LAWS—NEW JERSEY
1968

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ACTS

OF THE

One Hundred and Ninety-second Legislature

OF THE

STATE OF NEW JERSEY

AND

Twenty-first Under the New Constitution

New Jersey State Library

1968

The following laws, passed by the One Hundred and Ninety-second 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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LAWS

ACTS

PASSED BY THE

One Hundred and Ninety-second Legislature

CHAPTER 1

AN ACT concerning unemployment compensation benefits and amending section 43:21–5 of the Revised Statutes.

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

1. 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 In the event such discharge should be rescinded by the employer voluntarily or as a result of mediation or arbitration this subsection (b) shall not apply, provided, however, an individual who is restored to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 em-

ployment 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 which exists because of a labor dispute at the factory, establishment or other premises at which he is or was last employed, 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.

2. This act shall take effect immediately.

Approved January 30, 1968.

CHAPTER 2

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:*

1. The following sums are hereby appropriated out of the General State Fund, for the several purposes herein specified:

GENERAL STATE OPERATIONS
LEGISLATURE
001-100. SENATE

Members' staff services	$80,000 00
Senate Chamber public address system	7,000 00

002-100. GENERAL ASSEMBLY

Members' staff services	$240,000 00
Total Supplemental Appropriations—Legislature	$327,000 00

2. This act shall take effect immediately.
Approved February 6, 1968.

CHAPTER 3

AN ACT concerning education and amending section 18A:58–17 of the New Jersey Statutes.

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

1. Section 18A:58–17 of the New Jersey Statutes is amended to read as follows:

Adjusted apportionment; basis, effective date.

18A:58–17. When the apportionment shall have been made for any year and a part of any district becomes a new school district or a part of another school district, or comes partly under the authority of a regional board of education, the commissioner shall adjust such apportionment or apportionments among the districts affected, or between the district and the regional board, as the case may be, on an equitable basis in accordance with the intent of this article.

Whenever an all-purpose regional district is approved by the voters during any calendar year, apportionment of State aid as a regional district shall become effective on the succeeding July 1, and the commissioner of education shall request supplemental appropriations for such additional State aid as may be required.

2. This act shall take effect immediately.

Approved February 8, 1968.

CHAPTER 4

AN ACT concerning handicapped children and providing for a survey by the Department of Education to determine the number of children in the State with sensory disorders who are in need of additional educational facilities and making an appropriation for such survey.

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

1. The Legislature finds:

(a) That the American Medical Association, the United States Department of Health, Education and Welfare and various interested professional organizations concerned with the health and education of children have established that an epidemic of Rubella Disease occurred in the United States during the years 1962-1964, and afflicted considerable numbers of children with one or more sensory disorders; and,

(b) That these disorders have commonly included handicaps in the area of hearing; and,

(c) That such children are in great need of special education instruction to help develop speech and other faculties to compensate for hearing loss and other handicaps; and,

(d) That the present lack of facilities will be greatly magnified when these children reach school age, and failure to provide special help at an early age will result in serious and possible irreversible harm to the individual; and,

(e) That it is essential the State have factual information regarding the number of such children so that proper planning may be made for their educational requirements.

2. The Commissioner of Education is hereby authorized and directed to make a survey of handicapped children referred to in section 1 of this act and to report his findings to the Governor and Legislature, with recommendations on or before July 1, 1968.

The Commissioner of Education is further authorized to use such members of his staff as may be necessary for this purpose and to employ additional personnel within the limits of the appropriation herein provided. The commissioner is authorized to secure information and assistance from State and local health agencies and any other public or private agencies as may be necessary to carry out the purposes of this act.

3. There is hereby appropriated to the Department of Education the sum of $25,000.00 for said survey and report.

4. This act shall take effect immediately.

Approved February 8, 1968.

CHAPTER 5

AN ACT concerning vocational schools and amending section 18A:54–23 of the New Jersey Statutes.

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

1. Section 18A:54–23 of the New Jersey Statutes is amended to read as follows:

Receiving pupils from other districts; tuition.

18A:54–23. The boards of education of schools established under the provisions of section 18A:54–12 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 18A:54–13, shall receive pupils from districts without the county so far as their facilities will permit, provided a rate of tuition not exceeding the cost of such education as prescribed by rule of the commissioner, approved by the State board, is paid by the sending districts.

The board of education of any county vocational school district referred to in section 18A:54–11.1 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 cost 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.

The board of chosen freeholders of any county of the fourth class, in which a county vocational school has been established shall be entitled to collect and receive from the sending districts in said county in which the pupils attending the vocational school reside, for the tuition of such pupils, a sum not exceeding the annual cost of education per pupil as determined according to rules prescribed by the commissioner and approved by the State board; provided, however, that the maximum tuition per pupil shall be the pro rata annual cost of the operation and maintenance of said school remain-

ing after deduction from such cost of all amounts of aid received by the county vocational school or the county thereof on account of such school or credited thereto from the State of New Jersey or the United States of America or agencies thereof, but excluding from such cost 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 school; and, provided further that the maximum tuition per pupil shall not exceed the average annual cost of high school education per pupil in all sending districts in the current year determined according to rules prescribed by the commissioner and approved by the State board and certified to the board of chosen freeholders of the county in which the vocational school has been established. Any difference between the average cost of high school education per pupil in the respective sending districts and in the vocational school shall be an obligation of the board of chosen freeholders of the county in which said vocational school has been established. Such tuition shall be established in advance of the school year by the board of chosen freeholders, shall be certified to each sending district, and shall be paid quarterly by the board of education of each sending district.

2. This act shall take effect immediately.

Approved February 8, 1968.

CHAPTER 6

AN ACT to validate proceedings for the issuance of bonds or notes of municipalities, and any bonds or notes 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 municipality or by any officials thereof for or in connection with the authorization or issuance of bonds or notes of the municipality, and any bond ordinance with respect to such bonds or notes heretofore adopted and any bonds or notes of the municipality issued or to be issued in pursuance of such proceedings or ordinances, are hereby ratified,

validated and confirmed, notwithstanding that no supplemental debt statement or complete executed original of such supplemental debt statement was filed in the office of the Director of the Division of Local Finance in the Department of Community Affairs (or the Director of the Division of Local Government in the Department of the Treasury) prior to the final passage of such bond ordinance as required by the provisions of section 40A:2–10 of the New Jersey Statutes; provided, however, that prior to the passage on first reading of such bond ordinance, there shall have been filed in the office of the clerk of such municipality a supplemental debt statement duly executed and sworn to by a financial officer of any such municipality and such proceedings were in all other respects had or taken in accordance with law; and provided further that no action or other proceeding of any nature to contest the validity of such proceedings, begun within the time fixed therefor by or pursuant to law or rule of court, is pending in any court on the date when this act takes effect, or, when such time has not heretofore expired, is instituted within 30 days after the effective date of this act.

2. This act shall take effect immediately.

Approved February 13, 1968.

CHAPTER 7

AN ACT concerning the Budget Message to be transmitted by the Governor to the Legislature for the fiscal year July 1, 1968 to June 30, 1969.

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, 1968 to June 30, 1969 to the Legislature on or before February 13, 1968.

Approved February 15, 1968.

CHAPTER 8

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 the notice to persons in military service or patients in veterans' hospitals and to their relatives and friends and the notice to persons desiring absentee ballots, required to be published by section 7 of chapter 211 of the laws of 1953 (C. 19:57–7), were not published in a newspaper published and circulating in one of the 2 municipalities within the regional school district prior to the fortieth day immediately preceding the date on which the meeting or election for the authorization of bonds of the school district was held; provided, however, 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 or 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 February 19, 1968.

CHAPTER 9

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 held prior to January 11, 1968 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, 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 February 19, 1968.

CHAPTER 10

AN ACT making an appropriation toward the expenses of the Oakcrest Regional High School band in its participation, as the representative New Jersey high school band, in the "Festival of the States."

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

1. There is hereby appropriated from the General State Fund the sum of $5,000.00 to the Department of Education as a contribution

by the State toward the expenses to be incurred by the Oakcrest Regional School District in connection with the participation by the Oakcrest Regional High School band, as the New Jersey high school band designated by the Governor to represent this State in the "Festival of the States" to be held April 1 to April 6, 1968 in Florida.

2. This act shall take effect immediately.

Approved March 11, 1968.

CHAPTER 11

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 ninety-first 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. That portion of the county of Bergen embracing:

Borough of Alpine
Borough of Bergenfield
Borough of Bogota
Borough of Carlstadt
Borough of Cliffside Park
Borough of Closter
Borough of Cresskill
Borough of Demarest
Borough of Dumont
Borough of East Rutherford
Borough of Edgewater
City of Englewood
Borough of Englewood Cliffs
Borough of Fairview
Borough of Fort Lee
Borough of Harrington Park
Borough of Haworth
Borough of Leonia
Borough of Little Ferry
Township of Lyndhurst
Borough of Moonachie
Borough of New Milford
Borough of North Arlington
Borough of Northvale
Borough of Norwood
Borough of Old Tappan
Borough of Palisades Park
Borough of Ridgefield
Township of Ridgefield Park
Borough of Rockleigh
Borough of Rutherford
Township of Teaneck
Borough of Tenafly
Borough of Wallington
Borough of 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.

Passed March 19, 1968.

CHAPTER 12

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 held prior to January 11, 1968 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 the

published notice to persons desiring absentee ballots required by the provisions of the Absentee Voting Law (P. L. 1953, c. 211, as amended) did not contain reference as to availability of such ballots because of resident attendance at a school, college or university, or that the notice of such meeting or election required by section 18:7–15 of the Revised Statutes was not published in a newspaper published in the county and circulating in such school district or did not state correctly the time for the opening of the polls at such meeting or election; provided, however, that notices relating to such school district meeting or election and otherwise substantially in the form required by the Absentee Voting Law, were published not later than the fortieth day immediately preceding such meeting or election; provided further, that notices of such meeting or election were published in a newspaper published in a county contiguous to the county in which said school district is located and circulating in such school district; provided further, that the time for the opening of the polls at such meeting or election shall have been correctly stated in notices of such meeting or election posted as provided in said section 18:7–15; 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 March 26, 1968.

CHAPTER 13

AN ACT concerning the preservation of historic Cape May at the entrance to Delaware bay from shore erosion, ocean storm damage, and loss to the sea and supplementing chapter 52 of the laws of 1940, and making an appropriation.

WHEREAS, The shorefront at the tip of Cape May is subject to severe ocean wave attack and soil erosion with consequent alarming shoreward retreat of the shoreline and is presently in desperate need of emergency protection; and

WHEREAS, Cape May is a recognized and significant geographic and historic feature of the State of New Jersey which should be preserved for future generations and protected from disappearance into the sea; and

WHEREAS, The tip of Cape May lies principally within the borough of Cape May Point; and

WHEREAS, The borough of Cape May Point does not have sufficient financial capability to protect and preserve the historic shorefront within its boundaries; now, therefore,

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

1. In accordance with the provisions of chapter 52 of the laws of 1940, the Department of Conservation and Economic Development is authorized and empowered hereby to undertake the partial construction and anchorage of stone jetties and groins located in the vicinity of Ocean avenue, Cape avenue, Whilden avenue, Central avenue, Coral avenue, Lehigh avenue, Lighthouse avenue and Alexander avenue, together with beachfill in the borough of Cape May Point, county of Cape May, which are necessary in order to prevent erosion and to restore and protect the shores of Cape May fronting on the Atlantic ocean and Delaware bay at the entrance to Delaware bay; provided, however, the borough of Cape May Point shall acquire and make available without cost to the State of New Jersey all lands, easements and rights-of-way required for construction and future maintenance of the shore protection work. All shore protection work hereunder shall be constructed under contract with and under supervision of the Department of Conservation and Economic Development.

2. The sum of $695,000.00 is hereby appropriated out of the general treasury to the Department of Conservation and Economic Development for the purpose of carrying out the provisions of this act.

3. This act shall take effect immediately.

Approved March 26, 1968.

CHAPTER 14

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:*

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 additional supplies and equipment	$275,985
DEPARTMENT OF DEFENSE	
342–100. NATIONAL GUARD AND NAVAL MILITIA	
For additional supplies and equipment	55,476
Total	$331,461

2. This act shall take effect immediately.

Approved March 26, 1968.

CHAPTER 15

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:3-21.10 Judge having served 5 years as judge and 10 years in judicial offices of judge of county court or county district court; election of benefits.

1. Any judge of a County Court who shall have served at least 5 years as such judge and at least 10 years successively in the

aggregate in one or more of the judicial offices of judge of a County Court or judge of a county district court 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 March 27, 1968.

CHAPTER 16

AN ACT concerning the practice of medicine and surgery and amending section 45:9–6 of the Revised Statutes.

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

1. Section 45:9–6 of the Revised Statutes is hereby amended to read as follows.

License required to practice medicine or surgery; applications; educational qualifications; temporary license issued to future citizens.

45:9–6. All persons commencing the practice of medicine or surgery in this State shall apply to the board for a license so to do. The board shall, except as herein otherwise provided, examine all qualified applicants for such a license. Every applicant shall present to the secretary of the board, at least 20 days before the commencement of the examination at which he desires to be examined, a written application for admission to the examination on a form provided by the board, together with satisfactory proof that he is more than 21 years of age, of good moral character, and a citizen of the United States or has declared his intention to become such a citizen. He shall also present to the board a certificate of the Commissioner of Education of this State showing that, before entering a professional school or college, he had obtained an academic education consisting of a 4 years' course of study in an approved public or private high school or the equivalent thereof. Any license issued to an applicant prior to becoming a citizen of the United States shall be a temporary license and subject to the provisions of Revised Statutes 45:9–14.

2. This act shall take effect immediately.

Approved April 11, 1968.

CHAPTER 17

AN ACT to amend and supplement "An act concerning electrical contracting, providing for the regulation thereof, establishing a board of electrical examiners and making an appropriation," approved August 30, 1962 (P. L. 1962, c. 162).

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. 45:5A-7 Subpoenas; witnesses; oaths and affirmations.

7. The board under the hand of its chairman and the seal of the board may subpœna witnesses and compel their attendance, and it also may require the production of papers, records or documents in any inquiry or proceedings which may be instituted by it or be pending before it. Any member of the board may administer oaths or affirmations to witnesses appearing before the board.

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

C. 45:5A-9 Necessity of business permit and license; qualifications; examinations; fees.

9. (a) On or after July 1, 1963, no person shall enter into, engage in or work in business as an electrical contractor, unless such person has secured a business permit and such person or an officer, partner or employee who is or will be actively engaged in the business for which a business permit is sought has obtained a license from the board in accordance with the provisions of this act, and such licensee shall assume full responsibility for inspection and supervision of all electrical work to be performed by the permittee in compliance with recognized safety standards. A licensee shall not be entitled to qualify more than one person for a business permit.

Any single act or transaction shall constitute engaging in the business of electrical contracting within the meaning of this chapter.

(b) Except as otherwise provided in section 10, no person shall be granted an electrical contractors license unless he shall first establish his qualifications therefor and shall take and pass the examination for electrical contractors. An applicant for such examination shall have been employed or engaged in the business of

electrical construction and installation or have equivalent practical experience for a period of not less than 5 years preceding the time of such application, or shall otherwise establish to the satisfaction of the board that the applicant has the necessary educational background and experience to qualify to take the examination for a license.

The examination shall be so designed as to establish the competence and qualification of the applicant to perform and supervise the various phases of electrical contracting work. Any applicant who shall fail to pass such examination shall not be eligible to retake an examination until 6 months from the date of such failure.

(c) An applicant for an examination for a license shall apply to the board for permission to take such examination upon forms provided by the board and shall provide the board with such information as shall be necessary to establish his qualifications to take the examination. The applicant for an initial examination shall pay a fee to the board of $25.00. An applicant for re-examination shall pay a fee to the board of $15.00. Such fees shall not be refundable.

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

C. 45:5A-13 Initial license or business permit; renewals; fees; applications; duration of license or permit; reexamination.

13. Before a license or business permit shall issue fees shall be paid for same in the following amounts:—(a) for initial license—$75.00, (b) for renewal—$25.00, (c) for initial business permit or renewal thereof—$12.50.

A person seeking issuance or renewal of any business permit shall file with the board an application in writing upon forms prescribed by the board. The application shall designate the person who possesses a license issued pursuant to the provisions of this act and shall contain such other information as the board may prescribe. The application shall be accompanied by the proper fee.

If the applicant is a natural person, the application shall be signed and sworn to by the applicant. If the applicant is a partnership or other business association, the application shall be signed and sworn to by all natural persons composing such partnership or business association. If the applicant is a corporation, the application shall be signed and sworn to by the president and secretary thereof.

A person seeking issuance or renewal of any license shall file with the board an application in writing upon forms prescribed

by the board, containing such information as the board shall require to maintain the register provided for in section 8 of this act and to establish the qualifications of the applicant. The application shall be signed and sworn to by the applicant and shall be accompanied by the proper fee.

The license and business permit periods shall be from July 1 to June 30 of the following year and licenses and business permits shall be renewed on or before July 1 of each year. Renewal shall be governed by the standards applicable to initial issuance. The board may require a re-examination upon failure to apply for a renewal within 30 days of the date of the expiration of any license. Any license expiring while the holder thereof is outside the continental limits of the United States in connection with any project undertaken by the Government of the United States, or while in the service of the Armed Forces of the United States shall be renewed without further examinations upon payment of the prescribed fee at any time within 4 months after such person's return to the United States or discharge from the armed forces.

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

C. 45:5A-16 Suspension, revocation or refusal to grant or renew license or business permit; grounds; charges; hearing.

16. The board may refuse to grant, or may suspend, revoke or refuse to renew any license or business permit if the holder has:

(a) secured such license or business permit by misrepresentation;

(b) failed to maintain the qualifications required by this act or demonstrated a level of competence manifestly inconsistent with retention of the license or business permit in question;

(c) engaged in fraudulent business activities or in misleading advertising practices;

(d) violated a provision of this act;

(e) committed an act of gross negligence or condoned such an act by an employee of his;

(f) failed to adequately and properly supervise employees in compliance with recognized safety standards;

(g) failed to secure inspection of electrical construction by an inspection authority approved by the board, or otherwise provided by law; or

(h) failed to perform electrical construction in conformance with standards of the National Electrical Code then in effect and

the standards, if any, of the municipality wherein such work is performed.

Any person may prefer charges as set forth above against any licensee or permit holder. Such charges shall be in writing and shall be sworn to by the person making them and shall be filed with the secretary of the board. All charges unless dismissed by the board as unfounded or trivial shall be heard by the board after completing any necessary investigation. The time and place for the hearing shall be fixed by the board and a copy of the charges together with a notice of the time and place of hearing shall be personally served on or mailed to the last known address of the licensee at least 30 days before the date fixed for the hearing. At any hearing the accused licensee or permit holder shall have the right to appear personally and by counsel to cross-examine witnesses appearing against him and to produce evidence and witnesses in his own defense. No license or business permit shall be suspended or revoked except upon the agreement of at least 4 members of the board.

An applicant whose license or business permit has been revoked may become eligible not earlier than 1 year from the date of said revocation for a new license or business permit upon meeting all of the requirements of this act and, in the case of an application for a license, upon the satisfactory completion of an examination as herein provided.

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

C. 45:5A-18 Exempt work or construction.

18. Electrical work or construction which is performed on the following facilities or which is by or for the following agencies shall not be included within the business of electrical contracting so as to require the securing of a business permit under this act:

(a) Minor repair work such as the replacement of lamps and fuses.

(b) The connection of portable electrical appliances to suitable permanently installed receptacles.

(c) The testing, servicing or repairing of electrical equipment or apparatus.

(d) Electrical work in mines, on ships, railway cars, elevators, escalators or automotive equipment.

(e) Municipal plants or any public utility as defined in section 48:2–13 of the Revised Statutes organized for the purpose of

constructing, maintaining and operating works for the generation, supplying, transmission and distribution of electricity for electric light, heat, or power.

(f) A public utility subject to regulation, supervision or control by a Federal regulatory body, or a public utility operating under the authority granted by the State of New Jersey, and engaged in the furnishing of communication or signal service, or both, to a public utility, or to the public, as an integral part of a communication or signal system, and any agency associated or affiliated with any public utility and engaged in research and development in the communications field.

(g) A railway utility in the exercise of its functions as a utility and located in or on buildings or premises used exclusively by such an agency.

(h) Commercial radio and television transmission equipment.

(i) Construction by any branch of the Federal Government.

(j) Any work with a potential of less than 10 volts.

(k) Repair, manufacturing and maintenance work on premises occupied by a firm or corporation, and installation work on premises occupied by a firm or corporation and performed by a regular employee who is a qualified journeyman electrician.

(l) Installation, repair or maintenance performed by regular employees of the State or of a municipality, county, or school district on the premises or property owned or occupied by the State, a municipality, county, or school district.

(m) The maintaining, installing or connecting of automatic oil, gas or coal burning equipment, gasoline or diesel oil dispensing equipment and the lighting in connection therewith to a supply of adequate size at the load side of the distribution board.

(n) Work performed by a person on a dwelling that is occupied solely as a residence for himself or for a member or members of his immediate family.

The board may also exempt from the business permit provisions of this act such other electrical activities of like character which in the board's opinion warrant exclusion from the provisions of this act.

C. 45:5A-22 Prevention of violations.

6. 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.

7. This act, except as to the fees contained in section 3, shall take effect immediately, and said fees shall take effect July 1, 1968.

Approved April 17, 1968.

CHAPTER 18

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 prior to January 11, 1968 for the authorization of the expenditure of moneys for the improvement of schoolhouses and the acquisition or improvement of school sites in a school district, and any bonds or other obligations of the school district issued or to be issued to finance such purposes authorized by a proposal adopted by the legal voters at such meeting or election, are hereby ratified, validated and confirmed, notwithstanding such proposal as set forth on the ballot or card used in voting machines at such meeting or election did not contain a provision expressly authorizing the issuance of bonds to finance the cost of the improvement or acquisition, provided that the amount of bonds to be issued does not exceed the amount of $200,000.00; and provided further, that notices relating to such meeting or election were published and posted prior thereto as required by the provisions of section 18:7–15 of the Revised Statutes and contained provisions expressly authorizing the issuance of such bonds; and provided further, that the supplemental debt statement filed in connection with such meeting or election took into account such bonds and correctly set forth the effect of their authorization upon the borrowing margin of the school district; 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 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 17, 1968

CHAPTER 19

AN ACT to amend "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:*

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

C. 34:11-56a4 Minimum rate; overtime rate; exceptions.

5. Every employer shall (a) on and after the expiration of 180 days following the date of enactment of this act pay to each of his employees wages at a rate of not less than $1.25 per hour, and (b) on and after January 1, 1968 at a rate of not less than $1.40 per hour, and (c) on and after January 1, 1969 at a rate of not less than $1.50 per hour for 40 hours of working time in any week and 1½ times such employee's regular hourly wage for each hour of working time in excess of 40 hours in any week, except this overtime rate shall not include any individual employed in a bona fide executive, administrative, or professional capacity or, if an applicable wage order has been issued by the commissioner under section 17 of this act, not less than the wages prescribed in said order. The wage rates fixed in this section shall not be applicable to employees engaged in domestic service in the home of the employer, to persons under the age of 18, to persons employed as salesmen of motor vehicles; or to persons employed as outside salesmen as such term shall be defined and delimited in regulations adopted by the commissioner.

The provisions of this section for the payment to an employee of not less than 1½ times such employee's regular hourly rate for each hour of working time in excess of 40 hours in any week shall not apply to employees engaged to labor on a farm, or employed in a hotel or to an employee of a common carrier of passengers by motor bus or employees engaged in labor relative to the raising or care of livestock.

2. This act shall take effect immediately.

Approved April 22, 1968.

CHAPTER 20

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:*

1. The following sums are hereby appropriated out of the General Treasury, for the purposes herein specified:

STATE AID

DEPARTMENT OF INSTITUTIONS

DIVISION OF PUBLIC WELFARE

For allocation through the Essex County Welfare Board to provide emergency relief, shelter, and related aid to victims of the April 20, 1968 fire in the city of Newark	$100,000 00

2. This act shall take effect immediately.

Approved April 22, 1968.

CHAPTER 21

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, 1968, and regulating the disbursement thereof," approved May 23, 1967 (c. 63, P. L. 1967).

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

1. The following sum is hereby appropriated out of the General State Fund, for the respective public officers and for the purpose herein specified:

STATE AID

DEPARTMENT OF INSTITUTIONS AND AGENCIES

DIVISION OF PUBLIC WELFARE—GENERAL

715–153. DEPENDENT CHILDREN ASSISTANCE—STATE AID	
Supplemental requirement for fiscal year 1967-68	$6,500,000
Total Appropriation, Department of Institutions and Agencies	$6,500,000

2. This act shall take effect immediately.

Approved April 25, 1968.

CHAPTER 22

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 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. Educational loans. In addition to the authority otherwise granted by law for an association to make loans guaranteed or insured in whole or in part by the United States of America or the State of New Jersey, or any instrumentality or agency of either of them, or for which a commitment to so guarantee or insure has been made, an association may make any loans so guaranteed or insured or for which a commitment to so guarantee or insure has been made where such loans are made for the purpose of financing the expenses of higher education. Such loans may be made in accordance with the terms and conditions permitted by the guaranteeing or insuring authority, notwithstanding any other provisions of law limiting interest or other charges or prescribing other terms and conditions.

2. This act shall take effect immediately.

Approved April 26, 1968.

CHAPTER 23

AN ACT concerning pensioners in public employment and repealing chapter 3 of Title 43 of the Revised Statutes.

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

C. 43:3C-1 Pensioners in public employment.

1. Notwithstanding any other law to the contrary, if a former member of any pension fund or retirement system, contributory or noncontributory, established under any law of this or any other State, who has been granted a pension or retirement allowance for any cause other than vesting or deferred retirement, becomes employed again in a position which makes him eligible to be a member of another pension fund or retirement system established under any law of this State, such person shall not be enrolled in such other pension fund or retirement system if he is eligible to receive such pension or retirement allowance.

If such a former member has been enrolled in such other pension fund or retirement system as of the effective date of this act, his membership in such other fund or system shall be hereby terminated and he or his beneficiary shall be permitted to receive a refund of his contributions to such fund or system upon the filing of a proper application therefor.

C. 43:3C-2 Repealer.

2. Chapter 3 of Title 43 of the Revised Statutes, and all amendments and supplements thereto, is repealed.

3. This act shall take effect immediately.

Approved April 26, 1968.

CHAPTER 24

AN ACT concerning education and amending section 18A:64–13 of the New Jersey Statutes.

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

1. Section 18A:64–13 of the New Jersey Statutes is amended to read as follows:

Tuition fees.

18A:64–13. Pupils in each State college who are residents of New Jersey shall be required to pay each year a minimum tuition fee of $50.00, and nonresidents of the State shall pay an additional fee. Such fees and any increase of the minimum tuition fee shall be determined by the board of higher education.

2. This act shall take effect immediately.

Approved April 26, 1968.

CHAPTER 25

A SUPPLEMENT to "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 or 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.

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

C. 26:6-55.1 Acceptance of body constitutes agreement to dispose of remains; exceptions.

1. Whenever by written instrument made in accordance with P. L. 1963, chapter 154 or P. L. 1965, chapter 225 amendatory thereof and supplementary thereto, the entire body of a person is made available for the advancement of medical science and said instrument requests or directs that the remains of the body, after it shall have served its scientific purpose, be disposed of by burial or cremation, the acceptance of the body for such scientific purpose shall constitute an agreement by the receiving agency, teaching institution, hospital or other authorized person or persons to make such disposition of the remains; provided, however, the carrying out of any special or additional details or instructions by the person executing the instrument as to funeral or memorial services, place or manner of burial or disposition of ashes shall

be the sole responsibility of the person entitled to control the disposition of the remains of the deceased person and not of the receiving agency, teaching institution, hospital or other authorized person or persons accepting the body for scientific purposes.

2. This act shall take effect immediately.

Approved May 2, 1968.

CHAPTER 26

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 pursuant to 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 when 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 notwithstanding that the resolution authorizing the holding of such election or meeting, the proposal contained in the notice of election published and posted pursuant to the provisions of section 18:7–15 of the Revised Statutes or the ballots containing such proposal did not disclose or correctly disclose the effect of the issuance of the bonds on the borrowing margin of any municipality comprised within the school district in compliance with the provisions of section 18:5–85 of the Revised Statutes, and notwithstanding that said resolution, the form of proposal contained in said notices and the ballots containing said proposal all

incorrectly stated that by the issuance of bonds the borrowing margin of a school district would be used and further did not set forth the borrowing margin of any municipality comprised within such school district available for other improvements prior to the adoption of such proposal, provided, however, that supplemental debt statements and school debt statements, giving effect to the issuance of such bonds, if authorized at such election, 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 May 2, 1968.

CHAPTER 27

AN ACT concerning the hawking, peddling and vending of goods, wares and merchandise and the soliciting of trade and amending section 45:24–9 of the Revised Statutes.

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

1. Section 45:24–9 of the Revised Statutes is amended to read as follows:

Special license to honorably discharged soldiers, sailors, marines, nurses or army field clerks and exempt firemen; ordinances on hawking, peddling and vending; "in time of war-like conditions" defined.

45:24–9. The following persons shall have the right to hawk, peddle and vend any goods, wares or merchandise or solicit trade within this State, by procuring a license for that purpose to be issued in the manner and under the conditions hereinafter in this article prescribed, except, however, the aforesaid right to hawk,

peddle and vend any goods, wares or merchandise or solicit trade shall not extend to or include any public beach or public boardwalk:

a. Every honorably discharged soldier, sailor, marine, nurse or army field clerk of the United States, having been in the active military or naval service of the United States in any war in which this country has been engaged prior to the World War, or in the Boxer uprising, the Philippine insurrection or the Mexican expedition, or in any Indian wars or uprisings, or in the World War prior to November 11, 1918, that is to say the date of the armistice, or in World War II subsequent to December 8, 1941, the date of declaration of war upon Japan until September 2, 1945, or who served or shall have served in the Armed Forces of the United States, during the Korean Conflict from June 23, 1950 to January 31, 1955, or in time of war-like conditions, and who is a resident of this State.

b. Every exempt member of a volunteer fire department, volunteer fire engine, hook and ladder, hose, supply company or salvage corps, of any municipality or fire district in this State, who holds an exemption certificate issued to him as an exempt member of any such department, company or corps, and who is a resident of this State.

Hawking, peddling and vending hereafter may be regulated by municipal ordinance on public streets and highways.

The term "in time of war-like conditions" as used in this act shall mean and include any time after January 31, 1955, and prior to the date of the termination of the war-like conditions in the southeast Asia area by appropriate action of the President or Congress of the United States.

2. This act shall take effect immediately.

Approved May 2, 1968.

CHAPTER 28

AN ACT relating to the election of certain delegates-at-large and alternates-at-large and district delegates and alternates to national conventions of the political parties.

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

C. 19:24-6 Ballot form to permit voting by single marking for delegates and alternates.

1. For the purposes of electing delegates-at-large and alternates-at-large and district delegates and alternates to national conventions of the political parties in counties in which paper ballots are used, the county clerk, in prescribing the form of sample ballots and in arranging the names of candidates on the official ballots, shall so arrange the ballot that each voter may vote for each candidate for delegate-at-large and alternate-at-large and each district delegate and alternate individually, or in the alternative, may vote by a single marking indicating a vote for all such candidates who have requested to be grouped together in accordance with the provisions of Revised Statutes 19:24–5, in which case such vote shall constitute and shall be tallied as a separate vote for each of the candidates listed in the group.

2. This act shall take effect immediately.

Approved May 6, 1968.

CHAPTER 29

AN ACT concerning education and amending sections 18A:39–1, 18A:39–3 and 18A:39–11 of the New Jersey Statutes.

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

1. Section 18A:39–1 of the New Jersey Statutes is amended to read as follows:

Transportation of pupils remote from schools.

18A:39–1. Whenever in any district there are pupils residing remote from any schoolhouse, the board of education of the district may make rules and contracts for the transportation of such pupils to and from school, including the transportation of school pupils 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 pupils to and from school pursuant to this section, transportation shall be supplied to school pupils residing in such school district in going to and from any remote school other than a public

school, not operated for profit in whole or in part, located within the State not more than 20 miles from the residence of the pupil provided the per pupil cost of the lowest bid received does not exceed $150.00 and if such bid shall exceed said cost then the parent, guardian or other person having legal custody of the pupil shall be eligible to receive said amount toward the cost of his transportation to a qualified school other than a public school, 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 pupil attending a remote school, other than a public school, not operating for profit in whole or in part, to register said pupil 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 in order to be eligible for the transportation provided by this section. Whenever any regional school district provides any transportation for pupils attending schools other than public schools pursuant to this section, 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 district was organized, shall be prorated by the regional district among the constituent districts on a per pupil basis after approval of such costs by the county superintendent. This section shall not require school districts to provide any transportation to pupils 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 46 of this Title or for pupils transported to a vocational, technical or other public school offering a specialized program. Any transportation to a school, other than a public school, shall be pursuant to the same rules and regulations promulgated by the State board 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 pupils to a school in an adjoining district when such pupils are transferred to the district by order of the county superintendent, or when any pupils 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 46 of this Title.

2. Section 18A:39–3 of the New Jersey Statutes is amended to read as follows:

Advertising for bids to transport pupils.

18A:39–3. No contract for the transportation of pupils to and from school shall be made, when the amount to be paid during the school year for such transportation shall exceed $2,500.00 and have the approval of the county superintendent of schools, unless the board of education making such contract shall have first publicly advertised for bids therefor in a newspaper published in the district or, if no newspaper is published therein, in a newspaper circulating in the district once, at least 10 days prior to the date fixed for receiving proposals for such transportation, and shall have awarded the contract to the lowest responsible bidder.

Nothing in this chapter shall require the advertisement and letting on proposals or bids of annual extensions, approved by the county superintendent, of any contract for transportation entered into through competitive bidding when—

(a) Such annual extensions impose no additional cost upon the board of education, or

(b) The original contract was entered into prior to May 14, 1942 and the increase in the original contractual amount as a result of such extensions does not exceed 30% thereof, or

(c) The original contract was entered into on or subsequent to May 14, 1942 and the increase in the original contractual amount as a result of such extensions does not exceed 15% thereof.

3. Section 18A:39–11 of the New Jersey Statutes is amended to read as follows:

Joint transportation authorized.

18A:39–11. The boards of education of 2 or more school districts may provide jointly for the transportation of pupils to and from any school or schools within or outside the districts.

Whenever in the judgment of the county superintendent of schools transportation of pupils to any qualified school other than a public school could be more economically accomplished by joint transportation with 2 or more school districts, he may order such joint transportation, assign the administration to one board of education and prorate the cost on a per pupil mileage basis to the other boards of education involved.

4. This act shall take effect immediately.

Approved May 6, 1968.

CHAPTER 30

AN ACT concerning municipalities and amending section 40:49–5 of the Revised Statutes.

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

1. Section 40:49–5 of the Revised Statutes is amended to read as follows:

Penalties for violating ordinances.

40:49–5. The governing body may prescribe penalties for the violation of ordinances it may have authority to pass, either by imprisonment in the county jail or in any place provided by the municipality for the detention of prisoners, for any term not exceeding 90 days, or by a fine not exceeding $500.00, or both. The court before which any person is convicted of violating any ordinance of a municipality, shall have power to impose any fine or term of imprisonment not exceeding the maximum fixed in such ordinance.

Any person convicted of the violation of any ordinance may, in the discretion of the court by which he was convicted, and in default of the payment of any fine imposed therefor, be imprisoned in the county jail or place of detention provided by the municipality, for any term not exceeding 90 days.

2. This act shall take effect immediately.

Approved May 6, 1968.

CHAPTER 31

AN ACT authorizing boards of chosen freeholders to create county heritage commissions and prescribing the membership, powers and duties of such commissions.

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

C. 40:33A-1 County heritage commission; composition, terms, vacancies, compensation.

1. The board of chosen freeholders of any county is authorized to create, by resolution, a county heritage commission to be com-

posed of 5 residents of the county to be appointed by the board for terms of 5 years, except that of the members first appointed one member shall be appointed for a term of 1 year, and one member each for terms of 2, 3, 4 and 5 years. Vacancies shall be filled in the same manner for the unexpired term. The members shall serve without compensation but with the consent of the board they may be reimbursed for expenses incurred in the performance of their duties as members of the commission.

C. 40:33A-2 Organization of commission.

2. The commission shall organize as soon as may be following appointment of its members, and annually thereafter, by election of a chairman from among its members.

C. 40:33A-3 Duties and responsibilities.

3. A county heritage commission shall be responsible for the development of county programs to promote public interest in local and county history and with the approval of the board, and within the limits of funds appropriated or otherwise made available to it, undertake the restoration, operation, maintenance and preservation of real property acquired by the county pursuant to Revised Statutes 40:32–6 or otherwise.

C. 40:33A-4 Additional duties.

4. The commission, as from time to time authorized by the board, may establish museum and cultural programs, exhibits and displays including the fine and performing arts, engage in archaeological, genealogical and historic research, publish reports and engage in such related activities to promote and develop public interest and understanding of historic and cultural matters.

C. 40:33A-5 Annual appropriation.

5. The board is authorized to include funds for the work of the commission in its annual budget and to make appropriations to the commission therefor.

6. This act shall take effect immediately.

Approved May 6, 1968.

CHAPTER 32

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 buses and trucks over 4 tons gross weight may be required not to exceed specially fixed limits based on engineering and traffic investigation and to use a lower gear in descending steep declivities having a grade in excess of 5% fixing such special speed limits and providing for the use of such a 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 May 6, 1968.

CHAPTER 33

AN ACT concerning legal investments and amending section 17:2–6 of the Revised Statutes.

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

1. Section 17:2–6 of the Revised Statutes is amended to read as follows:

General powers.

17:2–6. Savings banks, banks, banking institutions, trust companies, building and loan associations, mortgage companies and insurance companies organized under any general or special law of this State, all boards, commissions and departments of the State Government and of the various counties and municipalities thereof, and executors, administrators, trustees, guardians and other fiduciaries are authorized:

a. To make such real estate mortgage loans as may be guaranteed or insured in whole or in part by the United States of America or the State of New Jersey, or by any officer, agency or instrumentality of either of them, or for which a commitment to so guarantee or insure has been made, and to invest in, purchase or otherwise acquire, own or hold, mortgage notes or bonds so guaranteed or insured;

b. To cause such mortgage securities to be and be kept so guaranteed or insured and to pay for and receive the benefits of such guarantees or insurance;

c. To invest in, purchase or otherwise acquire, own and hold notes, bonds, debentures, capital stock or other such obligations of any national mortgage association; provided, the issuance of such notes, bonds, debentures, capital stock or other such obligations has been approved by the Federal Housing Administrator. Nothing in sections 17:2–5 to 17:2–8 of this Title contained shall be construed to empower any fiduciary to make any investment or commitment in capital stock pursuant to paragraph "c" of this section.

2. This act shall take effect immediately.

Approved May 8, 1968.

CHAPTER 34

AN ACT concerning zoning in municipalities, and amending section 40:55–44 of the Revised Statutes.

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

1. Section 40:55–44 of the Revised Statutes is amended to read as follows:

Appeals; time for hearing; notice; appearance by attorney.

40:55–44. The board of adjustment shall fix a reasonable time for the hearing of the appeal, giving due notice thereof to the appellant. Said appellant shall at least 10 days prior to the time appointed for said hearing give personal notice to all owners of property situate within or without the municipality, as shown by the most recent tax lists of the municipality or municipalities, whose property or properties as shown by said lists are located within

200 feet of the property to be affected by said appeal. Such notice shall be given by sending written notice thereof by registered or certified mail to the last known address of the property owner or owners, as shown by the most recent tax lists of said municipality or by handing a copy thereof to the said property owners or by leaving a copy thereof at their usual place of abode. Where the owner is a partnership, service upon any partner as above provided shall be sufficient, and where the owners are corporations, service upon any officer, as above set forth, shall be sufficient. The appellant shall by affidavit present satisfactory proof to the said board of adjustment at the time of the hearing that said notices have been duly served as aforesaid. Upon the hearing any party may appear in person or by agent or by attorney.

2. This act shall take effect immediately.

Approved May 9, 1968.

CHAPTER 35

A SUPPLEMENT to "An act fixing the term of office of tax assessors in the several municipalities of this State," approved June 16, 1938 (P. L. 1938, c. 386).

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

C. 40:46-6.2a Terms of office of board of assessors.

1. The municipal governing body of any municipality, in which there exists a board of assessors or other body of multiple membership created for the purpose of performing the duties of tax assessor in the municipality, shall by ordinance rearrange the terms of office of the members of such board or body in such manner that the terms of office of a majority of the members thereof shall never expire at the same time by providing that such number of the successors of the members in office on the effective date of this act shall be appointed for terms of 1, 2 or 3 years, as will be necessary to accomplish said purpose, and said members shall be appointed accordingly but their successors shall be appointed for terms of 4 years.

C. 40:46-6.2b Filling vacancy in certain cases.

2. In case of a vacancy occurring otherwise than by expiration of term in the membership of a board of assessors or other body of multiple membership performing the duties of tax assessor in any municipality, the successor shall be appointed for the unexpired term only.

3. This act shall take effect January 1, 1969.

Approved May 9, 1968.

CHAPTER 36

AN ACT to amend "An act concerning loans made by banks to small business concerns, and supplementing an act concerning banking and banking institutions (Revision of 1948), approved April 29, 1948 (P. L. 1948, c. 67)," approved July 31, 1964 (P. L. 1964, c. 162).

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

1. Section 3 of chapter 162 of the laws of 1964 is amended to read as follows:

C. 17:9A-59.27 Schedule of finance charges.

3. (a) A bank may make and collect a finance charge on a small business loan according to the following schedule:

(1) when the amount of the sum borrowed does not exceed $5,500.00, the finance charge shall not exceed $6.00 per $100.00 per year on the sum borrowed;

(2) when the amount of the sum borrowed exceeds $5,500.00 but does not exceed $7,500.00, the finance charge shall not exceed $6.00 per $100.00 per year on the first $5,500.00 of the sum borrowed, plus $5.50 per $100.00 per year on the excess over $5,500.00;

(3) when the amount of the sum borrowed exceeds $5,500.00 but does not exceed $25,000.00, the finance charge shall not exceed $6.00 per $100.00 per year on the first $5,500.00 of the sum borrowed, plus $5.50 per $100.00 per year on the excess over $5,500.00 up to $7,500.00 plus $5.00 per $100.00 per year on the excess over $7,500.00.

(b) The finance charge shall be computed on the sum borrowed for the period from the making of such loan to the date scheduled for the payment of such loan in full and shall be added to the amount of the sum borrowed.

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

C. 17:9A-59.29 Limitation on loans.

5. No bank shall make a small business loan in a sum in excess of $25,000.00, nor shall a bank make any such loan for the payment of which a small business concern will be liable to it in any capacity, if the amount of such loan, exclusive of the finance charge thereon, when added to the principal balances owing on all other small business loans made by such bank for the payment of which such small business concern is liable in any capacity, will, in the aggregate, exceed $25,000.00. When a bank makes a small business loan to a small business concern at a time when such concern is liable to the bank upon another or other small business loans, the principal amounts owing upon such other small business loan or loans shall, for the purpose of determining the finance charge which may be made on such loan, be deemed to be a part of the sum then being borrowed by such small business concern. For the purposes of this section, the principal balance owing on a small business loan shall be deemed to be the face amount of the note evidencing such loan, less the aggregate of all installments paid thereon, and less a credit computed according to the formula contained in section 11 of this act.

3. This act shall take effect immediately.

Approved May 9, 1968.

CHAPTER 37

AN ACT to amend "An act to amend and supplement 'An act concerning banking and banking institutions (Revision of 1948),' approved April 29, 1948 (P. L. 1948, c. 67)," approved April 29, 1953 (P. L. 1953, c. 124).

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. 17:9A-27.9 Eligibility for retirement benefits.

9. Eligibility for retirement benefits.

An employee shall be eligible to begin receiving retirement benefits at such age as shall be specified in a retirement plan.

2. Section 15 of the act of which this act is amendatory is amended to read as follows:

C. 17:9A-27.15 Determination of eligibility for retirement.

15. Determination of eligibility for retirement.

In determining the eligibiltiy for retirement of an employee of a bank, a plan may provide that (a) the period or periods during which the employment of such employee by such bank shall, in time of war or emergency, be or have been interrupted by service in the military or naval service of the United States or of this State, or in the Coast Guard or Merchant Marine of the United States, or in any auxiliary or reserve corps serving therewith, or by engagement in any war work by enlistment or induction under any selective service or similar statute, or, with leave of such bank, by engagement in any war relief, social service or other activity related to war conditions, or in time of peace, by absence on leave and engagement in training or temporary service of a similar character, and (b) a period not exceeding 3 months after termination of such service or engagement, and (c) a period not exceeding 1 year of incapacity as a result of such service or engagement, shall be included in the period of such employee's employment in such bank.

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

C. 17:9A-27.16 Eligibility for retirement; permissive provisions.

16. Eligibility for retirement; permissive provisions.

A. In determining the eligibility for retirement of an employee, a plan may provide that (a) the period during which such employee was employed by a predecessor bank, and by a bank, savings bank or national bank toward which such predecessor bank stands in the relation of a successor bank; and (b) the period during which such employee was employed by a subsidiary, shall be included in the period of such employee's employment in such bank.

B. In determining the eligibility for retirement of an employee, a plan may provide that a period during which such employee

was employed by an employer other than the bank, a predecessor bank, or a subsidiary, shall be included in the period of such employee's employment in such bank.

4. Section 24 of the act of which this act is amendatory is amended to read as follows:

C. 17:9A-27.24 Retirement benefits not paid pursuant to plan.

24. Retirement benefits not paid pursuant to plan.

A. A bank which maintains a retirement plan may pay

(1) retirement benefits in reasonable amounts to employees whose employment has heretofore terminated or shall hereafter have terminated, and who are not entitled, for any reason, to receive payment of benefits under a retirement plan in operation; and

(2) reasonable amounts to employees whose employment has heretofore terminated or shall hereafter have terminated, and who are entitled to receive payment of retirement benefits under a retirement plan in operation, but whose benefits under such plan are, in the opinion of the board of directors, inadequate.

B. A bank which maintains no retirement plan, may pay retirement benefits in reasonable amounts to employees whose employment has heretofore terminated or shall hereafter have terminated. A bank may make any payment pursuant to this subsection which it could lawfully make if it maintained a plan under this act.

5. This act shall take effect immediately.

Approved May 9, 1968.

CHAPTER 38

AN ACT concerning the registration of vital statistics, and amending section 26:8–38 of the Revised Statutes.

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

1. Section 26:8–38 of the Revised Statutes is amended to read as follows:

Recording unrecorded births; penalty for false certificate.

26:8–38. The birth of any child which has occurred or which may hereafter occur and which is not recorded with the State registrar as required by this chapter, may be recorded by filing a certificate with the State registrar.

a. Over the signature of the physician or midwife who attended the birth or over the signature of the father or mother of the child, or

b. When it is impossible to secure the signature of any of the persons named, the certificate may be signed by any person who has definite knowledge of the facts concerning the birth or by the person whose birth is being reported; provided, substantiating documentary proof is submitted and noted upon the certificate by the person before whom the affidavit is taken.

In every case the certificate shall be accompanied by an affidavit attesting the correctness of the information given therein, which affidavit shall be a part of the record of the birth. A copy of the affidavit shall accompany each certified copy of any record of the birth issued by the State registrar.

The affidavit (1) if taken in New Jersey, shall be taken before a Superior Court judge, a judge of the County Court, a county district court judge, the State registrar or assistant State registrar of vital statistics, an attorney-at-law, a county clerk or a deputy county clerk of the county where the birth occurred or where the person making the affidavit resides, or (2) if taken in some other State of the United States or territory thereof or in the District of Columbia shall be taken before a judge of any of the United States courts, a judge of any court of record having jurisdiction in the place where the affidavit is taken or any attorney-at-law of New Jersey, or (3) if taken in any foreign kingdom, State, nation or colony shall be taken before a public ambassador, minister, consul, vice-consul, consular agent, charge d'affaires or other representative of the United States for the time being, to or at any such foreign kingdom, State, nation or colony or any attorney-at-law of New Jersey; provided, however, that the affidavit may be taken in New Jersey by any secretary or sergeant-at-arms of any Superior Court judge, or of any judge of the County Court, or by the clerk or deputy clerk of a county district court of the county where the birth occurred or where the person making the affidavit resides, if prior thereto, the Superior Court judge, the judge of the County Court or the county district court judge shall have filed with the State registrar of vital statistics a certificate setting forth that such secretary, sergeant-at-arms, clerk, or deputy clerk, as the case may be, has been designated by him to take such affidavits, and all oaths, affirmations and affidavits required to be made or taken by this section or necessary or proper to be made or taken by this section may be made and taken before any such secretary,

sergeant-at-arms, clerk, or deputy clerk, when so designated.

The State registrar or any local registrar may require proof of the correctness of the information in a certificate and may refuse to accept a certificate if said proof is not submitted.

Any person knowingly submitting a certificate pursuant to this section containing incorrect particulars regarding a birth shall be subject to a penalty of not more than $500.00 to be recovered with costs in summary proceeding in accordance with the penalty enforcement law (N.J.S. 2A:58–1 et seq.) in the name of the State department.

2. This act shall take effect immediately.

Approved May 9, 1968.

CHAPTER 39

AN ACT to amend "An act for the prevention of cruelty to animals, and supplementing chapter 22 of Title 4 of the Revised Statutes," approved August 7, 1939 (P. L. 1939, c. 315).

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. 4:22-25.1 Motorist hitting domestic animal to stop; report.

1. Each person operating a motor vehicle who shall knowingly hit, run over, or cause injury to a cat, dog, horse or cattle shall stop at once, ascertain the extent of injury, report to the nearest police station, police officer, or notify the nearest Society for the Prevention of Cruelty to Animals and give his name, address, operator's license and registration number, and also give the location of the injured animal.

2. This act shall take effect immediately.

Approved May 9, 1968.

CHAPTER 40

AN ACT to amend "An act concerning the use of the State Seal; authorizing the use of said seal by certain persons; providing that persons not authorized to use the said seal, who use said seal, shall be disorderly persons; providing fines upon convictions as such disorderly persons; providing for revocation of motor vehicle licenses in certain cases for unauthorized uses of said seal; terminating certain authorizations to use the said seal; and repealing section 2A:148–23 of the New Jersey Statutes," approved July 19, 1955 (P. L. 1955, c. 155).

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. 52:2-3 Persons authorized to use seal.

1. The Governor of the State, the head of any principal executive department of the State, the members of the Legislature of the State, the Justices of the Supreme Court, the judges of the Superior Court, the county judges, the Secretary of the Senate, the Clerk of the General Assembly and members of the Congress of the United States and each of them, are authorized to use, exhibit and display the Great Seal of the State of New Jersey, in whole or in part, including such use, exhibition and display on their motor vehicle license plates.

2. This act shall take effect immediately.

Approved May 9, 1968.

CHAPTER 41

AN ACT concerning the powers of the members of the marine police force in the Bureau of Navigation of the Department of Conservation and Economic Development, amending section 17 of the "New Jersey Boat Numbering Act of 1962" (P. L. 1962, c. 73) and section 2A:151–43 of the New Jersey Statutes.

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

1. Section 17 of chapter 73 of the laws of 1962 is amended to read as follows:

C. 12:7-34.52 Enforcement; marine patrolmen.

17. The department shall be responsible for the enforcement of this act.

A supervisory force of marine patrolmen shall be formed and their appointments, rank and pay shall be regulated by the Civil Service Commission in compliance with the provisions of Title 11. Harbor Masters and Power Vessel Inspectors shall hereafter be known as marine patrolmen and those appointed in accordance with Title 12 of the Revised Statutes will serve in accordance with rules and regulations to be promulgated by the commission. In addition to any other powers provided by law, marine patrolmen shall have the same powers as conferred upon harbor masters by Revised Statutes 12:6–6.

2. Section 2A:151–43 of the New Jersey Statutes is amended to read as follows:

Carrying weapons without permit or identification card; exception of police, military personnel, jailers, etc.

2A:151–43. Section 2A:151–41 of this Title does not apply to:

a. The United States Marshal or his deputies;

b. Members of the Armed Forces of the United States or of the National Guard when on duty;

c. Any sheriff, undersheriff, county prosecutor, assistant prosecutor or prosecutor's detective;

d. The regularly employed members, including detectives, of the police department of any county or municipality or of any State, interstate, municipal or county park police force or of any county boulevard police force at all times, while within the State of New Jersey, or any special policeman appointed by the governing body of any county or municipality or by the commission or other board or body having control of any county park police force or any county boulevard police force while engaged in the actual performance of his official duties and when specifically authorized by the governing body to carry firearms;

e. Any member of the State Police, or any motor vehicle inspector;

f. Any jailer, constable, railway police, or any other peace officer, when in discharge of his duties;

g. The members of the Fish and Game Council, or conservation officers, or full-time employees of the Division of Shell Fisheries having the power of arrest and authorized to carry weapons;

h. Any prison or jail wardens or their deputies, or any guard or keeper of any penal institution in this State, while engaged in the actual performance of the duties of their positions and when so required by their superior officers to carry firearms;

i. Any court attendant serving as such under appointment by the sheriff of the county or by the judge of or magistrate of any court of this State while in the performance of his duties;

j. (Deleted by amendment.)

k. Any guard in the employ of any railway express company, banking or building and loan or savings and loan institution of this State while in the performance of his duties;

l. Any officer of the society for the prevention of cruelty to animals while in the performance of his duties;

m. Any legally recognized military organization when under orders, or any member thereof when going to or from the place of meeting of the organization, carrying the weapons prescribed for drill, exercise or parade;

n. Persons having a hunter's license in going to or from places of hunting as set forth in section 2A:151–42;

o. Members of government or civilian rifle or pistol clubs duly organized in accordance with the rules prescribed by the National Board for the Promotion of Rifle Practice, in going to or from their several places of target practice and carrying weapons necessary for such practice; provided further that a copy of the charter is filed with the superintendent and a list of the members of the club is submitted annually to the superintendent;

p. The director, deputy directors, inspectors and investigators of the Division of Alcoholic Beverage Control in the Department of Law and Public Safety;

q. Employees of public utility corporations actually engaged in the transportation of explosives;

r. Any civil employee of the United States Government under the supervision of the commanding officer of any post, camp, station, base or other military or naval installation located within this State who is required, in the performance of his official duties, to carry firearms, and who is authorized to carry such firearms by said commanding officer, while such civil employee is engaged in the actual performance of his official duties; or

s. Law enforcement officers employed by governmental agencies outside of the State of New Jersey who are engaged in their official duties provided that they have first notified the chief law enforcement officer of the municipality or the county prosecutor of the county in which they are engaged or the superintendent.

t. The full-time members of the marine patrol force of the Bureau of Navigation in the Department of Conservation and Economic Development while in the performance of their duties.

3. This act shall take effect immediately.

Approved May 9, 1968.

CHAPTER 42

AN ACT concerning sales of real estate under statutes or judicial proceedings, and amending section 2A:61–1 of the New Jersey Statutes.

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

1. Section 2A:61–1 of the New Jersey Statutes is amended to read as follows:

Advertisements of sales; publication in newspapers; fees.

2A:61–1. In all cases whatsoever where any sheriff, coroner, master, executor, administrator, guardian, commissioner, auditor or other officer or person is authorized or required by any public statute or the direction of any court of competent jurisdiction in this State to make sales of real estate, he shall, unless otherwise specially directed or authorized by law, before making such sale, give notice of the time and place of such sale by public advertisement, signed by himself, and set up in the office of the sheriff of the county or counties where such real estate is situate and at the premises to be sold at least 3 weeks next before the time appointed for such sale. Such notice need not be set up at any other place.

Such officer or person, shall also cause such notice to be published 4 times, at least once a week, during 4 consecutive weeks, in 2 newspapers, to be by him designated,

(a) both printed and published in the county wherein the real estate to be sold is situate, one of which shall be either a newspaper

published at the county seat of such county or a newspaper published in the municipality in such county having the largest population according to the latest census, or

(b) one printed and published in such county and 1 circulating in such county, if only one daily newspaper is printed and published in such county, or

(c) one published at the county seat and one circulating in the county, if no daily newspaper is published in such county, or

(d) both circulating in such county, if no newspapers are printed and published in such county.

The first publication shall be at least 21 days prior and the last publication not more than 8 days prior to the time appointed for the sale of such real estate.

Whenever, in the opinion of any such officer or person the ends of justice shall require it, or the sale so being conducted by him will be benefited thereby, the notice of such sale may be published in 3 of such newspapers instead of 2 as required by the second paragraph of this section, if there be that number printed and published in the county wherein the real estate to be sold is situate.

Where real estate is to be sold at public sale, the court, on motion made on notice, may order the sheriff or other officer to publish with the notice of the sale, a diagram of the premises, in lieu of the actual description.

The officer or person so advertising in the newspapers shall be entitled therefor, in addition to his other fees, to the sum of $1.50, except where it is otherwise specifically provided.

2. This act shall take effect immediately.

Approved May 14, 1968.

CHAPTER 43

AN ACT to amend the "Banking Act 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:*

1. Section 181 of the act of which this act is amendatory is amended to read as follows:

C. 17:9A-181 Mortgage loans.

181. Mortgage loans.

A-1. A savings bank may make or invest in mortgage loans in the manner and subject to the limitations prescribed by this section. For the purposes of this section, "mortgage loan" shall include every indebtedness secured by mortgage on real property, or on a lease of the fee of real property (in any case in which such lease is lawful security for such mortgage loan), except as otherwise provided by subsection Q of this section, and a savings bank shall be deemed to have made a mortgage loan when

(a) it lends or participates in lending money to a borrower upon the security of real property; or

(b) it acquires, by purchase or otherwise, a mortgage loan or any share or part of or interest in a mortgage loan which is not subordinate to any share or part thereof or interest therein held by any other person.

A savings bank may sell, assign or otherwise dispose of a share or part of or interest in a mortgage loan held by it to any other person.

A-2. For all purposes of compliance with the applicable provisions and restrictions of subsections D, E, F and G of this section as to the percentage of the mortgage loan to the appraised value of the mortgaged property, and the term of and rate of amortization of such loan, the date of the acquisition by a savings bank of a mortgage loan or a share or part thereof or interest therein shall, as respects such savings bank, be deemed to be the date as of which the mortgage loan was made and the unpaid amount of the principal then due shall be deemed to be the amount of such mortgage loan.

B. No savings bank shall make a mortgage loan at any time when the total cost of acquisition by the savings bank of all real property owned by it, other than real property held for the purposes specified in subparagraph (a) of paragraph (5) of section 24, and the total of all principal balances owing to the savings bank on mortgage loans, less all write-offs and reserves with respect to such real property and mortgage loans, together exceeds, or by the making of such loan will exceed, 80% of its deposits. For the purposes of this subsection, principal balances owing on mortgage loans made pursuant to subsection Q(1) of this section shall, only to the extent of the unguaranteed portion of such balances, and loans made pursuant to subsection Q(2) of this section shall, only to the extent of 50% of such balances, be included

in the total of all principal balances owing to the savings bank on mortgage loans.

C. Every mortgage loan shall be evidenced by a note or bond, and shall be secured by a mortgage on the fee of real property located within this State, or, if outside this State, upon the fee of real property located within 50 miles of the border of this State. Every mortgage shall be certified to be a first lien by an attorney-at-law of the State in which the real property is located, or certified or guaranteed to be a first lien by a corporation authorized to guarantee titles to land in such State. For the purposes of this section, a mortgage shall be deemed to be a first lien, notwithstanding the existence of a prior mortgage or mortgages held by the savings bank, or a lien for current taxes or assessments not due or payable at the time the loan is made, and notwithstanding the existence of leases, building restrictions, easements, encroachments, or covenants which, in the opinion of an officer of the savings bank designated for that purpose by the board of managers, do not materially lessen the value of the real property to be mortgaged.

D. When the real property offered as security for a mortgage loan consists of a lot of land upon which there is one or more one-family dwellings including appropriate garages or other outbuildings, if any, or upon which such dwelling or dwellings, garages or outbuildings are in the course of construction or are to be constructed, the amount of the mortgage loan shall not exceed (a) 75% of the appraised value of the real property, or 2% of the deposits of the savings bank, whichever is lesser; or (b) 80% of the appraised value of the real property, or $35,000.00, whichever is lesser; or (c) 90% of the appraised value of the real property, or $25,000.00 whichever is lesser, provided that the dwelling or dwellings are not more than 10 years old.

E. When the real property offered as security for a mortgage loan consists of a lot of land upon which there is one or more 2-, 3-, 4-family dwellings including appropriate garages or other outbuildings, if any, or upon which such a dwelling or dwellings and appropriate garages or other outbuildings are in the course of construction or are to be constructed, the amount of the mortgage loan shall not exceed 80% of the first $30,000.00 of the appraised value of the real property, plus 50% of the excess, if any, of such appraised value over $30,000.00.

F. The instrument evidencing a mortgage loan made pursuant to either subsection D or subsection E of this section shall require that

(1) interest shall be paid on such loan monthly, and that equal monthly payments be made in reduction of such loan of an annual rate equal to at least 3⅓% of the original amount of such loan; or

(2) that a constant sum be paid monthly in an amount sufficient for current interest and for the payment of the loan in full in not more than 30 years and 1 month from the making of such loan.

G. When the real property offered as security for a mortgage loan consists of a lot of land upon which there is a building or buildings other than dwellings of the nature described in subsections D and E of this section, or upon which such other buildings are in the course of construction or are to be constructed, or when such land is paved for parking lot purposes, the amount of the mortgage loan shall not exceed 75% of appraised value of such real property. The instrument evidencing a mortgage loan made pursuant to this subsection shall require that the loan be repaid in full in not more than 10 years and 1 month from the date it is made, except that in the case of dwellings consisting of 5 or more dwelling units, the instrument shall require that the loan be repaid in full in not more than 25 years and 1 month from the date it is made; and (a) if the amount of such loan, when made, exceeds 50% of the appraised value of the real property, that payments shall be made in reduction thereof at least semiannually, at an annual rate equal to at least 1% of the original amount of such loan; or (b) if the amount of such loan, when made, does not exceed 50% of the appraised value of the real property, that payments shall be made in reduction thereof at least semiannually, at an annual rate equal to at least ½% of the original amount of such loan. When, however, the amount of such loan does not, when made, exceed 50% of the appraised value of such real property, and the instrument evidencing such loan requires that it be paid in full in not more than 5 years and 1 month from the date it is made, the instrument need not require that any payment be made in reduction of such loan prior to its maturity date. Notwithstanding the limitations prescribed by subsections D and E and hereinabove in this section, a savings bank may make a mortgage loan secured by a lot of land or 2 or more lots of land, contiguous or not, upon each of which there is a building or buildings, or upon each of which a building or buildings are in the course of construction or are to be constructed. The limitations of this section governing the term of the loan, rate of amortization, and the percentage of the mortgage loan to the appraised value of each type of building, including land, shall apply. No loans shall be made under subsections D, E, F or G hereof to any one person or

on any one property if the loan shall exceed 15% of the surplus and reserves of the savings bank, or $50,000.00, whichever is greater.

H. When the real property offered as security for a mortgage loan is of the nature described in subsection D or E of this section, and the amount of the loan does not exceed 66⅔% of the appraised value of such real property, the instrument evidencing such loan shall be sufficient if it conforms to the requirements of either subsection F or subsection G of this section.

I. A mortgage loan may be made for the purpose of enabling a borrower to construct a building or buildings upon real property owned by him, and, in such a case, the appraised value of the real property shall include the value of the building or buildings to be constructed, but at no time shall a greater sum be advanced on account of such loan than, in the opinion of (1) the appraisers hereinafter provided for, or (2) one of such appraisers and an officer of the savings bank designated for that purpose by the board of managers, is warranted by the state of completion of the buildings in process of construction. For the purposes of compliance with the applicable requirements of subsection F or G of this section as to the term of and the rate of amortization of a loan made pursuant to this section, such loan shall be deemed to have been made when the final advance shall be made to the borrower on such loan, or 18 months from the date of the mortgage securing such loan, whichever is earlier.

J. When the real property offered as security for a mortgage loan consists of unimproved land, and the proceeds of such loan are not to be used to construct a building on such land, the amount of such loan shall not exceed 40% of the appraised value of such real property. The instrument evidencing a loan made pursuant to this subsection shall require that such loan be paid in full in not more than 10 years and 1 month from the date it is made. No loan made pursuant to this subsection shall exceed $10,000.00, or 1/10 of 1% of the deposits of the savings bank, whichever is greater; nor shall any loan be made at any time when the total of all such loans exceeds, or if the making of such loan would cause such total to exceed 1% of the deposits of the savings bank.

K. No mortgage loan shall be made except upon a written certification signed by at least 2 persons, each of whom shall be either a manager of the bank or an appraiser appointed by its board of managers. In the case of a mortgage loan secured by a mortgage upon real property, such certification shall state the opinion of such persons as to the value of the land and the improvements

thereon or to be erected thereon and the character of such improvements. In the case of a mortgage loan secured by a mortgage upon a lease of the fee of real property, such certification shall state the opinion of such person as to the value of the leasehold interest to be subject to the mortgage, including the leasehold interest in the improvements erected or to be erected upon the leased property and the character of such improvements. Such certification shall be filed with the records of the bank, and shall be preserved until the savings bank has no interest, as mortgagee or otherwise, in the real property.

L. Purchase money mortgage loans made by a savings bank on the sale of real property owned by it shall not be subject to the preceding subsections or to subsection P of this section, except that such loans shall be included in determining whether the total amount of mortgage loans held by a savings bank exceeds 80% of its deposits.

M. No savings bank shall make a mortgage loan secured by a mortgage upon a lease of the fee of real property unless

(1) the leased property is located within this State or, if outside this State, the leased property is located within 50 miles of the border of this State;

(2) the leased property shall consist of improved real property, including farm lands, or unimproved real property if the proceeds of such loan shall be used for the purpose of erecting improvements thereon;

(3) the mortgage securing such loan shall constitute a first lien on a lease of the fee of real property, which fee is not subject to any prior lien; the fee shall be deemed not subject to any prior lien notwithstanding the existence of liens of taxes 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 the persons signing the certificate provided for in subsection K of this section report in their opinion do not materially affect the security for the mortgage loan. Every mortgage shall be certified to be such a first lien by an attorney-at-law of the State in which the real property is located, or certified or guaranteed to be such a first lien by a corporation authorized to guarantee titles to land in such State;

(4) such loan shall not exceed 66⅔% of the appraised value of the leasehold interest subject to the mortgage, including the leasehold interest in the improvements erected upon the mortgaged property, or to be erected thereon wholly or partly with the proceeds of the mortgage loan; and

(5) the instrument evidencing the loan shall require that payment be made on account of the principal amount of such loan at an annual rate sufficient to repay such loan not later than 1 year prior to the expiration of the lease.

N. The instrument evidencing a mortgage loan may be in such form, and may contain such provisions, not inconsistent with law, as the savings bank may choose to insert for the protection of its lien and the preservation of its interest in the real property mortgaged to it.

O. Notwithstanding the limitations prescribed by the preceding subsections or by subsection P of this section, a savings bank may

(1) for the purposes of preventing or mitigating loss, or of preserving the lien of its mortgage, or of conserving the value of the real property affected by its mortgage, (a) extend the time for the payment of principal or interest, (b) modify or waive any of the terms or conditions of the instrument evidencing a mortgage loan, (c) settle or compromise all or part of the amount due or to grow due on a mortgage loan, (d) sell or assign the mortgage loan, or a share or part thereof or interest therein, for such consideration as it shall deem proper, and (e) advance funds for the payment of any tax, lien, charge or claim whatsoever; and

(2) make a loan in addition to an existing mortgage loan or loans held by it, upon the security of the same real property and secured by the existing mortgage or mortgages, in an amount not to exceed the difference between the balance due on the existing mortgage or mortgages and the original amount thereof, or the sum of $10,000.00, whichever is less; provided, however, that no such additional loan shall be made which shall increase the total amount due upon such mortgages over the amount which could be loaned upon the security of such real property. Such additional loan shall be repaid in equal monthly installments, beginning within 1 year from the date of such loan, with the payments adjusted so that the additional loan shall be repaid in full either before or at the maturity of the existing mortgage. If the unexpired term of such mortgage or mortgages shall have been reduced to 10 years or less such term may be extended for an additional period of not more than 10 years. Adjustment of payments and extension of mortgage terms pursuant to this section shall comply with the provisions of subsection F, G or H of this section. If so provided in the original mortgage or a supplement or amendment thereto, persons who acquire any rights in or liens upon the mortgaged real property subsequent to the recording of the original mortgage or such supplement or amendment, as the case may be, shall hold

such rights and liens subject to the prior lien of the original mortgage and such supplement or amendment, if any, as security for such additional loan; and in such case, no title certificate or insurance under subsection C of this section shall be required with respect to such additional loan.

P. Except as otherwise provided by this section, no savings bank shall make a mortgage loan if the making of such loan would cause the total of all unpaid balances of such loans held by the savings bank upon the security of the same real property or leasehold, to exceed the limitations imposed by this section upon the amount of a mortgage loan which may be made upon the security of such real property or such leasehold.

Q. A savings bank may invest in

(1) (a) veterans' loans, wherever located, made pursuant to Title III of the Act of Congress of June 22, 1944, known as the "Servicemen's Readjustment Act of 1944," as amended, supplemented, revised, or recodified from time to time, which the Administrator of Veterans' Affairs or other officer or agency which succeeds to his powers and functions under said act has insured or guaranteed or has made a commitment to insure or guarantee, to the extent and in the manner provided in said act or the regulations made thereunder; and

(b) veterans' loans, wherever located, made and insured or guaranteed in part as provided in paragraph (1) (a) of this subsection of this section, and, as to the balance thereof, insured or guaranteed by an insurer or guarantor named or described in paragraph (2) of this subsection of this section.

(c) the provisions and restrictions contained in this section, except those relating to the percentage of the mortgage loan to the appraised value of the real property, the location of the real property, the term of the loan and the rate of amortization, shall apply to investments made pursuant to paragraph (1) of this subsection of this section, provided however that said loans and investments shall not be subject to the provisions of any law of this State prescribing or limiting the interest which may be taken upon such loans or investments.

(2) (a) mortgages or deeds of trust or other securities of the character of mortgages which are first liens on the fee of real property or a lease of the fee of real property, wherever located, which (i) the United States, or (ii) the Federal Housing Commissioner under the Act of Congress of June 27, 1934, known as the "National Housing Act," as amended, supplemented, revised or recodified from time to time, or other officer or agency which

succeeds to his powers and functions, or (iii) the State of New Jersey or an officer or agency thereof, or (iv) any other officer or agency of the United States or of this State which the commissioner shall have approved for the purposes of this section as an insurer or guarantor, has fully insured or guaranteed or made a commitment to fully insure or guarantee.

(b) mortgages or deeds of trust or other securities made pursuant to paragraph 2(a) of this subsection of this section shall not be subject to the provisions and restrictions of this section, except that they shall be included in determining whether total mortgage investments are within the limitation prescribed by subsection B of this section, provided however that said mortgages or deeds of trust or other securities shall not be subject to the provisions of any law of this State prescribing or limiting the interest which may be taken upon such loans or investments.

R. The commissioner may, from time to time, with the concurrence of the banking advisory board, make, alter and rescind regulations:

(1) authorizing savings banks to make mortgage loans or specified types or classes of mortgage loans (a) which exceed the specified percentages of the appraised value of the mortgaged property; (b) which mature later than the specified periods from their date; (c) which require smaller annual payments on account of the principal amounts thereof than those specified in this section; and (d) which provide for equal monthly payments each applicable to principal and interest in amounts sufficient to pay current interest on and to repay the amount of the loan in such number of years more than 25, but not more than 30, as the regulation may specify;

(2) increasing the percentage of deposits of savings banks which savings banks may invest in mortgage loans;

(3) increasing the percentage of principal balances owing on mortgage loans referred to in subsection Q, which shall not be included in the total of all principal balances owing on mortgage loans for the purpose of subsection B, or eliminating entirely the principal balances owing on such mortgage loans from such total of all principal balances.

2. This act shall take effect immediately.

Approved May 20, 1968.

CHAPTER 44

AN ACT to amend the title of "An act providing immunity to members of volunteer fire companies providing emergency public first and and rescue services or providing service for the control and extinguishment of fires from liability to respond in damages in certain cases," approved May 28, 1963, (P. L. 1963, c. 71), so that the same shall read "An act providing immunity to members and authorized volunteer workers of volunteer fire companies providing emergency first aid and rescue services or providing service for the control and extinguishment of fires from liability to respond in damages in certain cases," 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 71 of the laws of 1963 is amended to read as follows: An act providing immunity to members and authorized volunteer workers of volunteer fire companies providing emergency public first aid and rescue services or providing service for the control and extinguishment of fires from liability to respond in damages in certain cases.

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

C. 2A:53A-13 Liability of members of certain volunteer organizations providing emergency services.

1. No member of a volunteer fire company, which provides emergency public first aid and rescue services or service for the control and extinguishment of fires, or both, and no authorized active volunteer, first aid or rescue squad worker who is not a member of the volunteer fire company within which the first aid or rescue squad may have been created, doing public first aid or rescue duty, shall be liable in any civil action to respond in damages as a result of his acts of commission or omission arising out of and in the course of his rendering in good faith any such services, but such immunity from liability shall not extend to the operation of any motor vehicle in connection with the rendering of any such services.

Nothing herein shall be deemed to grant any such immunity to any person causing damage by his willful or wanton act of commission or omission.

3. This act shall take effect immediately.

Approved May 22, 1968.

CHAPTER 45

AN ACT authorizing the payment of a pension to the widows of certain former county clerks in counties of the second class.

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

C. 43:9-40 Pension for widows of certain former county clerks.

1. The board of chosen freeholders of any county of the second class may, in its discretion, adopt a resolution providing for the payment of a pension to any widow of any former county clerk who retired after having served in such capacity continuously for a period in excess of 15 years and who prior to his service as county clerk had served the county in one or more offices, positions or employments continuously for an additional period in excess of 15 years, making a total period of service in excess of 30 years. Such widow shall receive from the county, during the term of her natural life, or as long as she remains unmarried, an annual pension equal to ⅓ of the annual salary paid to her husband at the time of his death. The pension shall be paid in equal monthly installments by the county treasurer, out of county funds when so directed by the board of chosen freeholders of the county.

C. 43:9-41 Pension application, amount, effective date.

2. A widow entitled to a pension under this act may apply therefor to the board of chosen freeholders of the county. Upon proof satisfactory to the board of the facts entitling her to the pension, the board may fix the amount of the pension to be so paid as well as the date when the same becomes effective.

3. This act shall take effect immediately.

Approved May 22, 1968.

CHAPTER 46

AN ACT to amend "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," approved January 8, 1968 (P. L. 1967, c. 265).

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

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

C. 46:8-26 Application of provisions.

8. The provisions of this act shall apply only to owners of residential rental property consisting of more than 4 rental units.

2. This act shall take effect immediately.

Approved May 22, 1968.

CHAPTER 47

AN ACT to amend the "State Police Retirement System Act," approved June 9, 1965 (P. L. 1965, c. 89).

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. 53:5A-3 Definitions.

3. As used in this act:

a. "Aggregate contributions" means the sum of all the amounts, deducted from the salary of a member or contributed by him, standing to the credit of his individual account in the Annuity Savings Fund. Interest credited on contributions to the former "State Police Retirement and Benevolent Fund" shall be included in a member's aggregate contributions.

b. "Annuity" means payments for life derived from the aggregate contributions of a member. All annuities shall be paid in equal monthly installments.

c. "Annuity reserve" means the present value of all payments to be made on account of any annuity or benefit in lieu of an annuity, computed upon the basis of such mortality tables as the board of trustees adopts and regular interest.

d. "Beneficiary" means any person entitled to receive any benefit pursuant to the provisions of this act by reason of the death of a member or retirant.

e. "Board of trustees" or "board" means the board provided by this act to administer this retirement system.

f. "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.

g. "Creditable service" means service rendered for which credit is allowed on the basis of contributions made by the member or the State.

h. "Dependent parent" means the parent of a member who was receiving at least ½ 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.

i. "Final compensation" means the average compensation received by the member in the last 12 months of creditable service preceding his retirement or death. Such term includes the value of the member's maintenance allowance for this same period.

j. "Final salary" means the average salary received by the member in the last 12 months of creditable service preceding his retirement or death. Such term shall not include the value of the member's maintenance allowance.

k. "Fiscal year" means any year commencing with July 1 and ending with June 30 next following.

l. "Medical board" means the board of physicians provided for in this act.

m. "Member" means any full-time, commissioned officer, noncommissioned officer or trooper of the Division of State Police of the Department of Law and Public Safety of the State of New Jersey enrolled in the retirement system established by this act.

n. "Pension" means payment for life derived from contributions by the State. All pensions shall be paid in equal monthly installments.

o. "Pension reserve" means the present value of all payments to be made on account of any pension or benefit in lieu of any pension computed on the basis of such mortality tables as shall be adopted by the board of trustees and regular interest.

p. "Regular interest" means interest as determined from time to time by the board of trustees. The regular interest rate shall be limited to a minimum of 3% and a maximum of 4% per annum.

q. "Retirant" means any former member receiving a retirement allowance as provided by this act.

r. "Retirement allowance" means the sum of the pension and the annuity. All retirement allowances shall be paid in equal monthly installments.

s. "State Police Retirement System of New Jersey," herein also referred to as the "retirement system," is the corporate name of the arrangement for the payment of retirement allowances and of the benefits under the provisions of this act and for the system including the several funds created and placed under the management of the board of trustees of said system. By that name, all of its business shall be transacted, its funds invested, warrants for moneys drawn, and payments made and all of its cash and securities and other property held. All assets held in the name of the former "State Police Retirement and Benevolent Fund" shall be transferred to the retirement system established by this act.

t. "Widow" means the woman to whom a member was married before he attained 50 years of age 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.

2. This act shall take effect immediately.

Approved May 22, 1968.

CHAPTER 48

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, 1968, and regulating the disbursement thereof," approved May 23, 1967 (C. 63, P. L. 1967).

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

1. The following sum is hereby appropriated out of the General State Fund, for the respective public officers and for the purpose herein specified:

GENERAL STATE OPERATIONS
DEPARTMENT OF DEFENSE
342-100. NATIONAL GUARD

For the cost of alerting National Guardsmen to render military support to New Jersey State Police in connection with civil disturbances in the city of Trenton during April, 1968	$22,000 00
Total Appropriation, Department of Defense	$22,000 00

2. This act shall take effect immediately.
Approved May 22, 1968.

CHAPTER 49

AN ACT fixing fees to be imposed upon the recording of deeds transferring title to real property and providing penalties for the violations thereof.

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

C. 46:15-5 Definitions.

1. As used in this act:

(a) "Deed" means an instrument or writing by which title to any lands, tenements or other realty sold shall be granted, assigned, transferred or otherwise conveyed.

(b) The terms "county recording officer" and "office of the county recording officer" mean the register of deeds and mortgages in counties having such an officer and office, and the county clerk and his office in the other counties.

(c) "Consideration" means in the case of any deed, the actual amount of money and the monetary value of any other thing of value constituting the entire compensation paid or to be paid for the transfer of title to the lands, tenements or other realty, including the remaining amount of any prior mortgage to which the transfer is subject or which is to be assumed and agreed to be paid

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by the grantee and any other lien or encumbrance thereon not paid, satisfied or removed in connection with the transfer of title.

C. 46:15-6 Additional prerequisites for recording.

2. In addition to other prerequisites for recording, no deed evidencing transfer of title to real property shall be recorded in the office of any county recording officer unless (a) the consideration therefor is recited therein and in the acknowledgment or proof of the execution thereof, or (b) an affidavit by one or more of the parties named therein or by their legal representatives declaring the consideration therefor is annexed thereto for recording with the deed.

C. 46:15-7 Fee imposed upon grantors; collection of fee.

3. In addition to the recording fees imposed by P. L. 1965, chapter 123, section 2 (C. 22A:4–4.1) a fee is imposed upon grantors, at the rate of $0.50 for each $500.00 of consideration or fractional part thereof recited in the deed, which fee shall be collected by the county recording officer at the time the deed is offered for recording.

C. 46:15-8 Disposition of proceeds of fees.

4. The proceeds of the fees collected by the county recording officer, as authorized by this act, shall be accounted for and remitted to the county treasurer for the use of the county.

C. 46:15-9 Falsifying consideration; penalty.

5. Any person who shall willfully falsify the consideration recited in a deed or in the proof or acknowledgment of the execution of a deed or in an affidavit declaring the consideration therefor annexed to a deed shall be adjudged a disorderly person.

C. 46:15-10 Exceptions to imposition of fee.

6. The fee imposed by this act shall not apply to a deed:

(a) For a consideration of less than $100.00;

(b) By or to the United States of America, this State, or any instrumentality, agency, or subdivision thereof;

(c) Solely in order to provide or release security for a debt or obligation;

(d) Which confirms or corrects a deed previously recorded;

(e) On a sale for delinquent taxes or assessments;

(f) On partition;

(g) Pursuant to mergers of corporation;

(h) By a subsidiary corporation to its parent corporation for no consideration, nominal consideration, or in sole consideration of the cancellation or surrender of the subsidiary's stock.

C. 46:15-11 Rules and regulations authorized.

7. The Division of Taxation of the Department of the Treasury may prescribe such rules and regulations as it may deem necessary to carry out the purposes of this act.

8. This act shall take effect 30 days after enactment.

Approved June 3, 1968.

CHAPTER 50

AN ACT making an appropriation toward the expenses of the city of Trenton incidental to its sponsorship of the United States Eastern Olympic Boxing Finals under the auspices of the New Jersey Amateur Athletic Union.

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

1. There is hereby appropriated from the General State Fund the sum of $5,000.00 to the Department of State, Office of the Athletic Commissioner, as a contribution by the State toward the expenses to be incurred by the city of Trenton in connection with its sponsorship of the United States Eastern Olympic Boxing Finals under the auspices of the New Jersey Amateur Athletic Union to be held May 16 to May 18, 1968, in said city of Trenton, New Jersey.

2. This act shall take effect immediately.

Approved June 3, 1968.

CHAPTER 51

AN ACT to amend and supplement the "Cigarette Tax Act," approved April 29, 1948 (P. L. 1948, c. 65).

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

1. Section 301 of the act of which this act is amendatory (C. 54:40A-8) is amended to read as follows:

C. 54:40A-8 Tax imposed; rate.

301. Tax imposed; rate.

A tax is hereby imposed on the sale, use or possession for sale or use within this State of all cigarettes at the rate of $0.07 for each 10 cigarettes or fraction thereof.

2. Section 401 of the act of which this act is amendatory (C. 54:40A–11) is amended to read as follows:

C. 54:40A-11 Director to provide revenue stamps.

401. Director to provide revenue stamps.

The taxes imposed and levied by this act shall be paid through the use of stamps, except as provided in section 205 (Consumers) of this act. The director shall secure stamps of such designs and denominations as he shall prescribe, suitable to be affixed to packages, and provide for the sale thereof to licensed distributors. Only licensed distributors shall affix and cancel stamps and no distributor shall affix or cancel any stamp except at the tax rate in effect on the date of such affixing or cancellation. The director shall not authorize any person to sell revenue stamps except his duly constituted agents and assistants. On sales of revenue stamps the director shall allow, as compensation for the services and expenses of the distributor in affixing and handling of such stamps, a discount of 1.97% of the face amount of any sale of 1,000 stamps or more; provided, that the distributor has complied with all the provisions of this act. No discount shall be allowed on any sale of less than 1,000 stamps and stamps shall not be sold in blocks of less than 100 stamps.

3. There is hereby appropriated to the Division of Taxation in the Department of the Treasury the sum of $100,000.00 or so much thereof as shall be required to carry out the provisions of this act from the effective date hereof to the period ending June 30, 1969.

4. This act shall take effect at 12:01 A. M. on the day following approval thereof.

Approved June 3, 1968.

CHAPTER 52

AN ACT to amend "An act to fix the workweek for the State service and to provide for compensatory time off or compensation for overtime services," approved April 27, 1951 (P. L. 1951, c. 51).

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. 52:14-17.13 Workweek for State service; compensation or time off for overtime services.

1. The workweek for basic annual salary for employees in the State service, insofar as practicable and except as provided in section 2 of this act, shall not be more than 40 hours; and, notwithstanding any inconsistent provisions of law, any employee in the State service who is authorized or required to work in any week more than the hours of work established as the regular and normal workweek for that class or agency shall be eligible to receive, at the discretion of the department head with the approval of the State Treasurer, the President of the Civil Service Commission and the Director of the Division of Budget and Accounting in the Department of Treasury, either (1) compensation for the hours worked in excess of the established workweek for that class or agency at a rate representing 1½ times the individual's hourly rate calculated by a proration of the annual salary rate of the individual employee, or (2) compensatory time off at the rate of 1½ hours for each hour worked in excess of the established workweek for that class or agency.

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

C. 52:14-17.14 Designation of positions to which act applies; rules and regulations.

2. The State Treasurer, the President of the Civil Service Commission and the Director of the Division of Budget and Accounting in the Department of the Treasury shall have authority to designate the classes of positions or individual positions to which the provisions of this act shall apply and may exclude from such designations any class of positions or individual positions where the conditions of employment and the nature of the duties performed or the difficulty of maintaining adequate time controls make it impracticable to establish a specific work week and to apply to such classes of positions or individual positions the provisions of this act; shall determine the eligibility of any employee or any class of employees in the State service to receive overtime compensation or compensatory time off in accordance with the provisions of this

act; and shall promulgate such rules and regulations as, in their discretion, appear to be necessary in order to achieve an equitable application of the provisions of this act.

3. This act shall take effect immediately.

Approved June 5, 1968.

CHAPTER 53

AN ACT concerning the municipal manager form of government law relating to recall petitions, and amending section 40:81–6 of the Revised Statutes.

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

1. Section 40:81–6 of the Revised Statutes is amended to read as follows:

Councilmen; removal from office.

40:81–6. A member of the municipal council after having been in office for at least 2 years may be removed from office by a recall petition prepared and approved by the voters of the municipality in the manner hereinafter provided for recall procedure. Only one recall petition which results in an election may be filed against a member of the municipal council in 1 calendar year during his term of office, and at least 10 months shall intervene between a recall election and the filing of a new petition for the recall of such member.

2. This act shall take effect immediately.

Approved June 5, 1968.

CHAPTER 54

AN ACT concerning mortgages on real property.

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

C. 46:10B-1 Definitions.

1. As used in this act:

(a) "Mortgage loan" means a loan secured by an interest in real property consisting of land upon which is erected or to be erected, in whole or in part with the proceeds of such loan, a one-family, 2-family, 3-family or 4-family dwelling, in which the mortgagor or his immediate family resides on origination of such mortgage loan or at the time of prepayment thereof, and upon which interest is taken or contracted for at a rate in excess of $6.00 for the forbearance of $100.00 for a year;

(b) "Mortgagor" includes any person other than a corporation liable for the payment of a mortgage loan, and the owner of the real property which secures the payment of a mortgage loan;

(c) "Prepayment" of a mortgage loan means the payment in full of the balance owing on a mortgage loan at any time prior to the time limited for the final payment of such loan in an instrument evidencing such loan.

C. 46:10B-2 Prepayment fees.

2. Prepayment of a mortgage loan may be made by or on behalf of a mortgagor at any time, and the holder of the mortgage loan shall be entitled to charge and collect a fee for the exercise of the right of such prepayment according to the following schedule:

(a) If prepayment is made within the first year from the date of such mortgage loan, the prepayment fee shall not exceed 3% of the face amount of the mortgage loan;

(b) If prepayment is made on or after 1 year from the date of the mortgage plan, but within 3 years from such date, the prepayment fee shall not exceed 2% of the face amount of the mortgage loan;

(c) If prepayment is made on or after 3 years from the date of the mortgage loan, but within 5 years from such date, the prepayment fee shall not exceed 1% of the face amount of the mortgage loan;

(d) If prepayment is made on or after 5 years from the date of the mortgage loan, no fee shall be charged or collected therefor.

C. 46:10B-3 Payment of additional sum without charge or penalty; limitations.

3. A mortgagor shall have the right, during any 12-month period beginning with the date of the mortgage loan, to pay, without charge or penalty, an additional sum of $50.00, or multiples thereof, on account of the principal amount owing on a mortgage loan, provided that the additional sums so paid and the principal payments required to be made by the terms of such mortgage loan

during such year do not together exceed in any such year 20% of the face amount of such mortgage loan. The right to make additional payments as provided by this section shall not be cumulative, and, to the extent that it is not exercised during any year, shall lapse.

C. 46:10B-4 Certain provisions unenforceable.

4. No provision in a mortgage or instrument of indebtedness which denies the rights conferred by sections 2 and 3 of this act, or which provides for prepayment fees in excess of those permitted by this act, or in which the rights conferred by sections 2 and 3 of this act are modified to the detriment of the mortgagor, or are waived or surrendered, shall be enforceable.

C. 46:10B-5 Liability for return of unauthorized prepayment fees; penalty.

5. Any holder of a mortgage loan or agent acting on behalf of the holder of a mortgage loan who shall knowingly demand and receive prepayment fees, except as provided in this act, shall be liable to the mortgagor for the return of the whole amount of the prepayment fees so received, plus interest thereon from the date of such receipt at the rate of 6% per annum.

C. 46:10B-6 Willfully withholding cancellation of mortgage; penalty.

6. Any holder of a mortgage loan or agent acting on behalf of such holder who shall willfully fail or refuse to deliver a cancellation or discharge of a mortgage loan within a reasonable time after tender to him of the amount owing thereon together with the prepayment fee, if any, as provided in this act, shall forfeit his right to receive any prepayment fee, and the Superior Court shall have jurisdiction, in a summary action or otherwise, to order such cancellation or discharge upon payment into court of the amount owing thereon.

C. 46:10B-7 Willfully failing to accept authorized additional payments; penalty.

7. Any holder of a mortgage loan or agent acting on behalf of such holder who shall willfully fail or refuse to accept additional payments tendered pursuant to section 3 of this act shall forfeit his right to receive interest on the amount so tendered.

C. 46:10B-8 Provision for increase in rate of interest; limitations.

8. If any mortgage loan or written contract or commitment for such loan provides for an increase in the rate of interest during the term of such loan, or after the execution of a written contract or commitment for such a loan, the increased rate shall not exceed 6% per annum in the case of a loan or written contract or commitment made before the effective date of this act or such rate

of interest as may be authorized by law at the time such loan or written contract or commitment for such loan is made in the case of a loan or written contract or commitment for such loan made on or after the effective date of this act.

C. 46:10B-9 Provisions inapplicable to certain loans.

9. This act shall not apply to loans secured by a mortgage on real property the prepayment of which is governed by any other statute of this State or of the United States, nor shall it apply to any loans, secured by mortgage on real property, made pursuant to any statute of this State or of the United States expressly authorizing interest charges in excess of 6% per annum.

C. 46:10B-10 Interest rate limitation; certain charges prohibited.

10. Except as otherwise provided by law, no mortgage loan shall be made at an interest rate in excess of the rate authorized by section 31:1–1 of the Revised Statutes. The charging of points in connection with a mortgage loan is prohibited. For the purposes of this act, "points" means an amount of money or other consideration paid for the making of a mortgage loan, other than interest payable pursuant to the terms of the mortgage loan, but does not include any such sum paid pursuant to a statute of this State or of the United States, nor does it include reasonable expenses and charges.

C. 46:10B-11 Liability for return of certain charges; penalty.

11. Any holder of a mortgage loan or agent acting on behalf of the holder of a mortgage loan who shall knowingly receive points as defined herein shall be liable to the mortgagor for the return of the points and all interest paid on the mortgage loan plus a penalty of $1,000.00 and costs to be recovered by the mortgagor in a civil action instituted within 6 years from the date of payment of the points.

12. This act shall take effect immediately.

Approved June 6, 1968.

CHAPTER 55

AN ACT concerning interest and usury and amending section 31:1–1 of the Revised Statutes.

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

1. Section 31:1–1 of the Revised Statutes is amended to read as follows:

Contract rate limitations; computation of interest or discount.

31:1–1. (a) Except as otherwise provided by law, no person shall, upon contract, take, directly or indirectly, for loan of any money, wares, merchandise, goods and chattels, above the value of $6.00 for the forbearance of $100.00 for a year, and after that rate for a greater or less sum or for longer or shorter time; and except further, that the Commissioner of Banking and Insurance, with the advice of a special advisory board constituted as hereinafter provided, may by regulation adopted, amended and rescinded from time to time, provide that the value which may be taken for any such loan shall be a value more than $6.00 but not more than $8.00 for the forbearance of $100.00 for a year, as shall be prescribed in such regulation, and after that rate for a greater or less sum or for longer or shorter time. The special advisory board herein provided for shall consist of the members of the Banking Advisory Board as constituted pursuant to Article 43 of the Banking Act of 1948, P. L. 1948, chapter 67, plus 2 additional persons appointed by the Governor with the advice and consent of the Senate, one of whom shall be an officer of an association as defined in section 5 (3) of the Savings and Loan Act (1963), P. L.. 1963, chapter 144, and the other of whom shall be an officer of a life insurance company incorporated under the laws of this State. The 2 additional persons so appointed shall hold office for a term of 1 year. When, however, pursuant to any such contract, interest or discount is taken or reserved for a period of less than 1 year, or when interest is required to be paid at intervals of less than 1 year, such interest or discount may be computed on a daily basis, or on a monthly basis, or on a combination of both such bases when the period for which interest or discount is taken or reserved contains 1 or more months and 1 or more days; and, in any such case, a day shall be deemed to be a 1/360 part of a year, and a month shall be deemed to be a 1/12 part of a year, regardless of the number of days contained in

such month. Any computation of interest or discount made on any such basis shall constitute a compliance with this section, and any such basis may be applied regardless whether the principal debt is payable in more than or less than 1 year from the time of making the loan.

(b) In making, amending and rescinding regulations pursuant to subsection (a) of this section, the Commissioner of Banking and Insurance and the special advisory board shall consider the general state of the economy, the discount rates prescribed by the Federal Reserve Bank of New York and the Federal Reserve Bank of Philadelphia, the advance rate as prescribed by the Federal Home Loan Bank of New York, the availability of funds for loans, studies and statistics published by the Federal Home Loan Bank Board and other agencies of the United States and of this State, and such other factors and bases for determination as the commissioner and the board may deem pertinent. The rate established by any such regulation shall reasonably reflect prevailing market conditions, regionally and nationally, based upon the studies, statistics and factors considered, and shall remain in force until such time as such regulation is rescinded or such rate is increased or decreased by a subsequent regulation. Any such regulation shall have prospective effect only.

2. This act shall take effect immediately.

Approved June 6, 1968.

CHAPTER 56

AN ACT to amend "An act concerning county parks, playgrounds, and recreation places, and supplementing chapter 37 of Title 40 of the Revised Statutes," approved May 3, 1946 (P. L. 1946, c. 276).

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

1. Section 14 of P. L. 1946, chapter 276 (C. 40:37–95.14) is amended to read as follows:

C. 40:37-95.14 Right to acquire real estate and other property; authority includes leasing property and granting use of facilities for recreational purposes.

14. With the approval of the board of chosen freeholders of the county, the commission may acquire by gift, purchase or condemnation, such real estate and rights therein, and such other property as it may deem necessary and proper for its purposes. All such property shall be acquired by the commission in the name of the county.

The authority in this section granted shall include, with the approval of the board of chosen freeholders the right (a) to lease, as lessee, real property and easements therein, necessary or useful and convenient for the purposes of the commission whether subject to mortgages, deeds of trust or other liens, or otherwise, and to hold and use the same and dispose of any of the property so acquired no longer necessary for park purposes, (b) to grant by franchise, lease or contract the use of any park facilities or property to any person for recreational purposes upon such terms and conditions as shall be agreed upon. Any such grant which shall be conditioned upon the construction or provision of any building, structures or improvement by such person may, notwithstanding the provisions of paragraphs g. and i. of section 13 of this act (C. 40:37–95.13), be for such period of years as shall be agreed upon.

2. This act shall take effect immediately.

Approved June 7, 1968.

CHAPTER 57

AN ACT making an appropriation for the repair, reconstruction and replacement of public roads, works, facilities and structures damaged or destroyed during or as a result of the floods of May and June, 1968, and regulating the disbursement thereof.

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 treasury for the purposes hereinafter specified:

210-150. Storm Relief Fund—State Aid

To the State Treasurer for the payment of claims submitted to him by the various State departments and agencies thereof and by municipalities, counties, school districts and agencies thereof for the repair, reconstruction and replacement of the public roads, works, facilities and structures which were damaged or destroyed during or as a result of the floods of May and June, 1968	$5,000,000 00

The share of the cost of each project to be assumed by the State on any claim submitted by a municipality, county, school district or agency thereof shall not exceed 50% thereof except that the State Treasurer, upon the recommendation of the Commissioner of the Department of Conservation and Economic Development and in accordance with uniform standards based upon the actual loss of ratables suffered and the present level of indebtedness of the municipality, may reduce or waive the requirement for local financial participation in the case of any municipality which has suffered the loss of at least 10% of the assessed ratables therein.

No claim in excess of $2,500.00 shall be paid by the State Treasurer unless the payment thereof is recommended by the Commissioner of the Department of Conservation and Economic Development and approved by the Director of the Division of Budget and Accounting, the Legislative Budget and Finance Director, and the Chairmen of the Senate and General Assembly Appropriations Committees.

Applications for the participation in the allocation of such funds shall be filed with the State Treasurer, in accordance with such procedures and upon such forms as shall be specified by him, on or before December 31, 1968.

2. This act shall take effect immediately.

Approved June 11, 1968.

CHAPTER 58

An Act to amend "A supplement to the 'New Jersey State Wage and Hour Law,' approved June 17, 1966 (P. L. 1966, c. 113)," approved June 2, 1967 (P. L. 1967, c. 89).

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. 34:11-56a4.1 Nonprofit summer camps, conferences and retreats; exception.

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 during the months of June, July, August or September of the year to summer camps, conferences and retreats operated by any nonprofit or religious corporation or association.

2. This act shall take effect immediately.

Approved June 11, 1968.

CHAPTER 59

AN ACT to amend the "Emergency Transportation Tax Act," approved May 29, 1961 (P. L. 1961, c. 32).

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

1. Section 6 of P. L. 1961, c. 32 (C. 54:8A–6) is amended to read as follows:

C. 54:8A-6 Rates; computation of tax upon entire net income.

6. (a) For taxable years ending on or before December 31, 1967, the tax imposed by this act upon entire net income shall be computed at the following rates:

On such of the amount as exceeds	But does not exceed	The tax is
$0	$1,000	2%
$1,000	3,000	$20 plus 3% of excess over $1,000
3,000	5,000	80 plus 4% of excess over 3,000
5,000	7,000	160 plus 5% of excess over 5,000
7,000	9,000	260 plus 6% of excess over 7,000
9,000	11,000	380 plus 7% of excess over 9,000
11,000	13,000	520 plus 8% of excess over 11,000
13,000	15,000	680 plus 9% of excess over 13,000
15,000	.....	860 plus 10% of excess over 15,000

(b) For taxable years beginning on and after January 1, 1968, the tax imposed by this act upon entire net income shall be computed at the following rates:

On such of the amount as exceeds	But does not exceed	The tax is
$0	$1,000	2%
$1,000	3,000	$20 plus 3% of excess over $1,000
3,000	5,000	80 plus 4% of excess over 3,000
5,000	7,000	160 plus 5% of excess over 5,000
7,000	9,000	260 plus 6% of excess over 7,000
9,000	11,000	380 plus 7% of excess over 9,000
11,000	13,000	520 plus 8% of excess over 11,000
13,000	15,000	680 plus 9% of excess over 13,000
15,000	17,000	860 plus 10% of excess over 15,000
17,000	19,000	1,060 plus 11% of excess over 17,000
19,000	21,000	1,280 plus 12% of excess over 19,000
21,000	23,000	1,520 plus 13% of excess over 21,000
23,000	.....	1,780 plus 14% of excess over 23,000

(c) For each taxable year beginning in 1967 and ending in 1968, 2 tentative taxes shall be computed, the first as provided in subsection (a) and the second as provided in subsection (b), and the tax for such year shall be the sum of that proportion of each tentative tax which the number of days in 1967 and the number of days in 1968, respectively, bears to the number of days in the entire taxable year.

2. This act shall take effect immediately.

Approved June 11, 1968.

CHAPTER 60

AN ACT concerning port development in the areas of this State bordering on the tidal reaches of the Delaware river and bay; creating the South Jersey Port Corporation and defining its powers and duties and making an appropriation for the preliminary expenses thereof; providing for the State assumption and repayment by appropriation of State funds of the indebtedness of the

South Jersey Port Commission; providing for the dissolution of the commission and the transfer of its facilities to the corporation and providing for the repeal of chapter 11 of Title 12 of the Revised Statutes and of chapter 84 of the laws of 1967.

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

ARTICLE 1. ESTABLISHMENT OF SOUTH JERSEY PORT CORPORATION

C. 12:11A-1 Legislature's findings.

1. The Legislature hereby finds and declares: that overlapping jurisdiction and responsibility for port development is not conducive to the provision of adequate port facilities in southern New Jersey; that the South Jersey Port Corporation hereinafter established by this act, should be the sole agency for the port development which is the purpose of this act; that said corporation should be vested with powers and responsibilities sufficient to fulfill not only its port development purposes but its financial obligations to the government and people of the State of New Jersey; that the Camden Marine Terminals, presently operated and maintained by the South Jersey Port Commission, are ideally suited to serve as the basis from which future port development in South Jersey may proceed; that the acquisition of said Camden Marine Terminals by the South Jersey Port Corporation will enable said corporation to accomplish the purposes of this act; that the indebtedness of the South Jersey Port Commission to its creditors and bondholders and to the city of Camden is properly an obligation of the State of New Jersey and a responsibility of the State of New Jersey to repay to the extent and in the manner provided herein; that prior to the disposition of the Camden Marine Terminals the financial obligations of the South Jersey Port Commission to the city of Camden must be discharged; that the State has already recognized its responsibility and taken steps to fulfill its obligation to the city of Camden by virtue of the appropriation of $1.5 million from the General Treasury of the State of New Jersey to the South Jersey Port Commission, pursuant to chapter 84 of the Laws of 1967, which sum was applied towards the reduction of the indebtedness of the commission to the city of Camden.

C. 12:11A-2 Short title.

2. This act shall be known and may be cited as "The South Jersey Port Corporation Act."

C. 12:11A-3 Definitions.

3. As used in this act:

"Corporation" shall mean the South Jersey Port Corporation, created by this act, or, if said corporation shall be abolished, the board, body or commission succeeding to the principal functions thereof or to whom the powers given by this act to the corporation shall be given by law.

"District" or "port district" shall mean the South Jersey Port District created by this act.

"Marine terminals" shall mean developments, consisting of one or more piers, wharves, docks, bulkheads, slips, basins, vehicular roadways, railroad connections, side tracks, sidings or other buildings, structures, facilities or improvements, necessary or convenient to the accommodation of steamships or other vessels and their cargoes or passengers.

"Marine terminal purposes" shall mean the effectuation, establishment, acquisition, construction, rehabilitation, improvement, maintenance, ownership and operation of marine terminals.

"Private marine terminal operator" shall mean any person or persons, corporation, partnership or any business organization which shall operate and maintain any of the marine terminals established, acquired, constructed, rehabilitated or improved by the South Jersey Port Corporation by means of and through leasing agreements entered into by any such person or persons, corporation, partnership or any business organization with the South Jersey Port Corporation.

"Cost," in addition to the usual meanings thereof, means the cost of acquisition or construction of all or any part of a marine terminal and of all or any property, rights, easements, privileges, agreements and franchises deemed by the corporation to be necessary or useful and convenient therefor or in connection therewith, including interest or discount on bonds, cost of issuance of bonds; engineering and inspection costs and legal expenses; cost of financial, professional and other estimates and advice; organization, administration, operation and other expenses of the corporation 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 said marine terminal or part thereof and placing of same in operation; and also such provision or reserves for working capital, operating or maintenance or replacement expenses, or for payment or security of principal of or interest on bonds prior to during or after such

acquisition or construction and including also payments to its South Jersey Port Corporation Reserve Fund and payments required under Tax Agreements with counties or municipalities pursuant to section 20 of this act.

C. 12:11A-4 Creation and boundaries of district.

4. The South Jersey Port District is hereby created and shall embrace the counties of Mercer, Burlington, Camden, Gloucester, Salem, Cumberland and Cape May and all the lands and waters in the Delaware river and bay contiguous thereto, subject to the right, title and interest of the State in and to the lands under the waters of the Delaware river and bay.

C. 12:11A-5 South Jersey Port Corporation; creation as corporate body; membership, district representation, appointment, term, removal, oath, vacancies, officers, quorum, surety bonds, compensation.

5. a. There is hereby established in the State Department of Conservation and Economic Development a body corporate and politic, with corporate succession, to be known as the "South Jersey Port Corporation." The corporation is hereby constituted an instrumentality exercising public and essential governmental functions, and the exercise by the corporation of the powers conferred by this act in the establishment, acquisition, construction, rehabilitation, improvement, operation and maintenance of marine terminals shall be deemed and held to be an essential governmental function of the State.

b. The corporation shall consist of 7 members, each of whom shall be a resident of the port district, who shall have been a qualified elector therein for a period of at least 3 years next preceding his appointment. For the purpose of representation on the corporation the port district shall be divided into subdistricts with representation as follows:

(1) The counties of Cape May, Cumberland and Salem shall constitute one subdistrict and shall be represented by one member on the corporation who shall be appointed from one of these counties.

(2) The counties of Camden and Gloucester shall constitute one subdistrict and shall be represented by 3 members on the corporation at least 2 of whom shall be appointed from Camden county.

(3) The counties of Burlington and Mercer shall constitute one subdistrict and shall be represented by 3 members on the corporation at least one of whom shall be appointed from each county within this subdistrict.

No more than 4 members shall be of the same political party. Each member of the corporation shall be appointed by the Gov-

ernor, with the advice and consent of the Senate, for a term of 5 years and shall serve until his successor is appointed and has qualified; except that of the first appointments hereunder, 3 shall be for a term of 2 years, 2 for a term of 3 years, and 2 for a term of 4 years, and they shall serve until their respective successors are appointed and have qualified. The term of each of the first appointees hereunder shall be designated by the Governor. Each member of the corporation may be removed from office by the Governor or by the Legislature, for cause, after a public hearing. Each member of the corporation before entering upon his duties shall take and subscribe an oath to perform the duties of his 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.

c. Any vacancies in the membership of the corporation 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 Governor shall designate one of the members of the corporation as chairman thereof and another member as vice-chairman thereof. The chairman and vice-chairman of the corporation so designated shall serve as such at the pleasure of the Governor and until their respective successors have been designated. The corporation shall elect a secretary and a treasurer who need not be members. At the option of the corporation the same person may be elected to serve both as secretary and treasurer. Four members of the corporation shall constitute a quorum and the vote of 4 members shall be necessary for any action taken by the corporation. No vacancy in the membership of the corporation shall impair the right of a quorum to exercise all the rights and perform all the duties of the corporation.

e. Before the issuance of any bonds or notes under the provisions of this act, each member of the corporation shall execute a surety bond in the penal sum of $25,000.00, and the treasurer 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.

f. The members of the corporation shall not receive compensation for their services as members of the corporation. Each member shall be reimbursed by the corporation for his actual expenses necessarily incurred in the performance of his duties.

C. 12:11A-6 Corporate powers.

6. The corporation shall be a body corporate and politic and shall have perpetual succession and shall have the following powers:

(a) To adopt by-laws for the regulation of its affairs and the conduct of its business;

(b) To adopt an official seal and alter the same at pleasure;

(c) To maintain an office at such place or places within the district as it may designate;

(d) To sue and be sued in its own name;

(e) To establish, acquire, construct, rehabilitate, improve, own, operate and maintain marine terminals at such locations within the district as it shall determine;

(f) To enter into lease agreements with private marine terminal operators for the purpose of operating and maintaining any of the marine terminals established, acquired, owned, constructed, rehabilitated or improved by the corporation;

(g) To issue bonds or notes of the corporation for any of its corporate purposes and to provide for the rights of the holders thereof as provided in this act;

(h) To fix and revise from time to time and charge and collect rents, tolls, fees and charges for use of the several functions and services of any marine terminal acquired or constructed by it;

(i) To establish rules and regulations for the use of any terminal;

(j) To acquire, hold and dispose of real and personal property in the exercise of its powers and the performance of its duties under this act;

(k) To acquire in the name of the corporation 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 any marine terminal or for the relocation or reconstruction of any highway by the corporation 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 county, city, borough, town, township, village, or other political subdivision of the 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 any marine terminal.

Upon the exercise of the power of eminent domain, the compensation to be paid thereunder shall be ascertained and paid in the manner provided in chapter 1 of Title 20 of the Revised Statutes insofar as the provisions thereof are applicable and not inconsistent with the provisions contained in this act. The corporation may join in separate subdivisions in one petition or complaint the descriptions of any number of tracts 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 or complaint may be condemned in a single proceeding; provided, however, that separate awards 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.

Upon the filing of such petition or complaint or at any time thereafter the corporation 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 corporation declaring that possession of one or more of the tracts or parcels of land or property described in the petition or complaint is thereby being taken by and for the use of the corporation. The said declaration of taking shall be sufficient if it sets forth (1) a description of each tract or parcel of land or property to be so taken sufficient for the identification thereof to which there shall be attached a plan or map thereof; (2) a statement of the estate or interest in the said land or property being taken; (3) a statement of the sum of money estimated by the corporation 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 (4) that, in compliance with the provisions of this act, the corporation has established and is maintaining a trust fund as hereinafter provided.

Upon the filing of the said declaration, the corporation shall deposit with the Clerk of the Superior Court the amount of the estimated compensation stated in said declaration. In addition to the said deposits with the Clerk of the Superior Court the corporation at all times shall maintain a special trust fund on deposit with a bank or trust company doing business in this State in an account at least equal to twice 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 trust fund shall consist of cash or securities readily convertible into cash constituting legal investment for trust funds under the laws of this State. Said trust fund shall be held solely 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 corporation shall be entitled to withdraw from said trust fund from time to time so much as may then be in excess of twice the aggregate of the 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.

Upon the filing of the said declaration as aforesaid and depositing with the Clerk of the Superior Court the amount of the estimated compensation stated in said declaration, the corporation 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 proceedings for compensation 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 corporation for the purpose or purposes for which the corporation is authorized by law to acquire or condemn such land or other property or interest therein.

The corporation shall cause notice of the filing of said declaration and the making of said deposit to be served upon each party in interest named in the petition residing in this State, either personally or by leaving a copy thereof at his residence, if known, and upon each party in interest residing 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 land is located. Such service, mailing or publication shall be made within 10 days after filing such declaration. Upon the application of any party in interest and after notice to other parties in interest, including the corporation, any judge of the Superior Court assigned to sit for said county 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 the Clerk of the Superior Court a consent in writing that, in the event the award in the condemnation proceeding shall be less than the amount deposited, the court, after notice as herein provided and hearing, may determine his liability, if any, for the return of such 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 corporation 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 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 corporation unless the amount of the deposit or any part thereof shall have theretofore been distributed, in which event the court, on petition of the corporation and notice to all persons interested in the award and affording them an opportunity to be heard, shall enter judgment in favor of the corporation for such difference against the party or parties liable for the return thereof. The corporation shall cause notice of the date fixed for such hearing to be served upon each party thereto residing in this State either personally or by leaving a copy thereof at his residence, if known, and upon each party residing out of the State by mailing a copy to him at his residence, if known. In the event that the residence of any 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 land is located. Such service, mailing or publication shall be made at least 10 days before the date fixed for such hearing.

Whenever under chapter 1 of Title 20 of the Revised Statutes the amount of the award may be paid into court, payment may be made into the Superior Court and may be distributed according to law. The corporation shall not abandon any condemnation proceeding subsequent to the date upon which it has taken possession of the land or property as herein provided;

(l) To make and enter into all contracts and agreements necessary or incidental to the preformance of its duties and the execution of its powers under this act;

(m) To appoint such additional officers, who need not be members of the corporation as the corporation deems advisable, and

to employ consulting engineers, attorneys, accountants, construction and financial experts, superintendents, managers, 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; provided, however, that in the hiring of any employees or agents the corporation shall hire any full-time employees of the Camden Marine Terminals or of the South Jersey Port Commission, dissolved as hereinafter provided by this act, who express a desire to be employed by the corporation; and provided further, that the corporation 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 said Camden Marine Terminals or South Jersey Port Commission and such employees or their designated representative, and the corporation shall guarantee any pension rights or benefits, including membership in any State, private or other pension plan, of any such employees of the Camden Marine Terminals or the South Jersey Port Commission.

(n) To apply for, receive and accept from any Federal agency, subject to the approval of the Governor, grants for or in aid of the planning or construction of any marine terminal, and to receive and accept aid or contributions from any source, of either money, property, labor or other things of value, to be held, used and applied only for the purposes for which such grants and contributions may be made;

(o) To acquire any lands under water in the State of New Jersey for marine terminal purposes by grant, transfer or conveyance from the Resource Development Council in the Department of Conservation and Economic Development in accordance with the statutes of the State governing the making of riparian grants and leases, upon such terms and conditions as may be determined by said council;

(p) To acquire any real property required or used for State highway purposes in the State of New Jersey, by grant, transfer or conveyance from the State Department of Transportation of the State of New Jersey upon such terms and conditions as may be determined by said State Department of Transportation.

(q) To promote the use of the port facilities in the district and the use of the Delaware river and bay as a highway of commerce

and in furtherance of such promotion to make expenditures in the United States and foreign countries, to pay commissions, and hire or contract with experts and consultants, and otherwise to do indirectly anything which the corporation may do directly;

(r) To cooperate with all other bodies interested or concerned with, or affected by the promotion, development or use of the Delaware river and bay and the port district;

(s) To enter into contracts and agreements with the Delaware River Port Authority or any other regional agency concerned with marine terminal purposes providing for joint participation by the parties in any undertaking for marine terminal purposes authorized by this act;

(t) Subject to the terms of any agreement by the corporation with the holders of bonds and notes and in the interests of promoting and establishing unity of authority in the control, development and over the use of the port facilities of the district, to lend, lease, grant or convey to or merge or consolidate with any other regional agency concerned with marine terminal purposes upon such terms and conditions and with such reservations as the corporation shall deem reasonable and fair, any marine terminal or port thereof or any port facility or property which it owns or controls, provided, however, that the corporation shall not act under this subsection until it has submitted to the Legislature any proposed loan, lease, grant or conveyance to or merger with any other regional agency of any marine terminal or port thereof or any other port facility which it owns or controls, and the Legislature has expressed its approval thereof in the form of a concurrent resolution expressing such approval passed by both houses of the Legislature.

(u) To do all acts and things necessary or convenient to carry out the powers expressly granted in this act.

C. 12:11A-7 Additional powers.

7. a. If the corporation shall find it necessary to change the location of any portion of any public highway, it shall cause the same to be reconstructed at such location as the corporation shall deem most favorable and of substantially the same type and in as good condition as the original highway. The cost of such reconstruction and any damage incurred in changing the location of any such highway shall be ascertained and paid by the corporation as a part of the cost of such marine terminal.

b. Any public highway affected by the construction of any marine terminal may be vacated or relocated by the corporation in the manner now provided by law for the vacation or relocation of public roads, and any damages awarded on account thereof shall be paid by the corporation as a part of the cost of such terminal.

c. In addition to the foregoing powers the corporation and its authorized agents and employees may enter upon any lands, waters and premises in the State for the purpose of making surveys, soundings, drillings and examinations as it may deem necessary or convenient for the purposes of this act, and such entry shall not be deemed a trespass, nor shall an entry for such purpose be deemed an entry under any condemnation proceedings which may be then pending. The corporation shall make reimbursement for any actual damages resulting to such lands, waters and premises as a result of such activities.

d. The corporation shall also 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 and other equipment and appliances (herein called "public utility facilities") of any public utility as defined in section 48:2–13 of the Revised Statutes, in, on, along, over or under any marine terminal. Whenever the corporation shall determine that it is necessary that any such public utility facilities which now are, or hereafter may be, located in, on, along, over or under any marine terminal shall be relocated in such terminal, or should be removed from such terminal, the public utility owning or operating such facilities shall relocate or remove the same in accordance with the order of the corporation provided, however, that the cost and expenses of such relocation or removal, including the cost of installing such facilities in a new location, or new locations, and the cost of any lands, or any rights or interests in lands, and any other rights, acquired to accomplish such relocation or removal, shall be ascertained and paid by the corporation as a part of the cost of such marine terminal. In case of any such relocation or removal of facilities, as aforesaid, the public utility owning or operating the same, its successors or assigns, may maintain and operate such facilities, with the necessary appurtenance, 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 facilities in their former location or locations.

C. 12:11A-8 Establishment of marine terminals.

8. In order to facilitate the development of port facilities in the areas of this State bordering on the tidal reaches of the Delaware river and bay the South Jersey Port Corporation is hereby authorized and empowered to establish, acquire, construct, rehabilitate, improve, own, operate and maintain marine terminals at such locations within the South Jersey Port District as it shall determine.

C. 12:11A-9 Lease agreements with private marine terminal operators.

9. In order to further facilitate the development of port facilities in the areas of this State bordering on the tidal reaches of the Delaware river and bay and to further the development of commerce and industry in this State, the South Jersey Port Corporation is hereby authorized and empowered to enter into lease agreements with private marine terminal operators whereby the marine terminals established, acquired, constructed, rehabilitated, improved, owned, operated or maintained by the corporation may be operated and maintained by such private marine terminal operators. The exercise of this power to lease marine terminals shall be in the uncontrolled discretion of the corporation, and nothing in this act is to be construed as requiring the leasing of any marine terminal by the corporation.

C. 12:11A-10 Use of municipal marine terminals.

10. Notwithstanding any contrary provision of law, any municipality located within the port district is authorized and empowered to consent to the use by the port corporation of any marine terminal owned by such municipality or of any real or personal property owned by such municipality and necessary, convenient or desirable in the opinion of the port corporation for marine terminal purposes, including such real property as has already been devoted to a public use and as an incident to such consent, to grant, convey, lease or otherwise transfer to the port corporation any such marine terminal or real or personal property upon such terms as may be determined by the port corporation and such municipality. Every such municipality is also authorized and empowered to vest in the port corporation the control, operation, maintenance, rents, tolls, charges and any and all other revenues of any marine terminal now owned by such municipality, the title to such marine terminal remaining in such municipality.

C. 12:11A-11 Issuance of bonds.

11. (a) The corporation shall have the power and is hereby authorized from time to time to issue its negotiable bonds or notes

for any of its corporate purposes, including cost of marine terminals, the payment, funding or refunding of principal of or interest or redemption premiums on any bonds or notes issued by it whether the bonds or notes to be funded or refunded have or have not matured; provided, however, that prior to the issuance of any bonds or notes, the corporation shall submit a copy of the resolution authorizing the issuance thereof to the Governor and the State Treasurer, and the corporation shall not issue any bonds or notes until both the Governor and the State Treasurer have approved thereof by signing and returning said copy of the resolution authorizing the issuance thereof to the corporation.

(b) Except as may be otherwise expressly provided by the corporation every issue of bonds or notes shall be general obligations payable out of any moneys or revenues of the corporation subject only to any agreements with the holders of particular bonds or notes pledging any particular moneys or revenues.

(c) Whether or not bonds or notes issued by the corporation are of such form and character as to be negotiable instruments, such bonds and notes shall be fully negotiable within the meaning and for all the purposes of the Uniform Commercial Code.

(d) The corporation may issue temporary or interim bonds, pending the preparation of definitive bonds, exchangeable for definitive bonds.

(e) Bonds and notes shall be authorized by resolution of the corporation and shall bear such date or dates, mature at such time or times, bear interest at such rate or rates not exceeding 6% per annum, be in such denominations, be in such form either coupon or registered, carry such registration privileges, be executed in such manner, be payable in such medium of payment and at such place or places, and be subject to such terms of redemption with or without premium as such resolution or resolutions may provide. Bonds or notes may be sold at public or private sale for such price or prices as the corporation shall determine.

(f) Any resolution of the corporation authorizing the issuance of bonds or notes may appoint a trustee or trustees, a paying agent or paying agents, or such other fiduciaries as such resolution may provide. Any trustee, paying agent and other fiduciary so appointed may be any trust company or bank having the powers of a trust company within or without the State.

