Governor, ORDER and DIRECT that beginning Monday, June 12, 1967, and continuing through Friday, September 8, 1967, all State offices shall close one-half hour earlier than the regular closing hour. Except as may be prescribed by Directive of the Department Head with respect to employees of the Department, this Order shall not apply to employees assigned to work a 40-hour week or those employees engaged in field operations requiring attendance beyond the hours prescribed above, maintenance workers paid on an hourly basis or employees required to work shift assignments.

[SEAL] Given, under my hand and seal this 7th day of June, in the year of Our Lord, one thousand nine hundred and sixty-seven, and of the Independence of the United States, the one hundred and ninety-first.

/s/ RICHARD J. HUGHES,
Governor.

Attest:

/s/ LAWRENCE BILDER,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 36

I, RICHARD J. HUGHES, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and the statutes of this State do hereby ORDER and DIRECT that:

1. Friday, November 24, 1967 (the day following Thanksgiving Day) be declared an extra holiday for State employees.

Given, under my hand and seal this 9th day of November, in the year of Our Lord, one thousand nine hundred and sixty-seven, and of the Independence of the United States, the one thousand and ninety-second.

/s/ RICHARD J. HUGHES,
Governor.

Attest:

/s/ LAWRENCE BILDER,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 37

WHEREAS, The 90th Congress of the United States is presently considering, and shortly is expected to enact, legislation popularly referred to as the "Safe Streets and Crime Control Act of 1968"; and

WHEREAS, The Honorable Lyndon Baines Johnson, President of the United States, is expected to approve such legislation upon its enactment by Congress; and

WHEREAS, The "Safe Streets and Crime Control Act of 1968" envisages a major role for State government in intensified nationwide efforts to combat crime in all its phases, and authorizes grants to the State to facilitate this role; and

WHEREAS, The public interest of the citizens of the State of New Jersey requires that the State be fully prepared to implement the "Safe Streets and Crime Control Act of 1968" and to respond fully to the challenge of this major federal effort to strengthen local law enforcement; and

WHEREAS, The pervasive threat posed by criminal activity to the security of the citizens of New Jersey must be eliminated if a climate of full respect for law and order is to be insured in New Jersey; and

WHEREAS, Continuing review, reassessment and reappraisal of the criminal laws of this State and of State and local law enforce-

ment techniques, policies and priorities is essential to the battle against crime; and

WHEREAS, The public interest of the citizens of the State of New Jersey requires that there be established a State-wide agency with responsibility for continuing analysis of State and local law enforcement practices;

NOW, THEREFORE, I, RICHARD J. HUGHES, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the statutes of this State, do hereby ORDER and DIRECT:

1. (a) There is hereby created the New Jersey Council Against Crime.

(b) The New Jersey Council Against Crime here and after referred to as the "Council," shall consist of the Attorney General who shall be Chairman, and such other residents of the State as the Governor shall from time to time appoint. The membership of the Council shall include persons broadly representative of law enforcement, local government and interested citizenry in the State.

(c) The members of the Council shall serve without compensation, but shall be entitled to reimbursement, within the limits of funds available therefor, for all necessary expenses incurred in the discharge of their duties.

(d) The Council shall meet at the call of the Chairman, but not less than once in each month. The Council shall report annually to the Governor, the Legislature and the New Jersey Supreme Court.

2. (a) For the purpose of securing the fullest implementation in New Jersey of the legislation popularly referred to as the "Safe Streets and Crime Control Act of 1968" or such other act of Congress as may hereafter be passed for like or similar purposes, the Council shall do all things necessary to assure the submission and approval of applications for grants pursuant to such legislation, and to coordinate the effective and efficient administration of any grants received pursuant thereto.

(b) For the purpose of strengthening State and Local law enforcement practices, the Council shall:

(1) develop a comprehensive State-wide plan to carry out new and innovative approaches for the improvement of law enforcement and criminal justice throughout the State;

(2) define, develop, and correlate programs and projects for the State and units of local government in the State for the improvement of law enforcement and criminal justice;

(3) suggest means for improving the training and qualifications of personnel engaged in law enforcement;

(4) examine and appraise on a continuing basis the administration, enforcement, and operation of all State and local laws, ordinances, and regulations relating to crimes and offenses;

(5) initiate and from time to time conduct State-wide law enforcement conferences for the purpose of accomplishing greater coordination and uniformity of law enforcement procedures;

(6) inquire into the problem of recidivism and formulate methods for the rehabilitation of criminals, with particular emphasis on the feasibility of work-release programs and the need for improved probation and parole services;

(7) establish priorities for the improvement of law enforcement and criminal justice throughout the State.