C. 12:11A-12 Security for payment of bonds.

12. (a) In order to secure the payment of its bonds or notes, the corporation shall have power in the resolution authorizing the

issuance thereof (which shall constitute a contract with the holders thereof):

(i) to pledge all or any part of its rents, tolls, fees or revenues to which its right then exists or may thereafter come into existence, and the moneys derived therefrom, and the proceeds of bonds or notes;

(ii) to covenant against pledging all or any part of its rents, tolls, fees or revenues, or against mortgaging all or any part of its real or personal property then owned or thereafter acquired, or against permitting or suffering any lien on such rents, tolls, fees, revenues or property; to covenant with respect to limitations on any right to sell, lease or otherwise dispose of any marine terminal or any part thereof, or any property of any kind;

(iii) to covenant as to the bonds and notes to be issued and the limitations thereon and the terms and conditions thereof and as to the custody, application and disposition of the proceeds thereof, and to covenant as to the issuance of additional bonds or notes or as to limitations on the issuance of additional bonds or notes and on the incurring of other debts by it;

(iv) to covenant as to the payment of the principal of or interest on the bonds or notes, or any other obligations, as to the sources and methods of such payment, as to the rank or priority of any such bonds, notes or obligations with respect to any lien or security or as to the acceleration of the maturity of any such bonds, notes or obligations;

(v) to provide for the replacement of lost, destroyed or mutilated bonds or notes;

(vi) to covenant against extending the time for the payment of bonds or notes or interest thereon;

(vii) to covenant as to the redemption of bonds or notes and privileges of exchange thereof or other bonds or notes of the corporation;

(viii) to covenant as to the rates of rents, tolls, fees and other charges to be established and charged, the amount to be raised each year or other period of time by rents, tolls, fees or other revenues and as to the use and disposition to be made thereof; to create or authorize the creation of special funds or moneys to be held in pledge or otherwise for construction, operating expenses, payment or redemption of bonds or notes, reserves or other purposes and to covenant as to the use and disposition of the moneys held in such funds;

(ix) to establish the procedure, if any, by which the terms of any contract or covenant with or for the benefit of the holders of bonds or notes may be amended or abrogated, the amount of bonds or notes the holders of which must consent thereto, and the manner in which such consent may be given;

(x) to covenant as to the maintenance of its real and personal property, the replacement thereof, the insurance to be carried thereon, and the use and disposition of insurance moneys;

(xi) to provide for the rights and liabilities, powers and duties arising upon the breach of any covenant, condition or obligation; to prescribe the events of default and the terms and conditions upon which any or all of the bonds or notes shall become or may be declared due and payable before maturity and the terms and conditions upon which any such declaration and its consequences may be waived;

(xii) to vest in a trustee or trustees such property, rights, powers and duties in trust for the holders of bonds or notes as the corporation may determine; to limit or abrogate the rights of the holders of such bonds or notes to appoint such trustee, or to limit the rights, duties and powers of such trustee;

(xiii) to limit the rights of the holders of bonds or notes to enforce any pledge or covenant securing the bonds or notes; and

(xiv) to make covenants other than and in addition to the covenants herein expressly authorized, of like or different character; and to make such covenants to do or refrain from doing such acts and things as may be necessary or convenient or desirable in order to better secure the bonds or notes or which, in the absolute discretion of the corporation will tend to make the bonds or notes more marketable, notwithstanding that such covenants, acts or things may not be enumerated herein.

(b) Any pledge of rents, tolls, fees or other revenues or other moneys made by the corporation shall be valid and binding from the time when the pledge is made; the rents, tolls, fees or other revenues or other moneys so pledged and thereafter received by the corporation 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 corporation irrespective of whether such parties have notice thereof. Neither the resolution nor any other instrument by which a pledge is created

need be filed or recorded except in the records of the corporation. Resolutions providing for the issuance of bonds or notes shall not convey or mortgage any project or any part thereof.

(c) Bonds or notes may be issued under the provisions of this act without obtaining the consent of any department, division, commission, board, bureau or agency of the State, and without any other proceeding or the happening of any other conditions or things than those proceedings, conditions or things which are specifically required by this act.

(d) The corporation shall not have power to mortgage real property.

(e) Moneys of the corporation or moneys held in pledge or otherwise for the payment of bonds or notes or in any way to secure bonds or notes and deposits of such moneys may be secured in such manner as the corporation may require and all banks and trust companies are authorized to give such security therefor.

(f) Neither the members of the corporation nor any person executing bonds or notes shall be liable personally on the bonds or notes or be subject to any personal liability or accountability by reason of the issuance thereof.

(g) The corporation shall have the power to purchase bonds or notes out of any funds available therefor. The corporation may hold, cancel or resell such bonds or notes subject to and in accordance with agreements with holders of its bonds and notes.

C. 12:11A-13 Reserve fund.

13. (a) The corporation shall establish and maintain a fund called the "South Jersey Port Corporation Reserve Fund" in which there shall be deposited (1) moneys appropriated therefor by the State, (2) proceeds of bonds required to be deposited therein by terms of any contracts between the corporation and its bondholders, and (3) other moneys or funds of the corporation which it determines to deposit. Moneys in the reserve fund shall be held and applied solely to the payment of the interest on and principal of bonds of the corporation as the same shall become due and payable and for the retirement of bonds, and shall not be withdrawn therefrom if such withdrawal would reduce the amount in such fund to less than the "maximum debt service reserve," as hereinafter defined, except for payment of interest then due and payable on bonds and the principal of bonds then maturing and for the retirement of bonds in accordance with the terms of any contracts between the corporation and its bondholders and for which payment of interest or principal or retirement of bonds other moneys of

the corporation are not then available in accordance with the terms of any such contracts. As herein used "maximum debt service reserve" means, as of any date of computation, the largest amount of money required by the terms of any contracts between the corporation and its bondholders to be raised in any succeeding calendar year for the payment of interest on and maturing principal of outstanding bonds and payments required by the terms of any such contracts to sinking funds established for the payment or redemption of such bonds, calculated on the assumption that bonds will cease to be outstanding after date of such computation by reason of the payment of bonds at their respective maturities and the payments of such required moneys to sinking funds and the application thereof in accordance with the terms of any such contracts to the retirement of bonds. Moneys in said fund at any time in excess of the maximum debt service reserve, whether by reason of investment or otherwise, may be withdrawn at any time by the corporation and transferred to any other fund or account of the corporation.

(b) Moneys at any time in the South Jersey Port Corporation Reserve Fund or in any other fund or account of the corporation may be invested in any obligations of, or as to which the principal and interest is guaranteed by, this State or the United States, or in certificates of deposit secured by obligations of this State or of the United States.

(c) Notwithstanding any other provision contained in this act, no bonds shall be issued by the corporation unless there is in the reserve fund the maximum debt service reserve for all bonds issued and bonds about to be issued, provided, however, that nothing shall preclude the corporation from satisfying the foregoing requirement by depositing so much of the proceeds of the bonds about to be issued, upon their issuance as is needed to achieve the maximum debt service reserve.

C. 12:11A-14 Maintenance of debt service reserve.

14. In order to assure the maintenance of the maximum debt service reserve in the South Jersey Port Corporation Reserve Fund, there shall be annually appropriated and paid to the corporation for deposit in said fund, such sum, if any, as shall be certified by the chairman of the corporation to the Governor as necessary to restore said fund to an amount equal to the maximum debt service 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 afore-

said, and the sum or sums so certified shall be appropriated and paid to the corporation during the then current State fiscal year.

For purposes of valuation, investments in said fund shall be valued at the lower of cost or market value.

C. 12:11A-15 Additional reserve funds.

15. The corporation may establish such additional and further reserve funds as may be, in its discretion, necessary and desirable or to comply with the provisions of any agreement made by or any resolution of the corporation.

C. 12:11A-16 Pledge of state's credit.

16. Except as otherwise provided by or pursuant to any law or laws hereafter submitted to the people pursuant to Section II of Article VIII of the State Constitution and approved by a majority of the legally qualified voters of the State voting thereon, bonds or notes issued under the provisions of this act shall not constitute a debt or liability of the State or of any political subdivision thereof or a pledge of the faith and credit of the State or of any such political subdivision, and all such bonds or notes shall contain on the face thereof a statement to that effect.

C. 12:11A-17 State's pledge not to limit certain rights vested in corporation.

17. The State of New Jersey does pledge to and agree with the holders of the bonds or notes issued pursuant to authority contained in this act, that the State will not limit or restrict the rights hereby vested in the corporation to maintain, acquire, construct, reconstruct, improve, own and operate any marine terminal or to enter into lease agreements with private marine terminal operators to operate any marine terminal as defined in this act or to establish and collect such rents, tolls, fees or other charges as may be convenient or necessary to produce sufficient revenues to meet the expenses of such maintenance, acquisition, construction, reconstruction, improvement, ownership and operation thereof and to fulfill the terms of any agreements made with the holders of bonds or notes authorized by this act or in any way impair the rights or remedies of the holders of such bonds or notes until the bonds and notes, together with interest thereon, are fully paid and discharged.

C. 12:11A-18 Investment in corporation bonds by governmental agencies, financial organizations and certain authorized persons.

18. Notwithstanding any restriction contained in any other law, the State and all political subdivisions of this State, their officers, boards, commissions, departments or other agencies, all banks, bankers, 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, and all other persons whatsoever who now are or may hereafter be authorized to invest in bonds or other obligations of the State, may properly and legally invest any sinking funds, moneys or other funds, including capital, belonging to them or within their control in any bonds or notes issued by the corporation under the provisions of this act; and said bonds and notes are hereby made securities which may properly and legally be deposited with and received by any State or municipal officers or agency of the State for any purpose for which the deposit of bonds or other obligations of the State is now or may hereafter be authorized by law.

C. 12:11A-19 Fees and charges for use of marine terminal facilities.

19. The corporation is hereby authorized to fix, revise, charge and collect rents, tolls, fees and charges for the use of each marine terminal and the different parts or sections thereof, and to contract with any person, partnership, association or corporation, desiring the use of any part thereof, for placing thereon telephone, telegraph, electric light or power lines, railroad tracks, railroad sidings, gas stations, garages, stores and restaurants, or for any other purpose, and to fix the terms, conditions, rents and rates of charges for such use; provided, that no contract shall be required, and no rent, toll, fee or other charge of any kind shall be imposed for the use and occupation of any marine terminal for the installation, construction, use, operation, maintenance, repair, renewal, relocation or removal of tracks, pipes, mains, conduits, cables, wires, towers, poles or other equipment or appliances in, on, along, over or under any such marine terminal by any public utility as defined in section 48:2–13 of the Revised Statutes which is subject to taxation pursuant to either chapter 4 of the laws of 1940, as amended (C. 54:30A–16 et seq.), or chapter 5 of the laws of 1940, as amended (C. 54:30A–49 et seq.). Such rents, tolls, fees and charges shall be so fixed and adjusted as to carry out and perform the terms and provisions of any contract with or for the benefit of bondholders. Such rents, tolls, fees and charges shall not be subject to supervision or regulation by any other commission, board, bureau or agency of the State. The use and disposition of rents, tolls, fees, charges, and any and all other revenues shall be subject to the provisions of any resolution authorizing the issuance of such bonds or notes.

C. 12:11A-20 Corporation assets tax-exempt; exception; compensation of counties or municipalities for loss of tax revenue; tax reserve fund; annual certification to Governor.

20. a. The exercise of the powers granted by this act will be in all respects for the benefit of the people of the State, for the increase of their commerce and prosperity, and for the improvement of their health and living conditions, and as the development, operation and maintenance of marine terminals by the corporation will constitute the performance of essential governmental functions, the corporation shall not be required to pay any taxes or assessments upon any marine terminal or any property acquired or used by the corporation under the provisions of this act or upon the income therefrom, and any marine terminal and any property acquired or used by the corporation under the provisions of this act and the income therefrom, and the bonds or notes issued under the provisions of this act, their transfer and the income therefrom (including any profit made on the sale thereof) shall be exempt from taxation; provided, however, that any portion of the real property owned by the corporation and leased to any private marine terminal operator shall not be exempt from taxation.

b. To the end that counties and municipalities may not suffer undue loss of future tax revenue by reason of the acquisition of real property therein by the corporation, the corporation is hereby authorized, empowered and directed to enter into agreement or agreements (hereinafter called "tax agreements") with any county or municipality, prior to the issuance of bonds of the corporation for financing such acquisitions or the expenditure of moneys (other than proceeds of such bonds) for improvement of said property for the purposes of the corporation, whereby it will undertake to pay a fair and reasonable sum or sums (herein called "tax payment") to compensate the said county or municipality for any loss of such tax revenue by reason of the acquisition of any such property by the corporation. Any such tax payments which the corporation is hereby authorized, empowered and directed to make may be computed on an annual basis which shall not be less than the amount of taxes upon the property when last assessed prior to its acquisition by the corporation. Every county and municipality wherein such property shall be acquired by the corporation is authorized, empowered and directed to enter into such tax agreements with the corporation to accept tax payments which the corporation is herein authorized, empowered and directed to make. The obligation of the corporation to make any tax payments from its funds or moneys (other than from moneys in the special fund

hereinafter referred to) shall in every instance be in the manner and to the extent set forth and provided for in such tax agreements and shall be at all times subject to prior use and application of funds and moneys of the corporation to provide for its operating and maintenance expenses and reserve therefor and for principal, interest and retirement of bonds and reserves and securities therefor as provided in any contract with holders of its bonds.

The corporation shall establish and maintain a special fund called the "South Jersey Port Corporation Tax Reserve Fund" in which there shall be deposited (1) moneys appropriated therefor by the State, (2) proceeds of bonds or notes required to be deposited therein by terms of any contract between the corporation and its bondholders or noteholders, and (3) other moneys or funds of the corporation available for such deposit pursuant to the terms of tax agreements or said contract. Moneys in such funds shall be held and applied solely to the payment of tax payments of the corporation as the same shall be due and payable, and shall not be withdrawn therefrom if such withdrawal would reduce the amount in such fund to less than the "property tax reserve," as hereinafter defined, except for payment of tax payments then due and payable and for which payments other moneys of the corporation are not then available in accordance with the terms of any tax agreements or said contracts. As herein used "property tax reserve" means, as of any date of computation in a particular year, the total amount of money required by the terms of all tax agreements of the corporation to be raised in such year for tax payments reduced by the amount of all prior tax payments made in such year.

In order to assure provision of the property tax reserve in said fund, there shall be annually appropriated and paid to the corporation for deposit in said fund, such sum, if any, as shall be certified by the chairman of the corporation to the Governor as then necessary to provide in said fund an amount equal to the property tax reserve. The chairman shall annually, on or before December 1, make and deliver to the Governor his certificate stating the sum if any needed to provide in said fund the amount of the property tax reserve as of said date, and the sum or sums so certified shall be appropriated and paid to the corporation during the then current fiscal year. For purpose of any valuation hereunder investment of said fund shall be valued at current market value.

C. 12:11A-21 Maintenance and repair of leased facility.

21. Whenever, in its uncontrolled discretion, the corporation shall decide to enter into a lease agreement or agreements

with any private marine terminal operator or operators for the purpose of operating any of the marine terminals established, acquired, constructed, rehabilitated, improved, operated, owned or maintained by the corporation, the corporation shall include in such agreement or agreements provisions for the maintenance and keeping in good condition and repair any marine terminal which is the subject of said agreement or agreements.

C. 12:11A-22 Annual report of activities; personnel report; public inspection of records; annual audit; conflict of interest, penalty.

22. a. On or before January 30 in each year the corporation 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 corporation 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 may be treated as a part of the cost of construction or of operation of the terminal or terminals.

b. The corporation shall annually submit to the Governor and the Legislature a list of all full- and part-time employees of the corporation and the salaries, wages, compensation or any funds of the corporation whatsoever received by said employees during the preceding year. For the purpose of this section "full- and part-time employees of the corporation" shall mean and include, but not be limited to: salaried employees, hourly employees, professional employees, attorneys, advisors, consultants and any other person, firm, business, partnership, corporation or other organization which received any remuneration for any service whatsoever rendered to the corporation.

c. All books of minutes, entry or account, and the books, bills, vouchers, checks, contracts or other papers connected with or used or filed in the office of the corporation, or with any officer acting for or in its behalf, are hereby declared to be public records, and shall be open to public inspection at all times, subject to reasonable regulations to be prescribed by said corporation.

d. Notwithstanding the provisions of any general or special statutes, the State Auditor and his legally authorized representatives shall annually examine the accounts and books of the corporation, including: (1) its operations and accomplishments; (2) its receipts and disbursements, or revenues and expenses, during such fiscal year in accordance with the categories and classifications established by the corporation for its own operating and capital

outlay purposes; (3) its assets and liabilities at the end of the fiscal year including the status of reserve, depreciation, special or other funds and including the receipts and payment of these funds; (4) its bonds and notes outstanding at the end of its fiscal year, together with a statement of the amounts redeemed and incurred during such fiscal year; and such other items referring to their financial standing as such auditing official may deem proper.

e. Any member, agent or employee of the corporation who is interested, either directly or indirectly, in any contract of another with the corporation or in the sale of any property, either real or personal, to the corporation shall be guilty of a misdemeanor and punished by a fine of not more than $1,000.00 or by imprisonment for not more than 1 year, or both.

C. 12:11A-23 Provisions of act supplement powers conferred by other laws; certain requirements of other laws not applicable.

23. The foregoing sections of this act shall be deemed to provide an additional and alternative method for the doing of the things authorized thereby, and shall be regarded as supplemental and additional to powers conferred by other laws, and shall not be regarded as in derogation of any powers now existing; provided, however, that the issuance of bonds or notes under the provisions of this act need not comply with the requirements of any other law applicable to the issuance of bonds or notes.

24. There is hereby appropriated to the South Jersey Port Corporation to defray the cost of its studies and preliminary developmental plans the sum of $150,000.00. Upon the sale of bonds by the corporation, the corporation shall reimburse the State Treasury for all State funds appropriated pursuant to this section and expended by the corporation.

Article 2. Dissolution of South Jersey Port Commission

C. 12:11A-24 Commission's final audit; certification and discharge of indebtedness.

25. a. On or before the ninetieth day after the effective date of this act the South Jersey Port Commission shall prepare or cause to be prepared a final and complete audit of its financial accounts and records and shall submit same to the Treasurer of the State of New Jersey; provided, however, that the treasurer, in his discretion, may extend the time for the commission to submit the audit beyond said 90 days if such extension is necessary to

complete said audit. Said audit shall contain an appraisal of the value of the facilities of the commission.

b. Upon receipt of the audit the treasurer shall certify the exact indebtedness of the commission owing to creditors, bondholders and the city of Camden as of the effective date of this act, and upon such certification the South Jersey Port Commission is dissolved and the facilities of the commission and all the rights, title and interest of the commission in any of its records and papers are hereby transferred to the South Jersey Port Corporation, established pursuant to this act, to be held, used and applied for the purposes of this act.

c. The exact indebtedness of the commission as certified by the treasurer shall be a financial obligation of the State of New Jersey, except, that of the amount of said indebtedness owing to the city of Camden, only so much thereof as is equal to the appraised value of the facilities of the commission, as certified by the treasurer, shall constitute an obligation of the State. In order to discharge the obligations herein assumed there is hereby appropriated from the General Treasury of the State of New Jersey for the fiscal year 1967-1968, the sum of $1,000,000.00, and there shall be appropriated annually commencing in fiscal year 1968-1969, and continuing through fiscal year 1971-1972, the sum of $1,000,000.00, or so much thereof as shall be necessary to discharge the obligations herein assumed by the State owing to the creditors and bondholders of the commission and to the city of Camden; provided, that the sum appropriated shall be first applied toward the reduction of the indebtedness owing to creditors and bondholders other than the city of Camden and thereafter to said city to the extent of the obligation herein assumed by the State; and, provided further, that prior to the application of any sum appropriated toward the reduction of the indebtedness owing to the city of Camden said city shall adopt such resolutions and ordinances, which it is hereby authorized to adopt, as are necessary to make a contribution by way of extinguishment of a part of the debt owing to it by the South Jersey Port Commission, which contribution shall include any interest charges on the debt owing to it by said commission which may accrue from the effective date of this act, and which contribution shall amount to such sum as shall, when added to the sum to be appropriated pursuant to this section and the sum appropriated pursuant to section 8 of Article II of chapter 84 of the laws of 1967, permit the complete extinguishment of all indebtedness owing by the South Jersey Port Commission to the city of Camden.

C. 12:11A-25 Corporation directed to reimburse State; limitations.

26. The South Jersey Port Corporation is hereby authorized, empowered and directed to enter into an agreement or agreements with the State of New Jersey whereby such sums as shall have been paid by the State in the discharge of the obligations of the State pursuant to this act may be reimbursed to the State out of the funds of the corporation; provided, however, that nothing in this section shall be interpreted as requiring the corporation to issue any bonds for the express purpose of fulfilling such agreement; and no such agreement between the State of New Jersey and the corporation shall infringe the rights or in any way affect the obligations of the corporation to any of its bondholders, nor shall any such agreement impair the financial integrity of the corporation or prevent the corporation from undertaking any project or projects which it is authorized to undertake and for which it is authorized to issue bonds pursuant to the provisions of this act; and, provided further, that prior to any such agreement between the State of New Jersey and the corporation an audit of the financial records of the corporation shall be made by the Treasurer of the State of New Jersey and said treasurer shall certify that such agreement will not impair the financial integrity of the corporation; and, provided further, that nothing in this section shall be interpreted as requiring the corporation in any agreement or agreements to repay the total sum appropriated by the State of New Jersey in the discharge of the State's financial obligations pursuant to the provisions of this act.

C. 12:11A-26 Construction of act.

27. This act, being necessary for the welfare of the State and its inhabitants, shall be liberally construed to effect the purposes thereof.

C. 12:11A-27 Severability of act.

28. 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 provisions or application and to this end the provisions of this act are declared to be severable.

C. 12:11A-28 Commission's financial obligations transferred to corporation.

29. All bondholders and other creditors of the commission and persons having claims against or contracts with the commission of any kind or character may enforce such debts, claims and contracts

against the corporation as successor to the commission in the same manner as they might have had against the commission, and the rights and remedies of such bondholders, creditors and persons having claims or contracts shall not be limited or restricted in any manner by this act. All property, rights and powers of the commission are hereby vested in and shall be exercised by the corporation, subject, however, to all pledges, covenants, agreements and trusts made or created by the commission respectively. All debts, liabilities, obligations, agreements and convenants of the commission, except to the extent otherwise specifically provided or established to the contrary in this act, are hereby imposed upon the corporation. In continuing the functions and carrying out the contracts, obligations and duties of the commission, the corporation is hereby authorized to act in its own name or in the name of the commission as may be convenient or advisable under the circumstances from time to time. The provisions of this act shall be subject to the limitation that the corporation, after acquiring the rights, properties and facilities of the commission, shall not apply any funds or revenues derived from any rights, properties or facilities which prior to such acquisition were under control of the commission except to the payment of bonds, or interest thereon, issued before such acquisition, but this shall not limit the subsequent application of tolls, charges or revenues from any such rights, properties or facilities to the payment of bonds or notes authorized or issued by the corporation after time of such acquisition.

C. 12:11A-29 Certain other laws inapplicable.

30. All other general or special laws, or parts thereof, inconsistent herewith are hereby declared to be inapplicable to the provisions of this act.

Repealer.

31. Chapter 84 of the laws of 1967 is hereby repealed.

Repealer.

32. Upon the dissolution of the South Jersey Port Commission pursuant to the provisions of section 25 of this act, chapter 11 of Title 12 of the Revised Statutes is repealed.

33. This act shall take effect immediately.

Approved June 13, 1968.

CHAPTER 61

AN ACT to amend and 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. Section 1 of the act of which this act is amendatory is amended to read as follows:

C. 34:2-21.1 Definitions.

1. As used in this act:

(a) "Employment certificate" means a certificate granted by the issuing officer authorizing the employment of a child as permitted under this act.

(b) "Age certificate" means a certificate issued for a person between the ages of 18 and 21 years.

(c) "Issuing officer" means any superintendent of schools, supervising principal, or teacher in a school district who is designated by the board of education in the district to issue certificates or permits in accordance with the provisions of this act.

(d) "School district" means any geographical area having authority over the public schools within that area.

(e) "Agriculture" includes farming in all its branches and among other things includes the cultivation and tillage of the soil, dairying, the production, cultivation, growing, and harvesting of any agricultural or horticultural commodities (including commodities defined as agricultural commodities in section 15 (g) of the Agricultural Marketing Act, as amended) the planting, transplanting and care of trees and shrubs and plants, the raising of livestock, bees, fur-bearing animals or poultry, and any practices (including any forestry or lumbering operations) performed by a farmer or on a farm as an incident to or in conjunction with such farming operations, including preparation for market, delivery to storage or to market or to carriers for transportation to market, provided that such practices shall be performed in connection with

the handling of agricultural or horticultural commodities the major portion of which have been produced upon the premises of an owning or leasing employer.

(f) "Newspaperboy" means any male minor between 12 and 18 years of age who engages in the occupation of delivering, soliciting, selling and collecting for, newspapers outside of school hours on residential routes.

(g) "Restaurant" means any establishment or business primarily engaged in the preparation and servicing of meals or refreshments, both food and drink, and shall include but not be limited to the following: dining establishments, catering establishments, industrial caterers, and drive-in restaurants.

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

C. 34:2-21.3 Minors under 18; hours of labor; rate of pay in certain occupations.

3. Except as provided in section 15 and except for domestic service or messengers employed by communications companies subject to the supervision and control of the Federal Communications Commission, no minor under 18 years of age shall be employed, permitted, or suffered to work in, about, or in connection with any gainful occupation more than 6 consecutive days in any 1 week, or more than 40 hours in any 1 week, or more than 8 hours in any 1 day, nor shall any minor under 16 years of age be so employed, permitted, or suffered to work before 7 o'clock in the morning or after 6 o'clock in the evening of any day; nor shall any minor between 16 and 18 years of age be so employed, permitted or suffered to work before 6 o'clock in the morning or after 10 o'clock in the evening of any day; provided, that minors between 14 and 18 years of age may be employed in a concert or a theatrical performance up to 11 post meridian; and provided, further, that male minors between 16 and 18 years of age may be employed in any public bowling alley up to 11:30 post meridian; and provided, further, that male minors not less than 16 years of age and who are attending school may be employed as pin-setters only in public bowling alleys up to 11:30 post meridian during any regular school vacation season, but may not be so employed during the school term without a special written permit from the superintendent of schools or the supervising principal as the case may be, which permit must state that the boy has undergone a complete physical examination by the medical inspector, and, in the opinion of the superintendent or supervising principal may be so employed without injury to health or interference with progress in school,

such special permits to be good for a period of 3 months only and are revocable in the discretion of the superintendent or supervising principal. Such permit may not be renewed until satisfactory evidence has been submitted to the superintendent or supervising principal showing that the boy has had a physical examination and his health is not being injured by said work; and provided, further, that male minors between 16 and 18 years of age may be employed until 11 post meridian during the regular school vacation seasons but not in or for a factory or in any occupation otherwise prohibited by law or by order or regulation made in pursuance of law. The combined hours of work and hours in school of children under 16 employed outside school hours shall not exceed a total of 8 per day; and provided, further, that minors between 16 and 18 years of age may be employed in any restaurant until 12 o'clock midnight unless such minors are regularly attending school in which case such minors may be employed until 12 o'clock midnight during any regular school vacation season and on such days which do not precede a regularly scheduled school day, but no such minor employed in any occupation in a restaurant shall be paid at a wage rate less than that provided pursuant to law for such occupation.

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

C. 34:2-21.17 Prohibited employment for minors under 16 and under 18; exceptions.

17. No minor under 16 years of age shall be employed, permitted or suffered to work in, about, or in connection with power-driven machinery.

No minor under 18 years of age shall be employed, permitted or suffered to work in, about, or in connection with the following:

the manufacture or packing of paints, colors, white lead, or red lead;

the handling of dangerous or poisonous acids or dyes; injurious quantities of toxic or noxious dust gases, vapors or fumes;

work involving exposure to benzol or any benzol compound which is volatile or which can penetrate the skin;

the manufacture, transportation or use of explosives or highly inflammable substances;

oiling, wiping, or cleaning machinery in motion or assisting therein;

operation or helping in the operation of power-driven woodworking machinery; provided, that apprentices operating

under conditions of bona fide apprenticeship may operate such machines under competent instruction and supervision;
grinding, abrasive, polishing or buffing machines, provided that apprentices operating under conditions of bona fide apprenticeship may grind their own tools;
punch presses or stamping machines if the clearance between the ram and the dye or the stripper exceeds ¼ inch;
cutting machines having a guillotine action;
corrugating, crimping or embossing machines;
paper lace machines;
dough brakes or mixing machines in bakeries or cracker machinery;
calender rolls or mixing rolls in rubber manufacturing;
centrifugal extractors, or mangles in laundries or dry cleaning establishments;
or reduction works, smelters, hot rolling mills, furnaces, foundries, forging shops, or any other place in which the heating, melting, or heat treatment of metals is carried on;
mines or quarries;
steam boilers carrying a pressure in excess of 15 pounds;
construction work of any kind;
fabrication or assembly of ships;
operation or repair of elevators or other hoisting apparatus;
the transportation of payrolls other than within the premises of the employer.

No minor under 18 years of age shall be employed, permitted, or suffered to work in, about, or in connection with any establishment where alcoholic liquors are distilled, rectified, compounded, brewed, manufactured, bottled, or are sold for consumption on the premises, or in a pool or billiard room; provided, however, this section shall not apply to minors 16 years of age or over, employed as pin-setters only in public bowling alleys as provided in section 3 hereof. No girl under the age of 18 years shall be employed, permitted, or suffered to work as a messenger in the distribution or delivery of goods or messages for any person, firm or corporation engaged in the business of transmitting or delivering goods or messages.

No minor under 18 years of age shall be employed, permitted, or suffered to work in any place of employment, or at any occupation hazardous or injurious to the life, health, safety, or welfare of such minor, as such occupation shall, from time to time, be determined and declared by the Commissioner of Labor to be haz-

ardous or injurious to the life, health, safety, or welfare of such minors, after a public hearing thereon and after such notice as the commissioner may by regulations prescribe.

Nothing in this section shall be construed to prevent the employment of minors between 16 and 18 years of age or more in a restaurant as defined in section 1 and as provided for in section 3 of this act; provided, however, that no minor shall engage in the preparation, sale or serving of alcoholic beverages, nor in the sale of cigarettes or other tobacco products, nor in the preparation or sale of photographs, nor in any dancing or theatrical exhibition or performance while so employed.

Nothing in this section shall be deemed to apply to the work done by pupils in public or private schools of New Jersey, under the supervision and instruction of officers or teachers of such organizations or schools.

4. This act shall take effect immediately.

Approved June 13, 1968.

CHAPTER 62

AN ACT concerning County Courts, authorizing the appointment of an additional judge of such court in counties having a population of more than 135,000 and less than 150,000, and supplementing article 2 of chapter 3 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:3-13.6 Counties of 135,000 to 150,000 population; number of judges; appointment.

1. There shall be in counties having a population of more than 135,000 and less than 150,000 under the 1960 census a judge of the County Court in addition to the judges of said court provided by Article VI, Section IV, paragraph 2 of the Constitution and P. L. 1955, chapter 17, section 2 (C. 2A:3–13.1), making 3 judges of the County Court in all, to be nominated and appointed by the Governor with the advice and consent of the Senate.

2. This act shall take effect immediately.

Approved June 14, 1968.

CHAPTER 63

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 having not more than 150,000 inhabitants, 5 additional judges, making 6 in all in each of such counties and in all other counties of the fifth class, 3 additional judges, making 4 in all.

2. This act shall take effect immediately.

Approved June 17, 1968.

CHAPTER 64

AN ACT to amend and supplement, and to repeal section 9 of, "An act concerning loans made by banks and supplementing 'An act concerning banking and banking institutions' (Revision of 1948), approved April 29, 1948 (P. L. 1948, c. 67)," approved June 11, 1959 (P. L. 1959, c. 91).

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. 17:9A-59.1 Advance loans; authorization, prepayments.

1. A. Subject to the provisions of this act, a bank may lend money to a borrower by advancing funds to or for the account of the borrower pursuant to the borrower's written authorizations. Such authorizations may take the form of checks drawn on the bank by the borrower, notwithstanding that the borrower has no funds, or has insufficient funds on deposit in the bank out of which such checks may be paid, or they may take such other form as the bank and the borrower agree upon. Loans made pursuant to this act are referred to in this act as "advance loans" and persons to whom advance loans are made are referred to as "advance loan borrowers."

B. Nothing in this act shall apply to loans otherwise authorized by law or enforceable at law.

C. A borrower may at any time prepay in part or in full the amount owing on advance loans, without penalty or prepayment charge.

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

C. 17:9A-59.2 Written contract required; statement of provisions.

2. A. No advance loan shall be made except pursuant to a written contract, referred to in this act as the "advance loan contract," between the bank and a borrower or borrowers. The advance loan contract, which need be signed only by the borrower or borrowers, may contain such provisions, not inconsistent with this act or otherwise prohibited by law, which the bank and the borrower may agree upon, but each such contract shall state

(a) the amount, exclusive of interest, insurance premiums and other charges, in which the borrower may be indebted to the bank at any one time upon all advance loans made by the bank to the borrower;

(b) the periods, referred to in this act as "billing cycles," which will elapse between the days on which payments are required to be made on advance loans, but no billing cycle shall be more than 1 month in duration;

(c) the amount of each payment required to be made monthly on advance loans. Such amount may be stated in terms of dollars and cents, or in any other terms consistent with the limitations imposed by section 5 of this act;

(d) the rate of interest payable on such loans;

(e) if late charges are to be made on installments in arrears, the amount of the charge which will be imposed, subject to the limitations contained in section 7; and

(f) if service charges are to be made on advance loans, the amount of the charge which will be imposed, subject to the limitation contained in section 8.

B. When an advance loan contract provides that the bank will make advance loans to a depositor for the purpose of covering overdrafts in an account maintained in the bank by the depositor, the contract shall also provide how the amount of such loans shall be determined when overdrafts occur. The advance loan contract may provide that the amount of the advance loan shall equal the amount by which the account is overdrawn, or it may provide that, when the amount of the overdraft is not in a sum equal to an even multiple of $100.00, or an even multiple of such other sum, less than $100.00, as the contract may prescribe, the amount of the loan shall equal the nearest even multiple of $100.00, or the nearest even multiple of such other sum, less than $100.00, as the contract may prescribe, which is greater than the amount of such overdraft.

C. If the bank has adopted a program pursuant to which either or both credit life insurance and credit accident and health insurance may be applied for on behalf of advance loan borrowers, and, if an advance loan borrower requests in writing that either or both such insurances be obtained, the contract shall so indicate. If the contract provides that more than one person may borrow under its provisions, the contract shall state the name of the person to be covered by such insurance. Nothing herein shall be construed as requiring that a bank undertake to make such insurance available to advance loan borrowers.

D. No advance loan contract, and no instrument executed in connection therewith, shall contain any power to confess judgment or provide that payment of the advance loan shall be accelerated because the bank deems itself insecure.

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

C. 17:9A-59.3 Authorization as evidence of loan.

3. Each authorization made by the advance loan borrower, evidenced in any manner provided in the contract between the bank and such borrower, and honored by the bank as provided in section 1 of this act shall be evidence of a loan made by the bank to the advance loan borrower in the amount advanced by the bank. Each authorization so honored shall constitute an advance loan, and the date on which the bank honors the authorization shall be the date of the advance loan.

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

C. 17:9A-59.4 Periodic statement to borrower; contents; certain options available to bank.

4. A. For each billing cycle at the end of which there is an outstanding balance on any advance loan, the bank shall render a statement to the borrower which shall show

(a) the aggregate balance owing on all advance loans at the beginning of the billing cycle;

(b) the amount and date of each advance loan made during such cycle;

(c) the amount of the payments on such loan received by the bank during such cycle;

(d) the amount of all charges made by the bank during such cycle, specifying the nature of each charge; provided that, when there is more than one charge in any category of charges, an aggregate amount may be shown for each such category;

(e) the amount upon which the interest was computed for such cycle;

(f) the aggregate balance owing on all advance loans at the end of such cycle;

(g) the amount required to be paid to keep the borrower's account current; and

(h) the date by which or the period, if any, within which payment must be made.

Such statement shall contain a notice set in conspicuous type in form as follows: "This statement represents an accounting between the bank and you. If there is an error in it, call it to the bank's attention promptly in writing. Failure to do so within 6 months from the date of this statement may bar your right to have the error corrected." If the notice is placed on the reverse side of the statement, the face of the statement shall bear the following legend in conspicuous type: "See the reverse side of this statement for an important notice in respect to your rights." "Conspicuous type" as used herein means type which is larger than that in which the body of the statement is set, and in any case shall consist of bold type no smaller than 10 point.

B. If, pursuant to an advance loan contract, more than one type of advance loan may be made to a borrower, separate statements may, in the bank's discretion, be rendered by the bank to the borrower in respect to all advance loans of the same type, or a single statement may be rendered in respect to all advance loans, regardless of type. The bank may, at its option, use different billing cycles for different types of advance loans made to a borrower.

C. If 2 or more persons are authorized to borrow under the same advance loan contract, the contract may designate one of such persons as the one to whom statements shall be rendered. In the absence of such a designation, statements shall be rendered to each of such persons, except that a single statement may be rendered to all such persons who have the same address.

D. The rendering of a statement by a bank to an advance loan borrower pursuant to this section shall constitute an accounting by the bank to all borrowers under the same advance loan contract. Such accounting shall, after 6 months from its rendition, be conclusively presumed to be correct, and the borrower or borrowers and all those claiming through him or them shall thereafter be barred from questioning it for any cause, unless, before the expiration of the 6-month period, a borrower, or someone claiming through him gives notice by certified mail to the bank questioning the correctness of the accounting. When such notice is given, the accounting shall, after the lapse of 1 year from the date on which such notice is given, be conclusively presumed to be correct, and the borrower or borrowers and all those claiming under him or them shall thereafter be barred from questioning it for any cause, unless, within such 1-year period, an action is begun by a borrower or someone claiming through him in which the correctness of the account may be determined.

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

C. 17:9A-59.5 Monthly payments; amount, order of payment application.

5. A. The amount of the monthly payment required to be made on advance loans in reduction thereof shall at least equal 1/36 of the aggregate amount owing on all advance loans outstanding in respect to a borrower at the end of a billing cycle, but no monthly payment shall be less than $10.00, unless the aggregate balance owing on all advance loans at the end of a billing cycle is less than $10.00, in which case the amount of the payment shall be equal to the amount so owing.

B. Unless the contract provides otherwise, monthly payments shall be applied in the following order: (1) to interest; (2) to premiums on credit life or credit accident and health insurance, or both; (3) to late charges imposed pursuant to section 7 of this act; (4) to service charges imposed pursuant to section 8 of this act; and (5) to principal.

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

C. 17:9A-59.6 Interest rate; treatment of certain insurance premiums.

6. A. The rate of interest contracted for or received by a bank on advance loans shall not exceed 1% per month on the daily principal balances owing on all advance loans outstanding in respect to a borrower. Interest may be reckoned according to any method authorized by section 31:1–1 of the Revised Statutes.

B. For the purposes of this section, charges for premiums advanced by the bank for credit life insurance, or credit accident and health insurance, or both, shall be treated as part of the principal balance owing on an advance loan, but no such charge shall be included in determining the maximum permissible indebtedness as limited by section 11 of this act.

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

C. 17:9A-59.7 Late charges; collection fee schedule for loans in default.

7. A. If any payment on advance loans remains unpaid for a period of more than 15 days after such payment falls due pursuant to the contract between the bank and the borrower governing such loans, the bank may make and collect a late charge in such amount as may be provided for in the contract between the bank and the borrower, but no such late charge shall exceed 5% of the amount

of the payment so in default, or $5.00, whichever is the lesser, and not more than one late charge shall be made on any one payment in arrears.

B. Upon institution of proceedings for the collection of advance loans in default, a bank may charge a collection fee, in addition to court costs, according to the following schedule:

(a) on the first $750.00 of indebtedness, 15%;

(b) on the excess over $750.00, 10%, but in no case shall such collection fee exceed $500.00.

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

C. 17:9A-59.8 Service charges.

8. In addition to the other charges which are authorized to be made by this act, a bank may collect a service charge from each advance loan borrower for each billing cycle in which any part of an advance loan remains unpaid. Such service charge shall not exceed a sum equal to (a) the number of advance loans made to such borrower during such billing cycle multiplied by $0.25, or (b) $0.50, whichever is the greater.

C. 17:9A-59.9 Repealed.

9. Section 9 of the act of which this act is amendatory is repealed.

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

C. 17:9A-59.10 Security; certain insurance not prohibited.

10. A bank which makes an advance loan shall not, prior to default in such loan, take any security therefor. Neither this section nor any other section of this act shall be construed as prohibiting the bank from obtaining or providing credit life insurance or credit accident and health insurance, or both, for a borrower's benefit and at his written request.

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

C. 17:9A-59.11 Limitation upon liability to bank on advance loans.

11. No bank shall make any advance loan for the payment of which any person shall be liable in any capacity to the bank if the making of such loan would cause the liability in any capacity of such person to the bank on all advance loans to exceed $5,500.00, exclusive of interest, insurance premiums and other charges.

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

C. 17:9A-59.12 Violation of limitation upon liability; penalty.

12. For a violation of section 11 of this act, the bank shall forfeit all interest on so much of the aggregate of all advance loans made to any one person as exceeds the limitations imposed by the said section.

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

C. 17:9A-59.13 Collection of excess interest rates or unlawful taking of security; penalty.

13. If a bank knowingly collects interest on advance loans at a rate in excess of that authorized by section 6 of this act, or if a bank knowingly violates section 10 of this act, the bank shall forfeit the entire interest on such advance loans, and the borrower, or his legal representatives may recover back, in an action against the bank, twice the amount of interest paid to the bank on such loans; provided such action is commenced within 2 years from the date such excess interest was collected, or the date when security for such loan was taken, as the case may be.

C. 17:9A-59.16 Bank may contract with merchants to guarantee payment of certain checks.

14. A bank which enters into a contract with a borrower to make advance loans pursuant to the act of which this act is amendatory and supplementary may contract with merchants to guarantee to them the payment of checks which are drawn on it by advance-loan borrowers and which are given by such borrowers to such merchants in whole or part payment for merchandise sold or services rendered by such merchants to such borrowers. A guarantee so made shall not be deemed to be a violation of section 213.1 of "An Act concerning banking and banking institutions" (Revision of 1948), approved April 29, 1948 (P. L. 1948, c. 67).

C. 17:9A-59.17 Short title.

15. The act of which this act is amendatory and supplementary shall be known and may be cited as "The Advance Loan Law of 1968."

16. This act shall take effect immediately, but for a period of 6 months following the effective date hereof, this act and the act of which this act is amendatory and supplementary shall both be in full force and effect and, during such period, contracts may be entered into and loans made pursuant to this act and the act of which this act is amendatory and supplementary. After the expiration of such 6-month period, all such contracts and loans, including

those made pursuant to the act of which this act is amendatory and supplementary, shall be subject to this act.

Approved June 18, 1968.

CHAPTER 65

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 (C. 5:5-44) is amended to read as follows:

C. 5:5-44 Renewal of permit for horse racing 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, where it is in the public interest to do so, 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 the commission shall designate; provided, however, that commencing with the year 1968 the commission may also allot to each of the existing permit holders 4 racing days for running racing in addition to those herein authorized; provided, however, that should any permit holder reject any or all of such additional days, the commission may allot them, or any of them,

among the remaining permit holders. 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 8 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 (C. 5:5–47) is amended to read as follows:

C. 5:5-47 Permits; issuance; contents; 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 ½ 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, except for additional racing days as provided in section 24, 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 June 18, 1968.

CHAPTER 66

AN ACT to amend and supplement the "County Improvement Authorities Law," approved January 18, 1961 (P. L. 1960, c. 183).

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 (C. 40:37A–45) is amended to read as follows:

C. 40:37A-45 Definitions.

2. As used in this act, 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 16 of this act;

(c) "Bonds" shall mean bonds, notes or other obligations issued pursuant to this act;

(d) "Construct" and "construction" shall connote and include acts of clearance, demolition, construction, development or redevelopment, reconstruction, replacement, extension, improvement and betterment;

(e) "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 authority 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 moneys theretofore expended for the purposes of the authority;

(f) The term "county" shall mean any county of any class of the State, and the term "the county" shall mean the county which created an authority pursuant to this act;

(g) "Development project" shall mean any lands, structures, or property or facilities acquired or constructed or to be acquired or constructed by an authority for the purposes of the authority described in clause (d) of section 11 of this act;

(h) "Facility charges" shall have the meaning ascribed to said term in section 14 of this act;

(i) "Facility revenues" shall have the meaning ascribed to said term in section 20 (e) of this act;

(j) "Governing body" shall mean, in the case of a county, the board of chosen freeholders, and, 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;

(k) "Governmental unit" shall mean the United States of America or the State or any county or municipality or any subdivision, department, agency, or instrumentality heretofore or hereafter created, designated or established by or for the United States of America or the State or any county or municipality;

(l) "Local bond law" shall mean chapter 2 of Title 40A, Municipalities and Counties, of the New Jersey Statutes (N. J. S.) as amended and supplemented;

(m) "Municipality" shall mean any city, borough, village, town, or township of the State but not a county or a school district;

(n) "Person" shall mean any person, partnership, association, corporation or entity other than a nation, State, county or municipality or any subdivision, department, agency or instrumentality thereof;

(o) "Project" shall have the meaning ascribed to said term in section 16 of this act;

(p) "Public facility" shall mean any lands, structures, franchises, equipment, or other property or facilities acquired or constructed or to be acquired or constructed by an authority for its purposes and either (i) 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 or (ii) constituting a development project; and

(q) "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.

2. Section 11 of the act of which this act is amendatory (C. 40:37A–54) 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, franchises, equipment and facilities for operation of public transportation or for 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 improvements 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.

3. Section 14 of the act of which this act is amendatory (C. 40:37A–57) is amended to read as follows:

C. 40:37A-57 Facility charges.

14. Every authority is hereby authorized to charge and collect tolls, rents, rates, fares, fees or other charges (in this act sometimes referred to as "facility charges") in connection with, or for the use or services of, or otherwise relating to, any public facility or other property owned or controlled by the authority. 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.

4. Section 20 of the act of which this act is amendatory (C. 40:37A–63) is amended to read as follows:

C. 40:37A-63 Covenants and agreements with holders of bonds.

20. 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 revenues (in this act sometimes called "facility revenues") derived or to be derived from the operation of 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;

(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, fares, fees, or other charges in connection with, or for the use or 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, facilites 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 21 of this act, and limiting or abrogating the right of such holders to appoint a trustee pursuant to section 21 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.

5. Section 26 of the act of which this act is amendatory (C. 40:37A–69) is amended to read as follows:

C. 40:37A-69 Eminent domain.

26. 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, including public lands owned by or in which any municipality within the county has a right, title or interest. Such authority is hereby empowered to acquire and take such real property including such public 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, either in its own name or in the name of the county, all of the powers of such county to acquire or take property for public use; provided, however, that, notwithstanding the foregoing or any other provision of this act, no authority shall take, by condemnation, any real property except upon consent thereto by the county which created the authority given by resolution adopted by its governing body and further provided, in the case of authorities operating a public transportation facility, every taking by condemnation in connection with such powers, shall be subject to the provisions of sections 48, 49 and 63 of P. L. 1962, c. 198 (C. 48:3–17.6 to 48:3–17.8).

6. Section 47 of the act of which this act is amendatory (C. 40:37A–90) is amended to read as follows:

C. 40:37A-90 Construction of act.

47. 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; provided, however, that no authority, other than an authority created in a county of the second class having a population in excess of 265,000, but less than 350,000 inhabitants or in a county of the fifth class having a population in excess of 150,000, but less than 300,000 inhabitants, 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. 40:37A-92 Employees' right to organize; working hours limited.

7. Employees of a public transportation facility operated by any county improvement authority shall have the right to self-organization, to form, join or assist labor organizations and to bargain collectively through representatives of their own choosing. It shall be the obligation of such authority to recognize and bargain exclusively with a labor organization representing a majority of its employees in an appropriate unit with respect to wages, salaries, hours, working conditions and welfare and pension and retirement provisions, and, upon reaching agreement with such labor organi-

zation, to enter into and execute a written contract incorporating therein the agreements so reached. No agreement relating to hours of employment shall require or permit employees to work a number of hours per day or per week in excess of such hours as may be provided by Federal or State laws relating to similar employment in private industry.

C. 40:37A-93 Representation of employees to be determined by election.

8. If there is a question whether a labor organization represents a majority of employees in the appropriate unit, such question shall be submitted by either the county improvement authority operating the public transportation facility or the labor organization to an election conducted under the auspices of the New Jersey State Board of Mediation, which shall have authority to conduct such an election and to certify the result thereof. If there is a question as to whether the proposed unit is appropriate, that matter shall be referred to arbitration as hereinafter set forth. In determining the unit or units appropriate for the purpose of collective bargaining, the arbitrator shall be guided by the standards developed under the Federal labor laws in determining unit questions and applied to comparable industries.

C. 40:37A-94 Assumption of contracts and agreements by improvement authority; transfer of employment rights, privileges and benefits.

9. Whenever a county improvement authority shall acquire an existing privately-owned transportation system pursuant to authorization by the board of chosen freeholders, such acquisition may be subject to the assumption by the authority of all contracts and agreements of every kind and nature of the privately-owned transportation system acquired. All of the employees of such system, except executive or supervisory officers and employees, shall be transferred to the employment of such authority with all employment rights, privileges and benefits which they previously enjoyed in such transportation system, including sick leave, seniority, vacation and pension credits. Such employees and former employees who are members or beneficiaries of any pension or other benefit plan or arrangement shall be entitled to a continuation of all benefits with respect to welfare, sickness, vacations, pension or retirement benefits as they previously enjoyed prior to the acquisition by such authority. The authority shall assume the obligations of any transportation system acquired by it with regard to wages, salary, hours, working conditions, sick leave, health and welfare and pension or retirement provisions of employees. It shall assume the provisions of any collective bargaining agree-

ment between such acquired transportation system and the representatives of its employees. No employee of any acquired transportation system who is transferred to a position with such authority, shall, by reason of such transfer, be placed in any lesser or adverse position with respect to workmen's compensation, pension, seniority, wages, sick leave, vacation, health and welfare insurance or any other benefits that he enjoyed as an employee of such acquired transportation system, unless the employee shall consent thereto in writing or that such conditions of employment, benefits or rights are incorporated in a collective bargaining agreement entered into between the authority and the labor organization representing a majority of its employees.

C. 40:37A-95 Acquisition and change of existing transportation system; limitations.

10. No county improvement authority authorized to operate a public transportation facility shall acquire any existing transportation system or part thereof whether by purchase, lease, condemnation or otherwise, nor shall the authority dispose of or lease any transportation system or part thereof, nor merge, consolidate, or coordinate any transportation system or part thereof, nor substitute any type of equipment on any such system or part thereof for the then existing equipment, or reduce or limit the lines or service of any such existing system, or of its system, unless it shall first have made adequate provision for any employees who are or may be displaced, or whose wages, hours, place, or conditions of employment are or may be adversely affected. The terms and conditions of such provisions shall be a proper subject of collective bargaining with the labor organizations that represent such employees. In no event, however, shall such protective conditions and benefits for any employee be less than those established pursuant to section 10(c) of the Urban Mass Transportation Act of 1964 (49 U.S.C. 1609(c), 78 Stat. 307).

C. 40:37A-96 Settlement of labor disputes by arbitration.

11. In the case of any labor dispute between a county improvement authority operating a public transportation facility and its employees where collective bargaining does not result in agreement, irrespective of whether such dispute relates to the making or maintaining of collective bargaining agreements, the terms to be included in such agreements, the interpretation or application of such agreements, the adjustment of any grievance or any difference or any question that may arise between the authority and the labor organization representing its employees concerning wages, salaries,

hours, working conditions or benefits including health and welfare, sick leave, insurance, or pension or retirement provisions, the authority shall offer to submit such dispute to final and binding arbitration by a single arbitrator or by a tripartite board of arbitrators. Upon acceptance by the labor organization of such arbitration proposal, if the dispute is referred to a single arbitrator, such arbitrator shall be one who may be agreed upon by the authority and the labor organization involved, and, in the event that said parties cannot agree upon the identity of the arbitrator then such arbitrator shall be selected through the use of the New Jersey State Board of Mediation in accordance with its usual procedure and rules relating to the selection of arbitrators in labor disputes. Should the matter be referred to a tripartite board, the authority shall designate one such arbitrator, the labor organization shall designate one such arbitrator and the third, impartial arbitrator, who shall be the chairman of the board, shall be selected by the 2 arbitrators thus designated; in the event of their inability to select such third arbitrator they shall seek the appointment of the third arbitrator by use of the New Jersey State Board of Mediation which shall proceed to select such arbitrator in the manner provided by the rules and practices of said State Board of Mediation with respect to arbitrators of labor disputes. The cost of arbitration shall be borne equally by both parties except that in the event that a tripartite board is sued, the services of the arbitrator designated by each party shall be paid for by such party. The arbitration proceeding shall take place in the manner provided by the rules of the New Jersey State Board of Mediation applicable to arbitration of labor disputes and the decision of the arbitrator or board of arbitrators shall be final and binding upon the parties.

C. 40:37A-97 Authority and power of improvement authorities operating a public transportation facility.

12. County improvement authorities operating a public transportation facility shall have the following authority and power:

(1) To execute a collective bargaining agreement requiring, as a condition of employment on or after the thirtieth day following the beginning of employment or the effective date of the agreement, whichever is the later, membership in good standing of all employees within the bargaining unit in the labor organization representing a majority of the employees in such unit.

(2) To enter into a collective bargaining agreement under which it will withhold union dues, fees or assessments from the wages of the employees and pay the same on behalf of said employees to the labor organization.

(3) To agree to pay and to pay contributions for the establishment or maintenance of any health and welfare plan or any pension or retirement plan.

(4) To make deductions from wages of employees, upon authorization of such employees for any purposes for which any private employer may make such deductions.

C. 40:37A-98 Authorization to engage in public transportation within and beyond county limits.

13. Any county improvement authority may engage in the business of operation of public transportation facilities for the transportation of passengers and property on scheduled routes, within the territorial limits of the county and beyond the territorial limits of the county, with the consent of the governing bodies of the municipalities into which such operation is extended, and on nonscheduled routes, by contract. A copy of each contract for charter or operation on a nonscheduled route shall be maintained in the office of the authority as a public record available for inspection during normal business hours.

Any county improvement authority which establishes or acquires public transportation facilities may contract with any person or corporation for the operation thereof upon such terms and conditions as the authority shall determine.

C. 40:37A-99 Classification of authority as public utility.

14. A county improvement authority engaged in the operation of a public transportation facility shall be deemed to be a public utility and its powers and operations shall be subject to the provisions of Title 48 of the Revised Statutes and the regulation and control of the Board of Public Utility Commissioners.

15. This act shall take effect immediately.

Approved June 18, 1968.

CHAPTER 67

AN ACT concerning medical and dental education and amending sections 18A:64C–1 and 18A:65–68 of the New Jersey Statutes.

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

1. Section 18A:64C–1 of the New Jersey Statutes is amended to read as follows:

Acquisition and operation of Seton Hall College of Medicine and Dentistry authorized.

18A:64C–1. The Legislature hereby finds that it is vital to the best interest of the State to acquire the Seton Hall College of Medicine and Dentistry and to operate the college as a public facility having as a primary purpose the education of practicing physicians and dentists; that it is in the public interest to maintain a continuing program of medical and dental education within the State (a) to provide an uninterrupted flow of trained personnel to assist in the staffing of the hospitals and public institutions and agencies of the State and (b) to prepare students for general practice in the professions of medicine and dentistry; and that it is the responsibility of the State to provide the financial support necessary to the continuation of the program of medical and dental education at said college.

2. Section 18A:65–68 of the New Jersey Statutes is amended to read as follows:

Establishment of program.

18A:65–68. The Legislature and Governor of the State of New Jersey hereby find that the establishment and operation of a program of medical education by Rutgers, The State University, is in the best interest of the State to provide an uninterrupted flow of trained medical personnel to assist in the staffiing of the hospitals and public institutions and agencies of the State and to prepare students for the general practice of medicine, and 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. They further find that it is the responsibility of the State to provide funds necessary to establish and operate such a program of education and hereby declare that it is the intention of the Legislature and the Governor to provide, within the terms of section 18A:65–69, the funds which will be necessary to enable the Board of Governors of the Corporation and the university to meet the financial obligations which have been incurred by said board pursuant to the provisions of this article.

3. This act shall take effect immediately.

Approved June 21, 1968.

CHAPTER 68

AN ACT concerning an interstate compact for education between the State of New Jersey and other States and amending section 18A:75–7 of the New Jersey Statutes.

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

1. Section 18A:75–7 of the New Jersey Statutes is amended to read as follows:

Article VI. Committees.

18A:75–7. Article VI. Committees.

A. To assist in the expeditious conduct of its business when the full commission is not meeting, the commission shall elect a steering committee of 32 members which, subject to the provisions of this compact and consistent with the policies of the commission, shall be constituted and function as provided in the bylaws of the commission. One fourth of the voting membership of the steering committee shall consist of Governors, ¼ shall consist of legislators and the remainder shall consist of other members of the commission. A Federal representative on the commission may serve with the steering committee, but without vote. The voting members of the steering committee shall serve for terms of 2 years, except that members elected to the first steering committee of the commission shall be elected as follows: 16 for 1 year and 16 for 2 years. The chairman, vice chairman, and treasurer of the commission shall be members of the steering committee and, anything in this paragraph to the contrary notwithstanding, shall serve during their continuance in these offices. Vacancies in the steering committee shall not affect its authority to act, but the commission at its next regularly ensuing meeting following the occurrence of any vacancy shall fill it for the unexpired term. No person shall serve more than 2 terms as a member of the steering committee; provided that service for a partial term of 1 year or less shall not be counted toward the 2-term limitation.

B. The commission 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 advisory or technical committee may, on request of the States

concerned, be established to consider any matter of special concern to 2 or more of the party States.

C. The commission may establish such additional committees as its bylaws may provide.

2. This act shall take effect immediately.

Approved June 21, 1968.

CHAPTER 69

AN ACT to amend and supplement the "State Aid Road System Act of 1967," approved June 1, 1967 (P. L. 1967, c. 86).

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. 27:13A-7 State's share of project cost.

7. The State's share of the cost of any project undertaken pursuant to the provisions of this act shall not exceed, in the case of county projects 50% and in the case of municipal projects 75% 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-13 Improvement of bridges and viaducts; inspection program.

2. County and municipal bridges and viaducts, without regard to location in the State, may be improved or reconstructed with funds available under the provisions of this act in the same manner as county and municipal roads in the State Aid Road System.

Of the total funds available to counties and municipalities under the provisions of this act for the calendar year commencing January 1, 1969, the commissioner may allocate not more than 10% of such amount to defray the cost of carrying out a comprehensive bridge inspection program but to the extent possible the allocation of such funds shall be made in the same manner and subject to the same conditions as is provided for all other funds distributed under the provisions of this act.

3. This act shall take effect immediately.

Approved June 21, 1968.

CHAPTER 70

AN ACT concerning planning, approval of subdivisions, and establishing and amending official maps in relation to the giving of notice of hearing in certain cases, 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. 40:55-53.1 Notice of hearing to State and County.

1. Whenever a hearing is required in respect to planning, approval of subdivisions or establishing or amending an official map involving property abutting upon or adjacent to a State highway or county road and notice of said hearing is required to be given, the person giving such notice shall also, at least 10 days prior to the hearing give notice in writing of such hearing by registered or certified mail to the Commissioner of Transportation, in the case of a State highway and to the county planning board, in the case of a county road. The said notice of hearing shall contain a brief description of the property involved, its location and a concise statement of the matters to be heard.

2. This act shall take effect July 1, 1968.

Approved June 21, 1968.

CHAPTER 71

AN ACT creating a Juvenile Court Law Revision Commission and prescribing its powers and duties.

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

C. 1:18-1 Creation of commission; membership, appointment.

1. There is hereby created a Juvenile Court Law Revision Commission, which shall consist of 12 members, 4 members to be appointed by the Governor, no more than 2 of whom shall be of the same political party, 2 members of the Senate and 2 citizens of the State, to be appointed by the President of the Senate and 2 mem-

bers of the General Assembly and 2 citizens of the State to be appointed by the Speaker of the General Assembly, of which no more than one of each group of 2 shall be of the same political party.

C. 1:18-2 Term, vacancies.

2. Each of the members of the commission appointed from either House of the Legislature shall serve so long, only, as he shall be a member of that House and all members shall serve for terms of 2 years and until their respective successors shall be appointed and shall qualify. Vacancies in the membership of the commission shall be filled in the same manner as the original appointments were made.

C. 1.18-3 Organization; chairman, secretary.

3. The commission shall organize as soon as may be after the appointment of its members and shall elect a chairman from among its members and shall appoint a secretary who need not be a member of the commission.

C. 1:18-4 Duties; proposed revision of certain statutes.

4. It shall be the duty of said commission to make a study of the statutes relating to the juvenile courts and the treatment of juvenile offenders and, if found warranted, to prepare a proposed revision of such statutes.

C. 1:18-5 Preparation of proposed revision.

5. The preparation of any such revision shall be performed under the general supervision, as to form, arrangement and classification of revised material, of the Law Revision and Legislative Services Commission or an officer or employee thereof designated by said commission, in order that the integrity of the general arrangement and classification adopted in the Revised Statutes may be maintained but said work in all other respects shall at all times be under the supervision and control of the commission constituted by this act.

C. 1:18-6 Assistance; clerical assistants; expenses.

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 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.

C. 1:18-7 Hearings; report of findings and recommendations.

7. 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 Governor and the Legislature, accompanying the same with any legislative bills which it may desire to recommend for adoption by the Legislature, as soon as may be feasible.

8. This act shall take effect immediately.

Approved June 21, 1968.

CHAPTER 72

AN ACT concerning the conduct of public hearings relating to proposed changes or curtailment of public passenger transportation service.

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

C. 48:2-32.3 Public hearings; location and time for holding; notice to municipal clerks; posting notice in certain places.

1. Whenever a State agency shall schedule public hearings relating to proposed changes or curtailment of public passenger transportation service, such hearings shall be conducted in the county or counties whose residents will be most affected by such proposals and in those cases where the proposals relate to commuter passenger service such hearings shall be held during evening hours starting no earlier than 8:00 P. M. and no later than 8:30 P. M. Notice of such hearings shall be given by the State agency to the clerk of each municipality in the county or counties whose residents will be affected; such notice shall also be posted by the State agency in prominent places on the railroad cars and buses serving the routes to be affected.

2. This act shall take effect immediately.

Approved June 21, 1968.

CHAPTER 73

AN ACT relating to the liability of owners, lessees and occupants of premises towards persons entering on their premises for sport and recreational activities in certain cases, and repealing chapter 107 of the laws of 1962.

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

C. 2A:42A-2 Definition.

1. As used in this act "sport and recreational activities" means and includes: hunting, fishing, trapping, horseback riding, training of dogs, hiking, camping, picnicking, swimming, skating, skiing, sledding, tobogganing and any other outdoor sport, game and recreational activity including practice and instruction in any thereof.

C. 2A:42A-3 Limitation of liability of owner, lessee or occupant of premises.

2. Except as provided in section 3 of this act:

a. An owner, lessee or occupant of premises, whether or not posted as provided in section 23:7–7 of the Revised Statutes, owes no duty to keep the premises safe for entry or use by others for sport and recreational activities, or to give warning of any hazardous condition of the land or in connection with the use of any structure or by reason of any activity on such premises to persons entering for such purposes;

b. An owner, lessee or occupant of premises who gives permission to another to enter upon such premises for a sport or recreational activity or purpose does not thereby (1) extend any assurance that the premises are safe for such purpose, or (2) constitute the person to whom permission is granted an invitee to whom a duty of care is owed, or (3) assume responsibility for or incur liability for any injury to person or property caused by any act of persons to whom the permission is granted.

C. 2A:42A-4 Liability not limited in certain instances.

3. This act shall not limit the liability which would otherwise exist:

a. For willful or malicious failure to guard, or to warn against, a dangerous condition, use, structure or activity; or

b. For injury suffered in any case where permission to engage in sport or recreational activity on the premises was granted for

a consideration other than the consideration, if any, paid to said landowner by the State; or

c. For injury caused, by acts of persons to whom permission to engage in sport or recreational activity was granted, to other persons as to whom the person granting permission, or the owner, lessee or occupant of the premises, owes a duty to keep the premises safe or to warn of danger.

C. 2A:42A-1 Repealed.

4. "An act limiting the liability of landowners of agricultural lands or woodlands for personal injuries to or the death of any person while hunting or fishing upon the landowner's property," approved July 6, 1962 (P. L. 1962, c. 107), is repealed.

C. 2A:42A-5 Act does not create liability.

5. Nothing in this act shall create a duty of care or ground of liability for damages for the death or injury to person or property.

6. This act shall take effect July 1, 1968.

Approved June 21, 1968.

CHAPTER 74

AN ACT authorizing cemetery associations to lease certain lands not devoted to cemetery purposes and amending section 8:2–47 of the Revised Statutes.

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

1. Section 8:2–47 of the Revised Statutes is amended to read as follows:

Sale or lease of lands not laid out as burial lots; acknowledgment and recording of lease; exception to tax exemption.

8:2–47. A cemetery association incorporated under sections 8:1–1 to 8:1–5 of this Title or under any special act may sell and dispose of, or lease for a term of 2 or more years, such part of its lands as have not been laid out into burial plots or lots, when said lands shall have become separated by reason of the intersection of this association's lands by a State highway, and use the proceeds of such sales or leases to pay its debts and liabilities and to improve its cemetery.

Any lease entered into pursuant to this section shall be acknowledged or proved and recorded in the office of the county recording officer and the lands and property the subject of any such lease shall not be entitled to the tax and other exemptions set forth in Revised Statutes 8:2-27.

2. This act shall take effect immediately.

Approved June 21, 1968.

CHAPTER 75

AN ACT concerning education and amending section 18A:65–77 of the New Jersey Statutes.

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

1. Section 18A:65–77 of the New Jersey Statutes is amended to read as follows:

Alternate program participation limitations; transfer from TP & AF to PERS in certain instances.

18A:65–77. (a.) 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.

(b.) Any person required to participate in the alternate benefit program by reason of employment in the university, who at the time of such employment is a member of the Teachers' Pension and Annuity Fund, shall be permitted to transfer his membership in said fund to the Public Employees' Retirement System, by waiving all rights and benefits which would otherwise be provided by the alternate benefit program. Any such new employee who is a member of the Public Employees' Retirement System will likewise be permitted to continue his membership in that system, by waiving all rights and benefits which would otherwise be provided by the alternate benefit program. Such waivers shall be accomplished by filing forms satisfactory to the board of governors of the university

within 30 days of the beginning date of employment in the university.

(c.) 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.

2. This act shall take effect immediately.

Approved June 21, 1968.

CHAPTER 76

AN ACT to amend "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," approved January 11, 1968 (P. L. 1967, c. 278).

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. 18A:66-133 Alternate program participation limitations; transfer from TP & AF to PERS in certain instances.

4. (a.) 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.

(b.) Any person required to participate in the alternate benefit program by reason of employment in the Newark College of Engineering, who at the time of such employment is a member of the Teachers' Pension and Annuity Fund, shall be permitted to transfer his membership in said fund to the Public Employees' Retirement System, by waiving all rights and benefits which would otherwise be provided by the alternate benefit program. Any such new employee who is a member of the Public Employees' Retire-

ment System will likewise be permitted to continue his membership in that system, by waiving all rights and benefits which would otherwise be provided by the alternate benefit program. Such waivers shall be accomplished by filing forms satisfactory to the board of trustees of the Newark College of Engineering within 30 days of the beginning date of employment in the college.

(c.) 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.

2. This act shall take effect immediately.

Approved June 21, 1968.

CHAPTER 77

AN ACT to amend "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," approved January 12, 1968 (P. L. 1967, c. 281).

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. 18A:66-145 Alternate program participation limitations; transfer from TP & AF to PERS in certain instances.

4. (a) 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.

(b.) Any person required to participate in the alternate benefit program by reason of employment in a State college, who at the time of such employment is a member of the Teachers' Pension and Annuity Fund, shall be permitted to transfer his membership in said fund to the Public Employees' Retirement System, by waiving all rights and benefits which would otherwise be provided by the alternate benefit program. Any such new employee who is a

member of the Public Employees' Retirement System will likewise be permitted to continue his membership in that system, by waiving all rights and benefits which would otherwise be provided by the alternate benefit program. Such waivers shall be accomplished by filing forms satisfactory to the Board of Higher Education within 30 days of the beginning date of employment in a State college.

(c.) Any person receiving a benfit 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.

2. This act shall take effect immediately.

Approved June 21, 1968.

CHAPTER 78

AN ACT to protect the civil rights of persons serving in the armed forces, providing for the deferment of certain tax and contractual obligations of such persons, providing for stays of proceedings to evict such persons and their families from their homes, according re-employment rights to persons returning from military service and providing penalties for persons violating this act.

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

C. 38:23A-35 Declaration of policy; construction of act.

1. It has been nationally recognized that because of the emergent conditions which are threatening the peace and imperiling the security of the nation, there is imperative need to augment and strengthen the national defense. It is further recognized that the emergent conditions which endanger the national well-being likewise constitute an imminent threat and hazard to the peace and security of the people of the State. Moreover, it is acknowledged that the exigencies of national defense require that the people of the State, in large numbers, be called into military service, and as a consequence, the health, prosperity and welfare of all of the people of the State is inevitably affected.

In these circumstances, and in order to promote and to assist the national defense, and thereby to protect the peace, prosperity and health of the people of the State, it is necessary that citizens and residents of the State in the military service as well as those who are members of the organized militia or of a reserve component of the Armed Forces of the United States should be free to devote their entire energy and effort to the defense needs of the nation and of the State. To assist in this end, it is essential to provide in certain cases for the temporary suspension of legal proceedings and transactions which may prejudice the civil rights of persons in the military service. It is further essential in the interests of the prosperity and well-being of the people of the State, that such persons, upon completion of military service, be restored to their former employment.

In the interpretation and application of this act, it is hereby declared to be the public policy of the State to maintain, secure and protect the civil and property rights of persons in the military service, as hereinafter defined, and of employees who are members of the organized militia or members of a reserve component of the Armed Forces of the United States.

The Legislature hereby declares the existence of a public emergency affecting the health, safety and comfort of the people, requiring the enactment of the provisions of this act to protect the vital interests of the State.

All the provisions of this act shall be liberally construed for the accomplishment of this purpose.

This act shall be deemed an exercise of the police power of the State, for the protection of the public welfare, prosperity, health and peace of the people of the State.

C. 38:23A-36 Definitions.

2. As used in this act:

a. The term "military service" means duty by any person, male or female, in the active military service of the United States and active duty in the military service of the State pursuant to an order of the Governor issued pursuant to law.

b. The term "person" when used herein with reference to the holder of any right alleged to exist against a person in military service, or against a person secondarily liable under such right, shall include individuals, partnerships, corporations, and any other forms of business association.

c. The term "court" as used herein, shall include any State court of competent jurisdiction, whether or not a court of record.

C. 38:23A-37 Stay or suspension of legal proceedings or transactions; extension to persons subject to liability; waiver of benefits.

3. a. Whenever, pursuant to any of the provisions of this act, the enforcement of any obligation or liability, the prosecution of any suit or proceeding, the entry or enforcement of any order, writ, judgment or decree, or the performance of any act, may be stayed, postponed or suspended, such stay, postponement or suspension may, in the discretion of the court, likewise be granted to sureties, guarantors, endorsers and others subject to the obligation or liability, the performance or enforcement of which is stayed, postponed or suspended.

b. When a judgment or decree is vacated or set aside, in whole or in part, as provided in this act, the same may, in the discretion of the court, likewise be set aside and vacated as to any surety, guarantor, endorsers, accommodation maker or other person whether primarily or secondarily liable upon the contract or liability for the enforcement of which the judgment or decree was entered.

c. Nothing contained in this act shall prevent a waiver in writing of the benefits afforded by paragraphs a. and b. of this section by any surety, guarantor, endorser, accommodation maker, or other persons whether primarily or secondarily liable upon the obligation or liability except that after the date of enactment of this act no such waiver shall be valid unless it is executed as an instrument separate from the obligation or liability in respect of which it applies, and no such waiver shall be valid after the beginning of the period of military service if executed by an individual who, subsequent to the execution of such waiver becomes a person in military service.

C. 38:23A-38 Default of appearance by defendant; affidavit showing military service status; appointment of attorney by court; bond.

4. In any civil action or proceeding commenced in any court, if there shall be a default of an appearance by the defendant, the plaintiff, within 20 days before the entry of judgment or final order, shall file in the court an affidavit setting forth facts showing that the defendant is not in military service. If unable to file such affidavit, plaintiff shall in lieu thereof file an affidavit setting forth either that the defendant is in the military service or that plaintiff is not able to determine whether or not defendant is in such service. If an affidavit is not filed showing that the defendant is not in the military service, no judgment or final order shall be entered without first securing an order of court directing such entry, and no such order shall be made if the defendant is in such service until

after the court shall have appointed an attorney to represent defendant and protect his interest, and the court shall on application make such appointment. Unless it appears that the defendant is not in such service the court may require, as a condition before judgment or final order is entered, that the plaintiff file a bond, approved by the court, conditioned to indemnify the defendant, if in military service, against any loss or damage that he may suffer by reason of any judgment or final order should the judgment or final order be thereafter set aside in whole or in part. And the court may make such other and further order or enter such judgment as in its opinion may be necessary to protect the rights of the defendant under this act.

C. 38:23A-39 Use of false affidavit constitutes perjury; penalty.

5. Any person who shall make or use an affidavit required under section 4, above, knowing it to be false, shall be guilty of perjury, and shall be punishable by imprisonment not to exceed 1 year or by fine not to exceed $1,000.00, or both.

C. 38:23A-40 Person in military service as party; appointment of attorney by court; bond; limitation upon powers of attorney.

6. In any action or proceeding in which a person in military service is a party, if such party does not personally appear therein or is not represented by an authorized attorney, the court may appoint an attorney to represent him; and in such case a like bond may be required and an order made to protect the rights of such person. But no attorney appointed under this act to protect a person in military service shall have power to waive any right of the person for whom he is appointed or bind him by his acts.

C. 38:23A-41 Opening judgment or final order to permit defendant prejudiced by reason of military service to defend.

7. If any judgment or final order shall be rendered in any action or proceeding governed by sections 4, 5 and 6, above against any person in military service during the period of such service, or within 30 days thereafter, and it appears that such person was prejudiced by reason of his military service in making his defense thereto, such judgment or order may, upon application, made by such person or his legal representative, not later than 90 days after the termination of such service, be opened by the court rendering the same and such defendant or his legal representative let in to defend; provided it is made to appear that the defendant has a meritorious or legal defense to the action or proceeding, or to some part thereof. Vacating, setting aside, or reversing any judgment or final order because of any of the provisions of this act shall not

impair any right or title acquired by any bona fide purchaser for value under such judgment or order.

C. 38:23A-42 Stay of action or proceeding.

8. At any stage thereof, any action or proceeding in any court in which a person in military service is involved, either as plaintiff or defendant, during the period of such service or within 60 days thereafter may, in the discretion of the court in which it is pending, on its own motion, and shall, on application to it by such person or some person on his behalf, be stayed as provided in this act, unless, in the opinion of the court, the ability of plaintiff to prosecute the action, or the defendant to conduct his defense, is not materially affected by reason of his military service.

C. 38:23A-43 Relief against enforcement of fine or penalty.

9. When an action for compliance with the terms of any contract is stayed pursuant to this act no fine or penalty shall accrue by reason of failure to comply with the terms of such contract during the period of such stay, and in any case where a person fails to perform any obligation and a fine or penalty for such nonperformance is incurred a court may, on such terms as may be just, relieve against the enforcement of such fine or penalty if it shall appear that the person who would suffer by such fine or penalty was in the military service when the penalty was incurred, and that by reason of such service the ability of such person to pay or perform was thereby materially impaired.

C. 38:23A-44 Stay of execution of judgment or order; vacation or stay of attachment or garnishment.

10. In any action or proceeding commenced in any court against a person in military service, before or during the period of such service, or within 60 days thereafter, the court may, in its discretion, on its own motion, or on application to it by such person or some person on his behalf shall, unless in the opinion of the court the ability of the defendant to comply with the judgment or order entered or sought is not materially affected by reason of his military service:

a. Stay the execution of any judgment or order entered against such person, as provided in this act; and

b. Vacate or stay any attachment or garnishment of property, money, or debts in the hands of another, whether before or after judgment as provided in this act.

C. 38:23A-45 Period of stay; terms; procedure against codefendants.

11. Any stay of any action, proceeding, attachment, or execution ordered by any court under the provisions of this act may, except as otherwise provided, be ordered for the period of military service and 3 months thereafter or any part of such period, and subject to such terms as may be just, whether as to payment in installments of such amounts and at such times as the court may fix or otherwise. Where the person in military service is a codefendant with others the plaintiff may nevertheless, by leave of court, proceed against the others.

C. 38:23A-46 Limitations; exclusion of period of military service.

12. The period of military service shall not be included in computing any period now or hereafter to be limited by any law, regulation or order for the bringing of any action or proceeding in any court, board, bureau, commission, department or other agency of government of this State or any of its governmental subdivisions by or against any person in military service, or by or against his heirs, executors, administrators, or assigns, whether such cause of action or the right or privilege to institute such an action or proceeding shall have accrued prior to or during the period of such service, nor shall any part of such period which occurs after the date of enactment of this act be included in computing any period now or hereafter provided by any law for the redemption of real property sold or forfeited to enforce any obligation, tax or assessment.

C. 38:23A-47 Eviction or distress prohibited; exceptions; penalty.

13. a. No eviction or distress shall be made during the period of military service in respect of any premises for which the agreed rent does not exceed $80.00 per month, occupied chiefly for dwelling purposes by the wife, children, or other dependents of a person in military service, except upon leave of court granted upon application therefor or granted in any action or proceeding affecting the right of possession.

b. On any such application or in any such action the court may, in its discretion, on its own motion, and shall, on application, unless in the opinion of the court the ability of the tenant to pay the agreed rent is not materially affected by reason of military service, stay the proceedings for not longer than 3 months, as provided in this act, or it may make such other order as may be just.

c. Any person who shall knowingly take part in any eviction or distress otherwise than as provided in paragraph a. of this section,

or attempts so to do, shall be adjudged a disorderly person, and shall be punishable by imprisonment not to exceed 1 year or by fine not to exceed $1,000.00, or both.

C. 38:23A-48 Termination of lease; interference with removal of property from leased premises; penalty.

14. a. The provisions of this section shall apply to any lease covering premises occupied for dwelling, professional, business, agricultural, or similar purposes in any case in which such lease was executed by or on the behalf of a person who, after the execution of such lease, entered military service, and the premises so leased have been occupied for such purposes, or for a combination of such purposes by such person or by him and his dependents.

b. Any such lease may be terminated by notice in writing delivered to the lessor (or his grantee) or to the lessor's (or his grantee's) agent by the lessee at any time following the date of the beginning of his period of military service. Delivery of such notice may be accomplished by placing it in an envelope properly stamped and duly addressed to the lessor (or his grantee) or to the lessor's (or his grantee's) agent and depositing the notice in the United States mails. Termination of any such lease providing for monthly payment of rent shall not be effective until 30 days after the first date on which the next rental payment is due and payable subsequent to the date when such notice is delivered or mailed. In the case of all other leases, termination shall be effected on the last day of the month following the month in which such notice is delivered or mailed and in such case any unpaid rental for a period preceding termination shall be proratably computed and any rental paid in advance for a period succeeding termination shall be refunded by the lessor (or his assignee). Upon application by the lessor to the appropriate court prior to the termination period provided for in the notice, any relief granted in this paragraph shall be subject to such modifications or restrictions as in the opinion of the court justice and equity may in the circumstances require.

c. Any person who shall knowingly seize, hold or detain the personal effects, clothing, furniture or other property of any person who has lawfully terminated a lease covered by this section, or in any manner interfere with the removal of such property from the premises covered by such lease, for the purpose of subjecting or attempting to subject any of such property to a claim for rent accruing subsequent to the date of termination of such lease, or attempts so to do, shall be adjudged a disorderly person and shall

be punished by imprisonment not to exceed 1 year or by fine not to exceed $1,000.00, or both.

C. 38:23A-49 Exercise of right or option under, or rescission of, contract for purchase of property; exception; penalty; procedure.

15. a. No person who has received, or whose assignor has received, under a contract for the purchase of real or personal property, or of lease or bailment with a view to purchase of such property, a deposit or installment of the purchase price or a deposit or installment under the contract, lease or bailment from a person or from the assignor of a person who, after the date of payment of such deposit or installment, has entered military service, shall exercise any right or option under such contract to rescind or terminate the contract or resume possession of the property for nonpayment of any installment thereunder due or for any other breach of the terms thereof occurring prior to or during the period of such military service, except by action in a court of competent jurisdiction; provided, that nothing contained in this section shall prevent the modification, termination, or cancellation of any such contract, or prevent the repossession, retention, foreclosure, sale or taking possession of property purchased or received or which is security for any obligation under such contract, pursuant to a mutual agreement of the parties thereto, or their assignees, if such agreement is executed in writing subsequent to the making of such contract and during or after the period of military service of the person concerned.

b. Any person who shall knowingly resume possession of property which is the subject of this section otherwise than as provided in paragraph a. of this section or attempt so to do, shall be adjudged a disorderly person and shall be punished by imprisonment not to exceed 1 year, or by fine not to exceed $1,000.00 or both.

c. Upon the hearing of such action the court may order the repayment of prior installments or deposits or any part thereof, as a condition of terminating the contract and resuming possession of the property, or may, in its discretion, on its own motion, and shall, except as provided in section 17 of this act, on application to it by such person in military service or some person on his behalf, order a stay of proceedings as provided in this act except that such stay under this section may be ordered for the period of military service and 6 months thereafter or any part of such period, unless, in the opinion of the court, the ability of the defendant to comply with the terms of the contract is not materially affected by reason of such service; or it may make such other disposition of the case as may be equitable to conserve the interests of all parties.

C. 38:23A-50 Obligations secured by mortgage, trust deed or other security; relief in enforcement proceedings; penalty.

16. a. The provisions of this section shall apply only to obligations secured by mortgage, trust deed, or other security in the nature of a mortgage upon real or personal property owned by a person in military service at the commencement of the period of his military service and still so owned by him which obligations originated prior to such person's period of military service.

b. In any proceeding commenced in any court during the period of military service to enforce such obligation arising out of nonpayment of any sum thereunder due or out of any other breach of the terms thereof occurring prior to or during the period of such service the court may, after hearing, in its discretion, on its own motion, and shall, except as hereinafter provided in this act, on application to it by such person in military service or some person on his behalf, unless in the opinion of the court the ability of the defendant to comply with the terms of the obligation is not materially affected by reason of his military service

(1) Stay the proceedings as provided in this act; or

(2) Make such other disposition of the case as may be equitable to conserve the interests of all parties.

c. No sale, foreclosure, or seizure of property for nonpayment of any sum due under any such obligation, or for any other breach of the terms thereof, whether under a power of sale, under a judgment entered upon warrant of attorney to confess judgment contained therein, or otherwise, shall be valid if made during the period of military service, or within 3 months thereafter, unless upon an order of sale previously granted by the court and a return thereto made and approved by the court.

d. Any person who shall knowingly cause to be made any sale, foreclosure or seizure of property defined as invalid by paragraph c. hereof, or attempts so to do, shall be adjudged a disorderly person and shall be punished by imprisonment not to exceed 1 year, or by fine not to exceed $1,000.00, or both.

C. 38:23A-51 Appointment of appraisers; payment as condition of foreclosing mortgage, resuming possession of property, or rescinding or terminating contract.

17. Where a proceeding to foreclose a mortgage upon or to resume possession of personal property, or to rescind or terminate a contract for the purchase thereof, has been stayed as provided in this act, the court may, unless in its opinion an undue hardship would result to the dependents of the person in military service,

appoint 3 disinterested parties to appraise the property and, based upon the report of the appraisers, order such sum, if any, as may be just, paid to the person in military service or his dependent, as the case may be, as a condition of foreclosing the mortgage, resuming possession of the property, or rescinding or terminating the contract.

C. 38:23A-52 Taxation; relief in enforcement proceedings; interest.

18. a. The provisions of this section shall apply when any taxes or assessments, whether general or special, other than taxes on income, whether falling due prior or during the period of military service in respect of personal property, money or credits or real property owned and occupied for dwelling, agricultural, or business purposes by a person in military service, or his dependents, at the commencement of his period of military service and still so occupied by his dependents or employees, are not paid.

b. No sale of such property shall be made to enforce the collection of such tax or assessment, or any proceeding or action for such purpose commenced, except upon leave of court granted upon application made therefor by the collector of taxes or other officer whose duty it is to enforce the collection of taxes or assessments. The court thereupon, unless in its opinion the ability of the person in military service to pay such taxes or assessments is not materially affected by reason of such service, may stay such proceedings or such sale, as provided in this act, for a period extending not more than 6 months after the termination of the period of military service of such person.

c. When by law such property may be sold or forfeited to enforce the collection of such tax or assessment, such person in military service shall have the right to redeem or commence an action to redeem such property, at any time not later than 6 months after the termination of such service, but in no case later than 6 months after the date when this act ceases to be in force; but this shall not be taken to shorten any period, now or hereafter provided by the laws of the State, or any political subdivision thereof, for such redemption.

d. Whenever any tax or assessment shall not be paid when due, such tax or assessment due and unpaid shall bear interest until paid at the rate of 6% per annum from the date when such tax first became a lien, and no other penalty or interest shall be incurred by reason of such nonpayment, whether such penalty or interest shall have accrued prior or shall accrue subsequent to

the commencement of the period of military service of such person. Any lien for such unpaid taxes or assessment shall also include such interest thereon.

C. 38:23A-53 Insurance policies; prohibition against lapse or forfeiture.

19. a. No policy which has not lapsed for the nonpayment of premium before the commencement of the period of military service of the insured, and which has been brought within the benefits of the Federal "soldiers' and sailors' civil relief act" shall lapse or be forfeited for the nonpayment of premium during the period of such service, or during 1 year after the expiration of such period, provided that in no case shall this prohibition extend for more than 1 year after this act ceases to be in force.

b. For the purposes of this section, the term "policy" shall include any contract of life insurance on the level premium or legal reserve plan. It shall also include any benefit in the nature of life insurance arising out of membership in any fraternal or beneficial association. In no case, however, shall the term "policy" include insurance exceeding a total face value of $5,000.00 whether in one or more companies. The term "premium" shall include membership dues or assessments in such association, and the date of issuance of policy as herein limited shall refer to the date of admission to membership in such association; the term "insured" shall include any person who is the holder of a policy as defined in this section; the term "insurer" shall include any corporation, partnership, or other form of association which secures or provides insurance under any policy as defined herein.

C. 38:23A-54 Reemployment; extension of rights and benefits; enforcement of provisions.

20. a. In the case of any person who, in order to perform military service, has left or leaves a position, other than a temporary position, in the employ of any employer, and who

(1) Receives a certificate of completion of military service duly executed by an officer of the applicable force of the Armed Forces of the United States or by an officer of the applicable force of the organized militia;

(2) Is still qualified to perform the duties of such position; and

(3) Makes application for re-employment within 90 days after he is relieved from such service, if such position was in the employ of a private employer, such employer shall restore such person to such position, or to a position of like seniority, status and pay, unless the employer's circumstances have so changed as to make it impossible or unreasonable to do so.

b. The benefits, rights and privileges granted to persons in the military service by this section shall be extended to and be applicable to any person who, in order to participate in assemblies or annual training or in order to attend service schools conducted by the Armed Forces of the United States for a period or periods up to and including 3 months, temporarily leaves or has left his position, other than a temporary position, in the employ of any employer and who, being qualified to perform the duties of such position, makes application for re-employment within 10 days after completion of such temporary period of service; provided that no such person shall be entitled to the said benefits, rights and privileges for such attendance at any service school or schools exceeding a total of 3 months during any 4-year period.

c. The benefits, rights and privileges granted to persons in the military service by this section shall be extended to and be applicable to any person who is or becomes a member of the organized militia or of a reserve component of the Armed Forces of the United States and who, because of such membership is discharged by his employer or whose employment is suspended by his employer because of such membership and who, being qualified to perform the duties of such position, makes application for re-employment or termination of the period of his suspension within 10 days after such discharge or suspension.

d. Any person who is restored to a position in accordance with the provisions of this section shall be considered as having been on furlough or leave of absence during his period of military service, temporary service under paragraph b. hereof, or of discharge or suspension under paragraph c. hereof, shall be so restored without loss of seniority, shall be entitled to participate in insurance or other benefits offered by the employer pursuant to established rules and practices relating to employees on furlough or leave of absence in effect with the employer at the time such person entered the military service or commenced such temporary service or was so discharged or suspended and shall not be discharged from such position without cause, within 1 year after such restoration.

e. In case any private employer fails or refuses to comply with the provisions of this section the County Court of the county in which such private employer maintains a place of business, shall have the power, upon the filing of a complaint, by the person entitled to the benefits of such provisions, to specifically require

such employer to comply with such provisions, and may, as an incident thereto, compensate such person for any loss of wages or benefits suffered by reason of such employer's unlawful action. The court shall order a speedy hearing in any such case, and shall advance it on the calendar. Any person claiming to be entitled to the benefits of the provisions of this section may appear and be represented by counsel, or, upon application to the Attorney General of the State, may request that the Attorney General appear and act on his behalf. If the Attorney General is reasonably satisfied that the person so applying is entitled to such benefits, he shall appear and act as attorney for such person in the amicable adjustment of the claim, or in the filing of any complaint and the prosecution thereof. In the hearing and determination of such applications under this section no fees or court costs shall be assessed against a person so applying for such benefits.

C. 38:23A-55 Transfer or acquisition of interest with intent to delay enforcement of civil right; remedy.

21. Where in any proceeding to enforce a civil right in any court it is made to appear to the satisfaction of the court that any interest, property, or contract has since the date of the approval of this act been transferred or acquired with intent to delay the just enforcement of such right by taking advantage of this act, the court shall enter such judgment or make such order as might lawfully be entered or made, the provisions of this act to the contrary notwithstanding.

C. 38:23A-56 Certificate as prima facie evidence; presumption in the case of missing persons.

22. a. In any proceeding under this act a certificate executed by an officer of the applicable force of the Armed Forces of the United States or by an officer of the applicable force of the organized militia shall, when produced, be prima facie evidence of the facts therein certified and of the authority of the signer to issue the same.

b. When a person in military service has been reported missing, he shall be presumed to continue in such service until accounted for, and no period herein limited which begins or ends with the death of such person shall begin or end until the death of such person is in fact reported to or proved by the applicable force of the Armed Forces of the United States or of the organized militia, or until such death is proved by a court of competent jurisdiction; provided, that no period herein limited which begins or ends with

the death of such person shall be extended beyond a period of 6 months after the time when this act ceases to be in force.

C. 38:23A-57 Obligation or liability incurred prior to, or tax or assessment due prior to or during, period of military service; relief.

23. a. A person may, at any time during his period of military service or within 6 months thereafter, apply to a court for relief in respect of any obligation or liability incurred by such person prior to his period of military service or in respect of any tax or assessment whether falling due prior to or during his period of military service. The court, after appropriate notice and hearing, unless in its opinion the ability of the applicant to comply with the terms of such obligation or liability or to pay such tax or assessment has not been materially affected by reason of his military service, may grant the following relief:

In the case of an obligation payable under its terms in installments under a contract for the purchase of real estate, or secured by a mortgage or other instrument in the nature of a mortgage upon real estate, a stay of the enforcement of such obligation during the applicant's period of military service and, from the date of termination of such period of military service or from the date of application if made after such service, for a period equal to the period of the remaining life of the installment contract or other instrument plus a period of time equal to the period of military service of the applicant, or any part of such combined period, subject to payment of the balance of principal and accumulated interest due and unpaid at the date of termination of the period of military service or from the date of application, as the case may be, in equal installments during such combined period at such rate of interest on the unpaid balance as is prescribed in such contract, or other instrument evidencing the obligation, for installments paid when due, and subject to such other terms as may be just.

In the case of any other obligation, liability, tax, or assessment, a stay of the enforcement thereof during the applicant's period of military service and, from the date of termination of such period of military service or from the date of application if made after such service, for a period of time equal to the period of military service of the applicant or any part of such period, subject to payment of the balance of principal and accumulated interest due and unpaid at the date of the termination of such period of military service or the date of application as the case may be, in equal

periodic installments during such extended period at such rate of interest as may be prescribed for such obligation, liability, tax, or assessment, if paid when due, and subject to such other terms as may be just.

b. When any court has granted a stay as provided in this section, no fine or penalty shall accrue during the period the terms and conditions of such stay are complied with by reason of failure to comply with the terms or conditions of the obligation, liability, tax, or assessment in respect of which such stay was granted.

C. 38:23A-58 Partial invalidity of act.

24. If any clause, sentence, paragraph, section or part of this act or the application thereof to any person or circumstances, shall, for any reason, be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not effect, impair, or invalidate the remainder of this act, and the application thereof to other persons or circumstances, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered and to the person or circumstances involved. It is hereby declared to be the legislative intent that this act would have been adopted had such invalid provisions not been included.

C. 38:23A-59 Provisions of act controlling.

25. Insofar as the provisions of this act are inconsistent with the provisions of any other act, the provisions of this act shall be controlling.

C. 38:23A-60 Duration of act.

26. This act shall remain in force and effect until July 1, 1970; provided, that wherever in any section or provision of this act a proceeding, remedy, privilege, stay, limitation, accounting or other transaction has been authorized or provided with respect to military service performed prior to the date herein fixed for the termination of this act, such section or provision shall be deemed to continue in full force and effect so long as may be necessary for the exercise or enjoyment of such proceeding, remedy, privilege, stay, limitation, accounting or other transaction.

C. 38:23A-61 Short title.

27. This act shall be known and may be cited and referred to as the "New Jersey Soldiers' and Sailors' Civil Relief Act of 1968."

28. This act shall take effect immediately.

Approved June 21, 1968.

CHAPTER 79

AN ACT concerning senior citizen's tax deductions, amending and supplementing chapters 172 of the laws of 1963 and 255 of the laws of 1964.

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

C. 54:4-8.42a Application made to tax collector.

1. Any person seeking a senior citizen's deduction after the effective date of this act shall apply for such a deduction with the tax collector of the taxing district.

2. Section 4 of chapter 172 of the laws of 1963 is amended to read as follows:

C. 54:4-8.43 Time for filing application; action by tax collector; action by tax assessor.

4. An application for a senior citizen's deduction hereunder may be filed with the tax collector of the taxing district on or before November 1 of the pretax year. If an application is approved by the tax collector, he shall notify the assessor of such approval, who shall allow a senior citizen's deduction from the taxes assessed against the real property assessed to the claimant as described therein and shall indicate upon the assessment list and duplicates the approval thereof in such manner as shall be prescribed by rules of the Director of the Division of Taxation together with the proportionate share of such property deemed to be owned by the claimant for the purposes of this act if he is not the sole owner thereof.

Upon approval of the application for a senior citizen's tax deduction the tax collector shall note in his records the existence of a contingent liability for taxes in the amount of the senior citizen's deduction in the event the deduction is subsequently disallowed on the basis of the taxpayer's income or the transfer of title to the property to a person not entitled to such deduction, which contingent liability shall be reported on any tax search made on the property for which the exemption was approved.

3. Section 5 of chapter 255 of the laws of 1964 is amended to read as follows:

C. 54:4-8.44a Post-tax year statement; disposition of tax lien.

5. Every person who is allowed a senior citizen's deduction shall be required to file with the collector of the taxing district on or

before February 1 of the post-tax year a statement under oath of his income for the tax year. Such statement shall be on a form prescribed by the Director, Division of Taxation, in the Department of the Treasury and provided for the use of persons required to make such statement by the governing body of the municipality constituting the taxing district in which such statement is required to be filed. Each collector may require the submission of such proof as he shall deem necessary to verify any such statement. Upon the failure of any such person to file the statement within the time herein provided or to submit such proof as the collector deems necessary to verify a statement that has been filed, or if it is determined that the income of any such person exceeded $5,000.00 for said tax year, his senior citizen's tax deduction for said tax year shall be disallowed and his taxes to the extent represented by the amount of said deduction shall be payable on or before March 1 of the post-tax year after which date if unpaid, said taxes shall be delinquent, constitute a lien on the property, and, in addition, the amount of said taxes shall be a personal debt of said person.

The amount of any lien and tax liability shall be prorated by the tax collector upon the transfer of title based on the number of days during the tax year that entitlement to the senior citizen's tax deduction is established. The lien shall be considered satisfied by the tax collector upon payment of the prorated amount for that portion of the tax year for which entitlement to the senior citizen's tax is not established.

4. Section 6 of chapter 172 of the laws of 1963 is amended to read as follows:

C. 54:4-8.45 Continuance of deduction right; change in status.

6. A claim having been filed with and allowed by the tax collector shall continue in force from year to year thereafter without the necessity for further claim so long as the claimant shall be entitled to a senior citizen's deduction hereunder, but the claimant shall be required yearly to establish his anticipated income for the tax year and the tax collector may at any time require the filing of a new application or such proof as he may deem necessary to establish the right of the claimant to continuance of such deduction. It shall be the duty of every claimant to inform the tax collector of any change in his status or property which may affect his right to continuance of such deduction.

5. This act shall take effect January 1, 1969.

Approved June 21, 1968.

CHAPTER 80

AN ACT to amend "An act concerning the practice of professional engineering and land surveying (Revision of 1938), and repealing chapter 8, Title 45, of the Revised Statutes," approved June 14, 1938 (P. L. 1938, c. 342).

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. 45:8-30 Designation of board; members' qualifications, removal, compensation, expenses.

4. Said board, when so appointed, shall be designated and known as the "State Board of Professional Engineers and Land Surveyors."

All persons appointed to the said board shall be citizens of the United States and residents of the State of New Jersey. Appointees shall have been licensed as professional engineers in New Jersey for a period of at least 5 years, and at least one member shall also be a licensed land surveyor.

The Governor may remove any member of the board after hearing, for misconduct, incompetency, neglect of duty or for any other sufficient cause.

Each member of the board shall receive $50.00 for each day of actual service in attending meetings of the board at which business is transacted, and not to exceed $1,000.00 a year for each member and, in addition, shall be reimbursed for all necessary expenses, incidental to their duties as members of said board, incurred in carrying out the provisions of this chapter.

2. This act shall take effect immediately.

Approved June 21, 1968.

CHAPTER 81

AN ACT concerning highways and amending section 27:7–44.1 of the Revised Statutes.

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

1. Section 27:7–44.1 of the Revised Statutes is amended to read as follows:

Consents, grants, franchises, leases affecting highways; commissioner's approval; municipal consent; removal of encroachments; penalty.

27:7–44.1. No consent, grant or franchise affecting any portion of a State highway, or of any road included in the State highway system, shall be given for the construction of a railroad or street railway thereon except upon approval of and under conditions acceptable to the commissioner; nor shall any person enter upon or construct any works in or upon any State highway, except under such conditions and regulations as the commissioner may prescribe; provided, however, the commissioner may lease land or property under any viaduct or bridge, and the approaches thereto, said property having been acquired for right-of-way purposes, to any municipal corporation or any public board or commission, for public use only, subject to such conditions and regulations as the commissioner shall prescribe and subject further to the consent of the municipality in which the leased land is located. Whenever any encroachment may exist without warrant of law in any road when taken over as a State highway, the commissioner shall notify the Attorney General, who shall proceed to cause the same to be removed as by law provided.

Any person guilty of any violation of this section shall be liable to a fine not exceeding $100.00 for each day's violation, and the costs of prosecution, to be recovered by a civil action in the name of the State before any court of competent jurisdiction, by the commissioner. Said fines shall be paid into the State Treasury to the credit of the funds available for construction, maintenance and repair of roads.

Any such violation may be removed from any State highway as a trespass by a civil action brought by the commissioner in the Superior Court. The court may proceed in the action in a summary manner or otherwise.

2. This act shall take effect immediately.

Approved June 21, 1968.

CHAPTER 82

AN ACT concerning and amending section 18A:71–8 of the New Jersey Statutes.

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

1. Section 18A:71–8 of the New Jersey Statutes is amended to read as follows:

Amount of scholarship; payment.

18A:71–8. Each State competitive scholarship shall entitle the recipient thereof to an amount not to exceed $500.00 per year, or the amount charged him for tuition for a regular academic year, plus the amount of tuition, if any, charged him for attendance at a summer session, by the institution where the scholarship is used, whichever is the smaller amount. The particular institution a student elects to attend and the particular charges made by that institution shall not be factors used in determining financial need nor, except as otherwise provided in this section, the amount of the stipend. Payments under this chapter shall be made by the State Treasurer on the order of the chairman of the State Scholarship Commission in accordance with rules regulating the same adopted by the commission.

2. This act shall take effect immediately.

Approved June 21, 1968.

CHAPTER 83

AN ACT concerning loan sharking and supplementing chapter 105 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:105-5 Injuring or threatening to kidnap, steal from, kill or injure to obtain loan payment; penalty.

1. Any person who, with intent to obtain the payment or repayment of the principal of any loan or any part thereof or interest

on said loan or any part thereof from any other person, injures or causes to be injured such person or any other person, or threatens to kidnap or steal or forcibly take away such person or any other person, or threatens to kill or to do bodily injury to such person or any other person, unless such principal or interest or any part thereof be paid or other thing of value be delivered, is guilty of a high misdemeanor and shall be punished by imprisonment for not more than 30 years or by a fine of not more than $100,000.00, or both.

2. This act shall take effect immediately.

Approved June 21, 1968.

CHAPTER 84

AN ACT concerning the nomination and appointment of members of county boards of election and amending section 19:6–18 of the Revised Statutes.

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

1. Section 19:6–18 of the Revised Statutes is amended to read as follows:

County election boards; nomination, appointment, term.

19:6–18. During the 30-day period immediately preceding February 15 in each year, the chairman and vice-chairlady of each county committee and the State committeeman and State committeewoman of each of such 2 political parties, respectively shall meet and jointly, in writing, nominate one person residing in the county of such county committee chairman, duly qualified, for member of the county board in and for such county. If nomination be so made, the said county committee chairman shall certify the nomination so made to the State chairman and to the Governor, and the Governor shall commission such appointees, who shall be members of opposite parties, on or before March 1. If nomination be not so made on account of a tie vote in the said meeting of the county committee chairman, county committee vice-chairlady, State committeeman and State committeewoman, in respect to such nomination, the said county committee chairman shall certify the fact

of such a tie vote to the State chairman, who shall have the deciding vote and who shall certify, in writing, to the Governor, the nomination made by his deciding vote. Appointees to county boards of election pursuant to this section shall continue in office for 2 years from March 1 next after their appointment.

The first appointment having been made pursuant to law for terms of 1 and 2 years, respectively, the members subsequently appointed each year shall fill the offices of the appointees whose terms expire in that year.

2. This act shall take effect immediately.

Approved June 21, 1968.

CHAPTER 85

AN ACT concerning the inspection of public and private facilities for correctional inmates, the mentally ill and retarded, aged, ill and infirm persons and children, and amending section 30:1–15 of the Revised Statutes.

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

1. Section 30:1–15 of the Revised Statutes is amended to read as follows:

Inspection of county, municipal and private institutions; report.

30:1–15. The State board shall have power of visitation and inspection of all county and city jails or places of detention, county or city workhouses, county penitentiaries, county mental and tuberculosis hospitals, poor farms, almshouses, county and municipal schools of detention, and privately maintained institutions and noninstitutional agencies for the care and treatment of the mentally ill, the blind, the deaf, the mentally retarded, or other institutions, and noninstitutional agencies conducted for the benefit of the physically and mentally defective, or the furnishing of board, lodging or care for children. Any member of the State board or committee thereof, or the commissioner or his duly authorized agent, shall be admitted to any and all parts of any such institutions at any time, for the purpose of inspecting and observing the physical condition thereof, the methods of management and operation

thereof, the physical condition of the inmates, the care, treatment and discipline thereof, and also to determine whether such persons so admitted or committed are properly and adequately boarded, lodged, treated, cared for and maintained. The State board may make such report with reference to the result of such observation and inspection and recommendation with reference thereto, as it may determine.

2. This bill shall take effect immediately.

Approved June 21, 1968.

CHAPTER 86

AN ACT to amend the "Banking Act 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:*

1. Section 184 of the Banking Act of 1948 (C. 17:9A–184) is amended to read as follows:

C. 17:9A-184 Deposits; maximum and minimum amounts.

184. A. Subject to paragraph C of this section, a savings bank may receive on deposit any sum of money which may be offered for that purpose.

B. A savings bank may (1) subject to paragraph C of this section, limit to any sum it deems expedient, the aggregate amount which any one depositor may deposit, and (2) fix the minimum amount of any deposit which it will receive at not over $10.00. and (3) refuse to receive a deposit, and (4) return all or any part of any deposit at any time.

C. A savings bank may not receive a deposit to the credit of a depositor, if the aggregate of the balances in all accounts of such depositor exceeds, or as a result of receiving such deposit would exceed, the greater of (1) $10,000.00, or (2) 1% of the deposits of the savings bank as shown by its latest annual report; provided, that in no case shall a savings bank receive a deposit if such aggregate exceeds, or as a result of receiving such deposit would exceed $75,000.00, unless the deposit is made:

(a) Pursuant to the order or direction of any court of record or officer of any such court,

(b) To the credit of any governmental, State, county, municipal or other public authority, body, board, officer or agent,

(c) To the credit of any religious, charitable, cemetery, educational, benevolent or other corporation, association, organization or society established or existing for any lawful purpose other than for pecuniary profit, or

(d) To the credit of any unincorporated or incorporated labor union, welfare, strike, benefit or insurance fund, any foundation created by will or otherwise, or any profit sharing, welfare or pension fund or employee thrift fund created jointly or individually by any person, firm or corporation.

2. This act shall take effect immediately.

Approved June 21, 1968.

CHAPTER 87

AN ACT concerning elections, relating to nomination of candidates for electors for President and Vice-President of the United States and amending sections 19:13–15, 19:13–17 and 19:13–21 of the Revised Statutes.

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

1. Section 19:13–15 of the Revised Statutes is amended to read as follows:

Presidential and vice-presidential electors; certificate of nomination; committee on vacancies; acceptance; oath of allegiance; objections to certificate of nomination.

19:13–15. In presidential years the State committee of a political party shall meet at the call of its chairman, within 1 week following the closing of the party's national convention, for the purpose of nominating candidates for electors of President and Vice-President of the United States and shall certify such nomination in a written or printed or partly written and partly printed certificate of nomination.

The certificate of nomination shall contain the name of each person nominated, his residence and post-office address, the office

for which he is named, and shall also contain in not more than 3 words the designation of the party the nominating body represents. The names of the candidates for President and Vice-President for whom such electors are to vote may be included in the certificate. The State committee may also appoint a committee to whom shall be delegated the power to fill vacancies, howsoever caused, and the names and addresses of such committee shall be included in the certificate.

The certificate shall be signed by the State chairman who shall make oath before an officer authorized to administer the same that he is the State chairman of the political party and that the certificate and statements therein contained are true to the best of his knowledge and belief. A certificate that such oath has been taken shall be made and signed by the officer administering the same and indorsed upon or attached to the certificate of nomination. Inclosed upon or attached to the certificate shall be statements in writing that the persons named therein accept such nominations and the oath of allegiance prescribed in section 41:1–1 of the Revised Statutes duly taken and subscribed by each or all of them before an officer or officers authorized to take oaths in this State.

The certificate of nomination and the acceptance thereof shall be filed with the Secretary of State not later than 1 week after the nomination of such electors of President and Vice-President of the United States.

The procedure for all objections to the certificates of nomination, the determination of the validity of such objections, the correction of defective certificates, and the presentation of such certificates and any documents attached thereto, shall be the same as herein provided for direct petitions of nominations.

2. Section 19:13–17 of the Revised Statutes is amended to read as follows:

Declination notice to signers of petition or committee on vacancies.

19:13–17. The officer to whom the notification of declination is given shall forthwith, by mail or otherwise, inform at least 5 of the persons who signed the original petition that such nomination has been declined; except that in the case of the nomination of electors of President and Vice-President of the United States by the State committee of a political party he shall inform the committee appointed by the State committee to fill vacancies, or if there be no such committee, the chairman of the State committee.

3. Section 19:13–21 of the Revised Statutes is amended to read as follows:

Filling vacancies; certificate; oath of allegiance.

19:13–21. If the nomination vacated is that of a candidate for elector of the President and Vice-President of the United States, the vacancy shall be filled by the committee to whom power shall have been delegated to fill vacancies if such there be, otherwise by the State committee of the political party which nominated the elector whose nomination is vacated. The chairman and secretary of the vacancy committee or State committee shall file with the Secretary of State not later than 34 days prior to the general election a certificate of nomination for filling the vacancy. This certificate shall be made and filed in the same manner and form as heretofore provided for filling vacancies among candidates nominated at the primary and there shall be annexed thereto the oath of allegiance prescribed in section 41:1–1 of the Revised Statutes duly taken and subscribed by the person so nominated before an officer authorized to take oaths in this State.

4. This act shall take effect immediately.

Approved June 21, 1968.

CHAPTER 88

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:*

1. The following sum is hereby appropriated out of the General Treasury, for the purpose specified:

DEPARTMENT OF LAW AND PUBLIC SAFETY

130-100. DIVISION OF ALCOHOLIC BEVERAGE CONTROL

Salaries:

For the cost of salary adjustments, including 3 salary increments, required to provide an increase, effective January 1, 1968, of 3 range grades applicable to the titles of investigator,

inspector and administrative inspector; provided, however, that such adjustments shall not affect the existing salary increment anniversary dates of such personnel $48,534 00

2. This act shall take effect immediately.

Approved June 21, 1968.

CHAPTER 89

AN ACT concerning education, authorizing the establishment of certain workshop programs of instruction on the problems of drug abuse by young people, supplementing Title 18A of the New Jersey Statutes and making an appropriation therefor.

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

C. 18A:4-28.1 Appropriate information needed for effective handling of narcotics problem.

1. The Legislature finds that teachers have heretofore been exposed to piecemeal information about the use of narcotics and other dangerous drugs. The information contained in the mass media communication involving the abuse of drugs by young people is often inaccurate and bizarre, creating many misconceptions about drugs and their effects. Teachers are searching for information which is appropriate for student consumption and effective instructional technique. For a more rational handling of the problem of narcotics and in order to secure a mood of increased calm and objectivity throughout the school system an effective presentation of the problem is needed.

C. 18A:4-28.2 Workshop programs.

2. The Commissioner of Education is hereby authorized and directed to establish workshop programs for selected junior high school teachers. The workshops shall be under the direction of the office of Health, Safety and Physical Education in the Department of Education and shall be designed to provide teachers with a sober, factual and official presentation of the problems of drug abuse involving young people. The presentation shall include: basic content on the history, pharmacology, physiology and psycho-social aspects of drugs generally abused by young people; treatment and

rehabilitation problems; the legal aspects of drugs; and the extent of drug abuse in New Jersey and the nation. The workshops shall be held in different areas throughout the State at times and places selected by the commissioner and teachers selected by him from public and private schools at the junior high level or its equivalent shall attend.

C. 18A:4-28.3 Implementation of act.

3. The Commissioner of Education shall establish procedures, employ professional and other personnel and take all other necessary steps to insure the implementation of the provisions of this act.

4. There is hereby appropriated to the State Department of Education the sum of $50,000.00 for the establishment of teachers' workshops on drug abuse and the implementation of suitable programs in the schools.

5. This act shall take effect immediately.

Approved June 21, 1968.

CHAPTER 90

AN ACT concerning motor vehicles used by itinerant vendors, 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:*

C. 39:3-64.1 Definition.

1. "Itinerant vendors' vehicle" as used in this act means a motor vehicle used in the operation of the business of an itinerant vendor to carry the goods, wares or other merchandise offered for sale to the general public and from which sales are made to customers invited to the vehicle and solicited for such purpose through the ringing of a bell or the use of any other device or means designed to attract attention to the vehicle.

C. 39:3-64.2 Vehicular traffic hazard warning signal.

2. Every itinerant vendor's vehicle shall be equipped with a signaling system that in addition to signaling turning movements as provided for in section 39:4–126 of the Revised Statutes shall have a switching arrangement that will cause the 2 front turn signals and the 2 rear turn signals on the vehicle to flash simultaneously as a vehicular traffic hazard warning signal. The system

shall be capable of flashing simultaneously with the engine operating or stopped.

C. 39:3-64.3 Use of signal when vehicle stopped or parked.

3. At all times during the daylight or at night, whenever the driver of an itinerant vendor's vehicle shall stop or park the vehicle on any roadway or the shoulder thereof for the purpose of transacting business, he shall immediately flash the 2 front and 2 rear turn signals of the vehicle simultaneously as a vehicular traffic hazard warning signal and continue such flashing so long as the vehicle remains stopped or parked for such purpose.

C. 39:3-64.4 Adoption of rules and regulations.

4. The director shall adopt such rules and regulations as shall be necessary to effectuate the provisions of this act.

5. This act shall take effect immediately but shall remain inoperative for 30 days thereafter.

Approved June 21, 1968.

CHAPTER 91

AN ACT authorizing counties and municipalities to establish, maintain and appropriate funds for awards programs for their employees.

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

C. 40:11-27 Employee awards program.

1. The board of chosen freeholders of any county or the governing body of any municipality may, by resolution, establish an awards program or programs for county or municipal officers and employees, as the case may be, designed to promote efficiency and economy in governmental functions of the county or municipality and to reward individual officers and employees for heroism, efficiency, meritorious suggestions, professional accomplishments, performance of duty and for service. The board or governing body shall by such resolution provide for the administration of its awards program or programs by an officer or officers named therein and may provide for such advisory committee or committees to assist in the formulation and administration of such programs as it shall determine.

Awards, within available appropriations therefor, may be in the form of cash, medals, certificates, insignia, or other appropriate devices or tokens of appreciation as shall be provided for under an established awards program.

C. 40:11-28 Funds for program.

2. The board of chosen freeholders or governing body may appropriate funds necessary to carry out any program or programs established pursuant to this act.

3. This act shall take effect immediately.

Approved June 21, 1968.

CHAPTER 92

AN ACT concerning recreational programs for senior citizens and supplementing "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), and making an appropriation therefor.

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

C. 52:27D-29.1 Short title.

1. This act shall be known as the "Senior Citizens Recreational Opportunities Act of 1968."

C. 52:27D-29.2 Declaration of policy.

2. It is hereby declared to be public policy of the State of New Jersey to encourage and support, as hereinafter provided, the promotion, planning, development, implementation and maintenance of adequate recreational programs, on the local level, for those people of the State of New Jersey who are 60 years of age or older.

C. 52:27D-29.3 Definitions.

3. For the purposes of this act:

(a) "Local governmental unit" shall mean and include any county or municipality.

(b) "Director" shall mean the Director of the Division on Aging in the Department of Community Affairs.

(c) "Commissioner" shall mean the Commissioner of the Department of Community Affairs.

C. 52:27D-29.4 Development of program by director.

4. The director shall, after consultation with experts in the area of recreation, develop a comprehensive program for the furnishing of recreation for adults 60 years of age and over, and shall promulgate reasonable rules and regulations for the administration of this program.

The director may establish, at his discretion, a requirement specifying the kind and number of professional recreation counsellors he deems necessary for the proper supervision of recreation programs for the elderly in the local governmental units.

C. 52:27D-29.5 Local governmental unit participation in program.

5. Any local governmental unit is hereby authorized to furnish and foster recreational activities for the elderly as set forth in the comprehensive program developed by the director, or to contract therefor with private, nonprofit agencies to provide such services, and to receive and expend moneys from the State, the Federal Government or private individuals, corporations or associations therefor. The furnishing of such recreation is hereby declared to be a proper public purpose for which the moneys of such county or municipality may be raised and expended.

C. 52:27D-29.6 Local governmental unit application; approval by governing body; recommendation of director; State aid.

6. Any local governmental unit desiring to establish a recreation project for the elderly may apply to the director for approval of the project. The application shall be in accordance with the regulations of the director, shall be in writing, and shall specify the nature of the project in such detail as may be required by the director.

No application for approval of plans for a recreation project for the elderly shall be considered which has not been first approved by the governing body of the local governmental unit making application.

The director may recommend to the commissioner the approval or disapproval of the proposed project, or may recommend to the applicant such modifications as may be desirable, and if his modifications are consented to by the applicant, recommend the approval of the same with such modifications to the commissioner.

The approval of any proposed project by the commissioner shall authorize the local governmental unit to receive State aid for such project, as hereinafter set forth; provided, however, any such approval may subsequently be withdrawn or changes may be required with respect to any such previously approved project.

C. 52:27D-29.7 Apportionment and payment of State aid; limitations.

7. Upon recommendation of the director and approval by the commissioner, there shall be apportioned and paid to each local governmental unit operating and maintaining a program approved under the provisions of this act a sum not to exceed 50% of the amount expended by the local governmental unit for such approved program in the preceding fiscal year; provided, however, that the annual amount of State aid payable to any local governmental unit shall not exceed the sum of $1.00 for each 4 persons 60 years of age or older residing in the local governmental unit as shown in the last preceding Federal census. Payments will be made by the State Treasurer upon certificate of the commissioner and warrant of the Director of the Division of Budget and Accounting.

C. 52:27D-29.8 Withholding State aid.

8. The commissioner may authorize or require the State Treasurer to withhold the payment of State aid to any local governmental unit in the event that it alters or discontinues an approved recreation program, or fails to make modifications thereof as required under the provisions of this act, or otherwise fails to comply with the rules and regulations promulgated under this act.

C. 52:27D-29.9 Acceptance of gifts or grants.

9. The commissioner may accept, as agent of the State of New Jersey, any gift or grant for any of the purposes of this act, and any moneys so received may be expended for any purpose authorized by this act.

10. There is hereby appropriated to the Department of Community Affairs for the use of the Division on Aging for the purposes of this act during the fiscal year commencing July 1, 1968, the sum of $10,000.00.

11. This act shall take effect immediately.

Approved June 21, 1968.

CHAPTER 93

AN ACT concerning the establishment of a small grant program to enable preschool, elementary and secondary teachers to design and implement innovative educational concepts and methods, and supplementing Title 18A of the New Jersey Statutes.

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

C. 18A:6-33.1 Grant program authorized.

1. That the Commissioner of Education and the State Board of Education shall have the authority and responsibility under the provisions of this act to establish a grant program which would make funds available to preschool, elementary and secondary teachers interested in designing and implementing innovative educational ideas and techniques.

C. 18A:6-33.2 Aims of act.

2. The aim and purpose of this act is to give State encouragement, support and incentive to creative and innovative classroom teachers in order to better meet the educational needs of the students in this State. The aim of this act is also to attract and hold high-quality and qualified teaching personnel to the profession in New Jersey by demonstrating the State's recognition of the importance of rewarding individual initiative and creativity.

C. 18A:6-33.3 Certification by local boards of education.

3. It is recommended that local boards of education certify proposals for grant funds emanating from teachers within their educational jurisdiction.

C. 18A:6-33.4 Advisory committee's recommendations.

4. An advisory committee consisting of teachers, administrators, professional educators, and State Department of Education personnel shall be established to review grant applications and make recommendations to the Commissioner of Education and the State Board of Education.

C. 18A:6-33.5 Promulgation of rules and regulations.

5. The Commissioner of Education shall, with the approval of the State Board of Education, promulgate rules and regulations, establish procedures, and take all other steps necessary to insure the effective implementation of the provisions of this act.

C. 18A:6-33.6 Maximum amount of individual grant.

6. No individual grant under the terms of this act shall exceed $1,000.00.

7. The Senate and General Assembly of the State of New Jersey hereby appropriates a sum of $100,000.00 to the State Department of Education to be utilized in the implementation of this act for the school year 1968-69.

8. This act shall take effect immediately.

Approved June 21, 1968.

CHAPTER 94

AN ACT concerning the removal or destruction of ragweed and amending chapter 71 of the laws of 1943, approved April 6, 1943.

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. 40:48-2.13 Ordinances requiring removal or destruction of brush, weeds, debris, etc.

1. The governing body of every municipality shall have power to make, enforce, amend and repeal ordinances requiring the owner or tenant of lands lying within the limits of such municipality, where it shall be necessary and expedient for the preservation of the public health, safety, general welfare or to eliminate a fire hazard, to remove from such lands or destroy brush, weeds, including ragweed, dead and dying trees, stumps, roots, obnoxious growths, filth, garbage, trash and debris within 10 days after notice to remove or destroy the same, and to provide for the removal or destruction of the same by or under the direction of some officer of the municipality in cases where the owner or tenant shall have refused or neglected to remove or destroy same in the manner and within the time provided above, and to provide for the imposition of penalties for the violation of any such ordinance.

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

C. 40:48-2.14 Cost of destruction or removal of brush, weeds, debris, etc.; lien.

2. In all cases where brush, weeds, including ragweed, dead and dying trees, stumps, roots, obnoxious growth, filth, garbage, trash and debris are destroyed or removed from any lands under any such ordinance by or under the direction of an officer of the municipality, such officer shall certify the cost thereof to the governing body, which shall examine the certificate, and if found correct shall cause the cost as shown thereon to be charged against said lands; the amount so charged shall forthwith become a lien upon such lands and shall be added to and become and form part of the taxes next to be assessed and levied upon such lands, the same to bear interest at the same rate as taxes, and shall be collected and enforced by the same officers and in the same manner as taxes.

3. This act shall take effect immediately.

Approved June 21, 1968.

CHAPTER 95

AN ACT concerning the higher education assistance authority law, and amending section 18A:72–10 of the New Jersey Statutes.

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

1. Section 18A:72–10 of the New Jersey Statutes is amended to read as follows:

Authority's powers.

18A:72–10. The authority shall have the following powers:

(1) To assist in the placing of loans to persons, who are residents of this State, and who are attending and are in good standing in, or who plan to attend, any qualified institution of collegiate grade, located in this State or elsewhere, which is approved by any regional accrediting association recognized by the national commission on accrediting, or approved by the board of higher education or any qualified post-secondary nondegree institution of higher education, located in this State or elsewhere, in order to assist them in meeting their expenses of higher education, and to guarantee such loans upon such terms and conditions as the authority may prescribe, but no loan or loans shall be placed or guaranteed by the authority

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for any such person to an amount in excess of $1,500.00 for any school year, nor to a total amount in excess of $7,500.00.

For the purposes of this section, a qualified institution of collegiate grade shall be deemed to include a school of professional nursing accredited or approved by the New Jersey Board of Nursing, and a qualified post-secondary nondegree institution of higher education located outside the State shall mean and include any such institution offering courses in one or more of the fields enumerated, and meet the admission standards set forth, in N.J.S. 18A:72–2.

(2) To adopt rules not inconsistent with law governing the application for and the guarantee of loans made by the authority and governing any other matters related to its activities.

(3) To perform any other acts which may be deemed necessary or appropriate to carry out the objects and purposes of this chapter.

2. This act shall take effect immediately.

Approved June 21, 1968.

CHAPTER 96

AN ACT exempting members of the State Legislature from jury service, and amending section 2A:69–2 of the New Jersey Statutes.

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

1. Section 2A:69–2 of the New Jersey Statutes is amended to read as follows:

Exemptions from jury service.

2A:69–2. The following persons shall be exempt from service on any panel of grand or petit jurors:

a. Members or employees of police forces, State or local.

b. Members of any fire department or fire patrol, volunteer or paid.

c. Persons appointed as fish and game wardens or protectors.

d. Regularly licensed and practicing physicians and dentists in this State.

e. Members of State or Federal military, naval or air forces.

f. School teachers while their schools are in session.

g. Any person who has the actual physical care and custody of a minor child and who gives written notice to the jury commissioners of the county of his residence that jury service would interfere with the care required for such child.

h. All officers and persons regularly employed by any agency under the authority of the State Board of Control of the Department of Institutions and Agencies, or regularly employed by hospitals.

i. Telegraph and telephone operators and linemen and those directly engaged in the business of receiving and transmitting messages by telegraph or calls by telephone.

j. Any person who is the holder of an exempt firemen's certificate issued pursuant to sections 40:47–52 to 40:47–59 of the Revised Statutes or any other law.

k. Members of the State Legislature.

2. This act shall take effect immediately.

Approved June 21, 1968.

CHAPTER 97

AN ACT concerning motor vehicles and amending section 39:3–69 of the Revised Statutes.

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

1. Section 39:3–69 of the Revised Statutes is amended to read as follows:

Horns and audible warning devices.

39:3–69. Every motor vehicle except a motor-drawn vehicle when operated upon a highway shall be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than 200 feet, but no horn or other warning device shall emit an unreasonably loud or harsh sound or a whistle. The driver of a motor vehicle shall, when reasonably necessary to insure safe operation, give audible warning with his horn but shall not otherwise use such horn when upon a highway.

No vehicle shall be equipped with nor shall any person use upon a vehicle any siren, whistle or bell except as otherwise permitted

in this section. It is permissible but not required that any vehicle be equipped with a theft alarm signal device which is so arranged that it cannot be used by the driver as an ordinary warning signal. Any emergency vehicle authorized by the commissioner may be equipped with a siren, whistle, or bell capable of emitting sound audible under normal conditions from a distance of not less than 500 feet and of a type approved by the commissioner, but such siren, whistle or bell shall not be used except when such vehicle is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law, in which said latter events the driver of such vehicle shall sound said siren, whistle or bell when necessary to warn pedestrians and other drivers of the approach thereof.

No person shall install or use on the exhaust system of any motor vehicle any device which emits an audible sound unless authorized to do so by the commissioner.

No bicycle shall be equipped with nor shall any person use upon a bicycle any siren or whistle.

The commissioner is hereby authorized in his discretion to promulgate standards concerning the audibility of audible warning devices.

2. This act shall take effect immediately.

Approved June 21, 1968.

CHAPTER 98

AN ACT to amend "An act concerning legal investments," approved June 19, 1947 (P. L. 1947, c. 308).

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. 17:2-9.3 International Bank for Reconstruction and Development, Inter-American Development Bank or Asian Development Bank obligations.

1. The following may, in addition to other investments allowed by law, properly and legally invest any funds, including capital, belonging to them or within their control in obligations issued or

guaranteed by the International Bank for Reconstruction and Development, or by the Inter-American Development Bank or the Asian Development Bank; that is to say:

(a) Insurance companies, insurance associations, and all other persons carrying on an insurance business.

(b) Executors, administrators, guardians, committees, conservators, liquidators, rehabilitators, receivers, trustees, and all other persons occupying similar fiduciary positions.

(c) Banks, trust companies, bankers and savings banks.

(d) Savings and loan, and building and loan associations, investment companies, and other financial institutions.

(e) Credit unions, cemetery associations, mutual benevolent and benefit associations.

(f) Firemen's, police, and teachers' association pension and relief funds.

(g) Other pension, retirement, compensation, and sinking fund systems.

(h) The State and its counties, and municipalities and their subdivisions and agencies.

(i) All public officers, officials, boards, commissions, bodies and agencies of the State and its counties, and municipalities and their subdivisions and agencies.

(j) Any other individual, firm, group, corporation, association, institution, and fund of any nature whatsoever.

2. This act shall take effect immediately.

Approved June 21, 1968.

CHAPTER 99

AN ACT concerning life insurance company investments and amending section 1 of chapter 201 of the laws of 1967.

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

1. Section 1 of P. L. 1967, chapter 201 (C. 17:24–17) is amended to read as follows:

C. 17:24-17 Life insurance companies; investment of capital, surplus and other funds.

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 teritory 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 ⅔ 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 ⅔ 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 ⁹⁄₁₀ 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, or by the Asian 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.

2. This act shall take effect immediately.

Approved June 21, 1968.

CHAPTER 100

AN ACT concerning explosives and amending section 2A:151–59 of the New Jersey Statutes.

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

1. Section 2A:151–59 of the New Jersey Statutes is amended to read as follows:

Possession of bombs or similar devices with intent to use unlawfully; evidence of intent; exceptions.

2A:151–59. Any person who has in his possession or control any shell, bomb or similar device charged or filled with one or more explosives or any bomb or device commonly known as a fire bomb, "molotov cocktail," or any container charged or filled with an explosive, combustible or incendiary substance, with intent to use the same or cause the same to be used for an unlawful purpose, is guilty of a high misdemeanor, and shall be punished by imprisonment in the State Prison for not more than 25 years.

"Molotov cocktail" as used in this amendment means a breakable container containing flammable liquid and having a wick or

similar device capable of being ignited, but is not intended to mean a device commercially manufactured primarily for the purpose of illumination, or other such uses.

The possession, sale or control by a person or persons of any such device or container so charged or filled, is prima facie evidence of an intent to use the same or to cause the same to be used for an unlawful purpose.

This section does not apply to the regular Armed Forces of the United States or its Allies, or to the duly authorized militia of any State or territory thereof, or to the police or fire departments of this State or any municipality or county thereof, provided they are acting in their official capacity and in the performance of their duties; nor does this section apply to explosives or combustibles or incendiary substances while the same are being transported in conformity with the regulations adopted by the interstate commerce commission.

2. This act shall take effect immediately.

Approved June 21, 1968.

CHAPTER 101

AN ACT concerning the Higher Education Assistance Authority and amending sections 18A:72–13 and 18A:72–17 of the New Jersey Statutes.

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

1. Section 18A:72–13 of the New Jersey Statutes is amended to read as follows:

Loan evidenced by note; interest rate, method of payment, security.

18A:72–13. Each loan made under this chapter shall:

(1) Be evidenced by a note or other obligation approved by the authority,

(2) Bear interest at a rate not exceeding 6% per annum upon unpaid balances, or such greater or lesser rate upon unpaid balances as may be authorized under a State or nonprofit institution or organization insured student loan program meeting criteria prescribed by the United States Commissioner of Education pursuant to law,

(3) Be payable in such manner or in such installments as shall be prescribed by the rules of the authority, and

(4) Be secured only by the personal liability of the maker, and not by any endorsers, comaker's collateral, or other security, except such as may be permitted by the rules of the authority.

2. Section 18A:72–17 of the New Jersey Statutes is amended to read as follows:

Reserve fund; minimum amount.

18A:72–17. The sum total of all reserve funds set aside by the authority in accordance with the provisions of this chapter, together with such amount as the authority may set aside, out of the fund, to meet the payment by the authority of approved notes submitted to it for purchase in accordance with the provisions of this chapter, shall in no event be less than $6,000,000.00 minus the unpaid balance of notes purchased during the preceding 12 months or the encumbered reserves required to be maintained on all approved loans from time to time outstanding that were approved prior to the effective date of this act, whichever is greater.

The authority shall annually, on or before September 15, ascertain and determine, (a) an amount necessary to increase the estimated net balance of the fund as of June 30 of the next ensuing fiscal year to $6,000,000.00 and (b) an amount necessary to meet the estimated disbursements to be made by the authority during the next ensuing fiscal year less the estimated revenue of the authority during the next ensuing fiscal year. The chancellor on recommendation of the authority shall certify to the Governor the amount so determined, in the form prescribed by P. L. 1944, chapter 112, and the greater of the 2 amounts shall be appropriated and paid to the reserve fund.

3. This act shall take effect immediately.

Approved June 21, 1968.

CHAPTER 102

AN ACT concerning certain employees of villages, relating to their appointment, civil service status and pension rights.

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

1. Whenever any village operating under the provisions of subtitle 3 of Title 11 of the Revised Statutes, Civil Service, shall have contracted to acquire and operate a community center owned and operated by a nonprofit corporation and the agreement between the corporation and the village provides for a continuity in operations of the community center by the village, all positions and employments held regularly on an annual basis with the community center shall be allocated under appropriate titles, by the Civil Service Commission, in the classified service. The director of the community center in the employ of the corporation on the effective date of the agreement and the other employees of the community center regularly employed on a year round basis so employed on January 1, 1968 and remaining in such employment on the effective date of the agreement shall be recorded, without examination, as having been permanently appointed thereto as of the dates of their respective original appointments by the community center corporation, under said titles, and thereafter shall be under and subject to all the provisions of Title 11, Civil Service, relating to the classified service.

2. Upon becoming a village employee and a member of the Public Employees' Retirement System any former employee of the community center shall be entitled to purchase prior service credit for the years of employment with the community center upon payment by him and by the village, in a lump sum or by installment payments, of the amount calculated in accordance with rules and regulations of the board of trustees of the retirement system to cover the required contributions for acquisition of such prior service credit.

3. This act shall take effect immediately.

Approved June 21, 1968.

CHAPTER 103

AN ACT concerning the New Jersey College of Medicine and Dentistry and supplementing chapter 64C of Title 18A of the New Jersey Statutes.

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

C. 18A:64C-21 Sale of public hospital to college.

1. The governing body of any municipality in which a site has been selected for the college under this chapter and wherein a public hospital is located under the control of said governing body pursuant to chapter 9 of Title 30 of the Revised Statutes or any other law, is hereby empowered to enter into an agreement subject to the approval of the State House Commission, or declaration of intention, with the board of trustees of the college for the sale of such hospital to the college and such sale may be made without compliance with the laws relating to the sale of public property.

C. 18A:64C-22 Former municipal employees' retirement anticipation.

2. The acquisition of the hospital by the college shall not alter the retirement anticipation of any former municipal employee of the hospital.

a. Upon the effective date of the acquisition of the hospital by the college, the former municipal employees of the hospital who continue as employees of the college and who are members of a municipal retirement system established pursuant to P. L. 1954, c. 218, as amended and supplemented (C. 43:13–22.3 et seq.), shall continue their membership in such retirement system. Following the year of such acquisition, the college shall pay annually to such retirement system on behalf of such members the amount of the employer's contribution as would have been required of the municipality under the terms of said P. L. 1954, c. 218.

b. Upon the effective date of the acquisition of the hospital by the college, the former permanent municipal employees of the hospital who are not members of such municipal employees' retirement system and who anticipated the receipt of a pension from the municipality under the provisions of chapter 4 of Title 43 of the Revised Statutes or the "General Noncontributory Pension Act" P. L. 1955, c. 263 (C. 43:8B–1 et seq.) shall continue their eligibility for such pension to be paid by the municipality. When any such pension shall be paid by the municipality on the basis of service rendered with the municipality and subsequently with the college, the college shall annually pay to the city on account of such pension an amount which shall be in the same proportion as the employee's years of service with the college bear to his total service upon which the pension has been calculated.

C. 18A:64C-23 Inclusion of pension obligations in budget.

3. The comptroller of the college shall include such employer pension obligations in his budget request for inclusion in the annual appropriation paid by the State to the college. Payment of such

moneys shall be made to the city upon audit and warrant of the comptroller of the college.

C. 18A:64C-24 Payment of certain benefits prohibited.

4. No retirement, death, or other benefits shall be payable by the State or the college to such former municipal employees.

C. 18A:64C-25 Civil Service status of certain employees continued.

5. Upon the effective date of the acquisition of the hospital by the college, all permanent municipal employees of the hospital in the classified Civil Service, except physicians and dentists, shall continue as employees of the college and in accordance with the provisions of Title 11 of the Revised Statutes, Civil Service, shall not suffer loss of position or be removed, suspended or demoted except for cause.

6. This act shall take effect immediately.

Approved June 21, 1968.

CHAPTER 104

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 levied 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, 1966 or 1967, 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.

The director shall, on or before June 15, 1968, certify to the State Treasurer any changes or adjustments in the certification filed on or before February 15, 1968.

2. This act shall take effect immediately.

Passed June 13, 1968.

CHAPTER 105

AN ACT to provide for New Jersey meat and poultry inspection, to regulate the disposition of dead animals, and repealing certain statutes.

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

C. 24:16B-1 Short title.

1. Short title. This act may be cited as the "New Jersey Meat and Poultry Inspection Act."

C. 24:16B-2 Policy declaration.

2. Declaration of policy. It is essential to the public interest that the health and welfare of consumers be protected by assuring that meat and meat food products distributed to them are wholesome, unadulterated, and properly marked, labeled and packaged. Unwholesome, adulterated or mislabeled meat or meat food products are injurious to the public health and welfare; and may provide unfair competition to wholesome, unadulterated, and properly labeled and packaged meat and meat food products. Therefore, it is hereby declared to be the policy of the State of New Jersey to provide for the inspection of animals to be slaughtered, and the carcasses, parts thereof, meat and meat food products processed therefrom, capable of use as human food, at certain establishments in order to prevent the distribution, for human consumption, of animals, meat and meat food products, which are unwholesome,

adulterated, misbranded, improperly labeled or otherwise unfit for use as human food.

C. 24:16B-3 Definitions.

3. Definitions. For the purposes of this act, the following definitions shall be applicable unless the context indicates otherwise:

"Animal" means cattle, poultry, sheep, swine, goats, horses or other equines, and such other animals as the board may designate.

"Animal food manufacturer" means any person engaged in the business of manufacturing or processing animal food derived wholly or in part from carcasses, or parts or products of the carcasses, of animals for purposes other than for use as human food except as otherwise provided for by law or exempted by regulation prescribed by the board.

"Board" means the State Board of Agriculture, Department of Agriculture, State of New Jersey.

"Carcasses" means bodies or any part or portion of dead animals.

"Container" or "package" means any box, can, tin, cloth, plastic, or any other receptacle, wrapper or cover used to hold any animal carcasses, meat or meat food product.

"Disposal plant" means a place of business or a location where the carcasses of animals or meat-packing house refuse are received or unloaded and where such carcasses or refuse either are processed for the purpose of obtaining the hide, skin, grease, residue, fertilizer, food for animals or any other by-product from said animals or refuse, in any way whatsoever, or are fed to hogs, dogs, fur-bearing or other animals.

"Handler-distributor" means a person who engages in the business (other than for direct sale to the consumer), of buying, selling or distributing, storing or transporting any animal carcass, or part thereof, or meat or meat food product intended for use as human food.

"Federal Meat Inspection Act" means the act so entitled approved March 4, 1907 (34 Stat. 1260), as amended by the Wholesome Meat Act (81 Stat. 584), and acts amendatory thereof or supplementary thereto, including those hereafter enacted.

"Inspector" means an employee or agent of the Department of Agriculture authorized by the secretary to inspect animals or the carcasses or parts thereof, meat or meat food products, under the authority of this article.

"Label" means a display of written, printed, or graphic matter upon the immediate wrapper, container or package (not including package liners) of any article.

"Licensee" means any person licensed pursuant to this act.

"Meat" means any edible part of the carcass of any animal.

"Meat food product" means any article of food, or any article intended for use as human food, which is derived or prepared, in whole or in part, from any portion of any animal, unless exempted by the board upon its determination that the article (1) contains only a minimal amount of meat and is not represented as a meat food product; or (2) is for medicinal purposes; or (3) is denatured and is so labeled.

"Official inspection mark" means any symbol, formulated pursuant to rules and regulations prescribed by the board, stating that an article was inspected and passed.

"Packing" means the activity of packaging or containing and labeling any animal carcass or part thereof or meat or meat food product intended for use as human food.

"Person" means any individual, proprietor, partnership, corporation, association or business entity.

"Preparing" means the activity of slaughtering, canning, salting, rendering, boning, cutting-up or otherwise manufacturing or processing any animal carcass, meat or meat food product intended for use as human food.

"Primary establishment" or "licensed primary establishment" means an establishment engaged in the slaughtering, processing, preparing, or packaging of animals, the carcasses or parts thereof or meat or meat food products intended for use as human food.

"Primary licensee" means a person who owns, operates or conducts a primary establishment.

"Processing" means the activity of preparing, canning, salting, freezing or otherwise manufacturing any animal carcass or part thereof, meat or meat food product intended for use as human food.

"Secondary establishment" or "secondary licensed establishment" means an establishment engaged in the slaughtering or rendering of animals, the carcasses or parts thereof for purposes other than for use as human food, or an animal food manufacturing plant, or a disposal plant.

"Secondary licensee" means a person who owns, operates or conducts a secondary establishment.

"Renderer" means any person engaged in the business of rendering carcasses, or parts or products of animals.

"Secretary" means the Secretary of Agriculture of the State of New Jersey.

"Wholesome" means sound, healthful, clean and otherwise fit for human consumption.

The board shall, by rule or regulation, prescribe such other definitions as necessary in order to effectuate the purposes of this act; provided, however, said definitions shall equal definitions under the Federal Meat Inspection Act, when applicable.

C. 24:16B-4 Transfer of authority; department's general power.

4. Transfer of authority from Department of Health to Department of Agriculture; General Power of Department of Agriculture. The jurisdiction and authority to provide for the proper inspections of animals to be slaughtered and the carcasses, parts thereof, meat and meat food products, animal food product or by-product of animals; packaging and labeling of animal carcasses, parts thereof, meat and meat food products, animal food products or by-products of animals, is hereby transferred from the Department of Health to the Department of Agriculture. The Department of Agriculture is hereby declared to be the principal instrumentality of the State for attaining the ends declared in this act. The department shall have all necessary power to carry out and enforce the provisions of this act and the rules and regulations of the board.

C. 24:16B-5 Board's general power; rules and regulations.

5. General power of the board; rules and regulations. The board is hereby vested with power as provided in this act. The board shall have power to make rules and regulations to effectuate the purposes and to carry out the provisions of this act and shall implement this act by prescribing such rules and regulations necessary to equal the Federal Meat Inspection Act. All such rules and regulations shall be made in the name of the board over their signatures.

C. 24:16B-6 Secretary's general powers.

6. General powers of the secretary. The secretary shall supervise and enforce the proper administration of the provisions of this act and all rules and regulations made thereunder for the purpose of attaining the ends declared in this act.

C. 24:16B-7 Municipal enforcement.

7. Enforcement by municipalities. Municipalities may continue conducting meat inspection programs within their jurisdiction and shall enforce the provisions of this act under the supervision of the secretary.

C. 24:16B-8 State inspectors, analysts, employees; appointment, salaries; continuation of former practices and procedures.

8. State inspectors, analysts and employees; continuation of former practices and procedures for a period not in excess of 1 year. The secretary may appoint such analysts, chemists, chief inspectors and other inspectors and employees as may be authorized by law, and the persons thus appointed shall perform such duties as may be assigned to them by the secretary. The secretary shall fix the salaries of all such officers and employees subject to the provisions of Title 11, Civil Service, of the Revised Statutes except when otherwise provided by statute. The secretary, in order to facilitate the orderly transition and implementation of this act, may continue the practices and procedures formerly conducted by the Department of Health in administering the meat inspection program for a period not in excess of 1 year from the effective date of this act.

C. 24:16B-9 Local inspectors and analysts.

9. Local inspectors and analysts. A municipality may designate from among its sanitary inspectors and meat inspectors one or more inspectors who shall be known as local inspectors. The municipality may also appoint one or more meat analysts.

C. 24:16B-10 Local inspectors' powers and duties.

10. Powers and duties of local inspectors. The local inspector shall have, within the jurisdiction of the municipality appointing him, all the power and authority given an inspector appointed by the secretary under the authority of section 8 of this act.

C. 24:16B-11 Licenses and inspection service for primary establishments; penalty.

11. Licenses and inspection service required of primary establishments. No person shall own, operate or conduct a primary establishment unless he has first obtained a license to do so from the secretary and has been provided with inspection service by the secretary or by the Federal Government under the Federal Meat Inspection Act. Any person who violates the provisions of this section shall be guilty of a high misdemeanor and if convicted shall, in addition to any other penalties imposed, be forever ineligible to hold a license pursuant to the provisions of this act.

C. 24:16B-12 Licenses for secondary establishments and handler-distributors.

12. Licenses required of secondary establishments and handler-distributor. No person shall own, operate, or conduct any secondary establishment or engage in the business of a handler-distributor unless he has first obtained a license to do so from the secretary.

C. 24:16B-13 License application; form, prerequisite.

13. Application for license; form; prerequisite. The application for a license to operate as a primary licensee, secondary licensee, or handler-distributor shall be made on forms prescribed and furnished by the secretary. The secretary may require an applicant for a license to show that he has secured such other permits or licenses as may be necessary for said applicant to carry on the business of a primary licensee, secondary licensee, or handler-distributor in the State and, upon his failure to do so, may refuse to issue to said applicant a license.

C. 24:16B-14 License application; time for making; contents; license display.

14. Application for license; time for making; contents; display of license. An application for a license to operate as a primary licensee, secondary licensee, or handler-distributor shall be made within 30 days after this act takes effect or before the applicant shall commence business as a primary licensee, secondary licensee, or handler-distributor, and annually thereafter. The applicant shall state the nature of the business to be conducted, the full name of the person applying for the license and, if the applicant be a firm or association, the full name of each member, and if a corporation, the names and addresses of all officers and directors and stockholders holding 10% or more of the issued and outstanding stock of the corporation and the place or places at which the business is to be conducted; that the applicant has complied with all rules and regulations of the board and the orders of the secretary, and such other facts with respect to the license as may be required by the secretary. A license shall be granted to the applicant by the secretary subject to the provisions of this act. The original or a certified copy thereof shall be conspicuously displayed by the licensee at his principal place of business and in each of his plants in this State.

C. 24:16B-15 License fees.

15. License fees. Every person or establishment required by this act to be licensed shall pay a nonrefundable annual license fee as follows:

Primary licensees—A person who owns, operates or conducts an establishment engaged in the slaughtering, processing, preparing or packaging of animals, the carcasses or parts thereof, meat or meat food products intended for use as human food; for each establishment or place of business $25 00

Secondary licenses—A person who owns, operates, or conducts an establishment engaged in the slaughtering or rendering of animals, carcasses, or parts thereof for purposes other than for use as human food, or an animal food manufacturing or disposal plant; for each establishment or place of business $10 00

Handler-distributor—A person who engages in the business (other than for direct sale to the consumer) of buying, selling, distributing, storing or transporting any animal carcass, or part thereof, or meat or meat food product $10 00

C. 24:16B-16 License acceptance.

16. License acceptance. By accepting a license, the licensee shall be deemed to have agreed to confer upon the Department of Agriculture the authority to investigate, at any time, violations of this act and the rules and regulations prescribed thereunder and further to have consented to the amendment of the terms and conditions of the license by the board and/or secretary and the imposition of such conditions as the board and/or secretary may, from time to time, find necessary or desirable.

C. 24:16B-17 Inspections.

17. Inspections. For the purposes herein before set forth, the secretary shall cause to be made by inspectors an examination and inspection of animals, carcasses and parts thereof, meat and meat food products prepared in licensed establishments and of the sanitary conditions of licensed establishments and the manner of handling of carcasses, parts thereof and meat and meat food products therefrom by any licensee and, for the purposes of an examination and inspection, said inspectors shall have access to every part of said establishment at any time, whether the establishment is in operation or not.

C. 24:16B-18 Disposition of dead animals.

18. Disposition of dead animals. The board shall prescribe such rules and regulations for the disposition of animal carcasses as it may deem necessary to discover and control contagious, infections or communicable animal diseases and to protect the public health and welfare. Any person owning or having custody of an animal that has died shall dispose of the carcass in accordance with such rules and regulations and under such conditions as the board prescribes. No secondary licensee shall remove, render, or otherwise dispose of any animal except in accordance with such rules and regulations and under such conditions as the board prescribes.

C. 24:16B-19 Diseased or physically impaired animals.

19. Diseased or physically impaired animals. The board shall have power to prescribe by regulations the type and extent of the disease or other physical conditions found in any animals as shall render it unfit for use as food for animal consumption.

C. 24:16B-20 Antemortem inspections.

20. Antemortem inspections. The secretary shall cause an antemortem inspection of animals by duly authorized inspectors prior to the entry of such animals into that area of any licensed primary establishment wherein slaughtering or processing is conducted.

C. 24:16B-21 Unauthorized entry of uninspected animals prohibited.

21. Unauthorized entry of uninspected animals prohibited. No primary licensee shall permit or allow any animal to enter into that area of any licensed primary establishment wherein slaughtering or processing is conducted unless a duly authorized inspector has examined and inspected such animal prior to the entry of such animal into that area.

C. 24:16B-22 Separate slaughter of certain animals.

22. Separate slaughter of animals found to show symptoms of disease. A licensee shall cause any animal found to show symptoms of disease to be set apart and slaughtered separately from other animals and, when so slaughtered, the carcasses of said animal shall be subject to a careful examination and inspection and shall be disposed of in accordance with the rules and regulations prescribed by the board.

C. 24:16B-23 Slaughter and preparation of horsemeat.

23. Separate slaughter and prepartion of horsemeat. The secretary, in order to effectuate the provisions of this act, may require any primary licensee to conduct the slaughter and preparation of horses, mules or other equines, the carcasses and parts thereof, and meat and meat food products resulting therefrom, in licensed primary establishments, separate and apart from establishments in which the slaughter and preparation of other animals, carcasses and parts thereof, meat and meat food products are conducted.

C. 24:16B-24 Postmortem inspection.

24. Postmortem inspection. The secretary shall cause a postmortem inspection by duly authorized inspectors of animal carcasses and parts thereof which are slaughtered in any licensed primary establishment. Upon such examination and inspection, such carcasses or parts thereof found to be unadulterated and wholesome shall be labeled, marked, stamped or tagged with the official inspection mark.

C. 24:16B-25 Inspection mark before processing.

25. Inspection mark required before processing. No primary licensee shall permit or allow any animal carcass or part thereof to be prepared, processed, packaged, shipped, sold or offered for sale unless it has been examined and inspected by an inspector and labeled, marked, stamped, or tagged with the official inspection mark.

C. 24:16B-26 Inspection during processing or preparation.

26. Inspection during processing or preparation. The secretary shall cause an examination and inspection by duly authorized inspectors of all meat and meat food products processed or prepared in any licensed primary establishment. Upon such examination and inspection, such carcasses or parts thereof found to be unadulterated and wholesome shall be labeled, marked, stamped or tagged with the official inspection mark.

C. 24:16B-27 Inspection before packaging or shipment.

27. Inspection required before packaging or shipment. No primary licensee shall permit or allow any meat or meat food product to be packaged, shipped, sold or offered for sale unless it has been examined and inspected by an inspector and labeled, marked, stamped or tagged with the official inspection mark or has been inspected and passed.

C. 24:16B-28 Condemnation; disposition.

28. Condemnation; disposition. All animal carcasses and parts thereof, meat and meat food products, found by an inspector to be unwholesome or adulterated in any licensed primary establishment shall be condemned and shall be labeled, marked, stamped, or tagged as "New Jersey Inspected and Condemned" by said inspector; and all carcasses and parts thereof thus inspected and condemned shall be destroyed for food purposes by the said establishment in the presence of the inspector; provided, however, that articles which may, by reprocessing, be made wholesome and unadulterated need not be so condemned and destroyed, if the articles are within a reasonable time thereafter reprocessed under the supervision of an inspector and, upon such reprocessing, found to be wholesome and unadulterated by said inspector.

C. 24:16B-29 Disposition of by-products.

29. Disposition of by-products. The board shall prescribe by rule or regulation the manner and disposition of the by-products of animals slaughtered or processed in any licensed primary establishment.

C. 24:16B-30 Certain actions authorized.

30. Actions authorized. The secretary may cause, at any time, such quarantine, segregation, embargo, seizure, detention, destruction, removal of the official inspection mark, re-examination or re-inspection of any animal or carcass, part thereof, or meat or meat food product as are necessary to effectuate the purposes of this act.

C. 24:16B-31 Handling, transporting, storing.

31. Handling, transporting and storing. The secretary shall cause to be made, from time to time, an examination and inspection of the sanitary conditions existing in all licensed establishments, warehouses, or transportation vehicles and the conditions under which carcasses, parts thereof, meat and meat food products are handled, transported or stored by licensees. The board shall, by rule or regulation, prescribe minimum standards with regard to the sanitary conditions existing in licensed establishments or transport vehicles and the conditions under which carcasses, parts thereof, meat and meat food products are handled, transported or stored by licensees.

C. 24:16B-32 Packaging.

32. Packaging. No primary licensee shall seal or enclose any carcass, part thereof, or meat or meat food product into any package or container unless said meat or meat food product bears the official inspection mark or has been inspected and passed and is placed or packaged into said package or container under the supervision of a duly authorized inspector.

C. 24:16B-33 Contents of labels.

33. Contents of labels. The board may prescribe by rule or regulation such information to appear on any container, package or label bearing any animal carcass, part thereof, meat or meat food product or animal food product as follows:

(a) The styles and sizes of types to be used with respect to material required to be incorporated in labeling to avoid false or misleading labeling of animal carcasses, parts thereof, meat or meat food products or animal food products; provided, however, the board must first obtain the advice and consent of the State Superintendent, Division of Weights and Measures, to such rules and regulations.

(b) Definitions and standards of identity or composition of meat or meat food products.

(c) Such other information as may be necessary in order to prevent any false, misleading, deceptive or fraudulent labeling; mis-

labeling, misbranding or otherwise improper labeling; provided, however, the board must first obtain the advice and consent of the State Superintendent, Division of Weights and Measures, to such rules and regulations.

Nothing herein shall be construed to confer authority upon the board to prescribe rules and regulations affecting the quantitative statement appearing on the container, package or label.

C. 24:16B-34 Registration of labels, marks, etc.

34. Registration of labels, marks. Primary and secondary licensees shall register a facsimile copy of all names, labels, marks, brands, trade names or identification used on animal carcasses, parts thereof, meat or meat food products or animal food products with the secretary upon forms to be provided and upon compliance with regulations prescribed by the board. The secretary shall cause to be set up a registry of such names, labels, marks, brands, trade names or other identifications for animal carcasses, parts thereof, meat or meat food products or animal food products.

C. 24:16B-35 Sale or shipment of mislabeled packages.

35. Sale or shipment of mislabeled packages prohibited. No licensee shall sell, offer to sell or cause to be shipped any package or container which is falsely, deceptively or fraudulently labeled, mislabeled, misbranded, improperly labeled or which fails to comply in any respect with the rules and regulations prescribed by the board.

C. 24:16B-36 Sale or shipment of unwholesome meat.

36. Sale or shipment of unwholesome meat prohibited. No primary licensee shall sell, offer for sale or cause to be shipped any adulterated, misbranded or unwholesome animal carcasses, parts thereof, meat or meat food products unless they are plainly and conspicuously labeled, marked, stamped or tagged as "New Jersey inspected and condemned."

C. 24:16B-37 Acceptance of unwholesome meat by handler-distributor.

37. Acceptance by handler-distributor of unwholesome meat prohibited. No "handler-distributor" shall knowingly accept for shipment, storage or distribution any adulterated, misbranded or unwholesome animal carcass, part thereof, meat or meat food product unless they are plainly and conspicuously labeled, marked, stamped or tagged as "New Jersey inspected and condemned."

C. 24:16B-38 Sale or shipment of horsemeat.

38. Sale or shipment of horsemeat prohibited. No licensee shall sell, offer for sale or cause to be shipped, any carcass of horses, mules, or other equines, or parts of such carcass, or the meat or

meat food products thereof, unless they are plainly and conspicuously marked, labeled or otherwise identified so as to show the animal or animals from which they were derived in accordance with the regulations prescribed by the board.

C. 24:16B-39 Vehicle Permits.

39. Vehicle permits. The secretary shall cause to be issued a permit for each vehicle used by a licensee to transport any animal carcasses, parts thereof, meat or meat food products, animal food products or by-products of animals. The board may by rules or regulation prescribe the minimum sanitary equipment and conditions in each vehicle, the use of each vehicle, and the method of handling animal carcasses, parts thereof, meat and meat food products, animal food products and by-products of animals in said vehicle.

C. 24:16B-40 Display of vehicle permits.

40. Display of vehicle permits required. No vehicle shall be used by any licensee to transport any animal carcass, part thereof, meat or meat food products, animal food product or by-product of any animal unless he has first obtained a permit for said vehicle from the secretary and has caused the permit number to be prominently displayed on both sides of the body of the vehicle so as to be plainly visible to the public.

C. 24:16B-41 Other applications of act.

41. Other applications of this act. The foregoing provisions shall also apply to all carcasses, parts of carcasses, meat or meat food products capable of use as human food, which may be brought into any licensed primary establishment wherein examination and inspection under this act is maintained, and such examination and inspection shall be made before the said carcasses or parts thereof, meat or meat food products shall be allowed to enter into any licensed primary establishment wherein the same are to be treated or prepared for meat or meat food products; and the foregoing provisions shall also apply to all such products which, after having been shipped or transported from any establishment, shall be returned to a licensed primary establishment wherein such examination and inspection are maintained. The secretary may limit the entry of carcasses, parts of carcasses, meat and meat food products, and other materials into any primary establishment at which examination and inspection under this act is maintained under such conditions as may assure that allowing the entry of such articles into such licensed primary establishments will be consistent with the purposes of this act.

C. 24:16B-42 Exemption from inspection.

42. Exemption from inspection. The provisions of this act requiring inspection of the slaughter of animals and of the preparation of the carcasses, parts thereof, meat and meat food products at establishments conducting such operations shall not apply to:

A. The slaughtering by any person of animals of his own raising, and the preparation by him and transportation of the carcasses, parts thereof, meat and meat food products of such animals exclusively for use by him and members of his household and his nonpaying guests and employees; or

B. The custom slaughter by any person of any animal delivered by the owner thereof for such slaughter, and the preparation by such slaughterer and transportation of the carcasses, parts thereof, meat and meat food products of such animals, exclusively for use, in the household of such owner, by the members of his household and his nonpaying guests and employees; provided that such custom slaughterer does not engage in the business of buying or selling any carcasses, parts of carcasses, meat or meat food products of any animal; or

C. Operations of types traditionally and usually conducted at retail stores and restaurants, when conducted at any retail store or restaurant or similar retail-type establishment for sale in normal retail quantities or service of such articles to consumers at such establishments; or

D. The slaughter of animals or the preparation of any carcasses or parts or products of such animals, which are not intended for use as human food, but such articles shall, prior to their offer for sale or shipment, unless naturally inedible by humans, be denatured or otherwise identified to deter their use for human food as prescribed by regulations of the board; or

E. Any licensed establishment in which Federal inspection service is provided under the Federal Meat Inspection Act; or

F. Any licensed secondary establishment.

The slaughter of animals and preparation of articles referred to in paragraphs B, C, D and F shall be conducted in accordance with such sanitary conditions as the board may, by regulation, prescribe. The adulterated and misbranding provisions of this act shall apply to articles which are not required to be inspected under this section.

C. 24:16B-43 Removal of inspectors.

43. Removal of inspectors. The secretary, upon reasonable belief that any provision of this act, the rules or regulations prescribed by the board, or orders of the secretary have been violated, may

remove inspection service from any licensed establishment for a period not in excess of 30 days.

C. 24:16B-44 Engaging in business after removal of inspectors.

44. Engaging in business prohibited after removal of inspectors. No person shall continue to engage in business as a primary licensee after the secretary has withdrawn inspection service in accordance with the provisions of this act or the Federal Government has withdrawn inspection service in accordance with the Federal Meat Inspection Act. Any person who violates this section shall be guilty of a high misdemeanor and, if convicted, shall, in addition to any other penalties imposed, forfeit any license issued to him under this act and shall be forever ineligible to hold a license pursuant to the provisions of this act.

C. 24:16B-45 Acts of agents, servants, employees.

45. Acts of agents, servants and employees. When construing and enforcing any provision of this act, the act, omission or failure of any officer, agent, employee or other person acting for any licensee shall be deemed to be the act, omission or failure of the licensee, as well as that of the person committing said act, omission or failure.

C. 24:16B-46 Books and records; right of entry; inspection of premises.

46. Books and records; rights of entry, inspection of premises. The secretary may require all licensees or classes of licensees to keep such records as will fully and correctly disclose all transactions involved in their businesses; and all licensees subject to such requirements shall, at all reasonable times, upon notice by the secretary or his duly authorized agent or employee, afford the secretary or such agent or employee access to their places of business and afford the secretary, such agents or employees an opportunity to examine the facilities, inventory and records thereof, to make copies of all such records, and to take reasonable samples of their inventory upon payment of the fair market value therefor. Any record required to be maintained by this section shall be maintained for such period of time as the secretary shall designate.

C. 24:16B-47 Reports of Licensee.

47. Reports of licensee. Each licensee shall, from time to time, as required by the order of the secretary, make and file a verified report on forms prescribed by the secretary of all matters on account of which a record is required to be kept, together with such other information or facts as may be necessary to effectuate the purposes of this act.

C. 24:16B-48 Proceedings before secretary.

48. Proceedings before the secretary. The secretary and his duly authorized agents and employees are hereby empowered and charged with the duty to hear, review and determine violations and controversies arising under the provisions of this act, or the rules and regulations prescribed thereunder.

C. 24:16B-49 Procedures at hearings.

49. Hearing procedures. Before declining to grant a license or conditioning or limiting a license, or suspending or revoking a license previously granted, the secretary or his duly authorized agent or employee shall give notice to the applicant or licensee personally or by certified mail addressed to his last known address, and afford him an opportunity to appear and be heard with respect thereto at a time and place specified in such notice. Such applicant or licensee shall have the right to be heard in person or by attorney, and to offer evidence pertinent to the subject of the hearing, and to that end to invoke the powers of the secretary with respect to the compulsory attendance of witnesses and the production of books, accounts, papers, records and documents by subpœna. The secretary may make such other rules, as may be reasonable and appropriate, regulating the manner, form, time, terms and conditions of such proceedings. The secretary or his duly authorized agent or employee shall not be bound in such proceedings to apply the technical rules of evidence prevailing in a court of law.

C. 24:16B-50 Issuance of subpoenas.

50. Issuance of subpœnas. The secretary and his duly authorized agents and employees shall have the power to issue subpœnas to compel the attendance of witnesses and the production of books, papers, records and documents for the purpose of obtaining such information as may be required to carry out the provisions of this act. Such subpœnas shall be signed by the secretary.

C. 24:16B-51 Service of subpoenas; fees, mileage.

51. Service of subpœnas; fees and mileage. The process of subpœna authorized in this act shall be served in the same manner and be of the same force and effect as like process of civil actions in the Superior Court; and any person attending in pursuance of such subpœna shall be entitled to the same fees and mileage as witnesses in civil action in said Superior Court. The fees for the attendance of the witnesses shall be paid by the party arranging for the attendance of such witnesses.

C. 24:16B-52 Refusal to obey subpoena or testify; contempt.

52. Refusal to obey subpœna or testify; contempt. In case any person so summoned by subpœna issued by said secretary shall refuse to obey such subpœna or any directions therein, or to give testimony, or to answer questions as required, or to produce any book, papers, documents or records as required, the secretary or party subpœnaing said witness may apply to the Superior Court for process against such person, as for a contempt of the Superior Court, and the court shall proceed to a hearing of the case and make such orders and render judgment as in cases of contempt of said court.

C. 24:16B-53 Oaths.

53. Oaths. The secretary or any person authorized by law is hereby authorized to administer oaths to all such witnesses as may appear or be brought before said secretary or his duly authorized agent or employee.

C. 24:16B-54 Grounds for denying license.

54. Grounds for denying license. The secretary or his duly authorized agent or employee, after conducting a hearing duly held in accordance with the provisions of this act, may decline to grant a license or may issue a license conditionally, or may suspend or revoke a license already granted or may refuse to renew a license when satisfied of the existence of any of the following:

A. That the applicant or licensee has violated any of the provisions of this act, or any of the rules and regulations prescribed by the board, or the orders of the secretary or has violated any of the provisions of the meat or poultry inspection laws of the United States or any other State or of the orders, rules and regulations issued thereunder or the provisions of any meat or poultry inspection law which have preceded this act, or of orders, rules and regulations issued thereunder.

B. That the applicant or licensee is a partnership, corporation, firm or association and any individual holding any position or interest or power or control therein has previously been responsible in whole or in part in this State or any other State for any act on account of which a license may be denied, suspended or revoked pursuant to the provisions of this act.

C. That the applicant or licensee is unfit to engage in any business requiring inspection because the applicant or licensee or anyone responsibly connected with the applicant or licensee has been convicted in any Federal or State court of a violation of law punishable by imprisonment for a term exceeding 1 year, or more than

one violation of any law punishable by a lesser sentence, based upon the acquiring, handling or distributing of unwholesome, mislabeled, or deceptively packaged food or upon fraud in connection with transactions in food.

D. That the applicant or licensee has committed any act likely to undermine sanitary regulations and standards as established by this act or the rules and regulations promulgated by the board.

E. That the applicant or licensee is not qualified by character, experience, financial responsibility or equipment to properly conduct the proposed business.

F. That the applicant or licensee has continued in a course of dealing of such a nature as to satisfy the secretary of his inability or unwillingness to properly conduct his business in accordance with the provisions of this act.

G. That the applicant or licensee has continued in a course of dealing of such nature as to satisfy the secretary of an intent to deceive or defraud consumers, licensees, or other persons in those matters regulated by the provisions of this act.

H. That the applicant or licensee has made false statements to the secretary or the board or has testified falsely in any hearing before the secretary or the board.

I. That the applicant or licensee has failed either to keep records or to furnish the statements or information required by the secretary under this act.

J. That the licensee has failed to file any annual or special report required by this act, within the time fixed by the secretary for filing the same.

K. That the licensee has wilfully made, or caused to be made, any false entry or statement of fact in any report required to be made under this act, or that such licensee has willfully neglected or failed to make, or cause to be made, full, true, and correct entries in such accounts, records or memoranda, of all facts and transactions, or willfully mutilated, altered, or by any other means falsified any documentary evidence or willfully refused to submit any record or report to the secretary.

The secretary may, without hearing, continue any ruling or order made as to any license or any applicant or licensee which was made after hearing when any subsequent application for license is filed by said applicant or licensee. The issuance or renewal by the secretary of a license hereunder shall not preclude the Secretary from suspending, conditioning or revoking such license for acts as set forth in this section committed by the licensee prior to the license period

unless the secretary had proceeded against the applicant or licensee, and the order made thereupon has been complied with by the applicant or licensee.

C. 24:16B-55 Informal hearings; adjustment.

55. Informal hearings on violations; adjustment. Upon receiving evidence of a violation of any of the provisions of this act, or of any rules or regulations of the board or orders of the secretary issued thereunder, any employee designated by the secretary is hereby empowered to hold informal hearings upon said violation or violations at such place or places as the secretary may fix and, upon finding the violations to have been committed, to adjust same with any licensee accused of such violations for such amounts, not in excess of $10,000.00 for the first offense and not in excess of $20,000.00 for any subsequent offense, or suspension of his license for such period, or both, as may in the discretion of the secretary be proper under the circumstances. In the event of the violator complying with the terms of the adjustment, no further action shall be had under section 54 upon any violation so adjusted.

C. 24:16B-56 Orders of secretary; service.

56. Orders of the secretary; service. The secretary or his duly authorized agent or employee shall make and enforce orders necessary to carry out the provisions of this act. An order or determination applying only to a person named therein shall be served on the person affected by personal delivery of a copy of said order or by mailing a copy thereof to him at his last known address by certified mail. All orders and determinations shall include the findings of fact upon which such orders or determinations are based.

C. 24:16B-57 Records of secretary; reports to Attorney General.

57. Records of the secretary; reports to the Attorney General. The secretary shall keep a record of all his official acts, and shall preserve copies of all decisions, rules and orders made by him. The secretary shall make a semiannual report to the Attorney General with regard to the number and type of violations of this act, the facts incidental thereto and the disposition thereof.

C. 24:16B-58 Disposition of license fees, penalties, fines, costs.

58. Disposition of license fees, penalties, fines and costs. All funds derived from fees for licenses issued hereunder, and the proceeds of any adjustments, penalties, fines and costs imposed by the secretary or any court hereunder, shall be paid to the State Treasurer and shall become part of the General State Fund.

C. 24:16B-59 Review by Superior Court.

59. Review by Superior Court. Any person, applicant or licensee aggrieved by any order or determination of the secretary, or his agent or employee made pursuant to this act may obtain a review of the action complained of by the Superior Court in a proceeding in lieu of prerogative writ.

C. 24:16B-60 Violations.

60. Violations. Any person who violates any provision of this act, except sections 11 and 44, or any orders or rules or regulations issued pursuant to this act, shall, in addition to any other penalty herein provided, be a disorderly person and, if convicted as such, be fined not more than $1,000.00, or imprisoned for a period not in excess of 1 year, or both.

C. 24:16B-61 Actions to restrain violations.

61. Actions to restrain violations. Any habitual violation of this act or of any of the orders or rules or regulations made pursuant to this act may be restrained by the Superior Court in an action brought for such purpose by the Attorney General on behalf of the secretary.

C. 24:16B-62 Co-operation with United States Government.

62. Co-operation with United States Government. The Department of Agriculture is authorized to co-operate with the Secretary of Agriculture of the United States in developing and administering the meat inspection program of the State of New Jersey. The secretary is authorized, with the approval of the State Board of Agriculture, to enter into agreements with the Secretary of Agriculture of the United States for advisory assistance in planning and otherwise enforcing this act, technical and laboratory assistance and training, and financial and other aid for administration of this act. The secretary, with the approval of the State board, may recommend to the Secretary of Agriculture of the United States such officials or employees of this State as the secretary shall designate for appointment to the advisory committee provided for in section 301 of the Federal Meat Inspection Act.

C. 24:16B-63 Agreements with other agencies.

63. Agreements with other agencies. For the furtherance of the objectives stated in this act, the secretary shall have authority to enter into agreements with State, county and municipal agencies and with other States.

C. 24:16B-64 Specific powers not to impair general powers.

64. Grant of specific powers not to impair general powers. The operation and effect of any provision of this act conferring a general power upon the board or the secretary shall not be impaired or qualified by the granting to the board, the secretary, or an employee or agent of the secretary by this act of a specific power or powers.

C. 24:16B-65 Foreign or interstate commerce.

65. Foreign or interstate commerce. No provisions of this act shall apply or be construed to apply to foreign or interstate commerce, except insofar as the same may be effective pursuant to the United States Constitution and to the laws of the United States enacted pursuant thereto.

C. 24:16B-66 Authority of Department of Health.

66. Authority of Department of Health not abrogated or affected except as authorized by this act. Nothing contained in this act or the orders, rules or regulations adopted thereunder shall abrogate, impair or affect the authority of the Department of Health or any county or municipal board of health except as the same relates to the slaughtering, processing or packaging of animals, carcasses, parts thereof, meat or meat food product or animal food product or the handling or distribution thereof as provided herein.

C. 24:16B-67 Authority of Division of Weights and Measures.

67. Authority of the Division of Weights and Measures not abrogated or affected. Nothing herein contained in this act or the orders, rules or regulations adopted thereunder shall abrogate, impair or affect the authority, status, force or operation of the Department of Law and Public Safety, Division of Weights and Measures, Department of Law and Public Safety, or of any county or municipal weights and measures authority.

C. 24:16B-68 Construction of act.

68. Liberal construction. 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.

C. 24:16B-69 Inconsistent acts, rules, regulations.

69. Inconsistent acts and rules and regulations superseded. All acts and parts of acts, rules and regulations issued thereunder inconsistent in whole or in part with the provisions of this act are to such extent superseded.

C. 24:16B-70 Partial invalidity of act.

70. Partial invalidity. 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. 24:16B-71 Repealer.

71. Repeal. The following acts and parts of acts are repealed: section 24:5–21 of the Revised Statutes, section 24:6–8 of the Revised Statutes, chapter 16 of Title 24 of the Revised Statutes, chapter 415 of the laws of 1953, and section 2 of chapter 244 of the laws of 1950.

72. Appropriation. The sum of $100,000.00 is hereby appropriated to the Department of Agriculture for the fiscal year beginning July 1, 1968, for the purpose of carrying out the provisions of this act.

73. Effective date. This act shall take effect July 1, 1968.

Approved June 24, 1968.

CHAPTER 106

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

C. 54:32B-2 Definitions.

2. Definitions. Unless the context in which they occur requires otherwise, the following terms when used in this act shall mean:

(a) Person. Person includes an individual, partnership, society, association, joint stock company, corporation, public corporation or public authority, estate, receiver, trustee, assignee, referee, and any other person acting in a fiduciary or representative capacity,

whether appointed by a court or otherwise, and any combination of the foregoing.

(b) Purchase at retail. A purchase by any person at a retail sale.

(c) Purchaser. A person who purchases property or who receives services.

(d) Receipt. The amount of the sales price of any property and the charge for any service taxable under this act, valued in money, whether received in money or otherwise, including any amount for which credit is allowed by the vendor to the purchaser, without any deduction for expenses or early payment discounts, but excluding any credit for property of the same kind accepted in part payment and intended for resale and excluding the cost of transportation where such cost is separately stated in the written contract, if any, and on the bill rendered to the purchaser.

(e) Retail sale. (1) A sale of tangible personal property to any person for any purpose, other than (A) for resale either as such or as converted into or as a component part of a product produced for sale by the purchaser, or (B) for use by that person in performing the services subject to tax under subsection (b) of section 3 where the property so sold becomes a physical component part of the property upon which the services are performed or where the property so sold is later actually transferred to the purchaser of the service in conjunction with the performance of the service subject to tax. For the purposes of this act, sales of tangible personal property to all contractors, subcontractors or repairmen of materials and supplies for use by them in erecting structures for others, or building on, or otherwise improving, altering, or repairing real property of others are deemed to be retail sales.

(2) The term retail sales does not include:

(A) Professional, insurance, or personal service transactions which involve the transfer of tangible personal property as an inconsequential element, for which no separate charges are made.

(B) The transfer of tangible personal property to a corporation, solely in consideration for the issuance of its stock, pursuant to a merger or consolidation effected under the laws of New Jersey or any other jurisdiction.

(C) The distribution of property by a corporation to its stockholders as a liquidating dividend.

(D) The distribution of property by a partnership to its partners in whole or partial liquidation.

(E) The transfer of property to a corporation upon its organization in consideration for the issuance of its stock.

(F) The contribution of property to a partnership in consideration for a partnership interest therein.

(G) The sale of tangible personal property where the purpose of the vendee is to hold the thing transferred as security for the performance of an obligation of the vendor.

(f) Sale, selling or purchase. Any transfer of title or possession or both, exchange or barter, rental, lease or license to use or consume, conditional or otherwise, in any manner or by any means whatsoever for a consideration, or any agreement therefor, including the rendering of any service, taxable under this act, for a consideration or any agreement therefor.

(g) Tangible personal property. Corporeal personal property of any nature.

(h) Use. The exercise of any right or power over tangible personal property by the purchaser thereof and includes, but is not limited to, the receiving, storage or any keeping or retention for any length of time, withdrawal from storage, any installation, any affixation to real or personal property, or any consumption of such property.

(i) Vendor. (1) The term "vendor" includes:

(A) A person making sales of tangible personal property or services, the receipts from which are taxed by this act;

(B) A person maintaining a place of business in the State and making sales, whether at such place of business or elsewhere, to persons within the State of tangible personal property or services, the use of which is taxed by this act;

(C) A person who solicits business either by employees, independent contractors, agents or other representatives or by distribution of catalogs or other advertising matter and by reason thereof makes sales to persons within the State of tangible personal property or services, the use of which is taxed by this act; and

(D) Any other person making sales to persons within the State of tangible personal property or services, the use of which is taxed by this act, who may be authorized by the director to collect the tax imposed by this act;

(E) The State of New Jersey, 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 when such entity

sells services or property of a kind ordinarily sold by private persons.

(2) In addition, when in the opinion of the director it is necessary for the efficient administration of this act to treat any salesman, representative, peddler or canvasser as the agent of the vendor, distributor, supervisor or employer under whom he operates or from whom he obtains tangible personal property sold by him or for whom he solicits business, the director may, in his discretion, treat such agent as the vendor jointly responsible with his principal, distributor, supervisor or employer for the collection and payment over of the tax.

(j) Hotel. A building or portion of it which is regularly used and kept open as such for the lodging of guests. The term "hotel" includes an apartment hotel, a motel, boarding house or club, whether or not meals are served.

(k) Occupancy. The use or possession or the right to the use or possession, of any room in a hotel.

(l) Occupant. A person who, for a consideration, uses, possesses, or has the right to use or possess, any room in a hotel under any lease, concession, permit, right of access, license to use or other agreement, or otherwise.

(m) Permanent resident. Any occupant of any room or rooms in a hotel for at least 90 consecutive days shall be considered a permanent resident with regard to the period of such occupancy.

(n) Room. Any room or rooms of any kind in any part or portion of a hotel, which is available for or let out for any purpose other than a place of assembly.

(o) Admission charge. The amount paid for admission, including any service charge and any charge for entertainment or amusement or for the use of facilities therefor.

(p) Amusement charge. Any admission charge, dues or charge of roof garden, cabaret or other similar place.

(q) Charge of a roof garden, cabaret or other similar place. Any charge made for admission, refreshment, service, or merchandise at a roof garden, cabaret or other similar place.

(r) Dramatic or musical arts admission charge. Any admission charge paid for admission to a theatre, opera house, concert hall or other hall or place of assembly for a live, dramatic, choreographic or musical performance.

(s) Lessor. Any person who is the owner, licensee, or lessee of any premises or tangible personal property which he leases, subleases, or grants a license to use to other persons.

(t) Place of amusement. Any place where any facilities for entertainment, amusement, or sports are provided.

(u) Casual sale. Casual sale means an isolated or occasional sale of an item of tangible personal property by a person who is not regularly engaged in the business of making sales at retail where such property was obtained by the person making the sale, through purchase or otherwise, for his own use in this State.

(v) Motor vehicle. Motor vehicle shall include all vehicles propelled otherwise than by muscular power (excepting such vehicles as run only upon rails or tracks), trailers, semitrailers, housetrailers, or any other type of vehicle drawn by a motor-driven vehicle, and motorcycles, designed for operation on the public highways.

(w) "Persons required to collect tax" or "persons required to collect any tax imposed by this act" shall include: every vendor of tangible personal property or services; every recipient of amusement charges; and every operator of a hotel. Said terms shall also include any officer or employee of a corporation or of a dissolved corporation who as such officer or employee is under a duty to act for such corporation in complying with any requirement of this act and any member of a partnership. Provided, however, the vendor of tangible personal property to all contractors, subcontractors or repairmen, consisting of materials and supplies for use by them in erecting structures for others, or building on, or otherwise improving, altering or repairing real property of others, shall not be deemed a person required to collect tax, and the tax imposed by any section of this act shall be paid directly to the director by such contractors, subcontractors or repairmen.

(x) "Customer" shall include: every purchaser of tangible personal property or services; every patron paying or liable for the payment of any amusement charge; and every occupant of a room or rooms in a hotel.

(y) "Property and services the use of which is subject to tax" shall include: (a) all property sold to a person within the State, whether or not the sale is made within the State, the use of which property is subject to tax under section 6 or will become subject to tax when such property is received by or comes into the possession or control of such person within the State; and (b) all services rendered to a person within the State, whether or not such services are performed within the State, upon tangible personal property the use of which is subject to tax under section 6 or will become subject to tax when such property is received by or comes into

possession or control of such person within the State.

(z) Director. Director means the Director of the Division of Taxation of the State Department of the Treasury, or any officer, employee or agency of the Division of Taxation in the Department of the Treasury duly authorized by the director (directly, or indirectly by one or more redelegations of authority) to perform the functions mentioned or described in this act.

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

C. 54:32B-12 Collection of tax from customer.

12. Collection of tax from customer. (a) Every person required to collect the tax shall collect the tax from the customer when collecting the price, service charge, amusement charge or rent to which it applies. If the customer is given any sales slip, invoice, receipt or other statement or memorandum of the price, service charge, amusement charge or rent paid or payable, the tax shall be stated, charged and shown separately on the first of such documents given to him. The tax shall be paid to the person required to collect it as trustee for and on account of the State.

(b) For the purpose of the proper administration of this act and to prevent evasion of the tax hereby imposed, it shall be presumed that all receipts for property or services of any type mentioned in subsections (a), (b) and (c) of section 3, all rents for occupancy of the type mentioned in subsection (d) of said section, and all amusement charges of any type mentioned in subsection (e) of said section, are subject to tax until the contrary is established, and the burden of proving that any such receipt, amusement charge or rent is not taxable hereunder shall be upon the person required to collect tax or the customer. Unless a vendor shall have taken from the purchaser a certificate, signed by the purchaser and bearing his name and address and the number of his registration certificate, to the effect that the property or service was purchased for resale or the purchaser prior to taking delivery, furnishes to the vendor any affidavit, statement or additional evidence, documentary or otherwise, which the director may require demonstrating that the purchaser is an exempt organization described in section 9 (b) (1), the sale shall be deemed a taxable sale at retail. Provided, however, the director may, in his discretion, authorize a purchaser, who acquires tangible personal property or services under circumstances which make it impossible at the time of acquisition to determine the manner in which the tangible per-

sonal property or services will be used, to pay the tax directly to the director and waive the collection of the tax by the vendor. Provided, further, the director shall authorize any contractor, subcontractor or repairman who acquires tangible personal property consisting of materials and supplies for use by him in erecting structures for others, or building on, or otherwise improving, altering, or repairing real property of others, to pay the tax directly to the director and waive the collection of the tax by the vendor. No such authority shall be granted or exercised except upon application to the director, and the issuance by the director of a direct payment permit. If a direct payment permit is granted, its use shall be subject to conditions specified by the director, and the payment of tax on all acquisitions pursuant to the permit shall be made directly to the director by the permit holder.

(c) The director may provide by regulation that the tax upon receipts from sales on the installment plan may be paid on the amount of each installment and upon the date when such installment is due. He may also provide by regulation for the exclusion from taxable receipts, amusement charges or rents of amounts representing sales where the contract of sale has been canceled, the property returned or the receipt, charge or rent has been ascertained to be uncollectible or, in the case the tax has been paid upon such receipt, charge or rent, for refund or credit of the tax so paid.

3. This act shall take effect immediately.

Approved June 25, 1968.

CHAPTER 107

AN ACT concerning education with relation to school building contracts and amending sections 18A:18–3 and 18A:18–4 of the New Jersey Statutes.

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

1. Section 18A:18–3 of the New Jersey Statutes is amended to read as follows:

Separate plans for various types of work.

18A:18–3. In the preparation of plans and specifications for the construction, alteration or repair of any building by a board of

education of any school district, when the entire cost of the work and materials will exceed $2,000.00, separate plans and specifications shall be prepared for each of the following and all work and materials kindred thereto, to be performed or furnished in connection therewith:

a. The plumbing and gas fitting work;

b. The heating and ventilating systems and equipment;

c. The electrical work, including any electrical power plant;

d. The structural steel and ornamental iron work;

e. All other work and materials required for the completion of the project.

2. Section 18A:18–4 of the New Jersey Statutes is amended to read as follows:

Advertisements, proposals and separate bids in constructing, altering or repairing school district buildings; single over-all contract; award to lowest bidder; direct payment to subcontractor in certain instances.

18A:18–4. No contract for the construction, alteration, enlargement or repair of any building by a board of education of any school district, the entire cost whereof will exceed $2,000.00, shall be entered into without first advertising for and receiving proposals therefor and (a) separate bids, for the doing of the work and the furnishing of materials of each category, for which it is requisite that separate plans and specifications be prepared, and also (b) bids for all the work and materials required to complete the building to be included in a single over-all contract, in which case there shall be set forth in the bid the name or names of all subcontractors to whom the bidder will subcontract for the furnishing of any of the work and materials specified in subparagraphs a. through d. of section 18A:18–3, each of which subcontractors shall be qualified in accordance with section 18A:18–9.

If the sum total of the amounts bid by the lowest responsible bidder for each such branch is less than the amount bid by the lowest responsible bidder for all of the work and materials, the board shall award separate contracts for each of such branches to the lowest responsible bidder therefor, but if the sum total of the amount bid by the lowest responsible bidder for each such branch is not less than the amount bid by the lowest responsible bidder for all the work and materials, the board shall award a single over-all contract to the lowest responsible bidder for all of such work and materials.

In every case in which a contract is awarded under (b) above, all payments required to be made by the school district under such

contract for work and materials supplied by a subcontractor shall, upon the certification of the contractor of the amount due to the subcontractor, be paid directly to the subcontractor.

3. This act shall take effect immediately.

Approved June 25, 1968.

CHAPTER 108

AN ACT concerning contracts for the erection, construction, alteration or repair of public buildings by the State, and amending section 52:32–2 of the Revised Statutes.

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

1. Section 52:32–2 of the Revised Statutes is amended to read as follows:

Separate plans, advertisements and separate bids in erecting, altering or repairing State buildings; single over-all contract; award to lowest bidder; direct payment to subcontractor in certain instances.

52:32–2. When the entire cost of the erection, construction, alteration or repair by the State of any public buildings in this State will exceed $2,000.00, the person preparing the plans and specifications for such work shall prepare separate plans and specifications for the plumbing and gas fitting and all work kindred thereto, the steam and hot water heating and ventilating apparatus, steam power plants and all work kindred thereto, and electrical work, structural steel and ornamental iron work, and all other work and materials required for the completion of the project.

The board, body or person authorized by law to award contracts for such work shall advertise for, in the manner provided by law, and receive (a) separate bids for each of said branches of the work and (b) bids for all the work and materials required to complete the project to be included in a single over-all contract, in which case there shall be set forth in the bid the name or names of all subcontractors to whom the bidder will subcontract for the furnishing of any of the work and materials specified in (a) above, each of which subcontractors shall be qualified in accordance with chapter 35 of Title 52 of the Revised Statutes.

If the sum total of the amounts bid by the lowest responsible bidder for each such branch is less than the amount bid by the lowest responsible bidder for all of the work and materials, the board, body or person authorized to award contracts for such work shall award separate contracts for each of such branches to the lowest responsible bidder therefor, but if the sum total of the amount bid by the lowest responsible bidder for each such branch is not less than the amount bid by the lowest responsible bidder for all the work and materials, the board, body or person authorized to award the contract shall award a single over-all contract to the lowest responsible bidder for all of such work and materials.

In every case in which a contract is awarded under (b) above, all payments required to be made by the board, body or person awarding the contract under such contract for work and materials supplied by a subcontractor shall, upon the certification of the contractor of the amount due to the subcontractor, be paid directly to the subcontractor.

2. This act shall take effect immediately.

Approved June 25, 1968.

CHAPTER 109

AN ACT concerning the New Jersey Educational Facilities Authority and amending section 18A:72A–5 of the New Jersey Statutes.

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

1. Section 18A:72A–5 of the New Jersey Statutes is amended to read as follows:

Authority's powers.

18A:72A–5. The authority shall have power:

(a) To adopt by-laws for the regulation of its affairs and the conduct of its business;

(b) To adopt and have an official common seal and alter the same at pleasure;

(c) To maintain an office at such place or places within the State as it may designate;

(d) To sue and be sued in its own name, and plead and be impleaded;

(e) To borrow money and to issue bonds and notes and other obligations of the authority and to provide for the rights of the holders thereof as provided in this chapter;

(f) To acquire, lease as lessee, hold and dispose of real and personal property or any interest therein, in the exercise of its powers and the performance of its duties under this chapter;

(g) To acquire in the name of the authority 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 or interest therein and other property which it may determine is reasonably necessary for any project, including any lands held by any county, municipality or other governmental subdivision of the State; and to hold and use the same and to sell, convey, lease or otherwise dispose of property so acquired, no longer necessary for the authority's purposes;

(h) To receive and accept, from any Federal or other public agency or governmental entity, grants or loans for or in aid of the acquisition or construction of any project, and to receive and accept aid or contributions from any other source, of either money, property, labor or other things of value, to be held, used and applied only for the purposes for which such grants, loans and contributions may be made;

(i) To prepare or cause to be prepared plans, specifications, designs and estimates of costs for the construction and equipment of projects for participating colleges under the provisions of this chapter, and from time to time to modify such plans, specifications, designs or estimates;

(j) By contract or contracts or by its own employees to construct, acquire, reconstruct, rehabilitate and improve, and furnish and equip, projects for participating colleges; provided, however, that in any contract or contracts undertaken by the authority for the construction, reconstruction, rehabilitation or improvement of any public college project where the cost of such work will exceed $25,000.00, the person preparing the plans and specifications for such work shall prepare separate plans and specifications for:

(1) The plumbing and gas fitting, and all work and materials kindred thereto,

(2) The steam and hot water heating and ventilating apparatus, steam power plants and all work and materials kindred thereto,

(3) The electrical work,

(4) Structural steel and ornamental iron work and materials, and

(5) All other work and materials required to complete the building;

and the authority shall receive (a) separate bids for each of said branches of the work and (b) bids for all the work and materials required to complete the project to be included in a single over-all contract, in which case there shall be set forth in the bid the name or names of all subcontractors to whom the bidder will subcontract for the furnishing of any of the work and materials specified in (a) above.

If the sum total of the amounts bid by the lowest responsible bidder for each such branch is less than the amount bid by the lowest responsible bidder, for all of the work and materials, the authority shall award separate contracts for each of such branches to the lowest responsible bidder therefor, but if the sum total of the amount bid by the lowest responsible bidder for each such branch is not less than the amount bid by the lowest responsible bidder for all the work and materials, the authority shall award a single over-all contract to the lowest responsible bidder for all of such work and materials.

In every case in which a contract is awarded under (b) above, all payments required to be made by the authority under such contract for work and materials supplied by a subcontractor shall, upon the certification of the contractor of the amount due to the subcontractor, be paid directly to the subcontractor;

(k) To determine the location and character of any project to be undertaken pursuant to the provisions of this chapter, and to construct, reconstruct, maintain, repair, operate, lease, as lessee or lessor, and regulate the same; to enter into contracts for any or all such purposes; to enter into contracts for the management and operation of a project, and to designate a participating college as its agent to determine the location and character of a project undertaken by such participating college under the provisions of this chapter and, as the agent of the authority, to construct, reconstruct, maintain, repair, operate, lease, as lessee or lessor, and regulate the same, and, as agent of the authority, to enter into contracts for any and all such purposes including contracts for the management and operation of such project;

(l) To establish rules and regulations for the use of a project or any portion thereof and to designate a participating college as

its agent to establish rules and regulations for the use of a project undertaken by such participating college;

(m) Generally to fix and revise from time to time and to charge and collect rates, rents, fees and other charges for the use of and for the services furnished or to be furnished by a project or any portion thereof and to contract with holders of its bonds and with any other person, party, association, corporation or other body, public or private, in respect thereof;

(n) 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 chapter;

(o) To invest any moneys held in reserve or sinking funds, or any moneys not required for immediate use or disbursement, at the discretion of the authority, in such obligations as are authorized by law for the investment of trust funds in the custody of the State Treasurer.

2. This act shall take effect immediately.

Approved June 25, 1968.

CHAPTER 110

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; permissible provisions in policies; insurable groups; eligible persons; limitation on amount.

17:34–31. 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 owned by him which is repayable in installments to the creditors, or, in the case of transactions secured by a real estate mortgage, the sum of $30,000.00, and in all other cases $15,000.00, 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 of 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 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 participating 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 of 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 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.

2. This act shall take effect immediately.

Approved June 25, 1968.

CHAPTER 111

AN ACT relating to the taxation of motor fuels, and amending section 54:39–27 of the Revised Statutes.

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

1. Section 54:39–27 of the Revised Statutes is amended to read as follows:

Monthly report of fuel sold or used; tax levied; sales between distributors; penalty.

54:39–27. Every distributor shall, on or before the next to the last business day of each month, render a report to the commissioner, on forms prescribed, prepared and furnished by the commissioner, stating the number of gallons of fuel sold or used in this State by him during the preceding calendar month. A tax of $0.07 per gallon on each gallon so reported shall be paid by each distributor, such payment to accompany the filing of the report. Such report shall contain such further information as the commissioner may require. Under such regulations as the commissioner may prescribe, sales of fuel may be made by 1 licensed distributor to another licensed distributor free of such tax. If any distributor

shall fail, neglect or refuse to file the report within the time prescribed by this section, the commissioner shall note such failure, neglect or refusal upon his records, and shall estimate the sales, distribution and use of said distributor, assessing the tax thereon, adding to said tax a penalty of 20% thereof for failure, neglect or refusal to report, and such estimate shall be prima facie evidence of the true amount of tax due to the commissioner from such distributor; provided, that if a good and sufficient cause or reason is shown for such delinquency, the commissioner may remit or waive the payment of the whole or any part of the penalty. Reports required by this section, exclusive of schedules, itemized statements and other supporting evidence annexed thereto, shall at all reasonable times be open to the public, anything contained in section 54:50–8 to the contrary notwithstanding.

2. This act shall take effect July 1, 1968.

Approved June 25, 1968.

CHAPTER 112

AN ACT to amend and supplement 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 5 of the act of which this act is amendatory (C. 54:10A–5) is amended to read as follows:

C. 54:10A-5 Amount of franchise tax.

5. The franchise tax to be annually assessed to and paid by each taxpayer shall be the sum of the amount computed under subsection (a) or (b) hereof, whichever is greater, or, in the alternative to the amounts computed under subsection (a) or (b) hereof, the amount computed under subsection (f) hereof, and the amount computed under subsection (c) hereof:

(a) That portion of its entire net worth as may be allocable to this State as provided in section 6 multiplied by the rates set forth in subsection (b) of this section; or

(b) That proportion of its entire net worth as the average value of its total assets in this State during the period covered by its report is to the average value of its assets everywhere during such period (for the purpose of which there shall be included as within

this State all intangible personal property of domestic corporations not having a business situs outside this State, and the entire amount of the intangible personal property of foreign corporations as would have a business situs within this State for the purpose of a property tax) multiplied by the following rates: 2 mills per dollar on the first $100,000,000.00 of allocated net worth; 1/10 of a mill per dollar on the second $100,000,000.00; 3/10 of a mill per dollar on the third $100,000,000.00; and 2/10 of a mill per dollar on all amounts of allocated net worth in excess of $300,000,000.00;

(c) 3¼% of its entire net income or such portion thereof as may be allocable to this State as provided in section 6; provided, however, that with respect to reports covering privilege periods or parts thereof ending after December 31, 1967, the rate shall be 4¼%.

(d) Provided, however, that the franchise tax to be annually assessed to and paid by any investment company or regulated investment company which has elected to report as such and has filed its return in the form and within the time provided in this act and the rules and regulations promulgated in connection therewith, shall, in the case of an investment company, be measured by 25% of its entire net income and 25% of its entire net worth, and, in the case of a regulated investment company, by 4% of its entire net income and 15% of its entire net worth, at the rates hereinbefore set forth for the computation of tax on net income and net worth, respectively, but in no case less than $250.00.

(e) The tax assessed to any taxpayer pursuant to subsections (a) and (b) of this section shall not be less than the greatest of (i) 5/10 of a mill per dollar on the first $100,000,000.00 and 2/10 of a mill per dollar on all amounts in excess of $100,000,000.00 of total assets allocated to this State in accordance with subsection (b) hereof; or (ii) in the case of a domestic corporation, an amount measured by the number of shares which the taxpayer is authorized to issue as follows: where authorized capital stock does not exceed 5,000 shares $25.00; where the authorized capital stock is in excess of 5,000 shares but does not exceed 10,000 shares $55.00; and where the authorized capital stock exceeds 10,000 shares, for the first 10,000 shares $55.00 and for each additional 10,000 shares or part thereof $27.50, but not over $100,000.00; or (iii) $25.00 in the case of a domestic corporation, or $50.00 in the case of a foreign corporation.

(f) In lieu of the portion of the tax based on net worth and to be computed under subsections (a) and (b) of this section, any tax-

payer, the value of whose total assets everywhere, less reasonable reserves for depreciation, as of the close of the period covered by its report, amounts to less than $150,000.00, may elect to pay the tax shown in the following table:

If total assets are at least	But less than	The tax shall be For Domestic Corporations	The tax shall be For Foreign Corporations
$0 00	$18,000 00	$25 00	$50 00
18,000 00	22,000 00	31 00	50 00
22,000 00	26,000 00	37 00	50 00
26,000 00	30,000 00	43 00	50 00
30,000 00	34,000 00	49 00	50 00
34,000 00	38,000 00	55 00	55 00
38,000 00	42,000 00	61 00	61 00
42,000 00	46,000 00	67 00	67 00
46,000 00	50,000 00	73 00	73 00
50,000 00	54,000 00	79 00	79 00
54,000 00	58,000 00	85 00	85 00
58,000 00	62,000 00	91 00	91 00
62,000 00	66,000 00	97 00	97 00
66,000 00	70,000 00	103 00	103 00
70,000 00	74,000 00	109 00	109 00
74,000 00	78,000 00	115 00	115 00
78,000 00	82,000 00	121 00	121 00
82,000 00	86,000 00	127 00	127 00
86,000 00	90,000 00	133 00	133 00
90,000 00	94,000 00	139 00	139 00
94,000 00	98,000 00	145 00	145 00
98,000 00	102,000 00	151 00	151 00
102,000 00	106,000 00	157 00	157 00
106,000 00	110,000 00	163 00	163 00
110,000 00	114,000 00	169 00	169 00
114,000 00	118,000 00	175 00	175 00
118,000 00	122,000 00	181 00	181 00
122,000 00	126,000 00	187 00	187 00
126,000 00	130,000 00	193 00	193 00
130,000 00	134,000 00	199 00	199 00
134,000 00	138,000 00	205 00	205 00
138,000 00	142,000 00	211 00	211 00
142,000 00	146,000 00	217 00	217 00
146,000 00	150,000 00	223 00	223 00

2. Section 15 of the act of which this act is amendatory (C. 54:10A–15) is amended to read as follows:

C. 54:10A-15 Tax payable with respect to year 1959 and thereafter; manner of payment; same calendar or fiscal year used for federal income tax.

15. The tax imposed by this act shall be due and payable annually hereafter, commencing with the calendar year 1959, in the manner provided under subsection (a), (b) or (c) of this section, whichever shall be applicable.

(a) Every taxpayer shall annually pay a franchise tax, with respect to all or any part of each of its fiscal or calendar accounting years beginning after January 1, 1959, to be computed as herein provided, for such fiscal or calendar accounting year or part thereof, on a report which shall be filed on or before April 15 next succeeding the close of each such accounting year, or, if any such fiscal year ends after the last day of December and prior to July 1, on or before the fifteenth day of the fourth month after the close of such fiscal year, and the full amount of the tax hereunder shall be due and payable on or before the date prescribed herein for the filing of the return.

(b) Every taxpayer shall pay a like franchise tax with respect to all or any part of the period beginning January 1, 1959 and extending through any subsequent part of its first fiscal or calendar accounting year ending after said date. Such tax shall be computed as herein provided, for each and every fiscal or calendar accounting year or part thereof begun not earlier than July 2, 1957 and ending not later than December 31, 1959 on the basis of which a franchise tax has not accrued under this act prior to January 1, 1959. The tax imposed pursuant to this subsection shall be deemed a single tax for such period but shall be computed separately with respect to each such fiscal or calendar accounting year or part thereof on the basis of which a franchise tax has not previously accrued as aforesaid, on a report which shall be filed on or before April 15 next succeeding the close of each such accounting year, or, if any such fiscal year ends after the last day of December and prior to July 1, on or before the fifteenth day of the fourth month after the close of such fiscal year, and the full amount of the tax hereunder shall be due and payable on or before the date prescribed herein for the filing of the report.

(c) With respect to all or any part of each of its fiscal or calendar accounting years ending after June 30, 1967, every taxpayer shall annually pay a franchise tax on a report which shall be filed

on or before the fifteenth day of the fourth month after the close of such fiscal or calendar accounting year, or part thereof, and the full amount of the tax hereunder shall be due and payable on or before the date prescribed herein for the filing of the return.

(d) With respect to its fiscal or calendar accounting years ending after February 29, 1968 and prior to March 1, 1969, every taxpayer shall pay as a partial payment of franchise tax in addition to the tax payable under subsection (c) of this section, an amount equal to 1/4 of the tax payable under said subsection (c). With respect to each of its fiscal or calendar accounting years ending after February 28, 1969, every taxpayer shall annually pay as a partial payment of franchise tax in addition to the tax payable under subsection (c) of this section, an amount equal to 1/2 of the tax payable under said subsection (c). In the calculation of the tax pertaining to each succeeding accounting period, due in accordance with subsection (c) hereof, every taxpayer shall be entitled to a credit in the amount of the tax paid under this subsection (d) as a partial payment and shall be entitled to the return of any amount so paid which shall be found to be in excess of the total amount payable in accordance with said subsection (c) and this subsection (d).

(e) For the purpose of this act, every taxpayer shall use the same calendar or fiscal year upon which it reports to the United States Treasury Department for Federal Income Tax purposes.

3. Where the privilege period covered by a report includes any period prior to January 1, 1968, then (1) tentative taxes on taxable net income shall be separately computed by applying both the rate for the period before January 1, 1968 and the rate for the period on and after such date to the taxable income for the entire privilege period; and (2) the tax for such privilege period shall be the sum of that proportion of each tentative tax which the number of months in each period bears to the total number of months in the entire privilege period. For the purposes of this computation, more than ½ the number of days in a calendar month shall be deemed to be a full month.

4. Where (1) any partial payment of franchise tax due under subsection (d) of section 15 of the act of which this act is amendatory, or (2) any payment covering the 1% increase in the tax rate on net income provided for in section 5(c) of the act of which this act is amendatory, pertains to a fiscal accounting period ending after December 31, 1967 and prior to June 1, 1968, the time for such payment is hereby extended to October 15, 1968 and such payment may be made on or before said date without incurring penalty or

interest charges; provided, however, that the extension herein granted does not pertain to that portion of the tax on net income resulting from the application of the prior existing rate of 3¼%. In the event any such payment is not made on or before October 15, 1968, interest and penalties thereon shall be computed without regard to this extension.

5. There is hereby appropriated to the Division of Taxation in the Department of the Treasury the sum of $100,000.00 or so much thereof as shall be required to carry out the provisions of this act from the effective date hereof to the period ending June 30, 1969.

6. This act shall take effect immediately.

Approved June 25, 1968.

CHAPTER 113

AN ACT concerning disorderly persons and amending section 2A:169–4 of the New Jersey Statutes.

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

1. Section 2A:169–4 of the New Jersey Statutes is amended to read as follows:

General penalty.

2A:169–4. Except as otherwise expressly provided, a person adjudged a disorderly person shall be deemed to have been guilty of a petty offense and shall be punished by imprisonment in the county workhouse, penitentiary or jail for not more than 6 months, or by a fine of not more than $500.00 or both.

2. This act shall take effect immediately.

Approved June 25, 1968.

CHAPTER 114

AN ACT to provide for the registration and regulation of orthoptists and supplementing Title 45 of the Revised Statutes.

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

C. 45:12A-1 Definitions.

1. As used in this act, unless the context otherwise requires, the following words shall have the following meanings:

(a) "Board" means the State Board of Medical Examiners.

(b) "Commission" shall mean the commission created in section 9 of this act.

(c) "Orthoptics" means that field of vision training concerned with the inability of the patient to maintain fusion and binocular co-ordination.

(d) "Orthoptist" shall mean a person trained to carry out technical functions of prescribed orthoptic care under specific directions, professional supervision and guidance and may provide services only to patients referred by an ophthalmologist or optometrist.

C. 45:12A-2 Rendering orthoptic services without registration; standards governing practice of orthoptics.

2. (a) It shall be a violation of this act for any person who is not registered under this act as an orthoptist except as provided in section 3 of this act, or whose registration has been suspended or revoked, or whose registration has lapsed and has not been revived, to render orthoptic services as defined in section 1 of this act, in this State; or to use in conjunction with his name the words registered orthoptist, or any letters, words or insignia indicating or implying that he is a registered orthoptist, or in any way, orally or in writing or in print or by sign or implication, to present or hold himself out as a registered orthoptist.

(b) The commission created in section 9 of this act shall, by rules and regulations reported to the board and to the New Jersey State Board of Optometry, establish standards governing the practice of orthoptics, which standards shall be adhered to by persons registered under this act.

C. 45:12A-3 Qualifications of applicants for registration; list of registrants.

3. An applicant for registration as an orthoptist shall submit to the commission in such form as the commission may prescribe, evidence that the applicant

(1) Has attained his or her twenty-first birthday;

(2) Is a citizen of the United States or has declared his or her intention to become a citizen;

(3) Is of good moral character;

(4) Is a graduate of a high school approved by the New Jersey Department of Education or has equivalent education acceptable to the commission;

(5) Has completed 2 years of college at a college approved by the commission or the equivalency thereof as approved by the commission;

(6) Has completed a course of orthoptics of not less than 15 months at a college or institution approved by the commission;

(7) Has completed 6 months of clinical training in a hospital or optometric or medical institution approved by the commission.

The commission shall submit the names of the applicants who meet the qualifications set forth in this section to the board for registration. The list of registrants shall be submitted to the New Jersey State Board of Optometrists.

C. 45:12A-4 Registration; credit for prior service.

4. The commission shall register as an orthopist any person who applies for such registration who meets the qualifications prescribed in section 3 of this act or who submits to the commission, within 1 year after this act takes effect, evidence that the applicant has qualifications (1) and (3) provided in section 3 of this act, and has rendered orthoptic services for 1 year or more in the State of New Jersey prior to the date this act was approved.

C. 45:12A-5 Application fee; renewal.

5. Each initial application under this act shall be accompanied by a fee of $25.00. Registrations under this act shall expire on January 31 of each calendar year and shall be renewed upon application and payment of a fee of $10.00.

C. 45:12A-6 Records of orthoptists.

6. The records of patients, the name of the referring ophthalmologist or optometrist, the records of direction and such other records as the commission may require shall be maintained by the orthoptist and a copy sent to the referring ophthalmologist or optometrist.

C. 45:12A-7 Refusal, suspension or revocation of registration.

7. The commission, after due notice and hearing, may refuse to register any applicant or may refuse to renew the registration of any registered person, or may suspend or revoke the registration of any registered person:

(a) Who is habitually drunk or who is addicted to the use of narcotic drugs;

(b) Who has been convicted of violating any State or Federal narcotic law;

(c) Who the commission shall find to be guilty of immoral or unprofessional conduct;

(d) Who has been convicted of any crime involving moral turpitude;

(e) Who the commission shall find to be guilty of gross negligence as an orthoptist or whose conduct as an orthoptist is detrimental to the best interests of the public; except that said person shall have the right of appeal on all matters of law and fact to the appropriate courts of this State;

(f) Who has obtained or attempted to obtain registration by fraud or material misrepresentation;

(g) Who has been declared insane by a court of competent jurisdiction and who has not thereafter been lawfully declared sane;

(h) Who has treated or undertaken to treat ailments of human beings otherwise than by orthoptics and as authorized by this act, or who has undertaken to work independently of the written directions of an ophthalmologist or optometrist;

(i) Who has violated the provisions of this act or the rules or regulations adopted hereunder.

C. 45:12A-8 Records and register of commission.

8. The commission shall keep a record of its proceedings under this act and a register of all persons registered under it. The register shall show the name of every living person registered under this act, his last known place of employment and last known place of residence, and the date and number of his registration. The board shall compile annually a list of registered orthoptists registered in this State and shall make such list available upon request to the superintendent of every hospital or optometric institution and to every person authorized to practice medicine or optometry in this State.

C. 45:12A-9 Commission created; membership, qualifications, appointment, terms, vacancies, meetings, facilities and personnel, compensation, administrative costs.

9. (a) There is hereby created in the Division of Professional Boards of the Department of Law and Public Safety, an Orthoptic Commission within the State Board of Medical Examiners. The commission shall consist of 6 members, 3 of whom shall be Board Certified Ophthalmologists who have practiced ophthalmology in the State of New Jersey for at least 5 years, and 3 of whom shall

be optometrists licensed to practice in the State of New Jersey and who have practiced optometry in this State for at least 5 years. The members of the commission shall be appointed by the Governor. The initial appointments to the commission shall be 2 members for a term of 1 year, one ophthalmologist and one optometrist; 2 members for a term of 2 years, one ophthalmologist and one optometrist; and 2 members for a term of 3 years, one ophthalmologist and one optometrist. Members shall thereafter be appointed for terms of 3 years. Each member shall hold office after the expiration of his term until a successor shall be duly appointed and qualified. A vacancy in the office of any member shall be filled in the same manner as original appointments and shall be filled for the unexpired term only, providing that any unexpired term of an ophthalmologist shall be filled by an ophthalmologist, and any unexpired term of an optometrist shall be filled by an optometrist in the same manner as original appointments are made.

Each ophthalmological appointment shall be made by the Governor from a list of 3 names submitted by a related professional organization or society having not less than 100 members. Said nominees shall be members in good standing of said association or society. Each optometric appointment shall be made by the Governor from a list of 3 names submitted by the New Jersey Optometric Association. Said nominees shall be members in good standing of said association.

(b) The commission shall meet at least twice a year and shall also meet upon the call of the Attorney General. The commission shall carry out its responsibility under this act. The Attorney General shall provide the advisory commission with such facilities and personnel as shall be required for the proper conduct of its business.

The commission, with the approval of the Attorney General, may authorize reimbursement of the members for their actual expenses incurred in the performance of their duties as members of the commission.

(c) There is hereby appropriated to the Department of Law and Public Safety for the purposes of administering this act all fees and revenues received by the board from the effective date of this act. The expenditure of such appropriation shall be authorized by the Attorney General with the approval of the Director of the Division of Budget and Accounting.

C. 45:12A-10 Violations; penalty.

10. Any person who willfully makes a false oath or affirmation in any case in which an oath is required by this act or who obtains or attempts to obtain registration by any false statement or fraudulent representation and any person who shall violate any of the provisions of this act or any rule or regulation adopted hereunder shall be liable for a penalty of not less than $200.00 for the first offense and not less than $500.00 for the second offense and each subsequent offense, to be sued for and recovered in a summary manner, pursuant to the Penalty Enforcement Law (N. J. S. 2A:58–1 et seq.).

C. 45:12A-11 Limitation of authority to provide services.

11. Any person registered under this act shall be limited to providing orthoptic services under the specific direction and professional supervision of an ophthalmologist or licensed optometrist in a hospital of 100 beds or more accredited by the Joint Commission on Accreditation of Hospitals.

12. This act shall take effect immediately.

Approved June 25, 1968.

CHAPTER 115

AN ACT making an appropriation to the State Department of Conservation and Economic Development to defray the expenses of the State in connection with the holding of the National Convention of the National Association for the Advancement of Colored People in New Jersey in 1968.

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

1. There is hereby appropriated from the general funds of the State in the State Treasury the sum of $5,000.00 to the Department of Conservation and Economic Development to defray the expenses of the State in connection with the holding of the National Convention of the National Association for the Advancement of Colored People in New Jersey in 1968.

2. There is hereby additionally appropriated to the Department of Conservation and Economic Development for the purposes set

forth in section 1 of this act, all moneys which have been or hereafter may be contributed or donated to the State of New Jersey for such purposes by any persons, corporation, partnership or other entity.

3. This act shall take effect immediately.

Approved June 25, 1968.

CHAPTER 116

A SUPPLEMENT to the "Farmland Assessment Act of 1964," approved May 11, 1964 (P. L. 1964, c. 48).

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

1. In any municipality in which a program of revaluation of all property in the municipality was undertaken and completed in time to be reflected in the assessments for the tax year 1967 but not in sufficient time to permit taxpayers to make applications prior to October 1, 1966, for the valuation, assessment and taxation of their lands for the tax year 1967 on the basis of being actively devoted to agricultural or horticultural use, any such application filed with the assessor since October 1, 1966, and prior to the sixtieth day following the effective date of this act, shall be deemed to have been timely made for the tax year 1967, notwithstanding any provision to the contrary of the act to which this act is a supplement or of any other law, and the taxes of any applicant whose lands qualify for valuation, assessment and taxation as lands actively devoted to agricultural or horticultural use shall be adjusted accordingly for the tax year 1967 and credited or debited, as the case may be, against any taxes due or to become due on such lands.

2. This act shall take effect immediately.

Approved June 25, 1968.

CHAPTER 117

AN ACT to amend and supplement "An act authorizing any city of the fourth class by ordinance, subject to referendum, to impose, in the municipality, certain retail sales and services taxes and providing for the collection thereof," filed April 19, 1947 (P. L. 1947, c. 71).

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. 40:48-8.17 Maximum tax rates; cigars, cigarettes and other tobacco products.

3. Any such ordinance may impose such tax up to the amount set forth in the following schedule but not in excess thereof:

(a) $0.12 or less, no tax;
(b) over $0.12 and not over $0.19, a tax of $0.01;
(c) $0.20 and not over $0.39, a tax of $0.02;
(d) $0.40 and not over $0.59, a tax of $0.03;
(e) $0.60 and not over $0.79, a tax of $0.04;
(f) $0.80 and not over $1.00, a tax of $0.05;
(g) over $1.00 a tax of $0.05 on each even $1.00 thereof and if there is any fraction of $1.00, a tax on such fraction according to the schedule above.

In imposing any such tax on the sale of any cigars, cigarettes or other tobacco products, any such ordinance may provide that each cigar, each pack or tin of cigarettes and each other tobacco container involved in a sale shall be considered as a separate sale and any tax imposed on any such sale may be fixed in such ordinance at a different rate than on other retail sales but not in excess of the schedule above on each cigar, pack or tin of cigarettes and other tobacco container.

C. 40:48-8.25a Change of present ordinance.

2. In any municipality in which the provisions of the act of which this act is amendatory and supplementary is presently operative pursuant to an ordinance and referendum thereon approving the same heretofore adopted and held in accordance with the provisions of said act, any ordinance to adopt the provisions of this amendatory and supplementary act shall, upon adoption, become

operative within the municipality without any requirement to submit the same to the voters for their approval or disapproval.

3. This act shall take effect immediately.

Approved June 25, 1968.

CHAPTER 118

AN ACT concerning highways and bridges over the Delaware river, the responsibilities of the Delaware River Joint Toll Bridge Commission and the New Jersey Department of Transportation with regard to the construction of additional river crossings and supplementing Titles 27 and 32 of the Revised Statutes.

WHEREAS, There is a demonstrated need for additional crossings of the Delaware river within the jurisdiction of the Delaware River Joint Toll Bridge Commission; and

WHEREAS, The United States Bureau of Public Roads has previously indicated a willingness to have constructed as part of the Interstate System a new river crossing as part of Interstate Route 78 near Easton-Phillipsburg; and

WHEREAS, The Delaware River Joint Toll Bridge Commission has also publicly indicated the need for new crossings at Burlington-Bristol, New Hope-Lambertville and Trenton-Morrisville; and

WHEREAS, The construction of the Burlington-Bristol crossing with Federal and State funds would substantially reduce the future financial requirements of the Delaware River Joint Toll Bridge Commission; and

WHEREAS, The New Jersey Department of Transportation has indicated that, under certain conditions, the Federal Government is prepared to add the Burlington-Bristol Bridge and the connector roads from Interstate Route 295 in New Jersey to Interstate Route 95 in Pennsylvania to the present Interstate System; and

WHEREAS, The Federal Government is desirous of operating the Interstate System free from toll facilities to the greatest extent possible; and

WHEREAS, The Federal Government is seeking the construction of the Interstate Route 78 crossing as a nontoll facility within 10 miles of the existing Easton-Phillipsburg toll bridge and an agreement to release from toll operation at a future specific date the toll bridge at Delaware Water Gap which is a part of Interstate Route 80; and

WHEREAS, It is in the public interest to resolve the present difficulties preventing prompt construction of all of these bridges and wherever possible to operate these bridges as nontoll facilities; now, therefore,

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

C. 27:12D-1 Legislature's findings.

1. The Legislature hereby finds and determines the construction of a new river crossing at Burlington-Bristol and an additional river crossing at Easton-Phillipsburg as part of the National System of Interstate and Defense Highways is in the public interest and further finds and determines that it is in the public interest to have released from toll operation the Delaware river crossing that is part of Interstate Route 80 at a date consistent with the intention of the Delaware River Joint Toll Bridge Commission to construct additional toll crossings in the immediate future in the vicinity of New Hope-Lambertville and Trenton-Morrisville, and further determines that the Department of Transportation and the New Jersey members of the Delaware River Joint Toll Bridge Commission should cooperate in an effort to accomplish the construction of bridges, insofar as possible, in the manner herein set forth.

C. 27:12D-2 Construction of certain bridges authorized.

2. Pursuant to the authority set forth in chapter 153, P. L. 1956, the Commissioner of Transportation is further authorized in cooperation with the Department of Highways in the Commonwealth of Pennsylvania and the United States Department of Transportation to construct as part of the National System of Interstate and Defense Highways, a bridge across the Delaware river in the vicinity of Burlington, New Jersey and Bristol, Pennsylvania and a bridge across the Delaware river in the vicinity of Phillipsburg, New Jersey and Easton, Pennsylvania.

C. 27:12D-3 Agreement with Delaware River Joint Toll Bridge Commission authorized.

3. In carrying out the provisions of this act, the Department of Transportation may enter into an agreement with the Delaware River Joint Toll Bridge Commission for the purposes of constructing bridges and approaches over the Delaware river in the vicinity of Burlington-Bristol and Easton-Phillipsburg. The cost of such construction shall be the responsibility of the States and the Federal Government and not the Delaware River Joint Toll Bridge Commission. The nonfederal share of the cost shall be divided equally between the States. Upon completion, the bridges shall be owned by the State of New Jersey and the Commonwealth of Pennsylvania equally and such bridges shall be maintained and operated by the Delaware River Joint Toll Bridge Commission as toll-free facilities in accordance with the laws applicable to other State-owned bridges within the jurisdiction of the Delaware River Joint Toll Bridge Commission.

C. 27:12D-4 Agreements with Pennsylvania Department of Highways and United States Department of Transportation authorized.

4. The Department of Transportation and the Delaware River Joint Toll Bridge Commission are hereby authorized to enter into such agreements with the Department of Highways of the Commonwealth of Pennsylvania and with the Department of Transportation of the United States as may be necessary or desirable in order to comply with all applicable Federal laws, requirements and regulations thereunder governing the construction and financing of facilities to be incorporated in the National System of Interstate and Defense Highways.

C. 27:12D-5 Limitations.

5. Notwithstanding the provisions of this act, the construction and operation of the toll-free bridges authorized herein shall be carried out in a manner which will not violate any existing covenant of the Delaware River Joint Toll Bridge Commission made for the protection of holders of its outstanding Bridge Revenue Bonds and such bridges shall not be opened to traffic until all such outstanding Bridge Revenue Bonds shall have been retired by payment, purchase or redemption, or provision for such retirement shall have been duly made, or unless the holders of such Bridge Revenue Bonds for which provision for retirement shall not have been made shall have consented in writing to such bridge opening.

6. This act shall take effect immediately.

Approved June 25, 1968.

CHAPTER 119

AN ACT making appropriations for the support of the State Government and for several public purposes for the fiscal year ending June 30, 1969, and regulating the disbursement thereof.

ANTICIPATED RESOURCES FOR THE FISCAL YEAR 1968-69

Surplus

Estimated balance, July 1, 1968	$62,232,132

Major Tax and Fee Revenues

Transfer inheritance tax	$56,000,000
Railroad taxes—franchise	250,000
Miscellaneous corporation tax — domestic and foreign	170,938,000
Domestic life insurance corporation tax	1,400,000
Foreign insurance corporation tax	28,000,000
Alcoholic beverage tax	34,000,000
Cigarette tax	126,000,000
Pari-mutuel tax	34,000,000
Motor fuels tax	186,500,000
Motor vehicle fees, et cetera	123,000,000
Motor carriers road tax	2,118,300
Motor vehicle security-responsibility law administration	1,218,144
Public utility surtax	16,700,000
State sales tax	252,000,000
Emergency transportation tax	13,000,000

Other Tax, License, Fee and Departmental Revenues

Department of Law and Public Safety:	
Bureau of Securities—license fees	$221,275
Beverage licenses	964,900
Amusement games control fees	68,300
Professional examining boards fees	819,732
Beauty Culture Control licenses	347,600
Division of State Police—miscellaneous receipts	78,000
Division of Motor Vehicles—miscellaneous receipts	10,000

Division of Weights and Measures	31,400
Bus excise tax	315,000
Department of the Treasury:	
Investment earnings	7,000,000
Interest on deposits	500,000
Escheats, personal property (14-year law)	100,000
Outdoor advertising permits and fees	129,000
Dividends	18,870
Public utility tax administration	60,000
Pensions and social security administration	1,360,000
Pension contributions from special fund sources	2,500,000
Public employers contribution reimbursement	1,500,000
Social security contributions from special fund sources	1,400,000
Rutgers, The State University—employer contributions reimbursement	500,000
Federal aid: Unemployment Benefits Section—Treasury Department	78,711
Health benefits contributions from special fund sources	450,000
Rent of State building space	450,000
Department of State:	
General revenue—fees	2,334,000
Uniform commercial codes—fees	160,000
Commissions	161,000
Office of Athletic Commissioner	21,000
Department of Banking and Insurance:	
Examining and other fees	2,946,000
Real Estate Commission	744,000
Department of Agriculture:	
General fees	70,000
Milk Control licenses and fees	350,000
Fertilizer inspection and other fees	111,700
Department of Defense:	
Armory rentals	65,000
Federal aid: general	299,250
Federal aid: Civil Defense	250,000
Department of Public Utilities:	
General revenue—fees	380,000
Department of Health:	
General fees	334,100
Rabies Control licenses	222,000
Board of Barber Examiners—licenses and fees	111,895

Department of Labor and Industry:	
General revenues, licenses, fees, et cetera	548,900
Second Injury Workmen's Compensation insurance tax	56,494
Second Injury Workmen's Compensation administration tax	50,000
Federal aid: Vocational rehabilitation	7,464,840
Federal aid: Statistical services	38,000
Department of Conservation and Economic Development:	
Hunters' and Anglers' licenses	1,888,582
Federal aid: Public Hunting and Fishing Grounds	206,000
Division of Parks, Forestry and Recreation:	
Bureau of Parks	1,122,500
Bureau of Recreation	1,200
Bureau of Forestry	18,000
Federal aid: forest nursery and farm forestry	253,000
Bureau of Navigation—Motor Boat Numbering Act	325,000
Bureau of Navigation—other fees	214,561
Pilot Commissioners' receipts	22,400
Excess water diversion fees	350,000
Well drillers' licenses and permits	15,200
Delaware and Raritan Canal—rentals and sales	421,500
Round Valley—Spruce Run—sale of water	243,300
Division of Shell Fisheries—licenses and fees	82,450
Morris Canal fund receipts	60,200
Department of Education and/or Higher Education:	
Academic certificate fees	27,054
State Board of Examiners—fees	123,250
State Museum—service charges	5,000
Federal aid: Smith-Hughes, George-Barden funds	600,000
State Colleges—	
Glassboro:	
Tuition—regular	525,400
Demonstration school	94,533
Miscellaneous	12,000
Auxiliary services income	1,008,801
Summer, extension, field, graduate fees	895,840
Other student fees	63,890

Jersey City:	
Tuition—regular	472,800
Miscellaneous	12,000
Auxiliary services income	102,000
Summer, extension, field, graduate fees	801,000
Other student fees	52,433
Newark:	
Tuition—regular	510,000
Demonstration school	79,400
Miscellaneous	15,000
Auxiliary services income	196,320
Summer, extension, field, graduate fees	1,000,000
Other student fees	80,255
Paterson:	
Tuition—regular	525,000
Auxiliary services income	218,544
Summer, extension, field, graduate fees	650,000
Miscellaneous	10,050
Other student fees	50,560
Montclair:	
Tuition—regular	645,000
Miscellaneous	17,500
Auxiliary services income	615,932
Summer, extension, field, graduate fees	555,303
Home Economics program (Federal)	15,000
Other student fees	58,480
Trenton:	
Tuition—regular	645,000
Miscellaneous	15,000
Auxiliary services income	1,366,900
Summer, extension, field, graduate fees	1,075,000
Other student fees	58,200
Marie H. Katzenbach School for the Deaf—board and fees	13,100
School of Conservation—tuition and fees	265,785
Agricultural Experiment Station—fees	70,000
Department of Transportation:	
Division of Aeronautics fees	41,030
Miscellaneous receipts	100,000
Department of Institutions and Agencies:	
Board of patients and other income	40,146,000
Adoption law fees	190,000
Federal aid: soldiers' homes	350,000

Federal aid: Bureau of Children's Services	1,170,618
Federal aid: administration of Bureau of Assistance and central office	1,106,500
Federal aid: administration of blind	652,500
Federal aid: mental health services	91,450
Department of Community Affairs:	
Division of Housing and Urban Renewal—fees	106,000
Division of Local Finance—fees	100,000
Delaware River Joint Toll Bridge Commission:	
Pennsylvania's share	265,124
Rentals and miscellaneous income	1,401
Judiciary:	
Court fees	4,070,000
Unclassified:	
Miscellaneous revenues	325,000
Total Revenues	$1,148,232,257
Interfund Transfers	
Unclaimed Bank Deposits Escheat Fund	$56,250
Unclaimed Life Insurance Escheat Fund	75,000
Unclaimed Personal Property Trust Fund	1,748,917
School Fund income	1,225,000
1837 Surplus Revenue Fund income	27,500
State 1960 Institution Construction Fund	24,000
State 1964 Institution Construction Fund	716,500
State 1964 Higher Education Construction Fund	80,000
State Recreation and Conservation Land Acquisition Fund	180,900
Unsatisfied Claim and Judgment Fund	339,235
State Water Development Fund	88,500
State Disability Benefits Fund	2,696,235
Interest on deposits (trust funds)	141,100
Total Interfund Transfers	$7,399,137
Total Resources Available for Appropriations	$1,217,863,526
Less:	
Amount Reserved for Urban Aid Program	*58,900,000*
Net Resources	$1,158,963,526

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

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, 1969. 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, 1969 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	180,000	
Other employees	160,000	
		$642,500
Materials and Supplies		164,600
Services Other Than Personal		156,171
Maintenance of Property		250
Additions and Improvements		3,000
Total Appropriation, Senate		$966,521

The unexpended balance in this account as of June 30, 1968 is hereby appropriated.

002-100. *General Assembly*

Salaries:		
Assemblymen (80)	$602,500	
Members' staff services	360,000	
Other employees	96,000	
		$1,058,500
Materials and Supplies		206,800
Services Other Than Personal		261,950
Maintenance of Property		8,500
Additions and Improvements		3,000
Total Appropriation, General Assembly		$1,538,750

The unexpended balance in this account as of June 30, 1968 is hereby appropriated.

Total Appropriation, Legislature	$2,505,271

003-100. Law Revision and Legislative Services Commission

Salaries:		
Other employees	$322,949	
Positions established from lump sum appropriation	47,106	
		$370,055
Materials and Supplies		19,000
Services Other Than Personal		45,950
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		$488,105

The unexpended balance in this account as of June 30, 1968 is hereby appropriated, except the unexpended amount of $11,912 in the account—"Control—Legislative Reapportionment and Congressional Redistricting Planning Commission."

004-100. Legislative Budget and Finance Director

Salaries:		
Other employees	$164,111	
New positions	14,493	
		$178,604
Materials and Supplies		3,200
Services Other Than Personal		7,615
Maintenance of Property:		
Recurring	$350	
Non-Recurring and Replacements	3,000	
		3,350
Additions and Improvements		2,000
Total Appropriation, Legislative Budget and Finance Director		$194,769

The unexpended balance in this account as of June 30, 1968 is hereby appropriated.

005-100. State Auditor's Department

Salaries:		
State Auditor	$15,000	
Other employees	533,559	
		$548,559
Materials and Supplies		1,850
Services Other Than Personal		33,405
Maintenance of Property:		
Recurring	$1,300	
Non-Recurring and Replacements	1,000	
		2,300
Total Appropriation, State Auditor's Department		$586,114

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	$49,575	
Atlantic States Marine Fisheries Commission	2,500	
National Conference of Commissioners on Uniform State Laws	2,450	
		54,525
Total Appropriation		$59,515

011-100. *Commission on State Tax Policy*

The unexpended balance in this account as of June 30, 1968 is hereby appropriated.

012-100. *Apportionment Commission*

For expenses of the Apportionment Commission authorized pursuant to Article XI, section 5, paragraph 2 of the State Constitution $10,000

013-100. *Commission to Study Autonomous Authorities*

Extraordinary:
Expenses of the Commission $15,000

023-100. *Corporation Law Revision Commission*

The unexpended balance in this account as of June 30, 1968 is hereby appropriated.

024-100. *Insurance Law Revision Commission*

Extraordinary:
Expenses of the Commission $5,000
The unexpended balance in this account as of June 30, 1968 is hereby appropriated.

027-100. *State Capitol Development Commission*

The unexpended balance in this account as of June 30, 1968 is hereby appropriated.

028-100. *Narcotic Drug Study Commission*

The unexpended balance in this account as of June 30, 1968 is hereby appropriated.

039-100. *County and Municipal Government Study Commission*

Extraordinary:
Expenses of the Commission $50,000
The unexpended balance in this account as of June 30, 1968 is hereby appropriated.

040-100. *State Aid to School Districts Study Commission*

The unexpended balance in this account as of June 30, 1968 is hereby appropriated.

045-100. *Motor Vehicle Study Commission*

Extraordinary:
Expenses of the Commission $5,000
The unexpended balance in this account as of June 30, 1968 is hereby appropriated.

047-100. *Rules of Evidence Study Commission*

The unexpended balance in this account as of June 30, 1968 is hereby appropriated.

048-100. *Divorce Law Study Commission*

The unexpended balance in this account as of June 30, 1968 is hereby appropriated.

Total Appropriation, Miscellaneous Legislative Commissions $144,515

080-100. CHIEF EXECUTIVE'S OFFICE

Salaries:		
Governor	$35,000	
Secretary to the Governor	18,000	
Other employees	310,044	
		$363,044
Materials and Supplies		21,500
Services Other Than Personal		50,200
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		$478,244

The unexpended balance in this account as of June 30, 1968 is hereby appropriated.

DEPARTMENT OF LAW AND PUBLIC SAFETY

100-100. *Office of the Attorney General*

Salaries:		
Attorney General	$27,000	
Other employees	133,833	
		$160,833
Materials and Supplies		730
Services Other Than Personal		65,235
Maintenance of Property		130
Total Appropriation, Office of the Attorney General		$226,928

None of the funds appropriated in the account "Other Professional" may be expended without approval of the Director of the Division of Budget and Accounting and the Legislative Budget and Finance Director.

The unexpended balance as of June 30, 1968 in the account "Study of Governmental Immunity Laws Pursuant to C. 52:17B–4.1 et seq." is hereby appropriated.

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	$1,054,453	
New positions	77,927	
Positions established from lump sum appropriation	84,767	
		$1,217,147
Materials and Supplies		43,250
Services Other Than Personal		93,196
Maintenance of Property:		
Recurring	$1,850	
Non-Recurring and Replacements	2,175	
		4,025
Additions and Improvements		10,433
Total Appropriation, Division of Law		$1,368,051

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, 1968 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 1968-69.

115-100. *Division on Civil Rights*

Salaries:		
Other employees	$311,760	
New positions	20,101	
		$331,861
Materials and Supplies		10,730
Services Other Than Personal		66,769
Maintenance of Property:		
Recurring	$900	
Non-Recurring and Replacements	250	
		1,150
Additions and Improvements		4,037
Total Appropriation, Division on Civil Rights		$414,547

120-100. *Division of State Police*

Salaries:		
Colonel and Superintendent	$22,000	
Other employees	10,368,697	
New positions	484,112	
Cash in lieu of maintenance	1,794,878	
Cash in lieu of maintenance—New positions	102,240	
		$12,771,927
Materials and Supplies		776,515
Services Other Than Personal		746,951
Maintenance of Property:		
Recurring	$135,000	
Non-Recurring and Replacements	535,560	
		670,560
Extraordinary:		
Compensation awards	$50,000	
Establishing and operating riot training school	83,147	
National crime information center, New Jersey terminal	75,636	
		208,783
Additions and Improvements		120,050
Total Appropriation, Division of State Police		$15,294,786

In addition to the amounts hereinabove specifically appropriated to the Division of State Police, there are appropriated to the respective State departments and agencies such sums as are applicable to the fiscal period of this act which may be received or receivable from any instrumentality or public authority for direct and indirect costs of all State Police services furnished thereto, except as to such costs for which funds have been included in appropriations otherwise made to the respective State departments and agencies as the Director of the Division of Budget and Accounting shall determine; provided, however, that payments from such instrumentalities or authorities for employer contributions to the State Police Retirement System shall not be appropriated and shall be paid into the General State Fund.

The unexpended balance as of June 30, 1968 of the supplemental appropriation authorized by Chapter 14, P. L. 1968 is hereby appropriated.

125-100. *Police Training Commission*

Salaries:		
Other employees	$67,704	
New positions	51,118	
		$118,822
Materials and Supplies		9,025
Services Other Than Personal		12,017
Maintenance of Property:		
Recurring	$650	
Non-Recurring and Replacements	1,500	
		2,150
Extraordinary:		
Police administration chair at Rutgers University		40,000
Additions and Improvements		13,344
Total Appropriation, Police Training Commission		$195,358

The unexpended balance as of June 30, 1968 in the account "Police Administration Chair at Rutgers University" is hereby appropriated.

130-100. *Division of Alcoholic Beverage Control*

Salaries:		
Director	$20,000	
Other employees	1,145,667	
		$1,165,667
Materials and Supplies		14,940
Services Other Than Personal		161,804
Maintenance of Property:		
Recurring	$3,696	
Non-Recurring and Replacements	2,368	
		6,064
Additions and Improvements		570
Total Appropriation, Division of Alcoholic Beverage Control		$1,349,045

135-100. *Division of State Medical Examination*

Salaries:	
State Medical Examiner	$22,000
Extraordinary:	
For operating expenses including the purchase of technical services in public or private facilities	100,000
Total Appropriation, Division of State Medical Examination	$122,000

The unexpended balance as of June 30, 1968 of the appropriation of $50,000 authorized by Chapter 234, P. L. 1967 is hereby appropriated.

Division of Motor Vehicles

140-100. *General*

Salaries:		
Director	$20,000	
Other employees	11,200,873	
New positions	46,536	
Motor Vehicle Examiners' Overtime	774,000	
		$12,041,409

Materials and Supplies		936,902
Services Other Than Personal		1,589,838
Maintenance of Property:		
Recurring	$74,950	
Non-Recurring and Replacements	87,323	
		162,273
Extraordinary:		
Traffic Safety Education Program	$29,000	
Compensation awards	40,000	
To establish a unified and integrated driver, owner and vehicle record system by automatic data processing	769,312	
Inspection of motor vehicles for air pollution	45,000	
		883,312
Additions and Improvements		21,024
Total Appropriation		$15,634,758

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	$926,389	
New positions	36,260	
		$962,649
Materials and Supplies		45,000
Services Other Than Personal		200,994
Maintenance of Property:		
Recurring	$2,500	
Non-Recurring and Replacements	3,006	
		5,506
Additions and Improvements		3,995
Total Appropriation		$1,218,144

142-400. *Unsatisfied Claim and Judgment Fund Board*

Salaries:		
Other employees	$277,596	
New positions	12,006	
		$289,602
Materials and Supplies		8,500
Services Other Than Personal		37,356
Maintenance of Property:		
Recurring	$600	
Non-Recurring and Replacements	414	
		1,014
Additions and Improvements		2,763
Total Appropriation		$339,235

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	$17,192,137

150-100. *Division of Weights and Measures*

Salaries:		
State Superintendent	$14,000	
Other employees	349,815	
New positions	5,237	
		$369,052
Materials and Supplies		18,800
Services Other Than Personal		35,203
Maintenance of Property:		
Recurring	$6,850	
Non-Recurring and Replacements	3,050	
		9,900

Extraordinary:	
Compensation awards	500
Additions and Improvements	23,807
Total Appropriation, Division of Weights and Measures	$457,262

Division of Professional Boards

160-100. *Administrative Bureau*

Salaries	$206,881
Materials and Supplies	5,675
Services Other Than Personal	38,527
Maintenance of Property	1,150
Total Appropriation	$252,233

161-100. *State Board of Public Accountants*

Salaries	$21,904
Materials and Supplies	1,000
Services Other Than Personal	21,065
Maintenance of Property	100
Total Appropriation	$44,069

162-100. *State Board of Architects*

Salaries	$34,488
Materials and Supplies	3,325
Services Other Than Personal	13,825
Maintenance of Property	100
Total Appropriation	$51,738

163-100. *State Board of Dentistry*

Salaries	$28,366
Materials and Supplies	1,800

Services Other Than Personal		14,703
Maintenance of Property		300
Additions and Improvements		1,000
Total Appropriation		$46,169

164-100. *State Board of Mortuary Science*

Salaries		$24,723
Materials and Supplies		799
Services Other Than Personal		10,321
Maintenance of Property:		
Recurring	$248	
Non-Recurring and Replacements	125	
		373
Total Appropriation		$36,216

165-100. *State Board of Professional Engineers and Land Surveyors*

Salaries		$38,553
Materials and Supplies		9,275
Services Other Than Personal		28,626
Maintenance of Property:		
Recurring	$75	
Non-Recurring and Replacements	400	
		475
Additions and Improvements		130
Total Appropriation		$77,059

166-100. *State Board of Medical Examiners*

Salaries	$43,005
Materials and Supplies	6,000
Services Other Than Personal	20,464
Maintenance of Property	300
Total Appropriation	$69,769

167-100. *State Board of Nursing*

Salaries		$111,103
Materials and Supplies		6,000
Services Other Than Personal		57,619
Maintenance of Property:		
Recurring	$400	
Non-Recurring and Replacements	800	
		1,200
Total Appropriation		$175,922

168-100. *State Board of Optometrists*

Salaries	$14,390
Materials and Supplies	300
Services Other Than Personal	4,876
Maintenance of Property	50
Total Appropriation	$19,616

169-100. *State Board of Pharmacy*

Salaries	$39,360
Materials and Supplies	3,025
Services Other Than Personal	15,200
Maintenance of Property	60
Total Appropriation	$57,645

170-100. *State Board of Veterinary Medical Examiners*

Salaries	$3,923
Materials and Supplies	200
Services Other Than Personal	1,485
Total Appropriation	$5,608

171-100. *State Board of Shorthand Reporting*

Salaries	$300
Materials and Supplies	25
Services Other Than Personal	27
Total Appropriation	$352

172-100. *State Board of Examiners of Ophthalmic Dispensers and Ophthalmic Technicians*

Salaries	$7,600
Materials and Supplies	550
Services Other Than Personal	2,302
Maintenance of Property	60
Total Appropriation	$10,512

173-100. *State Board of Beauty Culture Control*

Salaries:		
Chairman	$4,500	
Board Members (5 @ $3,500)	17,500	
Other employees	57,254	
		$79,254
Materials and Supplies		6,850
Services Other Than Personal		16,160
Maintenance of Property:		
Recurring	$500	
Non-Recurring and Replacements	600	
		1,100
Additions and Improvements		650
Total Appropriation		$104,014

174-100. *State Board of Professional Planners*

Salaries	$8,800
Materials and Supplies	200
Services Other Than Personal	4,596
Total Appropriation	$13,596

175-100. *State Board of Examiners of Electrical Contractors*

Salaries	$39,358
Materials and Supplies	2,700
Services Other Than Personal	15,598
Maintenance of Property	100
Total Appropriation	$57,756

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	$1,022,274

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	$37,642,388

DEPARTMENT OF THE TREASURY

210-100. *Administrative Division*

Salaries:		
State Treasurer	$27,000	
Other employees	206,186	
Position transferred from another division	4,608	
		$237,794

Materials and Supplies		2,100
Services Other Than Personal		16,450
Maintenance of Property:		
Recurring	$4,500	
Non-Recurring and Replacements	1,200	
		5,700
Total Appropriation, Administrative Division		$262,044

211-100. *Office of Economic Policy*

The unexpended balance in this account as of June 30, 1968 is hereby appropriated.

220-100. *Division of Budget and Accounting*

Salaries:		
Director	$25,000	
Other employees	942,188	
New positions	33,225	
		$1,000,413
Materials and Supplies		50,050
Services Other Than Personal		709,895
Maintenance of Property:		
Recurring	$5,250	
Non-Recurring and Replacements	23,377	
		28,627
Additions and Improvements		5,752
Total Appropriation, Division of Budget and Accounting		$1,794,737

There are hereby appropriated, out of revenues derived from escheated property under the various escheat acts, such sums as may be necessary 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	2,330,320	
New positions	61,746	
		$2,414,066
Materials and Supplies		634,675
Services Other Than Personal		635,881
Maintenance of Property:		
Recurring	$178,700	
Non-Recurring and Replacements	13,981	
		192,681
Additions and Improvements		12,740
Total Appropriation		$3,890,043

230-300. *State Purchase Fund*

The unexpended balance in the State Purchase Fund as of June 30, 1968, 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, 1969 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, 1968, 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 prescribed in section 3 of this act.