3. (a) The Council is authorized to call upon any department, office, division or agency of the State to supply such statistical data, program reports, and other information or personnel and materials as it deems necessary to discharge its responsibilities under this Order.

(b) Each department, office, division or agency of the State is authorized and directed, to the extent not inconsistent with law, to cooperate with the Council and to furnish it such information and assistance as it may find necessary in the discharge of its responsibilities under this Order.

4. This Order shall take effect immediately.

Given, under my hand and seal this 4th day of January, in the year of Our Lord, one thousand nine hundred and sixty-eight, of the Independence of the United States, the one hundred and ninety-second.

/s/ RICHARD J. HUGHES,
Governor.

Attest:

/s/ LAWRENCE BILDER,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 38

WHEREAS, The orderly development of the use of Atomic Energy for peacetime purposes is of vital importance to the continued development of New Jersey; and

WHEREAS, Such development is subject to the jurisdiction of many agencies of State government; and

WHEREAS, The efforts of these agencies and private enterprise must be effectively coordinated to encourage the rapid, efficient and safe development of this important source of power; and

WHEREAS, The public interest of the citizens of the State of New Jersey requires that there be established a State-wide agency with continuing responsibility for such coordination;

NOW, THEREFORE, I, RICHARD J. HUGHES, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the statutes of this State, do hereby ORDER and DIRECT:

1. (a) There is hereby created the New Jersey State Atomic Energy Council.

(b) The New Jersey State Atomic Energy Council shall consist of the President of the Board of Public Utility Commissioners, the Commissioner of the Department of Conservation and Economic Development, the Commissioner of the Department of Health, the Attorney-General and such other officers or persons as the Governor may by further order direct.

(c) The Chairman of the Atomic Energy Council shall be designated by the Governor from among its members.

(d) The Chairman and the members of the Atomic Energy Council shall serve without compensation, but shall be entitled to reimbursement, within the limits of funds available therefore, for all necessary expenses incurred in the discharge of their duties.

(e) The Atomic Energy Council shall meet at the call of the Chairman.

2. The Atomic Energy Council is hereby authorized and empowered to do all things necessary to encourage and assist in the

growth of the use of atomic energy for peacetime purposes and to promote the formulation of effective and responsible standards for engineering safeguards and operating practices in connection with the use of atomic energy which will assure that such usage is without danger to the citizens and environment of the State of New Jersey.

3. The Atomic Energy Council created by this Order is hereby designated and appointed the State Atomic Energy Coordinator for the State of New Jersey with the Federal Atomic Energy Commission for the use of atomic energy for peaceful purposes.

4. (a) The Atomic Energy Council is hereby authorized to request from any department, office, division, agency or bureau of the State such assistance, material and information it may deem necessary to fulfill its responsibilities pursuant to this Order.

(b) Each department, office, division, agency or bureau of the State is hereby authorized and directed to the extent not inconsistent with law to cooperate with the Atomic Energy Council and to furnish to it such assistance, material and information as the Atomic Energy Council may request of it as necessary to the performance of its duties.

5. This Order shall take effect immediately.

Given, under my hand and seal this 5th day of January, in the year of Our Lord, one thousand nine hundred and sixty-eight, of the Independence of the United States, the one hundred and ninety-second.

/s/ RICHARD J. HUGHES,
Governor.

Attest:

/s/ LAWRENCE BILDER,
Secretary to the Governor.

Statement of Results
of
Municipal Election

(1233)

Statement of Results
of
Municipal Election

At General Election of November 7, 1967 the name of the Township of Raritan, Monmouth County, New Jersey, was changed to Hazlet Township, Monmouth County, New Jersey. Filed in the Office of Secretary of State, December 8, 1967.

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