231-100. *Office of Architecture, Engineering and Construction*

Salaries:		
Other employees	$490,499	
New positions	18,810	
		$509,309
Materials and Supplies		9,600
Services Other Than Personal		40,400
Maintenance of Property:		
Recurring	$400	
Non-Recurring and Replacements	2,488	
		2,888
Additions and Improvements		8,048
Total Appropriation		$570,245

232-100. *Agricultural Commodity Distribution*

Salaries:		
Other employees	$77,262	
New Positions	9,923	
		$87,185

Materials and Supplies		1,500
Services Other Than Personal		260,300
Maintenance of Property:		
Recurring	$150	
Non-Recurring and Replacements	971	
		1,121
Sub-Total Appropriation		$350,106
Less: Receipts from Charges to Recipient Agencies		*240,000*
Total Appropriation		$110,106

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 all 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	$4,570,394

240-100. *Division of Taxation*

Salaries:		
Director	$21,000	
Other employees	8,722,866	
New positions	136,176	
		$8,880,042
Materials and Supplies		416,390
Services Other Than Personal		1,611,123
Maintenance of Property:		
Recurring	$11,439	
Non-Recurring and Replacements	13,025	
		24,464
Extraordinary:		
Administration of Farm Land Act		10,000
Additions and Improvements		50,112
Total Appropriation, Division of Taxation		$10,992,131

In addition to the sum of $339,799 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:		
Presiding Judge	$18,000	
Judges (6 @ $17,000)	102,000	
Other employees	81,378	
		$201,378

Materials and Supplies		3,000
Services Other Than Personal		33,255
Maintenance of Property:		
Recurring	$200	
Non-Recurring and Replacements	188	
		388
Additions and Improvements		285
Total Appropriation, Division of Tax Appeals		$238,306

270-100. *Division of the New Jersey Racing Commission*

Salaries		$268,432
Materials and Supplies		6,000
Services Other Than Personal		32,354
Maintenance of Property		200
Total Appropriation, Division of the New Jersey Racing Commission		$306,986

290-100. *Division of Investment*

Salaries:		
Director	$21,500	
Other employees	192,776	
New positions	6,923	
		$221,199
Materials and Supplies		2,575
Services Other Than Personal		29,935
Maintenance of Property:		
Recurring	$850	
Non-Recurring and Replacements	900	
		1,750
Additions and Improvements		1,451
Total Appropriation, Division of Investment		$256,910

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	$21,500	
Other employees	1,577,665	
		$1,599,165
Materials and Supplies		50,050
Services Other Than Personal		396,139
Maintenance of Property:		
Recurring	$5,000	
Non-Recurring and Replacements	2,204	
		7,204
Additions and Improvements		1,000
Total Appropriation, Division of Pensions		$2,053,558
Total Appropriation, Department of the Treasury		$20,475,066

DEPARTMENT OF STATE

300-100. *Office of Secretary*

Salaries:		
Secretary of State	$23,000	
Other employees	378,098	
New positions	7,720	
Positions established from lump sum appropriation	4,988	
		$413,806

Materials and Supplies		22,700
Services Other Than Personal		83,556
Maintenance of Property:		
Recurring	$2,000	
Non-Recurring and Replacements	4,561	
		6,561
Additions and Improvements		9,045
Total Appropriation, Office of Secretary		$535,668

301-100. *State Council on the Arts*

Salaries		$18,975
Materials and Supplies		1,100
Services Other Than Personal		6,700
Maintenance of Property		50
Extraordinary:		
Cultural projects		50,000
Additions and Improvements		528
Total Appropriation, State Council on the Arts		$77,353

None of the sum appropriated for "Cultural Projects" may be expended without an equal amount of Federal matching funds.

The unexpended balance in this account as of June 30, 1968 is hereby appropriated.

302-100. *Office of the Athletic Commissioner*

Salaries:		
Commissioner	$7,000	
Other employees	33,432	
		$40,432
Materials and Supplies		300
Services Other Than Personal		4,048
Maintenance of Property		50
Total Appropriation, Office of the Athletic Commissioner		$44,830

304-100. *Legalized Games of Chance Control Commission*

Salaries		$109,250
Materials and Supplies		5,040
Services Other Than Personal		12,312
Maintenance of Property:		
Recurring	$1,200	
Non-Recurring and Replacements	160	
		1,360
Additions and Improvements		315
Total Appropriation, Legalized Games of Chance Control Commission		$128,277
Total Appropriation, Department of State		$786,128

310-100. Department of Civil Service

Salaries:		
President	$25,000	
Commissioners (4 @ $9,500)	38,000	
Chief Examiner and Secretary	21,960	
Other employees	1,972,257	
New positions	37,781	
		$2,094,998
Materials and Supplies		93,675
Services Other Than Personal		328,958
Maintenance of Property:		
Recurring	$6,250	
Non-Recurring and Replacements	13,906	
		20,156
Extraordinary:		
Clerical Training Program		17,500
Additions and Improvements		18,187
Total Appropriation, Department of Civil Service		$2,573,474

DEPARTMENT OF BANKING AND INSURANCE

320-100. *General*

Salaries:		
Commissioner	$25,000	
Other employees	2,363,875	
		$2,388,875
Materials and Supplies		44,400
Services Other Than Personal		285,041
Maintenance of Property:		
Recurring	$2,900	
Non-Recurring and Replacements	3,357	
		6,257
Extraordinary:		
Compensation awards		4,340
Additions and Improvements		1,564
Total Appropriation, General		$2,730,477

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	188,931	
		$208,931
Materials and Supplies		11,550
Services Other Than Personal		37,711
Maintenance of Property		270
Additions and Improvements		4,548
Total Appropriation, Division of New Jersey Real Estate Commission		$263,010
Total Appropriation, Department of Banking and Insurance		$2,993,487

DEPARTMENT OF AGRICULTURE

330-100. *General*

Salaries:		
Secretary	$25,000	
Director (Office of Milk Industry)	17,000	
Other employees	1,722,271	
New positions	20,762	
		$1,785,033
Materials and Supplies		69,130
Services Other Than Personal		410,147
Maintenance of Property:		
Recurring	$13,376	
Non-Recurring and Replacements	9,442	
		22,818
Extraordinary:		
Indemnities—pursuant to 4:5–93.37		10,000
Additions and Improvements		8,386
Total Appropriation, Department of Agriculture		$2,305,514

The unexpended balance as of June 30, 1968 in the account "Indemnities—pursuant to R. S. 4:5–93.37" is hereby appropriated for such indemnities.

The unexpended balances as of June 30, 1968 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), R. S. 54:47E–1 (Sweet Potato Commission) and C. 5:5 (New Jersey Horsebreeding and Development) together with such receipts received during the fiscal year 1968-69 are hereby appropriated.

DEPARTMENT OF DEFENSE

340-100. *Administration—General*

Salaries:		
Chief of Staff	$23,000	
Other employees	594,219	
		$617,219
Materials and Supplies		10,625
Services Other Than Personal		30,850
Maintenance of Property:		
Recurring	$2,000	
Non-Recurring and Replacements	2,349	
		4,349
Additions and Improvements		2,000
Total Appropriation, Administration—General		$665,043

342-100. *National Guard and Naval Militia*

Salaries:		
Other employees	$1,072,699	
New positions	5,499	
		$1,078,198
Materials and Supplies		384,200
Services Other Than Personal		164,156
Maintenance of Property:		
Recurring	$158,850	
Non-Recurring and Replacements	230,144	
		388,994
Extraordinary:		
Compensation awards	$10,000	
Organization Allowance	7,000	
		17,000
Additions and Improvements		15,180
Total Appropriation, National Guard and Naval Militia		$2,047,728

The unexpended balance as of June 30, 1968 of supplemental appropriations authorized by chapter 48, P. L. 1968 ($22,000) is hereby appropriated.

346-100. *Division of Civil Defense*

Salaries:		
Other employees	$432,250	
New positions	8,508	
		$440,758
Materials and Supplies		16,500
Services Other Than Personal		37,351
Maintenance of Property:		
Recurring	$1,450	
Non-Recurring and Replacements	3,555	
		5,005
Extraordinary:		
Emergency Operating Center Program	$4,500	
Hammonton Training School Program	5,000	
Medical and Health Preparedness Program	650	
		10,150
Additions and Improvements		435
Total Appropriation, Division of Civil Defense		$510,199

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 unexpended balance as of June 30, 1968 of supplemental appropriations authorized by chapter 14, P. L. 1968 ($55,000) is hereby appropriated.

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	$3,222,970

350-100. Department of Public Utilities

Salaries:		
President	$22,000	
Board Members (2 @ $18,000)	36,000	
Other employees	964,590	
New positions, subject to the enactment of Assembly Bill No. 574 or similar legislation	18,000	
		$1,040,590
Materials and Supplies		14,000
Services Other Than Personal		93,644
Maintenance of Property:		
Recurring	$950	
Non-Recurring and Replacements	4,400	
		5,350
Total Appropriation, Department of Public Utilities		$1,153,584

Department of Health

360-100. *General*

Salaries:		
Commissioner	$25,000	
Other employees	4,587,741	
New positions	99,225	
Positions established from lump sum appropriation	143,651	
		$4,855,617
Materials and Supplies		430,802
Services Other Than Personal		633,049
Maintenance of Property:		
Recurring	$10,125	
Non-Recurring and Replacements	4,025	
		14,150
Extraordinary:		
Public health services by contract	$410,500	
Emergency medical and hospital service for migrant workers	10,000	
Institute for Medical Research of Camden, New Jersey	279,478	

Expansion and operation of air monitoring system	24,570	
Water monitoring system	200,000	
Comprehensive State health planning	45,000	
Urban rodent and insect control project	77,525	
Motor vehicle emission control program	46,006	
For expansion of clean air and water programs	100,000	
		1,193,079
Additions and Improvements		29,608
Total Appropriation, General		$7,156,305

The unexpended balance as of June 30, 1968 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.

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.

The portion of the appropriation made to or on behalf of this Department, which represents General State Funds, may be expended on a matching basis in proportion to Federal funds which may be received.

360-400. *Rabies Control Program*

Salaries	$109,226
Materials and Supplies	64,600
Services Other Than Personal	13,796
Maintenance of Property	237
Total Appropriation, Rabies Control Program	$187,859

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	47,803	
		$80,303
Materials and Supplies		2,000
Services Other Than Personal		12,671
Maintenance of Property		70
Total Appropriation, Board of Barber Examiners		$95,044

378-100. *Crippled Children's Program*

Salaries	$18,738
Materials and Supplies	1,000
Services Other Than Personal	14,800
Maintenance of Property	75
Total Appropriation, Crippled Children's Program	$34,613
Total Appropriation, Department of Health	$7,473,821

DEPARTMENT OF LABOR AND INDUSTRY

380-100. *Division of Labor*

Salaries:		
Commissioner	$25,000	
Director	17,000	
Other employees	2,281,476	

New positions	85,968	
Positions established from lump sum appropriation	70,689	
		$2,480,133
Materials and Supplies		65,000
Services Other Than Personal		281,326
Maintenance of Property:		
Recurring	$2,896	
Non-Recurring and Replacements	6,525	
		9,421
Additions and Improvements		9,861
Total Appropriation, Division of Labor		$2,845,741

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	$22,000	
Other employees	1,239,092	
New positions	38,794	
		$1,299,886
Materials and Supplies		28,940
Services Other Than Personal		101,650
Maintenance of Property:		
Recurring	$1,050	
Non-Recurring and Replacements	3,528	
		4,578
Additions and Improvements		9,209
Total Appropriation		$1,444,263

381-400. *Second Injury Fund*

Salaries:		
Other employees	$41,613	
New positions	4,309	
		$45,922
Materials and Supplies		300
Services Other Than Personal		9,865
Maintenance of Property		25
Additions and Improvements		382
Total Appropriation		$56,494

There are hereby 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, 1968; pursuant to section 34:15–94 of the Revised Statutes, over the sum of $1,250,000.

Total Appropriation, Division of Workmen's Compensation	$1,500,757

Division of Employment Security

391-400. *Disability Insurance Service*

Salaries:		
Other employees	$1,895,103	
New positions	65,942	
		$1,961,045
Materials and Supplies		25,000
Services Other Than Personal		275,561

Maintenance of Property:		
Recurring	$1,000	
Non-Recurring and Replacements	2,000	
		3,000
Extraordinary:		
Compensation awards		100
Additions and Improvements		1,170
Total Appropriation, Disability Insurance Service		$2,265,876

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	114,909	
		$120,909
Materials and Supplies		1,030
Services Other Than Personal		11,750
Maintenance of Property		50
Total Appropriation, State Board of Mediation		$133,739

396-100. *Rehabilitation Commission*

Salaries:		
Other employees	$1,887,157	
New positions	45,146	
		$1,932,303
Materials and Supplies		19,200
Services Other Than Personal		209,895

Maintenance of Property:		
Recurring	$3,500	
Non-Recurring and Replacements	2,500	
		6,000
Extraordinary:		
Training grants	$11,000	
Diagnostic services	700,000	
Services to clients	6,000,000	
Innovation grants	89,664	
Research and demonstration projects	150,000	
Expansion grants	135,000	
For On-the-Job training or tuition grants for the disadvantaged	692,389	
		7,778,053
Additions and Improvements:		
Office equipment		3,036
Total Appropriation, Rehabilitation Commission		$9,948,487

In addition to the appropriation hereinabove made, recoveries of the State's share of expenditures made in the year ending June 30, 1969, 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	$16,694,600

Department of Conservation and Economic Development

410-100. *Office of the Commissioner*

Salaries:		
Commissioner	$25,000	
Other employees	332,338	
New positions	29,669	
		$387,007

Materials and Supplies		9,900
Services Other Than Personal		129,186
Maintenance of Property:		
Recurring	$2,250	
Non-Recurring and Replacements	2,875	
		5,125
Additions and Improvements		1,705
Total Appropriation, Office of the Commissioner		$532,923

Office of the Commissioner

410-101. *Interest on Bonds*

Interest on Water Development Bonds, Chapter 35, P. L. 1958	$1,314,500	
Interest on State Recreation and Conservation Land Acquisition Bonds, Chapter 46, P. L. 1961	1,457,200	
		$2,771,700
Total Appropriation, Interest on Bonds		$2,771,700

Division of Resource Development

420-100. *General*

Salaries:		
Director	$17,000	
Other employees	599,187	
New positions	39,711	
		$655,898
Materials and Supplies		46,350
Services Other Than Personal		98,119
Maintenance of Property:		
Recurring	$26,150	
Non-Recurring and Replacements	18,725	
		44,875
Extraordinary:		
Compensation awards	$2,000	

Marine Geological Research Program	26,000	
		28,000
Additions and Improvements		8,850
Total Appropriation		$882,092

The unexpended balance as of June 30, 1968 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 is hereby appropriated.

422-400. *Boat Regulation Commission*

Salaries		$207,758
Materials and Supplies		27,200
Services Other Than Personal		63,422
Maintenance of Property:		
Recurring	$8,450	
Non-Recurring and Replacements	10,160	
		18,610
Additions and Improvements		8,010
Total Appropriation		$325,000

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 R. S. 12:7–34.36 et seq. 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	$22,000
Materials and Supplies	100
Services Other Than Personal	300
Total Appropriation	$22,400

Total Appropriation, Division of Resource Development		$1,229,492

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	357,003	
New positions	16,383	
		$390,386
Materials and Supplies		12,100
Services Other Than Personal		21,668
Maintenance of Property:		
Recurring	$9,050	
Non-Recurring and Replacements	12,660	
		21,710
Extraordinary:		
Office of Rivermaster—State Share	$18,000	
Ground-water exploratory program	54,500	
Stream gaging stations	63,000	
Flood plain zoning and warning service	13,000	
Surface water quality program	5,000	
Surface water diversion	4,000	
Water resources research institute	25,000	
Flood plain control	5,000	
Water quality monitoring	125,000	
		312,500
Additions and Improvements		1,350
Total Appropriation, Division of Water Policy and Supply		$759,714

The unexpended balance in the account "Flood Plain Control" as of June 30, 1968 is hereby appropriated to carry out the provisions of R. S. 58:16A–50 et seq.

The unexpended balance in the account "Surface Water Diversion" as of June 30, 1968 is hereby appropriated.

There is hereby appropriated for operation and maintenance of Spruce Run and Round Valley Reservoirs a sum not to exceed $600,000 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	298,039	
New positions	4,988	
		$316,527
Materials and Supplies		13,750
Services Other Than Personal		21,835
Maintenance of Property:		
Recurring	$10,600	
Non-Recurring and Replacements	1,950	
		12,550
Extraordinary:		
Oyster research	$20,000	
Shelling and seeding beds	53,000	
Disease Resistant Oyster Program	6,250	
		79,250
Additions and Improvements		300
Total Appropriation, Division of Shell Fisheries		$444,212

There is hereby appropriated the unexpended balance in the "Shelling and Seeding Beds" account as of June 30, 1968, 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	1,024,517	
		$1,041,517
Materials and Supplies		337,500
Services Other Than Personal		113,015
Maintenance of Property:		
Recurring	$30,250	
Non-Recurring and Replacements	49,048	
		79,298
Extraordinary:		
Compensation awards	$3,080	
Deer Management	8,920	
Surface Water Quality Program	4,250	
		16,250
Additions and Improvements		14,047
Total Appropriation		$1,601,627

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		$273,464
Materials and Supplies		65,000
Services Other Than Personal		13,491
Maintenance of Property:		
Recurring	$13,100	
Non-Recurring and Replacements	30,400	
		43,500
Extraordinary:		
Dike maintenance		5,000

Additions and Improvements	16,500
Total Appropriation	$416,955

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	$2,018,582

460-100. *Division of Veterans' Services*

Salaries:		
Director	$12,000	
Other employees	274,341	
		$286,341
Materials and Supplies		2,300
Services Other Than Personal		17,615
Maintenance of Property:		
Recurring	$300	
Non-Recurring and Replacements	1,300	
		1,600
Total Appropriation, Division of Veterans' Services		$307,856

480-100. *Division of Economic Development*

Salaries:		
Director	$18,000	
Other employees	194,234	
New positions	15,468	
		$227,702
Materials and Supplies		4,100
Services Other Than Personal		18,100

Maintenance of Property:		
Recurring	$400	
Non-Recurring and Replacements	1,800	
		2,200
Extraordinary:		
Promotional expenses		400,000
Additions and Improvements		870
Total Appropriation, Division of Economic Development		$652,972

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, 1968 is hereby appropriated.

Of the sum appropriated for "Promotional Expenses," not more than $10,000 may be transferred to the Department of Labor and Industry for promotional expenses which it may incur.

There are hereby appropriated the unexpended balances as of June 30, 1968 of the revolving fund created pursuant to chapter 63, P. L. 1967 for the purpose of printing and reprinting literature and maps for sale together with receipts derived from such sales.

490-100. *Division of Parks, Forestry and Recreation*

Salaries:		
Director	$17,000	
Other employees	2,599,937	
New positions	104,332	
		$2,721,269
Services Other Than Personal		368,441
Materials and Supplies		303,755
Maintenance of Property:		
Recurring	$181,700	
Non-Recurring and Replacements	436,095	
		617,795

Extraordinary:		
Maintenance, Old Barracks—Trenton, State Share	$11,000	
Fire fighting costs	100,000	
Compensation awards	10,000	
		121,000
Additions and Improvements		171,255
Total Appropriation, Division of Parks, Forestry and Recreation		$4,303,515

The unexpended balance as of June 30, 1968 in the account for "Fire Fighting Costs" is hereby appropriated for the same purpose.

There are hereby appropriated the unexpended balances as of June 30, 1968 of the revolving fund created pursuant to chapter 63, P. L. 1967 for the purchase of merchandise for sale, together with receipts derived from such sales.

491-400. *Morris Canal and Banking Company*

Salaries		$55,925
Materials and Supplies		1,575
Services Other Than Personal		250
Maintenance of Property:		
Recurring	$850	
Non-Recurring and Replacements	1,600	
		2,450
Total Appropriation, Morris Canal and Banking Company		$60,200

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	$13,081,166

DEPARTMENT OF EDUCATION

500-100. *Commissioner's Office*

Salaries:		
Commissioner	$30,000	
Other employees	1,469,569	
New positions	30,500	
		$1,530,069
Materials and Supplies		42,250
Services Other Than Personal		168,349
Maintenance of Property:		
Recurring	$2,800	
Non-Recurring and Replacements	3,050	
		5,850
Extraordinary:		
National Defense Education Act—		
State's share	$200,000	
Migrant school program	45,000	
		245,000
Additions and Improvements		1,280
Total Appropriation, Commissioner's Office		$1,992,798

The unexpended balance in the "General Educational Development Test Program" account as of June 30, 1968, together with receipts in the fiscal year 1968-69, are hereby appropriated as a continuing revolving fund.

500-101. *Administration of Industrial Education, Manual Training and Vocational Schools*

Smith-Hughes, George-Barden Programs

Salaries:		
Other employees	$554,864	
New positions	45,648	
		$600,512
Materials and Supplies		9,700
Services Other Than Personal		46,000
Maintenance of Property		500

Extraordinary:		
Vocational-Technical teacher training program		308,549
Additions and Improvements		750
Total Appropriation, Administration of Industrial Education, Manual Training and Vocational Schools, Smith-Hughes, George-Barden Programs		$966,011

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:		
Other employees	$477,616	
New positions	27,190	
		$504,806
Materials and Supplies		83,050
Services Other Than Personal		38,136
Maintenance of Property:		
Recurring	$500	
Non-Recurring and Replacements	2,400	
		2,900
Extraordinary:		
Microfilm program	$5,000	
Library services for blind and handicapped	103,420	
Expenses of the New Jersey Historical Commission	10,000	
		118,420
Additions and Improvements		300
Total Appropriation, Division of the State Library, Archives and History		$747,612

The unexpended balance in the "Microfilm Program" account as of June 30, 1968 is hereby appropriated.

Receipts derived from charges made for photocopy services are hereby appropriated.

The unexpended balance in the account "Expenses of the New Jersey Historical Commission" as of June 30, 1968 is hereby appropriated.

530-100. *Division of the State Museum*

Salaries:		
Other employees	$453,119	
New positions	54,925	
		$508,044
Materials and Supplies		25,025
Services Other Than Personal		58,596
Maintenance of Property:		
Recurring	$5,050	
Non-Recurring and Replacements	2,325	
		7,375
Extraordinary:		
Archeological research		4,000
Additions and Improvements		26,786
Total Appropriation, Division of the State Museum		$629,826

There are hereby appropriated the unexpended balance as of June 30, 1968 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 ½ of the receipts from charges made for mailing and handling of films and the unexpended balance as of June 30, 1968 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:		
Other employees	$753,902	
Academic employees	791,587	
Food in lieu of cash	20,630	
		$1,566,119
Materials and Supplies		169,675
Services Other Than Personal		47,383
Maintenance of Property:		
Recurring	$22,400	
Non-Recurring and Replacements	67,460	
		89,860
Additions and Improvements		22,000
Total Appropriation, Marie H. Katzenbach School for the Deaf		$1,895,037
Total Appropriation, Department of Education		$6,231,284

DEPARTMENT OF HIGHER EDUCATION

540-100. *Office of the Chancellor*

Salaries:		
Chancellor	$32,000	
Other employees	133,302	
New positions	125,600	
Positions established from lump sum appropriation	125,599	
		$416,501
Materials and Supplies		12,550
Services Other Than Personal		43,750
Maintenance of Property:		
Recurring	$2,100	
Non-Recurring and Replacements	1,500	
		3,600
Extraordinary:		
Board of higher education expense		2,500
Additions and Improvements		9,200
Total Appropriation, Office of the Chancellor		$488,101

Office of the Chancellor

540-101. *Interest on Bonds*

Interest on State Higher Education Bonds—Act of 1959	$1,526,000
Interest on State Higher Education Construction Bonds—Act of 1964	1,218,400
Total Appropriation, Interest on Bonds	$2,744,400

540-105. *State Competitive Scholarships and Student Loans*

Salaries:		
Other employees	$215,686	
New positions	46,021	
		$261,707
Materials and Supplies		17,900
Services Other Than Personal		84,425
Maintenance of Property		250
Extraordinary:		
For scholarships, pursuant to R. S. 18:22–14.5	$5,600,000	
For incentive scholarships, pursuant to R. S. 18:22–14.20	750,000	
		6,350,000
Additions and Improvements		2,342
Total Appropriation, State Competitive Scholarships and Student Loans		$6,716,624

The unexpended balance in this account as of June 30, 1968 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	$839,554
New positions, non-academic	54,162
Academic employees	2,942,478

New positions, academic	205,746	
Positions for administrative reorganization subject to policy guidelines of the State Board of Higher Education	46,082	
Extraordinary merit increments	19,500	
Student assistants	121,638	
		$4,229,160
Materials and Supplies		278,300
Services Other Than Personal		203,980
Maintenance of Property:		
Recurring	$55,600	
Non-Recurring and Replacements	43,057	
		98,657
Extraordinary:		
Demonstration school service	$87,500	
Part-time, summer and graduate program	895,840	
State share—N. D. E. A. Student Loan Fund	15,000	
State share—College Work-Study Program	15,000	
Auxiliary services	796,356	
		1,809,696
Additions and Improvements		165,355
Total Appropriation, Glassboro State College		$6,785,148

551-100. *Jersey City State College*

Salaries:		
Other employees	$664,062	
New positions, non-academic	74,340	
Academic employees	2,400,982	
New positions, academic	293,216	
Positions for administrative reorganization subject to policy guidelines of the State Board of Higher Education	46,082	
Extraordinary merit increments	15,500	
Student assistants	55,000	
		$3,549,182

Materials and Supplies		227,925
Services Other Than Personal		196,204
Maintenance of Property:		
Recurring	$37,324	
Non-Recurring and Replacements	36,615	
		73,939
Extraordinary:		
Part-time, summer and graduate program	$801,000	
State share—College Work-Study Program	22,000	
Auxiliary services	126,000	
		949,000
Additions and Improvements		105,327
Total Appropriation		$5,101,577

551-102. *A. Harry Moore Laboratory School of Jersey City State College*

Extraordinary:		
For operating expenses of the A. Harry Moore Laboratory School	$300,000	
For operation and maintenance of a camp for handicapped children at Voorhees State Park	30,000	
		$330,000
Total Appropriation		$330,000

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	$5,431,577

552-100. *Newark State College*

Salaries:		
Other employees	$746,682	
New positions, non-academic	76,766	
Academic employees	2,927,061	
New positions, academic	285,010	
Positions for administrative reorganization subject to policy guidlines of State Board of Higher Education	46,082	
Extraordinary merit increments	19,000	
Student assistants	35,000	
		$4,135,601
Materials and Supplies		290,164
Services Other Than Personal		229,926
Maintenance of Property:		
Recurring	$53,351	
Non-Recurring and Replacements	59,496	
		112,847
Extraordinary:		
Part-time, summer and graduate programs	$1,000,000	
State share—College Work-Study Program	12,000	
Auxiliary services	192,152	
		1,204,152
Additions and Improvements		177,178
Total Appropriation, Newark State College		$6,149,868

553-100. *Paterson State College*

Salaries:	
Other employees	$780,389
New positions, non-academic	80,454
Academic employees	2,597,366
New positions, academic	414,376
Positions for administrative reorganization subject to policy guidelines of State Board of Higher Education	46,082

Extraordinary merit increments	15,000	
Student assistants	80,000	
		$4,013,667
Materials and Supplies		270,600
Services Other Than Personal		187,811
Maintenance of Property:		
Recurring	$37,100	
Non-Recurring and Replacements	33,705	
		70,805
Extraordinary:		
Part-time, summer and graduate program	$650,000	
Nursing Program	149,619	
State share—N. D. E. A. Student Loan Fund	6,440	
State share—College Work-Study Program	5,500	
Auxiliary services	185,627	
		997,186
Additions and Improvements		136,650
Total Appropriation, Paterson State College		$5,676,719

554-100. *Montclair State College*

Salaries:		
Other employees	$1,031,414	
New positions, non-academic	75,418	
Academic employees	3,568,720	
New positions, academic	259,993	
Positions for administrative reorganization subject to policy guidelines of the State Board of Higher Education	46,082	
Extraordinary merit increments	22,875	
Student assistants	96,000	
		$5,100,502
Materials and Supplies		339,900
Services Other Than Personal		206,435
Maintenance of Property:		
Recurring	$62,800	
Non-Recurring and Replacements	67,600	
		130,400

Extraordinary:		
Part-time, summer and graduate program	$555,303	
State share—College Work-Study Program	18,000	
Auxiliary Services	522,815	
		1,096,118
Additions and Improvements		217,336
Total Appropriation, Montclair State College		$7,090,691

555-100. *Trenton State College*

Salaries:		
Other employees	$855,416	
New positions, non-academic	83,856	
Academic employees	3,028,930	
New positions, academic	686,669	
Positions for administrative reorganization subject to policy guidelines of State Board of Higher Education	46,082	
Extraordinary merit increments	19,275	
Student assistants	146,190	
		$4,866,418
Materials and Supplies		327,250
Services Other Than Personal		242,220
Maintenance of Property:		
Recurring	$40,500	
Non-Recurring and Replacements	81,269	
		121,769
Extraordinary:		
Part-time, summer and graduate program	$1,075,000	
Nursing program	152,220	
Demonstration school service	300,000	
State share—N. D. E. A. Student Loan Fund	20,000	
Auxiliary services	1,000,000	
		2,547,220

Additions and Improvements	191,095
Total Appropriation, Trenton State College	$8,295,972

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, 1968, 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, 1968, are hereby appropriated together with all receipts in excess of those anticipated therefrom.

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.

Receipts in excess of those anticipated from full-time student tuition other than from the increase of $200 therein and the operation of cafeterias and boarding halls are hereby appropriated.

Out of receipts in the sum of $4,425,000 to be derived from the increase of $200 in the annual tuition authorized at the State Colleges by the Board of Higher Education, there is hereby appropriated to the Office of the Chancellor, for transfer by the Board of Higher Education to the several State Colleges or as otherwise indicated, subject to section 3 of this act, the following amounts, not to exceed, respectively:

$900,000 for scholarships, pursuant to R. S. 18A:71–1; $800,000 for the cost of selective range revision for faculty members and other salary adjustments as specified or authorized in account 943-100, Salary Adjustments and Increments; $300,000 for library books, periodicals and other

materials for new disciplines; $450,000 for laboratory and other instructional equipment; $750,000 to assist in the transition from single-purpose to multi-purpose colleges; $225,000 for advance planning and design of new construction; $450,000 for miscellaneous capital projects, including fire alarm systems, air conditioning, security measures, athletic facilities, campus lighting, sidewalks and curbing, parking facilities and improvements to other institutional facilities and grounds; $250,000 for expenses of the Educational Facilities Authority to be refunded from the first proceeds of any obligations issued by said Authority; $300,000 for higher education programs for the disadvantaged, together with Federal funds that may be available therefor; and for such other purposes as the Board of Higher Education shall determine, subject to transfers approved as prescribed in section 3 of this act.

562-400. *State School of Conservation, Lake Wapalanne*

Salaries:		
Other employees	$117,535	
Academic employees	25,525	
		$143,060
Materials and Supplies		85,250
Services Other Than Personal		22,866
Maintenance of Property:		
Recurring	$3,050	
Non-Recurring and Replacements	8,770	
		11,820
Additions and Improvements		2,789
Total Appropriation, State School of Conservation, Lake Wapalanne		$265,785

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, 1968; 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	$28,554,237	
New positions	1,835,123	
Coadjutant salaries	1,450,668	
Wages of labor	682,000	
Extraordinary merit increments	100,000	
		$32,622,028
Materials and Supplies		3,706,230
Services Other Than Personal		2,998,185
Maintenance of Property:		
Recurring	$932,825	
Non-Recurring and Replacements	452,531	
		1,385,356
Extraordinary:		
Research grants	$200,000	
Retirement allowances	285,000	
Interest	93,750	
Contingent fund	50,000	
Graduate and Law school fellowships	64,000	
Student aid	592,700	
Major renovations	100,000	
Industrial reactor laboratory	200,000	
Economic Opportunity Program	100,000	
		1,685,450
Additions and Improvements		377,485
		$42,774,734
Less: General services income		*12,167,120*
Sub-Total Appropriation	$30,601,814	
Land Grant Interest	5,800	
Total Appropriation		$30,607,614

571-100. *Douglass College*

Salaries:		
Other employees	$3,353,559	
New positions	9,414	
Coadjutant salaries	5,500	
Wages of labor	117,000	
		$3,485,473
Materials and Supplies		284,000
Services Other Than Personal		127,200
Maintenance of Property:		
Recurring	$89,000	
Non-Recurring and Replacements	160,000	
		249,000
Extraordinary:		
Retirement allowances	$107,000	
Contingent fund	10,000	
Interest	2,750	
Student aid	26,000	
		145,750
Additions and Improvements		54,000
		$4,345,423
Less: General services income		*1,302,965*
Total Appropriation		$3,042,458

572-100. *Agricultural Experiment Station*

Salaries:		
Director	$7,200	
Other employees	5,416,303	
New positions	24,032	
Wages of labor	190,000	
		$5,637,535
Materials and Supplies		560,500
Services Other Than Personal		236,000
Maintenance of Property:		
Recurring	$84,750	
Non-Recurring and Replacements	136,250	
		221,000
Extraordinary:		
South Jersey Research Center study	$35,000	
Asparagus research	40,000	

Operation of Willowwood Farm Arboretum and Bird Sanctuary ...	15,000	
		90,000
Additions and Improvements		125,000
		$6,870,035
Less: General services income		*1,227,842*
Total Appropriation		$5,642,193

The unexpended balance in the account of the Agricultural Experiment Station as of June 30, 1968 is hereby appropriated for research in 1968-69.

Total Appropriation, Rutgers, The State University	$39,292,265

573-100. *New Jersey College of Medicine and Dentistry*

Salaries:		
Other employees	$1,238,299	
New positions, non-academic	188,045	
Academic employees	2,514,991	
New positions, academic	1,108,603	
		$5,049,938
Materials and Supplies		460,650
Services Other Than Personal		687,619
Maintenance of Property:		
Recurring	$53,450	
Non-Recurring and Replacements ..	70,000	
		123,450
Extraordinary:		
Compensation awards	$3,000	
Teachers' Insurance Annuity Association retirement contributions ..	270,000	
Teachers' Insurance Annuity Association Premium non-contributory insurance	35,000	
Board of Trustees' Planning Fund	25,000	
Student transportation	10,000	
Student Aid Matching Fund	25,000	
		368,000

Additions and Improvements	388,400
Sub-Total Appropriation, General Operations	$7,078,057
Less: General services income	*885,000*
Total Appropriation, New Jersey College of Medicine and Dentistry	$6,193,057

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	$4,982,670
Total Appropriation, Newark College of Engineering and Newark Technical School	$4,982,670
Total Appropriation, Department of Higher Education	$100,112,877

DEPARTMENT OF TRANSPORTATION

600-100. *Administration—General*

Salaries:		
Commissioner	$27,000	
Assistant Commissioner	22,000	
Other employees	2,352,209	
New positions	195,956	
		$2,597,165
Materials and Supplies		110,660
Services Other Than Personal		724,590
Maintenance of Property:		
Recurring	$3,896	
Non-Recurring and Replacements	27,300	
		31,196

Extraordinary:		
Compensation awards	$150,000	
For transfer to an applicant State department to be used for the State's share of the cost of highway safety projects which qualify for no less than 50% matching by the Federal Government	250,000	
		400,000
Additions and Improvements		43,632
Total Appropriation, Administration—General		$3,907,243

The unexpended balance in this account as of June 30, 1968 is hereby appropriated for operation and maintenance during 1968-69.

607-100. *Division of Traffic Engineering*

Salaries:		
Other employees	$2,854,342	
New positions	25,534	
Position transferred from another division	4,617	
		$2,884,493
Materials and Supplies		1,090,550
Services Other Than Personal		24,956
Maintenance of Property:		
Recurring	$295,076	
Non-Recurring and Replacements	65,062	
		360,138
Additions and Improvements		22,020
Total Appropriation, Division of Traffic Engineering		$4,382,157

The unexpended balance in this account as of June 30, 1968 is hereby appropriated for operation and maintenance during 1968-69.

610-100. *Division of Maintenance and Equipment*

Salaries:		
Other employees	$12,656,512	
New positions	62,690	
		$12,719,202
Materials and Supplies		690,250
Services Other Than Personal		288,436
Maintenance of Property:		
Recurring	$3,451,111	
Non-Recurring and Replacements	3,085,321	
		6,536,432
Additions and Improvements		387,172
Total Appropriation, Division of Maintenance and Equipment		$20,621,492

The unexpended balance in this account as of June 30, 1968 is hereby appropriated for operation and maintenance during 1968-69.

610-101. *Interest on Bonds*

Interest on Highway Improvement Bonds—Act of 1930	$237,555

630-100. *Public Transportation Services*

Salaries:		
Assistant Commissioner	$22,000	
Other employees	156,569	
New positions	43,518	
		$222,087
Materials and Supplies		9,000
Services Other Than Personal		241,904
Maintenance of Property:		
Recurring	$114	
Non-Recurring and Replacements	900	
		1,014

Extraordinary:		
To carry out the provisions of R. S. 27:1A–15 et seq. for passenger service subsidies	$10,075,000	
Bridgeport-Chester ferry service subsidy	75,000	
		10,150,000
Additions and Improvements		2,790
Total Appropriation, Public Transportation Services		$10,626,795

The unexpended balance as of June 30, 1968 in the "Extraordinary" accounts other than the amount for "Improvements to Trenton Railroad Station" is hereby appropriated.

631-100. *Division of Aeronautics*

Salaries:		
Other employees	$79,562	
New positions	46,958	
		$126,520
Materials and Supplies		8,000
Services Other Than Personal		127,916
Maintenance of Property:		
Recurring	$76	
Non-Recurring and Replacements	150	
		226
Additions and Improvements		2,702
Total Appropriation, Division of Aeronautics		$265,364
Total Appropriation, Department of Transportation		$40,040,606

DEPARTMENT OF INSTITUTIONS AND AGENCIES

700-100. *Administration—General*

Salaries:		
Commissioner	$25,000	

Other employees	1,147,205	
New positions	65,673	
		$1,237,878
Materials and Supplies		25,425
Services Other Than Personal		245,303
Maintenance of Property:		
Recurring	$5,102	
Non-Recurring and Replacements	10,000	
		15,102
Extraordinary:		
Compensation awards	$2,086	
Golden Anniversary Commemoration	10,000	
Nursing Scholarship Program	200,000	
		212,086
Additions and Improvements		12,981
Total Appropriation, Administration—General		$1,748,775

700-101. *Interest on Bonds*

Interest on Institution Construction Bonds—Act of 1930	$9,125	
Interest on Institution Construction Bonds—Act of 1960	958,350	
Interest on Institution Construction Bonds—Act of 1964	1,557,200	
Total Appropriation, Interest on Bonds		$2,524,675

709-100. *Office of the Public Defender*

Salaries:		
Public Defender	$22,000	
Positions established from lump sum appropriation	1,100,000	
		$1,122,000
Materials and Supplies		25,650

Services Other Than Personal	429,710
Additions and Improvements	8,000
Total Appropriation, Office of the Public Defender	$1,585,360

The unexpended balance in this account as of June 30, 1968 is hereby appropriated in an amount not to exceed $400,000 to augment the line item for "Positions Established from Lump Sum Appropriation."

710-100. *Home for Disabled Soldiers, Menlo Park*

Salaries:		
Other employees	$503,324	
Food in lieu of cash	4,649	
		$507,973
Materials and Supplies		114,940
Services Other Than Personal		18,093
Maintenance of Property:		
Recurring	$6,300	
Non-Recurring and Replacements	1,922	
		8,222
Extraordinary:		
Host State—National Convention of Spanish War Veterans		1,500
Additions and Improvements		1,804
Total Appropriation, Home for Disabled Soldiers, Menlo Park		$652,532

711-100. *Home for Disabled Soldiers, Vineland*

Salaries:		
Other employees	$675,858	
New positions	79,918	
Food in lieu of cash	3,077	
		$758,853
Materials and Supplies		172,975
Services Other Than Personal		24,505

Maintenance of Property:		
Recurring	$11,550	
Non-Recurring and Replacements	19,295	
		30,845
Additions and Improvements		24,788
Total Appropriation, Home for Disabled Soldiers, Vineland		$1,011,966

715-100. *Division of Public Welfare—General*

Salaries:		
Other employees	$1,340,860	
New positions	50,218	
		$1,391,078
Materials and Supplies		19,600
Services Other Than Personal		201,739
Maintenance of Property:		
Recurring	$2,700	
Non-Recurring and Replacements	6,048	
		8,748
Extraordinary:		
Medical assistance for the aged—mental and tuberculosis hospitals	$966,605	
Advance development and preparation for administering Title XIX, Medical Assistance Program	150,000	
		1,116,605
Additions and Improvements		20,031
Total Appropriation, Division of Public Welfare—General		$2,757,801

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		$1,197,629
Materials and Supplies		59,250
Services Other Than Personal		1,334,788
Maintenance of Property:		
Recurring	$4,180	
Non-Recurring and Replacements	6,695	
		10,875
Additions and Improvements		21,071
Total Appropriation, Commission for the Blind		$2,623,613

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, 1968 is hereby appropriated as a Revolving Industrial Fund in a sum not to exceed $2,000.

Division of Public Welfare

717-100. *Bureau of Children's Services*

Salaries:		
Other employees	$5,558,088	
New positions	108,883	
		$5,666,971
Materials and Supplies		31,900
Services Other Than Personal		410,193
Maintenance of Property:		
Recurring	$11,000	
Non-Recurring and Replacements	17,877	
		28,877
Extraordinary:		
Compensation awards	$2,347	
Group foster home administration	40,330	
		42,677

Additions and Improvements		60,591
Total Appropriation, Bureau of Children's Services		$6,241,209

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		$11,622,623

720-100. *State Parole Board*

Salaries:		
Chairman	$17,000	
Other employees	55,325	
		$72,325
Materials and Supplies		750
Services Other Than Personal		4,265
Maintenance of Property:		
Recurring	$50	
Non-Recurring and Replacements	900	
		950
Total Appropriation, State Parole Board		$78,290

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, 1968 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	$1,507,976	
New positions	85,509	
		$1,593,485
Materials and Supplies		5,700
Services Other Than Personal		141,729
Maintenance of Property:		
Recurring	$1,500	
Non-Recurring and Replacements	702	
		2,202
Extraordinary:		
Community residence center		52,607
Additions and Improvements		16,646
Total Appropriation, Division of Correction and Parole		$1,812,369

731-100. *State Prison, Trenton*

Salaries:		
Other employees	$2,253,776	
New positions	10,587	
Food in lieu of cash	28,512	
		$2,292,875
Materials and Supplies		630,565
Services Other Than Personal		98,837
Maintenance of Property:		
Recurring	$26,540	
Non-Recurring and Replacements	56,919	
		83,459
Additions and Improvements		9,310
Total Appropriation, State Prison, Trenton		$3,115,046

732-100. *State Prison Farm, Rahway*

Salaries:		
Other employees	$1,621,450	
Food in lieu of cash	22,896	
		$1,644,346

Materials and Supplies		532,575
Services Other Than Personal		59,917
Maintenance of Property:		
Recurring	$27,700	
Non-Recurring and Replacements	39,888	
		67,588
Additions and Improvements		7,320
Total Appropriation, State Prison Farm, Rahway		$2,311,746

723-300. *Regional Laundry*

The unexpended balance in this account as of June 30, 1968, 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, Leesburg*

Salaries:		
Other employees	$446,114	
New positions	282,393	
Food in lieu of cash	6,957	
		$735,464
Materials and Supplies		177,635
Services Other Than Personal		33,050
Maintenance of Property:		
Recurring	$12,950	
Non-Recurring and Replacements	9,155	
		22,105
Additions and Improvements		254,416
Total Appropriation, State Prison, Leesburg		$1,222,670

734-100. *State Reformatory, Bordentown*

Salaries:		
Other employees	$1,574,193	
Food in lieu of cash	21,457	
		$1,595,650
Materials and Supplies		284,456
Services Other Than Personal		53,253
Maintenance of Property:		
Recurring	$31,150	
Non-Recurring and Replacements	52,037	
		83,187
Additions and Improvements		41,705
Total Appropriation, State Reformatory, Bordentown		$2,058,251

735-100. *Youth Reception and Correction Center, Yardville*

Salaries:		
Other employees	$1,810,094	
New positions	9,065	
Food in lieu of cash	26,082	
		$1,845,241
Materials and Supplies		339,379
Services Other Than Personal		72,369
Maintenance of Property:		
Recurring	$16,700	
Non-Recurring and Replacements	13,725	
		30,425
Extraordinary:		
Robert Bruce House Operation		46,556
Additions and Improvements		7,100
Total Appropriation, Youth Reception and Correction Center, Yardville		$2,341,070

737-100. *State Reformatory for Women, Clinton*

Salaries:		
Other employees	$1,272,805	
New positions	6,366	
Food in lieu of cash	9,901	
		$1,289,072
Materials and Supplies		195,857
Services Other Than Personal		74,852
Maintenance of Property:		
Recurring	$17,500	
Non-Recurring and Replacements	36,411	
		53,911
Additions and Improvements		4,538
Total Appropriation, State Reformatory for Women, Clinton		$1,618,230

738-100. *State Reformatory, Annandale*

Salaries:		
Other employees	$1,660,353	
Food in lieu of cash	23,782	
		$1,684,135
Materials and Supplies		275,928
Services Other Than Personal		52,948
Maintenance of Property:		
Recurring	$24,100	
Non-Recurring and Replacements	39,587	
		63,687
Additions and Improvements		33,889
Total Appropriation, State Reformatory, Annandale		$2,110,587

739-100. *Training School for Boys*

Salaries:		
Other employees	$35,974	
New positions	482,409	
		$518,383

Materials and Supplies		72,891
Services Other Than Personal		20,235
Maintenance of Property		4,200
Additions and Improvements		261,517
Total Appropriation, Training School for Boys		$877,226

740-100. *State Home for Boys, Jamesburg*

Salaries:		
Other employees	$1,756,091	
Food in lieu of cash	5,098	
		$1,761,189
Materials and Supplies		265,200
Services Other Than Personal		37,420
Maintenance of Property:		
Recurring	$29,650	
Non-Recurring and Replacements	45,947	
		75,597
Extraordinary:		
Compensation awards		2,080
Additions and Improvements		11,065
Total Appropriation, State Home for Boys, Jamesburg		$2,152,551

741-100. *State Home for Girls, Trenton*

Salaries:		
Other employees	$999,160	
Food in lieu of cash	4,976	
		$1,004,136
Materials and Supplies		93,966
Services Other Than Personal		31,332
Maintenance of Property:		
Recurring	$11,000	
Non-Recurring and Replacements	51,622	
		62,622
Extraordinary:		
Compensation awards	$1,503	
Pre-release community project	20,000	
		21,503

Additions and Improvements		13,055
Total Appropriation, State Home for Girls, Trenton		$1,226,614

743-100. *Residential Group Center, Highfields*

Salaries:		
Other employees	$46,600	
Food in lieu of cash	397	
		$46,997
Materials and Supplies		12,295
Services Other Than Personal		1,375
Maintenance of Property:		
Recurring	$1,000	
Non-Recurring and Replacements	11,650	
		12,650
Additions and Improvements		600
Total Appropriation, Residential Group Center, Highfields		$73,917

745-100. *Residential Group Center, Warren*

Salaries:		
Other employees	$45,572	
Food in lieu of cash	686	
		$46,258
Materials and Supplies		12,170
Services Other Than Personal		1,374
Maintenance of Property:		
Recurring	$925	
Non-Recurring and Replacements	2,000	
		2,925
Total Appropriation, Residential Group Center, Warren		$62,727

746-100. *Residential Group Center, Ocean*

Salaries:		
Other employees	$46,414	
Food in lieu of cash	686	
		$47,100
Materials and Supplies		13,420
Services Other Than Personal		1,881
Maintenance of Property:		
Recurring	$1,000	
Non-Recurring and Replacements	4,700	
		5,700
Additions and Improvements		125
Total Appropriation, Residential Group Center, Ocean		$68,226

747-100. *Residential Group Center, Turrell*

Salaries:		
Other employees	$43,015	
Food in lieu of cash	397	
		$43,412
Materials and Supplies		12,583
Services Other Than Personal		2,852
Maintenance of Property:		
Recurring	$1,020	
Non-Recurring and Replacements	3,600	
		4,620
Additions and Improvements		1,200
Total Appropriation, Residential Group Center, Turrell		$64,667

760-100. *Division of Mental Retardation*

Salaries:		
Other employees	$591,646	
New positions	3,509	
		$595,155

Materials and Supplies		9,300
Services Other Than Personal		56,386
Maintenance of Property		800
Extraordinary:		
Family care	$120,000	
Day care	882,078	
Purchase of residential care for mentally retarded in non-State facilities in accordance with established procedures for admission to a State institution for the mentally retarded, and including related administrative costs	1,875,000	
		2,877,078
Additions and Improvements		4,276
Total Appropriation, Division of Mental Retardation		$3,542,995

762-100. *Vineland State School*

Salaries:		
Other employees	$4,516,972	
New positions	36,437	
Food in lieu of cash	29,733	
		$4,583,142
Materials and Supplies		802,540
Services Other Than Personal		77,444
Maintenance of Property:		
Recurring	$44,600	
Non-Recurring and Replacements	47,533	
		92,133
Extraordinary		1,669
Additions and Improvements		79,550
Total Appropriation, Vineland State School		$5,636,478

763-100. *North Jersey Training School, Totowa*

Salaries:		
Other employees	$2,562,756	
New positions	105,378	
Food in lieu of cash	7,674	
		$2,675,808
Materials and Supplies		462,463
Services Other Than Personal		112,344
Maintenance of Property:		
Recurring	$32,000	
Non-Recurring and Replacements	59,569	
		91,569
Additions and Improvements		40,967
Total Appropriation, North Jersey Training School, Totowa		$3,383,151

764-100. *State Colony, Woodbine*

Salaries:		
Other employees	$2,812,489	
Food in lieu of cash	17,148	
		$2,829,637
Materials and Supplies		500,465
Services Other Than Personal		42,995
Maintenance of Property:		
Recurring	$30,362	
Non-Recurring and Replacements	60,578	
		90,940
Additions and Improvements		42,008
Total Appropriation, State Colony, Woodbine		$3,506,045

765-100. *State Colony, New Lisbon*

Salaries:		
Other employees	$2,562,723	
New positions	21,198	
Food in lieu of cash	10,314	
		$2,594,235

Materials and Supplies		534,327
Services Other Than Personal		66,318
Maintenance of Property:		
Recurring	$33,750	
Non-Recurring and Replacements	50,880	
		84,630
Extraordinary:		
Compensation awards		2,085
Additions and Improvements		40,096
Total Appropriation, State Colony, New Lisbon		$3,321,691

766-100. *Woodbridge State School*

Salaries:		
Other employees	$3,609,243	
Food in lieu of cash	1,188	
		$3,610,431
Materials and Supplies		591,407
Services Other Than Personal		168,583
Maintenance of Property:		
Recurring	$27,750	
Non-Recurring and Replacements	6,700	
		34,450
Additions and Improvements		55,609
Total Appropriation, Woodbridge State School		$4,460,480

767-100. *Hunterdon State School*

Salaries:		
Other employees	$43,181	
New positions	1,163,459	
		$1,206,640
Materials and Supplies		214,205
Services Other Than Personal		48,549
Maintenance of Property		7,150

Additions and Improvements		165,924
Total Appropriation, Hunterdon State School		$1,642,468

768-100. *Edward R. Johnstone Training and Research Center*

Salaries:		
Other employees	$1,560,558	
New positions	30,315	
Food in lieu of cash	6,711	
		$1,597,584
Materials and Supplies		239,572
Services Other Than Personal		59,373
Maintenance of Property:		
Recurring	$24,000	
Non-Recurring and Replacements	43,464	
		67,464
Additions and Improvements		22,390
Total Appropriation, Edward R. Johnstone Training and Research Center		$1,986,383

770-100. *Division of Mental Health and Hospitals*

Salaries:		
Other employees		$281,783
Materials and Supplies		7,500
Services Other Than Personal		39,733
Maintenance of Property:		
Recurring	$300	
Non-Recurring and Replacements	2,592	
		2,892
Extraordinary:		
Mental health research	$475,802	
Second In-Patient Drug Addiction Unit	100,000	
		575,802
Additions and Improvements		11,772
Total Appropriation, Division of Mental Health and Hospitals		$919,482

777-100. *State Hospital, Greystone Park*

Salaries:		
Other employees	$10,892,368	
Food in lieu of cash	195,897	
		$11,088,265
Materials and Supplies		1,979,029
Services Other Than Personal		332,464
Maintenance of Property:		
Recurring	$165,450	
Non-Recurring and Replacements	179,594	
		345,044
Extraordinary:		
Compensation awards	$60,000	
Family care	165,600	
		225,600
Additions and Improvements		81,899
Total Appropriation, State Hospital, Greystone Park		$14,052,301

779-100. *State Hospital, Trenton*

Salaries:		
Other employees	$9,215,065	
Food in lieu of cash	62,472	
		$9,277,537
Materials and Supplies		1,445,138
Services Other Than Personal		140,673
Maintenance of Property:		
Recurring	$79,709	
Non-Recurring and Replacements	140,577	
		220,286
Extraordinary:		
Compensation awards	$2,612	
Family care	151,800	
		154,412
Additions and Improvements		136,404
Total Appropriation, State Hospital, Trenton		$11,374,450

781-100. *State Hospital, Marlboro*

Salaries:		
Other employees	$6,954,887	
New positions	153,972	
Food in lieu of cash	65,022	
		$7,173,881
Materials and Supplies		729,800
Services Other Than Personal		264,153
Maintenance of Property:		
Recurring	$79,700	
Non-Recurring and Replacements	152,828	
		232,528
Extraordinary:		
Compensation awards	$44,298	
Family care	441,600	
		485,898
Additions and Improvements		67,858
Total Appropriation, State Hospital, Marlboro		$8,954,118

783-100. *State Hospital, Ancora*

Salaries:		
Other employees	$6,041,635	
Food in lieu of cash	87,255	
		$6,128,890
Materials and Supplies		914,875
Services Other Than Personal		107,224
Maintenance of Property:		
Recurring	$59,800	
Non-Recurring and Replacements	69,039	
		128,839
Extraordinary:		
Family care		241,500
Additions and Improvements		108,503
Total Appropriation, State Hospital, Ancora		$7,629,831

785-100. *Neuropsychiatric Institute*

Salaries:		
Other employees	$4,169,334	
New positions	120,607	
Food in lieu of cash	23,865	
		$4,313,806
Materials and Supplies		511,588
Services Other Than Personal		90,652
Maintenance of Property:		
Recurring	$52,150	
Non-Recurring and Replacements	88,129	
		140,279
Extraordinary:		
Family care		27,600
Additions and Improvements		50,844
Total Appropriation, Neuropsychiatric Institute		$5,134,769

790-100. *Arthur Brisbane Child Treatment Center*

Salaries:		
Other employees	$510,127	
Food in lieu of cash	5,716	
		$515,843
Materials and Supplies		56,298
Services Other Than Personal		12,679
Maintenance of Property:		
Recurring	$6,000	
Non-Recurring and Replacements	6,280	
		12,280
Total Appropriation, Arthur Brisbane Child Treatment Center		$597,100

792-100. *Diagnostic Center*

Salaries:		
Other employees	$915,613	
New positions	4,309	
Food in lieu of cash	5,257	
		$925,179

Materials and Supplies		71,410
Services Other Than Personal		25,347
Maintenance of Property:		
Recurring	$9,200	
Non-Recurring and Replacements	10,406	
		19,606
Extraordinary:		
Sex Offender Program		154,038
Additions and Improvements		2,840
Total Appropriation, Diagnostic Center		$1,198,420

794-100. *State Sanitorium for Chest Diseases, Glen Gardner*

Salaries:		
Other employees	$1,483,089	
New positions	4,309	
Food in lieu of cash	23,864	
		$1,511,262
Materials and Supplies		256,250
Services Other Than Personal		40,094
Maintenance of Property:		
Recurring	$19,600	
Non-Recurring and Replacements	43,084	
		62,684
Extraordinary:		
Compensation awards		1,010
Additions and Improvements		22,390
Total Appropriation, State Sanatorium for Chest Diseases, Glen Gardner		$1,893,690
Total Appropriation, Department of Institutions and Agencies		$119,573,970

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, 1968 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, 1968 of funds received by the several institutions representing rental of garages, together with such funds as may be received during the fiscal year 1968-69, 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	
Assistant Commissioners (2 @ $22,000)	44,000	
Other employees	272,750	
New positions	14,177	
Positions transferred from another division	8,422	
		$369,349
Materials and Supplies		3,850
Services Other Than Personal		74,550
Maintenance of Property		300
Total Appropriation, Administrative Division		$448,049

805-100. *Office of Community Services*

Salaries:		
Director	$18,000	
Other employees	235,741	
New positions	7,292	
		$261,033

Materials and Supplies		5,300
Services Other Than Personal		33,190
Maintenance of Property:		
Recurring	$300	
Non-Recurring and Replacements	100	
		400
Additions and Improvements		1,000
Total Appropriation, Office of Community Services		$300,923

810-100. *Division of Local Finance*

Salaries:		
Director	$19,500	
Board members (3 @ $6,000)	18,000	
Other employees	264,051	
New positions	10,887	
		$312,438
Materials and Supplies		14,100
Services Other Than Personal		58,195
Maintenance of Property:		
Recurring	$810	
Non-Recurring and Replacements	2,685	
		3,495
Total Appropriation, Division of Local Finance		$388,228

815-100. *Division of Housing and Urban Renewal*

Salaries:		
Director	$18,000	
Other employees	349,116	
New positions	26,220	
Positions established from lump sum appropriation	162,987	
		$556,323
Materials and Supplies		11,825
Services Other Than Personal		40,339

Maintenance of Property:		
Recurring	$700	
Non-Recurring and Replacements	1,950	
		2,650
Additions and Improvements		2,904
Total Appropriation, Division of Housing and Urban Renewal		$614,041

820-100. *Division of State and Regional Planning*

Salaries:		
Director	$19,500	
Other employees	229,533	
		$249,033
Materials and Supplies		11,700
Services Other Than Personal		32,517
Maintenance of Property:		
Recurring	$400	
Non-Recurring and Replacements	882	
		1,282
Extraordinary:		
For the State's share of the cost of land development planning aspects of studies in the Northeastern New Jersey-New York urban area, to be conducted by the Tri-State Transportation Commission, contingent upon no less than 66⅔% participation by the United States Department of Housing and Urban Development and no less than 50% participation by other Federal agencies, subject to expenditure by the Tri-State Transportation Commission upon approval by the Commissioner of the Department of Community Affairs	$218,333	
For the State's share of the cost of land development planning as-		

pects of studies in the Philadelphia-Camden urban area, to be conducted by the Delaware Valley Regional Planning Commission, contingent upon no less than 66⅔% participation by the United States Department of Housing and Urban Development and no less than 50% participation by other Federal agencies, subject to expenditure by the Delaware Valley Regional Planning Commission upon approval by the Commissioner of the Department of Community Affairs	43,000	
Cooperative governmental planning	100,000	
		361,333
Total Appropriation, Division of State and Regional Planning		$655,865

The unexpended balance as of June 30, 1968 in the account "Cooperative 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 on Aging*

Salaries:		
Director	$14,000	
Other employees	74,662	
		$88,622
Materials and Supplies		9,100
Services Other Than Personal		18,880
Maintenance of Property:		
Recurring	$500	
Non-Recurring and Replacements	1,000	
		1,500

Extraordinary:		
Conference on aging	$1,500	
Survey and demonstration projects	25,000	
Older Americans Act—State share	15,000	
		41,500
Total Appropriation, Division on Aging		$159,642

The unexpended balance in the account "Older Americans Act—State Share" as of June 30, 1968, is hereby appropriated in an amount not to exceed $15,000 to match Federal funds which may be available therefor; provided, however, that the expenditure 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	24,239	
		$37,739
Materials and Supplies		1,900
Services Other Than Personal		6,859
Maintenance of Property		250
Total Appropriation, Division of Youth		$46,748
Total Appropriation, Department of Community Affairs		$2,613,496

MISCELLANEOUS EXECUTIVE COMMISSIONS

910-100. *South Jersey Port Commission*

Salaries		$45,064
Materials and Supplies		1,100
Services Other Than Personal		3,233
Maintenance of Property:		
Recurring	$200	
Non-Recurring and Replacements	325	
		525

Extraordinary:		
Dredging		60,000
Total Appropriation		$109,922

So much hereof as may be unexpended upon implementation of chapter 84, P. L. 1967 shall lapse into the General Treasury.

911-100. *Palisades Interstate Park Commission*

Salaries:		
Other employees	$586,837	
Positions established from lump sum appropriation	35,797	
		$622,634
Materials and Supplies		36,160
Services Other Than Personal		24,002
Maintenance of Property:		
Recurring	$38,750	
Non-Recurring and Replacements	56,185	
		94,935
Additions and Improvements		3,160
Total Appropriation		$780,891

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, 1968, 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, 1968 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	$398,897
Materials and Supplies	21,250
Services Other Than Personal	8,500

Maintenance of Property:		
Recurring	$10,700	
Non-Recurring and Replacements	90,900	
		101,600
Total Appropriation		$530,247

913-100. *Interstate Sanitation Commission*

Extraordinary:		
New Jersey's Share of Administrative Costs:		
Water pollution (45%)	$92,326	
Air pollution (50%)	27,500	
Total Appropriation		$119,826

914-100. *Delaware River Basin Commission*

Extraordinary:	
Expenses of the Commission	$275,900

The unexpended balance in this account as of June 30, 1968 is hereby appropriated.

916-100. *Mid-Atlantic States Air Pollution Control Commission*

The unexpended balance in this account as of June 30, 1968 is hereby appropriated.

Total Appropriation, Miscellaneous Executive Commissions	$1,816,786

INTER AND NON-DEPARTMENTAL ITEMS

940-100. *Inter-Departmental Services*

Services Other Than Personal:		
Rent:		
Buildings and Grounds	$9,328,067	
Health-Agriculture Building	570,000	

Education Building	332,356	
Cultural Center	541,261	
Sub-Total Appropriation	$10,771,684	
Less: Direct charges and charges to Non-State Fund Sources	*3,614,052*	
Total Appropriation		$7,157,632

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 that the amounts so charged 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.

Notwithstanding any other provision of law, no lease for the rent of any office or building shall be executed 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.

941-100. *Employee Benefits*

Extraordinary:	
Heath Act	$117,000
Veterans' Act	202,000

Miscellaneous Special Acts	32,000	
Governors' Widows Annuity	7,500	
Judicial Pensions	731,000	
Prison Officers' Pensions	451,500	
Public Employees' Retirement System	17,648,193	
Premium for Non-Contributory Insurance	2,893,249	
State's Share of Social Security Tax	12,207,000	
State Police Retirement System	4,609,427	
Premium for Non-Contributory Insurance—State Police	175,837	
State Employees' Health Benefits	3,982,000	
Pension Increase Act	967,000	
For the State's liability under N. J. S. A. 38:23–6 for employees' contribution to Public Employees' Retirement System on behalf of Air Technicians of the N. J. A. N. G.	65,000	
For additional medical coverage known as "Rider J" for State employees, subject to the enactment of Assembly Bill No. 87 or similar legislation	435,000	
Total Appropriation		$44,523,706

The unexpended balance as of June 30, 1968 of the sum appropriated for the State's share of the Social Security Tax is hereby appropriated.

The sum appropriated for the State's share of Social Security taxes 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.

Out of the sum appropriated for the Public Employees' Retirement System, there shall be paid to Rutgers, The State University, the employer contribution for those Public Employees' Retirement System mem-

bers who elect to participate in the alternate benefit program as provided under C. 18:22–11A.

Notwithstanding the provisions of any other law, the sum appropriated for the "Public Employees' Retirement System" shall be paid to the System as follows: ½ of such sum shall be paid on July 1, 1968 and ½ of such sum shall be paid not later than January 1, 1969 together with any earnings received from the investment or deposit of such sum during the period July 1, 1968 through the date of such payment.

942-100. *State Emergency Fund*

For allotment to the various departments or agencies, to meet any condition of emergency or necessity until legislation appropriate therefore 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

For allotment to the various departments or agencies for additional postage costs resulting from recent

postage rate increases, upon approval of the Director of the Division of Budget and Accounting	450,000	
Total Appropriation		$750,000

943-100. *Salary Adjustments and Increments*

To the Director of the Division of Budget and Accounting for transfer, as required, to the various agencies for the cost of continuing the salary adjustments provided in Senate Bill No. 801, or similar legislation, should the same become law, and to provide a 5% increase in the salary rate in effect on the date prior to the beginning of the bi-weekly pay period nearest to either July 1, 1968 or September 1, 1968 for the respective class titles, for those State employees serving in class titles assigned to salary ranges who received, during the fiscal year ending June 30, 1968, an increase in salary equal to or greater than a normal increment in his salary range by action other than normal increment, promotion, reclassification, or as provided by c. 63, P. L. 1967, and to provide reasonably comparable salary adjustments for State employees in certain no-range or single-rate positions, effective at the beginning of the bi-weekly pay period nearest to either July 1, 1968 or September 1, 1968 for the respective class titles	$13,500,000	
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 to State employees resulting from selective increases in range grades for class titles for which salary ranges and funds may have been provided as of June 30, 1968, as the various exigencies of the State service may require 1,565,000
provided, however, that with respect to Rutgers, The State University, the State Colleges and the Newark College of Engineering, the salary ranges for the following class titles shall be:

TITLE	MINIMUM	REGULAR MAXIMUM	EXTENDED MAXIMUM
University Professor	$17,735	$23,057	$29,266
Professor	13,895	18,065	22,930
Associate Professor	11,431	14,863	18,867
Assistant Professor	8,957	11,645	14,781
Assistant Professor II) Instructor)	7,369	9,577	11,049
Assistant Instructor	5,499	7,149	8,249

Progression above the regular maximum for the respective class titles listed above shall be in steps equal to 5% of the minimum established for each salary range. Placement on any step above the regular maximum shall be subject to rules and regulations to be established by 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.

In addition to the foregoing, the establishment of salary ranges for all other academic class titles shall be subject to the approval of 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.

Total Appropriation $15,065,000

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 effective at the beginning of the biweekly pay period nearest to July 1, 1968.

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

New Jersey State Library

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, 1969, the salary to be paid the successor of such officer may be such lesser sum as the appointing authority shall determine.

Any State officer who is in the competitive division of the State classified service and whose compensation is as provided in the annual appropriation law, shall be entitled to the same salary adjustments and increments which may be authorized hereinabove.

944-100. *Additional Overtime Compensation*

To the Director of the Division of Budget and Accounting for transfer, as required, to the various agencies for the additional costs incurred as a result of compensating employees for authorized overtime at a rate of 1½ times the employee's applicable salary rate, for those employees in class titles eligible for cash overtime payments in accordance with C. 52:14–17.13 et seq. and the policies and regulations as issued by the President of the Civil Service Commission, the State Treasurer and the Director of the Division of Budget and Accounting; provided, however, that allowance may be made for such overtime to be authorized as compensatory time off, subject to amendment of existing legislation and in accordance with the policies and regulations as issued by the President of the Civil Service Commission, the State Treasurer and the Director of the Division of Budget and Accounting	$5,000,000	
Total Appropriation		$5,000,000
Total Appropriation, Inter and Non-Departmental Items		$72,496,338

970-100. *The Judiciary*

Salaries:	
Chief Justice	$32,000
Associate Justices (6 @ $31,000)	186,000
Judges (78 @ $27,000)	2,066,000
Clerk of the Supreme Court	15,000
Clerk of the Superior Court	17,000

Administrative Director	27,000	
Other employees	3,489,948	
New positions	117,203	
		$5,950,151
Materials and Supplies		202,500
Services Other Than Personal		272,842
Maintenance of Property:		
Recurring	$10,700	
Non-Recurring and Replacements	7,000	
		17,700
Additions and Improvements		8,780
Total Appropriation, The Judiciary		$6,451,973
Total Appropriation, General State Operations		$462,136,546

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	$4,000
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	500
Total Appropriation, Department of Law and Public Safety	$4,500

DEPARTMENT OF THE TREASURY

Division of Taxation

240-150. *Payment to Counties (Five Percentum Inheritance Taxes)—State Aid*

Payment to counties (5% of Inheritance Taxes) R. S. 54:33–10	$2,800,000

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.	$12,466,808	
Less: Amount due from the assessment of Class II railroad property as adjusted	*8,177,432*	
Total Appropriation		$4,289,376

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, 1968 is hereby appropriated to implement the provisions of R. S. 54:11D–5.

Such sums as may be derived from the taxes received pursuant to R. S. 54:11D–1 shall be distributed to or reserved for the several municipalities.

Division of Pensions

295-150. *Consolidated Police and Firemen's Pension Fund—State Aid*

State's contribution to the provisions of R. S. 43:16–1	$6,249,930
Total Appropriation, Department of the Treasury	$13,749,931

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.	$2,000,000

The unexpended balance in this account as of June 30, 1968 is hereby appropriated.

Out of the appropriation for the public share of the cost of eliminating grade crossings, not more than a sum of $100,000 shall be used for administration expenses.

Total Appropriation, Department of Public Utilities	$2,000,000

DEPARTMENT OF HEALTH

360-150. *General—State Aid*

Salaries		$104,960
Materials and Supplies		700
Services Other Than Personal		2,930
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, pursuant to R. S. 26:2F–6	2,300,000	
		3,138,646
Total Appropriation		$3,247,286

The unexpended balance in this account as of June 30, 1968 is hereby appropriated in an amount not to exceed $900,000.

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 $1.60 for the calendar year 1969.

365-450. *State Sewerage Facilities Loan Fund—State Aid*

Loans for engineering plans pursuant to R. S. 26:2E–5	$1,000,000	
Grants for feasibility studies pursuant to R. S. 26:2E–4	350,000	
Construction Grants, pursuant to R. S. 26:2E–8	2,900,000	
Total Appropriation		$4,250,000

The unexpended balance in this account as of June 30, 1968 is hereby appropriated.

378-150. *Crippled Children's Program—State Aid*

Hospitalization and convalescent care	$1,268,000	
Appliances	31,250	
Total Appropriation		$1,299,250
Total Appropriation, Department of Health		$8,796,536

DEPARTMENT OF CONSERVATION AND ECONOMIC DEVELOPMENT

Division of Resource Development

420-150. *Inland Waterways and Shore Protection—State Aid*

Inland Waterways—Construction, reconstruction, maintenance, improvement and dredging of Inland Waterways, including bulkheading and dredging of 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 25% 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 cooperative studies in connection with the Federal Government; 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

The unexpended balance in this account as of June 30, 1968 is hereby appropriated.

460-150. *Division of Veterans' Services—State Aid*

Veterans Orphan Fund—Educational	$142,500	
Payment to Blind Veterans	32,000	
Payment to Paraplegics, Hemiplegic Veterans	176,500	
Total Appropriation, Division of Veterans' Services		$351,000

The unexpended balance in this account as of June 30, 1968 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 R. S. 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

The unexpended balance in this account as of June 30, 1968 is hereby appropriated.

Total Appropriation, Department of Conservation and Economic Development	$2,226,000

DEPARTMENT OF EDUCATION

Commissioner's Office

500-150. *Educational Purposes—State Aid*

Salaries:		
County Superintendents	$409,617	
Other employees	1,168,525	
New Positions	26,498	
		$1,604,640
Materials and Supplies		99,500
Services Other Than Personal		94,950
Maintenance of Property		1,000
Extraordinary:		
Senator James F. Murray Junior Historian Fund		20,000

Grants-in-Aid:		
Vocational school districts	$559,720	
Industrial schools	71,000	
State school aid (18:10–29.30–29.62)		
Formula (Foundation, equalization and minimum)	172,315,657	
Transportation	23,400,096	
Emergency fund	175,000	
Atypical pupils	16,052,227	
School building aid	28,579,377	
Evening schools for foreign-born residents	90,000	
State aid for certain libraries	3,976,520	
County audio-visual aid centers	50,000	
Technical education	100,000	
Vocational education	4,000,000	
Children resident in institutions	122,340	
Children resident on State-owned property	100,000	
Adult education	275,000	
Work-study program	75,000	
Manpower development and training—State share	200,000	
Public School Safety Act of 1967	1,000,000	
		251,141,937
Total Appropriation		$252,962,027

The unexpended balance in the account "Vocational Education" as of June 30, 1968 is hereby appropriated for the same purpose.

The unexpended balance in the account "Vocational Education Facilities" as of June 30, 1968 is hereby appropriated for the same purpose.

The unexpended balance in the account "Work-Study Program" as of June 30, 1968 is hereby appropriated for the same purpose.

The unexpended balance in the account "Manpower Development and Training—State Share" as of June 30, 1968 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, 1968 are hereby appropriated.

501-150. *Teachers' Pension and Annuity Fund, Group Life Insurance and Social Security Tax—State Aid*

State Contribution to Teachers' Pension and Annuity Fund—		
Normal contribution	$62,529,622	
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	
Premium for Non-Contributory Insurance	3,398,653	
State share of Social Security Tax	26,628,000	
Total Appropriation		$105,727,782

The unexpended balance as of June 30, 1968 of the sum appropriated for the "State share of Social Security Tax" is hereby appropriated.

The sum appropriated for the "State 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 N. J. S. 18A:66–77 et seq. 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."

Out of the sum appropriated for the Teachers' Pension and Annuity Fund there shall be available for payment to the Newark College of Engineering and to the State Board of Higher

Education, respectively, the employer contribution for those Teachers' Pension and Annuity Fund members who elect to participate in the alternate benefit programs authorized by C. 18A:66–130 et seq. and C. 18A:66–142 et seq.

Notwithstanding the provisions of any other law, the sum appropriated for the "State Contribution to Teachers' Pension and Annuity Fund" shall be paid to the Fund as follows: ½ of such sum shall be paid on July 1, 1968 and ½ of such sum shall be paid not later than January 1, 1969 together with any earnings received from the investment or deposit of such sum during the period July 1, 1968 through the date of such payment.

Total Appropriation, Department of Education	$358,689,809

DEPARTMENT OF HIGHER EDUCATION

Office of the Chancellor

540-150. *Educational Purposes—State Aid*

County Colleges:	
Capital projects	$14,500,000
Operational costs	7,465,678
County-assisted junior colleges	220,000
Schools of professional nursing	1,320,000
Total Appropriation, Department of Higher Education	$23,505,678

The unexpended balances in the accounts for "Capital Projects" and "Operational Costs" as of June 30, 1968 are hereby appropriated for the same purposes.

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 New Jersey State Colleges.

DEPARTMENT OF TRANSPORTATION

620-150. *Division of Local Government Aid—State Aid Administration*

Salaries:		
Other employees	$730,136	
New positions	22,688	
		$752,824
Materials and Supplies		9,400
Services Other Than Personal		24,892
Maintenance of Property:		
Recurring	$420	
Non-Recurring and Replacements	1,000	
		1,420
Additions and Improvements		734
Sub-Total Appropriation		$789,270

Counties and Municipalities—Grants

Construction, reconstruction, maintenance, etc., of county roads pursuant to R. S. 52:27B–20	$8,000,000
Construction, reconstruction, maintenance and repairs to county roads on the basis of $55,000 per county pursuant to R. S. 27:14–1	1,155,000
Construction, reconstruction, grading, drainage, maintenance, lighting or repair of municipal roads pursuant to R. S. 27:15–1	4,500,000
Construction, or reconstruction of municipal roads on the basis of $100,000 per county pursuant to R. S. 27:15–1.14	2,100,000
Reconstructing county and municipal roads pursuant to R. S. 27:13–10 et seq.	100,000

County and municipal aid for lighting	435,000	
State aid for county and municipal highways, in accordance with State Aid Road System Act of 1967	15,000,000	
Sub-Total Appropriation		$31,290,000
Total Appropriation, Department of Transportation		$32,079,270

The unexpended balance in this account as of June 30, 1968 is hereby appropriated.

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 ..... $4,625,000

The unexpended balance remaining in this account as of June 30, 1968, including 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, 1968 are hereby appropriated and in addition thereto, that all such funds recovered under R. S. 44:7–14 during the fiscal year ending June 30, 1969 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 ..... $10,268,000

Receipts from State administered towns during 1968-69 and the unexpended balance in this account as of June 30, 1968 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. $4,700,000

The unexpended balance remaining in this account as of June 30, 1968, including 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, 1968 are hereby appropriated and in addition thereto, that all such funds recovered under R. S. 44:7–14 during the fiscal year ending June 30, 1969, 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. 44:10–4 et seq. $42,000,000

The unexpended balance in this account as of June 30, 1968, 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. 44:10–4 et seq. during fiscal year ending June 30, 1968 are hereby appropriated and in addition thereto, all such funds recovered under Section 4

of R. S. 44:10–4 et seq. during the fiscal year ending June 30, 1969, 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. $13,000,000

The unexpended balance in this account as of June 30, 1968, 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 fiscal year ending June 30, 1968 are hereby appropriated and in addition thereto, all such funds recovered under R. S. 44:7–82, during the fiscal year ending June 30, 1969, are hereby appropriated.

The sums hereinabove appropriated shall be available for the payment of bills applicable to prior fiscal 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. $345,000

The unexpended balance in this account as of June 30, 1968, 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 fiscal year ending June 30, 1968 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, 1969 are hereby appropriated.

The sums hereinabove appropriated shall be available for the payment of bills applicable to prior fiscal years.

717-150. *Child Care—State Aid*

For the purpose of making payment 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	$8,303,493

The unexpended balance in this account as of June 30, 1968 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	$83,241,493

Division of Mental Health and Hospitals

770-150. *County Mental Hospitals—State Aid*

For the support of patients in county mental hospitals, pursuant to section 30:4–78:

Atlantic	$240,000
Burlington	220,000
Camden	720,000
Cumberland	150,000
Essex	5,000,000
Hudson	2,700,000
Total Appropriation	$9,030,000

The unexpended balance in this account as of June 30, 1968 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	$10,000	
Camden	16,000	
Essex	88,000	
Hudson	7,500	
Middlesex	11,500	
Monmouth	13,000	
Passaic	14,000	
Total Appropriation		$160,000

The unexpended balance in this account as of June 30, 1968 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	$1,849,595

The unexpended balance in this account as of June 30, 1968 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.

The sum hereinabove appropriated shall be available for the payment of bills applicable to prior fiscal years.

770-153. *Drug Addiction Treatment Services—State Aid*

Drug Addiction Treatment Services pursuant to R. S. 30:60–1	$147,715

The unexpended balance in this account as of June 30, 1968 is hereby appropriated.

Total Appropriation, Division of Mental Health and Hospitals	$11,187,310
Total Appropriation, Department of Institutions and Agencies	$94,428,803

DEPARTMENT OF COMMUNITY AFFAIRS

800-150. *Administrative Division—State Aid*

For State and local shares to match non-State Fund grants for:		
Economic Opportunity programs	$1,000,000	
Public career development program	50,000	
Training programs	250,000	
Youth employment program	600,000	
For State programs in aid of local agencies:		
Adult literacy program	900,000	
Model cities assistance Day care	950,000	
Public service training:		
Internships	100,000	
Housing and Urban Renewal Demonstration Projects:		
Revolving housing development and demonstration grant fund	1,250,000	
Urban renewal assistance not to exceed 50% of local share	1,500,000	
Code enforcement	500,000	
Relocation and rent supplements	2,250,000	
Total Appropriation, Administrative Division		$9,350,000

The appropriations made "For State and Local Agency Shares to Match Non-State Fund Grants" are hereby made available for expenditure contingent upon receipt of not less than a like sum from non-State fund sources.

The appropriation for "Public Career Development Program" together with not less than a like sum to be provided from non-State fund sources shall be transferred for expenditure by the Department of Civil Service to carry out this 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

Total Appropriation, Department of Community Affairs $9,425,000

The unexpended balance in this account as of June 30, 1968 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 paid to various counties representing 40% of the salaries of county court judges, pursuant to N. J. S. 2A:3–19	$875,000
Total Appropriation, The Judiciary	$875,000

The unexpended balance in this account as of June 30, 1968 is hereby appropriated.

The amount appropriated hereinabove to The Judiciary shall be available for any deficiency in this account as of June 30, 1968.

Total Appropriation, State Aid	$545,780,527

CAPITAL CONSTRUCTION

DEPARTMENT OF LAW AND PUBLIC SAFETY

120-100. *Division of State Police*

Capital Construction:	
Training School at Sea Girt	$1,012,300

The unexpended balance in this account as of June 30, 1968 is hereby appropriated.

Division of Motor Vehicles

140-100. *General*

Capital Construction:		
Motor Vehicle Inspection Station, Newark area, to substitute for the Hartford Street Inspection Station	$1,100,000	
Purchase of land for a new inspection station in Gloucester County	90,000	
For construction and operation of an additional lane and improve-		

ments to the existing Motor Vehicle Inspection facility at a drive-in theater in Union County.	100,000	
Total Appropriation		$1,290,000

The unexpended balance in this account as of June 30, 1968 is hereby appropriated.

150-100. *Division of Weights and Measures*

The unexpended balance in this account as of June 30, 1968 is hereby appropriated.

Total Appropriation, Department of Law and Public Safety	$2,302,300

DEPARTMENT OF THE TREASURY

210-100. *Administrative Division*

The unexpended balance in this account as of June 30, 1968 is hereby appropriated for the respective purposes of appropriations heretofore made.

Division of Purchase and Property

230-100. *General*

Capital Construction:		
State Purchase Fund Warehouse	$1,500,000	
Develop engineering data for each State institution	125,000	
Floodlighting Capitol grounds	116,000	
Modernize elevators, State House Annex	105,000	
Total Appropriation, Division of Purchase and Property		$1,846,000

The unexpended balance in this account as of June 30, 1968 is hereby appropriated.

Total Appropriation, Department of the Treasury	$1,846,000

DEPARTMENT OF DEFENSE

342-100. *National Guard and Naval Militia*

Capital Construction:		
Training Administration Building—		
Sea Girt	$566,200	
New Dormitory—Sea Girt	20,000	
Roads and approaches	100,000	
Total Appropriation, National Guard and Naval Militia		$686,200

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, 1968 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, 1968 is hereby appropriated.

Total Appropriation, Department of Defense	$686,200

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	$2,000,000	
Redemption of Recreation and Conservation Land Acquisition Bonds, chapter 46, P. L. 1961	2,600,000	
Total Appropriation, Redemption of Bonds		$4,600,000

430-100. *Division of Water Policy and Supply*

Capital Construction:		
Protective fencing for Delaware and Raritan Canal	$200,000	
Replace culvert carrying little Shabakunk Creek beneath Delaware and Raritan Canal	225,000	
Total Appropriation, Division of Water Policy and Supply		$425,000

The unexpended balance in this account as of June 30, 1968 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 purpose 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.

450-400. *Division of Fish and Game*

General

Capital Construction:	
Renovation of fish hatcheries	$76,000

The unexpended balance in this account as of June 30, 1968 is hereby appropriated.

Division of Fish and Game

451-400. *Public Shooting and Fishing Grounds*

The unexpended balance in this account as of June 30, 1968 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 including roads and approaches	$2,000,000

The unexpended balance in this account as of June 30, 1968 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.

Total Appropriation, Department of Conservation and Economic Development	$7,101,000

DEPARTMENT OF EDUCATION

530-100. *Division of the State Museum*

Exhibit Design and Fabrication, Museum	$100,000

The unexpended balance in this account as of June 30, 1968 is hereby appropriated.

535-100. *Marie H. Katzenbach School for the Deaf*

Capital Construction:	
Roads and Approaches	$25,000

The unexpended balance in this account as of June 30, 1968 is hereby appropriated.

Total Appropriation, Department of Education	$125,000

DEPARTMENT OF HIGHER EDUCATION

Office of the Chancellor

540-111. *Redemption of Bonds*

Redemption of State Higher Education Bonds—Act of 1959	$7,000,000

540-901. *State Higher Education Fund*

The earnings derived from the investment or reinvestment 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 necessary 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, 1968 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, 1968 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	1,000,000	
Kilmer Campus—		
Undergraduate library, first stage	500,000	
University Heights Campus—		
Pharmacy college classroom building	1,200,000	
Mathematics, statistics, information processing center	1,700,000	
College of Agriculture Campus—		
Food science and biochemistry building	600,000	
College of South Jersey—		
Classroom building, Law School	900,000	
Newark College of Arts and Sciences—		
General classroom building	2,500,000	
Total Appropriation, Rutgers, The State University		$8,650,000

The unexpended balance in this account as of June 30, 1968 is hereby appropriated.

573-100. *New Jersey College of Medicine and Dentistry*

Capital Construction:	
Construction of College of Medicine and Dentistry (first stage)	$10,750,000

The unexpended balance in this account as of June 30, 1968 is hereby appropriated.

574-100. *Newark College of Engineering and Newark Technical School*

The unexpended balance in this account as of June 30, 1968 is hereby appropriated.

580-100. *Educational Facilities Authority*

The unexpended balance in this account as of June 30, 1968 is hereby appropriated.

594-100. *State College Construction*

Capital Construction:	
Roads and approaches	$250,000

The unexpended balance in this account as of June 30, 1968 is hereby appropriated.

Total Appropriation, Department of Higher Education	$26,650,000

DEPARTMENT OF TRANSPORTATION

611-100. *State Highway Installations*

Capital Construction:		
Maintenance facilities—existing road system	$750,000	
Maintenance facilities—interstate system	750,000	
Regional office buildings, Freehold	418,000	
Air conditioning, Newark Office	88,000	
Total Appropriation, State Highway Installations		$2,006,000

The unexpended balance in this account as of June 30, 1968 is hereby appropriated.

612-100. *Construction of State Highway System*

Administration, Construction

Salaries:		
State Highway Engineer	$21,000	
Other employees	12,713,992	
New positions	110,804	
		$12,845,796
Materials and Supplies		229,185
Services Other Than Personal		1,155,512
Maintenance of Property:		
Recurring	$12,600	
Non-Recurring and Replacements	44,000	
		56,600
Additions and Improvements		90,840
Sub-Total Appropriation		$14,377,933
Less: Portion of Federal Aid receivable which is applicable to engineering costs		*3,500,000*
Less: Portion of Federal Aid receivable which is applicable to Highway Research		*300,000*
Sub-Total Appropriation		$10,577,933

State Highway Projects

Federal aid participation	$22,111,111	
Highway Betterments:		
Traffic signals, signs and lighting	500,000	
Resurfacing, drainage, shoulder reconstruction, guardrails, and major bridge repairs	1,500,000	
Sub-Total Appropriation		$24,111,111
Total Appropriation, Construction of State Highway System		$34,689,044

The unexpended balance in this account as of June 30, 1968 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.

From the $22,111,111 provided herein for Federal aid participation, funds may be expended for Federally-aided or non-Federally-aided State highway projects as the Commissioner may determine; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

612-110. *Redemption of Bonds*

Redemption of Highway Improvement Bonds, Act of 1930	$710,000

614-100. *Division of Planning*

Salaries		$894,553
Materials and Supplies		31,200
Services Other Than Personal		206,078
Maintenance of Property:		
Recurring	$1,106	
Non-Recurring and Replacements	20,858	
		21,964
Extraordinary:		
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	
For the transportation planning aspects of the studies in the Philadelphia-Camden urban area conducted by the Delaware Valley Regional Planning Commission	175,000	
For the transportation planning aspects of the Atlantic City Urban Area Study	10,000	
For other required Federal planning studies	100,000	
		835,000
Additions and Improvements		9,720
Sub-Total Appropriation		$1,998,515
Less: Portions of Federal Aid receivable which are applicable to highway planning		*1,569,814*
Total Appropriation, Division of Planning		$428,701

The unexpended balance in this account as of June 30, 1968 is hereby appropriated.

630-100. *Public Transportation Services*

The unexpended balance in this account as of June 30, 1968, is hereby appropriated.

Total Appropriation, Department of Transportation	$37,833,745

DEPARTMENT OF INSTITUTIONS AND AGENCIES

700-170. *Institutional Construction*

Capital Construction:		
Miscellaneous Capital Construction	$500,000	
Advance Planning and Design—Major Construction	300,000	
Outside Utilities, State Reformatory for Women	118,000	
Roads and Approaches	100,000	
Total Appropriation, Institutional Construction		$1,018,000

The unexpended balance in this account as of June 30, 1968 is hereby appropriated.

700-110, 111, 113. *Redemption of Bonds*

Redemption of Institution Construction Bonds—Act of 1930	$194,000	
Redemption of Institution Construction Bonds—Act of 1960	1,800,000	
Redemption of Institution Construction Bonds—Act of 1964	1,000,000	
Total Appropriation, Redemption of Bonds		$2,994,000
Total Appropriation, Department of Institutions and Agencies		$4,012,000

MISCELLANEOUS EXECUTIVE COMMISSIONS

910-100. *South Jersey Port Commission*

The unexpended balance in this account as of June 30, 1968 is hereby appropriated.

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, 1968 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 $37,950,000 including $19,179,000 for construction and $18,771,000 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 1968-69 dated July 21, 1967 ..... $1,000

Total Appropriation, Miscellaneous Executive Commissions $1,000

Total Appropriation, Capital Construction .. $80,557,245

Grand Total Appropriation $1,088,474,318

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.

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.

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 trans-

ferred. 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.

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.

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.

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 Office of Architecture, Engineering and 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. The Director of the Division of Budget and Accounting is also empowered to establish revolving funds, as required, subject to the approval of the Legislative Budget and Finance Director, and is further empowered to transfer to the Bureau of Data Processing from any appropriation made to any department for data processing costs which had been appropriated or allocated to such departments for their share of costs of the Bureau of Data Processing.

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.

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.

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. The Director of the Division of Budget and Accounting, upon the recommendation of the Attorney General and with the approval of the Legislative Budget and Finance Director, may waive any claim not exceeding $25 due and owing to the State.

11. There are hereby appropriated the unexpended balances as of June 30, 1968 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.

12. This act shall take effect July 1, 1968.

Approved June 25, 1968.

CHAPTER 120

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, 1968, and regulating the disbursement thereof," approved May 23, 1967 (c. 63, P. L. 1967).

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:

GENERAL STATE OPERATIONS

DEPARTMENT OF CONSERVATION AND ECONOMIC DEVELOPMENT

490-100. *Division of Parks, Forestry and Recreation*

Supplemental requirement for fire fighting costs for fiscal year 1967-68	$50,000
Total Appropriation, Department of Conservation and Economic Development	$50,000

DEPARTMENT OF INSTITUTIONS AND AGENCIES

767-100. *Hunterdon State School*

Supplemental requirement for fiscal year 1967-68	$470,000
Total Appropriation, Department of Institutions and Agencies	$470,000

MISCELLANEOUS EXECUTIVE COMMISSIONS

913-100. *Interstate Sanitation Commission*

Supplemental requirement for fiscal year 1967-68 for New Jersey's share of administrative costs of Water Pollution (45%)	$22,578
Total Appropriation, Miscellaneous Executive Commissions	$22,578

INTER AND NON-DEPARTMENTAL ITEMS

941-100. *Employee Benefits*

Supplemental requirement for fiscal year 1967-68 for the State's liability under N. J. S. A. 38:23–6 for employees' contribution to the Public Employees Retirement System on behalf of Air Technicians of the NJANG	$27,000

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 costs of salary adjustments for State employees which result from providing a 5% increase in the salary rate in effect either on December 29, 1967 or January 26, 1968 for the respective class titles, for all State employees serving in class titles assigned to salary ranges with regular maxima and in the employ of the State on June 29, 1968 or who retired from State service during the period December 30, 1967 through June 28, 1968 and to provide reasonably comparable salary adjustments for State employees in certain no-range or single-rate positions, effective either December 30, 1967 or January 27, 1968 for the respective class titles; provided, however, that such 5% increase shall not be paid to any employee who received, dur-

ing the fiscal year ending June 30, 1968, an increase in his salary equal to or greater than a normal increment in his salary range by actions other than normal increment, promotion, reclassification, or as provided by c. 63, P. L. 1967; and provided further, however, that nothing herein contained shall authorize an increase in overtime paid or payable for the period December 30, 1967 through June 28, 1968; and provided further, however, that 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 prescribe such equitable regulations as shall be required to carry out the purposes herein	$6,000,000
Total Appropriation, Inter and Non-Departmental Items	$6,027,000

STATE AID

DEPARTMENT OF HEALTH

378-150. *Crippled Children's Program—State Aid*

Supplemental requirement for fiscal year 1967-68 for hospitalization and convalescent care	$400,000
Total Appropriation, Department of Health	$400,000

DEPARTMENT OF EDUCATION

COMMISSIONER'S OFFICE

500-150. *Educational Purposes—State Aid*

Supplemental requirement for fiscal year 1967-68 for atypical pupils	$695,048
Total Appropriation, Department of Education	$695,048

DEPARTMENT OF INSTITUTIONS AND AGENCIES	
DIVISION OF MENTAL HEALTH AND HOSPITALS	
770-150. *County Mental Hospitals—State Aid*	
Supplemental requirement for fiscal year 1967-68	$500,000
Total Appropriation, Department of Institutions and Agencies	$500,000
Grand Total, Supplemental Appropriations	$8,164,626

2. This act shall take effect immediately.
Approved June 25, 1968.

CHAPTER 121

AN ACT concerning counties and municipalities with relation to public building contracts, and amending section 40:9–3 of the Revised Statutes.

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

1. Section 40:9–3 of the Revised Statutes is amended to read as follows:

Separate plans, advertisements and separate bids in erecting, altering or repairing public buildings; single over-all contract; award to lowest bidder; direct payment to subcontractor in certain instances.

40:9–3. In preparation of plans and specifications for the erection, alteration or repair of any public building by any political subdivision of this State, when the entire cost of the work will exceed $1,000.00 in amount, the architect engineer or other person preparing the plans and specifications, shall prepare separate plans and specifications for the plumbing and gas fitting, and all kindred work, and of the steam and hot water heating and ventilating apparatus, steam power plants and kindred work, and electrical work, structural steel and ornamental iron work.

The board, body or person authorized by law to award contracts for the erection, construction, alteration or repair of any such public

building, shall advertise for and receive, in the manner provided by law, (a) separate bids for each of said branches of work, and also (b) bids for all the work and materials required to complete the building to be included in a single over-all contract, in which case there will be set forth in the bid the name or names of, and evidence of performance security from, all subcontractors to whom the bidder will subcontract the furnishing of plumbing and gas fitting, and all kindred work, and of the steam and hot water heating and ventilating apparatus, steam power plants and kindred work, and electrical work, structural steel and ornamental iron work, each of which subcontractors shall be qualified in accordance with this Title.

Contracts shall be awarded to the lowest responsible bidder in the following manner: If the sum total of the amounts bid by the lowest responsible bidder for each branch is less than the amount bid by the lowest responsible bidder for all of the work and materials, the board shall award separate contracts for each of such branches to the lowest responsible bidder therefor, but if the sum total of the amount bid by the lowest responsible bidder for each branch is not less than the amount bid by the lowest responsible bidder for all the work and materials, the board shall award a single over-all contract to the lowest responsible bidder for all of such work and materials. (c) In every case in which a contract is awarded under (b) above, all payments required to be made under such contract for work and materials supplied by a subcontractor shall, upon the certification of the contractor of the amount due to the subcontractor, be paid directly to the subcontractor.

2. This act shall take effect immediately.

Approved June 25, 1968.

CHAPTER 122

AN ACT concerning the State colleges and amending section 18A:64–18 of the New Jersey Statutes.

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

1. Section 18A:64–18 of the New Jersey Statutes is amended to read as follows:

Disposition of certain moneys paid to State Treasurer.

18A:64–18. All moneys received in connection with the operation of the State colleges and demonstration schools shall be paid to the State Treasurer and shall become part of the General State Fund, except that moneys which are derived as room and board revenues from dormitory and food service facilities and which are not pledged for the payment of principal and interest on bonds of this State and which are in excess of sums required for the operation and maintenance of such facilities, shall be retained by the State Treasurer in a separate account and made available, upon the certification of the chancellor and with the approval of the Director of the Division of Budget and Accounting, to the Board of Higher Education for the purpose of equalizing charges to students for room and board at State college facilities leased from the New Jersey Educational Facilities Authority.

2. This act shall take effect July 1, 1968.

Approved June 26, 1968.

CHAPTER 123

AN ACT concerning the salaries of certain judges and amending sections 2A:1–1, 2A:2–1, 2A:3–17 of the New Jersey Statutes, and chapter 74 of the laws of 1965, and chapter 273 of the laws of 1955.

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

1. Section 2A:1–1 of the New Jersey Statutes is amended to read as follows:

Supreme Court; compensation of justices.

2A:1–1. The Chief Justice of the Supreme Court shall receive an annual salary of $37,000.00. Each associate justice of the Supreme Court shall receive an annual salary of $36,000.00.

2. Section 2A:2–1 of the New Jersey Statutes is amended to read as follows:

Superior Court; number of judges; compensation.

2A:2–1. The Superior Court shall consist of 78 judges. Each judge shall receive an annual salary of $32,000.00.

3. Section 2A:3–17 of the New Jersey Statutes is amended to read as follows:

County Court judge; compensation.

2A:3–17. The annual salary of each judge of a County Court shall be $32,000.00.

4. Section 6 of P. L. 1965, chapter 74 (C. 2A:4–4.7) is amended to read as follows:

C. 2A:4-4.7 Juvenile and domestic relations court judges required by law to devote entire time to judicial duties; compensation.

6. Notwithstanding the provisions of any other law to the contrary, each judge of the juvenile and domestic relations court of any county 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 $30,000.00.

5. Section 1 of P. L. 1955, chapter 273 (C. 2A:6–14.10) is amended to read as follows:

C. 2A:6-14.10 County district court judges required to devote entire time to judicial duties; judges serving on part-time basis; compensation.

1. Notwithstanding the provisions of any other law to the contrary, each judge of a county district court who is required by law to devote his entire time to his judicial duties and is prohibited from practice of law, shall receive an annual salary of $30,000.00. Each judge of a county district court who is now serving on a part-time basis shall receive an annual salary in the amount of $9,000.00.

6. There is hereby appropriated from the General Treasury to the Judiciary for the fiscal year ending June 30, 1969, the sum of $595,000.00 to carry out the provisions of this act.

7. This act shall take effect July 1, 1968.

Approved June 26, 1968.

CHAPTER 124

AN ACT concerning fees in civil cases in the courts and amending sections 22A:2–6, 22A:2–12, 22A:2–13, 22A:2–15 and 22A:4–15 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:2–6 of the New Jersey Statutes (P. L. 1953, c. 22) is amended to read as follows:

Law Division of Superior Court; clerk's fees.

22A:2–6. Upon the filing or entering of the first paper or proceeding in any action or proceeding in the Law Division of the Superior Court, the plaintiff shall pay to the clerk $50.00 for the first paper filed by him, which shall cover all fees payable therein down to, and including entry of final judgment, taxation of costs, copy of costs and the issuance and recording of final process, except such as may be otherwise provided herein, or provided by law, or the rules of court. Of the $50.00 paid to the clerk, $15.00 shall be paid over by him to the treasurer of the county in which venue is laid for the use of the county. Any person other than the plaintiff filing any other paper in any such cause shall pay to the clerk $20.00 for the first paper filed by him.

2. Section 22A:2–12 of the New Jersey Statutes (P. L. 1953, c. 22) is amended to read as follows:

Chancery Division of Superior Court; fees upon filing of first paper.

22A:2–12. Upon the filing of the first paper in any action or proceeding in the Chancery Division of the Superior Court there shall be paid to the clerk of the court, for the use of the State, the following fees, which, except as hereinafter provided, shall constitute the entire fees to be collected by the clerk for the use of the State, down to the final disposition of the cause:

Receivership and partition, $60.00;

For withdrawal of surplus and other moneys and assets deposited with the court where the sum or value of the asset to be withdrawn is less than $10.00, no fee; where the sum or value is $10.00 or more but less than $100.00, a fee of $1.00; where such sum or value is $100.00 or more, a fee of $25.00;

Application for permanent alimony; for withdrawal of mortgages and other applications for relief filed subsequent to final judgment $25.00;

All other actions and proceedings except in probate cases $50.00.

3. Section 22A:2–13 of the New Jersey Statutes (P. L. 1953, c. 22) is amended to read as follows:

Answering pleading or paper; fee.

22A:2–13. Each person other than the plaintiff filing an answering pleading or other answering paper in the Chancery Division of the Superior Court shall at the time of filing the first paper, pay to the clerk the sum of $20.00; which shall cover all fees payable

therein except such as may be otherwise provided herein or by law or the rules of court.

4. Section 22A:2–15 of the New Jersey Statutes (P. L. 1953, c. 22) is amended to read as follows:

Chancery Division of Superior Court; clerk's fees in probate proceedings.

22A:2–15. For performing services in all probate proceedings in the Superior Court, Chancery Division, there shall be paid to the clerk of the court for the use of the State the following fees which, except as hereinafter provided, shall constitute the entire fees to be collected by the clerk for the use of the State, down to the final disposition of the cause:

Each action upon the filing of the first paper in the action $50.00.

Application for relief filed subsequent to final judgment, upon the filing of the first paper, $10.00.

ACCOUNTING

Auditing, stating, reporting and recording accounts of executors, administrators, guardians, trustees, assignees, as follows:

In estates up to and including $2,000.00, $20.00;
In estates from $2,000.00 to and including $10,000.00, $40.00;
In estates from $10,000.00 to and including $30,000.00, $50.00;
In estates from $30,000.00 to and including $65,000.00, $65.00;
In estates exceeding $65,000.00, 1/10 of 1%;
For each page of accounting, in excess of one, $1.00.

In computing the amount of an estate for the purpose of fixing the fees of the Clerk of the Superior Court, for auditing and reporting the account, the balance from the prior account shall be excluded.

No fees herein allowed shall be charged against the recipient of any pension, bounty or allowance for services of the Clerk of the Superior Court and Chancery Division of the Superior Court in respect thereof, pursuant to sections 3A:29–1 to 3A:29–4 of the New Jersey Statutes.

COMMISSIONS ON DEPOSITS

On commissions on deposits, including any deposit made pursuant to sections 31 and 32 of chapter 67, of the laws of 1948, if under $100.00, ½ of 1% of it; if over $100.00 and under $1,000.00, ¼ of 1% on such excess; if over $1,000.00, ⅛ of 1% of such excess.

MISCELLANEOUS CHARGES

Filing an exemplified copy of a will or administration proceeding from a foreign State, $5.00;

Filing a caveat not in a pending cause, $2.00;

Certificates, each $1.00;

Subpœnas, each $1.00;

Minimum charge for all other papers or services by the clerk, $1.00.

5. Section 22A:4–15 of the New Jersey Statutes (P. L. 1953, c. 22) is amended to read as follows:

Accounting for fees by clerk of Supreme Court and clerk of Superior Court.

22A:4–15. Except as otherwise provided by statute fees, costs, allowances, percentages and other perquisites of whatsover kind which the Clerk of the Supreme Court and the Clerk of the Superior Court, as such, and as clerk of the respective courts, and their office assistants are allowed by law to charge and receive for official acts or services they may render, shall be for the sole use of the State as public money, to be regularly accounted for and paid over as hereinafter set forth.

The Clerk of the Supreme Court and the Clerk of the Superior Court shall on the tenth day of each month, render a full and itemized statement of account and return to the Director of the Division of Budget and Accounting of all such sums received by them or their assistants and of all sums which may have been charged or taxed, or which may have accrued or become payable for services during the month preceding the making of such statement. The statement of account shall be made under oath in such form as the said director shall specify and shall be filed in his office to be forthwith audited by him and kept as a public record.

All such fees, costs, allowances, percentages and other perquisites shall be paid to the State Treasurer on or before the tenth day of each month, and whether collected or not, such officers shall be personally liable therefor.

The penalty for each day's neglect of any such officer in rendering his account or in paying over such money to the State Treasurer shall be $100.00, to be recovered in the name of the State in a civil action in the Superior Court, and said clerks may also be proceeded against by proceeding in lieu of prerogative writ.

6. This act shall take effect July 1, 1968.

Approved June 26, 1968.

CHAPTER 125

AN ACT concerning the employment of disadvantaged youth in community service projects, authorizing the Commissioner of Community Affairs to establish and maintain a youth in community service corps, and providing an appropriation therefor.

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

C. 9:24-1 Short title.

1. This act shall be known as, and may be cited as, the "Youth in Community Service Corps Act of 1968."

C. 9:24-2 Legislature's findings.

2. The Legislature hereby finds and declares that the ranks of the youthful unemployed swell manyfold during summer recess of public schools; that many of the young people who constitute the youthful unemployed are, by reason of family income and social condition, disadvantaged youth; that many of those disadvantaged youth are desirous and capable of successfully discharging summer employment if such employment opportunities were available to them; that throughout this State numerous public and private, nonprofit agencies and organizations have need of the services of such disadvantaged youth; that affirmative action by the State of New Jersey is required to make the services of such disadvantaged youth available to such agencies and organizations; and that the expenditure of public funds for these purposes is in the public interest and is for a public purpose.

C. 9:24-3 Construction of act.

3. This act shall be liberally construed to effectuate the purposes and intent thereof.

C. 9:24-4 Definitions.

4. As used in this act, unless the context clearly indicates otherwise, the following terms shall have the following meanings:

(a) The term "act" shall mean this act, any amendments or supplements thereto, and any rules or regulations promulgated thereunder.

(b) The term "commissioner" shall mean the Commissioner of Community Affairs.

(c) The term "community service project" shall mean any public or private, nonprofit agency, organization, corporation or as-

sociation, including, without limitation, a municipal corporation, a major part of the activities of which are devoted to the advancement of the public health, education and welfare.

(d) The term "community work program sponsor" shall mean any municipality or any community action agency organized and operating pursuant to Subchapter II of Public Law 88–452 (the "Economic Opportunity Act of 1964").

(e) The term "disadvantaged youth" shall mean those persons between 14 and 21 years of age who are regularly enrolled in full-time course of public instruction and who, by reason of economic or social condition, are designated as such by the commissioner in accordance with regulations promulgated by him pursuant to this act.

C. 9:24-5 Agreements with community work program sponsors authorized; requirements for approval of grant; maximum period of employment; exception; maximum amount of grant.

5. (a) Upon proper application submitted to the commissioner by community work program sponsors, the commissioner is authorized to enter into agreements with, and to make grants of money to, such community work programs sponsors, for the purpose of establishing and maintaining the youth in community service corps consisting of disadvantaged youth assigned to community service projects.

(b) No application for a grant pursuant to this act shall be approved by the commissioner unless the commissioner shall find, in the exercise of his discretion, (1) that any community service project to which disadvantaged youth have been or are to be assigned will contribute materially to the development of such disadvantaged youth and to the public health, safety and welfare, and (2) that the assignment of disadvantaged youth to a community service project pursuant to this act will not displace any other person employed by or at such community service project.

(c) No disadvantaged youth shall be employed or assigned pursuant to the provisions of this act for a period in excess of 10 weeks unless the commissioner shall find, in the exercise of his discretion, that a longer period is required or appropriate. No disadvantaged youth employed or assigned pursuant to this act shall be paid or receive compensation less than the applicable minimum wage as provided in chapter 113 of the laws of 1966. Any disadvantaged youth employed or assigned pursuant to the provisions of this act shall be deemed to be an employee of the community work program sponsor that submitted an application on his behalf to the com-

missioner, and all disadvantaged youth employed or assigned pursuant to the provisions of this act shall be so employed or assigned without regard to the provisions of Title 11 of the Revised Statutes where otherwise applicable.

(d) No grant of money by the commissioner to any community work program sponsor on behalf of any disadvantaged youth shall exceed the sum of $500.00 pro rata for each disadvantaged youth employed or assigned by said community work program sponsor.

C. 9:24-6 Rules and regulations.

6. The commissioner shall issue and promulgate, after consultation with the Governor's manpower coordinating committee and the Commissioner of Labor and Industry, such rules and regulations as are necessary and appropriate to carry out the provisions of this act, and to revise, repeal or amend said rules and regulations from time to time.

C. 9:24-7 Commissioner's powers.

7. In order to carry out the provisions of this act the commissioner is authorized:

(a) To apply for, accept and expend, upon the terms and conditions relating thereto, grants of funds, equipment, supplies, materials, or any other such aid from any source whatsoever;

(b) To hold, use, expend, deal with, distribute and dispose of such funds, equipment, supplies and materials, and other property;

(c) To enter into contracts and agreements with any department or agency of the United States, local units of government and any private organization; and

(d) To engage in such activities and to do such other things and acts as may be necessary and convenient to carry out the provisions of this act.

8. There is hereby appropriated to the Department of Community Affairs the sum of $1,000,000.00 for the purpose of carrying out the provisions of this act.

9. This act shall take effect immediately.

Approved June 26, 1968.

CHAPTER 126

AN ACT authorizing the creation of a debt of the State of New Jersey by issuance of bonds of the State in the sum of $640,000,000.00 for the purpose of improving the public transportation system of the State, including the improvement of State highways and the improvement of mass transportation facilities; providing the ways and means to pay and discharge the principal thereof and interest thereon; and providing for the submission of this act to the people at a general election.

WHEREAS, The State of New Jersey has recognized the inter-relationship between the various modes of transportation by the creation of a Department of Transportation responsible for the development of a comprehensive balanced and co-ordinated transportation program; and

WHEREAS, The Department of Transportation has prepared a master plan for transportation which has delineated the interdependence in New Jersey of highways and mass transportation, including commuter rail facilities; and

WHEREAS, The department's master plan and report indicates that the proper functioning of highway and road systems in many parts of New Jersey is dependent upon the existence of a viable mass transportation system; and

WHEREAS, The department's master plan establishes that there are immediate State highway requirements calling for expenditures in excess of $1.5 billion and which cannot be financed within a reasonable period of time from regular State appropriations or anticipated Federal sources; and

WHEREAS, The immediate mass transportation requirements calling for expenditures in excess of $325,000,000.00, of which amount at least $200 million is beyond projected Federal funds and regular State appropriations; and

WHEREAS, The proper operation of a public transportation network in and for New Jersey and its people requires a simultaneous approach to the solutions of State highways and mass transportation in order to achieve a balanced and coordinated public transportation system; and

WHEREAS, The said master plan for transportation delineates many of the needs in these critical transportation areas and specifies areas where funds will be required during the next decade; and

WHEREAS, It is necessary to commence immediately with implementation of the first part of New Jersey's master plan for its public transportation system by the adoption of a financing program which will permit improvement of the State's transportation system; now, therefore,

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

1. This act may be cited as the "New Jersey Transportation Bond Act of 1968."

2. The Legislature hereby finds and determines that New Jersey is a highly urbanized corridor State with annual traffic volumes on its highways and roads which are far in excess of the national average and which will continue to increase rapidly in future years. During the next generation New Jersey's population is expected to increase by half; its automobile registry by three-fourths; and its highway traffic is expected to double. In the most congested traffic regions of the State, the existing commuter rail network provides an essential measure of relief to overtaxed highway capacity by removing from the State's highways, during the most heavily traveled periods of the day, more than 60,000 daily commuters.

The Department of Transportation's master plan, which is based on a careful study of needs, demonstrates that New Jersey must complete its intrastate freeway network and carry out a program of upgrading and improving the existing highway system if New Jersey is to have facilities that are adequate to cope with the pressures of growth in the State. As the department's report further indicates, New Jersey must also maintain an adequate commuter rail network and must develop improved methods of mass transportation to insure the effective functioning of the State's highway system with the lowest possible investment in expanded highway facilities. Improvements in these areas of transportation must be carried out on a near simultaneous basis.

It is in the public interest that these essential transportation facilities and equipment be provided in the shortest possible time, thereby saving on the anticipated increased construction costs as well as providing a safer, more adequate transportation system.

New Jersey's requirements in the area of transportation greatly exceed the funds that can be provided from regular State appropriations and from the Federal Government. This essential program of transportation, therefore, can only be accomplished through the authorization of the bond issue provided for herein.

3. Bonds of the State of New Jersey in the sum of $640,000,000.00 are hereby authorized for the purpose of capital expenditure for the cost of providing an improved public transportation system for the State. Of such total, the proceeds from the sale of not more than $200,000,000.00 of bonds shall be reserved for the improvement of mass transportation facilities and the proceeds from the sale of the bonds not so reserved or so required shall be reserved for the improvement of State highways.

4. Said bonds shall be serial bonds and known as "State Transportation Bonds" and, as to each series, the last annual installment thereof (subject to redemption prior to maturity) shall mature and be paid not later than 35 years from the date of its issuance but may be issued in whole or in part for a shorter term.

Said bonds shall be issued from time to time as the issuing officials herein named shall determine.

5. The Governor, State Treasurer and Comptroller of the Treasury or any 2 of such officials (hereinafter referred to as "the issuing officials") are hereby authorized to carry out the provisions of this act relating to the issuance of said bonds, and shall determine all matters in connection therewith subject to provisions hereof. In case any of said officials shall be absent from the State or incapable of acting for any reason, his powers and duties shall be exercised and performed by such person as shall be authorized by law to act in his place as a State official.

6. Bonds issued in accordance with the provisions of this act shall be a direct obligation of the State of New Jersey and the faith and credit of the State are pledged for the payment of the interest thereon as same shall become due and the payment of the principal at maturity. The principal and interest of such bonds shall be exempt from taxation by the State or by any county, municipality or other taxing district of the State.

7. Said bonds shall be signed in the name of the State by the Governor or by his facsimile signature, under the Great Seal of the State, and attested by the Secretary of State, or an assistant Secretary of State, and shall be countersigned by the facsimile signature of the Comptroller of the Treasury. Interest coupons attached to said bonds shall be signed by the facsimile signature of the Comp-

troller of the Treasury. Such bonds may be issued notwithstanding that any of the officials signing them or whose facsimile signatures appear on the bonds or coupons shall cease to hold office at the time of such issue or at the time of the delivery of such bonds to the purchaser.

8. (a) Such bonds shall recite that they are issued for the purpose set forth in the first sentence of section 3 of this act and that they are issued in pursuance of this act and that this act was submitted to the people of the State at the general election held in the month of November, 1968, and that it was approved by a majority of the legally qualified voters of the State voting thereon at such election. Such recital in said bonds shall be conclusive evidence of the authority of the State to issue said bonds and of their validity. Any bonds containing such recital shall in any suit, action or proceeding involving their validity be conclusively deemed to be fully authorized by this act and to have been issued, sold, executed and delivered in conformity herewith and with all other provisions of statutes applicable thereto, and shall be incontestable for any cause.

(b) Such bonds shall be issued in such denominations and in such form or forms, whether coupon or registered as to both principal and interest, and with or without such provisions for interchangeability thereof, as may be determined by the issuing officials.

9. When the bonds are issued from time to time the bonds of each issue shall constitute a separate series to be designated by the issuing officials. Each series of bonds shall bear such rate or rates of interest, not exceeding 6% per annum, as may be determined by the issuing officials, which interest shall be payable semiannually; provided, that the first and last interest periods may be longer or shorter, in order that intervening semiannual payments may be at convenient dates.

10. Said bonds shall be issued and sold at such price not less than the par value thereof and accrued interest thereon, and under such terms, conditions and regulations, as the issuing officials may prescribe, after notice of said sale, published at least once in at least 3 newspapers published in the State of New Jersey, and at least once in a publication carrying municipal bond notices and devoted primarily to financial news, published in the city of New York or in New Jersey, the first notice to be at least 5 days prior to the day of bidding. The said notice of sale may contain a provision to the effect that any or all bids in pursuance thereof may be rejected. In the event of such rejection or of failure to receive any acceptable bid, the issuing officials, at any time within 60 days from the date of

such advertised sale, may sell such bonds at private sale at such price not less than the par value thereof and accrued interest thereon and under such terms and conditions as the issuing officials may prescribe. The issuing officials may sell all or part of the bonds of any series as issued to any State fund or to the Federal Government or any agency thereof, at private sale, without advertisement.

11. Until permanent bonds can be prepared, the issuing officials may, in their discretion, issue in lieu of such permanent bonds temporary bonds in such form and with such privileges as to registration and exchange for permanent bonds as may be determined by the issuing officials.

12. The proceeds from the sale of the bonds shall be paid to the State Treasurer and be held by him in a separate fund, and be deposited in such depositories as may be selected by him to the credit of the fund, which fund shall be known as the "State Transportation Fund."

13. The moneys in the said State Transportation Fund are hereby specifically dedicated and shall be applied to the cost of the transportation purpose set forth in section 3 of this act and all of such moneys are hereby appropriated to the Department of Transportation for such purpose, and no such moneys shall be expended for such purpose (except as otherwise hereinbelow authorized) without the specific appropriation thereof by the Legislature, but bonds may be issued as herein provided notwithstanding that the Legislature shall not have then adopted an act making specific appropriation of any of said moneys.

No moneys in the said State Transportation Fund may be appropriated or expended for the purpose of providing the non-Federal share of any Federal program which finances the construction or reconstruction of State highways provided, however, that the Legislature by specific appropriation may authorize the temporary use of moneys in said fund to complete State highway projects financed in part with Federal funds in advance of the receipt of such Federal funds upon the condition that such Federal funds when received shall be deposited in said fund in reimbursement thereof.

At any time prior to the issuance and sale of bonds under this act, the State Treasurer, upon the request of the State Commissioner of Transportation, is hereby authorized to transfer from any available money in the treasury of the State to the credit of the State Transportation Fund such sum as may be deemed necessary for the purpose of this act, which said sum so transferred shall be returned to the treasury of this State by the treasurer thereof from the proceeds of the sale of the first issue of bonds.

Pending their application to the purpose provided in this act, moneys in the State Transportation Fund may be invested and reinvested as other trust funds in the custody of the State Treasurer in the manner provided by law. Net earnings received from the investment or deposit of such fund shall be paid into the general treasury and become a part of the General State Fund.

14. In case any coupon bonds or coupons thereunto appertaining or any registered bond shall become lost, mutilated or destroyed, a new bond shall be executed and delivered of like tenor, in substitution for the lost, mutilated or destroyed bonds or coupons, upon the owner furnishing to the issuing officials evidence satisfactory to them of such loss, mutilation or destruction, proof of ownership and such security and indemnity and reimbursement for expenses as the issuing officials may require.

15. Accrued interest received upon the sale of said bonds shall be applied to the discharge of a like amount of interest upon said bonds when due. Any expense incurred by the issuing officials for advertising, engraving, printing, clerical, legal or other services necessary to carry out the duties imposed upon them by the provisions of this act shall be paid from the proceeds of the sale of said bonds, by the State Treasurer upon warrant of the Comptroller of the Treasury, in the same manner as other obligations of the State are paid.

16. Bonds of each series issued hereunder shall mature in annual installments commencing not later than the tenth year and ending not later than the thirty-fifth year from the date of issue of such series, and in such amounts as shall be determined by the issuing officials, and the issuing officials may reserve to the State by appropriate provision in the bonds of any series the power to redeem all or any of such bonds prior to maturity at such price or prices and upon such terms and conditions as may be provided in such bonds.

17. The issuing officials may at any time and from time to time issue refunding bonds for the purpose of refunding in whole or in part an equal principal amount of the bonds of any series issued and outstanding hereunder, which by their terms are subject to redemption prior to maturity, provided such refunding bonds shall mature at any time or times not later than the latest maturity date of such series, and the aggregate amount of interest to be paid on the refunding bonds, plus the premium, if any, to be paid on the bonds refunded, shall not exceed the aggregate amount of interest which would be paid on the bonds refunded if such bonds were not so refunded. Refunding bonds shall constitute direct obligations of

the State of New Jersey, and the faith and credit of the State are pledged for the payment of the principal thereof and the interest thereon. The proceeds received from the sale of refunding bonds shall be held in trust and applied to the payment of the bonds refunded thereby. Refunding bonds shall be entitled to all the benefits of this act and subject to all its limitations except as to the maturities thereof and to the extent herein otherwise expressly provided.

18. To provide funds to meet the interest and principal payment requirements for the bonds issued under this act and outstanding, there is hereby appropriated in the order following:

(a) Revenues derived from the tax collected upon the sale of motor fuels under and by virtue of the Motor Fuel Tax Act (Title 54, chapter 39 of the Revised Statutes as amended and supplemented), or so much thereof as may be required; and

(b) Revenue derived from the tax collected under and by virtue of the Emergency Transportation Tax Act (P. L. 1961, c. 32 as amended and supplemented), or so much thereof as may be required; and

(c) If in any year or at any time funds, as herein above appropriated, necessary to meet interest and principal payments upon outstanding bonds issued under this act, be insufficient or not available, then and in that case there shall be assessed, levied and collected annually in each of the municipalities of the counties of this State a tax on real and personal property upon which municipal taxes are or shall be assessed, levied and collected, sufficient to meet the interest on all outstanding bonds issued hereunder and on such bonds as it is proposed to issue under this act in the calendar year in which such tax is to be raised and for the payment of bonds falling due in the year following the year for which the tax is levied. The tax thus imposed shall be assessed, levied and collected in the same manner and at the same time as other taxes upon real and personal property are assessed, levied and collected. The governing body of each municipality shall cause to be paid to the county treasurer of the county in which such municipality is located, on or before December 15 in each year, the amount of tax herein directed to be assessed and levied, and the county treasurer shall pay the amount of said tax to the State Treasurer on or before December 20 in each year.

If on or before December 31 in any year the issuing officials shall determine that there are moneys in the General State Fund beyond the needs of the State, sufficient to meet the principal of bonds

falling due and all interest payable in the ensuing calendar year, then and in that event such issuing officials shall by resolution so find and shall file the same in the office of the State Treasurer, whereupon the State Treasurer shall transfer such moneys to a separate fund to be designated by him, and shall pay the principal and interest out of said fund as the same shall become due and payable, and the other sources of payment of said principal and interest provided for in this section shall not then be available, and the receipts for said year from the taxes specified in subsections (a) and (b) of this section shall thereupon be considered and treated as part of the General State Fund, available for general purposes.

19. Should the State Treasurer, by December 31 of any year, deem it necessary, because of insufficiency of funds to be collected from the sources of revenues as hereinabove provided, to meet the interest and principal payments for the year after the ensuing year, then the treasurer shall certify to the Comptroller of the Treasury the amount necessary to be raised by taxation for such purposes, the same to be assessed, levied and collected for and in the ensuing calendar year. In such case the Comptroller of the Treasury shall, on or before March 1 following, calculate the amount in dollars to be assessed, levied and collected as herein set forth in each county. Such calculation shall be based upon the corrected assessed valuation of such county for the year preceding the year in which such tax is to be assessed, but such tax shall be assessed, levied and collected upon the assessed valuation of the year in which the tax is assessed and levied. The Comptroller of the Treasury shall certify said amount to the county board of taxation and the county treasurer of each county. The said county board of taxation shall include the proper amount in the current tax levy of the several taxing districts of the county in proportion to the ratables as ascertained for the current year.

20. Except as the context may otherwise require:

(a) "Public transportation system" shall mean and include State highways, mass transportation facilities and all other methods of ground or surface transportation for the movement of people and goods on rights-of-way available to the public.

(b) "State highways" shall mean and include any public highway, road, street, expressway, freeway, parkway or motorway constructed or maintained by the State.

(c) "Improvement of State highways" shall mean but shall not be limited to the construction, reconstruction, improvement or rebuilding of State highways, including all necessary bridges, tunnels,

overpasses, underpasses, interchanges, express bus roadways, traffic circles, grade separations, traffic control devices and the elimination of railroad crossings of State highways at road grade, or the improvement of any such existing grade crossing elimination, and shall include the acquisition of all property, rights-of-way, easements and interests therein as shall be necessary to the construction and improvement of State highways and the maintenance thereof.

(d) "Mass transportation facilities" shall mean all facilities and equipment necessary for the mass transportation of persons by public means, whether by rail, motor bus, high speed ground or surface transportation systems, or portions thereof, including, but not limited to, passenger stations, terminals and appurtenances, automobile parking facilities, track connections and interfaces between transportation modes, signal systems, power systems, roadbeds and other rights-of-way; all necessary equipment, including, but not limited to, railroad and subway passenger cars, locomotives and air cushion vehicles; the buildings and facilities necessary for storing, maintaining, servicing, developing or testing of passenger equipment and supporting system facilities.

(e) "Improvement of mass transportation facilities" shall mean but shall not be limited to the development, acquisition by purchase, lease or otherwise, the construction, reconstruction, improvement, rebuilding, relocation, renewal, establishment or rehabilitation of mass transportation facilities and shall include also the elimination of railroad crossings of roads other than State highways at road grade, or the improvement of any such existing grade crossing elimination, and shall include the acquisition of all property rights-of-way, easements and interests therein as shall be necessary for the improvement of mass transportation facilities.

(f) "Cost" shall mean but shall not be limited to costs and expenses in the acquisition of facilities and equipment and all other property, real and personal, tangible and intangible; costs and expenses incurred in the study, planning, research and development of methods, facilities or equipment for improving the State's public transportation system; costs and expenses incurred in the preparation of plans, the design, the construction or improvement of State highways and mass transportation facilities.

(g) "Department of Transportation" shall mean the Department of Transportation established by the Transportation Act of 1966 or any agency or department successor to its powers.

(h) "State Transportation Fund" or "fund" shall mean the fund established in section 12 of this act.

21. For the purpose of complying with the provisions of the State Constitution this act shall, at the general election to be held in the month of November, 1968, be submitted to the people. In order to inform the people of the contents of this act it shall be the duty of the Secretary of State, after this section shall take effect, and at least 15 days prior to the said election, to cause this act to be published in at least 10 newspapers published in the State and to notify the clerk of each county of this State of the passage of this act, and the said clerks respectively, in accordance with the instructions of the Secretary of State, shall cause to be printed on each of the said ballots, the following:

If you approve the act entitled below, make a cross (×), plus (+), or check (√) mark in the square opposite the word "Yes."

If you disapprove the act entitled below, make a cross (×), plus (+), or check (√) mark in the square opposite the word "No."

If voting machines are used, a vote of "Yes" or "No" shall be equivalent to such markings respectively.

	Yes	NEW JERSEY TRANSPORTATION BOND ISSUE Shall the act entitled "AN ACT authorizing the creation of a debt of the State of New Jersey by issuance of bonds of the State in the sum of $640,000,000.00 for the purpose of improving the public transportation system of the State, including the improvement of State highways and the improvement of mass transportation facilities; providing the ways and means to pay and discharge the principal thereof and interest thereon; and providing for the submission of this act to the people at a general election," be approved?
	No	

The fact and date of the approval or passage of this act, as the case may be, may be inserted in the appropriate place after the title in said ballot. No other requirements of law of any kind or character as to notice or procedure except as herein provided need be adhered to.

The said votes so cast for and against the approval of this act, by ballot or voting machine, shall be counted and the result thereof returned by the election officer, and a canvass of such election had in the same manner as is provided for by law in the case of the election of a Governor, and the approval or disapproval of this act so determined shall be declared in the same manner as the result of an election for a Governor, and if there shall be a majority of all the votes cast for and against it at such an election in favor of the approval of this act, then all the provisions of this act not made effective theretofore shall take effect forthwith.

22. This section and sections 12, 13 and 21 of this act shall take effect immediately and the remainder of the act shall take effect as and when provided in the preceding section.

Approved July 2, 1968.

CHAPTER 127

AN ACT authorizing the creation of debt of the State of New Jersey by the issuance of bonds of the State in the sum of $12.5 million to provide money to spur construction and rehabilitation of housing; to enable such housing to be occupied by families of low and moderate income; to provide the ways and means to pay the interest of said debt and also to pay and discharge the principal thereof; and to provide for the submission of this act to the people at a general election.

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

1. This act may be cited as the "New Jersey Housing Assistance Bond Act of 1968."

2. The Legislature hereby finds that:

(a) Despite the existence of numerous Federal programs designed to provide housing for families of low and moderate income, construction and rehabilitation of such housing units has not proceeded at a pace sufficient to arrest the spread of slums and blight, nor to provide for the population growth of the State.

(b) The need for such new and rehabilitated housing is great and continues to increase, with growing numbers of New Jersey

citizens being forced to live in substandard or overcrowded dwelling places.

(c) The need for decent housing is particularly acute among low and moderate income families forced to relocate because of public programs such as urban renewal, highways, and other public inprovements.

(d) The State, through the investment of a relatively modest sum of money, can cause the production of such new and rehabilitated housing to be increased, with State money being most effectively used in conjunction with Federal and other State programs; these programs, acting in concert, can encourage the increased investment of private funds in housing on a multiplier basis far exceeding the initial expenditure of these State funds. Federal low interest rate programs can be utilized for low and moderate income housing with $9.00 of Federally-backed investment being received for every matching dollar of State money.

(e) The actual cost of providing new and rehabilitated housing units of decent quality and size generally places such units beyond the means of families of low and moderate income. In order to enable such families to occupy such units, some additional form of assistance is necessary. This assistance can and should take many forms, because of the large number of housing programs presently available. By providing conditions that will accelerate housing production under the various existing programs, the maximum potential for a rapid increase in housing production is achieved. The Legislature also finds and declares that the expenditure of public funds toward these ends is for a public purpose and in the public interest.

3. Except as the context may otherwise require:

(a) "Department" means the Department of Community Affairs.

(b) "Commissioner" means the Commissioner of the Department of Community Affairs.

(c) "Act" means this act, and any amendments and supplements thereto, and any rules and regulations promulgated thereunder.

(d) "Housing assistance fund" or "fund" shall mean the fund created by section 4(b) of this act.

(e) "Low income," and "moderate income" shall be determined by the commissioner pursuant to regulations promulgated under this act, provided, however, that the commissioner shall base his determination upon the Federal standards for low and moderate income for the various communities within the State of New Jersey.

(f) "Qualified mortgagor" means any nonprofit or limited dividend mortgagor, or owner entity or individual, building or operating housing in New Jersey under a Federal low or moderate income housing program, the New Jersey Housing Finance Agency program, or other similar programs for low or moderate income occupancy.

(g) "Qualified housing development" means any housing project built or to be built and operated by a qualified mortgagor.

4. (a) Bonds of the State of New Jersey in the sum of $12.5 million are hereby authorized to obtain funds to meet the costs of providing housing assistance as set forth herein.

(b) There is hereby created and established in the department a "Housing Assistance Fund" which shall consist of:

(i) All moneys derived from the proceeds of any bonds which may be authorized by this act;

(ii) Any moneys which the department shall receive in repayment of loans or advances from the fund, notwithstanding the provisions of any other act or part thereof;

(iii) Any other moneys made available to the department from any source or sources which the commissioner shall allocate the fund for the purposes authorized by this act.

5. The commissioner is authorized to utilize moneys from the Housing Assistance Fund for the following purposes and programs:

(a) Interest rate subsidy. The commissioner may enter into contracts and agreements with qualified mortgagors, or with mortgagees thereof, pursuant to which the commissioner may make direct payments to such mortgagors or mortgagees to assist in paying mortgage interest charges on qualified housing developments, where such direct payments will be applied to decrease rental or carrying charges to low and moderate income occupants of such housing.

(b) Special assistance to Federally aided housing developments. The commissioner is authorized to enter into contracts or other agreements pursuant to which financial assistance will be provided for qualified housing developments constructed, financed, or rehabilitated under Federal law and moderate income programs, where much assistance is necessary to provide financial feasibility and enable the developments to be completed. Without limiting the generality of the foregoing, such assistance may include a direct loan to a qualified housing mortgagor, subordinated to the Federal mortgage loan, with repayment of principal, and interest,

if any, deferred until such time as such Federal loan is paid or otherwise discharged or released.

6. The commissioner shall issue and promulgate such rules and regulations as are necessary and appropriate to carry out the provisions of this act.

7. The bonds provided for herein shall be serial bonds and known as "State Housing Assistance Bonds" and, as to each series, the last installment thereof (subject to redemption prior to maturity) shall mature and be paid not later than 35 years from the date of its issuance.

8. Said bonds shall be issued from time to time as the issuing officials herein named shall determine.

9. The Governor, State Treasurer and Comptroller of the Treasury, or any 2 such officials (hereinafter referred to as the "issuing officials") are hereby authorized to carry out the provisions of this act relating to the issuance of said bonds, and shall determine all matters in connection therewith subject to provisions hereof. In case any of said officials shall be absent from the State or incapable of acting for any reason, his powers and duties shall be exercised and performed by such person as shall be authorized by law to act in his place as a State official.

10. Bonds, issued in accordance with the provisions of this act shall be a direct obligation of the State of New Jersey and the faith and credit of the State are pledged for the payment of the interest thereon as same shall become due and the payment of the principal at maturity. The principal and interest of such bonds shall be exempt from taxation by the State or by any county, municipality or other taxing district of the State.

11. Said bonds shall be signed in the name of the State by the Governor or by his facsimile signature, under the Great Seal of the State, and attested by the Secretary of State, or an assistant Secretary of State, and shall be countersigned by the facsimile signature of the Comptroller of the Treasury. Interest coupons attached to said bonds shall be signed by the facsimile signature of the Comptroller of the Treasury. Such bonds may be issued notwithstanding that any of the officials signing them or whose facsimile signatures appear on the bonds or coupons shall cease to hold office at the time of such issue or at the time of the delivery of such bonds to the purchaser.

12. (a) Such bonds shall recite that they are issued for the purpose set forth in section 5 of this act and that they are issued in

pursuance of this act and that this act was submitted to the people of the State at the general election held in the month of November, 1968, and that it was approved by a majority of the legally qualified voters of the State voting thereon at such election. Such recitals in said bonds shall be conclusive evidence of the authority of the State to issue said bonds and of their validity. Any bonds containing such recital shall in any suit, action or proceeding involving their validity be conclusively deemed to be fully authorized by this act and to have been issued, sold, executed and delivered in conformity herewith and with all other provisions of statutes applicable thereto, and shall be incontestable for any cause.

(b) Such bonds shall be issued in such denominations and in such form or forms, whether coupon or registered as to both principal and interest, and with or without such provisions for interchangeability thereof, as may be determined by the issuing officials.

13. When the bonds are issued from time to time, the bonds of each issue shall constitute a separate series to be designated by the issuing officials. Each series of bonds shall bear such rate or rates of interest, not exceeding 6% per annum as may be determined by the issuing officials, which interest shall be payable semiannually; provided, that the first and last interest periods may be longer or shorter, in order that intervening semiannual payments may be at convenient dates.

14. Said bonds shall be issued and sold at such price not less than the par value thereof and accrued interest thereon, and under such terms, conditions and regulations, as the issuing officials may prescribe, after notice of said sale, published at least once in at least 3 newspapers published in the State of New Jersey, and at least once in a publication carrying municipal bond notices and devoted primarily to financial news, published in the city of New York or in New Jersey, the first notice to be at least 5 days prior to the day of bidding. The said notice of sale may contain a provision to the effect that any or all bids made in pursuance thereof may be rejected. In the event of such rejection or of failure to receive any acceptable bid, the issuing officials, at any time within 60 days from the date of such advertised sale, may sell such bonds at private sale at such price not less than the par value thereof and accrued interest thereon and in such terms and conditions as the issuing officials may prescribe. The issuing officials may sell all or part of the bonds of any series as issued to any State fund or to the Federal Government or any agency thereof, at private sale, without advertisement.

15. Until permanent bonds can be prepared, the issuing officials may, in their discretion, issue in lieu of such permanent bonds, temporary bonds in such form and with such privileges as to registration and exchange for permanent bonds as may be determined by the issuing officials.

16. The proceeds from the sale of bonds shall be paid to the State Treasurer and be held by him for the Housing Assistance Fund in a separate account, to be deposited in such depositories as may be selected by him to the credit of the fund, which fund shall be known as the Housing Assistance Fund.

17. (a) The moneys in said fund are hereby specifically dedicated and shall be applied to the cost of the purposes set forth in section 5 of this act, and all of such moneys are hereby appropriated for such purpose, and no such moneys shall be expended for such purpose (except as otherwise hereinbelow authorized) without the specific appropriation thereof by the Legislature, but bonds may be issued as herein provided notwithstanding that the Legislature shall not have then adopted an act making specific appropriation of any of said moneys.

(b) At any time prior to the issuance and sale of bonds under this act, the State Treasurer is hereby authorized to transfer from any available money in the treasury of the State to the credit of such fund, such sums as may be deemed necessary for the purposes of this act by the State House Commission, which said sum so transferred shall be returned to the treasury of this State by the treasurer thereof from the proceeds of the sale of the first issue of bonds.

(c) Pending their application to the purposes provided in this act, moneys in the Housing Assistance Fund may be invested and reinvested as other trust funds in the custody of the State Treasurer in the manner provided by law. All earnings received from the investment or deposit of such funds shall be paid into the general treasury and become a part of the General State Fund.

18. In case any coupon bonds and coupons thereunto appertaining or any registered bond shall become lost, mutilated or destroyed, a new bond shall be executed and delivered of like tenor, in substitution for the lost, mutilated or destroyed bonds or coupons, upon the owner furnishing to the issuing officials evidence satisfactory to them of such loss, mutilation or destruction and also such security and indemnity and reimbursement for expenses as the issuing officials may require.

19. Accrued interest received upon the sale of said bonds shall be applied to the discharge of a like amount of interest upon said

bonds when due. Any expense incurred by the issuing officials for advertising, engraving, printing, clerical, legal or other services necessary to carry out the duties imposed upon them by the provisions of this act shall be paid from the proceeds of the sale of said bonds, by the State Treasurer upon warrant of the Comptroller of the Treasury, in the same manner as other obligations of the State are paid.

20. Bonds of each series issued hereunder shall mature in annual installments commencing not later than the tenth year and ending not later than the thirty-fifth year from the date of issue of such series, and in such amounts as shall be determined by the issuing officials, but the issuing officials may reserve to the State by appropriate provision in the bonds of any series the power to redeem all or any of such bonds prior to maturity at such price or prices and upon such terms and conditions as may be provided in such bonds.

21. The issuing officials may at any time and from time to time issue refunding bonds for the purpose of refunding in whole or in part an equal principal amount of the bonds of any series issued and outstanding hereunder, which by their terms are subject to redemption prior to maturity, providing such refunding bonds shall mature at any time or times not later than the latest maturity date of such series, and the aggregate amount of interest to be paid on the refunding bonds, plus the premium, if any, to be paid on the bonds refunded, shall not exceed the aggregate amount of interest that would be paid on the bonds to be refunded if such bonds were not so refunded. Refunding bonds shall constitute direct obligations of the State of New Jersey, and the faith and credit of the State are pledged for the payment of the principal thereof and the interest thereon. The proceeds received from the sale of refunding bonds shall be held in trust and applied to the payment of the bonds refunded thereby. Refunding bonds shall be entitled to all the benefits of this act and subject to all its limitations except as to the maturities thereof and to the extent herein otherwise expressly provided.

22. To provide funds to meet the interest and principal payments required for the bonds issued in this act and outstanding, there is hereby appropriated in the order following:

(a) Revenue derived from the tax collected under and by virtue of the State sales tax, or so much thereof as may be required; and

(b) If in any year or at any time funds, as hereinabove appropriated, necessary to meet interest and principal payments upon

outstanding bonds issued under this act, be insufficient or not available, then and in that case there shall be assessed, levied and collected annually in each of the municipalities of the counties of this State a tax on real and personal property upon which municipal taxes are or shall be assessed, levied and collected, sufficient to meet the interest on all outstanding bonds issued hereunder and on such bonds as it is proposed to issue under this act in the calendar year in which such tax is to be raised and for the payment of bonds falling due in the year following the year for which the tax is levied. The tax thus imposed shall be assessed, levied and collected in the same manner and at the same time as other taxes upon real and personal property are assessed, levied and collected. The governing body of each municipality shall cause to be paid to the county treasurer of the county in which such municipality is located, on or before December 15 in each year, the amount of tax herein directed to be assessed and levied, and the county treasurer shall pay the amount of said tax to the State Treasurer on or before December 20 in each year.

If on or before December 31 in any year the issuing officials shall determine that there are moneys in the General State Fund beyond the needs of the State, sufficient to meet the principal of bonds falling due and all interest payable in the ensuing calendar year, then and in that event such issuing officials shall by resolution so find and shall file the same in the office of the State Treasurer, whereupon the State Treasurer shall transfer such moneys to a separate fund to be designated by him, and shall pay the principal and interest out of said fund as the same shall become due and payable, and the other sources of payment of said principal and interest provided for in this section shall not then be available, and the receipts for said year from the fees, charges and taxes specified in subsection (a) of this section shall thereon be considered and treated as part of the General State Fund, available for general purposes.

23. Should the State Treasurer by December 31 of any year deem it necessary, because of insufficiency of funds to be collected from the sources of revenues as hereinabove provided, to meet the interest and principal payments for the year after the ensuing year, then the treasurer shall certify to the Comptroller of the Treasury the amount necessary to be raised by taxation for such purposes, the same to be assessed, levied and collected for and in the ensuing calendar year. In such case, the Comptroller of the Treasury shall, on or before March 1 following, calculate the amount in dollars to be assessed, levied and collected as herein set forth in each

county. Such calculation shall be based upon the corrected assessed valuation of such county for the year in which such tax is to be assessed, but such tax shall be assessed, levied and collected upon the assessed valuation of the year in which the tax is assessed and levied. The Comptroller of the Treasury shall certify said amount to the county board of taxation and the county treasurer of each county. The said county board of taxation shall include the proper amount in the current tax levy of the several taxing districts of the county in proportion to the ratables as ascertained for the current year.

24. For the purpose of complying with the provisions of the State Constitution this act shall, at the general election to be held in the month of November, 1968, be submitted to the people. In order to inform the people of the contents of this act it shall be the duty of the Secretary of State after this section shall take effect, and at least 15 days prior to the said election, to cause this act to be published in at least 10 newspapers published in the State and to notify the clerk of each county of this State of the passage of this act, and the said clerks respectively shall cause to be printed on each of the said ballots, the following:

If you approve the act entitled below, make a cross (×), plus (+) or check (√) mark in the square opposite the word "Yes."

If you disapprove the act entitled below, make a cross (×), plus (+) , or check (√) mark in the square opposite the word "No."

If voting machines are used, a vote of "Yes" or "No" shall be equivalent to such markings respectively.

	Yes.	HOUSING ASSISTANCE BOND ISSUE Shall the act entitled "An act authorizing the creation of debt of the State of New Jersey by the issuance of bonds of the State in the sum of $12.5 million to provide money to spur construction and rehabilitation of housing; to enable such housing to be occupied by families of low and moderate income; to provide the ways and means to pay the interest of said debt and also to pay and discharge the principal thereof; and to provide for the submission of this act to the people at a general election," be approved?
	No.	

The fact and date of the approval or passage of this act, as the case may be, may be inserted in the appropriate place after the title in said ballot. No other requirements of law of any kind or character as to notice or procedure except as herein provided need be adhered to.

The said votes so cast for and against the approval of this act, by ballot or voting machine, shall be counted and the result thereof returned by the election officer, and a canvass of such election had in the same manner as is now provided for by law in the case of the election of a Governor, and the approval or disapproval of this act so determined shall be declared in the same manner as the result of an election for a Governor, and if there shall be a majority of all the votes cast for and against it at such an election in favor of the approval of this act, then all the provisions of this act shall take effect forthwith.

25. This section and section 24 shall take effect immediately and the remainder of the act shall take effect as and when provided in the preceding section.

Approved July 2, 1968.

CHAPTER 128

AN ACT authorizing the creation of a debt of the State of New Jersey by issuance of bonds of the State in the sum of $337,500,000.00 for public buildings, their construction, reconstruction, development, extension, improvement and equipment; providing the ways and means to pay the interest of said debt, and also to pay and discharge the principal thereof; and providing for the submission of this act to the people at a general election.

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

1. This act shall be cited as the "New Jersey Public Buildings Construction Bond Act of 1968."

2. The Legislature hereby finds that:

(a) The State of New Jersey requires an extensive and immediate comprehensive and integrated program for the construc-

tion of public buildings. Since this essential program for the construction of public buildings will serve the people of the State for many years, financing of the same by a bond issue is deemed to be in the public interest.

(b) The Governor's Commission to Evaluate the Capital Needs of New Jersey estimated an additional $100,000,000.00 is needed to finance priority State institution projects.

(c) The Governor's Commission to Evaluate the Capital Needs of New Jersey stated that there is urgent need to increase significantly the enrollment capacity for undergraduate students at public institutions of higher education, to provide for commensurate increases in the enrollment capacity for graduate and professional students at these institutions and to provide for the construction of additional county college facilities and 2 new State colleges, one in northern New Jersey and one in southern New Jersey.

(d) The Commissioner of Education and the Governor's Commission to Evaluate the Capital Needs of New Jersey have declared a need for additional vocational educational facilities and said commission recommends that an initial sum of $27,500,000.00 be raised for said purposes to be matched by Federal funds.

(e) The Governor's Commission on Public Broadcasting has recommended the construction of the public broadcasting buildings necessary to utilize the 4 noncommercial television channels which have been assigned to and reserved for the State.

3. Except as the context may otherwise require:

(a) "Public buildings" shall mean (1) buildings, structures and facilities under the supervision and control of the State Department of Institutions and Agencies for mental, charitable, hospital, training and correctional purposes; (2) buildings, structures and facilities required for the operation of a State-wide public television and radio network; (3) buildings, structures and facilities required for the operation of vocational education programs under the supervision of the department of education; and (4) buildings, structures and facilities required for the operation of state institutions of higher education and county colleges.

(b) "Construction of public buildings" means the erection, acquisition, improvement, reconstruction, development and extension of public buildings, including all equipment and facilities necessary to the operation thereof and includes the acquisition of land necessary for said purposes.

(c) "State institutions" shall mean institutions operated and maintained by the Department of Institutions aand Agencies.

(d) "State institutions of higher education" shall mean Rutgers, the State University, the State colleges, Newark College of Engineering, and the New Jersey College of Medicine and Dentistry.

(e) "County colleges" shall mean colleges operated pursuant to the provisions of chapter 41, P. L. 1962, as amended or supplemented (N. J. S. 18A:64A-1, et seq.).

4. Bonds of the State of New Jersey in the sum of $337,500,000.00 are hereby authorized for the purpose of capital expenditure for cost of the construction of public buildings. Of such total, the proceeds from the sale of bonds shall be reserved as follows:

(a) The construction of public buildings for county colleges, and for the construction of public buildings for other State institutions of higher education—not more than $172,500,000.00.

(b) The construction of public buildings for 2 new State colleges, one in Bergen county and one in Atlantic county or Cumberland county or Cape May county or any combination thereof — not more than $30,000,000.00.

(c) The construction of public buildings for vocational education—not more than $27,500,000.00.

(d) The construction of public buildings for State institutions—not more than $100,000,000.00.

(e) The construction of public buildings for a State-wide public television and radio network—not more than $7,500,000.00.

5. Said bonds shall be serial bonds and known as "Public Building Construction Bonds" and, as to each series, the last annual installment thereof (subject to redemption prior to maturity) shall mature and be paid not later than 35 years from the date of its issuance, but may be issued in whole or in part for a shorter term.

6. Said bonds shall be issued from time to time as the issuing officials herein named shall determine.

7. The Governor, State Treasurer and Comptroller of the Treasury or any 2 of such officials (hereinafter referred to as "the issuing officials") are hereby authorized to carry out the provisions of this act relating to the issuance of said bonds, and shall determine all matters in connection therewith subject to provisions hereof. In case any of said officials shall be absent from the State or incapable of acting for any reason, his powers and duties shall be exercised and performed by such person as shall be authorized by law to act in his place as a State official.

8. Bonds issued in accordance with the provisions of this act shall be a direct obligation of the State of New Jersey and the faith

and credit of the State are pledged for the payment of the interest thereon as same shall become due and the payment of the principal at maturity. The principal and interest of such bonds shall be exempt from taxation by the State or by any county, municipality or other taxing district of the State.

9. Said bonds shall be signed in the name of the State by the Governor or by his facsimile signature, under the Great Seal of the State, and attested by the Secretary of State, or an assistant Secretary of State, and shall be countersigned by the facsimile signature of the Comptroller of the Treasury. Interest coupons attached to said bonds shall be signed by the facsimile signature of the Comptroller of the Treasury. Such bonds may be issued notwithstanding that any of the officials signing them or whose facsimile signatures appear on the bonds or coupons shall cease to hold office at the time of such issue or at the time of the delivery of such bonds to the purchaser.

10. Such bonds shall recite that they are issued for the purpose set forth in the first sentence of section 4 of this act and that they are issued in pursuance of this act and that this act was submitted to the people of the State at the general election held in the month of November, 1968, and that it was approved by a majority of the legally qualified voters of the State voting thereon at such election. Such recital in said bonds shall be conclusive evidence of the authority of the State to issue said bonds and of their validity. Any bonds containing such recital shall in any suit, action or proceeding involving their validity be conclusively deemed to be fully authorized by this act and to have been issued, sold, executed and delivered in conformity herewith and with all other provisions of statutes applicable thereto, and shall be incontestable for any cause. Such bonds shall be issued in such denominations and in such form or forms, whether coupon or registered as to both principal and interest, and with or without such provisions for interchangeability thereof, as may be determined by the issuing officials.

11. When the bonds are issued from time to time, the bonds of each issue shall constitute a separate series to be designated by the issuing officials. Each series of bonds shall bear such rate or rates of interest, not exceeding 6% per annum, as may be determined by the issuing officials, which interest shall be payable semiannually; provided, that the first and last interest periods may be longer or shorter, in order that intervening semiannual payments may be at convenient dates.

12. Said bonds shall be issued and sold at such price not less than the par value thereof and accrued interest thereon, and under such

terms, conditions and regulations, as the issuing officials may prescribe, after notice of said sale, published at least once in at least 3 newspapers published in the State of New Jersey, and at least once in a publication carrying municipal bond notices and devoted primarily to financial news, published in the city of New York or in New Jersey, the first notice to be at least 5 days prior to the day of bidding. The said notice of sale may contain a provision to the effect that any or all bids made in pursuance thereof may be rejected. In the event of such rejection or of failure to receive any acceptable bid, the issuing officials, at any time within 60 days from the date of such advertised sale, may sell such bonds at private sale at such price not less than the par value thereof and accrued interest thereon and under such terms and conditions as the issuing officials may prescribe. The issuing officials may sell all or part of the bonds of any series as issued to any State fund or to the Federal Government or any agency thereof, at private sale, without advertisement.

13. Until permanent bonds can be prepared, the issuing officials may, in their discretion, issue in lieu of such permanent bonds temporary bonds in such form and with such privileges as to registration and exchange for permanent bonds as may be determined by the issuing officials.

14. The proceeds from the sale of the bonds shall be paid to the State Treasurer and be held by him in a separate fund, and be deposited in such depositories as may be selected by him to the credit of the fund, which fund shall be known as the "Public Buildings Construction Fund."

15. The moneys in said Public Buildings Construction Fund are hereby specifically dedicated and shall be applied to the cost of the public buildings purpose set forth in section 4 of this act, and all of such moneys are hereby appropriated for such purpose, and no such moneys shall be expended for such purpose (except as otherwise hereinbelow authorized) without the specific appropriation thereof by the Legislature, but bonds may be issued as herein provided notwithstanding that the Legislature shall not have then adopted an act making specific appropriation of any of said moneys.

At any time prior to the issuance and sale of bonds under this act, the State Treasurer is hereby authorized to transfer from any available money in the treasury of the State to the credit of the Public Buildings Construction Fund such sum as may be deemed necessary for the purpose of this act by the State House Commission, which said sum so transferred shall be returned to the

treasury of this State by the treasurer thereof from the proceeds of the sale of the first issue of bonds.

Pending their application to the purpose provided in this act, moneys in the Public Building Construction Fund may be invested and reinvested as other trust funds in the custody of the State Treasurer in the manner provided by law. Net earnings received from the investment or deposit of such fund shall be paid into the General Treasury and become a part of the General State Fund.

16. In case any coupon bonds or coupons thereunto appertaining or any registered bond shall become lost, mutilated or destroyed, a new bond shall be executed and delivered of like tenor, in substitution for the lost, mutilated or destroyed bonds or coupons, upon the owner furnishing to the issuing officials evidence satisfactory to them of such loss, mutilation or destruction and proof of ownership, and such security and indemnity and reimbursement for expenses as the issuing officials may require.

17. Accrued interest received upon the sale of said bonds shall be applied to the discharge of a like amount of interest upon said bonds when due. Any expense incurred by the issuing officials for advertising, engraving, printing, clerical, legal or other services necessary to carry out the duties imposed upon them by the provisions of this act shall be paid from the proceeds of the sale of said bonds, by the State Treasurer upon warrant of the Comptroller of the Treasurer, in the same manner as other obligations of the State are paid.

18. Bonds of each series issued hereunder shall mature in annual installments commencing not later than the tenth year and ending not later than the thirty-fifth year from the date of issue of such series, and in such amounts as shall be determined by the issuing officials, and the issuing officials may reserve to the State by appropriate provision in the bonds of any series the power to redeem all or any of such bonds prior to maturity at such price or prices and upon such terms and conditions as may be provided in such bonds.

19. The issuing officials may at any time and from time to time issue refunding bonds for the purpose of refunding in whole or in part an equal principal amount of the bonds of any series issued and outstanding hereunder, which by their terms are subject to redemption prior to maturity, providing such refunding bonds shall mature at any time or times not later than the latest maturity date of such series, and the aggregate amount of interest to be paid on the refunding bonds, plus the premium, if any, to be paid on the bonds refunded, shall not exceed the aggregate amount of

interest which would be paid on the bonds to be refunded if such bonds were not so refunded. Refunding bonds shall constitute direct obligations of the State of New Jersey, and the faith and credit of the State are pledged for the payment of the principal thereof and the interest thereon. The proceeds received from the sale of refunding bonds shall be held in trust and applied to the payment of the bonds refunded thereby. Refunding bonds shall be entitled to all the benefits of this act and subject to all of its limitations except as to the maturities thereof and to the extent herein otherwise expressly provided.

20. To provide funds to meet the interest and principal payment requirements for the bonds issued under this act and outstanding, there is hereby appropriated in the order following:

(a) Revenue derived from the collection of taxes as provided by the "Sales and Use Tax Act" (P. L. 1966, c. 30) as amended and supplemented, or so much thereof as may be required; and

(b) If in any year or at any time funds, as hereinabove appropriated, necessary to meet interest and principal payments upon outstanding bonds issued under this act, be insufficient or not available, then and in that case there shall be assessed, levied and collected annually in each of the municipalities of the counties of this State a tax on real and personal property upon which municipal taxes are or shall be assessed, levied and collected, sufficient to meet the interest on all outstanding bonds issued hereunder and on such bonds as it is proposed to issue under this act in the calendar year in which such tax is to be raised and for the payment of bonds falling due in the year following the year for which the tax is levied. The tax thus imposed shall be assessed, levied and collected in the same manner and at the same time as other taxes upon real and personal property are assessed, levied and collected. The governing body of each municipality shall cause to be paid to the county treasurer of the county in which such municipality is located, on or before December 15 in each year, the amount of tax herein directed to be assessed and levied, and the county treasurer shall pay the amount of said tax to the State Treasurer on or before December 20 in each year.

If on or before December 31 in any year the issuing officials shall determine that there are moneys in the General State Fund beyond the needs of the State, sufficient to meet the principal of bonds falling due and all interest payable in the ensuing calendar year, then and in that event such issuing officials shall by resolution so find and shall file the same in the office of the State Treasurer, whereupon the State Treasurer shall transfer such moneys to a

separate fund to be designated by him, and shall pay the principal and interest out of said fund as the same shall become due and payable, and the other sources of payment of said principal and interest provided for in this section shall not then be available, and the receipts for said year from the tax specified in subsection (a) of this section shall thereon be considered and treated as part of the General State Fund, available for general purposes.

21. Should the State Treasurer, by December 31 of any year, deem it necessary, because of insufficiency of funds to be collected from the sources of revenues as hereinabove provided, to meet the interest and principal payments for the year after the ensuing year, then the Treasurer shall certify to the Comptroller of the Treasury the amount necessary to be raised by taxation for such purposes, the same to be assessed, levied and collected for and in the ensuing calendar year. In such case the Comptroller of the Treasury shall, on or before March 1 following, calculate the amount in dollars to be assessed, levied and collected as herein set forth in each county. Such calculation shall be based upon the corrected assessed valuation of such county for the year preceding the year in which such tax is to be assessed, but such tax shall be assessed, levied and collected upon the assessed valuation of the year in which the tax is assessed and levied. The Comptroller of the Treasury shall certify said amount to the county board of taxation and the county treasurer of each county. The said county board of taxation shall include the proper amount in the current tax levy of the several taxing districts of the county in proportion to the ratables as ascertained for the current year.

22. For the purpose of complying with the provisions of the State Constitution this act shall, at the general election to be held in the month of November, 1968, be submitted to the people. In order to inform the people of the contents of this act it shall be the duty of the Secretary of State, after this section shall take effect, and at least 15 days prior to the said election, to cause this act to be published in at least 10 newspapers published in the State and to notify the clerk of each county of this State of the passage of this act, and the said clerks respectively, in accordance with the instructions of the Secretary of State, shall cause to be printed on each of the said ballots, the following:

If you approve the act entitled below, make a cross (×), plus (+), or check (√) mark in the square opposite the word "Yes."

If you disapprove the act entitled below, make a cross (×), plus (+), or check (√) mark in the square opposite the word "No."

If voting machines are used, a vote of "Yes" or "No" shall be equivalent to such markings respectively.

	Yes.	NEW JERSEY PUBLIC BUILDINGS CONSTRUCTION BOND ISSUE Shall the act entitled "An act authorizing the creation of a debt of the State of New Jersey by issuance of bonds of the State in the sum of $337,500,000.00 for public buildings, their construction, reconstruction, development, extension, improvement and equipment; providing the ways and means to pay the interest of said debt, and also to pay and discharge the principal thereof; and providing for the submission of this act to the people at a general election," be approved?
	No.	

The fact and date of the approval or passage of this act, as the case may be, may be inserted in the appropriate place after the title in said ballot. No other requirements of law of any kind or character as to notice or procedure except as herein provided need be adhered to.

The said votes so cast for and against the approval of this act, by ballot or voting machine, shall be counted and the result thereof returned by the election officer, and a canvass of such election had in the same manner as is provided for by law in the case of the election of a Governor, and the approval or disapproval of this act so determined shall be declared in the same manner as the result of an election for a Governor, and if there shall be a majority of all the votes cast for and against it at such an election in favor of the approval of this act, then all the provisions of this act not made effective theretofore shall take effect forthwith.

23. This section and section 22 of this act shall take effect immediately and the remainder of the act shall take effect as and when provided in the preceding section.

Approved July 2, 1968.

CHAPTER 129

AN ACT concerning insurance, creating the "New Jersey Insurance Underwriting Association," prescribing the powers, duties and functions thereof and supplementing Title 17 of the Revised Statutes.

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

C. 17:37A-1 Policy declaration.

1. It is hereby declared that an adequate market for fire and extended coverage insurance is necessary to attract private capital to central city areas; that without such insurance it is impossible to supply needed goods and services, and expand job opportunities; that orderly community development depends upon an adequate supply of such insurance to enable homeowners to obtain financing for the purchase and improvement of their property; that while the need for such insurance is growing there is reason to believe that the market for same is constricting, and likely to become more constricted in the future; that voluntary efforts to provide fire and extended coverage insurance in areas likely to be unprofitable deserve praise, but are insufficient to meet the needs of these areas; that the State has an obligation to require every insurance company writing fire and extended coverage insurance in New Jersey to meet its public responsibilities, instead of shifting the entire burden to a few public spirited companies; that it is the purpose of this act to accept this obligation; and that any mandatory program to provide fire and extended coverage insurance for all citizens of New Jersey should be supervised by the Commissioner of Banking and Insurance and periodically reviewed in the light of experience and intervening events by the Legislature.

C. 17:37A-2 Definitions.

2. As used in this act, the following words and terms shall have the following meanings, unless the context indicates or requires another or different meaning or intent:

a. "Essential property insurance" means insurance against direct loss to property as defined and limited in the standard fire policy and extended coverage endorsement thereon, as approved by the commissioner, and insurance for such types, classes, and locations of property against the perils of vandalism, malicious

mischief, burglary, or theft, or such other classes of insurance as the commissioner may designate in order to comply with Federal legislation and obtain Federal reinsurance;

b. "Basic property insurance" means insurance against loss to property as defined and limited in: the standard fire policy and extended coverage endorsement thereon, the allied line policy or endorsement, the homeowner's multiple peril policy, the commercial multiple peril policy, the burglary or theft coverage policy and other like policies.

c. "Association" means the New Jersey Insurance Underwriting Association established pursuant to the provisions of this act;

d. "Plan of operation" means the plan of operation of the association approved or promulgated by the commissioner pursuant to the provisions of this act;

e. "Insurable property" means real property at fixed locations in urban areas in this State, or the tangible personal property located thereon, but shall not include insurance on automobile, farm and manufacturing risks, with an insurable value not in excess of the limits provided in the plan of operation of the association and in no event more than $1,500,000.00, which property is determined by the association, after inspection and pursuant to the criteria specified in the plan of operation to be in an insurable condition; provided, however, that neighborhood, area, location, environmental hazards beyond the control of the applicant or ownership of the property shall not be considered in determining insurable condition;

f. "Commissioner" means the Commissioner of Banking and Insurance of New Jersey;

g. "Net direct premiums" means gross direct premiums (excluding reinsurance assumed and ceded) written on property in this State for fire and extended coverage insurance, including the fire and extended coverage components of homeowners and commercial multiple peril package policies, as computed by the commissioner, less return premiums upon cancelled contracts, dividends paid or credited to policyholders or the unused or unabsorbed portions of premium deposits.

h. "Urban area" means any municipality or other political subdivision (1) which the Secretary of the United States Department of Housing and Urban Development has approved as eligible for an urban renewal project after a local public agency has been formed in that community to avail itself of a United States Housing and Urban Renewal Program or (2) designated by the association

with the approval of the commissioner or (3) which the commissioner may designate.

C. 17:37A-3 New Jersey Insurance Underwriting Association; creation, membership.

3. There is hereby created the New Jersey Insurance Underwriting Association, consisting of all insurers authorized to write and engaged in writing within this State, on a direct basis, property insurance. Every such insurer shall be a member of the association and shall remain a member so long as the association is in existence as a condition of its authority to continue to transact such kinds of insurance in this State.

C. 17:37A-4 Association's powers.

4. The association shall, pursuant to the provisions of this act and the plan of operation, and with respect to essential property insurance on insurable property, have the power, on behalf of its members:

a. To cause to be issued policies of insurance to applicants;

b. To assume reinsurance from its members;

c. To cede reinsurance.

C. 17:37A-5 Board of directors; annual election, weight of votes, initial meeting time and place.

5. The association shall be governed by a board of 11 directors, elected annually by the members of the association, whose votes in such election shall be weighted in accordance with each member's participation in the association pursuant to section 6 of this act. The first board shall be elected at a meeting of the members, or their authorized representatives, which shall be held within 30 days after the effective date of this act, at a time and place designated by the commissioner.

C. 17:37A-6 Association members' participation; commissioner's action.

6. All members of the association shall participate in its writings, expenses, profits and losses in the proportion that the net direct premiums of each such member (but excluding that portion of premiums attributable to the operation of the association) written in this State during the preceding calendar year bear to the aggregate net direct premiums written in this State by all members of the association, as certified to the association by the commissioner after review of annual statements, other reports and any other statistics the commissioner shall deem necessary to provide the information herein required, and which the commissioner is hereby authorized and empowered to obtain from any member of the association. Each member's participation in the association shall be

determined annually in the same manner as the initial determination. Any insurer authorized to write and engaged in writing any insurance, the writing of which requires such insurer to be a member of the association, pursuant to the provisions of section 3 of this act, who is authorized to write and engages in writing such insurance after the effective date of this act, shall become a member of the association on the January 1 immediately following such authorization, and the determination of any such insurer's participation in the association shall be made as of the date of such membership in the same manner as for all other members of the association.

C. 17:37A-7 Plan of operation; commissioner's action; amendment of plan.

7. a. Within 90 days after the effective date of this act, the directors of the association shall submit to the commissioner, for his review and approval, a proposed plan of operation. Such proposed plan shall provide for economical, fair and non-discriminatory administration, and for the prompt and efficient provision of essential property insurance to promote orderly community development. Such proposed plan shall include: preliminary assessment of all members for initial expenses necessary to commence operations; establishment of necessary facilities; management of the association; assessment of members to defray losses and expenses; underwriting standards; procedures for acceptance and cession of reinsurance; procedures for determining amounts of insurance to be provided; time limits and procedures for processing applications for insurance; and such other provisions as may be deemed necessary by the commissioner to carry out the purposes of this act.

b. The proposed plan shall be reviewed by the commissioner and approved by him if he finds that such plan fulfills the purposes provided by section 1 of this act. In his review of the proposed plan the commissioner may, in his discretion, consult with the directors and other members of the association and any other individual or organization. If the commissioner approves the proposed plan he shall certify such approval to the directors and said plan shall take effect 10 days after such certification. If the commissioner disapproves all or any part of the proposed plan of operation he shall return same to the directors with a statement, in writing, of the reasons for his disapproval and any recommendations he may wish to make. The directors may accept the commissioner's recommendations, or may propose a new plan, which accepted recommendations or a new plan shall be submitted to the commissioner within 30 days after the return of a disapproved plan

to the directors. If the directors do not submit a proposed plan of operation within 90 days after the effective date of this act, or a new plan which is acceptable to the commissioner, or accept the recommendations of the commissioner within 30 days after the disapproval of a proposed plan, the commissioner shall promulgate a plan of operation and certify same to the directors. Any such plan promulgated by the commissioner shall take effect 10 days after certification to the directors; provided, however, that until a plan of operation is in effect pursuant to the provisions of this act, any existing temporary placement facility shall be continued in effect on a mandatory basis on such terms as the commissioner shall determine.

c. The directors of the association may, on their own initiative, amend the plan of operation at any time, subject to the approval by the commissioner.

d. The commissioner may review the plan of operation whenever he deems expedient, and shall review same at least once a year, and may amend said plan after consultation with the directors and upon certification to the directors of such amendment.

C. 17:37A-8 Application to association for coverage; form, contents; failure to insure; right of appeal.

8. a. Any person having an insurable interest in insurable property, who has failed to procure essential property insurance from an authorized insurer in the normal insurance market, shall, on or after the effective date of the plan of operation, be entitled to apply to the association for such coverage and for an inspection of the property. Such application may be made on behalf of an applicant by a broker or agent authorized by him. Every such application shall be submitted on forms prescribed by the commissioner after consultation with the directors of the association and shall contain information sufficient to indicate:

(1) Evidence of failure to procure essential property insurance from an authorized insurer in the normal insurance market;

(2) Whether or not the property is insurable;

(3) Whether or not there is any unpaid, uncontested premium due from the applicant for prior insurance on the property (as shown by the insured having failed to make written objection to charges within 30 days after billing). The term "insurable interest," as used in this section, shall be deemed to include any lawful and substantial economic interest in the

safety or preservation of property from loss, destruction or pecuniary damage.

b. If the association determines that:

(1) The applicant has made a diligent effort to procure essential property insurance from an authorized insurer in the normal market at manual or tariff rates;

(2) The property is insurable; and

(3) There is no unpaid, uncontested premium due from the applicant for prior insurance on the property, the association, upon receipt of the premium, or such portion thereof, as is prescribed in the plan of operation, shall cause to be issued a policy of essential property insurance for a term of 1 year. Any policy issued pursuant to the provisions of this section shall be renewed annually, upon application therefor, so long as the information contained in the original application remains valid.

c. If the association, for any reason, denies an application and refuses to cause to be issued an insurance policy to any applicant, or takes no action on an application within the time prescribed in the plan of operation, any such applicant may appeal to the commissioner, and the commissioner, after a review of the facts may direct the association to cause to be issued an insurance policy to the applicant. In carrying out his duties pursuant to this section the commissioner may request, and the association shall provide, any information he deems necessary concerning the reasons for the denial or delay of an application.

C. 17:37A-9 Cession of insurance to association.

9. Any member of the association may cede to the association essential property insurance written on insurable property, to the extent, if any, and on the terms and conditions set forth in the plan of operation.

C. 17:37A-10 Rates, rating plans and rules.

10. a. The rates, rating plans and rating rules applicable to the insurance written by the association, shall be in accord with the manual or tariff rates in current usage.

C. 17:37A-11 General right of appeal.

11. Any person insured pursuant to this act, or his representative, or any affected insurer, may appeal to the commissioner within 30 days after any ruling, action or decision by or on behalf of the association, with respect to those items of the plan of operation which the commissioner defines as appealable matters.

C. 17:37A-12 Judicial review.

12. All orders of the commissioner made pursuant to this act shall be subject to review by the Superior Court in a proceeding in lieu of prerogative writ.

C. 17:37A-13 Inspection reports.

13. All reports of inspection performed by or on behalf of the association shall be made available to members of the association, applicants and the commissioner.

C. 17:37A-14 Liability limitations.

14. There shall be no liability on the part of, and no cause of action of any nature shall arise against, the association or its agents or employees, an insurer or the commissioner or his authorized deputies, for any statements made in good faith by them in any reports or communications concerning risks insured or to be insured by the association or at any administrative hearings conducted in connection therewith.

C. 17:37A-15 Association's annual statement to commissioner; contents, form.

15. The association shall file in the office of the commissioner, annually on or before March 1, a statement which shall contain information with respect to its transactions, condition, operations and affairs during the preceding year. Such statement shall contain such matters and information as are prescribed by the commissioner, and shall be in such form as is approved by him. The commissioner may at any time require the association to furnish him with additional information with respect to its transactions, condition or any matter connected therewith, which he considers to be material and which will assist him in evaluating the scope, operation and experience of the association.

C. 17:37A-16 Commissioner's examination of association's affairs.

16. The commissioner may make an examination into the affairs of the association whenever he deems it expedient, and in undertaking any examination he may hold a hearing or hearings pursuant to the procedures provided in chapter 1 of this Title. The expenses of every such examination shall be borne and paid by the association, but the commissioner may, in his discretion, for good cause shown, remit such charges.

C. 17:37A-17 Commissioner's annual report to Legislature.

17. In addition to the annual reports of the commissioner pursuant to section 17:1–9 of the Revised Statutes, the commissioner shall submit to the Legislature a special report embracing the activities, affairs and condition of the association, as of December

31 of each year the association is in existence. Said report may contain any specific recommendations the commissioner may wish to make concerning the association, including his evaluation of the association's effectiveness in fulfilling the purposes of this act, and his judgment of the need to maintain the association in existence indefinitely or for any prescribed period of time.

C. 17:37A-18 New Jersey Insurance Development Fund; creation, use, reimbursement limitation, constituent elements, administration.

18. There is hereby created a fund to be known as the "New Jersey Insurance Development Fund," for the purpose of providing a financial backup for the plan of operation of the association as approved or issued by the commissioner pursuant to this act. The fund shall be used to reimburse any insurer or the association established pursuant to this act for losses sustained in excess of the amount of retention of such losses as shall be provided for by the commissioner; except that in any given calendar year the total amount of all such reimbursement shall not exceed 5% of the insurance premiums written on essential property insurance in this State in the most recent full calendar year. The fund shall consist of all payments made to the fund by insurers as hereinafter provided, of securities acquired by and through the use of moneys belonging to the fund, moneys appropriated to the fund as provided in this act, together with interest and accretions earned upon such payments or investments. The fund shall be administered by the commissioner and the State Treasurer in accordance with the provisions of this act.

C. 17:37A-19 Collection of surcharge from insured; semiannual payment to fund.

19. For the privilege of doing property insurance business in this State, and in addition to all other requirements of law, every insurer authorized to write such insurance in this State shall be obligated to collect from the insured under any policy of basic property insurance, a surcharge upon the premium paid for said policy in an amount which shall be annually determined by the commissioner as hereinafter provided. This surcharge shall be collected by each insurer and paid over to the fund semiannually as provided for by the commissioner.

C. 17:37A-20 Surcharge to establish fund; amount limitation, provisions, increase, disposition.

20. For the purpose of providing the moneys necessary to establish the New Jersey Insurance Development Fund in an amount sufficient to meet the requirements of said fund pursuant to section 21 of this act, the commissioner shall establish a reasonable sur-

charge upon all basic property insurance premiums paid for policies of insurance written in this State; provided, however, that in any given calendar year the aggregate amount of such surcharges shall not exceed a sum equal to 5% of the insurance premiums written on essential property insurance in this State in the most recent full calendar year. The surcharge shall be a separate charge to the insured in addition to the premium to be paid and shall be reflected as such in the policy and commissions shall not be payable thereon. The insurer shall be prohibited from absorbing such surcharge as an inducement for insurance or for any other reason. In the event that pursuant to section 23 of this act the Legislature appropriates any moneys to the credit of such fund, the commissioner is hereby empowered to increase the surcharge so that the amount so appropriated may be returned to the State Treasury as provided by section 23 of this act.

C. 17:37A-21 Annual determination of net value of fund; affect on surcharge.

21. The commissioner, on or before April 1, shall ascertain and determine the net value of the fund as of the next preceding December 31. The net value of the fund shall be determined by deducting from the value of the assets of the fund, the aggregate, actual, and estimated liabilities of the fund as determined by the commissioner. When the net value of the fund, as thus determined, reaches an amount equal to 5% of the premiums written on essential property insurance in this State in the most recent full calendar year, no further surcharge on said premiums and no further payments to said fund shall be made; provided, however, that whenever, thereafter, the net value of said fund shall be reduced below the aforesaid amount, by reason of payments from and known and estimated liabilities of such fund, then such surcharge and payments to said fund shall be received in the manner provided in section 19 of this act, and shall continue in such manner until said fund, over and above its sum and estimated liabilities, shall reach the aforesaid amount.

C. 17:37A-22 Fund management.

22. The fund created by this act shall be separate and apart from any other fund and from all other State moneys. The State Treasurer shall be the custodian of said fund; and all disbursements from said fund shall be made by the treasurer upon vouchers signed by the commissioner, as in this act provided. The moneys of said fund shall be invested and reinvested by the Director of the Division of Investment as other trust funds in the custody of the State Treasurer in the manner provided by law.

C. 17:37A-23 Certification of insufficiency of fund.

23. If in any year or at any time the fund as hereinabove established is insufficient to pay claims chargeable to the fund to the extent of 5% of the most recent full calendar year essential property insurance premiums written by authorized insurers in this State, the commissioner shall certify to the Governor the amount of such insufficiency and such amount shall be appropriated and paid to the fund, which said amount so paid shall be returned to the treasury of this State from proceeds of the surcharge collected pursuant to this act.

C. 17:37A-24 Examination of premises by insurer's agents; reimbursement for damages.

24. The agents and employees of any insurer of this State participating in a plan established pursuant to this act may enter upon any lands and premises in the State for the purpose of making such examination as is necessary or convenient for the purposes of this act and such entry shall not be deemed a trespass, except that the insurer shall make reimbursement for any actual damages resulting to such lands and premises as a result of such activity.

C. 17:37A-25 Participation in Federal reinsurance program.

25. In addition to any powers conferred upon him by this or any other law, the commissioner is authorized to do all things necessary to enable this State and any insurer participating in any plan approved or issued by the commissioner to fully participate in any Federal program of reinsurance which may be hereafter adopted for purposes similar to the purposes of this act.

C. 17:37A-26 Rules and regulations.

26. The commissioner may make reasonable rules and regulations to carry out the purposes of this act.

C. 17:37A-27 Reports.

27. The commissioner may require such reports from insurers concerning risks insured under any plan approved or issued pursuant to this act as he shall deem necessary.

28. This act shall take effect July 1, 1968.

Approved July 2, 1968.

CHAPTER 130

AN ACT concerning motor vehicles, revising parts of the statutory law and making an appropriation therefor.

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

1. Section 39:3–8 of the Revised Statutes is amended to read as follows:

Fees for registration of passenger automobiles; maximum dimensions and fees for license of semitrailers and trailers.

39:3–8. The applicant for registration for passenger automobiles shall pay to the director for each registration a fee of $12.00 for each such vehicle having a manufacturer's shipping weight of less than 2,700 pounds, a fee of $18.00 for each such vehicle having a manufacturer's shipping weight of 2,700 pounds or more, but not greater than 3,800 pounds, and a fee of $30.00 for each vehicle having a manufacturer's shipping weight in excess of 3,800 pounds. The director shall determine the manufacturer's shipping weight for each passenger automobile on the basis of the information contained in the certificate of origin, the application for registration or for renewal of registration, or the records of the division, or any or all of these; in any case in which the manufacturer's shipping weight of any particular passenger automobile is unavailable, or in doubt or dispute, the director may require that such automobile be weighed on a scale designated by him, and such actual weight shall be considered the manufacturer's shipping weight for the purposes of this section; but in all cases the director's determination of the manufacturer's shipping weight of any such automobile shall be final. One dollar of each fee herein, shall be the inspection fee fixed in section 39:8–2 of this Title, and payment of the fees herein provided shall constitute payment of the said inspection fee.

The director may also license private utility and house type semitrailers and trailers with a gross load not in excess of 2,000 pounds at a fee of $5.00 per annum and all other such utility and house type semitrailers and trailers at $10.00 per annum. Application for such registration shall be made on a blank to be furnished by the division and the application shall contain a statement to the effect that the vehicle so registered will not be used for the com-

mercial transportation of goods, wares and merchandise, or for hire.

No private utility or house type semitrailer or trailer with an outside width of more than 96 inches, a maximum height of 13 feet 6 inches, a maximum length for a single vehicle of more than 35 feet, a maximum length for a semitrailer and its towing vehicle of more than 45 feet, and a maximum length for a trailer and its towing vehicle of more than 50 feet, shall be operated on any highway in this State, except that a vehicle 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, for the purposes of this section, there shall not be included in the dimensional limitations safety equipment such as mirrors or lights, provided such appliances do not exceed the over-all limitations established by the director by rule or regulation.

2. Section 39:3–10 of the Revised Statutes is amended to read as follows:

Driver's license; examination, issuance, periods, fees, renewals, denials; penalty.

39:3–10. No person shall drive a motor vehicle on a public highway in this State unless licensed to do so in accordance with this article. No person under 17 years of age shall be licensed to drive motor vehicles, nor shall a person be licensed until he has passed a satisfactory examination as to his ability as an operator. The examination shall include a test of the applicant's knowledge of such portions of the mechanism of motor vehicles as is necessary to insure the safe operation of a vehicle of the kind or kinds indicated by the applicant and of the laws and ordinary usages of the road and a demonstration of his ability to operate a vehicle of the class designated. A separate license shall be required to operate a motorcycle.

The director, upon payment of the lawful fee and after he or an inspector of his has examined the applicant and is satisfied of the applicant's ability as an operator, may, in his discretion, license the applicant to drive a motor vehicle. The license shall authorize him to drive any registered automobile, of the kind or kinds indicated, or motorcycle, as the case may be, and shall expire on the last day of the twelfth or thirty-sixth calendar month following the calendar month in which such license was issued, the term of

such license to be at the option of the driver; provided, however, that the director may, at his discretion and for good cause shown, issue licenses which shall expire on a date fixed by him, which date shall not be sooner than 5 months nor later than 41 months, after the date of issuance of such licenses, and the fee for such licenses shall be fixed by the director in amounts proportionately less or greater than the fee herein established. The license fee for such 36-month period shall be $11.00 for drivers of automobiles and $5.00 for operators of motorcycles, and for the 12-month period shall be $4.00 for drivers of automobiles and $2.00 for operators of motorcycles. The driver's license shall have the name of the licensee endorsed thereon in his own handwriting.

The director shall issue licenses for the following license period on and after the first day of the calendar month immediately preceding the commencement of such period, such licenses to be effective immediately.

All applications for renewals of licenses shall be made on forms prescribed by the director, which forms shall be mailed by the director from the central office of the division to the last addresses of the licensed drivers as they appear on the records of the division. Upon the return by mail of such forms, accompanied by the requisite fees, the director shall issue renewals of such licenses by mail from the central office of the division.

The director in his discretion may refuse to grant a license to drive motor vehicles to a person who is, in his estimation, not a proper person to be granted such a license, but no defect of the applicant shall debar him from receiving a license unless it can be shown by tests approved by the Director of the Division of Motor Vehicles that the defect incapacitates him from safely operating a motor vehicle.

A person violating this section shall be subject to a fine not exceeding $500.00 or imprisonment in the county jail for not more than 60 days.

Nothing in this section shall be construed to alter or extend the expiration of any license issued prior to March 1, 1956.

3. 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 $3.00 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.

4. Section 39:3–18 of the Revised Statutes is amended to read as follows:

General registration; plates; manufacturers; converters; dealers; persons financing or loaning money on motor vehicles; insurers; persons transporting motor vehicles; auctioneers; fees.

39:3–18. A manufacturer of motor vehicles, motor-drawn vehicles, motor vehicle bodies or motor cycles doing business in this State may, with regard to motor or motor-drawn vehicles or cycles owned or controlled by him, obtain general registration and registration plates therefor of the style and kind provided for in this subtitle, with the letter "D" stated thereon. Such plates can be placed on any vehicle or cycle owned or controlled by such manufacturer, but only if it is operated only for shop, demonstration or delivery purposes.

A bona fide converter of commercial motor vehicles, motor-drawn vehicles or motor vehicle chassis doing business in this State may, with regard to motor or motor-drawn vehicles owned or controlled

by him, obtain general registration and registration plates therefor of the style and kind provided for in this subtitle, with the letter "D" stated thereon. Such plates can be placed on any vehicles owned or controlled by such converter, but only if such vehicles are operated for shop, demonstration or delivery purposes.

A bona fide dealer in motor vehicles, motor-drawn vehicles or motor cycles doing business in this State and having a license to do business as such issued by the director may, with regard to motor or motor-drawn vehicles or cycles owned by him, obtain general registration and registration plates therefor of the style and kind provided for in this subtitle, with the letter "D" stated thereon. Such plates shall only be placed on any vehicle or cycle owned by such dealer; and provided, such vehicle is not used for hire. Any person who shall be convicted of a violation of this paragraph shall be subject to a fine not exceeding $100.00.

Any person engaged in the business of financing the purchase of motor or motor-drawn vehicles or lending money thereon may, with regard to motor or motor-drawn vehicles owned or controlled by him obtain general registration and registration plates therefor of the style and kind provided for in this subtitle, with the word "temporary" stated thereon. Such plates can be placed on any such vehicle only when it is being transported from the place where it has been kept by the purchaser or borrower to the place where it is to be kept by the repossessor, or when the repossessor desires to operate it for the purpose of demonstration for sale.

Any corporation engaged in the business of insuring motor vehicles or motor-drawn vehicles against theft may, with regard to vehicles owned or controlled by it, obtain general registration and registration plates therefor of the style and kind provided for in this subtitle, with the word "temporary" stated thereon. Such plates can be placed on any such vehicle, if ownership or control thereof has been obtained by virtue of the terms of an insurance against theft contract made by such corporation, and only when the vehicle is to be transported for delivery to the owner thereof from the place where it has been abandoned by or seized from a thief.

Any person, partnership or corporation engaged in the business or transporting motor or motor-drawn vehicles from the place of manufacture for delivery to dealers, may, with regard to such vehicles, obtain general registration and registration plates therefor of the kind and style provided for in this subtitle, with the word "temporary" stated thereon, but only if the director is satisfied

as to the financial responsibility of such person, partnership or corporation to meet any claim for damages arising out of any automobile accident and satisfactory evidence of such responsibility has been filed with him.

A bona fide dealer in "nonconventional" type motor vehicles, as defined in section 39:10–2 of the Revised Statutes, who has an established place of business in this State, may, with regard to "nonconventional" type motor vehicles owned by him, obtain general registration and registration plates therefor of the style and kind provided for in this subtitle, with the letter "D" stated thereon. Such plates can be placed on any "nonconventional" type motor vehicle by such dealer, but only if such "nonconventional" type motor vehicle is operated only for shop, demonstration or delivery purposes.

Any person, partnership or corporation engaged in the business of conducting a wholesale automobile auction block in this State for duly licensed dealers only, at least once each week, may, with regard to vehicles controlled by it, obtain general registration and registration plates therefor of the style and kind provided for in this subtitle with the word "temporary" stated thereon. Such plates can be placed on any vehicle controlled by the auction block which is to be transported from the place where stored by the owner to the auction block. Such plates may not be displayed on a vehicle sold at the auction block for delivery to the purchaser. Application for such plates shall be approved only if the director is satisfied as to the financial responsibility of such person, partnership or corporation to meet any claim for damages arising out of any automobile accident and satisfactory proof of such responsibility has been filed with him.

The annual fee for the issuance of a certificate of registration, 4 duplicates thereof and 5 sets of "D" or "temporary" plates bearing a number corresponding to the number on the certificate of registration shall be $100.00; but the annual fee for the issuance of a certificate of registration for motor cycles, 2 duplicates thereof and 3 sets of "D" plates bearing a number on the certificate of registration shall be $20.00.

5. Section 39:3–19 of the Revised Statutes is amended to read as follows:

Omnibus registration; fees, markers; application for registration.

39:3–19. For each vehicle used as an omnibus for the transportation of passengers for hire the applicant for the registration thereof shall pay an annual fee as follows:

$24.00 for each vehicle having a carrying capacity of 12 passengers or less;

$30.00 for each vehicle having a carrying capacity for passengers of not less than 13 nor more than 17 passengers;

$36.00 for each vehicle having a carrying capacity for passengers of not less than 18 nor more than 22 passengers;

$42.00 for each vehicle having a carrying capacity for passengers of not less than 23 nor more than 26 passengers;

$48.00 for each vehicle having a carrying capacity of not less than 27 nor more than 30 passengers;

$48.00 for vehicles having a carrying capacity for passengers in excess of 30 passengers, and an additional fee of $3.00 for each passenger, measured by carrying capacity in excess of 30 passengers.

The director shall provide indentification marks of the general style and kind provided for motor vehicle registrations, assigning a number to each identification mark, and before each number the letter "O" shall be placed.

Every applicant for omnibus registration shall make application, setting forth the fact that he is in the business of transporting passengers for hire; and the director, if satisfied of the correctness of the statements made in such application, may issue a registration certificate for omnibus license.

Nothing in this section shall prohibit the use by an omnibus operator of any automobile duly licensed by him as owner.

6. Section 39:3–20 of the Revised Statutes is amended to read as follows:

Truck, road tractor and truck tractor registration; fees, plates; "constructor" registration plates; distance, speed and weight limitations; disposition of fees; sections 39:3-84, 39:4-75 not repealed.

39:3–20. An applicant for registration for trucks, road tractors and truck tractors shall pay to the director a fee based on the gross weight of the vehicle and load including the gross weight of all vehicles and load of any combination of vehicles of which the truck, road tractor or truck tractor is the drawing vehicle in such combination of vehicles. The plates to be used for commercial motor vehicles shall display the word "commercial," and the numerals shall be prefixed by the letter "X." Trailer plates shall have the letter "T." The fee for trucks, road tractors and truck tractors shall be paid in accordance with the following table:

When the gross weight of vehicle and load, including the gross weight of all vehicles and load of any combination of vehicles of which the truck, road tractor or truck tractor is the drawing vehicle in such combination of vehicles, is:

4,000 pounds or less	$30 00
4,001 to 5,000 pounds	35 00
5,001 to 6,000 pounds	40 00
6,001 to 8,000 pounds	46 00
8,001 to 10,000 pounds	58 00
10,001 to 13,000 pounds	69 00
13,001 to 16,000 pounds	86 00
16,001 to 19,000 pounds	104 00
19,001 to 22,000 pounds	127 00
22,001 to 25,000 pounds	143 00
25,001 to 28,000 pounds	165 00
28,001 to 32,000 pounds	198 00
32,001 to 36,000 pounds	231 00
36,001 to 40,000 pounds	264 00
40,001 to 44,000 pounds	297 00
44,001 to 48,000 pounds	310 00
48,001 to 52,000 pounds	341 00
52,001 to 56,000 pounds	368 00
56,001 to 60,000 pounds	399 00
60,001 to 64,000 pounds	431 00
64,001 to 68,000 pounds	457 00
68,001 to 72,000 pounds	483 00

An applicant for registration for trailers and semitrailers shall pay to the director a fee of $15.00 for each such vehicle.

In addition to the registrations authorized to be issued pursuant to the aforesaid provisions of this section, the director shall issue registrations for automobile commercial vehicles, trailers, semitrailers, and tractors providing for the gross weight of vehicle and load over 40,000 pounds but not exceeding 70,000 pounds, upon application therefor and proof to the satisfaction of the director that the applicant is actually engaged in construction work or in the business of supplying material, transporting material, or using such registered vehicle for construction work. The license plate so issued shall be marked "constructor" and shall be placed upon the vehicle or vehicles registered under this section. In no event shall a vehicle or combination of vehicles, operating as a unit, registered under this section and using "constructor" registration plates exceed a maximum gross weight, inclusive of load, of 70,000 pounds.

The applicant for "constructor" registration plates authorized herein shall pay therefor on each vehicle at the rate of $16.00 per thousand pounds of gross weight of vehicle and load.

Vehicles registered and using "constructor" registration plates may not be operated at a distance greater than 30 miles from the point established as a headquarters for the particular construction operation and such vehicles, except as hereafter provided, must comply with the speed limitations of Title 39 of the Revised Statutes. Such vehicles when carrying a gross weight of vehicle and load less than 50% of the certificate of registration shall comply with applicable speed laws and shall not move along a highway at a speed greater than 40 miles per hour. When carrying a gross weight of vehicle and load in excess of 50% of the certificate of registration, such vehicle shall comply with applicable speed laws and shall not move along a highway at a speed greater than 30 miles per hour.

It shall be unlawful for any vehicle registered under this act having gross weight of load and vehicle including the gross weight of all vehicles and load in any combination of vehicles in excess of the gross weight provided on the registration certificate to be operated on the highways of this State.

In the event that a truck, road tractor or truck tractor registered under this act is found on a highway in combination with a trailer or semitrailer duly registered in any other State or Federal district which imposes registration weight fees on such trailers or semitrailers, the drawing vehicle of the combination registered under this act shall have a gross weight registration equal to at least ½ of the combined gross weight of all the vehicles and load in the combination of vehicles. If it does not, the operation of said combination of vehicles on the highways of this State shall be unlawful.

The 5% allowance provided by section 5 of P. L. 1950, chapter 142 shall be applicable as heretofore to all registered weight limitations provided in this section, except that in no event shall the gross weight of any vehicle or combination of vehicles, including load, exceed the Federal maximum of 73,280 pounds or as such may be amended from time to time. In the case of a truck, road tractor or truck tractor registered under this act in combination with a trailer or semitrailer duly registered in any other State or Federal district which imposes registration weight fees on such trailers or semitrailers, known as a mixed combination, the 5% allowance shall be applied by adding to the registered weight of the drawing vehicle registered under this act 5% of said registered

weight. If the resulting sum is equal at least to ½ of the combined gross weight of the mixed combination, then the mixed combination shall be in compliance with the registration requirements of this section.

Moneys realized from the increase of the fees for registrations issued pursuant to the provisions of this act shall be paid into the State treasury and credited to the General State Fund and available for general State purposes.

This section shall not be construed to supersede or repeal the provisions of either sections 39:3–84 or 39:4–75 of this Title.

7. Section 39:3–21 of the Revised Statutes is amended to read as follows:

Motorcycle registration fee.

39:3–21. The applicant for registration for a motorcycle shall pay to the commissioner for each registration a fee of $10.00.

8. Section 39:3–24 of the Revised Statutes is amended to read as follows:

Farm tractors and traction equipment; motor vehicles used as farm machinery or farm implements; registration, operation, fee.

39:3–24. (a) The director shall register farm tractors and traction equipment used for farm operation to travel upon the public highways. The fee for such registration shall be $4.00 per annum, whether the registration is issued for the yearly period or only a portion thereof. Such traction equipment or farm tractors may draw farm machinery and implements while in transit from one farm to another without additional registration therefor.

(b) The director may register motor vehicles, not for hire, used exclusively as farm machinery or farm implements, to travel upon the public highways, from one farm, or portion thereof, to another farm, or portion thereof, both owned or managed by the registered owner of the vehicle or vehicles. The fee for such registration shall be $2.00 per annum, whether the registration is issued for a yearly period or only a portion thereof. Any vehicle so registered and any truck registered pursuant to the provisions of 39:3–25 of this Title may draw not more than one vehicle used exclusively on the farm and a vehicle so drawn need not be registered.

(c) No vehicle registered pursuant to this section shall be operated on a public highway at any time from sunset to sunrise. Every such vehicle when operated on a public highway shall have means adequate to control the movement of and to stop and hold such vehicle on any up or down grade and shall be operated in accordance

with uniform rules and regulations prescribed by the Director of the Division of Motor Vehicles. Such rules and regulations shall specify the coverings that may be used on the wheels of such vehicles, the days, hours and conditions under which such vehicles can be operated, the circumstance under which escort vehicles shall be required, the distance that may be traveled upon the public highways and such vehicle equipment or other requirements or restrictions as may be necessary to protect the safety of the users of the public highways.

9. Section 39:3–31 of the Revised Statutes is amended to read as follows:

Duplicate certificate fee.

39:3–31. The commissioner, upon presentation of a statement duly sworn to, stating that the original registration certificate or driver's license has been destroyed, lost or stolen, may, if he is satisfied that the facts as set forth in the statement are substantially true, issue a duplicate registration certificate or driver's license to the original holder thereof, upon the payment to the commissioner of a fee of $3.00 for each duplicate registration certificate or driver's license so issued.

10. Section 1 of P. L. 1961, chapter 77 (C. 39:3–31.1) is amended to read as follows:

C. 39:3-31.1 Duplicate certificate for use by members of family; fee.

1. The Director of the Division of Motor Vehicles, upon presentation of a statement by the holder of an original registration certificate that he requires a duplicate registration certificate for use by members of his family, shall issue a duplicate orginal registration certificate to the holder of the original registration certificate upon the payment to the director of a fee of $3.00.

Any such duplicate original registration certificate may be used in the same manner and for the same purpose as the original registration certificate but may be used only by the holder of the original registration certificate or a member of his family. Any reference to the original registration certificate in the chapter to which this act is supplementary or in Title 39 of the Revised Statutes as amended and supplemented, shall be deemed to include any and all duplicate original registration certificates issued pursuant to this act and, in the event that the holder of the original registration certificate shall be required to surrender the same by virtue of the provisions of any law, he shall also be required to surrender the duplicate original registration certificate if he shall have had such

duplicate original registration certificate issued to him. The said director shall make and promulgate such rules and regulations as may be necessary to effectuate the purposes of this act.

11. Section 39:4–30 of the Revised Statutes is amended to read as follows:

Exceptions to application of article; "temporary" or "in-transit" registration plates; fee.

39:4–30. Nothing in this article shall apply to any road building machinery, vehicle, traction engine, steam roller or other apparatus or machinery running upon railroad or street railway tracks, or a private railroad or railway, spur track or switch, nor shall a license hereunder be required for any road building machinery, vehicle, traction engine, steam roller or other apparatus or machinery while actually used in any type of construction; provided, further, however, that any such road building machinery, vehicle, traction engine, roller or other apparatus or machinery of the kind may be operated or drawn, subject to the following conditions:

Any person, partnership or corporation may, with regard to such road building machinery, vehicle, traction engine, roller or other apparatus or machinery of the kind owned or controlled by it, obtain general registration and registration plates therefor of the style and kind provided for in this article, with the word "temporary" or "in-transit" stated thereon, but only if the director is satisfied as to the financial responsibility of such person, partnership or corporation to meet any claim for damages arising out of an accident and satisfactory evidence of such responsibility has been filed with him.

The annual fee for the issuance of a certificate of registration, or duplicates thereof and 5 sets of "temporary" or "in-transit" plates bearing a number, corresponding to the number on the certificate of registration shall be $75.00.

Such plates can be placed on any such road building machinery, vehicle, traction engine, roller or other apparatus or machinery, owned or operated by the person, partnership or corporation to whom the registration is issued, only in moving to and from the location of any type of construction.

12. Section 39:10–11 of the Revised Statutes is amended to read as follows:

Submitting evidence of purchase; recording; certificate of ownership; fee; creation of security interest; penalty.

39:10–11. A. The purchaser of a motor vehicle in this State shall, within 10 days after its purchase, submit to the director evidence

of the purchase. Upon presentation to the director of the certificate of origin, or certificate of ownership, or bill of sale issued prior to October 1, 1946, with proper assignment and certification of the seller, a record of the transaction shall be made and filed. A certificate of ownership shall be issued by the director and delivered to the buyer, in case of a sale not subject to a security interest, and the director shall collect a fee of $3.00 for the issuance and filing thereof.

B. In the case of a sale subject to a security interest, a certificate of ownership, with the name and address of the holder of the encumbrance or secured party or his assignee recorded thereon, shall be delivered to the holder of the encumbrance or secured party or his assignee, and a copy thereof shall be delivered to the buyer. The director shall collect a fee of $3.00 for his services in issuing a certificate and copy thereof, and for making a record of and filing the record of the transaction pursuant to this subsection.

C. Except as hereinafter in this section otherwise expressly provided, whenever a security interest is created in a motor vehicle, other than a security interest which is required to be noted on the certificate of origin or the certificate of ownership as provided in sections 39:10–8 and 39:10–9 of this Title, there shall be filed with the director, the certificate of ownership of the motor vehicle, together with a financing statement on a form prescribed by the director. The director shall make and file a record of the transaction and shall issue a certificate of ownership recording the name and address of the secured party or his assignee thereon, and shall deliver it to the secured party or his assignee. A copy of the certificate of ownership so issued shall be delivered to the buyer. The director shall collect a fee of $3.00 for his services in issuing a certificate and copy thereof and for making a record of and filing the record of the transaction pursuant to this subsection.

D. The financing statement required to be filed pursuant to subsection C hereof shall be signed only by the buyer, shall not be required to be acknowledged or proved, and shall show, in addition to such matters as the director may require for the proper identification of the motor vehicle affected, the date of the security agreement, and the names and addresses of the parties thereto. Nothing in this section 39:10–11 contained shall be construed as requiring that the security agreement or a copy thereof, or any proof of execution thereof other than that contained in the financing statement, shall be presented to the director. When the buyer is a corporation, it shall be sufficient if the financing statement is signed

by any officer thereof, or by any agent designated by the corporation for that purpose, and it shall not be necessary that the financing statement recite the authorization of the agent. When there is more than one buyer, it shall be sufficient if the financing statement is signed by any one of them.

E. Nothing in subsections C and D of this section shall apply to security interests in motor vehicles which constitute inventory held for sale, but such interests shall be subject to chapter 9 of Title 12A of the New Jersey Statutes, nor shall anything in the said subsections apply to interests in personal property subject to chapter 28 of the Title, Property (46:28–4 et seq.).

F. In addition to the fees elsewhere in this section provided for, there shall be paid to the director a fee of $1.00 for notice of satisfaction of the lien or encumbrance of the record or abstract, or of the termination of the security interest where the motor vehicle is subject to a lien or encumbrance or a security interest as provided in section 39:10–14 of this Title.

G. Notwithstanding any other provision in this section contained, when any dealer licensed under the provisions of section 39:10–19 of this Title is the purchaser of a motor vehicle in this State, he shall, within 10 days after its purchase, submit to the director the evidence of purchase. Upon presentation of the certificate of ownership with proper assignment and certification of the seller to the director, a record of the transaction shall be made and filed. A certificate of ownership shall be issued by the director and delivered to such purchaser and the director shall collect a fee of $1.00 for the issuing and filing thereof.

H. Any purchaser of a motor vehicle who fails to comply with the provisions of this section shall pay to the director a penalty of $5.00 plus the issuing and filing fee.

I. The failure of any person to comply with the requirements of this section shall not constitute a misdemeanor within the provisions of section 39:10–24 of this Title, nor shall such failure affect the validity of any instrument creating or reserving a security interest in a motor vehicle, as between the parties to such instrument.

J. The notation of the name and business or residence address of a secured party or his assignee, on the certificate of origin or on the certificate of ownership, as provided in sections 39:10–8 and 39:10–9 of this Title, and the presentation to the director in accordance with section 39:10–11 of this Title, of the certificate of origin or certificate of ownership so noted, and the compliance

with the requirements of subsections C and D of section 39:10–11 of this Title, shall be in lieu of all filing requirements imposed by chapter 9 of Title 12A of the New Jersey Statutes and shall constitute the perfection of a security interest in the motor vehicle, and the rights and remedies of the debtors and the secured parties in respect to such security interest shall, except as otherwise expressly provided in this chapter, be subject to and governed by chapter 9 of Title 12A of the New Jersey Statutes.

13. Section 39:10–12 of the Revised Statutes is amended to read as follows:

Lost title papers; duplicate certificate fee; false statements in application; penalty.

39:10–12. If certificate of ownership, or title papers, are lost, the director may, upon proof by certification or otherwise in the manner required by him and if satisfied of the bona fides of the application, prepare a certificate of ownership, certify it and authorize its use in place of the original, with the same effect as the original. The director shall collect a fee of $3.00 for this duplicate certificate.

A person who falsely states, in any application to the director for a duplicate certificate of ownership, that a certificate of ownership, or title papers, are lost, shall be subject to a fine of not less than $25.00 nor more than $100.00 or imprisonment for a term not exceeding 30 days or both.

14. Section 39:10–14 of the Revised Statutes is amended to read as follows:

Notations; index; certificates; security interests; fees; furnishing information from records.

39:10–14. A. The director shall, on the record or abstract of every motor vehicle registered with him, which is subject to a security interest of which notice is required to be filed with him, make a notation of the existence of such security interest and shall index the same under the name of the owner of record of the vehicle so long as the security interest remains unterminated of record.

B. Upon request from any person, the director shall issue a certificate showing names and addresses of the parties to any contract of conditional sale or chattel mortgage or other instrument, or to any financing statement, the name and address of the holder of the lien or liens under such contract, chattel mortgage or other instrument or of the secured party, the date thereof or of the financing statement, the date of filing, the make, model, identification number or numbers of the motor vehicle, and, if the condition in the contract of conditional sale, or chattel mortgage has been per-

formed or the security interest has been terminated, a statement to that effect, for which he shall be entitled to a fee of $1.00.

C. For a full certified copy of any instrument showing a lien on or a security interest in a motor vehicle the director shall be entitled to a fee of $1.00 for the certificate plus $0.50 for each copy of any paper certified.

D. When evidence of satisfaction of any contract of conditional sale or chattel mortgage or other instrument, or evidence of the termination of a security interest, as aforesaid, shall be presented to the director, he shall make a notation thereof on the record of the sale of such motor vehicle showing that the condition in the contract of conditional sale or chattel mortgage has been performed or the security interest has been terminated; provided, however, that the evidence of satisfaction of a chattel mortgage on a motor vehicle executed after September 1, 1951 shall be submitted by the county recording officer on a form prescribed by the director, unless the chattel mortgage is one that is not required, under the provisions of this section and section 39:10–11 of the Revised Statutes, to be presented to and recorded by the director.

E. The director, his agents, and employees of the Division of Motor Vehicles shall not incur any personal liability in carrying out the provisions of this section or in furnishing any information provided herein from the records of the Division of Motor Vehicles.

15. Section 39:10–16 of the Revised Statutes is amended to read as follows:

Defective or improper title papers; correction procedure; fee.

39:10–16. If the title papers or certificate of ownership are defective or improper, or if the motor vehicle was purchased and its sale consummated in another State or country, in accordance with the laws of such State or country regulating the sale of motor vehicles, and not made for the purpose of evading the provisions of this chapter, the bona fide owner of the motor vehicle may apply to the director to correct the defects, or permit the title papers to be received.

The director shall, upon such proof as he requires showing that it is just and equitable that the defects be corrected or that the title papers or certificate of ownership be received, with or without hearing, determine the truth and merits of the application and whether the holder appears to be the bona fide owner of the motor vehicle, and may issue his certificate correcting the defects or permitting the title papers or certificate of ownership to be so recorded

and filed. The person submitting the papers shall pay to the director a fee of $3.00 for the issuing and filing of the certificate.

Before issuing the certificate the director may, in his discretion, require the person to advertise in a newspaper having a general circulation in the county where he resides, for the space of 2 weeks, at least once a week, making 3 insertions in all, a notice briefly stating that the person has applied to the director to correct defects in the motor vehicle title papers or to receive the title papers out of time, or as the case may be, giving a description of the motor vehicle as provided in section 39:10–8 of this Title, and that if anyone desires to be heard in opposition thereto he may do so by appearing before the director on a date and at a place named, or communicating with him prior thereto. He shall also serve like notice on local police, State Police and any other person or agency, as prescribed by the director personally or by registered mail. Proofs of the publication and service shall be submitted to the director. The director, his agent or inspector may have the notice advertised or served at the cost and expense of that person.

16. Section 4 of P. L. 1964, chapter 81 (C. 39:10A–4) is amended to read as follows:

C. 39:10A-4 Execution and delivery of application for certificate of ownership; issuance of certificate; fee.

4. Upon the sale of any motor vehicle for which no junk title certificate shall have been issued, the public agency shall execute and deliver to the purchaser an application for certificate of ownership prescribed by the director in the same form and manner as provided in Revised Statutes 39:10–15, which shall also contain the name and address, if known, of the former owner. Such application shall be accepted by the director for issuance of a certificate of ownership for a fee of $3.00.

17. There is hereby appropriated to the Division of Motor Vehicles for the purpose of administering the provisions of this act to June 30, 1969 the sum of $50,000.00.

18. This act shall take effect August 1, 1968.

Approved July 2, 1968.

CHAPTER 131

AN ACT granting certain emergency powers to the Commissioner of Banking and Insurance relating to the cancellation and renewal of insurance policies.

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

C. 17:29C-1 Authority to require 30 days' written notice of cancellation of insurance.

1. In addition to the powers conferred upon him by any other law, the Commissioner of Banking and Insurance is hereby authorized and empowered to direct, by rule or regulation as hereinafter provided, that insurance companies organized under the laws of this State or organized to do business in this State, shall include provisions in policies of insurance written by any such company in this State, whereby 30 days' written notice shall be given; (1) to the insured, of the cancellation of any such policy; and, (2) to any designated mortgagee not named therein as the insured of the cancellation of any interest in such policy; and, (3) to the insured, of intent not to renew any such policy.

C. 17:29C-2 Inclusion of certain provisions in all insurance; limitations.

2. The commissioner may direct that any or all of the aforesaid provisions, which he is herein authorized and empowered to direct, be included in any or all types of insurance policies covering any or all insurance risks written in this State or in any part of this State, when, in his discretion, the need for same exists as a result of conditions in the market for such types of insurance; provided, however, that any direction of the commissioner pursuant to this act shall treat all insurance companies writing any particular type or types of insurance in a uniform manner; and, provided further, that the aforesaid provisions shall not apply in the case of cancellation of a policy or of any interest in a policy for the nonpayment of premiums or for "moral hazard," as such is defined by the commissioner.

C. 17:29C-3 Authority to revoke the requirement of certain provisions.

3. The commissioner may revoke the direction of any or all of the aforesaid provisions at any time when, in his discretion, the need for same no longer exists, and no such direction by the commissioner shall be valid for a period in excess of 1 year from the date it is made; provided, however, that any such direction shall

remain valid after 1 year upon certification to the Legislature of the continued need for same by the commissioner.

C. 17:29C-4 Reports, rules and regulations.

4. The commissioner may require such reports from insurers and may make any reasonable rules and regulations to carry out the purposes of this act as he shall deem necessary.

5. This act shall take effect immediately.

Approved July 3, 1968.

CHAPTER 132

AN ACT concerning the cancellation of certain insurance policies and supplementing Title 17 of the Revised Statutes.

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

C. 17:29C-5 Moratorium on cancellation of certain liability insurance issued to counties or municipalities.

1. Notwithstanding the provisions of any other law, no insurance policy which has been issued to a county or municipality covering liability for damages to real or personal property or person for which such county or municipality is liable pursuant to the provisions of chapter 48 of Title 2A of the New Jersey Statutes, shall be cancelled by the insurer, except in the case of nonpayment of premium, and there is hereby declared to be a moratorium on the cancellation of such insurance policies, which moratorium shall be retroactive to June 1, 1968, and shall be in force and effect until October 1, 1968.

2. This act shall take effect immediately.

Approved July 3, 1968.

CHAPTER 133

AN ACT relating to publication of notices or advertisements by counties and municipalities, and supplementing chapter 1 of Title 35 of the Revised Statutes.

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

C. 35:1-2.2a Qualification of location of place of printing and publishing of newspaper; exception.

1. Notwithstanding any other provision of law whenever, by law, it is required that there be published by printing and publishing in a newspaper, which meets the qualifications set forth in Revised Statutes 35:1–2.2, ordinances, resolutions or notices or advertisements of any sort, kind or character by any county, or by any city or other municipality or municipal corporation, or by any municipal board or official board, or body, or office, or officials, or by any person or corporation of such county, such notice or advertisement may be published in a newspaper published in such county or municipality, as may be required by the statute prescribing the method of publication, except that there shall hereafter be no requirement that the newspaper be printed in any such county or municipality provided that the said newspaper is printed in the State of New Jersey.

2. All acts and parts of acts inconsistent herewith are superseded to the extent of such inconsistency.

3. This act shall take effect immediately.

Approved July 9, 1968.

CHAPTER 134

AN ACT concerning official advertising, and amending section 35:2–1 of the Revised Statutes.

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

1. Section 35:2–1 of the Revised Statutes is amended to read as follows:

Rates for official advertising.

35:2–1. The price to be paid for publishing all official advertising as defined is section 35:1–1 of this Title in newspapers shall be as follows:

In newspapers published in the State of New Jersey having a bona fide net paid circulation of up to 2,500 copies, the rate shall be $0.18 per agate (or 5½ point) line for each insertion; in the case of any newspaper having a bona fide net paid circulation of not less than 2,500 copies nor more than 5,000 copies, the rate shall be $0.23 per agate line for each insertion; and in the case of any newspaper having a bona fide net paid circulation of not less than 5,000 copies and not more than 10,000 copies, the rate shall be $0.24 per agate line per insertion; and in the case of any newspaper having a bona fide net paid circulation of not less than 10,000 copies and not more than 30,000 copies, the rate shall be $0.25 per agate line per insertion; and in the case of any newspaper having a bona fide net paid circulation of not less than 30,000 and not more than 45,000 copies, the rate shall be $0.26 per agate line per insertion; and in the case of any newspaper having a bona fide net paid circulation of not less than 45,000 copies and not more than 60,000 copies, the rate shall be $0.28 per agate line per insertion; and in the case of any newspaper having a bona fide net paid circulation of not less than 60,000 copies and not more than 75,000 copies, the rate shall be $0.32 per agate line per insertion; and in the case of any newspaper having a bona fide net paid circulation of not less than 75,000 copies and not more than 100,000 copies, the rate shall be $0.44 per agate line per insertion; and in the case of any newspaper having a bona fide net paid circulation of not less than 100,000 copies, and not more than 125,000 copies, the rate shall be $0.48 per agate line per insertion; and in the case of any newspaper having a bona fide net paid circulation of not less than 125,000 copies, and not more than 150,000 copies, the rate shall be $0.52 per agate line per insertion; and in the case of any newspaper having a bona fide net paid circulation of not less than 150,000 copies and not more than 200,000 copies, the rate shall be $0.59 per agate line per insertion; and in the case of newspapers having a bona fide net paid circulation of not less than 200,000 copies, and not more than 300,000 copies, the rate shall be $0.66 per agate line per insertion; and in the case of any newspaper having a bona fide net paid circulation in excess of 300,000 copies the rate shall be $0.72

per agate line per insertion; but before any newspaper can charge the foregoing rates, the publisher or business manager of such newspaper must file with the properly authorized officer of every municipality, county or governing body, placing official advertising in such newspaper, an affidavit setting forth the average net paid circulation of such newspaper for the 12 months' period ending September 30 next preceding and the rate to be charged for official advertising, which in no case shall be in excess of, or below, the rates provided in the foregoing schedule.

The charge per agate or 5½ point line shall be based on measurement of a line of not less than 9 picas in width, but date lines, paragraph endings, titles, signatures and similar short lines or lines that require special emphasis, such as the title of the notice, shall be computed as full lines where set to conform to the usual rules of composition.

2. This act shall take effect immediately.

Approved July 9, 1968.

CHAPTER 135

AN ACT to amend "An act concerning hospital, medical, surgical and major medical expense benefits for public and school employees and providing for the procuring of such benefits," approved June 3, 1961 (P. L. 1961, c. 49) as said title was amended by chapter 125 of the laws of 1964.

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

1. Section 5 of chapter 49 of the laws of 1961 is amended to read as follows:

C. 52:14-17.29 Minimum coverages.

5. (A) The contract or contracts purchased by the commission pursuant to section 4 shall as a minimum provide 2 separate coverages or policies as follows:

(1) Basic benefits which shall include

(a) Hospital benefits, including out-patient,

(b) Surgical benefits,

(c) In-patient medical benefits, and

(d) Obstetrical benefits, in the case of family contracts.

Basic benefits shall be substantially equivalent to those available on a group remittance basis to employees of the State and their dependents under the subscription contracts of the New Jersey "Blue Cross" and "Blue Shield" Plans in effect on the effective date of this act, provided however, within a 6-month period after the effective date of this amendatory act, such basic benefits shall be increased to include benefits for

(i) Additional days of in-patient medical service;
(ii) Surgery elsewhere than in a hospital;
(iii) X-ray, radioactive isotope therapy and pathology services;
(iv) Physical therapy services;
(v) Radium or radon therapy services;

and the increased basic benefits shall be subject to the same conditions and limitations, applicable to such benefits, as are set forth in "Extended Out-patient Hospital Benefits Rider," Form 1500.71 (9-66), and in "Extended Benefit Rider" (as amended), Form MS 7050J (9-66) issued by the New Jersey "Blue Cross" and "Blue Shield" Plans, respectively, and as the same may be amended or superseded, subject to filing by the Commissioner of Banking and Insurance; and

(2) Major medical expense benefits which shall provide benefit payments for reasonable and necessary eligible medical expenses for hospitalization, surgery, medical treatment and other related services and supplies to the extent they are not covered by basic benefits. The commission may, by regulation, determine what types of services and supplies shall be included as "eligible medical services" under the major medical expense benefits coverage as well as those which shall be excluded from or limited under such coverage. Benefit payments for major medical expense benefits shall be equal to a percentage of the reasonable charges for eligible medical services incurred by a covered employee or an employee's covered dependent, during a calendar year as exceed a deductible for such calendar year of $100.00 subject to the maximums hereinafter provided and to the other terms and conditions authorized by this act. The percentage shall be 80%, except that it shall be 50% in the case of charges for eligible medical services for the treatment of mental or nervous disorders in the out-patient department of a hospital or on an out-of-hospital basis. There shall be a separate deductible for each calendar year for (a) each enrolled employee and (b) all enrolled dependents of such employee. Not more than $10,000.00 shall be paid for major medical expense benefits with

respect to any one person for any one calendar year and not more than $20,000.00 shall be paid for such benefits with respect to any one person for the entire period of such person's coverage under the plan, whether continuous or interrupted, except that the maximums of $10,000.00 and $20,000.00 may be reapplied to a covered person. Under the conditions agreed upon by the commission and the carriers as set forth in the contract, the deductible for a calendar year may be satisfied in whole or in part by eligible charges incurred during the last 3 months of the prior calendar year.

(3) Any service determined by regulation of the commission to be an "eligible medical service" under the major medical expense benefits coverage which is performed by a duly licensed practicing psychologist within the lawful scope of his practice shall be recognized for reimbursement under the same conditions as would apply were such service performed by a physician.

(B) Benefits under the contract or contracts purchased as authorized by this act may be subject to such limitations, exclusions, or waiting periods as the commission finds to be necessary or desirable to avoid inequity, unnecessary utilization, duplication of services or benefits otherwise available, including coverage afforded under the laws of the United States, such as the Federal Medicare program, or for other reasons.

(C) The rates charged for any contract purchased under the authority of this act shall reasonably and equitably reflect the cost of the benefits provided based on principles which in the judgment of the commission are actuarially sound. The rates charged shall be determined by the carrier on accepted group rating principles with due regard to the experience, both past and contemplated, under the contract. The commission shall have the right to particularize subgroups for experience purposes and rates. No increase in rates shall be retroactive.

(D) The initial term of any contract purchased by the commission under the authority of this act shall be for such period, not extending beyond June 30, 1962 to which the commission and the carrier may agree, but permission may be made for automatic renewal in the absence of notice of termination by the State. Subsequent terms for which any contract may be renewed as herein provided shall each be limited to a period not to exceed 1 year.

(E) The contract shall contain a provision that if basic benefits of an employee or of an eligible dependent under the contract, after having been in effect for at least 1 month, is terminated,

other than by voluntary cancellation of enrollment, there shall be a 31-day period following the effective date of termination during which such employee or dependent may exercise the option to convert, without evidence of good health, to left-group conversion coverage issued by the carrier on a direct payment basis. Such conversion coverage shall include benefits of the type classified as "basic benefits" in subsection A hereof. The provision shall further stipulate that the employee or dependent exercising the option to convert shall pay the full periodic charges for the left-group coverage which shall be subject to such terms and conditions as are normally prescribed by the carrier for this type of coverage.

2. Section 7 of chapter 49 of the laws of 1961 is amended to read as follows:

C. 52:14-17.31 Effective date of coverage; rules and regulations; furnishing information to commission.

7. The coverage provided solely for employees shall, subject to the provisions below, automatically become effective for all eligible employees from the first day on or after the effective date of the program on which they satisfy the definition of "employee" contained in this act. The commission shall establish such rules and regulations governing the enrollment and effective dates of coverage of dependents of employees as it deems are necessary or desirable. Such rules and regulations shall not defer the insurance with respect to any qualified dependent an employee has on the date the employee's employer becomes a participating employer, provided the employee was, immediately prior to said date, insured with respect to such dependent under a group major medical insurance plan of such employer which was in effect immediately prior to said date. Under the rules and regulations established by the commission, each employee shall be given the opportunity to enroll for coverage for his dependents as of the earliest date he becomes eligible for such enrollment. An employee may elect to enroll his dependents for both basic coverage and major medical expense coverage but may not enroll for either coverage alone.

If, on the date coverage for an employee would become effective, he is not actively at work on full time at his customary place of employment or other location to which his employment requires him to travel, he shall not be covered until he is so actively at work, except such employee shall be covered, if on the date the employee's employer becomes a participating employer, said employee was, immediately prior to said date, insured under a group

major medical insurance plan of such employer which was in effect immediately prior to said date.

In the event that the group major medical plan which covered an employee or his dependents immediately prior to the date the employee's employer becomes a participating employer provides, after termination of coverage thereunder, any continuation of benefits for medical expenses for hospitalization, surgery, medical treatment or any related service or supply, or would so provide in the absence of coverage pursuant to this act, no coverage shall be afforded pursuant to this act for any such expenses (i) which are covered, or which would be covered in the absence of coverage pursuant to this act, in whole or in part, by such prior insurance plan or (ii) which may be used in satisfaction of any deductible requirement under such prior insurance plan to establish entitlement to such continuation of benefits.

Each employee shall furnish the commission, in such form as is prescribed, such information as is necessary on account of his own coverage and as necessary to enroll his dependents. Any employee not desiring coverage at the time he first becomes eligible, shall give the commission written notice of that fact in such form as the commission may prescribe. Such employee may not enroll thereafter except at such times and under such conditions as the commission may prescribe.

If an employee eligible for coverage has a spouse who is also an employee eligible for coverage, the spouse may elect to forego coverage as an employee and to enroll for both basic benefits and the major medical expense benefits as a dependent, in which event no coverage shall be provided for such spouse as an employee while covered as a dependent. The employee, who has enrolled such spouse, may receive a refund from the State equivalent in amount to the employer's cost for an employee's coverage. When both husband and wife are covered as employees, only one may enroll for their children as dependents.

3. This act shall take effect July 1, 1968.

Approved July 9, 1968.

CHAPTER 136

AN ACT providing for the operation of Youth Conservation and Recreational Development Projects and making an appropriation therefor.

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

C. 9:24-8 Definitions.

1. For the purposes of this act, the following terms shall have the following respective meanings unless a different meaning clearly appears from the context:

(a) The term "commissioner" shall mean the Commissioner of Conservation and Economic Development.

(b) The term "disadvantaged youth" shall mean those persons under the age of 21 years who, by reason of economic or social condition, are designated as such by the commissioner according to regulations promulgated by him after consultation with the Commissioner of Community Affairs.

(c) The term "sponsor" shall mean any nonprofit association or corporation, or any municipal corporation.

(d) The term "State park facility" shall mean any park, forest, beach or other such recreation facility subject to the administration, supervision and control of the Department of Conservation and Economic Development.

(e) The term "recreation facility" shall mean any place, area, equipment or other facility used or intended to be used for the purpose of recreation and which has been approved by the Bureau of Outdoor Recreation in the Department of Conservation and Economic Development, including, without limitations, play streets, portable swimming pools, fire sprinkler heads and sporting goods equipment.

C. 9:24-9 Projects authorized.

2. The Commissioner of the Department of Conservation and Economic Development is hereby authorized and directed to create comprehensive Youth Conservation and Recreational Development Projects. Such projects shall be designed to create, conserve and improve State parks, forests and recreational facilities under the jurisdiction of the department and to afford disadvantaged youth residing in urban areas in this State an opportunity to engage in productive and healthful activities and experiences.

C. 9:24-10 Program of activities; commissioner's authority.

3. The commissioner shall plan and undertake a comprehensive program of activities of limited duration to carry out the purposes of this act. The commissioner may consult with the Commissioner of Education, the Commissioner of the Department of Community Affairs and such other persons as he shall deem appropriate in planning and executing any such projects.

C. 9:24-11 Participation in project; age group limitation; compensation.

4. In carrying out such projects, the commissioner shall, to the greatest extent practicable, recruit and employ such young people between the ages of 11 and 18 who, in his judgment, will benefit most from participation in the projects. Participation in any project shall be entirely voluntary and, for each participant, shall be of such duration as shall be fixed by the commissioner. Participants in the program shall be compensated at rates to be fixed by the commissioner.

C. 9:24-12 Participants' housing.

5. The commissioner shall arrange for the provision of adequate facilities for the housing of the participants and shall seek the assistance and cooperation of any other Federal, State, or municipal department or agency and private industry in providing such accommodations and facilities.

C. 9:24-13 Supplemental educational programs.

6. The commissioner may provide supplemental educational and vocational education programs to be offered to the participants in conjunction with any conservation and recreational development project.

C. 9:24-14 Transportation agreements authorized; reimbursement; limitation.

7. Upon proper application submitted to the commissioner by sponsors, the commissioner is authorized to enter into agreements with, and to make grants of money to, such sponsors for the purpose of providing transportation for disadvantaged youth to and from State park facilities. No application for a grant pursuant to this section shall be approved by the commissioner unless the commissioner shall find, in the exercise of his discretion, that the disadvantaged youth intended to be transported by a sponsor to a State park facility will not be able to visit said facility.

C. 9:24-15 Reimbursement of municipalities for purchase and implementation of recreation facilities; limitations.

8. Upon proper application submitted to the commissioner by any municipality, the commissioner is authorized, within the limits

of appropriations available therefor, to make grants of money to such municipality for the purpose of paying ½ of the cost to said municipality of purchasing and implementing recreation facilities. No such grant shall be made by the commissioner unless the recreation facility intended to be purchased, and implemented by the applicant municipality shall have been approved by the Bureau of Outdoor Recreation in the Department of Conservation and Economic Development. No grant pursuant to this section shall exceed a sum equal to ½ of the cost of the recreation facility with respect to which the grant was made.

C. 9:24-16 Rules and regulations.

9. The commissioner is authorized from time to time to issue and promulgate, and to revise, repeal and amend, such regulations as may be necessary or convenient to carry out the provisions of this act.

10. There is hereby appropriated to the Department of Conservation and Economic Development the sum of $500,000.00 for the purpose of carrying out the provisions of this act during the period ending June 30, 1969.

11. This act shall take effect immediately.

Approved July 9, 1968.

CHAPTER 137

AN ACT concerning participation by the State of New Jersey in training and employment programs of private employers; providing for the training and employment of hard-core unemployed residents of this State so that they may become wage-earning members of society; authorizing the Commissioner of Labor and Industry to enter into agreements therefor with private employers; and providing an appropriation therefor.

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

C. 34:15B-1 Short title.

1. This act shall be known and may be cited as the "New Jersey State Business Alliance for Training and Employment Law."

C. 34:15B-2 Legislature's findings.

2. The Legislature finds that there is a need for the establishment of programs for the training of hard-core unemployed residents of this State to increase their participation in private industry and to improve their skills and employability, and that public moneys should be made available to private employers to encourage the training of such individuals so that they may become wage-earning members of society.

C. 34:15B-3 Training and employment agreements with private employers; reimbursement; limitations.

3. The Commissioner of Labor and Industry, on behalf of the State of New Jersey, is hereby authorized to enter into agreements with private employers pursuant to which said private employers shall provide hard-core unemployed residents of this State with training and employment on such terms and conditions as shall be determined by the Commissioner of Labor and Industry. Each such agreement shall provide that any hard-core unemployed resident enrolled in such training and employment program shall receive from the private employer during the course of such training and employment an hourly wage not less than the minimum wage established under any law of this State or the United States. Any such agreement may provide for the reimbursement to said private employer for all or a portion of the cost of providing training and employment for hard-core unemployed residents; provided, that the cost to the State of New Jersey for the training of any such resident shall not exceed $500.00. For the purposes of this act, the term "hard-core unemployed residents" shall mean those persons who shall be certified by the Commissioner of Labor and Industry as having been consistently unemployed.

C. 34:15B-4 Rules and regulations.

4. The Commissioner of Labor and Industry shall confer with such individuals or groups of private employers and shall promulgate such rules and regulations as he deems necessary for the implementation of this act.

5. There is hereby appropriated to the Department of Labor and Industry the sum of $1,000,000.00 for the implementation of training and employment programs pursuant to this act during the fiscal year ending June 30, 1968; provided, that any unexpended or unobligated portion thereof shall continue to be available to the Department of Labor and Industry during the fiscal year ending June 30, 1969 for expenditure consistent with the provisions hereof.

6. This act shall take effect immediately.

Approved July 9, 1968.

CHAPTER 138

AN ACT to amend "An act concerning assistance for dependent children, supplementing Title 44 of the Revised Statutes and repealing certain statutes relating thereto," approved June 11, 1959 (P. L. 1959, c. 86).

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. 44:10-1 Definitions.

1. As used in this act and for the purpose of the determination of eligibility to receive financial assistance under the provisions of this act, the following words shall have the following meaning, unless the context indicates another meaning:

(a) "Assistance for dependent children" means the assistance and other services to be extended under this act to or for needy dependent children and the parents and relatives with whom they are living for the following purposes:

(1) To provide for the care of needy dependent children in their own homes or in the homes of relatives, under standards and conditions compatible with decency and health,

(2) To help maintain and strengthen family life, and

(3) To help such parents or relatives to attain the maximum self-support and personal independence consistent with the maintenance of continuing parental care and protection.

(b) "Bureau of Assistance" means the Bureau of Assistance of the Department of Institutions and Agencies.

(c) "Dependent child" means a child under the age of 18, or under the age of 21 and a student regularly attending school, college or university, or regularly attending a course of vocational or technical training designed to fit him for gainful employment, who

(1) Has been deprived of parental support or care by reason of the death, continued absence from the home, or physical or mental incapacity of a parent, or, when living with both parents, has been deprived of parental support or care by reason of the unemployment of his father or the insufficient earnings of his parents, and

(2) Is living in New Jersey with his father, mother, grandfather, grandmother, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle, aunt, first cousin, nephew or niece, in a place of residence maintained by one or more of such relatives as his or their home, and

(3) Is found, after due investigation and determination, according to standards and procedures established pursuant to this act, to be in need of financial assistance.

(d) "Parent or relative with whom a dependent child is living" means a person

(1) Who is related to the dependent child, in the manner prescribed in subsection (c) (2) of this section, and

(2) With whom the dependent child is living in a place of residence maintained by one or more of such relatives as his or their own home, and

(3) Who is found, after due investigation and determination, according to standards and procedures established pursuant to this act, to be in need of financial assistance.

(e) A determination of a right to financial assistance by reason of unemployment of a father or of underemployment by parents shall not constitute such persons recipients of assistance for dependent children so as to make them eligible for coverage under the "New Jersey Medical Assistance Act," now pending before the Legislature if the same shall be enacted.

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

C. 44:10-3 Rules and regulations; purposes of act.

3. Under general policies established by the State Board of Control, the Commissioner of Institutions and Agencies is authorized, directed and empowered to issue, or to cause to be issued by the appropriate departmental officers or agencies, all necessary rules and regulations and administrative orders, and to do or cause to be done all other acts and things necessary to secure for the State of New Jersey the maximum Federal financial participation that is available with respect to a program of assistance for dependent children and otherwise to accomplish the purposes of this act, including specifically the following:

(a) To assure that the program shall be in effect in all counties of the State and be mandatory upon them;

(b) To assure that all individuals wishing to make application for assistance for dependent children shall have opportunity to

do so, and that assistance shall be furnished with reasonable promptness to or for all eligible individuals;

(c) To provide that, in determining need for financial assistance and the amount of assistance to be granted, there shall be taken into consideration all other income and resources of the dependent child and of the parent, parents, or other relatives with whom such child is living, except that, in making such determination, there shall be disregarded the amounts of income and resources required by Federal law as a condition of Federal financial participation;

(d) To provide safeguards which restrict the use or disclosure of information concerning applicants and recipients to purposes directly connected with the administration of the program;

(e) To provide for prompt notice to appropriate law enforcement officials of the furnishing of assistance to or for a child who has been deserted or abandoned by a parent;

(f) To assure that all persons for whom financial assistance is being paid under the provision of this act shall not receive, during the same period, any other financial assistance from this State or any political subdivision thereof, with respect to any maintenance requirements or other items for which allowance is made in the assistance grant paid pursuant to this act;

(g) To prescribe appropriate services which shall be made available by or utilized by the county welfare boards for the purpose of maintaining and strengthening family life for children;

(h) To assure that payments of financial assistance, with respect to a dependent child or children, to a parent or relative with whom such child is living, will be terminated promptly, and other arrangements for the care and maintenance of such child or children instituted, in any case where it is determined that the payments to such parent or relative under the provisions of this act are failing to secure for the child or children a standard of maintenance, care and family life consistent with the purposes stated in section 1(a) of this act;

(i) To provide for appropriate services and co-operative arrangements with other agencies so that maximum opportunities for employment and training for employment will be available to recipients of financial assistance, and to prescribe the conditions under which financial assistance will be denied to an individual who refuses without good cause to accept employment or training for employment.

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

C. 44:10-5 Payments by state to county welfare boards.

5. The State shall pay to each county welfare board the full amount of any funds received by the State from the Federal Government as Federal participation with respect to expenditures made by such county welfare board for assistance for dependent children, plus an additional amount equal to 75% of the balance of such expenditures after deducting the amount of such Federal participation.

The State shall also pay to each county welfare board the full amount of any funds received by the State from the Federal Government as Federal participation with respect to the costs of administration of the program of assistance for dependent children by such county welfare board.

4. This act shall take effect January 1, 1969.

Approved July 10, 1968.

CHAPTER 139

AN ACT concerning public assistance and amending sections 44:7–18 and 44:7–25 of the Revised Statutes, section 23 of chapter 156 of the laws of 1947, section 30 of chapter 138 of the laws of 1951, section 3 of chapter 139 of the laws of 1951, section 44 of chapter 197 of the laws of 1962, section 7 of chapter 222 of the laws of 1962.

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

1. Section 44:7–18 of the Revised Statutes is amended to read as follows:

Investigation of and notice to applicant; review of determination.

44:7–18. When the county welfare board receives an application for old age assistance, an investigation and record shall promptly be made of the circumstances of the applicant. The object of such investigation shall be to ascertain the facts supporting the application and such other information as may be required by the rules

of the State division. When immediate need is apparent and the applicant provides evidence of eligibility by a written statement signed and verified under oath, the director of welfare shall issue a grant of old age assistance effective as of the date of application and pending completion of such investigation. Upon the completion of such investigation the county welfare board shall decide whether the applicant is eligible for and should receive or continue to receive old age assistance, the amount of assistance, the manner of paying or providing it, and, as appropriate, the date on which the assistance shall begin; provided, however, that if the completed investigation shows the applicant to have been ineligible for reasons other than need, the county welfare board shall not be obligated, in the absence of fraud or misrepresentation, to take action for the recovery of any assistance granted pending completion of such investigation. It shall notify the applicant of its decision in writing.

Any such grant of old age assistance shall not make the recipients thereof eligible for coverage under the "New Jersey Medical Assistance Act," now pending before the Legislature if the same shall be enacted.

The county welfare board shall at once report to the State division its decision in each case together with copies of such supporting records as the State division may require. Such decision shall be final, except that where an application is not acted upon by the county welfare board within 30 days after the filing of the application, or the application is denied, or the grant is deemed inadequate, either by the State division or by the applicant, the State division may review the case in its discretion or the applicant may appeal to the State division by filing a petition with the division setting forth the facts in full as to the necessity of such assistance. Whereupon a representative of the State division shall hold a fair hearing on the appeal, and if the appeal is sustained by the State division the payments of assistance in the amount determined by the State division must be paid by said county welfare board as herein provided.

2. Section 44:7–25 of the Revised Statutes is amended to read as follows:

State's share; effect of Federal participation.

44:7–25. The State shall pay to each county welfare board the full amount of any funds received by the State from the Federal Government as Federal participation with respect to expenditures made by such county welfare board for old age assistance, includ-

ing burial and funeral expenses and terminal medical and nursing costs, plus an additional amount equal to 75% of the balance of such expenditures after deducting the amount of such Federal participation.

3. Section 23 of chapter 156 of the laws of 1947 is amended to read as follows:

C. 44:8-129 Municipality's "public assistance percentage"; determination of.

23. In each year the commissioner shall determine the amount of State aid which each municipality shall receive in such year, and the same shall be distributed by the commissioner among the various municipalities making application therefor to the commissioner before July 1 of such year, except those in which public assistance shall be administered by the commissioner for all or any part of such year, by the payment to each municipality of 75% of its "current year's public assistance load."

This percentage shall be known as the "public assistance percentage."

4. Section 30 of chapter 138 of the laws of 1951 is amended to read as follows:

C. 30:4C-30 Maintenance cost shared by State and county.

30. Except as provided in section 27 hereof relating to hospital care, the cost of maintenance provided under this act for or on behalf of any child shall be shared 75% by the State and 25% by that county where such child may be or may have been at the time of the filing of an application seeking care or custody or at the time of the filing of a petition seeking guardianship.

The Governor shall fix and determine and state in his annual budget message a sum sufficient to pay the estimated amount required to carry into effect the provisions of this act, together with the deficiencies, if any, incurred in the previous year. The Legislature shall include the amount so determined and stated in the annual appropriation bill.

Payments from State funds appropriated for the provision of maintenance as authorized by this act shall be made monthly in advance by the State Treasurer, on the warrant of the Director of the Division of Budget and Accounting to the Bureau of Children's Services, upon statements furnished by the Bureau of Children's Services, approved by the Department of Institutions and Agencies.

The Bureau of Children's Services shall annually fix and determine and report to the board of chosen freeholders of each county

a sum sufficient to pay the estimated amount of the county's proportionate share of maintenance. Each board of chosen freeholders shall appropriate and make available such amount to the order of the Bureau of Children's Services. Should the amount so appropriated, however, be expended or exhausted during the year and for the purpose for which it was appropriated, additional sums shall be appropriated by such board of chosen freeholders as occasion demands to carry out the provisions of this act, from funds in the county treasury available therefor. Where such county funds are not available or adequate, or should there be no such county funds, such additional sums shall be raised by temporary loans or notes, certificates of indebtedness or temporary loan bonds, to be issued as otherwise provided and limited by law for counties of this State, and the amounts necessary to pay such obligations shall be placed in the budget for the next ensuing fiscal year.

Payments from county funds appropriated for the provision of maintenance as authorized by this act shall be made monthly in advance by the treasurer of the county to the Bureau of Children's Services on the basis of commitments for such county upon bills furnished by the Bureau of Children's Services.

5. Section 3 of chapter 139 of the laws of 1951 is amended to read as follows:

C. 44:7-40 State payments to county welfare boards; Federal participation.

3. The State shall pay to each county welfare board the full amount of any funds received by the State from the Federal Government as Federal participation with respect to expenditures made by such county welfare board for assistance for the permanently and totally disabled, plus an additional amount equal to 75% of the balance of such expenditures after deducting the amount of such Federal participation.

The State shall also pay to each county welfare board the full amount of any funds received by the State from the Federal Government as Federal participation with respect to the costs of administration of the program of assistance for the permanently and totally disabled by such county welfare board.

6. Section 44 of chapter 197 of the laws of 1962 is amended to read as follows:

C. 44:7-46 State payments to county welfare boards; Federal participation.

44. The State shall pay to each county welfare board the full amount of any funds received by the State from the Federal Government as Federal participation with respect to expenditures

made by such county welfare board for assistance for the blind, plus an additional amount equal to 75% of the balance of such expenditures after deducting the amount of such Federal participation.

The State shall also pay to each county welfare board the full amount of any funds received by the State from the Federal Government as Federal participation with respect to the costs of administration of the program of assistance for the blind by such county welfare board.

7. Section 7 of chapter 222 of the laws of 1962 is amended to read as follows:

C. 44:7-82 State payments to county welfare boards.

7. The State shall pay to each county welfare board the full amount of any funds received by the State from the Federal Government as Federal participation with respect to expenditures made by such county welfare board for medical assistance for the aged, plus an additional amount equal to 75% of the balance of such expenditures after deducting the amount of such Federal participation.

The State shall also pay to each county welfare board the full amount of any funds received by the State from the Federal Government as Federal participation with respect to the costs of administration of the program of medical assistance for the aged by such county welfare board.

8. This act shall take effect January 1, 1969.

Approved July 10, 1968.

CHAPTER 140

AN ACT concerning participation by the State of New Jersey in Work Incentive Programs authorized by the Social Security Act as amended and supplemented; providing for the restoration of individuals who are members of families receiving aid to families with dependent children to independence and useful roles as wage-earners, authorizing the Commissioner of Labor and Industry and the Commissioner of Institutions and Agencies to enter into and implement agreements pursuant to which this State will receive from the United States and disburse grants-in-aid toward the costs of such programs, and providing appropriations therefor.

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

C. 34:15B-5 Short title.

1. This act shall be known and may be cited as the "Work Incentive Employment and Training Act of 1968."

C. 34:15B-6 Legislature's findings.

2. The Legislature finds that there is a need for the establishment of programs utilizing available manpower services under which individuals who are members of families with dependent children and who are receiving aid to families with dependent children will be furnished incentives, opportunities and necessary services designed to achieve

(a) Their employment in the regular economy,

(b) Their training for work in the regular economy, and

(c) Their participation in special work projects,

in order to restore the families of such individuals to independence and useful roles in their communities; that Part C of Title IV of the Social Security Act, as amended and supplemented, provides for joint Federal and State participation in such programs; and that it is in the public interest for this State to sponsor programs that encourage such individuals to become wage-earning members of society, and to receive Federal grants toward the cost of such programs.

C. 34:15B-7 Agreements between Commissioner of Labor and Industry and other governmental agencies authorized.

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, and with other agencies of this State, pursuant to which the Department of Labor and Industry:

(a) Will sponsor programs for work incentives, employment and training by private or public employers, in order to qualify residents of this State who are receiving, or who are members of families receiving, aid to families with dependent children, for the benefits of Part C of Title IV of the Social Security Act, as amended and supplemented, by the Social Security Amendments of 1967 (P. L. 90–248; 42 U. S. C. 630 et seq.); and

(b) Will provide for the disbursement of benefits to any participating individual who may be eligible therefor, and will otherwise co-operate with the Secretary of Labor of the United States and with any agency of this State in carrying out the provisions of this act;

provided, however, that all costs and expenses incurred as a result of the sponsoring of such programs shall be prorated between the United States and the State of New Jersey in accordance with the provisions of Part C of Title IV of the Social Security Act, as amended and supplemented by the Social Security Amendments of 1967 (P. L. 90–248; 42 U. S. C. 630 et seq.).

C. 34:15B-8 Agreements between Department of Institutions and Agencies and other governmental agencies authorized.

4. The Department of Institutions and Agencies on behalf of the State of New Jersey is authorized to enter into agreements with the Secretary of the United States Department of Health, Education and Welfare, on behalf of the United States, and with any other agency of the State of New Jersey, pursuant to which the Department of Institutions and Agencies:

Will establish a State Plan for Aid and Services to Needy Families With Children, pursuant to Part A of Title IV of the Social Security Act, as amended by the Social Security Amendments of 1967 (P. L. 90–248, 42 U. S. C. 601 et seq.); and

Will receive from the United States grants toward any costs or expenses incurred, and payments or allowances made pursuant to said State plan.

C. 34:15B-9 Cooperation between governmental, public and private agencies and employers.

5. The Department of Labor and Industry and the Department of Institutions and Agencies shall co-operate with each other in the implementation of this act and shall consult and co-operate with such other departments and public and private agencies and employers as may be necessary to carry out the provisions hereof.

C. 34:15B-10 Rules and regulations.

6. The Commissioner of Labor and Industry and the Commissioner of Institutions and Agencies are hereby authorized to issue and promulgate such rules and regulations as are necessary and appropriate to carry out the provisions of this act, and to revise, repeal or amend said rules and regulations from time to time as each of them may, in his discretion, deem necessary.

7. All acts and actions heretofore taken by the Department of Labor and Industry or the Department of Institutions and Agencies, or any agency or any representatives thereof, in cooperating with any department or agency of the United States in the establishment of the programs or plans provided for herein, and in any payments thereunder, are hereby approved, ratified and confirmed.

8. (a) There is hereby appropriated to the Department of Labor and Industry, for the purpose of carrying out the provisions of section 3 of this act, the sum of $264,000.00 for the fiscal year ending June 30, 1968, and the sum of $374,000.00 for the fiscal year ending June 30, 1969. The sums hereby appropriated shall continue to be available to the Department of Labor and Industry for expenditure consistent with the provisions of this act and Part C of Title IV of the Social Security Act, as amended by the Social Security Amendments of 1967 (P. L. 90–248; 42 U. S. C. 601 et seq.).

(b) There is hereby appropriated to the Department of Institutions and Agencies, for the purpose of carrying out the provisions of section 4 of this act, the sum of $800,000.00 for the fiscal year ending June 30, 1969. The sums hereby appropriated shall continue to be available to the Department of Institutions and Agencies for expenditure consistent with the provisions of this act and Part A of Title IV of the Social Security Act, as amended by the Social Security Amendments of 1967 (P. L. 90–248; 42 U. S. C. 601 et seq.).

9. This act shall take effect immediately.

Approved July 10, 1968.

CHAPTER 141

AN ACT concerning the Local Bond Law and amending section 40A:2–8 of the New Jersey Statutes.

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

1. Section 40A:2–8 of the New Jersey Statutes is amended to read as follows:

Short term financing.

40A:2–8. Short term financing.

a. A local unit, in anticipation of the issuance of bonds, may borrow money and issue negotiable notes if the bond ordinance or subsequent resolution so provides. Any such note shall be designated "bond anticipation note" and shall contain a recital that it is issued in anticipation of the issuance of bonds. Such notes may be issued for a period of not exceeding 1 year and may be

renewed from time to time for periods of not exceeding 1 year, but all such notes, including renewals, shall mature and be paid not later than the third anniversary of the date of the original notes, except that:

1. Such notes shall mature and be paid not later than the first day of the fifth month following the close of the third fiscal year next following the date of the original notes, provided that an amount of such notes equal to not less than the first legally payable installment of the bonds in anticipation of which such notes are issued has been paid and retired not later than the end of said third fiscal year from funds other than the proceeds of obligations; and

2. Notes issued to finance local improvements and in an amount not exceeding the amount of special assessments then confirmed and unpaid and not delinquent may be renewed for periods of not exceeding 1 year but shall mature and be paid not later than the fifth anniversary of the date of the original notes.

b. A local unit may finance any improvement which it has power to finance by obligations issued under this chapter by the issuance of "capital notes." The aggregate amount of all such notes outstanding at any one time shall not exceed the lesser of $40,000.00 or ½ of 1% of the equalized valuation basis. Such notes shall be authorized in the same manner as bond anticipation notes and shall be payable from funds other than the proceeds of obligations within 5 years from the date of the issuance of the first of said notes and not less than 20% thereof shall be paid in each succeeding year. The local unit shall provide for the payment of the principal of, and interest on such notes falling due in each year.

2. This act shall take effect immediately.

Approved July 11, 1968.

CHAPTER 142

AN ACT concerning higher education, creating the New Jersey Educational Opportunity Fund in the Department of Higher Education, supplementing subtitle 12 of Title 18A of the New Jersey Statutes, and providing an appropriation.

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

ARTICLE I

C. 18A:71-28 Short title.

1. This act shall be known as, and may be cited as, the "New Jersey Educational Opportunity Act of 1968."

C. 18A:71-29 Construction of act.

2. This act shall be liberally construed to effectuate the purposes and intent thereof.

C. 18A:71-30 Definitions.

3. As used in this act, unless the context clearly indicates otherwise, the following terms shall have the following meanings:

(a) The term "board" shall mean the Board of Directors of the New Jersey Educational Opportunity Fund created by section 4 of this act.

(b) The term "chancellor" shall mean the Chancellor of Higher Education.

(c) The term "department" shall mean the Department of Higher Education.

(d) The term "fund" shall mean the New Jersey Educational Opportunity Fund created by section 4 of this act.

(e) The term "higher education" shall mean that education which is provided by any or all of the public institutions of higher education as herein defined or any or all equivalent private institutions.

(f) The term "public institutions of higher education" shall mean and include Rutgers, The State University, Newark College of Engineering, the New Jersey College of Medicine and Dentistry, the 6 State colleges, the College of Aeronautical and Air-space Science established in Atlantic county pursuant to chapter 285 of the laws of 1964, the county colleges, the public junior colleges, the industrial schools, and any other public universities, colleges, county colleges or junior colleges now or hereafter established or authorized by law.

ARTICLE II

C. 18A:71-31 Creation, purposes and administration of fund.

4. (a) There is hereby created and established in the department an educational opportunity fund which shall be known as the "New Jersey Educational Opportunity Fund." The fund shall identify, recruit and provide financial assistance to needy students who are residents of this State in order that they may be able to attend institutions of higher education.

(b) The business and operations of the fund shall be administered by the chancellor and the board of directors created pursuant to section 5 of this act.

(c) The chancellor shall serve as the chief executive officer of the fund and shall organize the work of the fund in such manner as he deems necessary to carry out the provisions of this act. The chancellor may employ such persons, contract for such services, make such expenditures and adopt such rules and regulations as may be necessary or appropriate to carry out the provisions of this act.

C. 18A:71-32 Board of Directors; membership, appointment, qualifications, term, vacancies, duties, compensation.

5. (a) The board of directors of the fund shall consist of the chancellor, who shall serve as chairman, and 8 citizens of this State appointed by the State Board of Higher Education with the approval of the Governor. Citizen members of the board shall be selected without regard to political affiliation and, as far as may be practicable, on the basis of their knowledge of, or interest in, the problems of needy students and higher education.

(b) Each citizen member of the board shall serve for a term of 4 years and until his successor shall have been appointed and qualified; provided, that in the case of the first appointments to the board, 2 members shall be appointed for terms expiring June 30, 1969; 2 members shall be appointed for terms expiring June 30, 1970; 2 members shall be appointed for terms expiring June 30, 1971; and 2 members shall be appointed for terms expiring June 30, 1972. Any vacancy in the membership of the board shall be filled in the same manner as the original appointment for the remainder of the unexpired term.

(c) The board shall develop and maintain a State-wide system for the identification of potential college students from needy families; devise methods for recruiting such students; advise the chancellor on the organization, coordination and support, in cooperation with public and private institutions of higher education of the State, of programs of remedial education for such students; and provide financial assistance as required by such students.

(d) Members of the board shall serve without compensation but shall be entitled to be reimbursed for all reasonable and necessary expenses incurred in the discharge of their duties.

C. 18A:71-33 Board's additional duties.

6. The board shall:

(a) Administer all funds appropriated by the Legislature for the purpose of carrying out the provisions of this act.

(b) Be an agency of communication with departments and agencies of the United States on the availability of grants or loans to this State for purposes related or similar to those set forth in this act.

(c) Develop, establish and publicize criteria for the determination of eligibility for financial assistance from the fund based on need and potential for success in college.

(d) Established procedures for determining the amount of each award according to the total financial need of each student.

(e) Through the chancellor, be responsible and report periodically in writing to the Board of Higher Education on the performance of its duties in accordance with the provisions of this act.

(f) Adopt by-laws, and make, enforce, alter and repeal rules for its own operation and for carrying out the provisions of this act.

(g) Receive and disburse such contributions to the fund as may be forthcoming from private and public sources.

Article III

C. 18A:71-34 Grants authorized for undergraduate, graduate and professional study; location and approval of higher education institution; limitations.

7. (a) The board is hereby authorized to award "opportunity grants" from the fund to needy students for undergraduate study leading to a baccalaureate degree, associate degree, or other approved certificate and for graduate and professional study leading to approved master's and doctor's degrees at institutions of higher education, public and private, located in New Jersey; provided, that the board shall allow not more than 10% of the needy students to be awarded opportunity grants in any year to use their opportunity grants at institutions of higher education located outside this State; and, provided further, that no more than 10% of the funds appropriated and available for the purposes of this act shall be awarded to students for use in graduate study.

(b) Opportunity grants may be awarded annually, upon proper application to the fund, to any needy student who qualifies under the standards to be developed and promulgated by the board and who is or will be attending an institution of collegiate grade located in New Jersey and approved for this purpose by the Board of Higher Education, except that in cases where the student will be or is attending an institution in another State, the accreditation procedures of that State shall be accepted, subject to the approval of the board.

C. 18A:71-35 Qualifications for grant.

8. (a) No opportunity grant shall be awarded to any applicant therefor unless such applicant shall have demonstrated to the satisfaction of the board that he or she:

(1) Is and has been a resident of the State for at least 12 months prior to receiving the grant;

(2) Will be or is attending a full-time or other program leading to a degree, or other organized program of study approved by the institution which he or she is or will be attending;

(3) Has demonstrated financial need for such grant, as determined by standards and procedures to be established by the board, in accordance with the provisions of this and the preceding article; and

(4) Has complied with all rules and regulations adopted pursuant to this act by the board for the award, regulation and administration of opportunity grants.

(b) In addition to the requirements of subsection (a) of this section, the board is hereby authorized to require the satisfaction of such other requirements as it may deem necessary to carry out the provisions of this act.

C. 18A:71-36 Applicant's financial resources; payment of grant.

9. In awarding opportunity grants pursuant to this act, the board shall take into account the financial resources available to the applicant to meet the cost of his higher education and the tuition, fees and living expenses at the institution of higher education which the applicant is attending or to which he has been admitted. Opportunity grants awarded pursuant to this act shall be paid to recipients by the State Treasurer in accordance with rules and regulations adopted by the board.

C. 18A:71-37 Eligibility requirements.

10. No person shall be eligible for educational opportunity assistance pursuant to this act for more than 6 years, or for such other period of time as may be determined by the board to be necessary for the completion of an organized course of study. Each opportunity grant awarded pursuant to this act shall remain in effect only so long as the recipient thereof achieves academic progress to the satisfaction of the board and demonstrates continued eligibility pursuant to the provisions of this act.

C. 18A:71-38 Discrimination prohibited.

11. Opportunity grants shall be awarded by the board without regard to race, creed or religion and in such number and amount as

may be within the limits of funds appropriated or otherwise made available therefor.

ARTICLE IV

C. 18A:71-39 Remedial and supplementary education for grantees.

12. The chancellor shall develop, establish and maintain programs of remedial and supplementary education for the students who will receive educational opportunity assistance under this act. Such programs may be administered directly by the Department of Higher Education or may be cooperative ventures undertaken with any or all of the public and private institutions of higher education in the State.

C. 18A:71-40 Chancellor's duties.

13. The chancellor shall:

(a) Administer all funds appropriated by the Legislature to fulfill the purposes of this article.

(b) Be an agency of communication with any department or agency of the United States on public funds available to the State for purposes related to those set forth in this act.

(c) Enter into joint-funding arrangements with public and private institutions of higher education for purposes related to this act.

ARTICLE V

14. (a) There is hereby appropriated to the Department of Higher Education for the New Jersey College Opportunity Fund, the sum of $1,600,000.00 to carry out the provisions of Articles II and III of this act including the administration thereof, for the period ending June 30, 1969.

(b) There is hereby appropriated to the Department of Higher Education the sum of $400,000.00 to carry out the provisions of Article IV of this act for the period ending June 30, 1969.

15. This act shall take effect immediately.

Approved July 12, 1968.

CHAPTER 143

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 78 of the act of which this act is amendatory is amended to read as follows:

C. 17:12B-78 Limitation upon accounts.

78. Limitation upon accounts. No savings member shall hold an account or accounts in any one State association with an aggregate participation value exceeding $15,000.00 or 1% of the capital of the State association, whichever is greater; but in no case in excess of $75,000.00; provided, however, that such limitation shall not apply to—

(a) An account held as provided in section 80 or section 241 of this act; or

(b) An account which is pledged as security for the repayment of money due such State association; or

(c) An installment share account; or

(d) An account, other than an installment share account, which exceeds the aforesaid limitation at the time of the enactment of this statute, but no additions other than dividends shall be made thereto; or

(e) Where such excess results from the addition of dividends to any such account, or from the acquisition of an account by gift, will or inheritance; or from the acquisition of an account previously held as collateral security for the payment of an obligation; or from the acquisition by one State association of the assets of another association; or

(f) Where such excess results from a reduction in the capital of the association.

The board may provide for any lesser limitation than set forth in this section, and any person or persons authorized by it, may refuse to accept any account and may limit the amount of payments which may be received on any account.

2. This act shall take effect immediately.

Approved July 12, 1968.

CHAPTER 144

AN ACT pertaining to certain professional boards and commissions and permitting the licensure of noncitizen applicants who have declared their intention of becoming citizens of the United States.

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

C. 45:1-5 Licensure of noncitizen applicants; limitations.

1. Notwithstanding the provisions of any law to the contrary, the several professional boards and commissions hereinafter named may examine and license in accordance with applicable provisions of the law, an applicant who, when admitted to the licensing examination, was a citizen of a foreign country; provided, further, that such applicant is otherwise qualified for licensure and provided further, that such applicant had declared his intention of becoming a citizen of the United States. Such applicant 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, except that the board or commission may extend such time period upon application and for good cause shown.

C. 45:1-6 Affected boards and commissions.

2. The provisions of this act shall apply to the following boards and commissions: the New Jersey State Board of Certified Public Accountants, the New Jersey State Board of Dentistry, the State Board of Mortuary Science, the State Board of Medical Examiners, the New Jersey Real Estate Commission, the State Board of Shorthand Reporting and the State Board of Veterinary Medical Examiners.

3. This act shall take effect immediately.

Approved July 12, 1968.

CHAPTER 145

AN ACT concerning county prosecutors, amending section 2A:158–10 of the New Jersey Statutes and repealing chapter 111 of the laws of 1959.

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

1. Section 2A:158–10 of the New Jersey Statutes is amended to read as follows:

Prosecutors' salaries.

2A:158–10. County prosecutors shall receive annual salaries as fixed by resolution of the board of chosen freeholders in each county, as follows:

a. In counties having a population of more than 600,000, not less than $17,000.00 nor more than $24,000.00.

b. In counties having a population of more than 265,000, and less than 600,000, except counties bordering on the Atlantic ocean, not less than $15,000.00 nor more than $22,000.00.

c. In counties bordering on the Atlantic ocean having a population of more than 265,000, not less than $12,000.00 nor more than $19,000.00.

d. In counties having a population of more than 130,000, and less than 265,000, except counties bordering on the Atlantic ocean, not less than $11,000.00 nor more than $18,000.00.

e. In counties bordering on the Atlantic ocean having a population of more than 100,000 and less than 265,000, not less than $10,000.00 nor more than $17,000.00.

f. In counties having a population of more than 100,000 and less than 130,000, not less than $10,000.00 nor more than $17,000.00.

g. In counties having a population of more than 75,000 and less than 100,000, not less than $8,500.00 nor more than $15,500.00.

h. In counties having a population of less than 75,000, except counties bordering on the Atlantic ocean, not less than $7,500.00 nor more than $14,500.00.

i. In counties bordering on the Atlantic ocean having a population of less than 100,000, not less than $8,500.00 nor more than $15,500.00.

Repealer.

2. Chapter 111 of the laws of 1959 (C. 2A:158–12.2) is repealed.

3. This act shall take effect immediately.

Approved July 12, 1968.

CHAPTER 146

AN ACT to supplement 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:*

C. 43:15A-9.1 Additional option for certain State employees.

1. Any person who is entitled to exercise either of the options provided by section 9 of the act to which this act is a supplement, as amended by section 4 of chapter 217 of the laws of 1966, and who served as a member of the General Assembly of New Jersey for a period of at least 4 years, and as a member of the Senate of New Jersey for a period of at least 3 years, not being a member of the State Employees' Retirement System during such legislative service, and thereafter became an employee of the State in the Legislative Branch, and enrolled as a member of the "Public Employees' Retirement System" and has continued in such employment and enrollment for a period of at least 8 years, shall have an additional option as provided herein.

Such additional option shall be the right to purchase membership credit for his previous service by paying into the annuity savings fund a sum equal to the aggregate amounts he would have been required to pay had he joined the retirement system at the commencement of his legislative service. The computation shall be made according to his age at the time he could have joined the retirement system and his salary at such time and not at the time of the purchase. Except as otherwise provided in this act all of the provisions of the act to which this act is a supplement as amended and supplemented, shall be applicable to said person.

2. This act shall take effect immediately.

Approved July 12, 1968.

New Jersey State Library

CHAPTER 147

AN ACT concerning the sale of explosives to minors, amending sections 2A:151–10 and 2A:151–11 and supplementing chapter 151 of 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:151–10 of the New Jersey Statutes is amended to read as follows:

Sale of weapons, or ingredients for explosives, or loaded or blank cartridges to minors; penalty; exception.

2A:151–10. Any person who knowingly offers, sells, lends, leases or gives to any person under the age of 18 years, any firearm, grenade, bomb or other explosive or any chemical compounds or ingredients for explosives or instructions for the use of such chemical compounds or ingredients as explosives, or a toy pistol or other instrument from which a loaded or blank cartridge may be fired, or any loaded or blank cartridge therefor, is guilty of a misdemeanor; provided however that a person may lend a firearm to a minor who may borrow same for the purpose of carrying, firing or using said firearm under section 2A:151–11, and provided further said minor furnishes the owner with written consent to his use thereof by his parent or legal guardian.

2. Section 2A:151–11 of the New Jersey Statutes is amended to read as follows:

Acquisition of weapons or ingredients for explosives by minors; exceptions.

2A:151–11. Any person under the age of 18 years who purchases, barters, borrows, acquires or exchanges any firearm, grenade, bomb or other explosive or any chemical compounds or ingredients for explosives or instructions for the use of such chemical compounds or ingredients as explosives, 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.

C. 2A:151-10.1 Liability of violators; use of materials for educational purposes.

3. Any person who knowingly offers, sells, lends, leases or gives such explosives, chemical compounds, ingredients or instructions in violation of this act shall be liable for personal injury and property damage resulting from such violation, if the injury or damage is caused by an explosion for which a person under 18 years of age is directly responsible. In a suit for damages under this act, the doctrines of assumption of the risk and contributory negligence shall not be a defense to bar recovery by any person.

Nothing in this act shall be construed so as to prevent the use of materials in the teaching of science or related subjects in public or private elementary or secondary schools or institutions of higher education or the free circulation of books and materials from public libraries, reading rooms or the libraries of duly incorporated educational or scientific foundations.

4. This act shall take effect immediately.

Approved July 12, 1968.

CHAPTER 148

AN ACT authorizing and providing for the retirement on pension of certain secretaries to boards of education ineligible for membership in a contributory pension system.

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

C. 18A:17-12.1 Secretary; retirement provisions; pension amount.

1. The board of education of any school district may by resolution provide for the retirement on pension of a secretary of the board of education who has served in such office for 30 or more years on a part-time basis and 10 or more years on a full-time basis, who is not less than 65 years of age and who, by reason of age at the time of his appointment as a full-time secretary of the board, was ineligible for membership in a contributory pension system.

Any pension authorized pursuant to this act may not exceed 50% of the employee's annual final average salary, inclusive of any benefits to which the employee may be entitled under the General Non-Contributory Pension Act, or any other pension payable from his employer and exclusive of any benefits to which the employee might be entitled under Federal Old Age and Survivors Insurance.

C. 18A:17-12.2 Funding pension.

2. Funds for any pension granted by the board of education pursuant to this act shall be provided in the same manner as other expenses for the maintenance of the board of education.

3. This act shall take effect immediately.

Approved July 12, 1968.

CHAPTER 149

AN ACT concerning the transaction of business by banks during periods of emergencies, 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-23.50 Definitions.

1. Definitions; application of act.

A. As used in this act, unless the context requires otherwise,

(a) "Commissioner" means the Commissioner of Banking and Insurance and any other person lawfully exercising the powers of such commissioner;

(b) "Bank" includes banks and savings banks, and, to the extent that the provisions hereof are not inconsistent with and do not infringe upon paramount Federal law governing national banks, "bank" also includes national banks;

(c) "Officers" means the person or persons designated by the board of directors of a bank or the board of managers or trustees of a savings bank to act for the bank or savings bank in carrying out the provisions of this act;

(d) "Emergency" means any condition which interferes with the conduct of normal business operations at one or more or all offices of a bank or banks, or which poses an imminent or existing threat to the safety and security of persons or property, or both. Without limiting the generality of the foregoing, and emergency may arise as a result of any one or more of the following: fire; flood; wind, rain or snow storms; labor disputes; power failures; transportation failures; war; and riots, civil commotions, and other acts of lawlessness or violence;

(e) "Office" means any place at which a bank transacts business or conducts operations related to the transaction of business;

(f) "Person" includes natural persons, corporations, partnerships and associations.

C. 17:9A-23.51 Proclamation of emergency.

2. Proclamation of emergency. Whenever the commissioner is of the opinion that an emergency exists in this State or in any part or parts of this State, he shall, by proclamation, authorize those banks which, in the opinion of their officers, are directly or indirectly affected by such emergency to close one or more or all their offices.

C. 17:9A-23.52 Officers' powers.

3. Powers of officers. Whenever the officers of a bank are of the opinion that an emergency exists which affects one or more or all the bank's offices, they shall have authority to close one or more or all such offices even though the commissioner has not issued and does not issue a proclamation of emergency, and they may, but need not, provide that the business normally transacted at a closed office will be transacted at another office designated by the bank until further notice. The office or offices so closed shall remain closed until the commissioner proclaims that the emergency has ended, or until such earlier time as the officers of the bank determine that one or more offices, theretofore closed because of the emergency, should reopen, or, if the commissioner has issued no proclamation of emergency, until the officers of the bank determine

that such office or offices should reopen. The discretion of the officers in acting pursuant to this section, when exercised in good faith, shall not be questioned in any court or place.

C. 17:9A-23.53 Notice to commissioner.

4. Notice to commissioner. A bank closing an office or offices pursuant to this act shall give as prompt notice to the commissioner of its action as conditions will permit.

C. 17:9A-23.54 Bank and employees immune from certain liability.

5. No bank and no director, officer or employee of a bank shall be liable to any person for any direct or indirect loss suffered by such person by reason of the bank's failure or inability to make access to the bank's premises and facilities available to such person or by reason of the bank's failure to perform, or its delay in performing, any contractual, statutory or other duty assumed by or imposed upon the bank in any capacity, when such failure, inability or delay is caused by an emergency as defined by this act. The immunity from liability provided for herein shall endure during the period of such emergency and for such time thereafter as may reasonably be necessary to afford such access or perform such duty.

C. 17:9A-23.55 Construction of act.

6. Construction of act. The provisions of this act shall be construed and applied as being in addition to and not in substitution for any other law of this State or of the United States excusing delays by banks in the performance of duties or obligations, or authorizing the closing of banks because of emergencies or conditions beyond the bank's control, or otherwise.

C. 17:9A-23.56 Orders and regulations.

7. Regulations of commissioner. The commissioner may make such orders and regulations, not inconsistent with this act, as he shall deem necessary during an emergency to provide for the uninterrupted continuance of business by banks to the extent consistent with the safety and security of persons and of property.

C. 17:9A-23.57 Short title.

8. Short title. This act may be cited as the "Emergency Banking Act."

9. This act shall take effect immediately.

Approved July 12, 1968.

CHAPTER 150

AN ACT concerning the transaction of business by savings and loan associations during periods of emergencies, and supplementing 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:*

C. 17:12B-46.1 Definitions.

1. Definitions.

A. The following words as used in this act, unless a different meaning is plainly required by the context, shall have the following meaning:

(1) "Commissioner" means the Commissioner of Banking and Insurance or any other person lawfully exercising the powers of such commissioner;

(2) "Association" means any State savings and loan association operating pursuant to the "Savings and Loan Act (1963)";

(3) "Officers" means the person or persons designated by the board of directors of an association to act for the association in carrying out the provisions of this act;

(4) "Emergency" means any condition which makes the transaction of business, at one or more or all of the offices of an association or associations, contrary to the welfare and security of such office or offices or contrary to the health, safety or security of persons working in or making use of such office or offices. Without limiting the generality of the foregoing, an emergency may arise when any condition poses an imminent or existing threat to the welfare, safety or security of persons or property or both, such as any one or more of the following: forces of the natural elements, fire, explosions, epidemics, power failures, labor disputes, transportation failures, war, riots, civil commotions, and other acts of lawlessness or violence;

(5) "Office" means any place at which an association transacts business or conducts operations related to the transaction of business;

(6) "Person" includes natural persons, corporations, partnerships and associations.

B. This act shall apply to Federal savings and loan associations having their principal offices in this State to the extent that the

provisions of this act are not inconsistent with and do not infringe upon Federal laws, rules or regulations.

C. 17:12B-46.2 Proclamation of emergency.

2. Proclamation of emergency. Whenever the commissioner is of the opinion that an emergency exists in this State or in any part or parts of this State he shall, by proclamation, authorize those associations which are directly or indirectly affected by such emergency to close one or more or all of their offices.

C. 17:12B-46.3 Officers' action after proclamation of emergency.

3. Action by officers after proclamation of emergency. The officers of any association directly or indirectly affected by the emergency proclaimed by the commissioner shall have the authority to determine whether one or more or all of the offices of such association shall be closed, and they may, but need not, provide that any business normally transacted at a closed office may be transacted at another of the association's offices, for the duration of the emergency.

C. 17:12B-46.4 Duration of emergency.

4. Duration of emergency. Any office closed pursuant to section 3 of this act shall remain closed until the commissioner proclaims that the emergency has ended, or until the officers of such association determine that one or more or all of the association's offices should be reopened; whichever first occurs.

C. 17:12B-46.5 Officers' action when no emergency proclaimed.

5. Action by officers when no emergency proclaimed. Whenever the officers of an association are of the opinion that an emergency, as defined in section 1 of this act, exists which directly or indirectly affects one or more or all of the association's offices they shall have the same authority given to officers under section 3 of this act even though the commissioner has not issued and does not issue a proclamation of emergency. Any office or offices closed pursuant to this section shall remain closed until the officers of the association shall determine that such office or offices shall be reopened.

C. 17:12B-46.6 Officers' responsibility.

6. Responsibility of officers. Any officer acting in good faith under the provisions of this act shall be deemed to have exercised the discretion herein specifically conferred upon him to protect the property of the association and the welfare of the people involved in its operation.

C. 17:12B-46.7 Notice to commissioner.

7. Notice to commissioner. An association closing an office or offices or reopening an office or offices, pursuant to any provision

of this act, shall give as prompt notice to the commissioner of its action as conditions will permit.

C. 17:12B-46.8 Effect of emergency closing.

8. Effect of emergency closing. No association shall be liable to any person for any direct or indirect loss suffered by such person by reason of the association's closing one or more or all of its offices pursuant to the provisions of this act. Where an obligation becomes payable to an association through an office closed as herein provided, or where an association is required to pay an obligation through an office which has been closed as herein provided, such obligation shall be deemed to be payable to or by the association on the day upon which the association reopens such office. An association may, however, designate another of its offices to transact business normally transacted at a closed office until such time as the closed office is reopened.

C. 17:12B-46.9 Associations to be saved harmless.

9. Associations to be saved harmless. An association which closes one or more or all of its offices pursuant to this act shall be saved harmless from all liability to any person and from all actions and claims brought or asserted against the association for its failure to have its office or offices open during its usual business hours. Nor shall any association be liable to any person by reason of its failure to perform, or its delay in performing, any contractual, statutory or other duty assumed by or imposed upon the association when such failure or delay is caused by an emergency as defined in this act.

C. 17:12B-46.10 Orders and regulations.

10. Regulations of the commissioner. The commissioner may make such orders and regulations, not inconsistent with this act, as he shall deem necessary to provide for the uninterrupted continuance of business by associations during an emergency to the extent consistent with the safety and security of persons and of property.

C. 17:12B-46.11 Construction of act.

11. Construction of act. The provisions of this act shall be construed and applied as being in addition to, and not in substitution of, any other law of this State or of the United States excusing delays by associations in the performance of duties or obligations or authorizing the closing of associations because of emergencies or conditions beyond the association's control, or otherwise.

C. 17:12B-46.12 Short title.

12. Short title. This act may be cited as the "Savings and Loan Emergency Closing Act."

13. Effective date. This act shall take effect immediately.

Approved July 12, 1968.

CHAPTER 151

AN ACT concerning the vesting of title to real property and interests therein owned by foreign corporations, upon merger into or consolidation with other foreign corporations.

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

C. 14:15-1.1 Definitions.

1. As used in this act, unless the context clearly requires otherwise:

(a) "Foreign corporation" means a corporation organized under laws of a jurisdiction other than this State.

(b) "Surviving foreign corporation" means a foreign corporation into which one or more other foreign corporations have merged.

(c) "New foreign corporation" means a foreign corporation formed by the consolidation of 2 or more other foreign corporations.

(d) "Certificate of merger" means the instrument, by whatever name it is called, filed or issued under any statute to merge one or more foreign corporations into another foreign corporation.

(e) "Certificate of consolidation" means the instrument, by whatever name it is called, filed or issued under any statute to consolidate 2 or more foreign corporations into a new foreign corporation.

(f) "Certified copy," when used with reference to a certificate of merger or a certificate of consolidation, means a copy of the certificate of merger or of the certificate of consolidation, as the case may be, which was filed in or issued by the jurisdiction of the surviving foreign corporation or of the new foreign corporation, as the case may be, to make the merger or consolidation effective, certified by the official of such jurisdiction having custody of its records pertaining to corporations.

C. 14:15-1.2 Real property title or interests vested in surviving or new foreign corporation.

2. Whenever a foreign corporation shall merge into or consolidate with another foreign corporation, and a certified copy of the certificate of merger or certificate of consolidation, as the case may be, is filed in the office of the Secretary of State of New Jersey, any and all real property in New Jersey and any and all interests therein, owned by each of the merging or consolidating foreign corporations, shall be deemed to have been vested in the surviving foreign corporation or the new foreign corporation, as the case may be, upon the effective date of the merger or consolidation, without further act or deed. Such merger or consolidation shall be valid and effectual to vest title to such real property and interests therein in the surviving foreign corporation or the new foreign corporation, as the case may be, as fully and completely as if regularly conveyed to it by deed.

C. 14:15-1.3 Application of act.

3. The provisions of this act shall apply to every merger and to every consolidation of foreign corporations which became effective before the effective date of this act, as well as to every merger and every consolidation of foreign corporations which shall become effective after the effective date of this act, whether the certified copy of the certificate of merger or of the certificate of consolidation, as the case may be, was filed in the office of the Secretary of State of New Jersey before the effective date of this act or shall be so filed thereafter. In the case of mergers or consolidations of foreign corporations which became effective before the effective date of this act, the title of each surviving foreign corporation and of each new foreign corporation to all real property in New Jersey and to all interests in real property in New Jersey which at the time of the merger or consolidation was owned by each foreign corporation which was a party to the merger or consolidation is hereby confirmed and made valid and effectual, provided a certified copy of the certificate of merger or of the certificate of consolidation, as the case may be, is filed in the office of the Secretary of State of New Jersey.

4. This act shall take effect immediately.

Approved July 12, 1968.

CHAPTER 152

AN ACT relating to tuberculin tests on cattle and repealing section 2 of "An act concerning the State Board of Agriculture, amending section 4:1–17, and supplementing chapter 5 of Title 4 of the Revised Statutes," approved April 20, 1945 (P. L. 1945, c. 204).

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

C. 4:5-53.1 Repealed.

1. Section 2 of chapter 204 of the laws of 1945 (C. 4:5–53.1) is repealed.

2. This act shall take effect immediately.

Approved July 12, 1968.

CHAPTER 153

AN ACT concerning the control of brucellosis in livestock and repealing section 20 of chapter 257 of the laws of 1946.

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

C. 4:5-93.40 Repealed.

1. Section 20 of chapter 257 of the laws of 1946 (C. 4:5–93.40) is repealed.

2. This act shall take effect immediately.

Approved July 12, 1968.

CHAPTER 154

AN ACT concerning the pension fund of police and firemen, amending section 43:16–5 of the Revised Statutes and section 12 of chapter 253 of the laws of 1944.

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

1. Section 43:16–5 of the Revised Statutes is amended to read as follows:

Pension fund; consolidation; contributions.

43:16–5. For the purpose of paying the pensions provided by this chapter, all pension funds heretofore created and in existence pursuant to the provisions of an act entitled "An act providing for the retirement of policemen and firemen of the police and fire departments in municipalities of this State, including all police officers having supervision or regulation of traffic upon county roads, and providing a pension for such retired policemen and firemen and members of the police and fire departments, and the widows, children and sole dependent parents of deceased members of said departments," approved April 15, 1920 (P. L. 1920, c. 160), and chapter 16 of Title 43 of the Revised Statutes, shall, from and after July 1, 1953, be consolidated, and, as so consolidated, shall be transferred to and placed under the control and jurisdiction of the Consolidated Police and Firemen's Pension Fund Commission created by the provisions of this chapter. All rights and privileges created and extended to members of a municipal police department or of a paid or part-paid fire department or of a county police department, including members of the paid or part-paid fire department of any fire district located in any township which has adopted said act or said chapter of the Revised Statutes are hereby expressly preserved, continued and transferred from said pension funds to said consolidated fund. Nothing herein contained shall be deemed to affect or impair the right of any beneficiary of any of the funds so created, but all rights of such beneficiaries which have accrued or may accrue in or against any such pension fund shall be deemed to have accrued or to accrue against the funds so consolidated under the jurisdiction of the commission hereby created. Said consolidated fund shall be maintained as follows:

(a) There shall be deducted from every payment of salary to each member, as defined in the supplement to this chapter enacted by laws of 1944, chapter 253, section 12, as amended and supplemented, and paid into said consolidated fund 6% of the amount thereof.

(b) All employers, as defined in the supplement to this chapter enacted by laws of 1944, chapter 253, section 12, as amended and supplemented, shall contribute to the said consolidated fund in the following manner and amounts:

(1) An amount equal to 6% of the total of salaries annually paid to the members of the consolidated fund under said employer's jurisdiction, which shall be known as the employer's normal contribution, and which shall be paid into said fund on July 1 of each year, commencing July 1, 1953.

(2) An additional amount annually for a period of 30 years, commencing July 1, 1953, equal to 66⅔% of the share of the particular employer of the annual amortization payment determined by the actuary of the commission to be required to bring the fund to a state of actuarial solvency at the end of the said 30-year period. In determining an employer's share of said annual amortization payment, the actuary shall determine separately, and give due credit to the value of the assets transferred by such employer to said consolidated fund. The amount of each of such annual payments shall be certified by the commission to the treasurer of each employer prior to the first day of the year in which such payment is required to be made, and said amount shall be appropriated in said employer's budget for that year. Commencing January 1, 1954, said annual payment shall be made in 2 equal portions; the first on the first day of each year, and the second on July 1 of each year.

(3) An additional amount to be paid each year following the termination of the 30-year period provided for in subsection (b) (2) of this section, sufficient to meet the requirements of the fund.

(4) A fee, payable on July 1 of each year commencing with the year 1953, and consisting of such proportion of the administrative expense of the consolidated fund, as determined by the commission, as the number of members under the jurisdiction of such employer, or their beneficiaries, then bears to the total number of members and beneficiaries in the consolidated fund.

(c) The State of New Jersey shall contribute annually, throughout a period of 30 years, commencing July 1, 1953, such amount as may be necessary to make up the balance of each annual payment required by subdivision (b) (2) of this section, so as to bring to actuarial solvency at the expiration of said 30-year period the consolidated fund hereby created. The amount of such annual contributions by the State shall be certified to the State Treasurer by the actuary of the commission at the time required for other State departmental budgetary certifications. All funds necessary to meet the State's share of said annual payments shall be included in the annual State budget and appropriated by the Legislature.

2. 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 ½ 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 ½ 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 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 examining physicians of the fund.

3. This act shall take effect immediately.

Approved July 12, 1968.

CHAPTER 155

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 155 of the act of which this act is amendatory (C. 17:12B–155) 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.

G. Educational loans. In addition to the authority otherwise granted by law for an association to make loans guaranteed or insured in whole or in part by the United States of America or the State of New Jersey, or any instrumentality or agency of either of them, or for which a commitment to so guarantee or insure has been made, an association may make any loans so guaranteed or

insured or for which a commitment to so guarantee or insure has been made where such loans are made for the purpose of financing the expenses of higher education. Such loans may be made in accordance with the terms and conditions permitted by the guaranteeing or insuring authority, notwithstanding any other provisions of law limiting interest or other charges or prescribing other terms and conditions.

2. This act shall take effect immediately.

Approved July 12, 1968.

CHAPTER 156

AN ACT to validate proceedings for the issuance of bonds or notes of municipalities, and any bonds or notes 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 municipality or by any officials thereof for or in connection with the authorization or issuance of bonds or notes of the municipality pursuant to the Local Bond Law (section 40A:2–1 to section 40A:2–64, inclusive, of the New Jersey Statutes) to and including April 1, 1968 and any bond ordinance with respect to such bonds or notes heretofore adopted and any bonds or notes of the municipality issued or to be issued in pursuance of such proceedings or ordinance, are hereby ratified, validated and confirmed notwithstanding that no supplemental debt statement or complete executed original thereof was filed in the office of the clerk of the municipality prior to the passage on first reading of the municipal bond ordinance authorizing said bonds or notes or in the office of the Director of the Division of Local Finance prior to final passage of said municipal bond ordinance; provided, that said supplemental debt statement was filed in the office of the clerk of the municipality and in the office of the Director of the Division of Local Finance prior to the issuance of bonds pursuant to said municipal bond ordinance, and the percentage of the net debt did not exceed the legal limit as set

forth in the Local Bond Law at the time said supplemental debt statement was filed; and provided, further, that such proceedings were in all other respects had or taken in accordance with laws; and provided, further, that no action or other proceeding of any nature to contest the validity of such proceedings, begun within the time fixed therefor by or pursuant to law or rule of court, is pending in any court on the date when this act takes effect, or, when such time has not heretofore expired, is instituted within 30 days after the effective date of this act.

2. This act shall take effect immediately.

Approved July 12, 1968.

CHAPTER 157

AN ACT to amend "An act concerning the taxes imposed upon alcoholic beverages, and supplementing chapter 43 of Title 54 of the Revised Statutes," approved August 4, 1941 (P. L. 1941, c. 327).

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 (C. 54:43–2.1) is amended to read as follows:

C. 54:43-2.1 Army, navy or coast guard personnel organizations; sales not taxable.

1. No tax imposed by chapter 43 of Title 54 of the Revised Statutes shall be payable on any sale of alcoholic beverages by any person holding a valid and unrevoked license to sell alcoholic beverages, issued pursuant to the provisions of section 33:1–10 or section 33:1–11 of the Revised Statutes, to a voluntary unincorporated organization of army, air force, navy or coast guard personnel operating a place for the sale of goods pursuant to regulations promulgated by the Secretary of the Army, the Secretary of the Air Force, the Secretary of the Navy or the Secretary of Transportation, or if the consent of the State Department of Defense shall have been obtained, under the State National Guard regulations, when said sale is accompanied by the delivery of such beverages to any such organization.

2. This act shall take effect immediately.

Approved July 12, 1968.

CHAPTER 158

AN ACT concerning cancellation and nonrenewal of automobile liability, physical damage or collision insurance policies.

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

C. 17:29C-6 Definitions.

1. As used in this act:

(A) "Policy" means an automobile liability, automobile physical damage or automobile collision policy, or any combination thereof, delivered or issued for delivery in this State, insuring a single individual or husband and wife resident of the same household, as named insured, and under which the insured vehicles therein designated are of the following types only:

1. A motor vehicle of the private passenger or station wagon type that is not used as a public or livery conveyance for passengers, nor rented to others; or

2. Any other 4-wheel motor vehicle with a load capacity of 1,500 pounds or less which is not customarily used in the occupation, profession or business of the insured;

provided, however, that this act shall not apply (1) to any policy issued under an automobile assigned risk plan, or (2) to any policy insuring more than 4 automobiles, or (3) to any policy covering garage, automobile sales agency, repair shop, service station or public parking place operation hazards.

(B) "Automobile liability coverage" includes only coverage of bodily injury and property damage liability, medical payments and uninsured motorists coverage.

(C) "Automobile physical damage coverage" includes all coverage of loss or damage to an automobile insured under the policy except loss or damage resulting from collision or upset.

(D) "Automobile collision coverage" includes all coverage of loss or damage to an automobile insured under the policy resulting from collision or upset.

(E) "Renewal" or "to renew" means the issuance and delivery by an insurer of a policy replacing at the end of the policy period a policy previously issued and delivered by the same insurer, or the issuance and delivery of a certificate or notice extending the term of a policy beyond its policy period or term; provided, however, that any policy with a policy period or term of less than 6

months shall for the purpose of this act be considered as if written for a policy period or term of 6 months. Provided, further, that any policy written for a term longer than 1 year or any policy with no fixed expiration date, shall for the purpose of this act, be considered as if written for successive policy periods or terms of 1 year, and such policy may be terminated at the expiration of any annual period upon giving 20 days' notice of cancellation prior to such anniversary date, and such cancellation shall not be subject to any other provisions of this act.

(F) "Nonpayment of premium" means failure of the named insured to discharge when due any of his obligations in connection with the payment of premiums on a policy, or any installment of such premium, whether the premium is payable directly to the insurer or its agent or indirectly under any premium finance plan or extension of credit.

C. 17:29C-7 Bases for effective cancellation.

2. (A) A notice of cancellation of a policy shall be effective only if it is based on one or more of the following reasons:

(a) Nonpayment of premium; or

(b) The driver's license or motor vehicle registration of the named insured or of any other operator who either resides in the same household or customarily operates an automobile insured under the policy has been under suspension or revocation during the policy period or, if the policy is a renewal, during its policy period.

(B) This section shall not apply to any policy or coverage which has been in effect less than 60 days at the time notice of cancellation is mailed or delivered by the insurer unless it is a renewal policy.

(C) Modification of automobile physical damage coverage by the inclusion of a deductible not exceeding $100.00 shall not be deemed a cancellation of the coverage or of the policy.

(D) This section shall not apply to nonrenewal.

C. 17:29C-8 Effective notice of cancellation; time limits; exception.

3. No notice of cancellation of a policy to which section 2 applies shall be effective unless mailed or delivered by the insurer to the named insured at least 20 days prior to the effective date of cancellation; provided, however, that where cancellation is for nonpayment of premium at least 10 days' notice of cancellation accompanied by the reason therefor shall be given. Unless the reason accompanies or is included in the notice of cancellation, the notice of cancellation shall state or be accompanied by a statement that

upon written request of the named insured, mailed or delivered to the insurer not less than 15 days prior to the effective date of cancellation, the insurer will specify the reason for such cancellation.

This section shall not apply to nonrenewal.

C. 17:29C-9 Failure to renew; limitations.

4. No insurer shall fail to renew a policy unless it shall mail or deliver to the named insured, at the address shown in the policy, at least 20 days' advance notice of its intention not to renew. This section shall not apply:

(a) If the insurer has manifested its willingness to renew; nor

(b) In case of nonpayment of premium;

provided that, notwithstanding the failure of an insurer to comply with this section, the policy shall terminate on the effective date of any other insurance policy with respect to any automobile designated in both policies.

Renewal of a policy shall not constitute a waiver or estoppel with respect to grounds for cancellation which existed before the effective date of such renewal.

C. 17:29C-10 Proof of notice of cancellation.

5. Proof of mailing of notice of cancellation, or of intention not to renew or of reasons for cancellation, to the named insured at the address shown in the policy, shall be sufficient proof of notice.

C. 17:29C-11 Notification to insured of possible eligibility.

6. When a policy of automobile liability insurance is canceled, other than for nonpayment of premium, or in the event of failure to renew a policy of automobile liability insurance to which section 4 applies, the insurer shall notify the named insured of his possible eligibility for automobile liability insurance through the automobile liability assigned risk plan. Such notice shall accompany or be included in the notice of cancellation or the notice of intent not to renew.

C. 17:29C-12 Specification of reason for cancellation.

7. Where the reason for cancellation does not accompany or is not included in the notice of cancellation, the insurer shall upon written request of the named insured, mailed or delivered to the insurer not less than 15 days prior to the effective date of cancellation, specify in writing the reason for such cancellation. Such reason shall be mailed or delivered to the named insured within 5 days after receipt of such request.

C. 17:29C-13 Certain liability prohibited.

8. There shall be no liability on the part of and no cause of action of any nature shall arise against the Commissioner of Insurance or against any insurer, its authorized representative, its agents, its employees, or any firm, person or corporation furnishing to the insurer information as to reasons for cancellation, for any statement made by any of them in any written notice of cancellation, or in any other communication, oral or written, specifying the reasons for cancellation, or the providing of information pertaining thereto, or for statements made or evidence submitted at any hearings conducted in connection therewith.

9. This act shall take effect on September 1, 1968.

Approved July 12, 1968.

CHAPTER 159

AN ACT to provide a special charter for the city of Plainfield, in county of Union.

WHEREAS, The Common Council of the city of Plainfield in the county of Union has petitioned the Legislature for the passage of a special law to provide a new charter for the city, pursuant to Article IV, Section VII, paragraph 10 of the Constitution of 1947, in accordance with the procedure prescibed by the laws of 1948, chapter 199 (R. S. 1:6–10 et seq.); and

WHEREAS, Notice of intention to apply for the passage of such special law has been duly published, and the original of the petition, together with a duly certified copy of the ordinance authorizing the filing of the same, have been duly presented and filed; now therefore

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

ARTICLE I

CITY CORPORATION

Private act.

1.1 Short title. This act shall be known and may be cited as the Plainfield Charter (1968).

1.2 Incorporation. The inhabitants of the city of Plainfield, in the county of Union, within the boundaries heretofore established by law or as may be hereafter amended, shall be and remain a municipal body corporate and politic with perpetual succession.

1.3 Definitions. For the purposes of this act, and for the interpretation of any law, ordinance or resolution applicable to the city, unless the context otherwise requires:

(a) "Charter" shall mean this act and all statutory provisions of the State of New Jersey which are now or may hereafter be applicable specifically to the city of Plainfield or to all cities alike, and which are not inconsistent with this act.

(b) "Council" shall mean the governing body of the city, constituted and elected pursuant to the charter.

(c) "Mayor" shall mean the mayor of the city duly elected pursuant to the charter.

(d) "Administrative code" shall mean an ordinance providing, subject to the charter, for the organization or administration of the city government, for the exercise or discharge of its functions, powers and duties, or for the management or control of its property, affairs or government.

(e) "Administrator" shall mean the city administrator duly appointed pursuant to the charter.

(f) "Department" shall mean an administrative organization unit of the city government established or designated by or pursuant to the charter as a department.

(g) "Director" shall mean the administrative head of a department.

(h) "Division" shall mean an administrative organization unit of the city government established, allocated or assigned within a department.

(i) "Ordinance" shall mean any act of local legislation heretofore or hereafter adopted pursuant to law.

(j) "Month" shall mean a calendar month unless otherwise specifically provided.

(k) "Person" shall mean any corporation, firm, partnership, association, organization or other entity, as well as an individual.

(l) "City" shall mean the city of Plainfield within the boundaries now existing or which may be hereafter established pursuant to law.

(m) "Year" shall mean a calendar year unless otherwise specifically provided.

1.4 Construction. For the purposes of the charter, other laws, administrative codes and any ordinances heretofore or hereafter adopted, except as the context may otherwise require:

(a) The present tense includes the past and future tenses and the future, the present.

(b) The masculine gender includes the feminine and neuter.

(c) The singular number includes the plural and the plural, the singular.

(d) The time within which an act is to be done shall be computed by excluding the first and including the last day, and if the last day be a Sunday or a legal holiday, that day shall be excluded.

(e) "Writing" and "written" shall include printing, typewriting and any other mode of communication using paper or similar material which is in general use, as well as legible handwriting.

1.5 Powers. In addition to such powers as may otherwise be conferred by the charter, the city may:

(a) Organize and regulate its internal affairs, and establish, alter, and abolish offices, positions and employments and define the functions, powers and duties thereof and fix their term, tenure and compensation;

(b) Adopt and enforce ordinances and impose penalties for violation thereof, by fine or imprisonment or both as authorized by general law;

(c) Construct, acquire, operate or maintain any and all public improvements, projects or enterprises for any public purpose, subject to referendum requirements otherwise imposed by law;

(d) Sue and be sued, have a corporate seal, contract and be contracted with, buy, sell, lease, hold and dispose of real and personal property, appropriate and expend moneys, and adopt, amend and repeal such ordinances and resolutions as may be required for the management of the city and the good government thereof;

(e) Exercise powers of condemnation, borrowing and taxation in the manner provided by general law;

(f) Exercise all powers of local government in such manner as its governing body may determine.

1.6 Self-government generally. The general grants of municipal power contained in this article are intended to confer the greatest powers of local self-government consistent with the Constitution of this State. Any specific enumeration of municipal powers contained in the charter shall not be construed in any way to limit the general description of power contained in this article, and any such specifically enumerated municipal powers shall be construed

as in addition and supplementary to the powers conferred in general terms by this article. All grants of power to the city, whether in the form of specific enumeration or general terms, shall be liberally construed, as required by the Constitution of this State, in favor of the city.

Article II

The City Council

2.1 Legislative power. The legislative power of the city, except as otherwise specifically provided by this charter, shall be exercised by the city council. The council shall have and exercise such other and additional powers and duties as are provided by the charter.

2.2 City council. The city council shall consist of 7 members to be nominated and elected in accordance with the provisions of Title 19 of the Revised Statutes. One member shall be elected from the city at large, one member shall be elected from each of 4 councilmanic wards to be established and maintained pursuant to the charter, one member shall be elected from the first and fourth wards at large, and one member shall be elected from the second and third wards at large.

2.3 Qualification; term. (a) Each councilman shall be a legal voter of the city and a resident of the ward or wards from which he is elected, in the case of a ward councilman, or of any ward in the city in the case of an at-large councilman, for at least 1 year prior to his election.

(b) Each councilman shall serve for a term of 4 years beginning on January 1 next following his election except that of those first elected the first ward councilman shall be elected for a term of 1 year; second ward, 2 years; third ward, 3 years; fourth ward, 4 years; and councilman-at-large, 3 years; councilman-at-large from first and fourth wards, 2 years; and councilman-at-large from second and third wards, 1 year.

2.4 Vacancies. A vacancy in the office of councilman occurring during a term shall be filled by election at the next general election to be held not less than 60 days after the occurrence of the vacancy. The council shall forthwith fill the vacancy temporarily by appointment of a qualified person to serve until the qualification of the person so elected. A person appointed to fill a vacancy shall have the qualifications required of the previous incumbent and shall be a member of the same political party as such prior incumbent. In the event the council fails to fill the vacancy within

60 days following its occurrence the mayor shall forthwith appoint a qualified person to serve as above.

2.5 Organization. (a) Council shall, by ordinance, provide for its own organization and rules of procedure, not inconsistent with the charter.

(b) The council at its organization meeting and every year thereafter shall elect a president of the council from among the members thereof. He shall preside at its meetings and perform such other duties as the council may prescribe. In the absence of the president, the council shall elect a temporary presiding officer.

2.6 Meetings. Council shall convene in regular meetings at least once each month at the city hall at a time to be fixed by ordinance, except in the event of a public catastrophe or emergency which renders such meeting impractical or unduly hazardous. Special meetings upon at least 2 days public notice may be called by the mayor whenever he deems necessary, and shall be called by the city clerk upon written request signed by a majority of the councilmen. The call for a special meeting shall specify the purpose of the meeting, and no other business may be conducted at such meeting.

2.7 Procedures.

(a) Generally. Council procedures shall be governed by or pursuant to the charter. In the event of a conflict between any other applicable laws and this act, this act shall prevail.

(b) Voting; quorum. A majority of the whole number of members of the council shall constitute a quorum. The vote upon every motion, resolution or ordinance shall be taken by roll call and the yeas and nays shall be entered on the minutes. The minutes of each meeting shall be signed by the officer presiding at such meeting and by the city clerk.

(c) Resolutions. All resolutions of permanent import shall be introduced in writing, and the votes thereon shall be taken by yeas and nays, and shall require the affirmative vote of a majority of the whole council. A resolution unless otherwise specifically required by law need not be submitted to the mayor for approval.

(d) Appointments. Resolutions of appointments by council require the affirmative vote of a majority of the whole council.

(e) Mayor's participation. The mayor may attend meetings of council and may take part in discussions of council but shall have no vote.

2.8 Investigations; removals.

(a) The council may make investigations into the affairs of the city and the conduct of any city department, office, commission or

agency and for this purpose may subpœna witnesses, administer oaths, take testimony and require the production of evidence. In addition to any other remedy, any person who willfully fails or refuses to obey a lawful order issued in the exercise of these powers by the council shall be adjudged a disorderly person, punishable by a fine of not more than $200.00, or by imprisonment for not more than 30 days or both.

(b) Council may remove any officer or employee, other than the mayor or a councilman, for cause, upon notice and an opportunity to be heard.

2.9 Ordinances; veto. (a) Ordinances shall be prepared, introduced, considered and acted upon as required by law. No ordinance may be enacted without the affirmative vote of a majority of all the councilmen.

(b) 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 city 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 reconsideration thereof on or after the third day but not later than its next regular meeting following its return by the mayor shall by a vote of ⅔ of the members resolve to override the mayor's veto.

2.10 Separation of powers; administration. The legislative, executive and administrative powers of the city are divided between the legislative and executive branches. No person or persons belonging to or constituting one branch shall exercise any of the powers of the other unless specifically authorized by the charter. Neither the council nor any councilman shall intervene in administrative matters, except for legislative purposes.

2.11 Compensation. The council may provide by ordinance for an annual salary of councilmen, provided that no ordinance increasing or decreasing such salary shall take effect prior to the next budget year following a general election which occurs not less than 60 days after its adoption. In addition to such salary, councilmen may be paid their actual and necessary expenses incurred in the performance of the duties of their office.

2.12 Judge of qualifications. The council shall be the judge of the election and qualifications of its members, and may determine the grounds for forfeiture of the office due to misconduct or mal-

feasance. For this purpose, the council shall have the power to subpœna witnesses, administer oaths and require the production of evidence. A member charged with conduct constituting grounds for forfeiture of his office shall be entitled to a public hearing on demand. Notice of such hearing shall be published in one or more newspapers of general circulation in the city at least 1 week in advance of the hearing. Any action by the council under this section shall be subject to judicial review.

2.13 Clerk of the council. The council shall appoint the city clerk or some other qualified person to serve as clerk of the council. The clerk shall keep a journal of the council proceedings and record the minutes of every meeting. The minutes of each meeting shall be signed by the officer presiding at the meeting and by the clerk of the council.

2.14 Compilation of ordinances and resolutions. The clerk of the council shall record all ordinances and resolutions adopted by council and at the close of each year, with the advice and assistance of the corporation counsel, shall bind, compile or codify all the ordinances and resolutions, or true copies thereof, of the city which then remain in force and effect. He shall also properly index the record books, compilation or codification of ordinances and resolutions.

2.15 Enacting clause. The council shall act in relation to legislative matters by ordinance. The enacting clause of all ordinances shall be: "Be It Enacted by the Council of the City of Plainfield:"

Article III

The Mayor

3.1 Mayor; term. The executive power of the city shall be exercised by a mayor, who shall be elected by the legal voters at a general election. The mayor shall be elected to serve for a term of 4 years beginning January 1 next following his election.

3.2 Mayor; qualifications and compensation. A mayor shall have been a legal voter in the city for at least 4 years prior to his election. His compensation shall be fixed by ordinance and may not be increased or decreased during the term for which he was elected.

3.3 Vacancies. Whenever the mayor shall be unable to attend to the duties of his office, due to his absence, disability or other cause, for a period of less than 48 hours, the city administrator or, in the event of his inability to serve, a department head desig-

nated by the mayor in writing filed with the city clerk, shall serve as acting mayor. Whenever the mayor shall be unable to attend to the duties of his office:

(a) For a period of less than 48 hours and at a time when neither the city administrator, nor a duly designated department head can serve; or

(b) For a period of more than 48 consecutive hours; or

(c) At any time during an emergency declared by the council; a councilman designated under this section shall serve as acting mayor. The mayor may at any time designate in writing filed with the city clerk a councilman to serve as acting mayor under the provisions of this section. Whenever the provisions of this section require a councilman to serve as acting mayor and the mayor has failed to make such a designation or the councilman so designated by the mayor is unable to serve, the council shall by a majority vote of its whole number appoint an acting mayor from among its membership. Any person appointed pursuant to this section shall succeed to all of the rights, powers and duties of the mayor, until the mayor returns, the disability or other cause ceases. In the event of the death, resignation or disqualification of the mayor, there shall be a vacancy in the office which shall be filled by election 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 office shall be filled by the acting mayor until the qualification of the person so elected.

3.4 Mayor; general duties. The mayor shall enforce the charter and ordinances of the city and all general laws applicable thereto. He shall annually report to the council and the public on the work of the previous year and on the condition and requirements of the city government and shall from time to time make such recommendations for action by the council as he may deem in the public interest. He shall supervise the departments of the city government and shall require each department to make an annual and such other reports of its work as he may deem desirable. The mayor shall make available to any councilman, upon request, any departmental report, official record or document.

3.5 Appointments and removals. (a) The mayor shall appoint and remove officers and employees as authorized by the charter or administrative code; and shall, with the advice and consent of the council, make all appointments for which no other provision is made by or pursuant to the charter.

(b) The mayor may remove a department head or the city administrator whenever, in his discretion, the public interest so

requires; and any such removal shall take effect 10 days after the Mayor files notice of removal with the city clerk unless prior thereto the council shall at a regular or special meeting disapprove of such removal by resolution adopted by the affirmative vote of ⅔ of the entire membership. In the event of such resolution of disapproval, the affected officer shall be restored to his office without loss of pay.

3.6 Additional powers and duties. The mayor shall have and exercise such additional duties and powers as are prescribed by the charter to direct and supervise the departments, to prepare and submit an executive budget, and to act with respect to such other matters as may be provided by the charter and ordinances of the city.

3.7 Emergencies. In the event of an emergency which represents an immediate, clear and present danger to the public health, safety or welfare, the mayor may assume the personal direction of any department, agency or instrumentality of the city government as may, in his discretion, be necessary to alleviate the emergency; and he may take such action as he may deem necessary or desirable to that end.

Article IV

Administrative Organization

4.1 City administrator; appointment and term. The mayor, with the advice and consent of the council, shall nominate and appoint a city administrator. The city administrator shall serve during the term of office of the mayor appointing him and until the appointment and qualification of his successor, subject to removal as provided by the charter.

4.2 City administrator; qualifications. The city administrator shall be chosen solely on the basis of his training, experience, and administrative and executive qualifications. Prior to his appointment, he shall have completed and received a master's degree in public or business administration and shall have had at least 2 years of actual executive experience in municipal administration or an equivalent combination of education and experience. At the time of his appointment, he need not be a resident of the city or of the State.

4.3 City administrator; powers and duties. Under the direction and supervision of the mayor, the city administrator shall:

(a) Direct and supervise the administration of the departments of the city government, subject to the provisions of the charter;

(b) Provide for the organization of the work of the departments, subject to the requirements of an administrative code to be adopted by the council;

(c) Review the administration and operation of each of the departments and recommend to the mayor from time to time such measures as may appear necessary or desirable for the purpose of improving the efficiency and the economy of the city government;

(d) Review, analyze and forecast trends of city services and finance and the activities and programs of all boards, commissions and other municipal bodies, and report and recommend thereon to the mayor;

(e) Assist the mayor to prepare an annual current expense budget and an annual capital budget for consideration by the council;

(f) Develop, install and maintain centralized personnel and purchasing procedures and systems as may be authorized by the administrative code;

(g) Perform such other functions and duties as may be prescribed by charter or ordinance.

4.4 Departments. (a) There shall be the following administrative departments of the city government:

(1) Administration and finance;

(2) Public works;

(3) Public affairs and safety.

(b) Council shall by ordinance allocate and assign all of the administrative functions, powers and duties of the city among and within such departments. Council may, by ordinance, create, abolish and modify boards and commissions, whether or not heretofore or hereafter established by or pursuant to ordinance; provided that whenever a board, commission, public corporation or other body is abolished or substantially altered by ordinance and has outstanding bonded indebtedness or other obligations, the city shall assume and become liable for such indebtedness and obligations to the same extent and with the same security and enforceability as though such indebtedness and obligations had been issued or incurred originally in the same form by the city itself.

4.5 Department heads. Each department shall be headed by a director, who shall be appointed by the mayor with the advice and consent of the council. A director shall serve during the term of office of the mayor appointing him and until the appointment and qualification of his successor, subject to removal as provided by the charter.

4.6 Department heads; powers and duties. (a) Subject to the direction and supervision of the city administrator, each department director shall:

(1) Administer his department in accordance with the charter and administrative code;

(2) Organize the work of the department, and allocate and assign personnel and functions within the department;

(3) Supervise and direct the programs and activites of the department.

(b) Each director shall appoint and remove subordinate officers and employees within his department, subject to the approval of the city administrator and in accordance with the provisions of the Revised Statutes, Title 11, Civil Service, or other applicable provision of the charter and administrative code.

4.7 Corporation counsel. There shall be a corporation counsel who shall be nominated and appointed by the mayor with the advice and consent of the council. The corporation counsel shall serve during the term of office of the mayor appointing him and until the appointment and qualification of his successor, subject to removal as provided by the charter. He shall be the chief legal advisor to the mayor and to the council, and shall have such specific functions, powers and duties, and may appoint such assistants, as may be provided by the administrative code.

4.8 Other appointments. Whenever any statute applicable to the city authorizes the appointment of the members of any board, commission, authority or other body for municipal purposes within the city, except the board of education, the power of appointment, notwithstanding any provision to the contrary in such statute, shall be exercised by the mayor with the advice and consent of the council.

4.9 Human relations. In addition to such departments as are authorized by this article, a human relations board or commission may be established or continued by ordinance, and it may be authorized to appoint an executive director with such qualifications and to serve for such term of years as may be provided by the administrative code. Any such appointment shall not be within the classified service of the civil service.

Article V

Budget and Control

5.1 Fiscal year. The fiscal year of the city shall begin on January 1 and end on December 31 in each year, until otherwise provided by law.

5.2 Budget document. For each fiscal year, the mayor with the assistance of the city administrator shall prepare a budget document consisting of a budget message, a current operating expense budget, a capital budget, a budget summary, and such explanatory schedules, charts and exhibits as the mayor may deem appropriate or as the council may require.

5.3 Budget preparation; current operating expenses. The city administrator shall annually require each department head to submit requests for appropriations for the ensuing budget year, and to appear before the administrator at a scheduled public hearing to justify such request. The city administrator, with the assistance of the department of administration and finance, shall compile, review and analyze departmental requests for appropriations, and shall make his recommendations with respect thereto to the mayor.

5.4 Budget preparation; capital budget. Not less than 90 days before the end of each fiscal year the planning board established pursuant to law shall prepare and transmit to the mayor and the council a proposed capital budget in such form and covering such period of years as will comply with the requirements of capital budgeting established by or pursuant to State law. As to each project, the proposed capital budget shall at least set forth the estimated cost, its priority as compared with other projects required by the city, its method of financing, and the amount required for the "down-payment" under the local bond law; the amount of bonds to be issued and the amount to be raised by other sources; together with an estimate of the effect of the acquisition and operation of each project upon the current operating expense budget.

5.5 The executive budget. The mayor, with the assistance of the city administrator, shall review the various budget proposals, estimates of revenues, and related data, and shall, in the exercise of his discretion and judgment, prepare and submit to the council the budget document. The current operating expense budget and capital budget included in the budget document shall be known as the executive budget. The budget document shall be transmitted by the mayor to the council not less than 30 days prior to the last day for introduction of the budget ordinance as prescribed by the local budget law.

5.6 Action by the council. (a) The council shall consider the executive budget, make available for public distribution copies of the budget document, and cause a budget ordinance to be introduced, published and hearing thereon held pursuant to the local budget law.

(b) The council may increase, decrease, or eliminate any item in the executive budget for current operating expenses, except that it may not increase any item unless, upon separate motion as to each increase, ⅔ of the members of the council shall vote in favor thereof.

(c) The council may include, exclude, increase, or decrease a capital outlay or capital project contained in the executive budget, and may add capital outlays and capital projects thereto. Any capital outlay or project not included in the executive budget shall be referred to the planning board for a report and recommendation prior to council's action thereon. The planning board shall report within 30 days and may recommend either that the project or outlay be approved or that it be disapproved or deferred. In the event that the planning board should recommend that the project or outlay be disapproved or deferred, such project or outlay shall not be included in the budget adopted by the council except upon a favorable vote of ⅔ of the members of the council, upon separate motion as to each project or outlay. If the planning board should fail to report within 30 days, it shall be deemed to recommend approval. The requirements of this section shall be in addition to any imposed by the Municipal Planning Act (1953) and the local budget law.

5.7 Budget adoption. The council shall, except as otherwise required by this article, enact a current operating expense budget and a capital budget in accordance with the requirements of the local budget law.

5.8 Budget operation. (a) The adopted budget shall be administered in accordance with the requirements of general law.

(b) The council shall include in an administrative code appropriate provision for the maintenance of a system of work programs and periodic allotments for the operation of the current operating budget. The city administrator, so far as feasible, shall install and maintain procedures to develop and report appropriate unit costs of budget expenditures.

(c) The council shall include in an administrative code provision for the exercise of a control function in the management of the city's finances. The control functions shall include provision for an incumbrance system of budget operations, for expenditures only upon written requisition, and for the preaudit of all claims and demands against the city prior to payment without action by the council, and for such other safeguards of the public treasury as may be required by general law or as the council may deem appropriate.

5.9 Other staff services. The council shall provide by administrative code for such centralized purchasing, personnel and management services as may be necessary or desirable for the efficient and economical administration of the city government.

5.10 Independent agencies. Each board, commission, corporation or other entity providing municipal services within the city, shall comply with the requirements of the administrative code for budget preparation, budget administration, financial procedures and controls, with respect to expenditure of municipal funds, notwithstanding the provisions of any other law.

Article VI

Initiative, Referendum and Recall

A. Initiative and Referendum

6.1 Initiative power. The voters of the city may propose any ordinance and may adopt or reject the same at the polls, such power being known as the initiative. Any initiated ordinance may be submitted to the council by a petition signed by 20% of the registered voters of the city.

6.2 Referendum power. The voters shall also have the power of referendum which is the power to approve or reject at the polls any ordinance passed by the council, against which a referendum petition has been filed as herein provided. No ordinance passed by the council, except when otherwise required by general law, shall take effect before 15 days from the date of its final passage and its approval by the mayor where such approval is required. If within 15 days after such final passage and approval a petition protesting against the passage of such ordinance shall be filed with the city clerk and if the petition shall be signed by 20% of the registered voters, the ordinance shall be suspended from taking effect until proceedings are had as herein provided.

6.3 Form and content of petition. All petition papers circulated for the purposes of an initiative or referendum shall be uniform in size and style. Initiative petition papers shall contain the full text of the proposed ordinance. The signatures to initiative or referendum petitions need not all be appended to one paper, but to each separate petition there shall be attached a statement of the circulator thereof as provided by this section. Each signer of any such petition paper shall sign his name in ink or indelible pencil and shall indicate after his name his place of residence by street and number, or other description sufficient to identify the place.

There shall appear on each petition paper the names and address of 5 voters, designed as the committee of the petitioners, who shall be regarded as responsible for the circulation and filing of the petition and for its possible withdrawal as hereinafter provided. Attached to each separate petition paper there shall be an affidavit of the circulator thereof that he, and he only, personally circulated the foregoing paper, that all the signatures appended thereto were made in his presence, and that he believes them to be the genuine signatures of the persons whose names they purport to be.

6.4 Certification. All petition papers comprising an initiative or referendum petition shall be assembled and filed with the city clerk as one instrument. Within 20 days after a petition is filed, the clerk shall determine whether each paper of the petition has a proper statement of the circulator and whether the petition is signed by a sufficient number of qualified voters. After completing his examination of the petition, the clerk shall certify the result thereof to the council at its next regular meeting. If he shall certify that the petition is insufficient he shall set forth in his certificate the particulars in which it is defective and shall at once notify at least 2 members of the committee of the petitioners of his findings.

6.5 Amendments. An initiative or referendum petition may be amended at any time within 10 days after the notification of insufficiency has been served by the city clerk, by filing a supplementary petition upon additional papers signed and filed as provided in case of an original petition. The clerk shall, within 5 days after such an amendment is filed, examine the amended petition and, if the petition be still insufficient, he shall file his certificate to that effect in his office and notify the committee of the petitioners of his findings and no further action shall be had on such insufficient petition. The finding of the insufficiency of a petition shall not prejudice the filing of a new petition for the same purpose.

6.6 Ordinance suspended. Upon the filing of a referendum petition with the city clerk, the ordinance shall be suspended until 10 days following a finding by the clerk that the petition is insufficient or, if amended petition be filed, until 5 days thereafter; or, if the petition or amended petition be found to be sufficient, until it be withdrawn by the committee of the petitioners or until repeal of the ordinance by vote of the council or approval or disapproval of the ordinance by the voters.

6.7 Submission to council. Upon a finding by the city clerk that any petition or amended petition filed with him in accordance with this article is sufficient, the clerk shall submit the same to the

council without delay. An initiative ordinance so submitted shall be deemed to have had first reading and provision shall be made for a public hearing.

6.8 Submission to voters. If within 60 days of the submission of a certified petition by the city clerk the council shall fail to pass an ordinance requested by an initiative petition in substantially the form requested or to repeal an ordinance as requested by a referendum petition, the clerk shall submit the ordinance to the voters unless, within 10 days after final adverse action by the council or after the expiration of the time allowed for such action, as the case may be, a paper signed by at least 4 of the 5 members of the committee of the petitioners shall be filed with the city clerk requesting that the petition be withdrawn. Upon the filing of such a request, the original petition shall cease to have any force or effect.

6.9 General or special elections. Any ordinance to be voted on by the voters in accordance with section 6.2 or section 6.8 of this article shall be submitted at the next general election occurring not less than 60 days after the date of final action by council or the expiration of the time allowed for action by council in section 6.8 of this article, as the case may be, provided that if no election is to be held within 90 days, the council may in its discretion provide for a special election.

6.10 Elections generally. Any number of proposed ordinances may be voted upon at the same election in accordance with the provisions of this article, but there shall not be more than one special election in any period of 6 months for such purpose.

6.11 Publication. Whenever an ordinance is to be submitted to the voters of the city at any election in accordance with this article, the clerk shall cause the ordinance to be published in at least one of the newspapers published or circulated in the city. The publication shall be not more than 20 nor less than 10 days before the submission of the ordinance or proposition to be voted on.

6.12 Ballots. The ballots to be used at such election shall be in substantially the following form:

"To vote upon the public question printed below, if in favor thereof mark a cross (×) or plus (+) or check (√) in the square at the left of the word Yes, and if opposed thereto mark a cross (×) or plus (+) or a check (√) in the square to the left of the word No."

	Yes	"Shall the ordinance (indicate whether submitted by council or initiative or referendum petition) providing for (here state nature of proposed ordinance or proposition) be adopted?"
	No	

6.13 Election results. If a majority of the qualified electors voting on the proposed ordinance shall vote in favor thereof, such ordinance shall thereupon become valid and binding ordinance of the city and be published as in the case of other ordinances. If the provisions of 2 or more measures approved or adopted at the same election conflict, then the measure receiving the greatest affirmative vote shall control.

B. Recall

6.14 Recall power. Any elective officer shall be subject to removal from office for cause connected with his office, after he has served at least 1 year, 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 or special election.

6.15 Number of signatures. A recall petition shall demand the removal of a designated incumbent, shall be signed by qualified voters equal in number to at least 33⅓% of the registered voters of the city or councilmanic district, as the case may be, and shall be filed with the city clerk. It shall set forth a statement of the case upon which the removal is sought.

6.16 Certification; amendment. 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 city 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 certifi-

cate the petition is shown to be insufficient, it may be amended within 10 days from the date of said certificate. The city 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.

6.17 Time for recall election; publication. If the petition shall be sufficient, the city 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 officer's last known address. If within 5 days after the service of the notice by the clerk, the mayor, councilman or councilmen sought to be recalled by such petition do not resign, or a tendered resignation shall not have been accepted by the council, the 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 city clerk and he shall also insert the notice forthwith in a newspaper published in the city, or if there be no such newspaper, then in a newspaper having general circulation in the city.

6.18 Ballot. The ballots at the recall election shall conform to the requirements respecting the election of officers in municipalities, as provided in Title 19 of the Revised Statutes (Elections), 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 officers 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 bold-face 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 (×) or plus (+) or a check (√) mark. Immediately below the foregoing shall appear the following:

"Indicate your vote by placing a cross (×) or plus (+) or a check (√) mark in one of the squares above."

6.19 Several officers. If the removal of more than one officer is sought the same provisions for submitting to the electors the question and direction hereinbefore described shall be repeated in the case of each officer concerned and their position on the ballot for their recall shall be in the order of the filing of the petition with the city clerk.

6.20 Election of successor. If an incumbent is recalled, there shall be a vacancy in the office which shall be filled in the same manner as vacancies resulting from other causes; and the elected successor shall serve for the remainder of the unexpired term.

6.21 Election procedure. The provisions of Title 19 of the Revised Statutes (Elections), concerning the nomination of municipal officers, preparation of the ballot, election of municipal officers, counting and canvassing of the results of the election of such officers, shall apply to the election for the recall of officers and the election of their successors.

6.22 Notices. The city 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 officers in the city.

6.23 Election results. (a) If a majority of votes in connection with the recall of any officer be in favor of the recall, the term of office of such officer shall terminate, upon the certification of the results of election by the city clerk.

(b) If the results of such recall election shall, by the certificate of the city clerk, be shown to be against the recall of the officer, he shall continue in office as if no recall election had been held.

Article VII

General Provisions

7.1 Elective city offices. The mayor and the members of the council shall be the only elective city offices. They shall be nominated and elected as required by the charter at a general election, or if there is no general election in a year when an election is required to fill a vacancy, at an election to be held on the first Tuesday after the first Monday in November of such year, in accordance with the provisions of Title 19 of the Revised Statutes.

7.2 Councilmanic wards; reapportionment. (a) Until the first election for city offices to be held not less than 6 months after the promulgation of a Federal census, the boundaries of the four councilmanic wards shall be the same as those set forth for the wards

by chapter 18 of the revised ordinances of the city of Plainfield, New Jersey, 1957.

(b) Immediately following the promulgation of each Federal census, a city reapportionment commission shall be constituted, consisting of the city chairman of each political party which polled at least 20% of the vote cast at the last general election for members of the General Assembly, and not more than 2 additional members who hold no other public office to be appointed by those herein designated. If they fail to make said appointment, by filing notice thereof with the city clerk within 30 days after the promulgation of the census, the appointment or appointments shall be made by the mayor with the advice and consent of the council. The city reapportionment commission shall review and if necessary revise the ward boundaries, so that the wards shall not differ in population according to the then most recent Federal census, by more than 10% respectively, of the population of the least populous ward. The commissioners shall make and file their report within 60 days after the official promulgation of the Federal census by filing a copy thereof, signed by at least 2 of the commissioners in the office of the city clerk, and in such other offices as shall be required by law. Thereafter, the boundaries of the wards so described in the report shall be used for the election of councilmen until the taking and promulgation of the next Federal census and the making and filing of another reapportionment commission report.

7.3 Dual office holding. No officer under the city government shall hold or retain any office under the county government, nor shall any officer under the county government be eligible to hold or retain office under the city government, except in each case when any such office is held ex officio by virtue of an act by the Legislature. Any person holding city office, whether by election or appointment who shall, during his term of office, accept, hold or retain any other civil office of honor, trust or emolument under the government of the United States, except commissions for the taking of bail, or under the government of the State, except the office of notary public or commissioner of deeds or officer of the National Guard, or who shall hold or accept any other office connected with the government of the city, or who shall accept a seat in the Legislature, shall be deemed thereby to have vacated any office previously held by him under the city government; except that the mayor may accept, or may in writing authorize any other person holding office to accept, a specified civil office, in respect to which no salary or other compensation is provided.

7.4 Conflict of interests. (a) Except as provided by paragraph (b) of this section, no officer or employee under the city government shall have any interest, direct or indirect, in any contract with the city, or with any agency or instrumentality thereof, whenever any such officer or employee, individually or as a member of a board, may:

(i) Prepare, authorize or approve the contract or authorize or approve payment thereunder;

(ii) Audit bills or claims under the contract; or

(iii) Appoint an officer or employee who has any of the powers or duties set forth in (i) or (ii) above.

(b) The provisions of paragraph (a) of this section shall not apply to: (i) the designation of an official depository of city funds unless the city administrator, director of administration and finance, or city treasurer has an interest in such depository;

(ii) The designation of an official newspaper;

(iii) The purchase of real property or an interest therein, provided that purchase and the consideration therefor is approved by order of the Superior Court upon petition of the council.

(c) "An interest in a contract" within the meaning of this section shall not include the holding of stock in a corporation listed on any national securities exchange, or an interest in a contract for public utilities service when the rates or charges therefor are fixed or regulated by a governmental agency.

(d) Any city officer or employee who has, will have, or later acquires an interest, direct or indirect, in any actual or proposed contract with the city shall publicly disclose the nature and extent of such interest in writing to the council as soon as he has knowledge of such actual or prospective interest. Such written disclosure shall be made part of and set forth in the official record of the proceedings of the council. Once disclosure has been made by an officer or employee with respect to an interest in a contract with a particular person, firm, corporation or association, no further disclosures need be made by such officer or employee with respect to additional contracts with the same party during the remainder of the fiscal year.

(e) Any contract with the city obtained or procured in violation of this article shall be void.

(f) Any city officer or employee who willfully and knowingly violates the foregoing provisions of this section shall forfeit his office or employment.

7.5 Code of ethics. The council shall provide by ordinance for the adoption of a code of ethics setting forth for the guidance of

the employees and officers of the city, the standards of ethical conduct in the performance of their duties which will be required of them. Any such code may provide standards for officers and employees with respect to:

(a) Representation of private interests before city agencies and courts;

(b) Disclosure of interest in legislation before the council;

(c) Acceptance of gifts and favors;

(d) Disclosure of confidential information;

(e) Holding of investments in conflict with official duties;

(f) Incompatible employment;

(g) Future employment; and

(h) Such other standards relating to the conduct of officers and employees as may be deemed advisable; provided, however, that no provision which in any way conflicts with the provisions of this article shall be authorized.

7.6 Fraud of officers or employees. Any councilman or other officer or employee of the city who shall willfully violate or evade any provision of law relating to his office or employment, or commit any fraud upon the city, or convert any of the public property to his own use, or knowingly permit any other so to convert it or by gross or culpable neglect of duty allow the same to be lost to the city, upon conviction thereof and in addition to other penalties imposed by law, shall forfeit his office or employment, and be excluded forever after from receiving or holding any office or employment under the city government.

7.7 Duty to testify. If the mayor, any councilman or other officer or employee of the city shall, after lawful notice or process, expressly referring to this section, willfully refuse or fail to appear before any local legislative committee, or any city officer, board or body authorized to conduct any hearing or inquiry, or having appeared shall refuse to testify or to answer any question relevant to the hearing or inquiry regarding the property, government or affairs of the city or regarding the nomination, election, appointment or official conduct of any officer or employee of the city, his term or tenure of office or employment shall terminate and such office or employment shall be vacant, and he shall not be eligible thereafter to election or appointment to any office or employment under the city government or any agency thereof.

7.8 Conviction of crime. Any person convicted of a crime involving moral turpitude shall be ineligible to hold any city office, position or employment, and upon conviction thereof while in office or employment shall forfeit his office or employment, except as

may be otherwise provided by the administrative code with respect to specified employments.

Article VIII

Transitional Provisions

8.1 Transition date. This charter shall supersede the charter of the city of Plainfield approved April 4, 1872 (P. L. 1872, p. 1134) and shall take effect on January 1, 1969, subject to the provisions of this article.

8.2 Existing laws and ordinances. (a) All laws and parts of laws relating to or affecting the city of Plainfield are hereby repealed and superseded to the extent that the same are inconsistent with the provisions of this charter, and only to that extent and with respect to such application.

(b) All ordinances and resolutions of the city, to the extent that they are not inconsistent with the charter, shall remain in full force and effect until repealed or amended pursuant to law.

8.3 Elective officers. A mayor and council shall be first elected under the charter at the general election in November, 1969, and shall take office at noon on January 1, 1970. The mayor and common council as constituted and elected pursuant to the charter of April 4, 1872, shall continue in office and shall have, exercise and discharge the functions, powers and duties of the mayor and council, respectively, under this charter until noon on January 1, 1970.

8.4 Appointive officers and employees. (a) At 12:00 o'clock noon on the effective date of the charter, all offices, boards and commissions then existing in the city 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, trustees of the public library, commissioners of the local housing authority, parking authority, or of any official or employee now protected by any tenure of office law, or under the provisions of Title 11 of the Revised Statutes (Civil Service) as of the effective date of the ordinance adopted by the common council to authorize a petition for a special law enacting this charter.

(b) The adoption or taking effect of the charter shall not adversely affect the civil service tenure, pension, seniority or promotional rights of any city officer or employee.

(c) No subordinate board, department, body, office, position, or employment shall be created and no appointments shall be made

to any subordinate board, department or body, or to any office, employment or position, including without limitation, patrolmen and firemen, between the date of election of officers and the date the newly elected officers take office under the charter.

8.5 Administrative code. On or before the thirtieth day following the effective date of the charter the council shall adopt an administrative code, to take effect not later than that date, to provide for the organization and administration of the city government pursuant to the charter.

(b) Provision for the organization and administration of the city government, and the creation and filling offices under the charter may be made temporarily by resolution pending the adoption of the administrative code, but any such resolution shall expire not later than 30 days after the effective date of the charter.

8.6 Transfer of employees. Officers and employees in the classified service upon the effective date of this charter shall be transferred to the department, division or agency to which the functions, power or duties in which they were engaged are allocated by this charter, without examination and without affecting existing compensation, pension, or retirement rights, privileges or obligations of any such officers or employees.

8.7 Continuity of functions. Any department, agency or officer to whom the charter or administrative code allocates or assigns any powers and duties shall exercise such powers and duties in continuation of their exercise by the agency or officer by which the same were heretofore exercised and shall have power to continue any business, proceeding or other matter commenced by the agency or officer by which such powers and duties were heretofore exercised. Any provision in any law, rule, regulation, contract, grant or other document relating to the subject matter of such powers or duties and applicable to the agency or officer formerly exercising such powers and duties shall, so far as not inconsistent with the provisions of this charter, apply to the agency or officer to which such powers and duties are assigned by this charter.

8.8 Pending actions and proceedings. No action or proceeding, civil or criminal, pending at the time when this charter shall take effect, brought by or against the city or any agency or officer, shall be affected or abated by the adoption of the charter or administrative code. All such actions or proceedings may be continued notwithstanding that functions, powers and duties of any agency or officer, party thereto, may be assigned or transferred to another agency or officer, and in that event the action or proceeding may

be prosecuted or defended by the head of the agency to which such functions, powers and duties are assigned or transferred.

8.9 Referendum on adoption of this act. This act shall be submitted to referendum, and shall take effect upon a favorable vote thereon, as herein provided. The question of adoption of this act shall be submitted to the legal voters within the city of Plainfield at the next general election to be held not less than 25 days after its passage.

(a) There shall be printed in the space provided for public questions on the ballot to be used in such special election the following question:

	Yes.	Shall "An act to provide a special charter for the city of Plainfield, in the county of Union" to provide a strong mayor-council form of government, with city administrator for the city, be adopted?"
	No.	

(b) If at such election a majority of all the valid votes cast for and against the adoption of this act shall be cast in favor of the adoption thereof, the act shall take effect and become operative in accordance with its terms.

8.10 Validation. All proceedings of the charter committee of the city of Plainfield, including the appointment and qualification of its members and the submission of its report and recommendations, and all actions of the mayor and common council with respect thereto including the petition to the Legislature for the passage of this special act, and the time and manner of publication of notice of intention to apply thereof, are hereby ratified, confirmed and validated.

8.11 Repealer. All acts and parts of acts inconsistent with the provisions of this act are, to the extent of such inconsistency, hereby repealed.

8.12 Effective Date. This act shall take effect immediately, subject to the results of the referendum under section 8.9. The city clerk of the city of Plainfield shall, following such referendum, forthwith file his certificate of the results of the vote on the public question with the Secretary of State.

Approved July 12, 1968.

CHAPTER 160

AN ACT to authorize the governing body of the borough of Fanwood, in the county of Union, to waive, in certain cases, the provisions of the general statutes which require that the assessor be elected and that he must reside within the borough.

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

Private act.

1. The borough of Fanwood, in the county of Union, is hereby authorized and empowered to appoint, and to keep in its employ an assessor, notwithstanding that said assessor does not meet the residence requirements specified by N. J. S. A. 40:87–13 (both amended or supplemented), or by any other applicable law; provided, however, that:

(a) The mayor and council of said borough shall find as a fact that adherence to said residence requirements would seriously impede the ability of the borough to establish and maintain a competent assessor, and that the appointment of an assessor is deemed necessary to the proper establishment and operation of said office of the assessor; and

(b) That the place of residence of such assessor is within a distance of not more than 10 miles from the municipal building, of the borough of Fanwood, and is at a distance, which, in the light of the functions, duties and assignments of such assessor, will not adversely affect the efficient operation of said assessor's office; and

(c) A resolution embodying the foregoing findings shall be adopted authorizing the appointment or continued employment of such named assessor notwithstanding that he is not a resident of said borough and fixing the maximum distance, within the limits above provided, at which he may reside.

2. This act shall take effect upon the due adoption and publication of an ordinance of said borough for the purpose of adopting the same.

Approved July 12, 1968.

CHAPTER 161

AN ACT concerning education and amending section 18A:20–4.1 of the New Jersey Statutes.

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

1. Section 18A:20–4.1 of the New Jersey Statutes is amended to read as follows:

Type II school districts; acquisition of property without voters' authorization; limitations.

18A:20–4.1. The board of education of any Type II school district may without authority first obtained from the voters of the district:

(a) Rent, on a year-to-year basis, or for a term not to exceed 5 years, in case of emergency, buildings to use for school purposes; and

(b) Take an option not to exceed 1 year in duration, at a cost not to exceed $100.00, on the purchase of any land which the board could lawfully purchase after securing the consent of the legal voters to the purchase thereof, but such option may be exercised by the board only after authority to purchase the property covered by such option has been given at an annual or special school election.

2. This act shall take effect immediately.

Approved July 16, 1968.

CHAPTER 162

AN ACT to validate certain proceedings of school districts and municipalities 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 for authorization or issuance of bonds or notes by or on behalf of any school district or any municipality for school purposes, under or pursuant to any proposal or proposition or resolution or ordinance heretofore

adopted subsequent to December 1, 1967, and any bonds or notes heretofore or hereafter issued in pursuance of any such proceedings, are hereby ratified, validated and confirmed; provided that no action, suit or other proceeding of any nature to contest the validity of such proceedings 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 heretofore expired, is instituted within 30 days after the effective date of this act.

2. All bonds or notes issued in pursuance of any such proceedings and reciting issuance pursuant to the provisions of Title 18, Education, of the Revised Statutes or of Title 18A, Education, of the New Jersey Statutes, or both, and this act, shall be conclusively presumed to be fully authorized and issued by all the laws of this State and to be valid and binding legal obligations of such school district or municipality.

3. This act shall take effect immediately.

Approved July 16, 1968.

CHAPTER 163

AN ACT concerning education, supplementing chapter 24 of Title 18A of the New Jersey Statutes and amending section 18A:24–20 of the New Jersey Statutes.

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

C. 18A:24-19.1 Issuance by certain Type I school districts of bonds in excess of certain limitations.

1. Notwithstanding the provisions of 18A:24–19, any Type I school district in a city of the first class with a population in excess of 350,000 may authorize and issue school bonds in the manner prescribed in section 18A:24–21 for school district purposes provided that to the extent that the percentage of the net debt authorized as stated in a supplemental debt statement required to be filed as to such authorization, and prior thereto, shall exceed 4% but shall not be in excess of 8%, which percentage shall be subject to the approval of the State Board of Education and the Division of Local Finance in the Department of Community Affairs.

2. Section 18A:24–20 of the New Jersey Statutes is amended to read as follows:

Authorization of bonds in excess of certain limitations; exception.

18A:24–20. Except as to any Type I school district in a city of the first class with a population in excess of 350,000, school bonds may be authorized and issued in the manner prescribed in section 18A:24–21, notwithstanding the provisions of section 18A:24–19, by, or for the purposes of, any district other than a limited purpose regional district, within the limitations and upon compliance with the provisions of this article to the extent that the percentage of net debt as stated in a supplemental debt statement required to be filed as to such authorization, and prior thereto, shall not exceed 3½%.

3. This act shall take effect immediately.

Approved July 16, 1968.

CHAPTER 164

AN ACT to validate deeds, mortgages and other instruments in writing in which the seals were omitted to be affixed and to validate the record thereof.

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

Validating act.

1. All deeds, mortgages and other instruments in writing heretofore executed, wherein the seal or seals opposite the signature of an individual or individuals, or the seal of a corporation, were omitted, or wherein in addition to the omission of such seal, no recital thereof is made in the attestation clause or in any part of said deed or in the certificate of proof of acknowledgment annexed thereto, are hereby validated and the record thereof shall be taken and held to be good and sufficient in law; provided, however, that all such deeds, mortgages and other instruments in writing have been recorded for a period of at least 5 years and are good and valid in all other respects; and provided further, that no proceedings shall have been heretofore instituted or shall within 30 days from

the effective date hereof be instituted in any court in respect to the validity of any such deed, mortgage or other instrument in writing.

2. This act shall take effect immediately.

Approved July 16, 1968.

CHAPTER 165

AN ACT concerning the civil service status of certain persons holding office, position or employment in counties of the first class.

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

1. Any person now holding office, position or employment as acting chief fire instructor in any county of the first class who has served in said capacity for a period of not less than 3 years and who immediately prior thereto served as a fire marshall in such county for a continuous period of not less than 5 years shall be eligible to take the civil service examination required for the office, position or employment of chief fire instructor notwithstanding that he does not possess all of the qualifications required for such examination. Any such person upon successfully passing such examination shall be eligible to be appointed to the office, position or employment of chief fire instructor by the board of chosen freeholders of any such county and upon such appointment shall be placed in the classified service of civil service with permanent status in such office, position or employment and subject to the provisions of subtitle 3 of Title 11 of the Revised Statutes.

2. An examination for chief fire instructor shall be conducted by the Civil Service Commission within 90 days after the effective date of this act.

3. This act shall take effect immediately and shall remain in effect for a period of 180 days thereafter.

Approved July 16, 1968.

CHAPTER 166

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 held prior to December 31, 1966 and not more than 1 year prior to said date for or with respect to 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 supplemental debt statement required to be filed in the office of the Director of the Division of Local Government in the Department of The Treasury of the State of New Jersey was not timely filed in the manner prescribed by law; provided, however, that a proper supplemental debt statement was duly filed in the office of the Director of the Division of Local Government in the Department of The Treasury of the State of New Jersey by the proper municipal officials within 2 months after the date of any such school district meeting or election; and provided further, that all other proceedings, actions and other things required to be done, had or taken in connection with any such school district meeting or election were duly had and taken in accordance with law; and provided further, that no action, suit or proceeding to contest the validity of such meeting or election has heretofore been instituted prior to this date on which this act takes effect and within the time fixed therefor by or pursuant to law.

2. This act shall take effect immediately.

Approved July 16, 1968.

CHAPTER 167

AN ACT concerning the civil service status of certain employees of the Department of Institutions and Agencies.

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

1. Persons employed as correction officers in the Department of Institutions and Agencies, disqualified by age from taking the civil service examinations for such positions, and who were continuously so employed prior to April 1, 1962 on a temporary basis, shall upon the passage of this act, be placed in the classified service of the civil service; provided, however, that such persons shall be required to take the written and oral examinations and a physical examination compatible with age, to be conducted by the Civil Service Commission within 30 days of the effective date of this act. Upon passing said examinations such correction officers, so employed on a temporary basis prior to April 1, 1962, and who were so employed on January 19, 1968, shall be placed in the classified service of the civil service of this State, with permanent status effective as of January 19, 1968.

2. This act shall take effect immediately.

Approved July 16, 1968.

CHAPTER 168

AN ACT authorizing the keeping of records which are not legible visually, providing for the conversion and inspection thereof, and supplementing Title 14 of the Revised Statutes.

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

C. 14:1-3.1 Records not visually legible authorized; limitations.

1. Any records maintained by a corporation, including its stock ledger, books of account, and minute books may be kept in the form of punch cards, magnetic tape, photographs, microphotographs or

any other information storage device, or by any other information storage technique, that makes such records not legible visually; provided that such records can be converted within a reasonable time to a form that is legible visually. Any corporation shall convert any such records, without charge, upon the request of any person otherwise entitled to inspect them.

2. This act shall take effect immediately.

Approved July 16, 1968.

CHAPTER 169

AN ACT concerning oaths, affirmations and affidavits, and amending section 41:2–1 of the Revised Statutes.

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

1. Section 41:2–1 of the Revised Statutes is amended to read as follows:

Certain officials authorized to administer oaths.

41:2–1. All oaths, affirmations and affidavits required to be made or taken by law of this State, or necessary or proper to be made, taken or used in any court of this State, or for any lawful purpose whatever, may be made and taken before any one of the following officers:

The Chief Justice of the Supreme Court or any of the justices or judges of courts of record of this State;

Masters of the Superior Court;

Municipal magistrates;

Mayors or aldermen of cities, towns or boroughs or commissioners of commission governed municipalities;

Surrogates, registers of deeds and mortgages, county clerks and their deputies;

City clerks;

Clerks of all courts;

Notaries public;

Commissioners of deeds;

Members of the State Legislature;
Attorneys-at-law and counsellors-at-law of this State.

This section shall not apply to official oaths required to be made or taken by any of the officers of this State, nor to oaths or affidavits required to be made and taken in open court.

2. This act shall take effect immediately.

Approved July 16, 1968.

CHAPTER 170

AN ACT to amend "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," approved May 18, 1967 (P. L. 1967, c. 57).

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:

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, 1969, or as soon thereafter as may be possible.

2. This act shall take effect immediately.

Approved July 16, 1968.

CHAPTER 171

AN ACT to amend "An act concerning motor vehicles and traffic regulations, and supplementing chapter 4 of Title 39 of the Revised Statutes," approved May 13, 1942 (P. L. 1942, c. 192), and "An act to amend and to supplement 'An act concerning motor vehicles and traffic regulations, and supplementing chapter 4 of Title 39 of the Revised Statutes,' approved May 13, 1942 (P. L. 1942, c. 192)" approved May 11, 1949 (P. L. 1949, c. 102).

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

1. Section 1 of P. L. 1942, chapter 192 is amended to read as follows:

C. 39:4-128.1 School buses stopped for children; motorist's duty; bus driver's duty; penalties.

1. On highways having roadways not divided by safety islands or physical traffic separation installations, the driver of a vehicle approaching or overtaking a bus which is being used solely for the transportation of children to or from school or a summer day camp or any school connected activity and which has stopped for the purpose of receiving or discharging any child shall stop such vehicle not less than 10 feet from such school bus and keep such vehicle stationary until such child has entered said bus or has alighted and reached the side of such highway and until a flashing red light is no longer exhibited by the bus; provided, such bus is designated as a school bus by one sign on the front and one sign on the rear with each letter on such signs at least 4 inches in height.

On highways having dual or multiple roadways separated by safety islands or physical traffic separation installations, the driver of a vehicle overtaking a school bus which has stopped for the purpose of receiving or discharging any child shall stop such vehicle not less than 10 feet from such school bus and keep such vehicle stationary until such child has entered said bus or has alighted and reached the side of the highway and until a flashing red light is no longer exhibited by the bus.

On highways having dual or multiple roadways separated by safety islands or physical traffic separation installations, the driver of a vehicle on another roadway approaching a school bus which has stopped for the purpose of receiving or discharging any

child shall reduce the speed of his vehicle to not more than 10 miles per hour and shall not resume normal speed until the vehicle has passed the bus and has passed any child who may have alighted therefrom or be about to enter said bus.

Whenever a school bus is parked at the curb for the purpose of receiving children directly from a school or a summer day camp or any school connected activity or discharging children to enter a school, or a summer day camp or any school connected activity, which is located on the same side of the street as that on which the bus is parked, drivers of vehicles shall be permitted to pass said bus without stopping but at a speed not in excess of 10 miles per hour.

The driver of a bus which is being used solely for the transportation of children to or from school or a summer day camp or any school connected activity shall continue to exhibit a flashing red light and shall not start his bus until every child who may have alighted therefrom shall have reached a place of safety.

Any person who shall violate any provision of this act shall be fined not less than $10.00 for the first offense, and not less than $25.00 for each subsequent offense, which shall be enforced and recovered pursuant to the provisions of chapter 5 of Title 39 of the Revised Statutes.

The Director of the Division of Motor Vehicles may also revoke the license to drive a motor vehicle of any person who shall have been guilty of such willful violation of any of the provisions of this act as shall, in the discretion of the director, justify such revocation but the director shall, at all times, have power to validate such a license which has been revoked, or to grant a new license to any person whose license to drive a motor vehicle shall have been revoked, pursuant to this act.

2. Section 2 of chapter 102 of the laws of 1949 is amended to read as follows:

C. 39:4-128.2 "Out of Service" signs on school buses.

2. Whenever any bus which is designated as a school bus by the signs required by law is parked on a highway for any purpose other than that of receiving or discharging school children or children attending a summer day camp, or children participating in any school connected activity, such school bus shall display conspicuously, front and rear, "Out of Service" signs that shall meet the requirements prescribed by the State Board of Education.

3. This act shall take effect immediately.

Approved July 16, 1968.

CHAPTER 172

AN ACT to validate certain foreclosure proceedings of tax sale certificates where the tax sale certificate was assigned by the municipality and the final judgment was not recorded within the prescribed period of time.

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

Validating act.

1. Any foreclosure proceeding heretofore instituted for the foreclosure of a tax sale certificate assigned by a municipality wherein the final judgment in the foreclosure action was not filed within 2 years from the date of the confirmation of the sale of the tax sale certificate by the municipality or within the time limited by any extension or extensions granted by the governing body of the municipality is hereby validated, provided that said proceeding was conducted otherwise in accordance with the statutory requirements and the rules of the Superior Court. This act shall be inapplicable to any case where legal proceedings relative to the legality of any such tax sale certificate forecloseure proceedings have been heretofore instituted or which shall be instituted within 30 days from the approval date of this act.

2. This act shall take effect immediately.

Approved July 16, 1968.

CHAPTER 173

AN ACT providing for assessments against public utilities for certain purposes and supplementing Title 48 of the Revised Statutes.

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

C. 48:2-59 Annual assessment authorized.

1. To enable the Board of Public Utility Commissioners in the Department of Public Utilities to better perform its lawful duties

relating to service, classifications to be used, rates and charges to be made and collected, rules and regulations to be prescribed, and supervision over all public utilities under its jurisdiction, the Board of Public Utility Commissioners shall annually make an assessment against each public utility.

C. 48:2-60 Amount of assessment; limitation.

2. The assessment shall be equal to a percentage of the gross operating revenue of the public utilities under the jurisdiction of the board derived from intrastate operations during the preceding calendar year at a rate to be determined annually by the board on or before June 30 in the following manner:

The total amount appropriated to the Department of Public Utilities by law for its general purposes for its next fiscal year shall be divided by the total amount of the gross operating revenues of all public utilities under the jurisdiction of the board derived from intrastate operations during the preceding calendar year. The quotient resulting shall constitute the percentage rate of the assessment for the calendar year in which such computation is made. The total amount so assessed to any particular public utility shall not exceed $\frac{1}{10}$ of 1% of the gross operating revenue subject to assessment hereunder of that utility derived from its intrastate operation during the preceding calendar year.

C. 48:2-61 Certain revenue excepted.

3. Operating revenue derived from any service provided or performed by any public utility which is receiving public funds in connection with such service under contracts with the State pursuant to the provisions of Article III of chapter 301 of the laws of 1966 (C. 27:1A–15 through C. 27:1A–28), shall not be included in determining the gross operating revenue of any such public utility or the total gross operating revenues of all public utilities subject to the provisions of this act.

C. 48:2-62 Time limits for levying and paying assessment and filing revenue statement.

4. The assessment prescribed by sections 1 and 2 shall be levied by the Board of Public Utility Commissioners not later than July 1, and shall be paid within 30 days after mailing by registered mail to any public utility notice thereof and a statement of the amount.

Each public utility shall on or before June 1, file with the Board of Public Utility Commissioners, under oath, a statement showing its gross operating revenues derived from intrastate operations during the preceding calendar year.

C. 48:2-63 Time limits for filing objections and holding hearing.

5. Within 15 days after the date of mailing a statement as provided in this act, the public utility against which the statement is rendered may file with the board its objections thereto. Not less than 30 nor more than 60 days after giving notice thereof to the objector, the board shall hold a hearing on the objections.

C. 48:2-64 Disposition of findings of hearing.

6. If after the hearing the board finds any part of the charge against the objecting public utility excessive, erroneous, unlawful or invalid, it shall record its findings upon its minutes and transmit to the objector, by registered mail, an amended statement in accordance with the findings, which shall have the same force and effect as an original statement. If the board finds the entire statement unlawful or invalid, it shall notify the objector, by registered mail, of such determination, and the original statement shall be null and void. If the board finds that the statement as rendered is neither excessive, erroneous, unlawful nor invalid, in whole or in part, it shall record its findings upon its minutes and transmit notice thereof to the objector by registered mail.

C. 48:2-65 State treasurer's action in event of nonpayment.

7. If a statement against which objections are filed is not paid within 30 days after mailing to the objector notice of a finding that the objections have been disallowed, or in case an amended statement is not paid within 30 days after a copy thereof is mailed to the objector, the board shall give notice of the delinquency to the State Treasurer and to the objector, and the State Treasurer shall proceed to make the collection.

C. 48:2-66 Court action for recovery.

8. No action for recovery of an amount paid under the terms of this act shall be maintained in any court unless objections have been filed with the board. In an action for recovery of any payments, plaintiff may raise any relevant issue of law, but the board's findings of fact shall be prima facie evidence of the facts therein stated.

C. 48:2-67 Restraint or delay of payment prohibited; recovery of payment.

9. No action or proceeding shall be maintained in any court for the purpose of restraining or delaying the collection or payment of a statement rendered in accordance with the provisions of this act. A public utility against which a statement is rendered shall pay the amount thereof, and after the payment may in the manner provided by this act at any time within 2 years from the date of

the payment, bring against the State an action at law to recover the amount paid, with legal interest thereon from the date of payment, upon the ground that the assessment was excessive, erroneous, unlawful or invalid in whole or in part.

C. 48:2-68 Procedure in act excludes other remedies.

10. The procedure provided in this act for determining the lawfulness of statements and the recovery of payments made pursuant to statements of assessments shall be exclusive of all other remedies and procedures.

C. 48:2-69 Failure or refusal of public utility to act.

11. If any public utility to which a statement for the amount assessed against it as provided in this act has been rendered fails or refuses to pay the amount within 15 days, or fails to file with the board objections to the statement as provided herein, the board shall transmit to the State Treasurer a certified copy of the statement of the assessment together with notice of the neglect or refusal of the public utility to pay the amount thereof, and at the same time shall mail to the public utility a copy of the notice transmitted to the State Treasurer.

C. 48:2-70 State treasurer's action after receipt of notice.

12. Within 10 days after receipt of the notice and certified copy of the statement, the State Treasurer shall proceed to collect the amount stated to be due, with legal interest, by seizure and sale of any goods or chattels, including stocks, securities, bank accounts, evidences of debt and accounts receivable belonging to the public utility anywhere within the State.

C. 48:2-71 Disposition of moneys.

13. All moneys received by the board under the provisions of this act shall be paid to the State Treasurer.

C. 48:2-72 Certain provisions inapplicable.

14. The provisions of section 1 of chapter 43 of the laws of 1959 (C. 48:2–56) relating to the collections of fees and charges by the Board of Public Utility Commissioners, shall be inapplicable to public utility companies subject to assessment pursuant to this act.

15. This act shall take effect immediately.

Approved July 16, 1968.

CHAPTER 174

AN ACT to amend "An act concerning municipalities, and supplementing Title 40 of the Revised Statutes," approved July 21, 1941 (P. L. 1941, c. 277).

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. 40:47-12.1 Assistance to other municipalities; powers and authority; benefits to assisting policeman or fireman in event of sickness, injury or death.

1. In the event of emergency or widespread conflagration, it shall be lawful for the chief or other head of any municipal fire or police department or any park police department or system, upon the request of the chief of the fire or police department or the mayor of any municipality for assistance outside the normal territorial jurisdiction of the department to which such request is directed, to provide and render such assistance, by supplying fire and police aid, or both, in the protection of life and property, or to assist in quelling any riot or disorder or in suppressing any conflagration, and while so acting the members of the fire or police department supplying such aid shall have the same powers and authority as have the members of the fire or police department of the municipality in which such aid is being rendered.

Any member of a fire or police department rendering assistance or aid, as contemplated by this act, who shall meet death in the performance of duty, or who shall suffer sickness, injury or death in carrying out the provisions of this act, shall be entitled to all salary, pension rights, workmen's compensation and other benefits as though such sickness, injury or death had occurred in his own municipality or other territorial jurisdiction in which his duties are normally carried on.

2. This act shall take effect immediately.

Approved July 16, 1968.

CHAPTER 175

AN ACT concerning the leasing of buildings for school purposes, and amending section 18A:20–4.2 of the New Jersey Statutes, and supplementing chapter 20 of Title 18A of the New Jersey Statutes.

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

1. Section 18A:20–4.2 of the New Jersey Statutes is hereby amended to read as follows:

Type I and II school districts; acquisition of property; limitations.

18A:20–4.2. The board of education of any school district may, for school purposes:

(a) purchase, take and condemn lands within the district and lands not exceeding 50 acres in extent without the district but situate in a municipality or municipalities adjoining the district, but no more than 25 acres may be so acquired in any one such municipality, without the district, except with the consent, by ordinance, of such municipality;

(b) grade, drain and landscape lands owned or to be acquired by it and improve the same in like manner;

(c) erect, lease for a term not exceeding 40 years, enlarge, improve, repair or furnish buildings;

(d) borrow money therefor, with or without mortgage; in the case of a type II district without a board of school estimate, when authorized so to do at any annual or special school election and in the case of a type II district having a board of school estimate, when the amount necessary to be provided therefor shall have been fixed, determined and certified by the board of school estimate, and in the case of a type I district when an ordinance authorizing expenditures for such purpose is finally adopted by the governing body of a municipality comprised within the district; provided, however, that no such election shall be held nor shall any such resolution of a school estimate board or ordinance of a municipal governing body be introduced to authorize any lease of any building for a term exceeding one year until the proposed terms of such lease have been reviewed and approved by the Commissioner of Education and the Local Finance Board in the Department of Community Affairs.

C. 18A:20-4.3 New Jersey Prevailing Wage Act provisions applicable under certain circumstances.

2. Any construction, reconstruction, demolition, alteration or repair work, or maintenance work, including painting and decorating, done under private contract for any person, firm, corporation or association acting under an express agreement or understanding with any board of education that, upon completion of the work contracted for the site, structure or premises upon which such work was done, will be leased by said board of education for public school purposes under the provisions of section 18A:20–4.2 of the New Jersey Statutes, shall be deemed a "public work" for the purposes of the "New Jersey Prevailing Wage Act" (P. L. 1963, c. 150) and subject to the applicable provisions of that act, excepting only such provisions as can be applicable only in cases where a public body is a direct party to a contract for a public work.

C:18A:20-4.4 Prevailing wage rate included in contract under certain circumstances.

3. Every contract in excess of $2,000.00 for any public work contracted for by a private party acting under an express agreement for subsequent lease by a board of education shall contain a provision stating the prevailing wage rate which can be paid (as determined pursuant to the applicable provisions of the "New Jersey Prevailing Wage Act" (P. L. 1963, c. 150)) to the workmen employed in the performance of the contract, and the contract shall contain a stipulation that such workmen shall be paid not less than such prevailing wage rate. No board of education shall enter into any such agreement or understanding except upon the condition that such provision and stipulation shall be included in the contract; and no such agreement or understanding shall be valid or shall be honored by any board of education if such provision and stipulation are not included in the contract.

C. 18A:20-4.5 Authority to execute lease prohibited under certain circumstances.

4. If any public work shall be contracted for by a private party acting under an express agreement or understanding for subsequent lease by a board of education, and if it shall be found prior to execution of a lease pursuant to such understanding or agreement that any workman or workmen employed by the contractor or any subcontractor covered by said contract has been paid a rate of wages less than the prevailing wage required to be paid by such contract, then the board of education involved in any such agreement or understanding shall not execute a lease pursuant thereto, nor make any payment in connection therewith, until all wages

due and owing to any such workman or workmen in compliance with the stipulated prevailing wage rate have been paid; and such private party is hereby authorized to withhold from any contractor or subcontractor who shall have failed to pay the prevailing wage any sums due to such contractor or subcontractor to an amount sufficient to pay to any workman or workmen the balance of wages due him or them as a result of the contractor's failure to pay the prevailing wage, and to make such payments directly to such workman or workmen out of the sums thus withheld. For the purposes of this section, the fact and extent of a contractor's or subcontractor's failure to pay the prevailing wage shall be determined in accordance with the applicable provisions of the "New Jersey Prevailing Wage Act" (P. L. 1963, c. 150).

5. This act shall take effect immediately.

Approved July 19, 1968.

CHAPTER 176

AN ACT concerning education and supplementing chapter 58 of Title 18A of the New Jersey Statutes.

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

C. 18A:58-7.1 Reimbursement for participation in school lunch program.

1. Each school district participating in the National School Lunch Program shall be reimbursed for each Type A lunch as defined within an approved contract with the Department of Education at a rate not to exceed $0.09 per lunch for the general cash-for-food assistance phase of the program. Whenever the Federal funds available to the Department of Education for the operation are less than $0.09 per Type A lunch, the State shall provide an amount which, when added to the Federal funds, will provide the full $0.09 per lunch for the general cash-for-food assistance phase of the program.

2. There is hereby appropriated to the Department of Education the sum of $3,000,000.00 for the purpose of carrying out the provisions of this act, which sum shall continue to be available for expenditure for the fiscal period ending June 30, 1969.

3. This act shall take effect July 1, 1968.

Approved July 19, 1968.

CHAPTER 177

AN ACT concerning education and supplementing Title 18A of the New Jersey Statutes.

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

C. 18A:58-33.2 Application for additional State building aid.

1. Whenever a local board of education determines by resolution that it is unable to comply with the provisions of section 18A:33–1 of the New Jersey Statutes, it may file an application for additional State building aid with the Commissioner of Education and the State Board of Education. Upon the receipt of any such application, the Commissioner of Education and the State Board of Education shall cause an investigation of the conditions to be made in the district, taking into consideration the unhoused pupils, rate of pupil population increase, total tax rate of the municipality or municipalities of the district, school tax rate of the district, the net debt of the municipality or municipalities and the school debt, the density of population, the apportionment valuation in support of each child, the number of children on welfare rolls, and such other factors as the commissioner and State board may deem necessary.

C. 18A:58-33.3 Determination of entitlement to additional aid.

2. If the findings of said investigation show, to the satisfaction of the State Board of Education, that such district is not able to provide the necessary facilities to house the children of the district, the State Board of Education may, by resolution, declare the district to be entitled to additional State school building aid, in an amount not to exceed $25.00 per student in average daily enrollment.

C. 18A:58-33.4 State Treasurer's action.

3. Such certification shall be forwarded to the State Treasurer and the local finance board for consideration. If said resolution shall receive the approval of the State Treasurer and the local finance board, the district shall be entitled to receive annually additional building aid in the amount so stipulated in the resolution.

C. 18A:58-33.5 Inclusion of amounts of additional aid in annual budget; limitation; authority to exceed district's legal borrowing power.

4. The State Board of Education shall include such amounts in its annual budget for building aid for the district. Amounts of

building aid paid under this section shall only be used for the payment of debt service (interest and principal) on bonds issued for school purposes, in accordance with said resolution; provided, that the total amount of bonds issued by school districts for school purposes in accordance wtih resolutions adopted by the State Board of Education pursuant to the provisions of this act, and for the payment of the debt service (interest and principal) on which bonds additional State school building aid may be paid to school districts pursuant to this act, shall not exceed the sum of $90,000,000.00. Any bonds issued for school purposes, under this section, may be in excess of the legal borrowing power to the district, as described in section 18A:24–19 of the New Jersey Statutes.

5. There is hereby appropriated to the Department of Education the sum of $1,000,000.00 for the purposes of this act.

6. This act shall take effect immediately.

Approved July 19, 1968.

CHAPTER 178

AN ACT concerning the validity of obligations of certain minors with relation to loans for higher education.

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

C. 9:17A-2 Loans for higher education; validity of contracts made by minors.

1. Any contract, promissory note or other written obligation made, entered into or executed by any minor to repay or secure payment of any loan or loans made on account of any aid and assistance received by such minor from any person for the purpose of furthering his education at an institution of higher education, shall, notwithstanding any provision of law to the contrary, be as valid, binding and enforceable against the said minor with the same force and effect as if said minor were, at the time of making and executing the same, of the age of 21 years, and such obligation may be enforced in any action or proceeding by or against such minor in his or her own name, and shall be valid without the consent thereto of the parent or guardian of such minor and such minor shall not disaffirm such instrument because of his or her

age, nor shall any person hereafter interpose the defense that he or she is or was at the time of making and executing the same, a minor in any action or proceeding arising out of any such loan or obligation, provided that the person making the loan shall have in his records prior to making any such loan a written certification from the institution of higher education that such minor is regularly enrolled in and attending the institution of higher education or has been accepted for regular enrollment in and plans to attend the institution of higher education.

C. 9:17A-3 "Institution of higher education" defined.

2. As used in this act, an institution of higher education means any qualified institution of collegiate grade, located in this State or elsewhere, which is approved by any regional accrediting association recognized by the National Commission on Accrediting or approved by the Department of Higher Education, or any county college or junior college licensed or approved by the department, operated in accordance with rules and regulations of the Board of Higher Education, or any school of professional nursing accredited or approved by the New Jersey Board of Nursing.

3. This act shall take effect immediately.

Approved July 19, 1968.

CHAPTER 179

AN ACT concerning the attendance at county or county assisted colleges by nonresidents of a county, amending section 18A:64A–23 and supplementing chapter 64B of Title 18A, of the New Jersey Statutes.

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

1. Section 18A:64A–23 of the New Jersey Statutes is amended to read as follows:

County college attendance by nonresidents of county; procedure for authorization to attend; authority to appeal; certificate of residence; tuition payment by county of residence.

18A:64A–23. a. Each county college shall, to the extent its facilities will permit and subject to regulations of the board of higher

education, accept students who are residents of any other county in the State.

b. Any person desiring to enroll in a county college as a nonresident student shall apply to the chief fiscal officer of his county of residence for a certificate of residence showing that said person is a resident of said county. The chief fiscal officer of each county shall, upon application and submission to him of satisfactory evidence of such residence, issue said certificate provided that (1) the county does not sponsor a county college or contribute to the support of a county assisted college, or (2) the local county or county assisted college certifies that it does not offer the particular course or the curriculum desired by the applicant, or (3) the local county or county assisted college certifies that it cannot admit the applicant into a particular course or the desired curriculum, pursuant to criteria established by the board of higher education. If the chief fiscal officer of a county refuses to issue such a certificate, the applicant may appeal to the board of chosen freeholders of the county within 10 days of the receipt of notice of such refusal. The board of chosen freeholders shall make a determination after a hearing, upon 10 days' notice to such chief fiscal officer and the applicant, and such determination shall be final and binding on the county.

Upon his registration for each college year, the nonresident student shall file with the college such a certificate of residence issued not earlier than 2 months prior thereto and such certificate of residence shall be valid for the current or next academic year succeeding the date of issuance, as the case may be.

c. Any county college so admitting nonresident students shall charge to and collect from each county within the State which has issued a certificate or certificates of residence pursuant to subsection (b) and on the basis of which such nonresident students are attending such college, the sending county's share of the operating expenses of such county college, as certified by the board of school estimate and as paid by the receiving county for resident students, computed on a per full-time equated (FTE) student basis.

d. Within 10 days after the commencement of each college term, the county college shall charge the county's per FTE student share of operating expenses of such college for that term as aforesaid to each county which has issued a certificate or certificates of residence pursuant to subsection (b), on the basis of which nonresident students are attending such county college. The amount so charged to the county issuing the certificate or certificates shall be paid within 30 days of the date of the billing.

C. 18A:64B-4 Filing certificate of residence; computation of pro rata share of tuition.

2. A certificate of residence as described in paragraph b. of section 18A:64A–23 of the New Jersey Statutes may be filed with any county assisted college in another county in the same manner as with the county college and for each such nonresident student enrolled in the county assisted college the county of residence may pay to the county assisted college in the manner provided in paragraph d. of said section a pro rata share of his tuition. Such share shall be computed as the amount of assistance granted to the college by the county in which it is located during the term or terms during which such nonresident student is enrolled, divided by the number of full-time equivalent students resident in that county during the same term or terms; provided, however, that in no case shall the payment exceed ⅓ of the total tuition charged to the nonresident student.

3. This act shall take effect July 19, 1968.

Approved July 19, 1968.

CHAPTER 180

AN ACT to provide for the establishment of a co-ordinating agency for higher education in counties granting assistance to qualified junior colleges pursuant to chapter 43 of the laws of 1941 (C. 40:23–8.2) or chapter 42 of the laws of 1962 (C. 40:23–8.2a), defining its powers and duties, and supplementing chapter 64B of Title 18A of the New Jersey Statutes.

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

C. 18A:64B-5 County coordinating agency for higher education authorized.

1. The board of chosen freeholders of any county which grants assistance to a qualified junior college in accordance with chapter 43 of the laws of 1941 (C. 40:23–8.2) or chapter 42 of the laws of 1962 (C. 40:23–8.2a) may, with the consent of the State Board of Higher Education, establish a board to be known as the co-ordinating agency for higher education in the county.

C. 18A:64B-6 County coordinating agency; membership, appointment, terms, vacancies, compensation.

2. The coordinating agency for higher education shall consist of 2 representatives of the county assisted college, nominated by the board of trustees of the college; 2 representatives of each public educational institution, other than a high school or a State college, located in the county and offering terminal programs of instruction above the level of a high school to high school graduates, nominated by the governing board of that institution; the county superintendent of schools; and 4 residents of the county having no official connection with the educational institutions hereinbefore mentioned. Except for the county superintendent of schools, all appointments shall be made by the director of the board of chosen freeholders with the advice and consent of that board for terms of 4 years each, except that the initial appointments shall be made 2 for 1 year, 2 for 2 years, 2 for 3 years, and 2 for 4 years. Terms of all members of the agency shall begin on November 1. Each member shall serve until his successor shall have been appointed and qualified. Vacancies shall be filled in the same manner as the original appointment for the remainder of the unexpired term. The members of the agency shall serve without compensation for their services, but shall be entitled to receive reimbursement for all reasonable and necessary expenses incurred by virtue of service of the member for the agency.

C. 18A:64B-7 Organization; officers.

3. The agency shall organize annually on the first Monday in November by electing by majority vote one of its members as chairman and such other officers as the agency shall determine.

C. 18A:64B-8 Nature of agency; seal; director; personnel; compensation.

4. The agency shall be a body corporate to be known as "The Coordinating Agency for Higher Education . . . ." (herein insert the name of the county), may have and use a common seal, may appoint and fix the compensation of a director, who shall be the executive officer of the agency, and may engage other necessary employees and fix their compensation in accordance with the county budget and applicable law.

C. 18A:64B-9 Agency's duties and authority.

5. Subject to the approval of the Chancellor and the State Board of Higher Education, the agency shall be charged with the duty of determining the needs of the county with respect to public higher education on the level of the first 2 years of education beyond the

high school, including curricula designed to enable the student to transfer to 4-year colleges or universities, curricula designed to provide for semiprofessional employment, and curricula essentially complete in themselves that are designed for other purposes, and it shall determine to what extent existing institutions located in the county shall be utilized to meet such needs in whole or in part. It shall give consideration not only to the present needs of the institution or institutions which it may determine shall be utilized for the purpose of public higher education, but also to the future development of such institution or institutions, and shall ascertain and estimate the cost of carrying out any plan of development which it recommends. The agency shall contract, on behalf of the county and in accordance with county budgetary provisions, and with the approval of the Chancellor and State Board of Higher Education with such institution or institutions for just compensation to it or them for the services such institution or institutions, so utilized for the purpose of public higher education, render or shall render, and also for the support, including necessary facilities, of such institution or institutions to the extent necessary to enable it or them to render the services required. The contract shall provide that expenditures for such services and support shall be made under the supervision of the agency and exclusively for purposes and programs approved by it. No utilization shall be made of any institution wholly or in part under the control of any religious denomination or in which any denominational tenet or doctrine is taught.

C. 18A:64B-10 Agency's annual report and powers.

6. The agency shall make an annual report to the Chancellor of Higher Education and to the board of chosen freeholders, and annually recommend the funds necessary to be included in the county budget for the purpose of public higher education in accordance with the needs for support and facilities as determined by the agency. The agency, so far as may be proper to aid it in the performance of its duties, shall have the power of investigating the finances of any institution utilized for the purpose of public higher education and have access to the books and records of such institution, and shall have all other powers requisite to the performance of its duties under this act, provided that it shall in all respects be subject to the direction of the Chancellor of Higher Education and to the powers vested by law in the Chancellor and the State Board of Higher Education.

C. 18A:64B-11 Agency's use of an unchartered institution of higher education.

7. In case a coordinating agency for higher education in any county determines to utilize an institution not chartered as an institution of higher education, such utilization shall nevertheless be permitted, provided that the services to be contracted for meet the needs as determined by the agency. In the event that such an institution is not empowered to grant degrees, the county assisted college may, in such manner and to such extent as the Chancellor may approve, accept credits from the nondegree granting institution and apply them toward degrees to be awarded by it, and may, with the approval of the nondegree granting institution, award degrees to students completing programs in that institution.

C. 18A:64B-12 Institution's eligibility for financial aid under certain circumstances.

8. In accordance with rules and regulations adopted by the State Board of Higher Education, an institution utilized by a county coordinating agency for higher education shall be eligible to receive such State support for operation and capital outlay expenses as is available or may become available to colleges organized under the provisions of chapter 64A, of Title 18A of the New Jersey Statutes, and, to the extent State concurrence may be required, such Federal support as is or may become available under the higher education assistance acts or any other appropriate Federal acts. Nothing in this act shall prevent such an institution from receiving any other public or private funds that are or may become available.

C. 18A:64B-13 Construction of act.

9. Nothing in this act shall be construed to impair or modify any power, privilege or responsibility granted to any institution of higher education under its charter, as authorized by the Department of Higher Education or the Department of Education.

10. This act shall take effect imediately.

Approved July 19, 1968.

CHAPTER 181

AN ACT to provide an alternate program of benefits for certain members of the faculty of the county colleges, in lieu of benefits now provided.

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

C. 18A:66-154 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 for an alternate program of benefits for certain employees in lieu of benefits under the Teachers' Pension and Annuity Fund and 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 1½ 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 3/16 of the participant's base annual salary at the time of retirement; and disability benefits for all such participants. The Division of Pensions shall provide for performance of all things necessary to prepare and operate said program.

(b) With the approval of the Board of Higher Education, the Division of Pensions may also provide for additional death benefit coverage in accordance with rules and regulations as adopted by the Division of Pensions 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 Division of Pensions 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:66-155 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 county college on the effective date of this act and who was then a member of the Teachers' Pension and Annuity Fund or the Public Employees' Retirement System 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 Public Employees' Retirement System 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 or the Public Employees' Retirement System shall cause prompt notice of said election to be given 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 Public Employees' Retirement System as of date of transfer.

C. 18A:66-156 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 the Public Employees' Retirement System 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 18A:66–36 or section 18A:66–44 of the New Jersey Statutes or as set forth in section 38 or section 48 of chapter 84 of the laws of 1954 as such sections have been 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 or the Public Employees' Retirement System 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 18A:66–36 or section 18A:66–44 of the New Jersey Statutes or section 38 or section 48 of chapter 84 of the laws of 1954. 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 18A:66–36 or section 18A:66–44 of the New Jersey Statutes or under section 38 or section 48 of chapter 84 of the laws of 1954, the transfer from the contingent reserve fund or the pension fund of the Teachers' Pension and Annuity Fund or the Public Employees' Retirement System 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 county 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 or the Public Employees' Retirement System 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 or 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 18A:66–44 of the New Jersey Statutes or section 48 of chapter 84, P. L. 1954 as such sections have been amended and supplemented as of the effective date of this act and changes to either of these sections enacted subsequent to this act shall have no application to the provisions of this act.

In the event that the eligibility requirement under section 18A:66–36 of the New Jersey Statutes or under section 38 of chapter 84, P. L. 1954 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 the Public Employees' Retirement System 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:66-157 Alternate program participation conditions and limitations.

4. (a) Any person participating in the alternate benefit program shall be ineligible for membership in the Teachers' Pension and Annuity Fund or 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 Teachers' Pension and Annuity Fund or the Public Employees' Retirement System as a member of said funds except as herein and otherwise provided by law.

(b) Any person required to participate in the alternate benefit program by reason of employment in a county college, who at the time of such employment is a member of the Teachers' Pension and Annuity Fund, shall be permitted to transfer his membership in said fund to the Public Employees' Retirement System, by waiving all rights and benefits which would otherwise be provided by the alternate benefit program. Any such new employee who is a member of the Public Employees' Retirement System will likewise be permitted to continue his membership in that system, by waiving all rights and benefits which would otherwise be provided by the alternate benefit program. Such waivers shall be accomplished by filing forms satisfactory to the Board of Higher Education within 30 days of the beginning date of employment in a county college.

(c) For the member of the Public Employees' Retirement System who is defined as a full-time faculty member in the regulations of the Board of Higher Education and who is permitted to transfer his membership or continue his membership in that State retirement program, as the case may be, under terms of subsection (b) of this section, the State shall pay the employer contribution to the retirement system on his behalf.

(d) 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:66-158 Contributions; number, amount, method of payment.

5. The Division of Pensions 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 Division of Pensions. Based on a certification by the Division of Pensions of the number and base salary of participants, the State

shall make payments to the Division of Pensions 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 Division of Pensions shall pay to the designated insurer or insurers for the benefit of each participant.

C. 18A:66-159 Designation of insurer; form and content of contracts.

6. The Division of Pensions 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 division 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 county 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:66-160 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 Division of Pensions 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 Division of Pensions. 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 Division of Pensions 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:66-161 Voluntary salary reduction for annuity purchase; agreement specifications.

8. The Board of Higher Education is hereby authorized to permit the county colleges to enter into agreement 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 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 colleges and any employee pursuant to this section shall not exceed 10% of the employee's salary prior to such reduction.

C. 18A:66-162 Definitions.

9. The term "accumulated deductions" as used herein is as defined in section 18A:66–2 or in section 6 of chapter 84, P. L. 1954, as amended and supplemented.

The term "pension reserve" as used herein is as defined in section 18A:66–2 of the New Jersey Statutes or in section 6 of chapter 84, P. L. 1954, 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. As used herein, the "Board of Higher Education" is the agency responsible for the establishment of the alternate benefit program.

The term "Division of Pensions" refers to the division established in the Department of the Treasury pursuant to section 1 of chapter 70, P. L. 1955. As used herein, the "Division of Pensions" is the agency responsible for the administration of the alternate benefit program.

The term "county 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:66-163 Credit of savings authorized.

10. Notwithstanding any other provision of law, any insurance company or companies, issuing policy or policies may credit the Division of Pensions 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:66-164 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:66-165 Retirement, death, or other benefit payment; limitations.

12. No retirement, death, or other benefit shall be payable by the State, the Board of Higher Education or the Division of Pensions 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.

C. 18A:66-166 PERS membership for certain faculty members and other employees.

13. Those faculty members, who are ineligible for participation in the alternate benefit program, and all other employees of the county colleges, shall be enrolled in the Public Employees' Retirement System if they are otherwise eligible. Such eligibility shall extend to all part-time faculty members whose services are subject to renewal at the end of each school year.

14. This act shall take effect on October 1, 1968.

Approved July 19, 1968.

CHAPTER 182

AN ACT providing for the development, organization and operation of neighborhood education centers and making an appropriation therefor.

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

C. 18A:54A-1 Short title.

1. This act shall be known as, and may be cited as, the "Neighborhood Education Center Act of 1968."

C. 18A:54A-2 Construction of act.

2. This act shall be liberally construed to effectuate the purposes and intent thereof.

C. 18A:54A-3 Legislature's findings.

3. The Legislature hereby finds and declares that there is a need for new programs and institutions capable of reaching and motivating the high school dropout; that the experience gained by the creation of neighborhood education centers in other States indicates that those centers may be a partial answer to the problem of the high school dropout; that the Commissioners of Education, Higher Education and Community Affairs should be authorized to establish such neighborhood education centers; and that the expenditure of public funds for those purposes is in the public interest.

C. 18A:54A-4 Definitions.

4. The following terms shall have the following meanings for the purposes of this act, unless a different meaning clearly appears from the context:

(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 Community Affairs.

(c) The term "council" shall mean the Governor's Council on Neighborhood Education Centers created by section 5 of this act.

(d) The term "neighborhood education center" shall mean a facility which has been or will be developed, organized or operated, subject to the approval and with the assistance of the Governor's Council on Neighborhood Education Centers created by section 5 of this act, for the purpose of providing to public high school students and to public high school dropouts educational, cultural and social programs and services supplementary to or in lieu of similar programs and services made available as part of the course of instruction at a public high school.

(e) The term "sponsor" shall mean any corporation or association organized not for profit pursuant to the provisions of Title 15

of the Revised Statutes which has been determined by the council as capable of developing, organizing or operating a neighborhood education center.

C. 18A:54A-5 Governor's Council on Neighborhood Education Centers created; membership, officers.

5. There is hereby created in but not of the Department of Community Affairs the Governor's Council on Neighborhood Education Centers, which shall consist of the Commissioner of Community Affairs, the Commissioner of Education, and the Chancellor of Higher Education, all of whom shall be members of the council for such times as they shall hold their respective offices. The commissioner shall serve as the administrator and chief executive officer of the council, and shall have primary responsibility for the activities of the council. The Commissioner of Education shall serve as the chairman of the council, which shall meet at the call of said chairman.

C. 18A:54A-6 Authority of council and Commissioner of Education.

6. (a) The council, acting by and through the commissioner, is hereby authorized to develop, organize or operate, or to provide for the development, organization and operation, of not more than 8 neighborhood education centers.

(b) For the purpose of carrying out the provisions of this act, the commissioner, on behalf of and with the approval of the council, is hereby authorized to enter into contracts and agreements with, and to make payments of money based thereon to, sponsors of neighborhood education centers.

C. 18A:54A-7 Commissioner's additional powers.

7. In order to carry out the purposes and provisions of this act, the commissioner, in addition to any powers granted to him elsewhere in this act, shall have the following powers:

(a) To make and enter into all contracts and agreements necessary or incidental to the discharge of his duties and the execution of his powers under this act;

(b) To appoint or employ, subject to the provisions of Title 11 of the Revised Statutes, such personnel and employees as may be necessary in his judgment;

(c) 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 any conditions upon which such grants and contributions may be made;

(d) To call upon and avail himself of, so far as may be practicable and within the limits of appropriations available therefor, the services of employees of the Departments of Community Affairs, Education and Higher Education;

(e) To acquire by purchase, gift or lease, sell, lease and otherwise deal with property, whether real or personal or mixed;

(f) To adopt such rules and regulations as may be necessary or convenient to carry out the provisions of this act; and

(g) To do all acts and things necessary or convenient to carry out the provisions of this act.

8. There is hereby appropriated to the Department of Community Affairs the sum of $480,000.00 for the purpose of carrying out the provisions of this act during the period ending June 30, 1969.

9. This act shall take effect immediately.

Approved July 19, 1968.

CHAPTER 183

AN ACT creating a permanent legislative commission to be known as the State Rules of Evidence Review Commission.

WHEREAS, Pursuant to the provisions of Article III of chapter 52 of the laws of 1960, rules of evidence proposed by the State Supreme Court become effective on the July 1 next following their public announcement, unless cancelled by a joint resolution to that effect adopted by the Senate and General Assembly and signed by the Governor; and

WHEREAS, 5 times in the past 3 years the effective date of the rules of evidence adopted by the Supreme Court on September 14, 1964, has been postponed, namely, by chapter 56 of the laws of 1965 (from July 1, 1965 to January 12, 1966), by chapter 222 of the laws of 1965 (from January 12, 1966 to June 30, 1966), by chapter 184 of the laws of 1966 (from June 30, 1966 to January 31, 1967) by chapter 3 of the laws of 1967 (from January 31, 1967 to September 1, 1967), and by Joint Resolution No. 5 of 1967, which cancelled certain rules and allowed certain others to be adopted; and

WHEREAS, Although the interest and concern of the Legislature has been demonstrated by its passage of the above cited legislation, the delay in adoption of the rules of evidence first proposed in 1964 has caused confusion and uncertainty and has created unnecessary obstacles in the way of co-operation between the legislative and judicial branches of government in the matter of rules of evidence; and

WHEREAS, This delay and confusion has resulted from the fact that the Legislature has no permanent body to which it can submit for recommendation and review any rules of evidence proposed by the Supreme Court, but must depend upon temporary commissions established and reconstituted from time to time to deal with a particular set of court proposed rules; and

WHEREAS, Co-operation between the legislative and judicial branches of government, and the orderly operation of our judicial system can only be secured, and delay and confusion in the judicial process can only be avoided, by a permanent legislative commission, specifically authorized to systematically review and make recommendations to the Legislature concerning rules of evidence proposed by the Supreme Court, prior to their taking effect; and

WHEREAS, The value of co-operation between the legislative and judicial branches of government has been proven by the Rules of Evidence Study Commission, established by the Legislature in 1966, and reconstituted in 1967, which worked in concert with the Supreme Court to effect changes in certain proposed rules of evidence and which made recommendations to the Legislature which were adopted in Joint Resolution No. 5 of 1967, concerning the cancellation of certain rules and the adoption of certain others, and which established not only a precedent but a procedure for the legislative-judicial co-operation herein proposed; now, therefore,

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

C. 2A:84A-39.1 Rules of Evidence Review Commission created; membership, appointment, terms.

1. There is hereby created a permanent State Rules of Evidence Review Commission which shall consist of 10 members, 5 to be appointed by the President of the Senate and 5 to be appointed by the Speaker of the General Assembly. Of those members appointed by the President of the Senate, 2 shall be members of the

Senate and 3 shall be citizens of the State. Of those members appointed by the Speaker of the General Assembly, 2 shall be members of the General Assembly and 3 shall be citizens of the State. Each of the citizen members shall serve for a term of 2 years from the date of his appointment, and to serve until the appointment and qualification of his successor. Each of the legislative members shall serve for a term of 2 years from the date of his appointment; provided, that each legislative member shall serve only so long as he remains a member of the house of the Legislature from which he was appointed.

C. 2A:84A-39.2 Vacancies, compensation.

2. Vacancies caused otherwise than by expiration of term shall be filled for the unexpired term only. Members shall serve without salary but shall be reimbursed for traveling and other expenses actually and necessarily incurred in the performance of their duties.

C. 2A:84A-39.3 Commission's duties.

3. It shall be the duty of the commission to study and review any proposed rules of evidence which may be adopted and publicly announced by the Supreme Court, and recommend such action as it shall deem appropriate to be taken by the Legislature pursuant to Article III of chapter 52 of the laws of 1960.

C. 2A:84A-39.4 Chairman; by-laws.

4. The members of the commission shall choose one of their number to be chairman, and may adopt by-laws for the regulation of its meetings and to carry out its purposes.

C. 2A:84A-39.5 Assistance of governmental agencies; clerical personnel; expenses.

5. 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 agent 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.

C. 2A:84A-39.6 Meetings, hearings, annual report.

6. 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 annually report its findings and recom-

mendations to the Legislature, accompanying the same with any legislative bills which it may desire to recommend for adoption by the Legislature.

7. This act shall take effect immediately.

Approved July 19, 1968.

CHAPTER 184

AN ACT concerning the assessment and collection of taxes on certain properties, 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. 54:4-63.31 Assessment of certain property authorized.

1. In any current tax year the assessor or board of assessors of any taxing district, may in accordance with the provisions of this act, assess any taxable property omitted from the assessment list for the particular tax year. The taxable value of such property shall be determined as of October 1 of the preceding year.

C. 54:4-63.32 Action by assessor; action by county board of taxation.

2. On October 1 in any year in which prior thereto, either the assessor or board of assessors has assessed omitted property, the assessor or board of assessors shall file an assessor's omitted list and a true copy thereof, to be called the "Assessor's Omitted Property Assessment Duplicate" with the county board of taxation. The county board of taxation shall examine, revise and correct the omitted assessment lists and duplicates, if any be filed, and, on or before October 10 in each year, cause the corrected, revised and completed duplicates, if any, certified by it to be a true record of the omitted taxes assessed, to be delivered to the assessors or boards of assessors and the collectors of the taxing districts in the county, affected by such omitted assessments and the omitted assessment lists shall remain in the office of the board as a public record.

C. 54:4-63.33 Prescribed forms and methods.

3. In listing the names and properties in the omitted assessment list, the assessor shall follow such forms and methods as may be prescribed by the Director of the Division of Taxation.

C. 54:4-63.34 Entry of omitted assessments; tax computation.

4. Omitted assessments shall be entered on the appropriate columns upon the omitted assessment lists and duplicates, and there shall be extended on the duplicates the amount of tax computed on each assessment at the same rate as real and personal property in the particular taxing district is being taxed in the particular year.

C. 54:4-63.35 Property owner's notice.

5. As soon as the certified copy of the omitted assessment list is received by the assessor or board of assessors from the county board, the assessor or board of assessors shall cause a notice to be sent by certified mail to the owner of each of the properties affected stating that an omitted tax assessment has been made as to the taxpayer's property and that the tax payable as a result thereof may be ascertained from the collector of taxes of the taxing district.

C. 54:4-63.36 Property owner's tax bills.

6. As soon as the omitted assessment duplicate is delivered to the collector of the taxing district, he shall at once begin the work of preparing, completing, mailing or otherwise delivering the tax bills therefor to the owners whose property has been assessed as omitted assessments and shall complete that work at least 1 week before November 1. The validity of any omitted tax or assessment or the time at which it shall be payable shall not be affected by the failure of a taxpayer to receive a tax bill, but every taxpayer to whom a notice of an omitted assessment has been sent in accordance with section 5 of this act is put upon notice to ascertain from the collector of taxes of the taxing district the amount which may be due for taxes or assessments against him or his property for omitted assessments.

C. 54:4-63.37 Tax payments.

7. Taxes assessed under this act shall be payable on November 1 of the year of levy after which date, if unpaid, they shall become delinquent, and all taxes on account of assessments entered in the omitted assessment list shall be collected and accounted for in the same manner as other taxes.

C. 54:4-63.38 Municipality's payment to county.

8. The municipality on February 15 of each year shall, in addition to the regular installment of county taxes to be paid on said date, pay to the county an amount determined by multiplying the total amount of assessments in the omitted assessment list for the previous year by the county and State rate for the preceding year, and such amount shall be for the use of the county.

C. 54.4-63.39 Appeals.

9. Appeals from assessor's omitted assessments shall be made to the county board of taxation on or before December 1 of the year of levy and the county board shall hear all such appeals within 1 month after the last day for filing such appeals. Appeals to the Division of Tax Appeals from the judgment of the county board of taxation shall be made within 1 month from the date fixed for final decisions by the county board of taxation on appeals from assessor's omitted assessments. In all other respects such appeals shall be governed by the laws concerning appeals from real and personal property assessments.

C. 54:4-63.40 Effect of act.

10. This act is intended to provide an additional and alternate method for the assessment of taxes on certain omitted property and shall not supersede the provisions of P. L. 1947, chapter 413 or any other law.

11. This act shall take effect immediately.

Approved July 19, 1968.

CHAPTER 185

AN ACT relating to confidential communications between physician and patients, and supplementing "The Evidence Act, 1960," approved June 20, 1960 (P. L. 1960, c. 52).

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

C. 2A:84A-22.1 Definitions.

1. As used in this act, (a) "patient" means a person who, for the sole purpose of securing preventive, palliative, or curative treatment, or a diagnosis preliminary to such treatment, of his physical or mental condition, consults a physician, or submits to an examination by a physician; (b) "physician" means a person authorized or reasonably believed by the patient to be authorized, to practice medicine in the State or jurisdiction in which the consultation or examination takes place; (c) "holder of the privilege" means the patient while alive and not under guardianship or the guardian of the person of an incompetent patient, or the per-

sonal representative of a deceased patient; (d) "confidential communication between physician and patient" means such information transmitted between physician and patient, including information obtained by an examination of the patient, as is transmitted in confidence and by a means which, so far as the patient is aware, discloses the information to no third persons other than those reasonably necessary for the transmission of the information or the accomplishment of the purpose for which it is transmitted.

C. 2A:84A-22.2 Communications between physician and patient considered privileged under certain circumstances.

2. Except as otherwise provided in this act, a person, whether or not a party, has a privilege in a civil action or in a prosecution for a crime or violation of the disorderly persons law or for an act of juvenile delinquency to refuse to disclose, and to prevent a witness from disclosing, a communication, if he claims the privilege and the judge finds that (a) the communication was a confidential communication between patient and physician, and (b) the patient or the physician reasonably believed the communication to be necessary or helpful to enable the physician to make a diagnosis of the condition of the patient or to prescribe or render treatment therefor, and (c) the witness (i) is the holder of the privilege or (ii) at the time of the communication was the physician or a person to whom disclosure was made because reasonably necessary for the transmission of the communication or for the accomplishment of the purpose for which it was transmitted or (iii) is any other person who obtained knowledge or possession of the communication as the result of an intentional breach of the physician's duty of nondisclosure by the physician or his agent or servant and (d) the claimant is the holder of the privilege or a person authorized to claim the privilege for him.

C. 2A:84A-22.3 Privilege prohibited under certain circumstances.

3. There is no privilege under this act as to any relevant communication between the patient and his physician (a) upon an issue of the patient's condition in an action to commit him or otherwise place him under the control of another or others because of alleged mental incompetence, or in an action in which the patient seeks to establish his competence or in an action to recover damages on account of conduct of the patient which constitutes a criminal offense other than a misdemeanor, or (b) upon an issue as to the validity of a document as a will of the patient, or (c) upon an issue between parties claiming by testate or intestate succession from a deceased patient.

C. 2A:84A-22.4 Privilege prohibited if patient's condition is element of claim under a contract.

4. There is no privilege under this act in an action in which the condition of the patient is an element or factor of the claim or defense of the patient or of any party claiming through or under the patient or claiming as a beneficiary of the patient through a contract to which the patient is or was a party or under which the patient is or was insured.

C. 2A:84A-22.5 Public information not privileged.

5. There is no privilege under this act as to information which the physician or the patient is required to report to a public official or as to information required to be recorded in a public office, unless the statute requiring the report or record specifically provides that the information shall not be disclosed.

C. 2A:84A-22.6 Finding of collusion eliminates privilege.

6. No person has a privilege under this act if the judge finds that sufficient evidence, aside from the communication, has been introduced to warrant a finding that the services of the physician were sought or obtained to enable or aid anyone to commit or to plan to commit a crime or a tort, or to escape detection or apprehension after the commission of a crime or a tort.

C. 2A:84A-22.7 Termination of privilege.

7. A privilege under this act as to a communication is terminated if the judge finds that any person while a holder of the privilege has caused the physician or any agent or servant of the physician to testify in any action to any matter of which the physician or his agent or servant gained knowledge through the communication.

8. This act shall take effect immediately.

Approved July 19, 1968.

CHAPTER 186

AN ACT concerning municipalities and amending section 40:62–63 of the Revised Statutes.

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

1. Section 40:62–63 of the Revised Statutes is amended to read as follows:

Performance of work or procurement of materials; advertisement for bids; award of contract; exception.

40:62–63. Whenever any work to be performed or materials to be furnished under sections 40:62–47 to 40:62–105 of this Title, or any of them, may involve an expenditure of any sum exceeding $2,500.00, the governing body shall advertise for bids therefor, and award and execute the contract therefor, as provided in chapter 50 of this Title (40:50–1 et seq.). The advertisements shall specify the dimensions and quality of the work to be done or materials to be furnished.

This section shall not be construed to apply to the compensation of specially retained advisers, or when the exigency of the service, or an emergency threatening the continuity of the water supply shall be declared to exist by a resolution passed by an affirmative vote of 4/5 of the body having charge thereof. Such resolution shall state the nature of the exigency or emergency, and the approximate cost of the work necessary to be done to meet such exigency or emergency. In such case, it shall not be necessary to advertise for bids or to receive proposals or to award a contract therefor.

2. This act shall take effect immediately.

Approved July 19, 1968.

CHAPTER 187

AN ACT concerning fees for the services of sheriffs, and amending section 22A:4–8 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:4–8 of the New Jersey Statutes (P. L. 1953, c. 22) is amended to read as follows:

Fees and mileage of sheriffs and other officers.

22A:4–8. Fees and mileage of sheriffs and other officers.

For the services hereinafter enumerated sheriffs and other officers (including coroners in cases where coroners are authorized by law to perform such services) shall receive the following fees:

In addition to the mileage allowed by law, for serving every summons and complaint, attachment or any mesne process issuing out of the Superior Court or County Court, the sheriff or other officer serving such process shall, for the first defendant or party

on whom such process is served, be allowed $10.00 and, for service on the second defendant named therein, $8.00, and for serving such process on any other defendant or defendants named therein, $4.00 each, and no more. If a man and his wife be named in such process they shall be considered as one defendant, except where they are living separate and apart.

Serving summons and complaint in matrimonial actions, in addition to mileage, $12.00.

Serving capias ad respondendum, capias ad satisfaciendum, warrant of commitment, writ of ne exeat, in addition to mileage, $25.00.

Serving order to summon juries and return, $1.75.

Serving every execution against goods or lands and making an inventory and return, in addition to mileage, $25.00.

For returning every writ $0.25.

Executing every writ of possession and return, in addition to mileage, $25.00.

Executing every writ of attachment, sequestration or replevin issuing out of any of the courts, in addition to mileage, $25.00.

For serving each out-of-State paper, in addition to the mileage allowed by law, $15.00.

For serving or executing any process or papers where mileage is allowed by law, the officer shall receive mileage actually traveled to and from the courthouse, at the rate per mile of $0.10.

For summoning a special jury, $5.00.

Attending a jury of view, each day, $2.50.

For service of notices on grand and petit jurors the same fees allowed by law for the service of a summons issued out of the County Court.

For producing the jury list and attending the judge within the county, $3.50; and for attending the judge outside the county the sheriff shall receive an additional sum for each mile from the courthouse of his county to the place of attendance, such mileage to be at the rate per mile of $0.24.

For attending the regular terms of the courts of the county for each day, $3.75.

Every person committed to prison, $0.25.

Discharging every person from prison, $0.12.

Victualing a prisoner, per day, $0.15.

Attending with a prisoner before a judge on his being surrendered by or in discharge of his bail, and receiving him into custody, $2.00.

The sheriff shall be entitled to retain out of all moneys collected or received by him on a forfeited recognizance, whether before or after execution, or from amercements, or from fines and costs on conviction, on indictment or otherwise, whether such moneys are payable to the State or to the county treasurer of the county wherein conviction was had, 5%.

For transporting each offender to the State Prison, per mile, but not less than $3.00 for each offender, to be certified by the keeper of the prison and the certificate to be delivered to the county treasurer of the county where the conviction was had, $0.23.

EXECUTION SALES

When a sale is made by virtue of an execution the sheriff shall be entitled to charge the following fees: On all sums not exceeding $1,000.00, 4%; on all sums exceeding $1,000.00 on such excess, 2½%; the minimum fee to be charged for a sale by virtue of an execution, $6.00.

When the execution is settled without actual sale and such settlement is made manifest to the officer, the officer shall receive ½ of the amount of percentage allowed herein in case of sale.

Making statement of execution, sales and execution fees, $2.25.

Advertising the property for sale, provided the sheriff or deputy sheriff attend in pursuance of the advertisement, $7.00.

For the crier of the vendue, when the sheriff proceeds to sell, for every day he shall be actually employed in such sale, $2.00.

Every adjournment of a sale, but no more than one adjournment shall be allowed, and if the sheriff shall have several executions against a defendant, he shall only be allowed for advertising, attending and adjourning, as if he had but one execution, $10.00.

Drawing and making a deed to a purchaser of real property, $15.75.

Drawing and making a bill of sale to the purchaser of personal property when such bill of sale is required or demanded, $12.00.

When more than one execution shall be issued out of the Superior Court upon any judgment, each sheriff to whom such execution shall be directed and delivered shall be entitled to collect and receive from the defendant named in such execution the fees allowed by law for making a levy and return and statement thereon, or for such other services as may be actually performed by him, and the sheriff who shall collect the amount named in said execution or any part thereof, shall be entitled to the legal percentage upon whatever amount may be so collected by him, but in case any such judgment

shall be settled between the parties and the amount due thereon shall not be collected by either sheriff, then the percentage on the amount collected which would be due the sheriff thereon in case only one execution had been issued shall be equally divided among the several sheriffs in whose hands an execution in the same cause may have been placed.

The sheriff shall file his taxed bill of costs with the clerk of the court out of which execution issued, within such time as the court shall direct by general rule or special order, or, in default thereof, he shall not be entitled to any costs. If any sheriff shall charge in such bill of costs for services not done, or allowed by law, or shall take any greater fee or reward for any services by him done than is or shall be allowed by law he shall be liable for the damages sustained by the party aggrieved including a penalty of $30.00, to be recovered in a summary manner, in the action or proceeding wherein the execution was issued or otherwise.

2. This act shall take effect immediately.

Approved July 19, 1968.

CHAPTER 188

AN ACT concerning education and amending sections 18A:18–9 and 18A:18–14 of the New Jersey Statutes.

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

1. Section 18A:18–9 of the New Jersey Statutes is amended to read as follows:

State board's classification and qualification of prospective bidders.

18A:18–9. Every board of education shall require that all persons proposing to bid on any contract with the board for public work, the entire cost whereof will exceed $10,000.00, shall first be classified by the State board as to the character and amount of public work on which they shall be qualified to submit bids. So long as such requirement is in effect, the board of education shall accept such bids only from persons qualified in accordance with such classification.

2. Section 18A:18–14 of the New Jersey Statutes is amended to read as follows:

Ineligibility of certain bidders; required affidavit, reports.

18A:18–14. No person shall be qualified to bid on any contract with the board, the entire cost whereof will exceed $10,000.00, who shall not have submitted a statement as required by section 18A:18–10, within a period of 6 months preceding the date of opening of bids for such contract. Every bidder shall submit with his bid an affidavit that subsequent to the latest such statement submitted by him there has been no material adverse change in his qualification information except as set forth in said affidavit. The specifications for every such contract subject to this chapter shall provide that the board of education, through its architect or other authorized agent, shall upon completion of the contract report to the department as to the contractor's performance, and shall also furnish such report from time to time during performance if the contractor is then in default.

3. This act shall take effect immediately.

Approved July 19, 1968.

CHAPTER 189

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 165 of the act of which this act is amendatory is amended to read as follows:

C. 17:12B-165 Other investments, securities.

165. Other investments, securities. A State association may invest as follows:

(1) Obligations of the United States. In obligations of or guaranteed as to principal and interest by the United States of America.

(2) Federal Home Loan Bank Stock. In stock of the Federal Home Loan Bank, of which it is eligible to be a member; and in other obligations of any Federal Home Loan Bank or banks or of the Federal Home Loan Bank System.

(3) Participation in mortgage loans.

(a) In the investment in participating interests in mortgage loans. The mortgage which secures payment of any such participating interest shall be a lien upon real estate in this State used or to be used wholly or partially for dwelling purposes and shall conform with the limitations, conditions and requirements set forth in this article regulating direct reduction mortgage and straight mortgage loans, with respect to priority of lien, the percentage of such loan to be the appraised value of the mortgaged property, and the terms of repayment of such loan. Such participating interest shall entitle the State association to share all money and other benefits derived from such mortgage loan, or incidental thereto, pro rata with, or with preference and priority over, the holder of any other participating interest therein.

(b) In addition to the participating interests in mortgage loans permitted under paragraph (a) of this subsection, any insured State association may participate in mortgage loans to the extent and under the conditions permitted by the rules and regulations adopted by the commissioner from time to time. To the extent feasible and to the extent compatible with local conditions relevant to financial and economic circumstances and the public welfare, the commissioner shall endeavor to promulgate such rules and regulations in substantial conformity with similar rules and regulations of the Federal Savings and Loan Insurance Corporation.

(4) Accounts of other associations. In accounts of any insured State association of this State and of any Federal association whose principal office is located in this State; provided, that no such investment shall be made in excess of the amount for which such account is insured by the Federal Savings and Loan Insurance Corporation.

(5) Savings banks' investments. In any investment in which savings banks of New Jersey are or shall be authorized to invest by any law of this State, other than investments which are, or which hereafter shall be, specifically designated and regulated by this act; provided, however, no funds may be invested pursuant to this subsection which are required for authorized loans to members.

(6) Loans on securities. In loans upon obligations secured by the pledge of any security designated in subsections (1) and (5) of this section; provided, that any loan made on an obligation desig-

nated in subsection (1) of this section shall not exceed the market value of the obligation pledged as collateral and any loan made on the security designated in subsection (5) of this section; shall not exceed 80% of the market value of the security pledged as collateral and provided further, that no funds may be invested pursuant to this subsection which are required for other authorized loans to members.

(7) Central corporation. In the capital stock, securities, debentures or other obligations of a single corporation organized under the laws of the State of New Jersey, the entire capital stock of which corporation shall be open to, subscribed for, and issued to State associations of this State and such Federal associations that have their principal offices in this State; provided, however, that the original capital stock of such corporation shall aggregate at least $200,000.00 from subscriptions and payments by at least 10 of the aforementioned associations; and provided further, that no association, aforementioned, may invest its funds under this subsection in an amount exceeding 5% of its assets at the time of such subscription, payment or investment, except with the approval of the commissioner.

(8) Federal corporations. In the capital stock, securities, debentures or other obligations of any corporation created by Act of Congress in which such investment may be open to associations and which shall afford advantages or safeguards to associations.

(9) In any other investment in which an association is, or shall be, authorized to invest by any law of this State.

2. This act shall take effect immediately.

Approved July 19, 1968.

CHAPTER 190

AN ACT to amend "An act concerning moneys for the maintenance of park systems in certain counties, and supplementing article 2 of chapter 37 of Title 40 of the Revised Statutes, and repealing chapter 191 of the laws of 1951," approved November 2, 1960 (P. L. 1960, c. 144).

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. 40:37-15.2 Financing county park systems.

1. The board of chosen freeholders in any county having a county park system established by referendum pursuant to the provisions of section 40:37–96 of Title 40 of the Revised Statutes, and in which, heretofore, the amount to be raised for the support and maintenance of the county parks shall have been fixed and determined pursuant to referendum in accordance with P. L. 1951, chapter 191, shall annually, in ordering the amount of money to be raised for county purposes, declare the amount necessary to be raised for the purpose of maintaining the public parks and roads or parkways, built in connection with the public park system of such county, which amount shall not be less than ¼ of one mill on the dollar, nor more than one mill on the dollar of the aggregate true or full value of all property in the several taxing districts of the county, as determined by the county board of taxation.

If in any year the park commission shall certify to the board of chosen freeholders that an amount less than the minimum hereinbefore prescribed is needed for the maintenance of the park system during that year, and shall also certify the exact amount necessary to maintain the parks during that year, the board shall raise for that year the sum so certified by the park commission instead of the minimum hereinbefore prescribed.

2. This act shall take effect immediately.

Approved July 19, 1968.

CHAPTER 191

AN ACT concerning counties and municipalities in relation to parks and playgrounds and amending section 40:12–6 of the Revised Statutes.

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

1. Section 40:12–6 of the Revised Statutes is amended to read as follows:

Board's control of facilities; preservation of order; appointment and compensation of director and other personnel.

40:12–6. The board of recreation commissioners shall have full control over all lands, playgrounds and recreation places acquired or leased under the provisions of sections 40:12–1 to 40:12–9 of this Title and may adopt suitable rules, regulations and by-laws for the use thereof, and the conduct of all persons while on or using the same; and any person who shall violate any of such rules, regulations or by-laws shall be deemed and adjudged to be a disorderly person.

The custodians, supervisors and assistants appointed by the board shall, while on duty and for the purpose of preserving order and the observance of the rules, regulations and by-laws of the board, have all the power and authority of police officers of the respective municipalities in and for which they are severally appointed.

The board may appoint a recreation director for a term not to exceed 3 years, a secretary or clerk, and such number of custodians, supervisors and assistants for the several playgrounds and recreation places under its control as they shall think necessary, and fix and determine their salaries.

2. This act shall take effect immediately.

Approved July 19, 1968.

CHAPTER 192

AN ACT concerning fire district elections, authorizing the loan or rental of voting machines, and the use thereof in the conduct of said elections.

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

C. 40:151-24.1 Rental of voting machines for fire district election; terms.

1. The superintendent of elections of any county having a superintendent of elections or the county board of elections of any county not having a superintendent of elections, may upon application of the board of commissioners of any township fire district, loan or rent to said board, one or more voting machines owned by the county, for a period of time which does not conflict with any State, county, municipal or school district election, for the purpose of

conducting a fire district election as required by law. The loan or rental of a voting machine or machines for this purpose shall be upon such terms and conditions as may be determined by the board of chosen freeholders of the county.

C. 40:151-24.2 Authority for use.

2. In any case in which voting machines are made available for such purpose, the use thereof for any fire district election held pursuant to chapter 151 of Title 40 of the Revised Statutes is authorized.

3. This act shall take effect immediately.

Approved July 19, 1968.

CHAPTER 193

AN ACT to amend "An act to define and regulate installment sales of goods and services used or furnished in the modernization, rehabilitation, repair, alteration or improvement of real property, and to provide for licensing of home improvement contractors and home financing agencies and providing penalties for violations," approved June 9, 1960 (P. L. 1960, c. 41).

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. 17:16C-68 Payment of balance in equal installments; extension or deferment of scheduled payments; options and additional charges.

7. (a) Every home repair contract shall provide for the payment of the time balance in substantially equal installments on dates separated by substantially equal payment-periods. When appropriate for the purpose of facilitating payment, the contract may provide for payments on a schedule which reduces or omits payments over a period or periods not in excess of 93 days in any 12-month period.

(b) The holder of a home repair contract may extend the scheduled due date of any home repair contract and defer the scheduled due date of any or all installment payments, or reduce the amount of any or all installments and may, as a consideration therefor,

make a total additional charge not to exceed the amount ascertained under either of the following methods of computation at the respective rates indicated by the following options:

Option 1. The additional charge shall be computed on the amount of the scheduled installment or installments extended, deferred or reduced, for the period or periods for which each installment or part thereof is extended, deferred or reduced, at the rate of 1% per month.

Option 2. The holder of a home repair contract may, by written agreement, renew the entire unpaid balance owing on a home repair contract and may make a charge therefor at the rate charged in the contract so renewed, from the date of renewal to the maturity of the final installment.

(c) The unpaid balances owing on 2 or more home repair contracts held by the same holder may be consolidated, and the consolidated balance may be paid in such installments and over such period of time as the owner and the holder of such home repair contracts may agree upon in writing. A credit service charge may be made based upon such consolidated balance within the limtis imposed by section 8.

(d) The consolidation of the unpaid balances owing on 2 or more home repair contracts shall be effected by an agreement in writing which shall identify the home repair contracts affected by such consolidation by reference to the dates of their execution, the names of the parties thereto, and the location of the property or properties in connection with which the goods and services were furnished pursuant to such contracts. Such agreement shall state as separate items

(1) the unpaid balance owing on each of the contracts affected by the consolidation, and the total of such balances;

(2) the amount, if any, of the charge made pursuant to subsection (d) of section 6;

(3) the official fees;

(4) the consolidated balance, which is the sum of the unpaid balances as shown pursuant to paragraph (1) of this subsection, and the amounts shown pursuant to paragraphs (2) and (3) of this subsection;

(5) the credit service charge, which shall be computed pursuant to section 8, except that such charge shall be based upon the consolidated balance as shown pursuant to paragraph (4) of this subsection, instead of upon the principal balance as provided in section 8;

(6) the time balance, which is the sum of the consolidated balance as shown pursuant to paragraph (4) of this subsection and the credit service charge, as shown pursuant to paragraph (5) of this subsection, the number of installments required, the amount of each installment, and the due dates thereof.

(e) For the purposes of this section, "unpaid balance owing" on a home repair contract means the amount which would be required to pay the contract in full if such payment were made on the day when an agreement is entered into pursuant to Option 2 of subsection (b) of this section, or a consolidation of balances is effected pursuant to paragraph (d) of this subsection. In computing the amount of the unpaid balance owing on a contract, a credit shall be allowed according to the formula provided by section 12, except that, in applying such formula, no deduction for an acquisition charge shall be taken.

2. This act shall take effect immediately.

Approved July 19, 1968.

CHAPTER 194

AN ACT authorizing municipalities to make special emergency appropriations for costs arising from public exigencies caused by civil disturbances and supplementing chapter 4 of Title 40A of the New Jersey Statutes.

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

C. 40A:4-55.13 Special emergency appropriation authorized.

1. A local unit may by resolution make special emergency appropriations after the adoption of the budget, for costs arising from a public exigency caused by civil disturbances.

C. 40A:4-55.14 Financing emergency appropriation.

2. A local unit may finance such appropriations from surplus funds available or may borrow money to finance the same in the manner hereinafter prescribed.

C. 40A:4-55.15 Effect of emergency appropriation on succeeding annual budgets.

3. When any such appropriation is financed from surplus funds available, at least ⅓ of the amount thereof shall be included in

each succeeding annual budget until the appropriation has been fully provided for.

C. 40A:4-55.16 Procedure for borrowing money to finance emergency appropriation.

4. When any such appropriation is to be financed by borrowing money, the governing body of the local unit shall, by a ⅔ vote of the full membership thereof, adopt a resolution:

a. Setting forth the amount appropriated, and

b. Making provision for the borrowing of money by the issuance of "special emergency notes" which may be renewed from time to time, but at least ⅓ of all such notes, and the renewals thereof, shall mature and be paid in each succeeding year so that all notes and renewals shall have matured and have been paid not later than the last day of the third year following the date of the special emergency resolution.

C. 40A:4-55.17 Application of certain provisions to special emergency notes.

5. The provisions of the chapter hereby supplemented relating to tax anticipation notes shall apply to special emergency notes. A copy of the resolution shall be filed forthwith after it is adopted with the Director of the Division of Local Finance in the Department of Community Affairs for that purpose.

6. This act shall take effect immediately.

Approved July 19, 1968.

CHAPTER 195

AN ACT providing for the compelling of evidence from certain persons in criminal proceedings and for the granting of immunity to such persons from the use of such evidence against them in certain cases.

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

C. 2A:81-17.3 Refusal to testify; self-incrimination prohibited; prosecution under certain circumstances.

1. In any criminal proceeding before a court or grand jury, if a person refuses to answer a question or produce evidence of any other kind on the ground that he may be incriminated thereby and if the Attorney General or the county prosecutor with the approval

of the Attorney General, in writing, requests the court to order that person to answer the question or produce the evidence, the court shall so order and that person shall comply with the order. After complying and if but for this section, he would have been privileged to withhold the answer given or the evidence produced by him, such testimony or evidence may not be used against the person in any proceeding or prosecution for a crime or offense concerning which he gave answer or produced evidence under court order. However, he may nevertheless be prosecuted or subjected to penalty or forfeiture for any perjury, false swearing or contempt committed in answering, or failing to answer, or in producing, or failing to produce, evidence in accordance with the order. If a person refuses to testify after being granted immunity from prosecution and after being ordered to testify as aforesaid, he may be adjudged in contempt and committed to the county jail until such time as he purges himself of contempt by testifying as ordered without regard to the expiration of the grand jury; provided, however, that if the grand jury before which he was ordered to testify has been dissolved, he may then purge himself by testifying before the court.

2. This act shall take effect immediately.

Approved July 19, 1968.

CHAPTER 196

AN ACT to amend and supplement "An act to provide for the incorporation and regulation of credit unions, and repealing sections 17:13–1 to 17:13–25, inclusive, of the Revised Statutes," approved June 4, 1938 (P. L. 1938, 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 (C. 17:13–27) is amended to read as follows:

C. 17:13-27 Authority to incorporate and powers.

2. Upon executing, recording and filing a certificate of incorporation as hereinafter provided and upon compliance with the provisions of this act and upon approval of the Commissioner of

Banking and Insurance as hereinafter provided, any 7 or more natural persons citizens of this State, may become a credit union and shall be a corporation by the name set forth in its certificate of incorporation with the following powers:

(a) To receive the savings of its members as payments on shares, including the right to conduct Christmas accounts, vacation accounts, and other such thrift accounts within the membership;

(b) To make loans to its members for provident or productive purposes;

(c) To make loans to any other credit union operating under the provisions of this act or of the Federal Credit Union Act; provided, however, that the aggregate of all loans to other credit unions shall not exceed 25% of its share liability, and no credit union shall loan to any other credit union more than 25% of the share liability of such other credit union;

(d) To invest in or purchase any security in which savings banks of this State are authorized by law to invest, including those investments which are restricted by law to savings banks alone; and shares and accounts of savings and loan associations organized under the laws of the State of New Jersey and Federal Savings and Loan Associations, provided all such shares and accounts are insured by an agency or instrumentality of the United States Government, in an amount not to exceed the amount of the insurance; provided, that no such credit union shall invest in securities not permitted under the terms of this act; and provided, that investments, other than in loans to members, shall be made only from funds not needed for loans to members except when the board of directors of any such credit union deems it advisable to invest in other securities for the purpose of maintaining the liquidity of such credit union or maintaining a proper balance in its investment portfolio;

(e) To charge, contract for and receive interest on loans at a rate not to exceed 1% per month; and such interest shall not be payable in advance, or compounded, and shall be computed on unpaid balances; provided, that no further or other charge or amount whatsoever for examination, service, brokerage, commission or otherwise shall be directly or indirectly charged, contracted for or received on loans, in addition to the interest herein provided for, except the lawful fees, if any, actually and necessarily paid out on any such transaction to any public officer for filing or recording or releasing in any public office any instrument securing the loan, which fees may be collected when the loan is made, or at any

time thereafter, and except on actual sale of the security in foreclosure proceedings or upon entry of judgment; and attorneys' fees not to exceed 20% but with a minimum fee of $10.00, may be added to the principal amount of any loan of any such credit union resolved into judgment or placed in the hands of any attorney for collection after default thereon and such addition to the principal amount shall be collectible in any court of competent jurisdiction in addition to the court costs;

(f) To charge fines on delinquent shares;

To charge fines on delinquent loans in an amount not to exceed 1/10 of the interest due;

(g) To charge an entrance fee or membership fee not to exceed $0.25 per member;

(h) To deposit its funds in national banks, banks or savings banks of this State, central funds of credit unions or central credit unions organized under the laws of this State or of the Federal Government;

(i) To have and exercise all the powers of corporations organized under Title 14 of the Revised Statutes not inconsistent with this act;

(j) To act as the fiscal agent for the Federal Government, the State of New Jersey, or any of the subdivisions thereof;

(k) To sell to members negotiable checks, drafts, money orders, and travelers checks, for a reasonable fee, and to cash checks and money orders for members, for a reasonable fee; but credit unions operating under the provisions of this act are not required to be licensed under the provisions of chapter 187 of the laws of 1951 (C. 17:15A–1 et seq.) and chapter 273 of the laws of 1964 (C. 17:15B–1 et seq.);

(l) To purchase land and building for the purpose of providing adequate facilities for the transaction of its business at a cost not to exceed 50% of the amount of its reserves, with the prior approval of the Commissioner of Banking and Insurance.

2. Section 5 of the act of which this act is amendatory (C. 17:13–30) is amended to read as follows:

C. 17:13-30 Membership groups.

5. The membership of any such credit union shall be limited to a group composed of:

(a) Persons employed by a common employer; or persons having a common bond of association by belonging to the same labor union or fraternal or benevolent association affiliated with a national labor union or national fraternal or benevolent association, or a

labor union or fraternal or benevolent or civil service association organized under the laws of the State of New Jersey for at least 5 years, provided that such labor union or fraternal or benevolent or civil service association has a membership of at least 200 members; or

(b) Members of a church parish or church congregation or society consisting solely of members of such church parish or of such church congregation; or

(c) Persons employed by one or more municipal or regional school boards; or persons employed within a municipality by the municipality itself or by any department thereof; or persons employed by municipalities; or persons employed by any county or department thereof; or employees of the State or any department, board, commission, agency or instrumentality thereof; or employees of any port authority, commission, board, agency or instrumentality created by agreement, treaty or compact between the State of New Jersey and any other State; or employees of the Federal Government or any department, board, commission, agency or instrumentality thereof whose place or places of employment are within the State of New Jersey; or

(d) Persons who are residents of a well defined rural area having not more than 2,500 population; or provided, however, that any corporation, association, or partnership, the stockholders or members of which are eligible for membership in any credit union, may become a member thereof but shall not borrow therefrom; and provided, further, that no corporation, association or firm shall be eligible for membership in any credit union when the share liabilty of such credit union exceeds the principal amount due such credit union on notes and other obligations of members by more than 25% of such principal amount; and provided, further, that membership in any credit union shall be limited to a group existing under circumstances which will afford the officers, directors and committees of such credit union reasonable opportunity to observe the character, financial responsibility and financial needs of the members thereof; and provided, further, that the Commissioner of Banking and Insurance shall have power, in his discretion, notwithstanding the provisions of this act, to authorize, on terms, any credit union existing at the time of the taking effect of this act to continue to accept memberships from the group to which its membership was limited by the provisions of its charter and the applicable laws of this State as said charter and said laws existed prior to the taking effect of this act.

(e) Members of any age of the immediate family, defined as the parents, brothers and sisters, spouse and children of the persons described in the above paragraphs who live under the same roof as said persons may become members in the credit union of which said persons are members; provided, that only such additional immediate family members who are 16 years of age or over shall be permitted to borrow from said credit union but not in excess of their share holdings in the credit union, except that any such member who is a student may borrow under any State or Federal plan or any plan approved by the Commissioner of Banking and Insurance; and provided further, that such immediate family members shall not be permitted to act as a comaker or endorser of any member loan except as provided by section 17 (e) hereinbelow.

(f) Employees of any credit union organized under this act may become members of the credit union by which they are employed and enjoy all of the rights and privileges permitted members.

3. Section 9 of the act of which this act is amendatory (C. 17:13–34) is amended to read as follows:

C. 17:13-34 Credit committee; membership, terms, duties.

9. The members of each credit union shall elect from the membership, for terms to be provided in the by-laws, a committee, not less than 3 nor more than 5 in number, which shall be known as the credit committee. It shall be the exclusive duty of the credit committee to receive written applications for loans from members of any such credit union, pass on the same and order the proper officers of such credit union, in writing, to disburse such loans out of available funds; provided, however, that this section shall not be construed to take away from the board of directors its control over the general loaning policy of any such credit union or its power to make general regulations pertaining to loans. At all meetings of any such credit committee a majority of the members thereof shall constitute a quorum; and no member loan shall be ordered to be disbursed by any such credit committee unless the application therefor shall have been approved, in writing, by all of the members of the credit committee present at the meeting at which such loan was considered. No member loans shall be approved except at meetings of the credit committee and the committee shall appoint a chairman and a secretary and such other officers as it deems necessary. It shall be the duty of the secretary of any such credit committee to keep permanent minutes of all of its meetings. The credit committee may appoint one or more loan officers, and delegate to

him or them the power to approve loans up to the unsecured limit, or in excess of such limit if such excess is fully secured by unpledged shares. Each loan officer shall furnish to the credit committee a record of each loan approved or not approved by him within 7 days of the filing of the application therefor. All loans not approved by a loan officer shall be acted upon by the credit committee. No individual shall have authority to disburse funds of the credit union for any loan which has been approved by him in his capacity as a loan officer. Not more than one member of the credit committee may be appointed as a loan officer. The credit committee may approve in advance upon its own motion or upon application by a member, a line of credit, and loans may be granted to such member within the limit of such line of credit. Where a line of credit has been approved, applications for loans need no further consideration as long as the aggregate obligation does not exceed the limit of such line of credit. The credit committee shall, at least once a year, review all lines of credit and any line of credit shall expire if the member becomes more than 60 days delinquent in his obligations to the credit union.

4. Section 10 of the act of which this act is amendatory (C. 17:13–35) is amended to read as follows:

C. 17:13-35 Examining committee; membership, election, duties.

10. The members of each such credit union shall elect a committee of not less than 3 members who shall not be officers, directors or members of the credit committee of such credit union, which committee shall be designated the examining committee. At least ⅓ of the examining committee shall be elected by the members at the annual meeting in each year. It shall be the duty of such examining committee, to make or cause to be made a thorough audit or examination of the condition of such credit union as of December 31 of each year, and a verification of member accounts at least once every year.

The report of the examining committee shall be signed and sworn to by the members of the committee and filed with the board of directors on or before January 25. The examining committee of any such credit union shall also perform such other duties as may be provided in the by-laws of such credit union.

5. Section 12 of the act of which this act is amendatory (C. 17:13–37) is amended to read as follows:

C. 17:13-37 Membership; issuance, assignment and pledge of shares; contract and termination of membership; special reserve account; joint tenancy accounts; credit union liability for payment.

12. (a) Any person may become a member of any such credit union upon payment of an entrance fee of $0.25, payment of an initial installment on a share or shares, acceptance of his membership by the proper authorities of such credit union in the manner prescribed in its by-laws and compliance with any other qualifications required by the by-laws; provided, however, that no person may become a member of such credit union who is not within the group to which membership shall have been limited by the terms of its charter. Shares may be issued in joint tenancy with right of survivorship with any persons designated by the credit union member, but no joint tenant shall be permitted to vote, obtain loans, or hold office, unless he is within the field of membership and is a qualified member. Minors over the age of 16 years may become members and enjoy all of the rights and privileges and incur all of the obligations and liabilities of members, including the right to vote but he may not hold office until he shall have reached his twenty-first birthday; and, notwithstanding legal disabilities to which they might otherwise be subject, either by statute or otherwise, any minor may make any and all contracts, in exercising his membership privileges with the credit union of which he is a member, which any other of its members could make with it and any such contract of a member who is a minor shall be binding and enforceable against such member in the same manner as if he were of full age at the time of entering any such contract. Any nonmember who may, by assignment, as legal representative, trustee, or otherwise, acquire title to the shares of a member shall be entitled to withdraw such shares on the same basis as a member would be entitled to withdraw them but, unless he shall become a member, he shall have no other rights of membership. The pledging of shares in whole or in part by a member shall not terminate his rights as a member. Any member of any such credit union may be expelled at any meeting of the board of directors of which he shall have had notice by a 2/3 vote of the members of the board present at such meeting and a member who has been expelled may be reinstated under like conditions. Upon termination of membership in any such credit union in any manner the balance, if any, credited to the account of the member at the time of termination shall be paid to the person or persons entitled to receive it in the same manner and subject to the same conditions as if the member had withdrawn from such credit union. Any member of any such

credit union whose membership has been terminated by withdrawal, expulsion or otherwise, upon the payment of the balance credited to his account shall have no further rights against such credit union. No credit union shall, by reason of having issued shares to its members be construed to be a capital stock corporation or to have capital. The contract of membership in any such credit union shall be deemed to be expressed by its by-laws, its certificate of incorporation and the applicable laws governing such credit union; but such contract of membership may be changed insofar as such laws are concerned by the Legislature, insofar as its certificate of incorporation is concerned by an amendment thereof and insofar as its by-laws are concerned by an amendment of its by-laws or the adoption of new by-laws in whole or in part and no such change in its certificate of incorporation, in the laws governing it or in its by-laws shall be construed to be an impairment of the obligation of contract or a taking of property of any member; and membership in every such credit union shall be deemed to be subject to that hazard. When a member's whereabouts are unknown for 12 months, all sums due him may be credited to a special reserve account of the credit union, after return of registered letter sent to the last known address. The member shall have 5 years to reclaim the proceeds after which they shall be turned over to the Treasurer of the State of New Jersey;

(b) When either, or both, or one or more of the 2 or more persons in whose name a joint tenancy account is maintained, makes a payment or payments to such joint account, or causes a payment or payments to be made to such joint account, such person or persons shall be conclusively presumed to intend to vest in the other or others a present beneficial interest in each payment so made, and in the moneys to the credit of the joint account from time to time, to the end that, upon the death of any such person or persons, all the right and title of the person so dying in and to the moneys to the credit of the joint account on his death, less all proper set-offs and charges, shall, at such death, vest solely and indefeasibly in the survivor or survivors.

(c) A credit union which makes any payment pursuant to this section prior to service upon the credit union of an order of court restraining such payment, shall, to the extent of each payment so made, be released from all claims of each of the 2 or more persons, their legal representatives, and all others claiming by, from, through or under them, or any of them.

6. Section 16 of the act of which this act is amendatory (C. 17:13–41) is amended to read as follows:

C. 17:13-41 Dividends from net earnings; declaration and payment; limitation; interest refund.

16. (a) At least annually the board of directors of each such credit union may declare a dividend from the net earnings, or from undivided profits. No dividend shall be declared until a written financial statement of the credit union shall have been submitted to and approved by the board showing such profits to have been earned since the last declaration of dividends or to have been transferred from undivided profits. Dividends shall be paid on all fully paid shares outstanding at the close of the dividend period. Shares paid in full during the dividend period shall be entitled to a proportionate part of said dividends calculated from the first day of the month following such payment in full, except that dividend credit for a month may be accrued on shares which are or become fully paid during the first 5 days of that month. No dividends shall be declared in excess of 6% of the share value.

(b) No dividend shall be declared unless the reserve fund shall be equal to or in excess of the sum of 10% of the unpaid balances of all loans contractually delinquent more than 2 months and less than 6 months; plus 25% of the unpaid balances on all loans contractually delinquent 6 months and less than 12 months; plus 100% of the unpaid balances on all loans contractually delinquent 12 months or more; provided, further, that if the reserve fund does not equal the amount required as hereinabove set forth then there shall be set aside in a special reserve for delinquent loans an amount which, when added to the reserve funds, shall equal the sum required in accordance with the schedule hereinabove set forth. The transfer to the special reserve for delinquent loans shall be made on December 31 of each year, or at the close of the dividend period, from undivided profits or net earnings before any declaration of dividends. No deductions shall be made from the special reserve for delinquent loans except that any excess in such fund at the close of the next succeeding dividend period may be returned to undivided profits accounts.

(c) The board of directors may provide for an interest refund proportioned to the interest paid during the dividend period by borrowers.

7. Section 17 of the act of which this act is amendatory (C. 17:13–42) is amended to read as follows:

C.17:13-42 Loans to members.

17. Loans to members of any such credit union shall be subject to the following conditions:

(a) All member loans shall be evidenced by note. Loans may be made to members for provident or productive purposes and upon such security and terms as the by-laws may provide and the credit committee shall approve at rates of interest not to exceed 1% per month on the unpaid balances, such rate to include the credit union's total income on a loan.

(b) Applications for loans shall be made on forms prescribed by the credit committee, which shall set forth the purpose for which the loan is desired, the security, if any, offered, and such other data as may be required. Every loan shall be evidenced by a written instrument.

(c) No loan shall be made to any member which causes such member to become indebted to the credit union in an aggregate amount, upon loans made to such member which is in excess of $250.00 or 5% of the credit union's shares and reserves, whichever is greater, or in excess of $1,000.00 unless such excess over $1,000.00 is adequately secured. In addition to generally accepted types of security, the endorsement of a note by a comaker or assignment of shares or of wages, in manner consistent with the laws of this State, shall be deemed security within the meaning of this act. The adequacy of all securities shall be within the determination of the credit committee or loan officer subject to the provisions of this act and of the credit union's by-laws.

(d) No loan shall be made to a director, officer or member of the credit committee which exceeds the amount of his shares unless the loan shall have been approved by a majority vote of a joint meeting at which a majority of the members of the credit committee and a majority of the members of the board of directors are present. No director or member of the credit or examining committee may endorse for borrowers from the credit union.

(e) A member may receive a loan in one sum, or in fixed installments and may pay the whole or any part of the loan on any day on which the office of the credit union is open for business.

8. Section 18 of the act of which this act is amendatory (C. 17:13–43) is amended to read as follows:

C. 17:13-43 Authority to borrow; limitation.

18. A credit union may by resolution adopted by a majority of its full board of directors borrow, in the manner provided in its

by-laws, from any source, a total amount equivalent to its investments in securities other than loans or 25% of its shares, whichever is greater.

9. Section 20 of the act of which this act is amendatory (C. 17:13–45) is amended to read as follows:

C. 17:13-45 Settlement of account in event of member's death.

20. The amount credited to the account of any member in any such credit union, less any obligation to it for the payment of which such amount shall have been pledged, shall upon the death of such member be paid by such credit union to any person who shall have been designated by such member during his lifetime to receive the same at his death; and such designation shall be made by an instrument in writing filed by such member during his lifetime with such credit union and accepted by such credit union; and in the event of such payment the release or acquittance to such credit union of such person so designated or his heirs, executors, administrators or assigns shall operate to discharge such credit union of and from any liability to the heirs, executors, administrators and assigns of such deceased member; but such member shall, during his lifetime, have full control of his membership account and may assign, pledge or withdraw the same or may change or withdraw any such designation.

C. 17:13-73 Central credit union; organization, membership, voting representation, rights and powers, authorized loans and investments.

10. (a) One hundred or more credit unions operating under provisions of this act, or operating in this State under the provisions of the Federal Credit Union Act may organize a single central credit union whose membership shall be limited to:

(1) Credit unions operating under the provisions of this act or operating in this State under the provisions of the Federal Credit Union Act;

(2) Employees of the central credit union;

(3) Employees of the New Jersey Credit Union League;

(4) Persons who are members of credit unions in this State which have entered or are about to enter into voluntary or involuntary dissolution.

(b) Each credit union becoming a member of the central credit union shall designate one member authorized by the board of directors as the voting representative of the credit union. Such voting representative is eligible for office in the central credit union in the same manner as if he were a member thereof.

(c) The central credit union shall have all of the rights and powers of any other credit union organized under this act, and in addition, shall have the power to obtain through purchase the assets and liabilities of any credit union operating in this State which enters into liquidation; and shall have the power to invest in and grant loans to associations of credit unions, central funds of credit unions, or organizations chartered to provide exclusive service to credit unions as provided for hereinbelow notwithstanding any of the provisions of this act regulating credit unions.

(d) The Central Credit Union organized under this paragraph shall have the authority to make loans to other credit unions organized under this act or operating in this State under the provisions of the Federal Credit Union Act to an aggregate amount of 90% of its assets.

(e) Funds of the Central Credit Union not used in loans to members may also be invested in the capital shares, obligations, or preferred stock issues of any agency or association organized as a stock company, mutual association or membership corporation, provided the membership or the stockholdings, as the case may be, of such agency or association, are confined or restricted to credit unions or organizations of credit unions, and provided such agency, association, or corporation is organized to service or otherwise assist credit unions;

(f) The Central Credit Union organized under this act shall have the power to borrow money from any source and to issue notes or debentures.

C. 17:13-74 Conversion of operation authorized without dissolution or liquidation.

11. A credit union organized under the provisions of this act may convert to operation as a Federal Credit Union, or a Federal Credit Union may convert to a credit union operating under the provisions of this act, without undergoing dissolution or liquidation.

12. This act shall take effect immediately.

Approved July 19, 1968.

CHAPTER 197

AN ACT authorizing attendance at State police training courses by security officers of educational institutions in certain cases.

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

C. 18A:6-4.1 Authority for security officers of educational institutions to attend State Police training courses.

1. Upon application to, and approval by, the Superintendent of State Police security officers of public and nonprofit educational institutions of this State may be admitted to training courses conducted by the Division of State Police for State, county and municipal law enforcement officers, provided that the costs of such training as determined by the superintendent shall be paid to the State Treasurer by the private nonprofit institutions sending security officers to such training courses.

2. This act shall take effect immediately.

Approved July 19, 1968.

CHAPTER 198

AN ACT to amend the "New Jersey State Seed Law (Revision of 1963)" approved May 8, 1963 (P. L. 1963, c. 29).

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 (C. 4:8–17.13) is amended to read as follows:

C. 4:8-17.13 Definitions.

1. As used in this act:

(a) "State board" means the State Board of Agriculture.

(b) The term "State Seed Analyst" means the seed analyst of the New Jersey Department of Agriculture.

(c) The term "certifying agency" means an agency authorized under the laws of a State, territory or possession to officially certify seed, or an agency of a foreign country determined by the

United States Secretary of Agriculture to adhere to procedure and standards for seed certification comparable to those adhered to generally by seed certifying agencies under the laws of States of the United States.

(d) The term "agricultural seeds" means and includes the seeds of grass, forage, cereal and fiber crops and any other kinds of seeds, commonly recognized within this State as agricultural seeds, lawn seeds and mixtures of such seeds, and may include noxious weed seeds when the State Seed Analyst determines that such seed is being used as agricultural seed.

(e) The term "vegetable seed" means and includes the seeds of those crops which are grown in gardens and on truck farms and are generally known and sold under the name of vegetables or herbs in this State.

(f) The term "flower seeds" means and includes the seeds of herbaceous plants grown for their blooms, ornamental foliage, or other ornamental parts and commonly known and sold under the name of flower seeds in this State.

(g) The term "kind" means one or more related species or subspecies which singly or collectively are known by one common name; for example, corn, oats, red clover and cabbage.

(h) The term "variety" means a subdivision of a kind, characterized by growth, yield, plant, fruit, seed, or other characteristics by which it can be differentiated from other plants of the same kind.

(i) The term "mixture" means seeds consisting of more than one kind or variety present to the extent of 5% or more of the total weight of the mixture.

(j) The term "weed seeds" includes the seeds or bulblets of all plants generally recognized as weeds within this State and shall include noxious weed seeds.

(k) (1) "Prohibited noxious weed seeds" are the seeds of perennial weeds such as not only reproduce by seed but also spread by underground roots, stems and other reproductive parts, and which when well established, are highly destructive and difficult to control in this State by ordinary good cultural practices.

(2) "Restricted noxious weed seeds" are the seeds of such weeds as are very objectionable in fields, lawns and gardens of this State, but can be controlled by good cultural practices.

(l) The term "pure seed" means agricultural, vegetable or flower seeds exclusive of inert matter, weed seeds, and all other

seeds distinguishable from the kinds or kinds and varieties being considered.

(m) The term "percentage of germination" means the percentage of seeds other than hard seeds capable of producing normal seedlings under favorable conditions (not including seeds which produce weak, malformed or abnormal seedlings).

(n) The term "percentage of hard seeds" means the percentage of seeds which are incapable of sprouting during the prescribed test period because their outer structures are impermeable to water.

(o) The term "labeling" includes all labels, and other written, printed or graphic representations, in any form whatsoever, accompanying or pertaining to any seed whether in bulk or in containers and includes representations on invoices.

(p) The term "advertisement" means all representations, other than those on the label, disseminated in any manner or by any means relating to seed within the scope of this act.

(q) The term "hybrid" means the first generation of a cross produced under controlled pollination. The parents must be sufficiently uniform to permit repeated production of the hybrid without change in performance. Hybrid designations shall be treated as variety names.

(r) The term "origin" means the foreign country; State of the United States; possession of the United States, or designated portion thereof, where the seed is grown.

(s) The term "lot" means a definite quantity of seed which is identified by a lot number or other mark, and which has been so handled that each portion or container is representative of the whole quantity.

(t) The term "record" includes all information relating to the shipment or shipments involved and includes a file sample of each lot of seed.

(u) The term "treated" means that the seed has received an application of a substance or process designed to control, or repel certain insects or disease organisms or other pests attacking such seed or seedlings grown therefrom, or has received some other treatment to improve its planting value.

2. Section 3 of the act of which this act is amendatory (C. 4:8–17.15) is amended to read as follows:

C. 4:8-17.15 Sale or transportation of seed for sowing purposes; label or tag.

3. Each container of agricultural, vegetable and flower seeds which is sold, offered for sale, or exposed for sale, or transported

within this State for sowing purposes shall bear thereon or have attached thereto or in a conspicuous place on the exterior of the container a plainly written or printed label or tag in the English language, in legible type or in script specifying:

(a) For all seeds:

(1) The name and address of the person who labeled said seed, or who sells, offers for sale, exposes for sale within this State.

(b) For agricultural seeds (except for grass seed mixtures as provided in (c)):

(1) Commonly accepted name, in the order of its predominance, of the kind or kind and variety, of each agricultural seed component in excess of 5% of the whole, and the percentage by weight of each. Where more than one component is required to be named, the word "mixture" or the word "mixed" shall be shown conspicuously on the label.

(2) Lot number or other lot identification.

(3) Origin (State or foreign country), if known, of alfalfa, red clover and field corn (except hybrid corn). If the origin is unknown, the fact shall be stated.

(4) Percentage by weight of all weed seeds.

(5) The name and rate of occurrence per pound of each kind of restricted noxious weed seed present.

(6) Percentage by weight of agricultural seeds (which may be designated as "crop seeds") other than those required to be named on the label.

(7) Percentage by weight of inert matter.

(8) For each named agricultural seed:

(A) Percentage of germination, exclusive of hard seed.

(B) Percentage of hard seeds, if present.

(C) The calendar month and year the test was completed to determine such percentage. Following (A) and (B) the "total germination and hard seed" may be stated as such, if desired.

(9) For seeds placed in a germination medium, mat, tape or other device in such a way as to make it difficult to determine the quantity of seed without removing it from the medium, mat, tape or device, the minimum number of seeds per square foot shall be indicated.

(c) For seed mixtures for lawn and turf purposes in containers of 50 pounds or less:

(1) the word "mixed" or "mixture."

(2) the headings "fine-textured grasses" or "coarse kinds," or both if present, and thereunder in tabular form in type no larger than the heading:

(A) Commonly accepted name, in order of its predominance, of the kind or kind and variety (if known) of each agricultural seed present in excess of 5% of the whole and determined to be a "fine-textured grass" or a "coarse kind" in accordance with the rules and regulations under this act;

(B) Percentage by weight of pure seed of each agricultural seed named;

(C) For each agricultural seed named under (A) above:

1. Percentage of germination, exclusive of hard seed.
2. Percentage of hard seed, if present.
3. Calendar month and year the test was completed to determine such percentage.

(3) The heading "other ingredients" and thereunder in type no larger than the heading:

(A) Percentage by weight of all weed seeds;

(B) Percentage by weight of all agricultural seeds other than those stated under paragraph (2) (A) of this section;

(C) Percentage by weight of inert matter.

(4) Lot number or other lot identification.

(5) Name and rate of occurrence per pound of each kind of restricted noxious weed seed present.

(6) Name and address of the person who labeled said seed, or who sells, offers or exposes said seed for sale within this State.

(7) Net weight.

(d) For vegetable seeds in containers of one pound or less:

(1) Name of kind and variety of seed.

(2) For seeds which germinate more than the standard last established by the rules and regulations under this act.

(A) The year for which packeted or put up, provided that the words "packed for" shall precede the year, or the percentage of germination and the month and year the test was completed to determine such percentage.

(3) For seeds which germinate less than the standard last established by the rules and regulations under this act:

(A) Percentage of germination, exclusive of hard seed;

(B) Percentage of hard seed if present;

(C) The calendar month and year the test was completed to determine such percentages;

(D) The words "below standard" in not less than 8-point type.

(4) For seeds placed in a germination medium, mat, tape or other device in such a way as to make it difficult to determine the quantity of seed without removing it the label must bear a statement to indicate the minimum number of seeds in the container.

(e) For vegetable seeds in containers of more than one pound:

(1) The name of each kind and variety present in excess of 5% and the percentage by weight of each.

(2) Lot number or other lot identification.

(3) For each named vegetable seed:

(A) The percentage of germination, exclusive of hard seed;

(B) The percentage of hard seed if present;

(C) The calendar month and year the test was completed to determine such percentages.

Following (A) and (B) the "total germination and hard seed" may be stated as such if desired.

(4) The labeling requirements for vegetable seeds in containers of more than one pound shall be deemed to have been met if the seed is weighed from a properly labeled container in the presence of the purchaser.

(f) For flower seeds in containers intended for use in home gardens or household planting or in preplanted containers, mats, tapes, or other planting devices:

(1) For all kinds of flower seeds:

(A) The name of the kind and variety or a statement of type and performance characteristics as prescribed in the rules and regulations promulgated under the provisions of this act;

(B) The calendar month and year seed was tested or the year for which the seed was packaged; and

(C) The name and address of the person who labeled said seed, or who sells, offers, or exposes said seed for sale within this State.

(2) For seeds of those kinds for which standard testing procedures are prescribed and which germinate less than the germination standard last established under the rules and regulations of this act:

(A) The percentage of germination exclusive of hard seed; and

(B) The words "below standard" in not less than 8-point type.

(3) For seeds placed in a germination medium, mat, tape, or other device in such a way as to make it difficult to determine the quantity of seed without removing the seeds from the medium, mat, tape, or device, a statement to indicate the minimum number of seeds in the container.

(g) For flower seeds in containers other than those intended for use in home gardens or household planting, preplanted containers, mats, tapes, or other planting devices as described in the rules and regulations:

(1) The name of the kind and variety or a statement of type and performance characteristics as prescribed in rules and regulations promulgated under the provisions of this act;

(2) The lot number or other lot identification;

(3) The calendar month and year that the seed was tested;

(4) The name and address of the person who labeled said seed or who sells, offers, or exposes said seed for sale within this State; and,

(5) For those kinds of seeds for which standard testing procedures are prescribed by the rules and regulations:

(A) The percentage of germination exclusive of hard seed; and

(B) The percentage of hard seed, if present.

3. Section 9 of the act of which this act is amendatory (C. 4:8–17.21) is amended to read as follows:

C. 4:8-17.21 State Seed Analyst; appointment, agents, seal.

9. The State Board of Agriculture shall appoint a State Seed Analyst and such other agents as may be deemed necessary to carry out the provisions of this act.

4. Section 11 of the act of which this act is amendatory (C. 4:8–17.23) is amended to read as follows:

C. 4:8-17.23 Rules and regulations; public hearings; notice.

11. The State board is authorized and directed to formulate and prescribe rules and regulations necessary and appropriate for the administration of this act. Notice of the time and place of a public hearing upon any proposed rule or regulation shall be published not less than 10 days prior to the date of the hearing in at least 2 daily newspapers published in this State. Such notice shall include a brief description of the subject matter of the proposed rule or regulation and of the address to which requests for copies thereof may be addressed.

5. Section 12 of the act of which this act is amendatory (C. 4:8–17.24) is amended to read as follows:

C. 4:8-17.24 State board's authority.

12. The State board may by rule or regulation prescribe and establish:

(a) The method or methods of sampling, inspecting, analyzing, testing, and examining seed, and the tolerances to be followed in the administration of this act, which shall be in general accord with officially prescribed practice in interstate commerce, and such other rules and regulations as may be necessary to secure the enforcement of this act;

(b) Lists of prohibited and restricted noxious weeds, and changes in such lists;

(c) Reasonable standards of germination for vegetable seeds;

(d) Reasonable germination standards for flower seeds; and

(e) Schedule of fees for analysis of samples submitted.

6. Section 17 of the act of which this act is amendatory (C. 4:8–17.29) is amended to read as follows:

C. 4:8-17.29 Violations; penalty, prosecution, publication.

17. A person whi violates any of the provisions of this act or any order, rule or regulation made by the State Board of Agriculture under this act shall be liable to a penalty of not less than $25.00 nor more than $100.00 for a first offense, and not less than $100.00 nor more than $200.00 for each subsequent offense.

The penalty shall be sued for and recovered in an action to be brought by and in the name of the Secretary of Agriculture in a summary manner pursuant to the Penalty Enforcement Law (N. J. S. 2A:58–1 et seq.) as provided in article 2 of chapter 23 of Title 4 of the Revised Statutes.

After judgment by the court in any case arising under this act, the State Seed Analyst shall publish any information pertinent to the issuance of the judgment by the court in such media as he may designate from time to time.

The Department of Agriculture shall be entitled to the assistance of the Attorney General in the enforcement of this act.

7. Section 18 of the act of which this act is amendatory (C. 4:8–17.30) is amended to read as follows:

C. 4:8-17.30 Annual appropriation for seed testing laboratory.

18. Funds for the maintenance of a seed testing laboratory, staff and the administration of this act shall be included in annual appropriations to the Department of Agriculture.

8. This act shall take effect immediately.

Approved July 19, 1968.

CHAPTER 199

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:*

1. The following sum is hereby appropriated out of the General Treasury, for the purpose specified:

DEPARTMENT OF LAW AND PUBLIC SAFETY

135–100. DIVISION OF STATE MEDICAL EXAMINATION

For the cost of establishing laboratory facilities .. $200,000 00

2. This act shall take effect immediately.

Approved July 19, 1968.

CHAPTER 200

AN ACT concerning education and amending section 18A:39–1 of the New Jersey Statutes.

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

1. Section 18A:39–1 of the New Jersey Statutes is amended to read as follows:

Transportation of pupils remote from schools.

18A:39–1. Whenever in any district there are pupils residing remote from any schoolhouse, the board of education of the district may make rules and contracts for the transportation of such pupils to and from school, including the transportation of school pupils 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 pupils to and from school pursuant to this section, trans-

portation shall be supplied to school pupils residing in such school district in going to and from the Marie H. Katzenbach School for the Deaf or any remote school other than a public school, not operated for profit in whole or in part, located within the State provided such schools are not more than 20 miles from the residence of the pupil and the per pupil cost of the lowest bid received does not exceed $150.00 and if such bid shall exceed said cost then the parent, guardian or other person having legal custody of the pupil shall be eligible to receive said amount toward the cost of his transportation to a qualified school other than a public school, 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 pupil attending a remote school, other than a public school, not operating for profit in whole or in part, to register said pupil 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 in order to be eligible for the transportation provided by this section. Whenever any regional school district provides any transportation for pupils attending schools other than public schools pursuant to this section, 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 district was organized, shall be prorated by the regional district among the constituent districts on a per pupil basis after approval of such costs by the county superintendent. This section shall not require school districts to provide any transportation to pupils 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 46 of this Title or for pupils transported to a vocational, technical or other public school offering a specialized program. Any transportation to a school, other than a public school, shall be pursuant to the same rules and regulations promulgated by the State board 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 pupils to a school in an adjoining district when such pupils are transferred to the district by order of the county superintendent, or when any pupils 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 46 of this Title.

2. This act shall take effect immediately.

Approved July 19, 1968.

CHAPTER 201

AN ACT relating to imposition of fees and service charges by banks and trust companies in certain cases and supplementing "The Banking Act 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-229.6 Collection of fee or service charge prohibited under certain circumstances.

1. No bank or trust company after having received notice of the death of a resident depositor shall impose or collect a fee or service charge in connection with the maintenance of a checking account when held in the name of said resident decedent, in the joint names of said resident decedent and one or more persons in the name of said resident decedent's estate during the period when the funds in said account may not be withdrawn pending consent thereto by the Director of the Division of Taxation pursuant to the Transfer Inheritance Tax Law and regulations issued thereunder.

2. This act shall take effect immediately.

Approved July 19, 1968.

CHAPTER 202

AN ACT to provide for the docketing of judgments or orders for the payment of money entered in the juvenile and domestic relations court in the County Court or the Superior Court, in certain cases.

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

C. 2A:4-19.1 Docketing of certain judgments entered in juvenile and domestic relations court.

1. Every judgment or order for the payment of money, entered in the juvenile and domestic relations court, determining an amount of support and maintenance or support or maintenance to be past due, may be docketed either in the County Court of any county or directly in the Superior Court and from the time of its docketing it shall have the force, operation and effect of a judgment of the County Court or Superior Court, Law Division, as the case may be, and execution may issue thereon as in other cases.

2. This act shall take effect immediately.

Approved July 19, 1968.

CHAPTER 203

AN ACT concerning the administration of decedents' estates, and amending section 3A:6–7 of the New Jersey Statutes.

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

1. Section 3A:6–7 of the New Jersey Statutes is amended to read as follows:

Discharge of persons making payments or delivering assets.

3A:6–7. Any bank, building and loan association, association, as defined in section 5 of the "Savings and Loan Act (1963)," (P. L. 1963, c. 144), or other corporation or any person, association or society, which pays or delivers any assets of the intestate to the person executing an affidavit under section 3A:6–5 or 3A:6–6 of this Title, upon presentation of a copy of the affidavit marked a true copy by the surrogate or the clerk of the Superior Court, shall be forever discharged from all claims by any administrator of the intestate who may be appointed or by any other person, as to the assets so paid or delivered, and this, notwithstanding that the total value of the real and personal assets does in fact exceed the amount limited by section 3A:6–5 or 3A:6–6 of this Title or that the statements in the affidavit are erroneous or that the consent required by section 3A:6–6 has not been obtained.

2. This act shall take effect immediately.

Approved July 19, 1968.

CHAPTER 204

AN ACT to amend the title of "An act concerning insurance on the lives of certain borrowers from banks, and supplementing 'An act concerning banking and banking institutions (Revision of 1948),' approved April 29, 1948 (P. L. 1948, c. 67)," approved June 13, 1963 (P. L. 1963, c. 103), so that the same shall read "An act concerning credit life insurance and credit accident and health insurance on certain borrowers from banks, and supplementing 'An act concerning banking and banking institutions (Revision of 1948),' approved April 29, 1948 (P. L. 1948, c. 67)," and to amend the body of the said act.

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

Title amended.

1. The title of chapter 103 of the laws of 1963 is amended to read as follows: An act concerning credit life insurance and credit accident and health insurance on certain borrowers from banks, and supplementing "An act concerning banking and banking institutions (Revision of 1948)," approved April 29, 1948 (P. L. 1948, c. 67).

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

C. 17:9A-70.2 Credit life insurance and credit accident and health insurance on certain borrowers.

2. When a bank makes a loan pursuant to article 12 (sections 53 through 59) of the act to which this act is a supplement, the bank may, subject to the provisions of this act, obtain or provide either or both credit life insurance and credit accident and health insurance on the borrower pursuant to the provisions of "An act to provide for the regulation of credit life insurance and credit accident and health insurance, as defined, and supplementing Title 17 of the Revised Statutes" (P. L. 1958, c. 169); and, if the borrower consents in writing to the obtaining or providing of such insurance, the bank may deduct and retain from the proceeds of any such loan an amount equal to the premium lawfully charged by the insurer issuing such insurance. If such premium charge is so

deducted and retained, (a) such deduction and retention shall not be deemed a further interest or other charge or demand prohibited by section 54A (5) of the act to which this act is a supplement; (b) the bank shall deliver or cause to be delivered to the insured borrower at the time when a loan is made a copy of the insurance policy, or certificate therefor, or a copy of the application for such policy, or a notice of proposed insurance as required by law; and (c) if there is more than one person who is liable for the payment of any such loan, whether as borrower or otherwise, insurance may be obtained or provided as authorized herein on only one such person. Nothing in the act to which this act is a supplement or in any other law of this State shall prohibit a bank, or any employee of a bank, from collecting the premium or identifiable charge for insurance obtained or provided as authorized by this act, or prevent a bank from receiving or retaining any dividend or any other gain or advantage resulting from such insurance.

3. This act shall take effect immediately.

Approved July 19, 1968.

CHAPTER 205

AN ACT concerning assessors in certain cases and supplementing chapter 46 of Title 40 of the Revised Statutes.

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

C. 40:46-6.2c Single tax assessor authorized in certain municipalities; incumbent assessor's term not affected.

1. In any municipality wherein tax assessors have been chosen from wards, the governing body by ordinance may provide for the appointment of a single assessor for the entire taxing district and fix his compensation for the term of office as provided by law. No such ordinance shall affect the term of any assessor in office on the effective date of this act.

2. This act shall take effect immediately.

Approved July 19, 1968.

CHAPTER 206

AN ACT to amend "An act concerning guardians and minors and the deposit of moneys or investment of funds of the minors in certain cases, and supplementing chapter 7 of Title 3A of the New Jersey Statutes," approved June 19, 1959 (P. L. 1959, c. 132).

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. 3A:7-14.1 Estate consisting of proceeds of judgment in favor of minor in amount less than $10,000; deposits, investments.

1. Where the estate of a minor for whom a guardian has been or is to be appointed by a surrogate or a County Court, consists of or is likely to consist of the proceeds of a judgment recovered in favor of the minor in any court of this State, the court, on application of the guardian or a person entitled to be appointed as guardian, by its order may dispense with the giving of a bond by the guardian if the amount involved is less than $10,000.00 and in lieu thereof may direct the moneys be paid into a County Court for the benefit of such minor and that such moneys, or any part thereof, shall be deposited to the credit of the court in an interest-bearing account in, or in interest-bearing certificates of deposit of, a responsible bank, savings bank or trust company, or in an account in, or in interest-bearing certificates of deposit of, any savings and loan association of this State, or any Federal savings and loan association, having its principal office in this State, the accounts of which are insured by the Federal Savings and Loan Insurance Corporation, designated by the County Court, or the court may direct that the moneys, or any part thereof, shall be invested by the surrogate of the county, where such guardian has been or shall be appointed, in United States Savings Bonds in the name of the minor, and in the event of the maturity of said bonds during the period of minority, the court may order the surrogate to reinvest the proceeds in other United States Savings Bonds having later maturity date. The custody of said bonds shall be retained by the surrogate, and said moneys or bonds shall be subject to any order in respect thereto as may be made by a court of competent juris-

diction. Such moneys shall be paid out or such bonds surrendered by the surrogate only by order of the court.

2. This act shall take effect immediately.

Approved July 19, 1968.

CHAPTER 207

AN ACT to amend the "Poultry Products Promotion Council and Tax Act," approved May 17, 1957 (P. L. 1957, c. 47).

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 (C. 54:47A–3) is amended to read as follows:

C. 54:47A-3 Imposition of tax; rate; exception.

3. There is hereby levied and imposed upon any sale, delivery or use within this State of poultry feed except poultry feed to be used for the production of meat chickens for use within the State an excise tax at the rate of $0.01 for each 100 pounds of poultry feed or fraction thereof.

2. This act shall take effect immediately.

Approved July 19, 1968.

CHAPTER 208

AN ACT relating to municipalities, and amending section 40:66–4 of the Revised Statutes.

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

1. Section 40:66–4 of the Revised Statutes is amended to read as follows:

Contracts for street cleaning and refuse collection; advertisement for bids; contractor's bond.

40:66–4. The governing body may, if it deem it more advantageous, contract with any person for the cleaning of the streets, or

the collection, removal and disposal of ashes, garbage, refuse and waste matter or any portion thereof. Before making any such contract or contracts the governing body shall first adopt specifications for the doing of the work in a sanitary and inoffensive manner, and any such contract or contracts the amount of which exceeds $2,500.00 shall be entered into and made only after bids shall have been advertised therefor, and awarded in the manner provided in chapter 50 of this Title (§ 40:50–1 et seq.). The bidder or bidders to whom the contract or contracts shall be awarded shall give satisfactory bond or other security for the faithful performance of the work. The contract shall include and in all respects conform to the specifications adopted for the doing of the work.

2. This act shall take effect immediately.

Approved July 19, 1968.

CHAPTER 209

AN ACT to amend "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:*

1. Section 35 of P. L. 1948, chapter 67 (C. 17:9A–35) is amended to read as follows:

C. 17:9A-35 Trust funds.

35. Trust funds.

A. All moneys, securities and other property held by a qualified bank in fiduciary capacities pursuant to paragraphs (5), (6), (7), (8), (9) and (10) of section 28, shall be kept separate and apart from the moneys, securities and other property belonging to such bank, and such moneys, securities and other property shall not be liable for the debts or obligations of the bank; except that moneys held by a qualified bank in one or more such fiduciary capacities, awaiting investment or disbursement, may be deposited in a single account or in separate accounts with itself or with any other banking institution or with any bank, trust company or national banking association having its principal office in a contiguous State. Moneys so deposited with itself may be used by the bank in the conduct of

its business. Securities held by a qualified bank in fiduciary capacities may also be deposited with any other banking institution, or with any bank, trust company or national banking association having its principal office in a contiguous State. The duties of the depositary in respect to securities so deposited with it shall be confined to the safekeeping thereof, the collection of interest thereon for the account of the depositing qualified bank, and the performance of such other clerical or ministerial acts as the depositing qualified bank may from time to time request. Nothing herein contained shall be construed as relieving the depositing qualified bank from the duty to account for all securities deposited as authorized by this subsection.

B. In the event of the insolvency of a qualified bank which has deposited such moneys with itself, such bank in such fiduciary capacities shall have claims against the assets of the bank for moneys so deposited, preferred over claims not otherwise entitled to preference, but subordinate to all other claims which shall be entitled to preference. In the event of the insolvency of any other banking institution or of any bank, trust company or national banking association having its principal office in a contiguous State, in which such moneys shall have been deposited, a qualified bank which shall have made such deposits shall be liable for the amount of such deposits as if such deposits had been made with it, and shall be subrogated to its claims as fiduciary against the insolvent banking institution, bank, trust company or national banking association, in which such deposits shall have been made.

2. This act shall take effect immediately.

Approved July 19, 1968.

CHAPTER 210

AN ACT authorizing the summoning of grand and petit jurors by registered or certified mail, and amending section 2A:72–5 of the New Jersey Statutes.

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

1. Section 2A:72–5 of the New Jersey Statutes is amended to read as follows:

Summoning grand and petit jurors; service.

2A:72–5. Every grand and petit juror shall be summoned by the sheriff, his deputy, or by one of the coroners or elisors or by a peace officer or officer of a court deputized for that purpose. The summons shall be by notice in writing, under the hand or hands of the summoning officer or officers, served at least 30 days before the day on which such juror is required to appear. It shall require the person therein summoned to appear before a specified court at such time and place as shall be expressed therein, to serve upon a jury.

Each person drawn for jury service may be served personally or by leaving the same at the dwelling house of such juror, or by registered or certified mail addressed to such juror at his usual residence or business address. Where service is made by mail, the summoning officer shall attach to his return the addressee's receipt for the registered or certified summons. Service by mail is complete upon mailing.

2. This act shall take effect immediately.

Approved July 19, 1968.

CHAPTER 211

AN ACT to amend "An act concerning municipalities, and supplementing Title 40 of the Revised Statutes," approved July 21, 1941 (P. L. 1941, c. 277).

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

1. Section 1 of P. L. 1941, c. 277 (C. 40:47–12.1) is amended to read as follows:

C. 40:47-12.1 Fire and police aid to other municipalities; powers and authority; injury or death of assisting fireman or policeman.

1. In the event of emergency or widespread conflagration, it shall be lawful for the chief or other head of the fire or police department of any municipality, upon the request of the chief of the fire or police department or the mayor of any other municipality for assistance, to provide and render such assistance, by supplying fire and police aid, or both, in the protection of life and

property, or to assist in quelling any riot or disorder or in suppressing any conflagration, and while so acting the members of the fire or police department supplying such aid shall have the same powers and authority as have the members of the fire or police department of the municipality in which such aid is being rendered.

Any member of a fire or police department rendering assistance or aid, as contemplated by this act, who shall meet death in the performance of duty, or who shall suffer sickness, injury or death in carrying out the provisions of this act, shall be entitled to all salary, pension rights, workmen's compensation and other benefits as though such sickness, injury or death has occurred in his own municipality.

2. This act shall take effect immediately.

Approved July 19, 1968.

CHAPTER 212

AN ACT concerning the payment of funeral expenses for persons receiving old-age assistance and amending section 44:7–13 of the Revised Statutes.

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

1. Section 44:7–13 of the Revised Statutes is amended to read as follows:

Payment of funeral expenses and terminal medical and nursing expenses under certain circumstances; maximum amount; source of funds; inmates of institutions; county welfare board's liability.

44:7–13. If, on the death of a person receiving old-age assistance, it shall appear to the satisfaction of the county welfare board after investigation that there are insufficient funds to pay his burial and funeral expenses, and his terminal medical and nursing expenses, and that there are no relatives or other persons responsible to pay such expenses, or other persons willing to pay them, the county welfare board may order the payment of such sum as may be necessary, but not exceeding the sum of $350.00, to such person as the county welfare board may direct for the burial and funeral

expenses of the deceased aged needy person; provided, however, that the total cost of such burial and funeral expenses does not exceed $500.00; and the county welfare board may order the payment of such additional sum as may be necessary to the person or persons who furnished terminal medical and nursing service and are entitled to payment therefor; provided, however, that only medical and nursing service furnished within the 2 calendar months immediately preceding the month in which the individual died may be recognized as terminal medical and nursing services.

Any sum so ordered to be paid for or on account of burial and funeral expenses and terminal medical and nursing services shall be first paid, so far as possible, from any fund otherwise undistributed received by the county welfare board from or for the account of the individual recipient, and may thereafter be paid, so far as necessary, from funds appropriated for old-age assistance payments. Any amounts so paid from funds appropriated for old-age assistance payments shall be deemed a part of the assistance granted to the individual recipient for the purpose of claims for reimbursement, and recovery under sections 44:7–14, 44:7–15 and 44:7–19, Revised Statutes, and shall be a proper charge for division of cost between the State and county as referred to in section 44:7–25 of this Title.

Payment of burial and funeral expenses as provided above may be authorized with respect to any person who, while lawfully receiving old-age assistance is committed or admitted to any tax-supported institution other than a penal or correctional institution, and who dies while confined at such institution.

The county welfare board shall not be liable to pay costs of burial and funeral and terminal medical and nursing services for a deceased recipient of old-age assistance incurred pursuant to a contract or contracts entered into without the knowledge and consent of the board, but may, at its discretion, pay such costs, or a portion thereof, within the limitations of this section.

2. This act shall take effect immediately.

Approved July 19, 1968.

CHAPTER 213

AN ACT concerning fees payable to witnesses and amending section 22A:1–4 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:1–4 of the New Jersey Statutes is amended to read as follows:

Fees and mileage of witnesses and others.

22A:1–4. Witnesses and others hereinafter mentioned shall be entitled to the following fees:

Each witness attending any of the following, in his own county, per day of attendance, $2.00; a court; a joint committee of the Legislature, a standing committee of either house or any special committee, which shall have been, by resolution, directed to enter upon any investigation or inquiry, the purpose of which shall necessitate sending for persons and papers and the examination of witnesses; a commissioner or commissioners; a master; a referee; an arbitrator; a coroner's inquest; an officer taking a deposition; or any proceeding issuing out of any court.

Each witness so attending from a foreign county, at the rate of $2.00 a day, together with, for each day of attendance, an allowance of $2.00 for every 30 miles of travel in going to the place of attendance from his place of residence and in returning.

For the Secretary of State, or any clerk attending on subpœna, with records, wills or other written evidence, at the rate of $2.00 a day, and mileage as aforesaid.

2. This act shall take effect immediately.

Approved July 24, 1968.

CHAPTER 214

AN ACT concerning school elections and amending section 18A:14–8 of the New Jersey Statutes.

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

1. Section 18A:14–8 of the New Jersey Statutes is amended to read as follows:

Compensation.

18A:14–8. Each such election officer may be paid by the board for his services in conducting each election not to exceed $2.00 per hour for each hour actually worked, but in no event less than $10.00, as may be fixed by the board of education.

2. This act shall take effect immediately.

Approved July 24, 1968.

CHAPTER 215

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 50 of the act of which this act is amendatory is amended to read as follows:

C. 17:12B-50 Pension plans authorized; payments in event of death or termination of employment.

50. Every association shall have power to adopt, alter, contract for or rescind a plan or plans providing for the payment of pensions to its officers and employees and for the payment to them for life or for a period certain of such pension payments within the limits prescribed by sections 50 through 60 of this act as may be set forth in a plan or plans adopted by the board.

(a) If such a plan provides for the payment of such benefits for a period certain, it may also provide that if such officer or

employee shall die before the expiration of such period, the benefits shall be paid for the remainder of such period to the beneficiary designated by such officer or employee in the manner provided by such plan or plans.

(b) Any pension plan or plans adopted shall provide that upon the termination of employment for any cause prior to the commencement of pension payments pursuant to such plan or plans or upon death prior to such commencement of pension payments the officer or employee or the beneficiary designated by him shall be entitled to receive all of the incidents of ownership thereof which have been purchased by his contributions.

(c) Any pension plan or plans adopted may, but need not, provide that upon the termination of employment for any cause, specified in such plan or plans, prior to the commencement of pension payments pursuant to such plan or plans or upon death prior to such commencement of pension payments, the officer or employee or the beneficiary designated by him shall be entitled to receive all or part of the incidents of ownership thereof which have been purchased by the State association for the benefit of the officer or employee which shall be paid to him or his beneficiary as provided in such plan or plans.

2. Section 52 of the act of which this act is amendatory is amended to read as follows:

C. 17:12B-52 Eligibility for pension payments.

52. No officer or employee of any State association shall be eligible to receive pension payments unless:

(a) Such officer or employee has attained the age of at least 60 years and has served any association or associations as an officer or employee or both for not less than 15 years, or

(b) Such officer or employee has attained the age of at least 50 years, has served any association or associations as an officer or employee or both for not less than 10 years, and has become incapacitated from any cause from continuing his duties as such officer or employee, or

(c) Such officer or employee has served any association or associations as an officer or employee or both, for not less than 15 years, and has become incapacitated from any cause from continuing his duties as such officer or employee.

3. This act shall take effect immediately.

Approved July 24, 1968.

CHAPTER 216

AN ACT concerning the practice of podiatry and amending section 45:5–7 of the Revised Statutes and section 10 of chapter 141 of the laws of 1965.

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

1. Section 45:5–7 of the Revised Statutes is amended to read as follows:

Podiatrist's examination; scope, application, filing; issuance of license; definitions; license and registration display; reciprocal agreements between states; certificate to podiatrist departing from state; National Board of Podiatry Examiners' certificate; relicensing after revocation.

45:5–7. All examinations shall be written in the English language, but the board, in its discretion, may use supplementary oral or practical examinations, either of the whole class or of individuals. The examinations shall be in all subjects taught and practiced in the legally incorporated schools or colleges of podiatry, in good standing in the opinion of the board, which confer the degree of doctor of surgical chiropody or other doctorate degree in podiatry. Said application and examination papers shall be deposited in the files of the said board for at least 5 years, and they shall be prima facie evidence of all matters therein contained. All licenses shall be signed by the president and secretary of the board and shall be attested by the seal thereof.

If the examination is satisfactory, the board shall issue a license entitling the applicant to practice podiatry in this State.

"Podiatry" or "practice of podiatry" is defined to be the diagnosis of or the holding out of a right or ability to diagnose any ailment of the human foot, or the treatment thereof, or the holding out of a right or ability to treat the same by any one or more of the following means: local medical, mechanical, minor surgical, manipulative and physio-therapeutic or the application of external medical or any other of the aforementioned means except minor surgical and local medical to the lower leg and ankle for the treatment of a foot ailment; not including, however, the treatment of tuberculosis, osteomyelitis, malignancies, syphilis, diabetes, tendon transplantations, bone resections other than partial ostectomies of the metatarsals and phalanges, amputations, fractures other than

simple (not compound) fractures of the metatarsals and phalanges requiring only supportive dressings, dislocations other than dislocations of the phalangeal or metatarso-phalangeal joints, the treatment of varicose veins by surgery or injection, the administration of anesthetics other than local, the use of radium, the use of X-ray except for diagnosis, or the treatment of congenital deformities by the use of a cutting instrument or electrosurgery other than those deformities which, but for the congenital aspect, may be treated under this act. For the purposes of this act, the term "partial ostectomies" shall mean the excision of a part of a bone and, except with respect to the sesamoids, is not to be construed as encompassing or authorizing the removal or excision of an entire bone. The term "local medical" hereinbefore mentioned shall be construed to mean the prescription or use of a therapeutic agent or remedy where the action or reaction is intended for a localized area or part.

Every person practicing podiatry under this act shall at all times conspicuously display in his place of practice his license and yearly registration to practice. It shall be unlawful to practice podiatry in this State without so displaying such license and registration. Any applicant for a license to practice podiatry upon proving that he has been examined and licensed by the examining and licensing board of another State, territory of the United States, or the District of Columbia, may in the discretion of the board be granted a license to practice podiatry without further examination upon payment to the board of a license fee of $100.00; provided, such applicant shall furnish proof that he can fulfill the requirements demanded in the other sections of this chapter relating to applicants for admission by examinations; provided further, that the laws of such State, territory or the District of Columbia accords equal reciprocal rights to a licensed podiatrist of this State, who desires to practice his profession in such State, territory or the District of Columbia; provided further, that said applicant has been in lawful and ethical practice of podiatry in the State, territory or District of Columbia from which he applies for 5 full consecutive years next prior to filing his application; and provided, further, that said applicant shall, within 6 months after the issuance of his license hereunder, remove to this State, establish his permanent and only legal residence and cease to operate his practice in the State from which he applies and not use such license for part-time practice in this State. An affidavit setting forth his intention to comply with the requirements of this proviso must be filed with

the application for license. In any such application for a license without examination, all reciprocal questions of academic requirements of other States, territories or the District of Columbia shall be determined by the board. The board shall consider each application for such license on its individual merits and may, in its discretion and without establishing a precedent, waive the requirements for internship in lieu of 10 or more years of active and continuous ethical practice outside of this State.

The board may issue to any licensed podiatrist of this State, known to it to be of good moral character and who has conducted an ethical practice in this State, and who desires to remove his residence and practice to another State, a certificate or certification authenticated with its seal, which shall attest such information as may be necessary for competent boards of other States to determine reciprocity qualifications, upon payment of a fee of $10.00.

The board may, in its discretion, accept in lieu of its own examination, either in whole or in part, the certificate of the National Board of Podiatry Examiners; and provided further, that the applicant satisfies in all other respects the requirements for licensure by examination. Such application to the board shall be accompanied by an application fee of $100.00 plus $10.00 for verification. In the event an oral or practical examination or both is given under this provision, an additional fee of $25.00 may be required for examiner compensation.

The board, in its discretion, may grant a license without further examination to any person whose previous license has been revoked under section 45:5–8 of the Revised Statutes and upon payment to the board of a license fee of $100.00.

2. Section 10 of chapter 141 of the laws of 1965 (C. 45:5–5.2) is amended to read as follows:

C. 45:5-5.2 Colleges of Podiatry approved after May 1, 1964; graduates' applications; contents.

10. Any person desiring to commence the practice of podiatry in this State who has graduated from a college of podiatry approved by the board after May 1, 1964 shall apply to the board for a license so to do. Every such applicant for examination shall present to the secretary of said board, at least 20 days before the commencement of the examination at which he is to be examined, a written application on a form provided by the board, together with satisfactory proof that he is a citizen of the United States, more than 21 years of age, is of good moral character, and

(1) He has obtained an academic education consisting of a 4-year course of study in an approved public or private high school or the equivalent thereof, and

(2) He has completed a satisfactory course of 2 full school years in a legally incorporated and recognized college or university, approved by the board, and

(3) He has studied podiatry for not less than 4 full school years, including the satisfactory completion of 4 courses of at least 8 months each, in 4 different calendar years in a legally incorporated American school or college of podiatry, requiring personal attendance, in good standing in the opinion of said board, wherein the curriculum of study included instruction in the following branches:

Practical podiatry, podiatric orthopaedics, dermatology, diagnosis, anatomy, physiology, therapeutics in all its branches, pathology, histology, bacteriology, pharmacy and materia medica, chemistry, minor surgery and bandaging pertaining to the ailments of the feet, and

(4) He has received a doctorate degree in podiatry, and

(5) Thereafter he has served an internship in a duly licensed clinic, hospital, or institution, approved by the board, for 1 full year devoted to the practice of podiatry in all its branches.

3. This act shall take effect immediately.

Approved July 24, 1968.

CHAPTER 217

AN ACT concerning investments by library trustees, and amending chapter 139 of the laws of 1942.

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. 40:54-19.3 Investment of funds; registration of bonds.

3. The board of trustees of the free public library may invest its funds in any interest-bearing obligations of the United States of America, or in interest-bearing bonds of the State of New Jersey,

or any county or municipality of said State, or in any other securities authorized for investments by trustees under and in accordance with the provisions of article 2 of chapter 15 of Title 3A of the New Jersey Statutes, but the authorization to invest funds in any such obligations or bonds or securities shall be by resolution adopted by a majority vote of all the members of the board of trustees at any regular or special meeting of the board.

All such obligations or bonds or securities shall be registered in the official name of the board of trustees.

2. This act shall take effect immediately.

Approved July 24, 1968.

CHAPTER 218

AN ACT providing for the payment of pensions to widows of certain former State employees in certain cases.

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

1. If any person, heretofore having held employment in the State Department of Defense and in the former Quartermaster-General's Department or the former Adjutant-General's Department continuously for a period of 25 years or more and having been associated with the Senate of the State of New Jersey, serving in various capacities as designated by the President of the Senate, continuously for a period in excess of 20 years, has died, having left a widow, surviving him of the age of 60 years or more, such widow shall be entitled to receive during the remainder of the term of her natural life an annual pension of $2,500.00 to be paid in equal semimonthly payments by the State Treasurer. Such pension shall be payable upon application by any such widow to the State Treasurer and shall be in lieu of any other pension she may be entitled to receive from the State.

2. This act shall take effect immediately.

Approved July 24, 1968.

CHAPTER 219

AN ACT to amend "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," approved July 27, 1967 (P. L. 1967, c. 184).

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. 40:68-27 Establishment of district; procedure.

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.

In addition to the notice required to be published pursuant to the provisions of 40:49–2 of the Revised Statutes of any such ordinance, notices shall also be posted at not less than 2 public places within the district proposed to be created by said ordinance setting forth the date of the hearing and designating the boundaries of the proposed district.

The ordinance shall provide that it shall not be effective until approved by a majority vote at a special election to be held in the proposed district, which election shall be held on a day designated in the ordinance.

A. Ballots for said special election pursuant to this section 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 in which the district is located and shall have printed thereon the question, "Should a special district be formed for the purpose of combating beach erosion which district

shall encompass the following described area,'' followed by description of the districts to be formed. The ballot shall contain appropriate squares marked ''yes'' or ''no'' to be marked by the voters at the said special election pursuant to this section.

B. The special election pursuant to this section shall be conducted in the manner as prescribed in sections 9, 10, 11 and 12. The clerk of the municipality in which the district is located shall cause the election to be advertised at least 1 week before the holding thereof in some newspaper circulating in said district and shall further cause the notice of said special election to be posted in at least 2 public places within the district at least 1 week prior to said special election.

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

C. 40:68-34 Ballots; form and content; advertising and posting notices of election.

8. The ballots for said special election pursuant to section 3 of this act 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.

The clerk of the municipality in which the district is located shall cause said special election pursuant to section 3 of this act to be advertised at least 1 week before the holding thereof in some newspaper circulating in said district and shall further cause the notice of said election to be posted in at least 2 public places within the district at least 1 week prior to said election.

3. This act shall take effect immediately.

Approved July 24, 1968.

CHAPTER 220

AN ACT to amend the title of "An act to define and regulate installment sales of goods and services used or furnished in the modernization, rehabilitation, repair, alteration or improvement of real property, and to provide for licensing of home improvement contractors and home financing agencies and providing penalties for violations," approved June 9, 1960 (P. L. 1960, c. 41), so that the same shall read "An act to define and regulate installment sales of goods or services used or furnished in the modernization, rehabilitation, repair, alteration or improvement of real property, and to provide for licensing of home repair contractors, home financing agencies and home repair salesmen and providing penalties for violations," 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 chapter 41 of the laws of 1960 is amended to read as follows:

Title amended.

AN ACT to define and regulate installment sales of goods or services used or furnished in the modernization, rehabilitation, repair, alteration or improvement of real property, and to provide for licensing of home repair contractors, home financing agencies and home repair salesmen and providing penalties for violations.

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

C. 17:16C-62 Definitions.

1. Unless the context otherwise indicates,

(a) "Goods" means all chattels personal which are furnished or used in the modernization, rehabilitation, repair, alteration or improvement of real property except those furnished or used for a commercial or business purpose or for resale, and except stoves, freezers, refrigerators, air conditioners other than those connected with a central heating system, hot water heaters and other appli-

ances furnished for use in a home and designed to be removable therefrom without material injury to the structure, and except chattels personal under a contract in which the cash price is $300.00 or less and which is subject to the Retail Installment Sales Act of 1960;

(b) "Services" means labor, equipment and facilities furnished or used in connection with the installation or application of goods in the modernization, rehabilitation, repair, alteration or improvement of real property;

(c) "Home repair contract" means an agreement, whether contained in one or more documents, between a home repair contractor and an owner to pay the time sales price of goods or services in installments over a period of time greater than 90 days;

(d) "Home repair contractor" means any person engaged in the business of selling goods or services pursuant to a home repair contract;

(e) "Commissioner" means the Commissioner of Banking and Insurance of New Jersey and includes any deputies or employees of the department designated by him to administer and enforce this act;

(f) "Official fees" means the fees to be paid to a public officer for obtaining any permit or filing any lien or mortgage taken or reserved as security pursuant to a home repair contract;

(g) "Cash price" means the cash sales price for which the home repair contractor would sell the goods or services which are the subject matter of a home repair contract if the sale were a sale for cash rather than an installment sale;

(h) "Down payment" means all payments made in cash to the home repair contractor and all allowances given by the home repair contractor to the owner prior to or substantially contemporaneous with the execution of the home repair contract;

(i) "Credit service charge" means that amount by which the time sales price exceeds the aggregate of the cash price and the amounts specifically included for official fees and, if a separate charge is made therefor, the amount included for insurance and other benefits as provided in section 6 (d);

(j) "Time sales price" means the total amount to be paid pursuant to the contract excluding default charges authorized under this act;

(k) "Owner" means a person, including a tenant, who buys goods or services pursuant to a home repair contract;

(l) "Home financing agency" means any person, other than a home repair contractor, engaged, directly or indirectly, in the business of purchasing, acquiring, soliciting or arranging for the acquisition of home repair contracts or any obligation in connection therewith by purchase, discount, pledge or otherwise;

(m) "Holder" means any person who is entitled to the rights of a home repair contractor under a home repair contract;

(n) "Home repair salesman" means any individual who obtains a bona fide home repair contract;

(o) "Payment-period" means the period of time scheduled by a home repair contract to elapse between the days upon which installment payments are scheduled to be made on such contract; except that, where installment payments are scheduled by the home repair contract to be omitted, "payment-period" means the period of time scheduled by the contract to elapse between the days upon which installment payments are scheduled to be made during that portion of the contract period in which no installment payment is scheduled to be omitted; and

(p) "Contract period" means the period beginning on the date of a home repair contract and ending on the date scheduled by the contract for the payment of the final installment.

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

C. 17:16C-63 Home repair contracts; form and contents.

2. Every home repair contract:

(a) shall be in writing and contain the entire agreement between the owner and the home repair contractor;

(b) shall state the names and addresses of all parties, the dates when executed by the parties and contain a description of the goods and services;

(c) shall be completed in full without any blank spaces to be filled in after the contract is signed by the owner, except for serial number or identifying marks which are not available for the description of the goods at that time;

(d) shall contain the following notice in 10-point bold type or larger, directly above the space provided for the signature of the owner:

"NOTICE TO OWNER

Do not sign this contract in blank.
You are entitled to a copy of the contract at the time you sign.
Keep it to protect your legal rights.";

(e) shall state that workmen's compensation and public liability insurance are carried by the home repair contractor and applicable to the work to be performed under the contract or if the home repair contractor is qualified as a self-insurer pursuant to Title 34; and

(f) If the home repair contractor is precluded from purchasing workmen's compensation under chapter 15 of Title 34 of the Revised Statutes, he shall state that he does not carry workmen's compensation insurance.

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

C. 17:16C-64 Prohibited contract provisions.

3. No home repair contract shall contain:

(a) any acceleration clause under which any part or all of the time balance not yet matured may be declared due and payable because the holder deems himself to be insecure;

(b) any agreement to pay any amount other than the time sales price of the goods or services furnished under the contract, provided that a retail installment contract under the Retail Installment Sales Act of 1960 may be included in a home repair contract;

(c) any power of attorney to confess judgment or any other power of attorney;

(d) any provision relieving the home repair contractor from liability upon any claim which the owner may have under the contract;

(e) any provisions whereby the owner waives any right of action against the home repair contractor or holder or other person acting in his or their behalf for any act committed in the collection of the payments under the contract or in the repossession of the goods, the subject matter of the home repair contract;

(f) any assignment of or order for the payment of any salary, wages, commissions or other compensation for services, or any part thereof, earned or to be earned;

(g) any provision for a payment or credit to any owner for the privilege of placing any sign on the premises where the work is being done or for recommending to the home repair contractor the names of any person or persons, who might be interested in making an installment home repair contract unless such provision has been approved by the commissioner.

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

C. 17:16C-65 Home repair contractor; qualifications; executed copy of contract and acknowledgment of receipt required.

4. (a) Every home repair contractor must own, rent or lease a place of business in the State of New Jersey; namely, an office, warehouse or store or any combination of these. The premise or premises, as the case may be, must be identified by a sign, as permitted by the laws of the local municipality. The sign shall be legible to a visitor entering the main entrance of the place of business and shall contain the words "licensed as a home repair contractor."

(b) A home repair contractor, in lieu of the above, may operate from a private residence but in doing so must list such residence in the nearest post office, local telephone directory and with the commissioner as a business address.

(c) A home repair contractor may operate as an individual, partnership, limited partnership or corporation. In the event the business is conducted under a trade name, such trade name shall be made a matter of record as required by law.

(d) A home repair contractor must carry workmen's compensation and public liability insurance except if he qualifies as a self-insurer under Title 34 or if he is precluded from purchasing workmen's compensation under chapter 15 of Title 34 of the Revised Statutes.

(e) Every home repair contractor shall furnish without charge a completely executed copy of the home repair contract to the owner immediately after the owner signs such contract and the acknowledgment of receipt thereof by the owner shall be in 10-point bold type or larger.

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

C. 17:16C-67 Separate statements in contract.

6. Every home repair contract shall state separately:

(a) the cash price of the goods or services to be furnished;

(b) the down payment;

(c) the unpaid cash balance which is the difference between subsections (a) and (b);

(d) the amount, if any, if a separate charge is made therefor, included for credit life insurance and other benefits pursuant to

chapter 169 of the laws of 1958, specifying the coverages and benefits;

(e) the official fees;

(f) the principal balance, which is the sum of subsections (c), (d) and (e);

(g) the credit service charge;

(h) the time balance, which is the sum of subsections (f) and (g), the number of installments required, the amount of each installment and the due dates thereof.

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

C. 17:16C-75 Duties of holder upon payment in full.

14. With respect to contracts pursuant to which there is a lien, mortgage or encumbrance upon the goods or real property, upon payment in full by the owner of the time sales price and other amounts lawfully due under a home repair contract, the holder shall:

(a) return to the owner the original instruments evidencing indebtedness under a home repair contract which were signed by the owner or his sureties or guarantors in connection with such contract, excepting such instruments as are filed with a public official and retained in the files of such official;

(b) release all security interest in the goods or real property affected by the home repair contract; and

(c) deliver to the owner such good and sufficient assignments, releases of liens and mortgages on personal and real property and such other instruments of title as may be necessary to vest the owner with complete evidence of title.

With respect to all other contracts, the holder, upon payment in full by the retail buyer of the time sales price and other amounts lawfully due under a home repair contract, shall furnish the owner with such instruments as the commissioner may by regulation provide.

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

C. 17:16C-77 Certain unlicensed businesses prohibited; licensing of contractor, salesman and agency; license not transferable; limitations of salesman's employment and compensation.

16. (a) No person shall engage in the business of a home financing agency, home repair contractor, or a home repair salesman in this State without first obtaining a license from the commissioner as provided for in this act.

(b) The home repair contractor's license and fee therefor shall include one home repair salesman's license therein.

(c) No home repair contractor shall employ any home repair salesman to procure a home repair contract from an owner on behalf of the contractor, or for himself, if the salesman be also the contractor, until the home repair salesman is licensed under this act.

(d) Any bank, trust company or national bank or any State or Federally chartered savings and loan association authorized to do business in this State and any licensed sales finance company shall be authorized to transact business as a home financing agency and shall be deemed to be a home financing agency for the purpose of this act, subject to all of the provisions of this act, except that it shall not be required to obtain a license or pay a license fee hereunder.

(e) No license issued under this act shall be transferable or assignable.

(f) No home repair salesman may concurrently represent more than one contractor in the solicitation or negotiation of any one home repair contract from an owner. The use of a contract form which fails to disclose a named contractor principal, whether for the purpose of offering the contract to various contractors other than the one the salesman purported to represent in negotiation or otherwise, is prohibited. No salesman may be authorized to select a prime contractor on behalf of the owner.

(g) No home repair salesman shall accept or pay any compensation of any kind, for or on account of a home improvement transaction, from or for any person other than the contractor whom he represents with respect to the transaction.

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

C. 17:16C-78 Application for license.

17. (a) Application for a license under this act shall be in writing, under oath, and shall be in the form prescribed by the commissioner.

(b) The application for a home repair contractor or home financing agency license shall state the name and residence and business addresses 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 address where the business is to be conducted, demonstrate the financial responsibility of the applicant and set forth any other information the commissioner may require.

(c) The application for a home repair salesman license shall state the name and residence address of the applicant, the name and busi-

ness address of his employer, the names and addresses of each and every employer by whom the applicant was previously employed within the past 5 years and shall set forth any other information the commissioner may require.

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

C. 17:16C-79 Issuance or refusal of license.

18. Within 60 days after the filing of the application and the payment of the fees herein set forth the commissioner shall:

(a) issue and deliver to the applicant a license to engage in the business of a home financing agency, home repair contractor, or a home repair salesman in accordance with the provisions of this act; or

(b) refuse to issue the license for any reason for which he may suspend, revoke or refuse to renew any license under this act.

11. Section 20 of the act of which this act is amendatory is amended to read as follows:

C. 17:16C-81 Transaction of business under other names or at other locations; change of location.

20. (a) No home repair contractor or home financing agency shall transact any business subject to this act under any other name or maintain an office at any other location than that designated in the license.

(b) No home repair salesman shall transact any business subject to this act for any employer except that designated in the license.

(c) In case such location or employer be changed, the licensee shall inform the commissioner of such change within 10 days and the commissioner shall indorse the change of location or change of employer on the license without charge.

12. Section 21 of the act of which this act is amendatory is amended to read as follows:

C. 17:16C-82 Annual license fee.

21. (a) Every home financing agency and every home repair contractor shall pay to the commissioner at the time of making the application and annually thereafter upon renewal a license fee of $25.00.

(b) The home repair contractor's license and fee therefor shall include one home repair salesman's license therein.

(c) Every home repair salesman shall pay to the commissioner at the time of making the application and annually thereafter

upon renewal a license fee of $10.00.

13. Section 27 of the act of which this act is amendatory is amended to read as follows:

C. 17:16C-88 Sale, transfer or assignment of obligation or evidence of indebtedness.

27. (a) No holder shall sell, transfer or assign any obligation in connection with a home repair contract or any evidence of indebtedness thereunder to any person who is not authorized as a home financing agency, except that such obligation or evidence of indebtedness may be sold, transferred or assigned to a State or national bank outside of this State if the contract is retained by the holder and collection of payments thereon is made to the holder.

(b) No home financing agency shall knowingly purchase, buy, take by assignment, discount or otherwise accept any document, security, obligation or evidence of indebtedness executed in connection with a home repair contract from anyone except a home repair contractor licensed under this act or a home financing agency.

14. This act shall take effect immediately but shall be inoperative for 90 days thereafter.

Approved July 30, 1968.

CHAPTER 221

AN ACT to provide for the licensing and regulation of insurance premium finance companies, and supplementing Title 17 of the Revised Statutes.

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

C. 17:16D-1 Short title.

1. Short title. This act shall be known and may be cited as the "Insurance Premium Finance Company Act."

C. 17:16D-2 Definitions.

2. Definitions. For the purposes of this act—

(a) "Insurance premium finance company" means a person engaged in the business of entering into insurance premium finance agreements or acquiring premium finance agreements from insurance agents or insurance brokers.

(b) "Insurance premium finance agreement" means an agreement by which an insured or prospective insured promises to pay to a premium finance company either directly or indirectly the amount advanced or to be advanced under the agreement by said premium finance company to an insurer or to an insurance agent or insurance broker in payment of premiums on an insurance contract together with a finance charge as authorized and limited by this act.

(c) "Licensee" means an insurance premium finance company holding a license issued by the commissioner under this act.

C. 17:16D-3 Application of act's provisions.

3. Application. The provisions of this act shall not apply with respect to:

(a) Any insurance company authorized to do business in the State of New Jersey,

(b) State associations and Federal associations, as defined in P. L. 1963, chapter 144, section 5 (C. 17:12B–5),

(c) The inclusion or deduction of a charge for insurance in accordance with the provisions of chapter 10 of Title 17 of the Revised Statutes relating to small loans or the inclusion of a charge for insurance in connection with an installment sale of a motor vehicle or other goods made in accordance with the New Jersey Retail Installment Sales Act of 1960,

(d) The financing of insurance premiums in New Jersey in accordance with the provisions of Revised Statutes 31:1–1 relating to legal interest rate.

C. 17:16D-4 License requirement; penalty, fee, renewal, change of address, commissioner's authority.

4. Licenses. No person shall engage in the business of financing insurance premiums in this State without first having obtained a license as a premium finance company from the Commissioner of Banking and Insurance, except that any State or national bank authorized to do business in this State shall be authorized to transact business as a premium finance company, subject to all of the provisions of this act, except that it shall not be required to obtain a license or pay a license fee hereunder. Any person who shall engage in the business of financing insurance premiums in this State without obtaining a license as provided hereunder shall, upon conviction as provided in Revised Statutes 17:33–2, be subject to a fine of not more than $200.00.

The annual license fee shall be $200.00 for each office. Licenses may be renewed from year to year as of January 1 of each year

upon payment of the fee of $200.00. The fee for said license shall be paid to the commissioner for the use of the State. No portion of the license fee shall be refunded if the license is surrendered by the licensee or suspended or revoked by the commissioner.

Before any licensee changes his address he shall return his license to the commissioner who shall indorse the license indicating the change.

The person to whom the license or the renewal thereof may be issued shall file sworn answers, subject to the penalties of perjury, to such interrogatories as the commissioner may require. The commissioner shall have authority, at any time, to require the applicant fully to disclose the identity of all stockholders, partners, officers and employees, and he may, in his discretion, refuse to issue or renew a license in the name of any firm, partnership, or corporation if he is not satisfied that any officer, employee, stockholder, or partner thereof who may materially influence the applicant's conduct meets the standards of this act.

C. 17:16D-5 Commissioner's action on application.

5. Action by commissioner on application. Upon the filing of an application and the payment of the license fee the commissioner shall make an investigation of each applicant and shall issue a license if he finds the applicant is qualified in accordance with this act. If the commissioner does not so find, he shall, within 30 days after he has received such application, so notify the applicant and at the request of the applicant, give the applicant a full hearing.

The commissioner shall issue or renew a license as may be applied for when he is satisfied that the person to be licensed—

(a) Is competent and trustworthy and intends to act in good faith in the capacity involved by the license applied for,

(b) Has a good business reputation and has had experience, training, or education so as to be qualified in the business for which the license is applied for, and

(c) If a corporation, is a corporation incorporated under the the laws of this State or a foreign corporation authorized to transact business in this State.

C. 17:16D-6 License revocation and suspension.

6. Revocation and suspension of licenses. The commissioner may revoke or suspend the license of any premium finance company when and if after investigation the commissioner finds that

(a) Any license issued to such company was obtained by fraud,

(b) There was any misrepresentation in the application for the license,

(c) The holder of such license has otherwise shown himself untrustworthy or incompetent to act as premium finance company, or

(d) such company has violated any of the provisions of this act.

Before the commissioner shall revoke, suspend or refuse to renew the license of any premium finance company, he shall give to such person an opportunity to be fully heard and to introduce evidence in his behalf. In lieu of revoking or suspending the license for any of the causes enumerated in this section, after hearing as herein provided, the commissioner may subject such company to a penalty of not more than $200.00 for each offense when in his judgment he finds that the public interest would not be harmed by the continued operation of such company. The amount of any such penalty shall be paid by such company to the commissioner for the use of the State. At any hearing provided by this section, the commissioner shall have authority to administer oaths to witnesses. Anyone testifying falsely, after having been administered such oath, shall be subject to the penalty of perjury.

Any action of the commissioner in refusing to issue or renew a license shall be subject to review in the Superior Court by a proceeding in lieu of prerogative writ.

C. 17:16D-7 Books and records.

7. Books and records. Every licensee shall maintain records of its premium finance transactions which will enable the commissioner to enforce full compliance with this act and the said records shall be open to examination and investigation by the commissioner. The commissioner shall have the power to make such examination of the books, records and accounts of any licensee as he shall deem necessary. The expenses incurred in making any such examination shall be assessed against and paid by the licensee so examined. The commissioner may, at any time, require any licensee to bring such records as he may direct to the commissioner's office for examination.

Every licensee shall preserve its records of such premium finance transactions, including cards used in a card system for at least 3 years after making the final entry in respect to any premium finance agreement. The preservation of records in photographic form shall constitute compliance with this requirement.

Each licensee shall on or before February 1 of each year file a report with the commissioner giving such information as the com-

missioner may require concerning the licensee's business and operation during the preceding calendar year.

C. 17:16D-8 Rules and regulations.

8. Power to make rules. The commissioner may make and enforce such reasonable rules and regulations as may be necessary in making effective the provisions of this act, but such rules and regulations shall not be contrary to nor inconsistent with the provisions of this act.

C. 17:16D-9 Premium finance agreement.

9. Form of premium finance agreement. A premium finance agreement shall—

(a) Be dated, signed by or on behalf of the insured, and the printed portion thereof shall be in at least 8-point type,

(b) Contain the name and place of business of the insurance agent or insurance broker negotiating the related insurance contract, the name and residence or place of business of the insured as specified by him, the name and place of business of the premium finance company to which payments are to be made, a description of the insurance contracts involved and the amount of the premium therefor; and

(c) Set forth the following items where applicable:

(1) the total amount of the premiums,

(2) the amount of the down payment,

(3) the principal balance (the difference between items (1) and (2)),

(4) the amount of the finance charge, including the additional charge of $10.00,

(5) the balance payable by the insured (sum of items (3) and (4)), and

(6) the number of installments required, the amount of each installment expressed in dollars, and the due date or period thereof.

(d) Contain a notice reading as follows: Notice to Insured: (1) Read this agreement before you sign, (2) Do not sign this agreement if it contains blank spaces, (3) You are entitled to a copy of this agreement at the time you sign, (4) Keep your copy of this agreement to protect your legal rights.

The items set out in subsection (c) of this section need not be stated in the sequence or order in which they appear in such clause, and additional items may be included to explain the computations made in determining the amount to be paid by the insured.

The licensee or the insurance agent or insurance broker shall deliver to the insured, or mail to him at his address shown in the agreement, a complete copy of the agreement.

No premium finance agreement shall be signed by an insured when it contains any blank spaces to be filled in after it has been signed except that if the insurance contract involved has not yet been issued, the name of the insurer and the policy number may be left blank and later inserted in the original agreement.

No premium finance agreement shall contain a power of attorney to confess judgment in this State.

C. 17:16D-10 Maximum finance charge.

10. Maximum finance charge. A premium finance company shall not charge, contract for, receive, or collect a finance charge other than as permitted by this act.

The finance charge shall be computed, using the actuarial method on the balance of the premiums due (after subtracting the down payment made by the insured in accordance with the premium finance agreement) from the effective date of the insurance coverage, for which the premiums are being advanced, to and including the date when the final installment of the premium finance agreement is payable.

The finance charge shall be computed at a maximum rate of 12% per annum plus an additional charge of $10.00 per premium finance agreement which additional charge need not be refunded upon prepayment. However, any insured may prepay his premium finance agreement in full at any time before due date of the final installment and in such event the unearned finance charge shall be refunded. The amount of any such refund shall be calculated in accordance with the rule commonly known as the "Rule of 78" and shall represent at least as great a proportion of the finance charge, if any, as the sum of the periodic balances after the month in which prepayment is made bears to the sum of all periodic balances under the schedule of installments in the agreement.

C. 17:16D-11 Statement of accounts; receipts.

11. Statement of accounts; receipts. Upon the request of an insured a premium finance company shall give to the insured a written statement of his account. No more than 2 such statements shall be required in any 12-month period. An insured shall be given a written receipt for any payment made in cash. When the premium finance agreement has been paid in full, the licensee shall, upon request of the insured, return to the insured the premium finance agreement marked paid or canceled.

C. 17:16D-12 Delinquency charges.

12. Delinquency charges. A premium finance agreement may provide for the payment by the insured of a delinquency charge of $1.00 to a maximum of 5% of the delinquent installment but not to exceed $5.00 on any installment which is in default for a period of 10 days or more. If the default results in the cancellation of any insurance contract listed in the agreement, the agreement may provide for the payment by the insured of a cancellation charge; such charge shall be $5.00, less any delinquency charge on the installment in default.

C. 17:16D-13 Cancellation of insurance contract.

13. Cancellation of insurance contract upon default—

(a) When a premium finance agreement contains a power of attorney enabling the premium finance company to cancel any insurance contract or contracts listed in the agreement, the insurance contract or contracts shall not be canceled by the premium finance company unless such cancellation is effectuated in accordance with this section.

(b) Not less than 10 days' written notice shall be mailed to the insured of the intent of the premium finance company to cancel the insurance contract unless the default is cured within such 10-day period. A copy of said notice shall also be sent to the insurance agent or insurance broker indicated on the premium finance agreement.

(c) After expiration of such 10-day period, the premium finance company may thereafter request in the name of the insured, cancellation of such insurance contract or contracts by mailing to the insurer a notice of cancellation, and the insurance contract shall be canceled as if such notice of cancellation had been submitted by the insured himself, but without requiring the return of the insurance contract or contracts. The premium finance company shall also mail a notice of cancellation to the insured at his last known address and to the insurance agent or insurance broker indicated on the premium finance agreement. The effective date of such cancellation shall not be earlier than 3 days after the date of mailing of such notice to the insured and to the insurance agent or insurance broker.

(d) All statutory, regulatory, and contractual restrictions providing that the insurance contract may not be canceled unless notice is given to a governmental agency, mortgagee, or other third party shall apply where cancellation is effected under the provisions of this section. The insurer shall give the prescribed notice

in behalf of itself or the insured to any governmental agency, mortgagee, or other third party on or before the second business day after the day it receives the notice of cancellation from the premium finance company and shall determine the effective date of cancellation taking into consideration the number of days notice required to complete the cancellation.

C. 17:16D-14 Application of unearned premiums.

14. Application of unearned premiums. (a) Whenever a financed insurance contract is canceled, the insurer on notice of such financing shall return whatever gross unearned premiums are due under the insurance contract to the premium finance company for the account of the insured or insureds.

(b) In the event that the crediting of return premiums to the account of the insured results in a surplus over the amount due from the insured, the premium finance company shall refund such excess to the insured provided that no such refund shall be required if it amounts to less than $1.00.

C. 17:16D-15 Exemption from any filing requirements.

15. Exemption from any filing requirements. No filing of the premium finance agreement shall be necessary to perfect the validity of such agreement as a secured transaction as against creditors, subsequent purchasers, pledgees, encumbrancers, successors, or assigns.

C. 17:16D-16 Severability of act.

16. Severability. If any provision of this act is held invalid, the invalidity thereof shall not affect other provisions of the act which can be given effect without the invalid provision and to this end the provisions of this act are severable.

17. Effective date. This act shall take effect on the sixtieth day after the date of enactment.

Approved July 30, 1968.

CHAPTER 222

AN ACT concerning building materials, supplementing Title 51 of the Revised Statutes and repealing sections 51:4–17 to 51:4–22 inclusive of the Revised Statutes.

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

C. 51:4-23 Definitions.

1. As used in this act:

"Building materials" means lumber, wood and wood product materials used in connection with the construction, fabrication and erection of residential, utility or business premises.

"Consumer" means any person who purchases building materials for incorporation into any type of structure.

"Dealer" means "equipped dealer" or "unequipped dealer."

"Deputy superintendent" means the deputy superintendent of the Division of Weights and Measures.

"Delivery," "deliver" or "delivered," except as otherwise in this act specifically provided, means transportation of building materials for sale or use in this State to a consumer by a dealer in vehicles owned, leased or rented by him.

"Division" means the State Division of Weights and Measures.

"Engaging in business," "engage in business" or "engaged in business" shall include any single transaction, act or sale.

"Equipped dealer" means any person who is regularly engaged in the business of selling or selling and delivering building materials to consumers in this State and who maintains unloading or loading, storage, transportation, communication, sales, services or other facilities therefor, with an office accessible to the public with a competent person on duty, commensurate with the nature and other requirements of the business and an "unequipped dealer" means any person who is regularly engaged in the business of selling building materials at retail in this State to consumers in this State who does not maintain loading, unloading or storage facilities.

"Labeling" means all labels and other written, printed, branded, or graphic matter upon any building materials or accompanying such building materials.

"Lumber" means the wood obtained from the felling, trimming and working up of all kinds and types of trees for use as a structural material.

"Wood products" means any product derived from trees as a result of any work or manufacturing process upon the same primarily intended for use as a building material.

"Mislabeled" or "misbranded" shall be deemed to mean the labeling is misleading, deceiving, or tends to be misleading or deceiving in any particular, and there shall also be taken into account, among other things, not only the representations made or suggested by any statement, word, design, or any combination

thereof, but also the extent to which such labeling fails to reveal facts material in the light of such representations or material with respect to consequences which may result from the use of such building materials, to which such labeling relates under the conditions of use prescribed in the labeling thereof or under such conditions of use as are customary or usual.

"Misrepresentation" means any manifestation by words or other conduct by one person to another that, under the circumstances, amounts to an assertion not in accordance with the facts.

"Offered for sale" or "exposed for sale" shall be construed to include the use of any advertising media or means.

"Person" includes corporation, companies, association, societies, firms, partnerships and joint stock companies as well as individuals.

"Superintendent" means the Superintendent of the Division of Weights and Measures.

"Vehicle" means any motor vehicle or motor-drawn vehicle under the control of a dealer in or upon which the products involved are loaded.

"Weights and measures officials" means a State or local weights and measures official.

C. 51:4-24 Method of selling building materials prescribed.

2. It shall be unlawful for any dealer to sell, sell and deliver, offer or advertise for sale to consumers by the use of any media, building materials in this State except in accordance with the provisions of this act.

C. 51:4-25 License requirement.

3. It shall be unlawful for any dealer to engage in the business of selling or selling and delivering building materials, to a consumer for use in this State unless he shall have obtained from the Division of Weights and Measures a license to engage in said business.

C. 51:4-26 License; application form and contents, fee, period.

4. Applications for a license shall be made upon forms prescribed and furnished by the superintendent and shall list the places of business of the dealer. The fee for a dealer's license shall be $50.00. Such license shall expire one year after date of issuance.

C. 51:4-27 Grading, measuring and labeling of materials.

5. All lumber, wood products and building materials shall be graded, measured and labeled in accordance with the applicable commercial standards of the United States Department of Commerce, the grading rules of approved grade rules writing agencies,

or other industry standards as are accepted by the superintendent. The superintendent may not change, amend, modify or refuse to accept such standards without justifiable reason and where such standards or rules do not exist and where necessary to implement the provisions of this act, the superintendent shall establish the grade, measure and trade name only after consultation with the manufacturers and dealers involved.

C. 51:4-28 Delivery tickets and duplicates.

6. No dealer shall deliver or cause to be delivered by vehicles under his own control or the control of any contractor or other carrier any building materials without each delivery being accompanied by a delivery ticket and duplicate thereof. Each such delivery ticket shall be serially numbered and used only in consecutive order. On such tickets there shall be distinctly and indelibly expressed in ink or otherwise, the quantity, species, quality, or grade, name and type of each such building materials, trademark, name and address of the seller, the name and address of the purchaser and the date of delivery. One ticket shall be retained at the point of sale or place from which delivery commences; and the second ticket shall be delivered to the person receiving such building materials or his representative.

All voided delivery tickets in duplicate, issued under the provisions of this act shall be kept on file at the place of business of the seller where the sale originated for a period of 2 years from date of issuance and shall be subject to inspection by any weights and measures official.

Any person issuing or directing the issuance of, or possessing a delivery ticket showing a different species, quantity, quality, or grade, name or type other than the species, quantity, quality or grade, name or type of building material being delivered or persons appearing at the place of delivery each with a delivery ticket for the same delivery, which tickets have different species, quantity, quality or grade, name or type appearing thereon, shall be deemed guilty of a violation of this act.

C. 51:4-29 Mispresenting materials; penalty.

7. Any person who misrepresents, mislabels or misbrands any lumber, wood product or building material or who causes a deviation from the applicable standards, rules or regulations, where such deviation misrepresents any lumber, wood product or building material so as to mislead or deceive a purchaser of the same shall be guilty of a misdemeanor.

C. 51:4-30 Sale of certain materials prohibited.

8. No person shall sell, expose for sale, offer for sale in this State, buy for the purpose of resale or manufacture for the purpose of resale in this State any lumber, wood product or building materials which deviate from the applicable standards, rules or regulations promulgated by the superintendent.

C. 51:4-31 Rules and regulations.

9. The superintendent is authorized to establish and promulgate such rules, regulations or orders as he may deem necessary to implement the enforcement or administration of this act.

C. 51:4-32 Administration and enforcement of act.

10. The superintendent shall have general supervision of the administration and enforcement of this act. All weights and measures officials shall have full power and authority to:

(a) Inspect and measure any building materials while in transit from the dealer to the consumer in vehicles owned, leased or rented by the dealer, after the same have been delivered to the consumer or after they have been incorporated in the building or structure in which they have become a part. They shall also have full power and authority to inspect the delivery slips issued with any shipment and all records of the person, firm or corporation selling or selling and delivering such building materials in connection with the building materials so delivered.

(b) Issue stop-use, stop-removal, removal, condemnation, confiscation orders with reference to building materials, which he finds being used, sold, offered, exposed for sale, kept or in the process of delivery by a dealer in vehicles owned, leased or rented by him in violation of any of the provisions of this act or any rule, regulation, or order promulgated by the superintendent. Any such order must be supported by legal processes, as provided in section 15, by the superintendent within 30 days.

(c) Seize for use as evidence, any building materials, which he finds used, kept, sold, offered for sale or exposed for sale or in the process of delivery by a dealer in vehicles owned, leased or rented by him in violation of any of the provisions of this act or any rule, regulation, or order promulgated by the superintendent. No person shall use, remove from the premises specified, or fail to remove from the premises specified any building materials contrary to the terms of a stop-use order, stop-removal order, or removal order issued under the authority of this section.

C. 51:4-33 Dealer's liability under certain circumstances.

11. In the event that the superintendent or any of his agents, servants or employees or any weights and measures officials issue any stop-use, stop-removal, removal, condemnation, or confiscating orders with reference to building materials found being used, sold, offered, exposed for sale, kept or in the process of delivery by a dealer in vehicles owned or leased or rented by him in violation of any of the provisions of this act or any rule, regulation, or order promulgated by the superintendent then in that event the dealer shall be responsible as provided for in paragraph 15 of the act. The consumer shall not be primarily liable for any violation of any of the provisions of this act committed by the dealer nor shall the consumer be liable as a guarantor or surety for any violation of any provisions committed by the dealer nor shall the consumer be deemed to warrant any action or actions exercised by the dealer which actions are in violation of any of the provisions of this act.

C. 51:4-34 Superintendent's authority; hearing before Attorney General.

12. The superintendent may, after proper notice and hearing, revoke, suspend, restrict or otherwise limit, or refuse to issue or renew any license issued or granted pursuant to the provisions of this act for any of the following reasons:

(a) fraud or misrepresentation in the application for or in the procuring of a license;

(b) the violation of any rule, regulation or order promulgated by the superintendent;

(c) any dishonest, deceptive, or any fraudulent practice, conduct or transaction; and

(d) the loaning or the giving of any license.

Any licensee or applicant for license, may request, and shall be granted a hearing before the Attorney General or his designee upon any order, revocation or allegation of any weights and measures official.

C. 51:4-35 Employment of specialists and experts.

13. The superintendent may from time to time employ on a temporary basis such specialists and experts as he may deem necessary in carrying out the purposes of this act. Such employment shall not be subject to the provisions of Title 11 of the Revised Statutes.

C. 51:4-36 Enforcement of superintendent's powers.

14. The superintendent is empowered to institute, or cause to be instituted such legal proceedings or processes as may be necessary to enforce and give effect to any of his powers and duties as prescribed in this act.

C. 51:4-37 Authority to issue subpoenas; court action.

15. The superintendent shall have the power to issue subpœnas to compel production of any pertinent records, books or documents or the attendance of witnesses in any matter pertaining to his duties and shall have the power to administer oaths in taking testimony. Subpœnas shall be issued under the seal of the superintendent and shall be served in the same manner as subpœnas issued out of a County Court of this State.

Upon the failure of any person to obey a subpœna as aforesaid, the superintendent may apply to the Superior Court for appropriate relief.

C. 51:4-38 Violations; penalties, courts of jurisdiction, service of process.

16. Any person who knowingly violates any of the provisions of this act for which specific penalty or punishment is not otherwise provided, shall pay a penalty of not less than $50.00 nor more than $100.00 for the first offense, not less than $100.00 nor more than $250.00 for the second offense, and not less than $250.00 nor more than $500.00 for 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 the superintendent or any other weights and measures official.

Repealer.

17. Sections 51:4–17 to 51:4–22 inclusive of the Revised Statutes are repealed.

18. This act shall take effect 90 days after enactment.

Approved July 30, 1968.

CHAPTER 223

A SUPPLEMENT to the "Retail Installment Sales Act of 1960," approved June 9, 1960 (P. L. 1960, c. 40).

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

C. 17:16C-61.1 Short title.

1. This act shall be known as, and may be cited as, the "Door-to-Door Retail Installment Sales Act of 1968."

C. 17:16C-61.2 Construction of act.

2. This act being deemed and hereby declared remedial legislation necessary for the protection of the consumers of this State, shall be liberally construed to effectuate the purposes and intent thereof.

C. 17:16C-61.3 Legislature's findings.

3. The Legislature hereby finds and declares that the consumer is frequently induced to enter into retail installment sales contracts for goods which he does not need through the unsolicited and often unethical persuasion of certain door-to-door sellers. It is the purpose of this act to enable the consumer to reconsider his purchase within a reasonable period of time and to rescind the sale if he acts before 5:00 o'clock P. M. of the second business day following the day on which the contract is executed.

C. 17:16C-61.4 Definitions.

4. As used in this act, unless the context clearly indicates otherwise:

(a) "Business day" means any day other than a Saturday, Sunday or holiday.

(b) "Place of business" means the main or branch office or local address of a retail seller.

(c) "Purchase price" means the total price paid or to be paid for goods sold or to be sold pursuant to a retail installment contract, such amount to include all interest and service charges, including, without limitation, time sales price.

C. 17:16C-61.5 Rescission of retail installment contract under certain circumstances.

5. (a) Any retail installment sale of goods or retail installment contract for the sale of goods, other than a motor vehicle, a boat, and motor vehicle or boat accessories, for a purchase price in excess of $25.00, which is entered into at a place other than the place of business of the retail seller may be rescinded by the retail buyer if the retail buyer:

(1) Furnishes to the retail seller a notice of intent to rescind the retail installment sale or retail installment contract by certified mail, return receipt requested, postmarked not later than 5:00 o'clock P. M. of the second business day following the

day on which the retail installment sale or retail installment contract is executed; and

(2) Gives up possession of any goods, subject to such retail installment sale or retail installment contract, delivered to the retail buyer prior to receipt by the retail seller of such notice of intent to rescind.

(b) Within 10 business days after receipt of such notice of intent to rescind the retail installment sale or retail installment contract, a retail seller shall:

(1) Pick up, at his own expense, any goods subject to such sale or contract, delivered to the retail buyer prior to receipt by the retail seller of such notice;

(2) Refund to the retail buyer all amounts of money paid by the retail buyer (less reasonable charges for any damage to such goods which occurred while in the possession of the retail buyer); and

(3) Redeliver to the retail buyer any goods traded-in to the retail seller on account of or in contemplation of the retail installment sale or retail installment contract (less any reasonable charges actually incurred in making the goods ready for sale).

(c) This section does not apply to mail order sales, telephone sales, catalog sales where an order is placed by mail or telephone, or sales in which the retail buyer has requested the retail seller to enter into the sale at a place other than the retail seller's place of business, but it does apply to sales in which the retail buyer has requested the retail seller to conduct a demonstration or exhibition at a place other than the retail seller's place of business and has not also requested to enter into a sale at that place at the same time he has requested such demonstration or exhibition.

(d) Each retail seller shall maintain a record of the receipt of any retail buyer's notice of intent to rescind a sale under this act for at least 18 months after the receipt of such notice of intent to rescind.

C. 17:16C-61.6 Delivery, form and contents of receipt.

6. (a) At the time of executing every retail installment sale or retail installment contract subject to the provisions of section 5 of this act, the retail seller shall deliver to the retail buyer a receipt which clearly and conspicuously sets forth:

(1) The retail seller's name and place of business;

(2) A description of the goods sold; and

(3) The amount of money paid by the retail buyer or the cash value of any goods delivered to the retail seller at the time

the retail installment sale or retail installment contract was entered into.

(b) The receipt required to be delivered to the retail buyer shall also clearly and conspicuously bear, in at least 10-point bold type, the following statement:

"NOTICE TO RETAIL BUYER: YOU MAY RESCIND THIS SALE PROVIDED THAT YOU NOTIFY THE RETAIL SELLER OF YOUR INTENT TO DO SO BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, POSTMARKED NOT LATER THAN 5:00 O'CLOCK P. M. OF THE SECOND BUSINESS DAY FOLLOWING THE SALE. FAILURE TO EXERCISE THIS OPTION, HOWEVER, WILL NOT INTERFERE WITH ANY OTHER REMEDIES AGAINST THE RETAIL SELLER YOU MAY POSSESS."

(c) No receipt required to be delivered to the retail buyer shall contain, or be accompanied by any document which contains, provisions by which the retail buyer waives his rights under this act.

C. 17:16C-61.7 Failure of seller to pick up goods and refund monies; court action.

7. When a retail seller, who has received notice of intent to rescind a retail installment sale or retail installment contract, fails to pick up the goods and refund any monies or goods paid by the retail buyer within 10 business days as provided in section 5 of this act, the retail buyer may bring suit against the retail seller in any court of competent jurisdiction and recover the amount paid by the retail buyer upon entering into such retail installment sale or retail installment contract. The court in such action shall, in addition to any judgment awarded to the plaintiff, require defendant to pay plaintiff a reasonable attorney's fee and costs of the action.

C. 17:16C-61.8 Certain actions by seller prohibited; penalty.

8. Any retail seller who willfully destroys, within 18 months after its receipt, record of a retail buyer's notice of intent to rescind a sale; or who willfully fails to pick up the goods and refund the purchase price within the 10 business days provided in section 5 of this act; or who willfully fails to deliver a receipt setting forth all the information required by section 6 of this act; or who willfully fails to set forth such information in the manner required by section 6 of this act; or who attempts to secure a waiver of the retail buyer's rights under this act in violation of section 6 of this act, shall be a disorderly person and, upon conviction thereof, shall be subject to a fine of not more than $500.00 for each offense.

C. 17:16C-61.9 Buyer's rights cumulative.

9. The rights and remedies accorded a retail buyer by the provisions of this act are hereby declared to be in addition to and cumulative of any other right or remedy accorded him by the common law or statutes of this State, and nothing contained herein shall be construed to deny, abrogate or impair any such common law or statutory right or remedy.

10. This act shall take effect 45 days from its enactment.

Approved July 30, 1968.

CHAPTER 224

A SUPPLEMENT to the "Home Repair Financing Act," approved June 9, 1960 (P. L. 1960, c. 41).

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

C. 17:16C-95 Short title.

1. This act shall be known as, and may be cited as, the "Door-to-Door Home Repair Sales Act of 1968."

C. 17:16C-96 Construction of act.

2. This act being deemed and hereby declared remedial legislation necessary for the protection of the consumers of this State, shall be liberally construed to effectuate the purposes and intent thereof.

C. 17:16C-97 Legislature's findings.

3. The Legislature hereby finds and declares that the consumer is frequently induced to enter into home repair contracts for goods and services which he does not need through the unsolicited and often unethical persuasion of certain door-to-door sellers. It is the purpose of this act to enable the consumer to reconsider his purchase within a reasonable period of time and to rescind the home repair contract if he acts before 5:00 o'clock P. M. of the second business day following the day on which the contract is executed.

C. 17:16C-98 Definitions.

4. As used in this act, unless the context clearly indicates otherwise:

(a) "Business day" means any day other than a Saturday, Sunday or holiday.

(b) "Place of business" means the main or branch office or local address of a home repair contractor.

(c) "Purchase price" means the total price paid or to be paid for goods and services sold or to be sold pursuant to a home repair contract, such amount to include all interest and service charges, including, without limitation, time sales price.

C. 17:16C-99 Rescission of home repair contract under certain circumstances.

5. (a) Any home repair contract, for a purchase price in excess of $25.00, which is entered into at a place other than the place of business of the home repair contractor may be rescinded by the owner if the owner:

(1) Furnishes to the home repair contractor a notice of intent to rescind the home repair contract by certified mail, return receipt requested, postmarked not later than 5:00 o'clock P. M. of the second business day following the day on which the home repair contract is executed; and

(2) Gives up possession of any goods, subject to such home repair contract, delivered to the owner prior to receipt by the home repair contractor of such notice of intent to rescind.

(b) Within 10 business days after receipt of such notice of intent to rescind the home repair contract, a home repair contractor shall:

(1) Pick up, at his own expense, any goods subject to such contract, delivered to the owner prior to receipt by the home repair contractor of such notice;

(2) Refund to the owner all amounts of money paid by the owner (less reasonable charges for any damages to such goods which occurred while in the possession of the owner); and

(3) Redeliver to the owner any goods traded-in to the home repair contractor on account of or in contemplation of the home repair contract (less any reasonable charges actually incurred in making the goods ready for sale).

(c) This section does not apply to mail order sales, telephone sales, catalog sales where an order is placed by mail or telephone, or sales in which the owner has requested the home repair contractor to enter into the sale at a place other than the home repair contractor's place of business, but it does apply to sales in which the owner has requested the home repair contractor to conduct a demonstration or exhibition at a place other than the home repair contractor's place of business and has not also requested to enter

into a sale at the place at the same time he has requested such demonstration or exhibition.

(d) Each home repair contractor shall maintain a record of the receipt of any owner's notice of intent to rescind a sale under this act for at least 18 months after the receipt of such notice of intent to rescind.

C. 17:16C-100 Delivery, form and contents of receipt.

6. (a) At the time of executing every home repair contract subject to the provisions of section 5 of this act, the home repair contractor shall deliver to the owner a receipt which clearly and conspicuously sets forth:

(1) The home repair contractor's name and place of business;

(2) A description of the goods and services sold; and

(3) The amount of money paid by the owner or the cash value of any goods delivered to the home repair contractor at the time the home repair contract was entered into.

(b) The receipt required to be delivered to the owner shall also clearly and conspicuously bear, in at least 10-point bold type, the following statement:

"NOTICE TO OWNER: YOU MAY RESCIND THIS SALE PROVIDED THAT YOU NOTIFY THE HOME REPAIR CONTRACTOR OF YOUR INTENT TO DO SO BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, POSTMARKED NOT LATER THAN 5:00 O'CLOCK P. M. OF THE SECOND BUSINESS DAY FOLLOWING THE SALE. FAILURE TO EXERCISE THIS OPTION, HOWEVER, WILL NOT INTERFERE WITH ANY OTHER REMEDIES AGAINST THE HOME REPAIR CONTRACTOR YOU MAY POSSESS."

(c) No receipt required to be delivered by the owner shall contain, or be accompanied by any document which contains, provisions by which the owner waives his rights under this act.

C. 17:16C-101 Failure of contractor to pick up goods and refund monies; court action.

7. When a home repair contractor, who has received notice of intent to rescind a home repair contract, fails to pick up the goods and refund any monies or goods paid by the owner within 10 business days as provided in section 5 of this act, the owner may bring suit against the home repair contractor in any court of competent jurisdiction and recover the amount paid by the owner upon enter-

ing into such home repair contract. The court in such action shall, in addition to any judgment awarded to the plaintiff, require defendant to pay plaintiff a reasonable attorney's fee and costs of the action.

C. 17:16C-102 Certain actions by contractor prohibited; penalty.

8. Any home repair contractor who willfully destroys, within 18 months after its receipt, record of an owner's notice of intent to rescind a sale; or who willfully fails to pick up the goods and refund the purchase price within the 10 business days provided in section 5 of this act; or who willfully fails to deliver a receipt setting forth all the information required by section 6 of this act; or who willfully fails to set forth such information in the manner required by section 6 of this act, or who attempts to secure a waiver of the owner's rights under this act in violation of section 6 of this act, shall be a disorderly person and, upon conviction thereof, shall be subject to a fine of not more than $500.00 for each offense.

C. 17:16C-103 Owner's rights cumulative.

9. The rights and remedies accorded an owner by the provisions of this act are hereby declared to be in addition to and cumulative of any right or remedy accorded him by the common law or statutes of this State, and nothing contained herein shall be construed to deny, abrogate or impair any such common law or statutory right or remedy.

10. This act shall take effect 45 days from its enactment.

Approved July 30, 1968.

CHAPTER 225

AN ACT concerning pensions of county police officers, in certain cases, and supplementing article 4 of chapter 10 of Title 43 of the Revised Statutes.

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

C. 43:10-37.1 Additional benefit for service in excess of 25 years.

1. The amount of the service retirement pension of any member of such police department, who has served for more than 25 years

and who retires after the effective date of this supplementary act, shall be increased by an amount equal to 1% of his average salary for each year of service in excess of 25 years rendered prior to his reaching age 65.

2. This act shall take effect immediately.

Approved July 31, 1968.

CHAPTER 226

AN ACT concerning elections and amending section 19:14–12 of the Revised Statutes.

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

1. Section 19:14–12 of the Revised Statutes is amended to read as follows:

Drawing for position on ballot; procedure, public announcement, authority to witness, bracketing names.

19:14–12. The county clerk shall draw lots in his county to determine which columns the political parties which made nominations at the next preceding primary election shall occupy on the ballot in the county. The name of the party first drawn shall occupy the first column at the left of the ballot, and the name of the party next drawn shall occupy the second column, and so forth.

The position which the names of candidates, and bracketed groups of names of candidates nominated by petitions for all offices, shall have upon the general election ballot, shall be determined by the county clerks in their respective counties.

The manner of drawing the lots shall be as follows: paper slips with the names of each political party written thereon, shall be placed in capsules of the same size, shape, color and substance and then placed in a covered box with an aperture in the top large enough to admit a man's hand and to allow the capsules to be drawn therefrom. The box shall be well shaken and turned over to thoroughly intermingle the capsules. The county clerk or his deputy shall at his office, draw from the box each capsule separately without knowledge on his part as to which capsule he is drawing.

The person making the drawing shall open the capsule and shall make public announcement at the drawing of each name, the order in which name is drawn and the office for which the drawing is made.

Where there is but one person to be elected to an office, the names of the several candidates who have filed petitions for such office shall be written upon paper slips and placed in separate capsules of the same size, shape, color and substance. The capsules shall be placed in a covered box with an aperture in the top large enough to admit a man's hand and to allow the capsules to be drawn therefrom. The box shall be turned and shaken thoroughly to mix the capsules and the capsules shall be withdrawn one at a time.

When there is more than one person to be elected to an office where petitions have designated that certain candidates shall be bracketed, the position of such bracketed names on the ballot (each bracketed group to be treated as a single name), together with individuals who have filed petitions for such office, shall be determined as above described.

Any legal voter of the county or municipality, as the case may be, shall have the privilege of witnessing the drawing.

The name or names of the candidate or bracketed group of candidates first drawn from the box shall be printed directly below the proper title of the office for which they were nominated, and the name or names of the candidate or bracketed group of candidates next drawn shall be printed next in order, and so on, until the last name or bracketed group of names shall be drawn from the box.

The arrangement of names of any bracketed group of candidates for any office for which more than one are to be elected shall be printed in the same order on the ballot as they were arranged on the petition of nomination.

The drawing for the positions which the names of candidates and bracketed groups of names of candidates, nominated by petition for office, and for the columns which the political parties which made nominations at the next preceding primary election shall occupy upon the general election ballot, shall be held at 3 o'clock in the afternoon of the fiftieth day prior to the day of the general election.

2. This act shall take effect immediately.

Approved July 31, 1968.

CHAPTER 227

AN ACT concerning purchases of library materials by free public libraries and supplementing chapters 33 and 54 of Title 40 of the Revised Statutes.

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

C. 40:33-8.1 County libraries authorized to make certain purchases without advertising for bids.

1. The county library commission of any county or the board of trustees of any regional library established by 2 or more counties may, within the limits of funds appropriated or otherwise made available to the commission or board, purchase the following without advertising for bids therefor: (1) library materials including books, periodicals, newspapers, documents, pamphlets, photographs, reproductions, microforms, pictorial or graphic works, musical scores, maps, charts, globes, sound recordings, slides, films, filmstrips, video and magnetic tapes, other printed or published matter, and audiovisual and other materials of a similar nature; (2) necessary binding or rebinding of library materials; and (3) specialized library services.

C. 40:54-12.1 Municipal libraries authorized to make certain purchases without advertising for bids.

2. The board of trustees of the free public library of any municipality or of a joint free public library may, within the limits of funds appropriated or otherwise made available to the board, purchase the following without advertising for bids therefor: (1) library materials including books, periodicals, newspapers, documents, pamphlets, photographs, reproductions, microforms, pictorial or graphic works, musical scores, maps, charts, globes, sound recordings, slides, films, filmstrips, video and magnetic tapes, other printed or published matter, and audiovisual and other materials of a similar nature; (2) necessary binding or rebinding of library materials; and (3) specialized library services.

3. This act shall take effect immediately.

Approved July 31, 1968.

CHAPTER 228

AN ACT concerning pensions, amending sections 18A:66–2, 18A:66–5, 18A:66–32, 18A:66–35, 18A:66–36, 18A:66–38, 18A:66–40, 18A:66–46, 18A:66–79, 18A:66–81 and 18A:66–90, and supplementing article 1 of chapter 66 of Title 18A of the New Jersey Statutes.

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

1. Section 18A:66–2 of the New Jersey Statutes is amended to read as follows:

Definitions.

18A:66–2. As used in this article:

a. "Accumulated deductions" means the sum of all the amounts, deducted from the compensation of a member or contributed by him or on his behalf, including interest credited prior to January 1, 1956, standing to the credit of his individual account in the annuity savings fund.

b. "Annuity" means payments for life derived from the accumulated deductions of a member as provided in this article.

c. "Beneficiary" means any person receiving a retirement allowance or other benefit as provided in this article.

d. "Compensation" means the contractual salary for services as a teacher as defined in this article.

e. "Employer" means the State, the board of education or any educational institution or agency of or within the State by which a teacher is paid.

f. "Final compensation" means the average annual compensation for which contributions are made for the 5 years of creditable service in New Jersey immediately preceding his retirement, or it shall mean the average annual compensation 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.

g. "Fiscal year" means any year commencing with July 1, and ending with June 30, next following.

h. "Pension" means payments for life derived from appropriations made by the State or employers to the Teachers' Pension and Annuity Fund.

i. "Annuity reserve" means the present value of all payments to be made on account of any annuity or benefit in lieu of an annuity, granted under the provisions of this article, computed on the basis of such mortality tables recommended by the actuary as the board of trustees adopts, with regular interest.

j. "Pension reserve" means the present value of all payments to be made on account of any pension or benefit in lieu of a pension granted to a member from the Teachers' Pension and Annuity Fund computed on the basis of such mortality tables recommended by the actuary as the board of trustees adopts, with regular interest.

k. "Present-entrant" means any member of the Teachers' Pension and Annuity Fund who has established status as a "present-entrant member" of said fund prior to January 1, 1956.

l. "Rate of contribution initially certified" means the rate of contribution certified based upon the member's age when last he became a member.

m. "Regular interest" shall mean interest as determined from time to time by the board of trustees with the advice of the actuary. The regular interest rate shall be limited to a minimum of 3% per annum, and a maximum of 4% per annum.

n. "Retirement allowance" means the pension plus the annuity.

o. "School service" means any service as a "teacher" as defined in this section.

p. "Teacher" means any regular teacher, special teacher, helping teacher, teacher clerk, principal, vice-principal, supervisor, supervising principal, director, superintendent, city superintendent, assistant city superintendent, county superintendent, State Commissioner or Assistant Commissioner of Education and other members of the teaching or professional staff of any class, public school, high school, normal school, model school, training school, vocational school, truant reformatory school, or parental school, and of any and all classes or schools within the State conducted under the order and superintendence, and wholly or partly at the expense of the State Board of Education, of a duly elected or appointed board of education, board of school directors, or board of trustees of the State or of any school district or normal school district thereof, and any such persons under contract or engagement to perform one or more of these functions. No person shall be deemed a teacher within the meaning of this article who is a substitute teacher or is a teacher not regularly engaged in performing one or more of these functions as a full-time occupation outside of vacation periods. In all cases of doubt the board of trustees

shall determine whether any person is a teacher as defined in this article.

q. "Teachers' Pension and Annuity Fund" hereinafter referred to as the "retirement system," is the corporate name of the arrangement for the payment of retirement allowances and other benefits under the provisions of this article including the several funds placed under said system. By that name all its business shall be transacted, its funds invested, warrants for money drawn, and payments made and all of its cash and securities and other property held.

r. "Veteran" means any honorably discharged officer, soldier, sailor, airman, marine or nurse who served in any Army, Air Force 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, Air Force 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 a 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 officer, 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, expeditions or emergencies, and who has presented to the retirement system evidence of such record of service in form and content satisfactory to said retirement system:

(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, between September 16, 1940, and September 2, 1945, who shall have served at least 90 days 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;

(11) Korean conflict after June 23, 1950, and prior to July 27, 1953, who shall have served at least 90 days 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; and provided further, that any member classed as a veteran pursuant to this subsection prior to August 1, 1966, shall continue to be classed as a veteran whether or not he completed the 90-day service between said dates as herein provided;

(12) Viet Nam conflict after December 31, 1960, and prior to the date of termination as proclaimed by the Governor, who (a) received an actual service-incurred injury or disability or (b) 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, pur-

suant 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.

s. "Child" means 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.

t. "Dependent widower" means the man to whom a member was married at least 5 years before the date of her death and who was receiving at least ½ 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.

u. "Widow" means 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 18A:66–5 of the New Jersey Statutes is amended to read as follows:

Classes of members.

18A:66–5. The retirement system shall classify the members in such group or groups by age or sex as it may determine for actuarial purposes.

The system shall further classify the membership by benefit rates as class A or class B members, as follows:

"Class A" shall include those members who contribute to the annuity savings fund at a per centum of salary, computed to be sufficient, with regular interest, to procure for the member, on retirement for service, an annuity equal to $\frac{1}{140}$ of his final compensation for each year of service as a member.

"Class B" shall include those members who have elected or who shall hereafter contribute to the annuity savings fund at a higher rate per centum, computed to be sufficient, with regular interest, to procure for the member, on retirement for service, an annuity equal

to $\frac{1}{120}$ of his final compensation for each year of service as a member.

Any member on December 31, 1955, may by his election contribute to the retirement system at the rate of contribution applicable to class B members of the public employees' retirement system as of January 2, 1955, based upon the member's age when he last became a member. He shall thereafter be classified as a class B member. Any such member may elect to increase his accumulated deductions by the amount deemed necessary by the board of trustees on the advice of the actuary in order to receive credit as a class B member for all or part of his service prior to the date of such election. The board of trustees shall establish the necessary rules governing the election by members of class B credit for all service.

Any member on December 31, 1955, who is not a veteran and who does not elect to receive class B credit for all or any portion of his service shall receive credit as a class A member for all service not credited as class B service. Any such member who does not elect class B membership shall contribute at the rate of contribution initially certified to him upon his last becoming a member; provided, however, that any such person who became a member after June 30, 1946, shall have his contributions on and after January 1, 1955, based on the rates of contribution applicable on June 30, 1946, for his age and sex at the time he last became a member.

3. Section 18A:66–32 of the New Jersey Statutes is amended to read as follows:

Employer's duties.

18A:66–32. Upon the employment of a person to whom this article may apply, his employer shall inform him of his duties and obligations under this article as a condition of his employment; the employer shall notify the retirement system of such appointment within 10 days thereafter; it shall keep such records and from time to time furnish such information as the retirement system may require; deduct the proportion of salary and extra salary deductions as certified by the retirement system, transfer each of the amounts so deducted to the retirement system; and shall transmit to the retirement system monthly or at such intervals as the system designates a detailed statement of all amounts so paid. If payment in full, representing the monthly or biweekly 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. Any failure on the part of the employer to comply with the provisions of this section shall constitute a default, and the State Department of Education may withhold school moneys from the district until the default is made good.

Where an employer fails to notify the retirement system of a teacher's employment and more than 1 year has elapsed from the compulsory enrollment date of such teacher, the employer shall be liable for the payment with interest of 6% per annum, to the contingent reserve fund which would otherwise have been required of, and timely paid, by the State.

4. Section 18A:66–35 of the New Jersey Statutes is amended to read as follows:

Loans.

18A:66–35. 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 accumulated deductions, but not less than $50.00; provided, that the amount so borrowed, together with interest thereon, can be repaid by additional deductions from compensation, not in excess of 25% of the member's compensation, made at the same time compensation is paid to the member, but not after the attainment of age 60. 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 deduction from the compensation of the member at the time the compensation is paid but such installments shall be at least equal to the member's 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 60. 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 article 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 accumulated deductions. The interest earned on such loans shall be treated in the same manner as interest earned from investments of the retirement system.

5. Section 18A:66–36 of the New Jersey Statutes is amended to read as follows:

Vesting.

18A:66–36. Should a member of the Teachers' Pension and Annuity Fund, after having completed 15 years of service, be separated voluntarily or involuntarily from the service, before reaching service retirement age, and not by removal for conduct unbecoming a teacher or other just cause under the provisions of sections 18A:28–4 to 18A:28–5 and 18A:28–9 to 18A:28–13 inclusive, such person may elect to receive, in lieu of the payment provided in section 18A:66–34:

a. The payments provided for in section 18A:66–37, if he so qualified under said section; or

b. A deferred retirement allowance, beginning at age 60, which shall be made up of an annuity derived from the member's accumulated deductions at the time of his severance from the service, and a pension in the amount which, when added to the member's annuity, will provide a total retirement allowance of $\frac{1}{70}$ of his final compensation for each year of service credited as Class A service and $\frac{1}{60}$ of his final compensation for each year of service credited as class B service, calculated in accordance with section 18A:66–44, with optional privileges provided for in section 18A:66–47 if he exercises such optional privilege at least 30 days before his attainment of the normal retirement age; provided, that such election is communicated by such member 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: (1) to receive the payments provided for in section 18A:66–37, if he had qualified under that section at the time of leaving service, except that in order to avail himself of the optional privileges pursuant to section 18A:66–47, he must exercise such optional privilege at least 30 days before the effective date of his retirement; or (2) to withdraw his accumulated deductions with interest as provided in section 18A:66–34. If such member shall die before attaining service retirement age, then his accumulated deductions, plus regular interest after January 1, 1956, shall be paid in accordance with section 18A:66–38, and, in addition if such member shall die after attaining service retirement age and has not withdrawn his accumulated deductions, an amount equal to 3/16 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 beneficiary.

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Any member who, having elected to receive a deferred retirement allowance, again becomes an employee covered by the retirement system while under the age of 60, shall thereupon be reenrolled. If he had discontinued his service for more than 2 consecutive years, subsequent contributions shall be at a rate applicable to the age resulting from the subtraction of his years of creditable service at the time of his last discontinuance of contributing membership from his age at the time of his return to service. He shall be credited with all service as a member standing to his credit at the time of his election to receive a deferred retirement allowance.

6. Section 18A:66–38 of the New Jersey Statutes is amended to read as follows:

Death benefits; contributions not required under certain circumstances.

18A:66–38. Upon the receipt of proper proofs of the death of a member in service on account of which no accidental death benefit is payable under section 18A:66–46, there shall be paid to such member's beneficiary:

(a) The member's accumulated deductions at the time of death together with regular interest after January 1, 1956; and

(b) An amount equal to 1½ times the compensation upon which contributions by the member to the annuity savings fund were based in the last year of creditable service; provided, however, that if such death shall occur after the member shall have attained age 70, the amount payable shall equal 3/16 of such compensation instead of 1½ times such compensation.

For the purpose of this section, section 18A:66–46e and section 18A:66–53, a member shall be deemed to be an active member for a period of no more than 2 years while on official leave of absence without pay; provided, that satisfactory evidence is presented to the retirement system that such leave of absence without pay is due to illness. For the purposes of this section, section 18A:66–46e and section 18A:66–53, a member shall be deemed to be an active member for a period of not more than 93 days while on official leave of absence without pay when such leave of absence is due to any reason other than illness. In order for a member to be covered for the optional death benefits provided by section 18A:66–53, he shall continue to make contributions for same during the period such member is on official leave of absence without pay, except that when such official leave of absence without pay is due to illness, no contributions shall be required of the member during the period he is deemed to be an active member while on such leave of absence.

Except in the case of members who have elected to receive (1) a deferred retirement allowance pursuant to section 18A:66–36, or (2) an early retirement allowance pursuant to section 18A:66–37, after separation from service pursuant to the aforesaid section 18A:66–36, 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 this section; 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.

7. Section 18A:66–40 of the New Jersey Statutes is amended to read as follows:

Conditions of disability retirement; examination, restoration to service.

18A:66–40. a. Except for circumstances beyond his control, every disability beneficiary, who is under the age of 60 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 other 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 employing agency who knowingly and willfully violates his obligation to restore 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 employing agency, be restored to active service; such 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 b. of this section. If a disability beneficiary is restored to active service, he shall be subject to the provisions of subsection c. of this section.

b. Once each year the retirement system will, and upon his application shall, require any disability beneficiary who is under the age of 60 years to undergo medical examination by a physician or physicians designated by the system. If the physician or physicians thereupon report and certify to the system that the disability beneficiary is not totally incapacitated either physically or mentally for the performance of duty, or if he is engaged in an occupation, then the amount of his pension shall be reduced to an amount which, when added to the amount then earned by him, shall not exceed the amount of the salary now attributable to his former position. If his earnings have changed since the date of his last adjustment, then the amount of his pension may be further altered;

but the new pension shall not exceed the amount of pension originally granted.

If a disability beneficiary, while under the age of 60 years, refuses to submit to at least one medical examination in any year by a physician or physicians designated by the system, his pension shall be discontinued until withdrawal of his refusal. If the report of the medical board shall show that such beneficiary is able to perform either his former duty or other comparable duty which his former 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 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.

c. If a disability beneficiary becomes employed again in a position which makes him eligible to be a member of the retirement system, his pension, together with any optional selection pursuant to section 18A:66–47 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 reenrolled 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 and no benefits pursuant to an optional selection with respect to his former membership shall be paid if his death shall occur during the period of such reenrollment.

d. 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 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.

e. On and after June 9, 1971, upon application to the employer by whom he was employed at the time of his retirement, any beneficiary, while under the age of 60 years, may, in the discretion of the employer, be restored to active service. No disability bene-

ficiary restored to service shall be compelled or permitted to become a member, or to receive any benefits other than those previously awarded to him as long as his annual rate of compensation is less than his final compensation at the time of his retirement. Any beneficiary under the age of 60 years, who is restored to active service at an annual rate of compensation equal to or greater than his final compensation at the time of his retirement, or whose annual rate of compensation is increased at any time after his restoration to service, to a rate equal to or greater than his final compensation at the time of his retirement, shall thereupon again become a member of the retirement system. His retirement allowance shall be canceled, and deductions shall be made from his compensation at the rate applicable to him prior to his retirement. Any service certificate on the basis of which his service was computed at the time of his retirement shall be restored to full force and effect, and he shall be credited with all service as a member standing to his credit at the time of his retirement; except that such a beneficiary again becoming a member shall receive a retirement allowance on subsequent retirement 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 final compensation than the proportion to which he would have been entitled had he remained in service during the period of his prior retirement.

8. Section 18A:66–46 of the New Jersey Statutes is amended to read as follows:

Accidental death benefits.

18A:66–46. a. 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 not as the result of his 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.

b. 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 the 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. 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.

c. If there is no surviving widow, dependent widower or child, there shall be paid to any other beneficiary of the deceased member his accumulated deductions at the time of death.

d. In no case shall the death benefit provided in subsection b. be less than that provided under subsection c.

e. In addition to the foregoing benefits payable under subsection b. or c., there shall also be paid in one sum to such member's beneficiary an amount equal to 1½ times the compensation upon which contributions by the member to the annuity savings fund were based in the last year of creditable service; provided, however, that if such death shall occur after the member shall have attained age 70, the amount payable shall equal 3/16 of such compensation instead of 1½ times such compensation.

9. Section 18A:66–79 of the New Jersey Statutes is amended to read as follows:

Policy to include conversion privilege; proof of insurability after conversion; death benefit limitation.

18A:66–79. 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 18A:66–36, 18A:66–37, 18A:66–38, 18A:66–41, 18A:66–42, 18A:66–44, 18A:66–46 and 18A:66–53, 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.

If any member who has exercised the conversion privilege under the group policy or policies again becomes a member of the Teachers' Pension and Annuity Fund, 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 this article unless he furnishes satisfactory evidence of insurability.

When benefits payable upon the death of a member following retirement are determined as though he were an active member at the time of his death, the death benefit 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.

10. Section 18A:66–81 of the New Jersey Statutes is amended to read as follows:

Arrangements for payment of benefits.

18A:66–81. 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 18A:66–36, 18A:66–37, 18A:66–38, 18A:66–41, 18A:66–42, 18A:66–44, 18A:66–46 and 18A:66–53.

11. Section 18A:66–90 of the New Jersey Statutes is amended to read as follows:

Federal funds; reimbursement of state; certification of amount.

18A:66–90. On or before September 1 of each year, on the basis of the most recent actuarial valuation of the Teachers' Pension and Annuity Fund and on the basis of the appropriate social security rate of contribution, the Director of the Division of Pensions in the State Department of the Treasury, shall certify to the commissioner of education of the State Department of Education the percentage of salaries which the department and each board of education, school district or agency of this State must appropriate in its next fiscal year project budget to cover the amount of the increase and the cost of pension, group life insurance, social security and other benefits provided by this article attributable to carrying out the programs financed by "The elementary and secondary education act of 1965" as enacted by the Eighty-Ninth Congress of the United States and any acts amendatory or supplementary thereto. The commissioner shall promptly notify each public employer of the percentage certified and the public employer shall, within 90 days after the close of such next fiscal year, together with supporting information prescribed by the Director of the Division of Pensions, reimburse the State the amount of such increased cost from funds allocated to the public employer pursuant to this Federal act or amendments or supplements thereto.

12. This act shall take effect immediately.

Approved July 31, 1968.

CHAPTER 229

AN ACT concerning pensions, amending sections 18A:66–4 and 18A:66–53 of the New Jersey Statutes.

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

1. Section 18A:66–4 of the New Jersey Statutes is amended to read as follows:

Membership.

18A:66–4. The membership of the retirement system shall consist of:

(a) All members of the Teachers' Pension and Annuity Fund enrolled as such as of December 31, 1955;

(b) Any person becoming a teacher on or after January 1, 1956, except any person who has attained the age of 60 years prior to becoming a teacher after June 30, 1958 but before July 1, 1968;

(c) Every teacher veteran as of January 1, 1956, who is not a member of the "Teachers' Pension and Annuity Fund" as of such date and who shall not have notified the board of trustees within 30 days of such date that he does not desire to become a member;

(d) Any teacher employed on January 1, 1956, who is not a member of the Teachers' Pension and Annuity Fund and who elects to become a member under the provisions of section 18A:66–10.

No person in employment, office or position, for which the annual salary or remuneration is fixed at less than $500.00 shall be eligible to become a member of the retirement system.

2. Section 18A:66–53 of the New Jersey Statutes is amended to read as follows:

Optional death benefits.

18A:66–53. a. Each member who is a member on January 1, 1958 and each person who thereafter becomes a member will be eligible to purchase the additional death benefit coverage hereinafter described, provided that he selects such coverage within 1 year after January 1, 1958 or after the effective date of membership, whichever date is later.

b. The board of trustees shall establish schedules of contributions to be made by the members who elect to purchase the additional death benefit coverage. Such contributions shall be so computed that the contributions made by or on behalf of all covered members in the aggregate shall be sufficient to provide for the cost of the benefits established by subsections c. and e. of this section. Such schedules of contributions shall be subject to adjustment from time to time, by the board of trustees, as the need may appear.

c. Upon the receipt of proper proofs of the death in service, occurring on or after July 1, 1968, of any such member while covered for the additional death benefit coverage there shall be paid to such member's beneficiary an amount equal to 2 times the compensation received by the member in the last year of creditable service provided, that if such death in service shall occur on or after July 1, 1968, and after the member has attained age 70, the

amount payable shall equal ¼ of the compensation received by the member in the last year of creditable service instead of 2 times such compensation.

d. The board of trustees may also provide, effective as of January 1, 1961, for additional death benefit coverage, as described in subsection e. of this section, for former members who are receiving retirement allowances pursuant to the provisions of this article, subject to the provisions hereinafter stated, and the board may terminate such coverage at any time. The additional death benefit coverage to be so provided shall be in accordance with rules as determined by the board from time to time on the basis of dates of retirement or other factors deemed appropriate by it. In no event shall the additional death benefit coverage described in subsection e. of this section apply to any former member receiving a retirement allowance unless such member was covered by the additional death benefits described in subsection c. of this section during the former member's last month of creditable service. No contributions toward the cost of additional death benefit coverage described in subsection e. of this section shall be required of a former member while he is receiving a retirement allowance pursuant to the provisions of this article.

e. Upon receipt of proper proofs of the death, occurring on or after July 1, 1968, of a former member who was covered for the additional death benefit coverage pursuant to subsection d. of this section, there shall be paid to such former member's beneficiary an amount equal to ¼ of the compensation received by the former member in the last year of creditable service.

f. The contributions of a member for the additional death benefit coverage shall be deducted from his compensation, but if there is no compensation from which such contributions may be deducted it shall be the obligation of the member, except as provided in subsection h. of this section, to make such contributions directly to the retirement system or as directed by the system; provided, however, that no contributions shall be required while a member remains in service after attaining age 70 but that his employer shall be required to pay into the fund on his behalf in such case an amount equal to the contributions otherwise required by the board of trustees in accordance with this section.

g. Any other provisions of this article 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.

h. For the purpose of this section, a member shall be deemed to be in service (1) while he is disabled due to sickness or injury arising out of or in the course of his employment as a teacher to whom this article applies, is not engaged in any gainful occupation, and is receiving or entitled to receive periodic benefits (including any commutation of, or substitute for, such benefits) for loss of time on account of such disability under or by reason of workmen's compensation law, occupational disease law or similar legislation; or (2) for a period of no more than 2 years while on official leave of absence without pay if satisfactory evidence is presented to the retirement system that such leave of absence without pay is due to illness other than an illness to which (1) above applies. No contributions for the optional death benefits provided by this section shall be required of a member while he is deemed to be in service pursuant to the above provisions of this subsection h.

i. All other provisions of this section notwithstanding, this section and the benefits provided under this section shall not come into effect until a required percentage of the members shall have applied for the additional death benefit coverage under this section. This required percentage shall be fixed by the board of trustees. Any such percentage may be made applicable to male or female members only or to other groupings as determined by the board of trustees. Applications for such additional death benefit coverage shall be submitted to the system in such manner and upon such forms as the retirement system shall provide.

j. Any person becoming a member of the retirement system after benefits provided under this section shall have come into effect, who is, by sex or other characteristic, within the grouping to which the additional death benefit coverage under this section is applicable, for the first year of his membership in the retirement system shall be covered by the additional death benefit coverage provisions of this section with the benefit in the event of death, in the first year of membership only, being based upon contractual salary instead of compensation actually received and shall make contributions as fixed by the board of trustees during such period. Such member shall have the right to continue to be covered by the benefits of this section and to contribute therefor after his first year of membership has been completed. This subsection shall not apply in the case of such a member who has already attained his sixtieth birth-

day prior to becoming a member of the retirement system unless he shall furnish satisfactory evidence of insurability at the time of becoming a member.

3. This act shall take effect July 1, 1968.

Approved July 31, 1968.

CHAPTER 230

AN ACT concerning consent by minors to treatment for venereal disease.

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

C. 9:17A-4 Minor's consent to medical or surgical care binding under certain circumstances.

1. The consent to the provisions of medical or surgical care or services by a hospital, public clinic, or the performance of medical or surgical care or services by a physician, licensed to practice medicine, when executed by a minor who is or professes to be afflicted with a venereal disease, shall be valid and binding as if the minor had achieved his or her majority, as the case may be. Any such consent shall not be subject to later disaffirmance by reason of minority.

The consent of no other person or persons, including but not limited to a spouse, parent, custodian or guardian, shall be necessary in order to authorize such hospital or clinical care or services or medical or surgical care or services to be provided by a physician licensed to practice medicine to such a minor.

C. 9:17A-5 Furnishing certain information to certain relatives of minor optional.

2. Upon the advice and direction of a treating physician or, if more than one, any one of them, a member of the medical staff of a hospital, public clinic, or physician licensed to practice medicine, may, but shall not be obligated to, inform the spouse, parent, custodian or guardian of any such minor as to the treatment given or needed, and such information may be given to, or withheld from the spouse, parent, custodian or guardian without the consent of the minor patient and even over the express refusal of the minor patient to the providing of such information.

3. This act shall take effect immediately.

Approved July 31, 1968.

CHAPTER 231

AN ACT authorizing the use of the name "The United Methodist Church" by religious corporations and churches heretofore known as "The Methodist Church," "The Evangelical United Brethren Church," "Methodist Episcopal Church," "Methodist Protestant Church," or "Methodist Episcopal Church South;" and repealing chapter 253 of the laws of 1940, approved January 20, 1941.

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

C. 16:10A-1 The United Methodist Church; authority to use name; existing rights, powers, etc. not affected.

1. Notwithstanding any other general, special or local law, all religious corporations or churches heretofore authorized to use, or known by, the names "The Methodist Church," "The Evangelical United Brethren Church," "Methodist Episcopal Church," "Methodist Protestant Church," or "Methodist Episcopal Church South," and all societies, conferences, boards, associations or other organizations directly connected therewith, are hereby authorized and empowered to assume and use the name "The United Methodist Church."

Nothing contained herein shall be deemed to limit, change, affect or alter any other existing right, power, property, obligation, liability or duty of any such religious corporation or church.

Repealer.

2. Chapter 253 of the laws of 1940, approved January 20, 1941, is repealed.

3. This act shall take effect immediately.

Approved July 31, 1968.

CHAPTER 232

AN ACT concerning certain retired judges, authorizing them, where willing and when assigned by the Chief Justice, to serve in specified courts and repealing section 4 of chapter 183 of the laws of 1963 and section 4 of chapter 135 of the laws of 1964.

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

C. 43:6-6.39 Assignment of certain retired judges to sit in certain courts.

1. Any judge retired on pension, except a judge of the municipal court, who has not attained the age of 70 years, may, with his consent, be assigned by the Chief Justice to sit in any court but the Supreme Court, or in the case of a retired justice of the Supreme Court, to sit in any court.

C. 43:6-6.40 Assigned judge's powers, compensation and reimbursement for expenses.

2. Upon such assignment the retired judge shall have all the powers of a judge or justice of the court to which he is assigned and shall be paid a per diem allowance to be fixed by the Chief Justice at a rate which, for a court year, together with his pension, shall not exceed the current salary of the court from which he retired. In addition such judge or justice shall be reimbursed for all reasonable expenses actually incurred in connection with such assignment. Such per diem compensation and expenses shall be paid by the State.

C. 43:6-6.41 Method of payment.

3. Payment for such service shall be made in the same manner as is compensation of the active judges of the court from which he retired.

Repealer.

4. Section 4 (C. 43:6–6.16) of chapter 183 of the laws of 1963 and section 4 (C. 43:6–6.21) of chapter 135 of the laws of 1964 are hereby repealed.

5. This act shall take effect immediately.

Approved July 31, 1968.

CHAPTER 233

AN ACT concerning salaries of council members in municipalities operating under the municipal council form of government, and amending section 40:81–2 of the Revised Statutes.

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

1. Section 40:81–2 of the Revised Statutes is amended to read as follows:

Compensation of members.

40:81–2. The members of the municipal council, except in cities of the fourth class, shall receive the following annual compensation, payable in equal monthly installments:

In every such municipality having

(1) Less than 5,000 inhabitants, if

(a) Situate within a county of the first class, not less than $300.00 nor more than $1,000.00; or

(b) Not situate in a county of the first class, not less than $150.00 nor more than $750.00;

(2) 5,000 or more and less than 10,000 inhabitants, not less than $300.00 nor more than $1,500.00;

(3) 10,000 or more and less than 40,000 inhabitants, not less than $500.00 nor more than $3,500.00;

(4) 40,000 or more and less than 50,000 inhabitants, not less than $750.00 nor more than $4,500.00;

(5) 50,000 or more inhabitants, not less than $4,000.00 nor more than $6,000.00.

In cites of the fourth class the members of the municipal council shall receive the following annual compensation, payable in equal monthly installments:

In every such municipality having

(1) less than 5,000 inhabitants, not less than $600.00 nor more than $1,000.00;

(2) 5,000 or more and less than 10,000 inhabitants, not less than $900.00 nor more than $1,500.00;

(3) 10,000 or more, not less than $1,500.00 nor more than $5,000.00.

The amount of the annual compensation to be paid to each member of the municipal council shall be fixed from time to time by ordinance between the minimum and maximum amounts prescribed by this section, but until such an ordinance has been adopted, each such member shall receive the minimum compensation herein provided.

2. This act shall take effect immediately.

Approved July 31, 1968.

CHAPTER 234

AN ACT concerning the transaction of the business of insurance by nonadmitted insurers and supplementing chapter 32 of Title 17 of the Revised Statutes.

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

C. 17:32-16 Purpose and construction of act.

1. This act is deemed and declared to be remedial legislation for the protection of the health and welfare of persons resident in this State by subjecting nonadmitted insurers which solicit, insure, or cause to be solicited such resident persons to the laws which govern all foreign insurers which do business in the State of New Jersey. This act shall be liberally construed to effectuate its purpose and intent.

C. 17:32-17 Definitions.

2. The following terms whenever used or referred to in this act shall have the following respective meanings, except in those instances where the context clearly indicates otherwise:

(a) The term "commissioner" shall mean the Commissioner of Banking and Insurance.

(b) The term "insurer" shall mean any person, association or corporation engaged in the transaction of the business of insurance, and shall include, without limitation, interinsurance exchanges and mutual benefit societies.

C. 17:32-18 Conditions for authority to transact business.

3. No insurer organized or existing under the law of another State, or of a foreign country, or any employee, agent or other representative thereof including, without limitation, promotional media, shall by mail or otherwise, transact in any manner, directly or indirectly, the business of insurance within this State unless and until:

(a) Admitted to transact the business of insurance pursuant to the provisions of this chapter; or

(b) Specifically permitted by any other law of this State to transact the business of insurance within this State.

C. 17:32-19 Conditions for presumption of transaction of business.

4. Without limiting the generality of the foregoing, an insurer which performs, causes or suffers to be performed within this State

any of the following acts with reference to persons or property located or resident in the State of New Jersey, by mail or otherwise, directly or indirectly, shall be deemed to be transacting the business of insurance within this State:

(a) The solicitation of or advertising for any contract of insurance of any kind, including annuities involving life contingencies;

(b) The negotiation or effectuation of any contract of insurance of any kind, including annuities involving life contingencies;

(c) The signature, delivery or transmittal of any contract of insurance of any kind, including annuities involving life contingencies, or any application therefor;

(d) The transmittal or receipt of any premium, commission, fee or other payment for any contract of insurance of any kind including annuities involving life contingencies;

(e) The maintenance or operation of any office for the transaction of the business of insurance;

(f) The offering for sale, sale, promotion of, or issuance of any contract of insurance of any kind, including annuities involving life contingencies; or

(g) Any other acts normally incident to the transaction of the business of insurance.

C. 17:32-20 Commissioner's authority in event of violation.

5. Whenever it shall appear to the commissioner that any insurer, or any employee, agent, promotional medium, or other representative thereof, has violated, is violating, or is about to violate the provisions of this act, the Attorney General, upon the request of the commissioner, shall institute a civil action in the Superior Court for injunctive relief and for such other relief as may be appropriate under the circumstances. Process in such action may be served in accordance with the provisions of chapter 330 of the laws of 1952 (C. 17:51–1 et seq.) or as provided in the laws of this State and the rules of the Superior Court. Such action may proceed in a summary manner or otherwise. Nothing contained in this section shall limit or abridge the right to serve any process, notice or demand upon any person or insurer in any other manner now or hereafter deemed lawful.

C. 17:32-21 Provisions of act not applicable under certain circumstances.

6. The provisions of this act shall not be construed to apply to:

(a) The investigation, settlement or litigation of claims under any policy of insurance of any kind lawful when written in this State, or the liquidation of the assets and liabilities of an insurer

(other than the collection of new premiums) resulting from the operations of an insurer within this State which were lawful when conducted;

(b) Transactions involving any policy of insurance of any kind, subsequent to the issuance thereof, covering only subjects of insurance not resident, located or expressly to be performed in this State at the time of issuance, and lawfully solicited, written and delivered outside this State;

(c) The continuation and servicing of life insurance or accident or health insurance policies or annuity contracts remaining in force as to residents of this State when the insurer has withdrawn from this State and is not collecting new premiums within or from this State;

(d) The lawful transaction of contracts of reinsurance by insurers;

(e) Transactions involving group life insurance, group or blanket accident and health insurance, and group annuities where the master policy for such groups was lawfully issued and delivered in a State in which the insurer is duly admitted, and such policy conforms to the laws of the State in which it is delivered;

(f) Any life insurance company organized and operated without profit to any private shareholder or individual and exclusively for the purpose of aiding educational or scientific institutions organized and operated without profit to any private shareholder or individual, which issues to residents of this State directly from its home office without agents, representatives or other field operations in this State, contracts of insurance and annuity contracts only to or for the benefit of such institutions and to individuals engaged in the service of such institutions; nor shall this subsection apply to any life, accident and health or annuity contracts issued by such life insurance company, provided that any such life insurance company shall: (1) furnish to the commissioner a copy of any policy or contract form issued to residents of this State; (2) furnish to the commissioner a copy of its annual statement prepared pursuant to the laws of the State of domicile of such life insurance company, as well as such other reports, documents and financial material as may be requested by the commissioner; and (3) designate the commissioner as its true and lawful attorney upon whom may be served all lawful process in any action or proceeding against such life insurance company arising under any contract of insurance or annuity contract it has issued to, or which is held by, a resident of this State, and process so served against

such life insurance company shall have the same force and validity as if served upon said life insurance company; and provided further, that the commissioner may, if in his judgment the interest of the public so requires, promulgate regulations affecting the contracts, investments, or other aspects of the operations of companies covered by this subparagraph (f), which shall be not more restrictive than the laws and regulations applicable to admitted life insurance companies;

(g) Insurance of vessels, crafts or hulls, cargoes, marine builders' risks, marine protection and indemnity or other risks including strikes and war risks commonly insured under ocean or wet marine forms of policy.

C. 17:32-22 Severability of act.

7. 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.

8. This act shall take effect immediately.

Approved July 31, 1968.

CHAPTER 235

AN ACT concerning The United Methodist Church, supplementing Title 16 of the Revised Statutes, and repealing chapters 9 and 10 of Title 16 of the Revised Statutes.

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

C. 16:10A-2 The United Methodist Church; authority and procedure for incorporation or reincorporation.

1. When so authorized and directed by the charge conference of any unincorporated local church duly organized in accordance with the Discipline of The United Methodist Church, the board of trustees may incorporate, or if incorporated may reincorporate, such church in the following manner:

a. Pursuant to a resolution adopted by such board of trustees, a meeting of the membership of such church shall be called by notice in writing signed by the president or secretary of such board. Such notice shall state that at a specified date, time and place a meeting will be held for the purpose of incorporating or reincorporating such church, selecting a name therefor and electing trustees thereof. Such notice shall be posted conspicuously at the main entrance of the usual place of worship at least 10 days prior to the date of such meeting, and shall be read at each of the 2 morning services of worship, at least 1 week apart, preceding the date of such meeting.

b. At such meeting the district superintendent, or by his written designation the pastor, shall preside, and a secretary shall be elected to record the proceedings.

c. If at such meeting the members present and voting shall determine by resolution to incorporate or reincorporate such church, they shall similarly determine the name of the incorporated church and the number of its trustees which shall be 3, 6 or 9. Such members shall elect the number of trustees, decided upon, which trustees shall be not less than 21 years of age, and ⅔ of whom shall be full members of The United Methodist Church. One-third of such trustees shall be elected to hold office until the end of the annual conference year in which elected, ⅓ until the end of the next succeeding annual conference year, and ⅓ until the end of the second succeeding annual conference year.

C. 16:10A-3 Action by trustees.

2. Whenever a local church of The United Methodist Church shall have resolved to incorporate or reincorporate at a meeting held for such purpose, as provided by section 1 of this act, the duly elected trustees shall execute and acknowledge, before any person authorized to take acknowledgement of deeds, a certificate of incorporation setting forth:

a. The place and date of such meeting;

b. The name of the incorporated church and the municipality and county in which it is located;

c. The names and respective periods of office of the trustees elected;

d. A statement that the members of the corporation shall be the members of the charge conference of such church as constituted in accordance with the Discipline of The United Methodist Church;

e. A statement that the corporation shall support the doctrine, and it, and all its property, both real and personal shall be subject

to the laws, usages, and ministerial appointments of The United Methodist Church as are now or shall be from time to time established, made, and declared by the lawful authority of The United Methodist Church; and

f. The approval of the district superintendent of that district of the annual conference in which such local church is located.

Upon the filing of such certificate in the office of the clerk of the county in which such local church is located and in the office of the Secretary of State, such local church shall be a corporation by the name stated in such certificate, and the persons therein stated to be the elected trustees of such incorporated local church shall be authorized to serve for the terms for which they were elected and until their successors have been duly elected and qualified.

C. 16:10A-4 Authority and procedure for incorporation or reincorporation of affiliated organizations.

3. Any society, conference, board, association or other organization connected with The United Methodist Church may incorporate, or if incorporated may reincorporate, in the following manner:

a. At least 10 days' notice shall be given to the members stating that at a specified date, time and place a meeting will be held for the purpose of incorporating or reincorporating such organization, selecting a name therefor and electing trustees thereof to serve as directors of the corporation. Such notice shall be in writing and signed by at least 6 of such members.

b. If at such meeting the members present and voting shall determine by resolution to incorporate or reincorporate such organization, they shall similarly determine the name of the corporation, and the number and terms of office of the trustees. Such members shall elect the number of trustees so determined, and shall provide for the time and place of the annual corporate meeting at which the annual election of trustees will be held.

c. The duly elected trustees of such organization shall execute and acknowledge, before any person authorized to take acknowledgment of deeds, a certificate of incorporation setting forth the name of the corporation, the names of the trustees and their terms of office, and such other provisions as adopted by vote of the members at such meeting to govern the business of the corporation. Upon the filing of such certificate in the office of the Secretary of State such organization shall be a corporation by the name stated in such certificate.

C. 16:10A-5 Authority to amend certificate of incorporation; limitations.

4. Any local church of, or any other organization connected with, The United Methodist Church now or hereafter incorporated may

alter or amend its certificate of incorporation in the same manner as provided by this act for the incorporation of a local church or of such other organization; provided, however, that the notice of meeting shall state the alterations or amendments to be considered; and provided further, that no alteration or amendment shall be inconsistent with the provisions of this act or the Discipline of The United Methodist Church. Any such alteration or amendment shall become operative when an amended certificate of incorporation has been executed and filed as provided by this act for an original certificate of incorporation.

C. 16:10A-6 Content of by-laws; limitation.

5. The by-laws of any local church of, or of any other organization connected with, The United Methodist Church shall include the Discipline of The United Methodist Church as from time to time enacted, authorized, and declared by its general conference, and no other by-law shall be adopted inconsistent with the provisions of such Discipline.

C. 16:10A-7 Incorporated church's powers.

6. An incorporated local church of, or other incorporated organization connected with, The United Methodist Church shall have such powers as may be granted to and provided for a religious corporation under the laws of this State.

C. 16:10A-8 Trustees; number, qualifications, classes, election, terms, vacancies.

7. The board of trustees of any local church of The United Methodist Church shall consist of 3, 6 or 9 members, as may be provided by the certificate of incorporation, each of whom shall be not less than 21 years of age, and at least ⅔ of whom shall be full members of The United Methodist Church. The members of the board of trustees shall be divided into 3 classes, each class having an equal number of members, and the terms of office of one class shall expire at the end of each annual conference year.

An election of trustees of a local church of The United Methodist Church shall be held annually at a meeting of the charge conference. Trustees shall be elected by the charge conference unless the charge conference shall have previously ordered that election shall be by the membership of the church. At least 10 days' notice of the time and place of meeting for election of trustees shall be given to the members of the church in writing or from the pulpit or in the weekly bulletin. Such notice shall be given by the pastor or the charge conference or the district superintendent, and shall state the names of those trustees whose successors are to be elected.

Trustees shall be elected to succeed those whose terms expire at the end of the annual conference year in which such meeting is held, and to fill a vacancy or vacancies in any other class which has occurred since the last annual election; provided, however, that a trustee may be elected to succeed himself. The persons elected shall take office at the beginning of the ensuing annual conference year, to serve for a term of 3 years or until their successors have been duly elected and qualified; but any trustee elected to fill a vacancy shall serve only for the term of such vacancy.

Any vacancy in the board of trustees of a local church of The United Methodist Church may be filled until the next annual election by the charge conference of such church at any regular or special meeting.

C. 16:10A-9 Trustees' duties and responsibilities; reports; limitation.

8. The trustees of an incorporated local church of The United Methodist Church shall be the directors of the corporation, and shall have the custody and control of all the temporalities and property belonging to the corporation, and shall administer the same in accordance with the Discipline, rules and usages of The United Methodist Church and with the provisions of law relating thereto. The trustees shall be responsible to the charge conference of such church, and shall annually report in writing to the charge conference upon those items required by the Discipline of The United Methodist Church. The trustees shall not prevent or interfere with the pastor or other duly authorized ministers of The United Methodist Church in the use of the property of such church for religious services or other proper meetings recognized by the Discipline and usage of The United Methodist Church.

C. 16:10A-10 Merger of local churches; conditions.

9. Any 2 or more local churches of The United Methodist Church in this State may resolve to merge and become a single church in accordance with a plan of merger proposed by the charge conference of each of the merging churches. The terms and conditions of such plan shall be stated in a resolution of each such charge conference adopted by a majority vote of the members having a right to vote who are present at a meeting of said members. Such resolution, which shall include the name under which such merger shall take place, shall be submitted to a meeting of the members of each merging church, called by the pastor or the charge conference or the district superintendent, provided that not less than

10 days' notice of each meeting and its main purpose shall be given to the members of each church in writing or from the pulpit or in the weekly bulletin.

If a majority of the members of each church having the right to vote, who are present and vote at such meetings, consent thereto, a certificate thereof shall be made, executed and verified by the chairman and secretary of each such meeting, and approved by the district superintendent or superintendents. The certificates as so executed, verified and approved on behalf of each of the merging churches shall be filed in the office of the clerk of the county or counties where such churches are located and in the office of the Secretary of State. Thereupon such churches shall be merged, and the merged church shall, by the name so adopted, be entitled to and invested with all the real and personal property, rights, powers, privileges and franchises belonging to each church so merging, subject to all its debts, obligations and liabilities.

Title to the church property of the merging churches shall be held in the trustees of the merged church elected in accordance with the provisions of this act.

C. 16:10A-11 Use and disposition of church property; conditions.

10. Any real property owned by a local church of The United Methodist Church, or in which such local church has an interest, shall be held, used, kept and maintained by such local church subject to the Discipline and usage of The United Methodist Church as from time to time authorized and declared by the general conference and by the annual conference within whose bounds such property is located.

Any such real property may be sold, transferred or mortgaged by such local church only in accordance with the following procedure and conditions:

a. Notice of the proposed action, and the date, time and place of a meeting at which it is to be considered, shall be given to the members of such church in writing or from the pulpit or in the weekly bulletin at least 10 days prior to such meeting. Such notice shall be given by the pastor, the charge conference or the district superintendent.

b. A resolution authorizing the proposed action shall be presented to the charge conference of such church. If adopted, such resolution shall be presented for adoption by the members of such church; provided, however, that a vote by the members of the church shall not be required for the sale of property which was

conveyed to such church for sale and use of the proceeds for a specific purpose.

c. Such resolution shall authorize and direct the board of trustees of such church to take all necessary steps to carry out the action authorized, and to cause to be executed any written instruments required therefor.

d. The board of trustees, at any regular or special meeting, shall take the action so directed and authorized, and adopt such resolutions as may be necessary or required by law.

e. Written consent to the proposed action by the pastor of such local church and the district superintendent shall be required, and shall be affixed to the instrument of sale, conveyance, transfer or mortgage.

C. 16:10A-12 Funding current expenses; limitations.

11. The real estate on which a church building or parsonage of a local church of The United Methodist Church is located shall not be mortgaged or encumbered to provide for the current expense of such church, nor shall the principal of the proceeds of the sale of any such property be so used.

C. 16:10A-13 Release and discharge of title of church property.

12. The written acknowledged consent by the appropriate district superintendent to any sale, conveyance or transfer of real property by a local church of, or by an organization connected with, The United Methodist Church shall constitute a release and discharge of such property from any right, title or interest of The United Methodist Church, and in the case of a mortgage such consent shall constitute a formal recognition of the priority of the mortgage lien, whether or not the deed of conveyance to such local church or organization contained a trust clause in favor of The United Methodist Church.

C. 16:10A-14 Abandonment of church property; conditions, disposition.

13. All real and personal property belonging to or held in trust for any local church of The United Methodist Church that has or shall become abandoned shall vest in and become the property of that annual conference of The United Methodist Church in which such local church was located. This section shall not affect the reversion or interest of any person in such property.

A local church of The United Methodist Church shall be regarded as abandoned when its membership is so reduced that it has not sufficient members to fill its offices, and when it has ceased to hold

its regular meetings and to keep its relation with any charge having regular connection with an annual conference of The United Methodist Church for a period of 2 consecutive years.

The annual conference of The United Methodist Church in which any such abandoned local church was located may, in pursuance of a resolution by it, sell the property of any such abandoned local church and convey the same to the purchaser by deed in its corporate name.

C. 16:10A-15 Conduct of elections.

14. To be qualified to vote at a meeting of the charge conference, or at a meeting of the membership of a local church of, or organization connected with, The United Methodist Church, when such meeting is held for the purpose of incorporation, alteration or amendment of the certificate of incorporation, merger, election of trustees, or any action relating to the property of such church or organization, a person shall be a full member of such church or organization who is not less than 21 years of age. The presiding officer of any such meeting shall be the judge of the qualifications of voters, subject to appeal to the vote of the members present whose qualifications are not challenged. Such presiding officer shall receive the votes cast and declare the result of same.

Unless otherwise provided by this act, or by the certificate of incorporation or the by-laws of such local church or organization, elections and approval of actions shall be by a majority vote of the qualified voters present and voting. In elections of trustees a written individual ballot shall be used if so directed by vote of the members present, but cumulative voting shall be prohibited.

Repealer.

15. Chapters 9 and 10 of Title 16 of the Revised Statutes are repealed.

16. This act shall take effect immediately.

Approved July 31, 1968.

CHAPTER 236

AN ACT concerning salaries of mayors and commissioners in municipalities operating under the commission form of government, and amending Revised Statutes 40:72–21; P. L. 1953, chapter 386; P. L. 1950, chapter 318; P. L. 1953, chapter 384; P. L. 1955, chapter 207; P. L. 1957, chapter 211; P. L. 1958, chapter 3; P. L. 1960, chapter 73, and P. L. 1960, chapter 70.

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

1. Section 40:72–21 of the Revised Statutes is amended to read as follows:

Compensation of mayor and commissioners except in fourth-class cities.

40:72–21. The mayor and board of commissioners shall have suitable offices and their total compensation, except in cities of the fourth class, shall be as follows:

a. In such municipalities having more than 200,000 population, the mayor's annual salary shall be not more than $10,000.00 and that of each commissioner not more than $9,000.00.

b. In municipalities having a population of over 120,000 and not exceeding 200,000, the mayor's annual salary shall be not more than $7,500.00 and that of each commissioner not more than $6,500.00.

c. In municipalities having a population of over 90,000 and not exceeding 120,000, the mayor's annual salary shall be not more than $6,000.00 and that of each commissioner not more than $5,000.00.

d. In municipalities having from 40,000 to 90,000 population, the mayor's annual salary shall be not more than $5,000.00 and that of each commissioner not more than $4,500.00.

e. In municipalities having from 20,000 to 40,000 population the mayor's annual salary shall be not more than $4,000.00 and that of each commissioner not more than $3,500.00.

f. In municipalities having from 10,000 to 20,000 population, the mayor's annual salary shall be not more than $3,500.00 and that of each commissioner not more than $3,000.00.

g. In municipalities having from 5,000 to 10,000 population, the mayor's annual salary shall be not more than $2,250.00, and that

of each commissioner not more than $1,500.00, except in such municipalities having municipally owned and operated water plants and systems, sewage disposal plants and sewerage systems and electric light and power plants and systems, in which municipalities the mayor's annual salary shall be not more than $3,000.00 and that of each commissioner not more than $2,500.00.

h. In municipalities having from 2,500 to 5,000 population, the mayor's annual salary shall be not more than $1,500.00, and that of each commissioner not more than $1,000.00.

i. In municipalities having 1,000 to 2,500 population, the mayor's annual salary shall be not more than $1,000.00, and that of each commissioner not more than $750.00.

j. In municipalities having from 500 to 1,000 population, the mayor's annual salary shall be not more than $750.00, and that of each commissioner not more than $500.00.

k. In municipalities having less than 500 population the mayor's annual salary shall be not more than $650.00, and that of each commissioner not more than $500.00.

Such salaries shall be payable in equal monthly installments.

2. Section 1 of chapter 386 of the laws of 1953 is amended to read as follows:

C. 40:72-24.1a Compensation of mayor and commissioners in fourth-class cities of 50,000 population.

1. Notwithstanding any other provision of law, in cities of the fourth class now or hereafter having a population of not less than 50,000 and having the commission form of government under subtitle 4 of Title 40 of the Revised Statutes, the mayor's annual salary shall be not more than $15,000.00 and that of each commissioner shall be not more than $12,500.00. The said salaries shall be payable in installments in the same manner as in the case of the other officials of the municipality.

3. Section 1 of chapter 318 of the laws of 1950 is amended to read as follows:

C. 40:72-24.2 Compensation of mayor and commissioners in certain municipalities, other than fourth-class cities, of 500-1,000 population.

1. Notwithstanding any other provision of law, in municipalities, other than cities of the fourth class, governed by chapters 70 to 76 of Title 40 ("commission form of government law") of the Revised Statutes, and now or hereafter having from 500 to 1,000 population, the governing body thereof may, by ordinance, increase and fix the mayor's annual salary at not more than $2,000.00, and

that of each commissioner at not more than $1,750.00; and such salary shall be payable in equal monthly installments and shall be the total compensation payable to the mayor and the commissioners. Such salaries may be increased above said amounts in the manner provided by section 40:72–24 of the Revised Statutes for the increase of salary as fixed by sections 40:72–21 and 40:72–22 of the Revised Statutes, but the amount of such increases shall in no instance exceed 50% of the maximum salaries provided in this act.

4. Section 1 of chapter 384 of the laws of 1953 is amended to read as follows:

C. 40:72-24.3 Compensation of mayor and commissioners of townships with population exceeding 15,000.

1. Notwithstanding any other provision of law, in all townships of this State now or hereafter governed by the provisions of the commission form of government law, and having a population in excess of 15,000 inhabitants, as ascertained by the preceding Federal census, the mayor of any such commission governed municipality shall receive an annual salary of not more than $5,000.00 and the remaining members of the commission shall receive annual salaries of not more than $4,500.00 each.

5. Section 1 of chapter 207 of the laws of 1955 is amended to read as follows:

C. 40:72-24.4 Compensation of mayor and commissioners of second-class cities of 70,000-90,000 population.

1. Notwithstanding any other provision of law, in cities of the second class now or hereafter having a population from 70,000 to 90,000 and having a commission form of government under subtitle 4 of Title 40 of the Revised Statutes, the mayor's annual salary may be fixed by ordinance at not more than $10,000.00 and that of each commissioner at not more than $7,500.00.

The said salaries shall be payable in installments in the same manner as in the case of the other officials of the municipality.

6. Section 1 of chapter 211 of the laws of 1957 is amended to read as follows:

C. 40:72-24.6 Compensation of mayor and commissioners in certain municipalities located in second-class counties.

1. Notwithstanding any other provision of law, in municipalities having a commission form of government under subtitle 4 of Title 40 of the Revised Statutes and located in counties of the second class, the annual salary of the mayor and of each commissioner may be fixed by ordinance as follows:

(a) In such municipalities having from 40,000 to 55,000 population, the mayor's annual salary may be fixed at not more than $8,000.00 and that of each commissioner at not more than $7,000.00.

(b) In such municipalities having from 20,000 to 40,000 population, the mayor's annual salary may be fixed at not more than $7,000.00 and that of each commissioner at not more than $6,000.00.

7. Section 1 of chapter 3 of the laws of 1958 is amended to read as follows:

C. 40:72-24.8 Compensation of mayor and commissioners of certain towns of 15,000-25,000 population.

1. Notwithstanding any other provision of law, in towns having a population of over 15,000 and not exceeding 25,000 having a commission form of government under subtitle 4 of Title 40 of the Revised Statutes, the mayor's annual salary may be fixed by ordinance at not more than $5,000.00 and that of each commissioner at not more than $4,500.00.

8. Section 1 of chapter 73 of the laws of 1960 is amended to read as follows:

C. 40:72-24.10 Compensation of mayor and commissioners in certain municipalities in counties of 600,000-800,000 population.

1. Notwithstanding any other provision of law, in municipalities having a commission form of government under subtitle 4 of Title 40 of the Revised Statutes, and located in counties having a population of not less than 600,000 nor more than 800,000, the annual salary of the mayor and each commissioner may be fixed by ordinance as follows:

In such municipalities having from 35,000 to 60,000 population, the mayor's annual salary may be fixed at not more than $8,000.00 and that of each commissioner at not more than $7,500.00.

Any such ordinance shall become operative in 10 days after the publication thereof after its final passage, unless within said 10 days, a petition, signed by the electors of such municipality equal in number to at least 10% of the entire vote 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.

9. Section 1 of chapter 70 of the laws of 1960 is amended to read as follows:

C. 40:72-24.11 Compensation of mayor and commissioners of certain second-class cities of 12,000-20,000 population.

1. Notwithstanding any other provision of law, the board of commissioners of any city of the second class governed by the commission form of government law, and having a population of not less than 12,000 nor more than 20,000 inhabitants as ascertained by the latest Federal census, may by ordinance fix the annual salary of the mayor at not more than $5,000.00 and of the remaining members of the commission at not more than $4,500.00 each.

10. This act shall take effect immediately.

Approved July 31, 1968.

CHAPTER 237

AN ACT concerning the jurisdiction of the division of small claims in county district courts and amending sections 2A:6–43 and 2A:6–44 of the New Jersey Statutes.

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

1. Section 2A:6–43 of the New Jersey Statutes is amended to read as follows:

Jurisdiction of division of small claims; limitation and exception.

2A:6–43. The division of small claims of the county district court shall have jurisdiction of actions in contract and actions for property damages resulting from negligence in a motor vehicle accident only, which jurisdiction shall be co-extensive with the county district court where the debt, balance, penalty or other contractual or negligence matter in dispute does not exceed, exclusive of costs, the sum of $200.00. Jurisdiction under this article shall be limited to debts, claims and demands held by the person with whom or for whose benefit such debt, claim or demand arose, and shall not extend to debts, claims or demands held by assignment or transfer; except that, any corporation may transfer or assign any debt, claim or demand held by it to one of its officers for the purpose of bringing action thereon only, and, when so transferred or assigned, shall be within the jurisdiction of the

division of small claims of the county district court. All defenses, setoffs and counterclaims available against the corporation may be asserted in any action brought by the corporate officer on any debt, claim or demand so transferred or assigned.

2. Section 2A:6–44 of the New Jersey Statutes is amended to read as follows:

Recovery up to jurisdictional amount; waiver of excess.

2A:6–44. Where the debt, balance or other matter in dispute, or the amount really due or recoverable exceeds, exclusive of costs, the sum or value of $200.00, either plaintiff or defendant may recover in the division of small claims of the county district court a sum not exceeding $200.00 and costs, which recovery shall bar the recovery of the residue of such debt, balance or other matter in dispute in any court whatsoever.

The plaintiff in a complaint or the defendant in the counterclaim or third-party complaint may waive the excess over $200.00 in order to bring the respective claim within the jurisdiction of the division of small claims of the county district court.

3. This act shall take effect immediately.

Approved July 31, 1968.

CHAPTER 238

AN ACT concerning elections and amending the "Absentee Voting Law (1953)," approved July 1, 1953 (P. L. 1953, c. 211), repealing section 18 thereof and amending the "Presidential Ballot Law (1964)," approved July 1, 1964 (P. L. 1964, c. 134).

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

1. Section 2 (C. 19:57–2) of P. L. 1953, chapter 211 is amended to read as follows:

C. 19:57-2 Definitions.

2. Whenever used in this act, the following terms shall, unless the context indicates otherwise, be construed to have the following meaning:

"Absentee ballot" means any military service ballot or civilian absentee ballot as herein defined.

"Absentee voter" means any person qualified to vote a military service ballot or a civilian absentee ballot under the provisions of this act.

"Armed Forces of the United States" means any branch or department of the United States Army, Navy, Air Force, Coast Guard or Marine Corps.

"Civilian absentee ballot" means a ballot for use by a civilian absentee voter as prescribed by this act.

"Civilian absentee voter" means any qualified and registered voter of the State who expects to be absent from the State on the day of any election and any qualified and registered voter who will be within the State on the day of any election but because of illness or physical disability, including blindness or pregnancy, or because of the observance of a religious holiday pursuant to the tenets of his religion, or because of resident attendance at a school, college or university, will be unable to cast his ballot at the polling place in his election district on the day of the election.

"Election," "general election," "primary election for the general election," "municipal election," and "special election" shall mean, respectively, such elections as defined in the Title to which this act is a supplement (R. S. 19:1–1 et seq.).

"Military service" means active service by any person, as a member of any branch or department of the United States Army, Navy, Air Force, Coast Guard or Marine Corps, or as a reservist absent from his place of residence and undergoing training under Army, Navy, Air Force, Coast Guard or Marine Corps direction, at a place other than that of such person's residence.

"Military service voter" means a qualified elector under the Constitution and the laws of this State who comes within one of the following categories:

(a) Persons in the military service and their spouses and dependents.

(b) Patients in a veterans' hospital located in any place other than the place of their residences who have been in the military service in any war in which the United States has been engaged and have been discharged or released from such service.

(c) Civilians attached to or serving with the Armed Forces of the United States without this State and their spouses and dependents when residing with or accompanying them.

"Military service ballot" means a ballot for use by a military service voter as prescribed by this act.

2. Section 3 (C. 19:57–3) of P. L. 1953, chapter 211 is amended to read as follows:

C. 19:57-3 Persons entitled to vote by absentee ballot; construction of act.

3. The following persons shall be entitled to vote by absentee ballot in any election to be held in this State, in the manner hereinafter provided:

A military service voter who may be absent on the day on which such election is held from the election district in which he resides, whether such person is within or without this State in the case of a military service voter as defined in paragraph (a) or (b) of section 2, or without this State and within or without the United States in the case of any military service voter as defined in section 2, provided he has resided in this State at least 6 months and in the county in which he claims the right to vote at least 40 days counting the time he has been absent from the election district in which he resides because of the service, work, status or relationship entitling him to vote a military service ballot;

A civilian absentee voter who expects to be or may be absent outside the State or the United States on the day on which an election is held or who may be within the State on the day of any election but because of illness or physical disability, or because of the observance of a religious holiday pursuant to the tenets of his religion, or because of resident attendance at a school, college or university, will be unable to cast his ballot at the polling place in his election district on the day of the election, provided he is a registered voter, and is not otherwise disqualified by law from voting in such election.

This act shall be liberally construed to effectuate these purposes.

3. Section 4 (C. 19:57–4) of P. L. 1953, chapter 211 is amended to read as follows:

C. 19:57-4 Application for civilian absentee ballot or military service ballot.

4. At any time not less than 8 days prior to an election in which he desires to vote, a civilian absentee voter may apply to the person designated in section 6 of this act, for a civilian absentee ballot. Such application or request shall be made in writing, shall be signed by the applicant and shall state his or her place of voting residence and the address to which said ballot shall be sent, and the reason for which the ballot is requested.

Any military service voter desiring to vote in any election or any relative or friend of a military service voter who believes that such voter will desire to vote in any election, may apply to the person designated in section 6 of this act for a military service ballot to be sent to such voter.

4. Section 5 (C. 19:57–5) of P. L. 1953, chapter 211 is amended to read as follows:

C. 19:57-5 Application by relative or friend of military service voter; form.

5. The form of application to be used by a relative or friend of a military service voter shall be substantially as follows:

APPLICATION BY RELATIVE OR FRIEND FOR A MILITARY SERVICE BALLOT

The undersigned, residing at ..... in
(street and number or R.D. route)
..... in the county of .....
(name of city or other municipality)
in the State of ..... does hereby make application for a military service ballot to be voted at the election to be held on ..... for .....
(date of election) (name of military service voter and serial number if in the military service)
..... whose home address is at ..... in .....
(street and number or R. D. route) (name of city or other municipality)
..... in the county of ..... in the State of New Jersey and who is stationed or can be found at .....

He is of the age of 21 years, has resided in the State of New Jersey at least 6 months and in said county at least 40 days counting the time that he has been absent from the election district in which he resides because of the service, work, status or relationship in the category indicated below and I verily believe that he is qualified to vote as a military service voter in said election.

Place a (×) in the box preceding the applicable category below.

(a) ☐ A person in military service.
(b) ☐ A spouse or dependent of a person in category (a).
(c) ☐ A patient in a veterans' hospital.
(d) ☐ A civilian attached to or serving with the Armed Forces of the United States.

(e) ☐ A spouse or dependent of and accompanying or residing with a person in category (d).

.....

State of .....
County of ..... } ss.

The undersigned, being duly sworn on his oath according to law, says that the contents of the foregoing application are true.

Sworn and subscribed to before me this ..... day of ..... A. D. .....

.....

(name and title of officer taking affidavit)

Such affidavit shall be subscribed and sworn to before a person authorized to administer oaths.

5. Section 7 (C. 19:57–7) of P. L. 1953, chapter 211 is amended to read as follows:

C. 19:57-7 Publication of notices.

7. The officer to whom the application for an absentee ballot may be made pursuant to section 6 of this act shall publish or cause to be published the following notices in substantially the following forms:

NOTICE TO MILITARY SERVICE VOTERS AND TO THEIR RELATIVES AND FRIENDS

If you are in the military service or the spouse or dependent of a person in military service or are a patient in a veterans' hospital or a civilian attached to or serving with the Armed Forces of the United States without the State of New Jersey, or the spouse or dependent of and accompanying or residing with a civilian attached to or serving with the Armed Forces of the United States, and desire to vote, or if you are a relative or friend of any such person who, you believe, will desire to vote in the ..... (municipal, primary, general or other) ..... election to be held on ..... (date of election) kindly write to the undersigned at once making application for a military service ballot to be voted in said election to be forwarded to you, stating your name, age, serial number if you are in military service, home address and the address at which you are stationed or can be found, or if you desire the military service ballot for a relative or friend then make an application under oath for a military service ballot to

be forwarded to him, stating in your application that he is over the age of 21 years and stating his name, serial number if he is in military service, home address and the address at which he is stationed or can be found.

Forms of application can be obtained from the undersigned.

Dated .....

.....

(signature and title of county clerk, municipal clerk or other official as the case may be)

.....

(address of county clerk, municipal clerk or other official)

NOTICE TO PERSONS DESIRING ABSENTEE BALLOTS

If you are a qualified and registered voter of the State who expects to be absent outside the State on ....., (date of election) or a qualified and registered voter who will be within the State on ..... but because of illness or physical disabil- (date of election) ity, or because of the observance of a religious holiday pursuant to the tenets of your religion, or because of resident attendance at a school, college or university, will be unable to cast your ballot at the polling place in your district on said date, and you desire to vote in the ..... election to (municipal, primary, general or other) be held on ..... kindly write or (date of election) apply in person to the undersigned at once requesting that a civilian absentee ballot be forwarded to you. Such request must state your home address, and the address to which said ballot should be sent, and must be signed with your signature, and state the reason why you will not be able to vote at your usual polling place. No civilian absentee ballot will be furnished or forwarded to any applicant unless request therefor is received not less than 8 days prior to the election, and contains the foregoing information.

Dated .....

.....

(signature and title of county clerk, municipal clerk or other official as the case may be)

.....

(address of county clerk, municipal clerk or other official)

Such notices shall be separately published prior to the fortieth day immediately preceding the holding of any election.

Notices relating to any State-wide or countywide election shall be published by the county clerk in at least 2 newspapers published in the county. All other officials charged with the duty of publishing such notices shall publish the same in at least one newspaper published in each municipality or district in which the election is to be held or if no newspaper be published in said municipality, then in a newspaper published in the county and circulating in such municipality, municipalities or district.

6. Section 17 (C. 19:57–17) of P. L. 1953, chapter 211 is amended to read as follows:

C. 19:57-17 Printed certificate required on margin of envelope flap; military service voters.

17. Upon the said margin of said flap on the envelopes to be sent to military service voters there shall be printed a certificate in the following form:

I hereby certify that

1. I am a citizen of the United States;

2. The date of my birth was .....;

3. On the date of the (Description of election in which ballot is used to be printed here.) election I will have resided in New Jersey for ..... and in .....
(years or months)
county for .....;
(years, months or days)

4. My home address is at .....
(street and number, if any, or rural
.....; in .....;
route) (city, borough, town, township or village)

5. My military service voter's address is .....;

6. I am (place a cross (×) in the box preceding the applicable category below, and insert serial number where required):

(a) ☐ A person in military service.
My serial number is .....

(b) ☐ A spouse or dependent of a person in category (a) whose serial number is .....

(c) ☐ A patient in a veterans' hospital.

(d) ☐ A civilian attached to or serving with the Armed Forces of the United States.

(e) ☐ A spouse or dependent of and residing with a person in category (d).

.....

(write your usual signature above)

.....

(print your name clearly above)

PENALTY FOR FRAUDULENT VOTING

Any person who, knowingly, violates any of the provisions of this act, or who, not being entitled to vote thereunder, fraudulently votes or attempts to vote thereunder or enables or attempts to enable another person, not entitled to vote thereunder, to vote fraudulently thereunder or who prevents or attempts to prevent by fraud the voting of any person legally entitled to vote under this act, shall be guilty of a misdemeanor, and upon conviction thereof shall be subject, in addition to such other penalties as are authorized by law, to disenfranchisement unless and until pardoned or restored by law to the right of suffrage.

(P. L. 1953, c. 211, s. 37 (C. 19:57–37))
(P. L. 1964, c. 134, s. 33 (C. 19:58–33))

Upon said margin of said flap on the inner envelopes to be sent to civilian absentee voters there shall be printed a certificate in the following form:

I, ..., do solemnly swear that I am a registered voter of the State of New Jersey, and that I have resided in the county of ..... continuously since .....

(month, date and year)

My address in said county is .....

(street and number, if any, or rural route)

where I have resided since .....

(month, date and year)

I will be a resident of the State of New Jersey at the above address on .....

(date of election)

FILL IN ONLY IF YOU HAVE MOVED OR INTEND TO MOVE YOUR RESIDENCE AFTER

.....

(county clerk insert date of fortieth day before election)

AND BEFORE THE ELECTION

I moved or will move to the above address from my previous home address at .....
(street and number, if any, or rural route)
in the ..... county of
(city, borough, town, township or village)
..... State of ..... on .....
(give date)

Place a cross (×) in the box preceding the applicable statement below.

My reason for voting this absentee ballot is:

☐ I will be absent from the State on the date of the election.

☐ I am unable to leave my place of confinement at .....
(home
..... because of
address, hospital address or other place of confinement)
..... and will, therefore,
(name of sickness or physical disability)
be unable to cast my ballot at the polling place in my election district on the date of the election.

☐ I will be unable to attend at my polling place on the date of the election because of the observance of a religious holiday, pursuant to the tenets of my religion.

☐ I will be unable to attend at my polling place on the date of the election because I will be in resident attendance at .....
(name of
..... located in .....,
school, college or university) (name of city or town)
New Jersey.

I marked the enclosed ballot in secret.

.....
(signature of absentee voter)

.....
(print your name clearly above)

PENALTY FOR FRAUDULENT VOTING

Any person who, knowingly, violates any of the provisions of this act, or who, not being entitled to vote thereunder, fraudulently votes or attempts to vote thereunder or enables or attempts to enable another person, not entitled to vote thereunder, to vote fraud-

ulently thereunder or who prevents or attempts to prevent by fraud the voting of any person legally entitled to vote under this act, shall be guilty of a misdemeanor, and upon conviction thereof shall be subject, in addition to such other penalties as are authorized by law, to disenfranchisement unless and until pardoned or restored by law to the right of suffrage.

(P. L. 1953, c. 211, s. 37 (C. 19:57–37))
(P. L. 1964, c. 134, s. 33 (C. 19:58–33))

C. 19:57-18 Repealed.

7. Section 18 of P. L. 1953, chapter 211 (C. 19:57–18) is repealed.

8. Section 19 of P. L. 1953, chapter 211 (C. 19:57–19) is amended to read as follows:

C. 19:57-19 Primary election; additional printed certificate required on margin of envelope flap.

19. In addition to the foregoing, the certificate to be used on the margin of the flap of the inner envelope forwarded with any absentee ballot intended to be voted in any primary election for the general election shall contain the following statement similarly signed and sworn to:

I intend to vote at the next ensuing general election for the nominees of the ..... political party,
(name of party)
whose ballot is marked herein, and I am not a member of, or identified with, any other political party or any political organization espousing the cause of candidates of any other political party. I have not voted in a primary election of any other political party in the last two primary elections or contributed to the campaign funds of any other political party within one year prior to the primary election at which this ballot is to be voted.

.....
(signature of absentee voter)

PENALTY FOR FRAUDULENT VOTING

Any person who, knowingly, violates any of the provisions of this act, or who, not being entitled to vote thereunder, fraudulently votes or attempts to vote thereunder or enables or attempts to enable another person, not entitled to vote thereunder, to vote fraudulently thereunder or who prevents or attempts to prevent by fraud the voting of any person legally entitled to vote under this act, shall be guilty of a misdemeanor, and upon conviction thereof shall be

subject, in addition to such other penalties as are authorized by law, to disenfranchisement unless and until pardoned or restored by law to the right of suffrage.

(P. L. 1953, c. 211, s. 37 (C. 19:57–37))
(P. L. 1964, c. 134, s. 33 (C. 19:58–33))

9. Section 23 of P. L. 1953, chapter 211 (C. 19:57–23) is amended to read as follows:

C. 19:57-23 Marking and handling of absentee ballots by voters.

23. Any absentee voter shall be entitled to mark any absentee ballot, so forwarded to him, for voting at any election by indicating his choice of candidates for the offices named, and as to public questions, if any, stated, thereon in accordance with election laws of this State, except that in such ballots to be voted in any primary election for the general election his choice shall be limited to the candidates of his political party or to any person or persons whose names are written thereon by him. When so marked, such ballot shall be placed in said inner envelope, which shall then be sealed, and the voter shall then fill in the form of certificate attached to said inner envelope, at the end of which he shall sign and print his name in his own handwriting. The inner envelope with the certificate shall then be placed in said outer envelope, which shall then be sealed.

A blind absentee voter shall be entitled to assistance in the marking of his ballot and in completing and signing of the certificate. In such case the person providing such assistance shall add on the face of the certificate "Voter Assisted by " signing his name thereto.

Said sealed outer envelope with the inner envelope and the ballot enclosed therein shall then be mailed with sufficient postage to the county board of elections to which it is addressed.

10. Section 25 (C. 19:57–25) of P. L. 1953, chapter 211 is amended to read as follows:

C. 19:57-25 Qualification of military service voters; district in which ballots are to be counted.

25. It shall not be necessary to qualify any military service voter to vote by a military service ballot in any county, that he shall be or shall have been registered to vote in any election district of this State at the time of any election or at any other time, if his name has been certified by the county clerk of the county to the commissioner of registration of the county as hereinbefore provided. Any military service ballot returned to any county board of elections

in the envelopes required by this act shall be counted in determining the result of any election in which it is to be voted in the election district indicated by the military service voter's home address appearing on the certificate or certificates attached to or accompanying the inner envelope, containing such military service ballot, if such certificate or certificates contain information which would qualify the military service voter to vote in said election district if he were registered to vote therein, and if said certificate or certificates have been filled in and purport to have been executed and sworn to in the manner required by this act and if such military service ballot has been so marked as to comply with the requirements of the election laws of this State and in computing the length of residence, in the county and State, of any military service voter the time which shall have elapsed during his absence from the election district in which he resides because of the service, work, status or relationship entitling him to vote a military service ballot shall be counted.

11. Section 29 of P. L. 1953, chapter 211 (C. 19:57–29) is amended to read as follows:

C. 19:57-29 Military service voter; personal presentation of ballot.

29. Any military service voter who returns to his place of residence within this State, within 10 days before such election, and who has not received a military service ballot, may appear in person before, and apply in writing to, the proper county clerk for a military service ballot, and shall be entitled to receive a military service ballot upon being properly identified and to cast the same by presenting it in person to the proper county board of elections, properly marked, enclosed and sealed in the inner envelope provided for that purpose, with the certificate or certificates on the flap of the inner envelope duly filled in and signed at any time before the closing of the polls on the day of such election, and if the ballot is properly marked, it shall be counted at the election.

12. Section 34 (C. 19:57–34) of P. L. 1953, chapter 211 is amended to read as follows:

C. 19:57-34 Emergency voting form; registration.

34. Any elector who has been in the military service (including his spouse and dependents) or a civilian attached to or serving with the Armed Forces of the United States (including his spouse and dependents who accompanied him) or a patient in any such veterans' hospital, but who has been discharged or released from such service or discharged from said hospital too late to register at the

last registration day before any election, may obtain an emergency voting form at the office of the proper commissioner of registration if he has been previously permanently registered, and upon presentation of such emergency voting form to the proper district board he shall be permitted to vote. In the event that he has not been permanently registered, upon exhibiting his discharge or certificate of service to such commissioner of registration such commissioner shall require such discharged or released elector to register notwithstanding any provisions of law prohibiting the taking of registrations at such time, before issuing such emergency voting form.

13. Section 18 of P. L. 1964, chapter 134 (C. 19:58–18) is amended to read as follows:

C. 19:58-18 Printed certificate required on margin of envelope flap; new residents.

18. Upon said margin of the flap on the inner envelope to be sent to a new resident there shall be printed a certificate in affidavit form substantially as follows:

State of New Jersey
County of .....

I, the undersigned, do hereby certify that:

1. I am a citizen of the United States;

2. I was born on ..... ;
(date of birth)

3. I have resided at ..... in
(street and number or R. D. route)
..... in .....
(name of city or municipality) (name of county)
county in New Jersey since ..... ;
(insert date)

4. I resided at ..... in
(street and number or R. D. route)
..... in .....
(name of city or municipality) (name of county)
county in the State of ..... until my
(name of State)
removal to New Jersey as above stated;

5. Because of my change of residence I am not eligible to vote and will not attempt to vote in the election to be held on .....
(date of election)
at any place other than my present place of residence but I am

eligible to vote for electors for President and Vice-President of the United States in said election at my present place of residence by a " Presidential Ballot."

..... Applicant
(signature)

..... Applicant
(print name here)

PENALTY FOR FRAUDULENT VOTING

Any person who, knowingly, violates any of the provisions of this act, or who, not being entitled to vote thereunder, fraudulently votes or attempts to vote thereunder or enables or attempts to enable another person, not entitled to vote thereunder, to vote fraudulently thereunder or who prevents or attempts to prevent by fraud the voting of any person legally entitled to vote under this act, shall be guilty of a misdemeanor, and upon conviction thereof shall be subject, in addition to such other penalties as are authorized by law, to disenfranchisement unless and until pardoned or restored by law to the right of suffrage.

(P. L. 1953, c. 211, s. 37 (C. 19:57–37))
(P. L. 1964, c. 134, s. 33 (C. 19:58–33))

14. Section 19 of P. L. 1964, chapter 134 (C. 19:58–19) is amended to read as follows:

C. 19:58-19 Printed certificate required on margin of envelope flap; removed residents.

19. Upon the said margin of said flap on the inner envelope to be sent to a removed resident there shall be printed a certificate in affidavit form substantially as follows:

State of .....
County of .....
I, the undersigned, do hereby certify that:
1. I am a citizen of the United States;
2. I was born on ..... ;
(date of birth)
3. I reside at ..... in
(street and number or R. D. route)
..... in .....
(name of city or municipality) (name of county)
county in the State of ..... and I have
(name of State)

resided at this address since my removal from my former address in New Jersey and expect to continue to reside there until and on the date of said election;

4. I formerly resided at ..... in
(street and number or R. D. route)
..... in .....
(name of city or municipality) (name of county)
county in New Jersey and I was registered as a voter, and continued to reside at said address until my removal to my present address;

5. Because of the insufficient period of my residence at my present address I am unable to vote there at the election to be held on ..... but I believe that I am eligible to vote at my
(date of election)
former residence in the State of New Jersey for electors for President and Vice-President of the United States at such election.

..... Applicant
(signature)

..... Applicant
(print name here)

PENALTY FOR FRAUDULENT VOTING

Any person who, knowingly, violates any of the provisions of this act, or who, not being entitled to vote thereunder, fraudulently votes or attempts to vote thereunder or enables or attempts to enable another person, not entitled to vote thereunder, to vote fraudulently thereunder or who prevents or attempts to prevent by fraud the voting of any person legally entitled to vote under this act, shall be guilty of a misdemeanor, and upon conviction thereof shall be subject, in addition to such other penalties as are authorized by law, to disenfranchisement unless and until pardoned or restored by law to the right of suffrage.

(P. L. 1953, c. 211, s. 37 (C. 19:57–37))
(P. L. 1964, c. 134, s. 33 (C. 19:58–33))

15. Section 21 of P. L. 1964, c. 134 (C. 19:58–21) is amended to read as follows:

C. 19:58-21 Marking and handling of presidential ballots by voters.

21. Any voter shall be entitled to mark any Presidential ballot, so forwarded to him, for voting at any election by indicating his choice of candidates for the offices named. When so marked, such ballot shall be placed in said inner envelope, which shall then be sealed, and the voter shall then fill in the form of certificate attached to said

inner envelope, at the end of which he shall sign and print his name in his own handwriting. The inner envelope with the certificate shall then be placed in said outer envelope, which shall then be sealed.

16. Section 24 of P. L. 1964, chapter 134 (C. 19:58–24) is amended to read as follows:

C. 19:58-24 Qualification of new residents to vote; district in which ballots are to be counted.

24. It shall not be necessary to qualify any new resident to vote by a Presidential ballot in any county that he shall be or shall have been registered to vote in any election district of this State or elsewhere at any time. Any Presidential ballot, returned to any county board of elections by a new resident in the envelopes required by this act, shall be counted in determining the result of any election in which it is to be voted in the election district indicated by the voter's present or former address in this State appearing on the certificate attached to the inner envelope, containing such ballot, if such certificate contains information which would qualify the voter to vote in said election district, pursuant to the provisions of this act, and if said certificate has been filled in and if such ballot has been so marked as to comply with the requirements of this act.

17. This act shall take effect July 1, 1968.

Approved July 31, 1968.

CHAPTER 239

AN ACT concerning leave of absence and supplementing Title 40 of the Revised Statutes.

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

C. 40:46-32.1 Leave with pay for certain municipal employees.

1. Any person employed by any municipality or agency thereof in this State who is a member of the Senate or General Assembly of the State of New Jersey, shall be entitled to time off from his duties as such employee, without loss of pay, during the periods of his attendance at regular or special sessions of the Legislature and hearings or meetings of any legislative committee or commission.

2. This act shall take effect immediately.

Approved July 31, 1968.

CHAPTER 240

AN ACT concerning certain regional school districts and State aid thereto and amending sections 18A:13–5 and 18A:13–35 and supplementing chapter 13 and article 1 of chapter 58 of Title 18A of the New Jersey Statutes.

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

1. Section 18A:13–5 of the New Jersey Statutes is amended to read as follows:

Conduct of regional district elections; majority; exceptions.

18A:13–5. Elections in regional districts shall be conducted as in other local districts except that there shall be at least one polling place in each of the constituent districts and in any such elections, unless otherwise provided by this Title, the total vote of the entire regional district, without regard to the territorial boundaries of the constituent districts, shall be counted in determining the result of the election.

In any case in which a proposal for the creation of a regional district or for the enlargement of a regional district is submitted, such proposal shall be adopted only if a majority of the votes cast thereon

a. In each of the local districts, other than a consolidated district, proposing to form the regional district,

b. In the consolidated district proposing to form the regional district without regard to the territorial boundaries of the constituent districts, or

c. In the regional district to be enlarged, and in each district proposed to enlarge it,

shall be cast in favor of the adoption of such proposal.

2. Section 18A:13–35 of the New Jersey Statutes is amended to read as follows:

Certification and determination of the result of referendum to create regional district.

18A:13–35. The secretary of each local district, so proposed to be included in the proposed regional district, shall certify to the county superintendent of the county, in which such district is

situate, within 5 days after such election, the results of the election held therein for the creation of a regional district, showing the number of votes cast for, and the number cast against, the adoption of the proposal to create such a regional district submitted therein, in each municipality in his district and each county superintendent of a county, in which any such municipality or municipalities are situate, shall canvass the vote cast in each such municipality and if such county superintendent or superintendents shall determine from such certificates that a majority of the votes cast for and against the proposal submitted at said election were cast for its adoption in a consolidated district or in each such municipality other than a constituent of a consolidated district, he or they shall immediately certify, to the board of education of each such local district, the result of such vote as so determined and the regional school district shall be created and any other provisions included in such proposal in accordance with the provisions of this chapter shall become effective on the twentieth day following the day of such election.

C. 18A:13-34.1 Regionalization of consolidated school district; referendum provisions.

3. Whenever the board of education of a consolidated school district in a county of the first class and the commissioner, or his representative, shall determine in accordance with N. J. S. 18A:13–34 it to be advisable for such district to become a regional school district, the resolution and proposal to be submitted to the voters in the consolidated district shall provide and propose that the amounts to be raised for annual or supplemental appropriations for the proposed regional district, exclusive of the amounts to be raised for interest upon, and the redemption of bonds payable by the regional district, shall be apportioned upon the basis of the number of pupils enrolled after a 10-year transitional period following the formation of the regional district and that, during such transitional period, the said amounts shall be apportioned on a combination basis of apportionment valuations and the number of pupils enrolled, as follows: for the first year of existence of the regional district 90% on apportionment valuations and 10% on a per pupil basis; for the second year 80% on apportionment valuations and 20% on a per pupil basis; for the third year 70% on apportionment valuations and 30% on a per pupil basis; for the fourth year 60% on apportionment valuations and 40% on a per pupil basis; for the fifth year 50% on apportionment valuations and 50% on a per pupil basis; for the sixth year 40% on apportionment

valuations and 60% on a per pupil basis; for the seventh year 30% on apportionment valuations and 70% on a per pupil basis; for the eighth year 20% on apportionment valuations and 80% on a per pupil basis; for the ninth year 10% on apportionment valuations and 90% on a per pupil basis; for the tenth and subsequent years on a per pupil basis.

4. This act shall take effect immediately.

Approved July 31, 1968.

CHAPTER 241

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, 1969, and regulating the disbursement thereof," approved June 25, 1968 (P. L. 1968, c. 119), now pending before the Legislature.

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

1. The following additional sum is hereby appropriated out of the General State Fund, for the purpose herein specified:

DEPARTMENT OF CONSERVATION
AND ECONOMIC DEVELOPMENT

490–100 DIVISION OF PARKS, FORESTRY AND RECREATION

Maintenance, Old Barracks, Trenton, State Share ... $5,000 00

2. This act shall take effect immediately.

Approved July 31, 1968.

CHAPTER 242

AN ACT concerning Palisades Interstate Park police court, amending section 32:14–26 of the Revised Statutes.

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

1. Section 32:14–26 of the Revised Statutes is amended to read as follows:

Police court judges; compensation.

32:14–26. The Palisades Interstate Park Commission shall pay the judge or judges of the police court a per diem compensation to be determined by the commission.

2. This act shall take effect immediately.

Approved August 6, 1968.

CHAPTER 243

AN ACT concerning education, authorizing the establishment of educational services commissions, prescribing their functions, powers and duties, and supplementing Title 18A of the New Jersey Statutes.

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

C. 18A:6-51 Definitions.

1. Definitions:

(a) "Educational Services Commission" means an agency established or to be established in one or more counties for the purpose of carrying on programs of educational research and development and providing to public school districts such educational and administrative services as may be authorized pursuant to rules of the State Board of Education.

(b) "Commission" means county educational services commission.

(c) "State board" means the State Board of Education.

(d) "Commissioner" means the Commissioner of Education.

(e) "Operation expenses" means those funds devoted to or required for the regular or ordinary operating expenses of the commission, including administrative, maintenance and salary expenses, and purchase or rental of real and personal property, but excluding contracted services expense.

(f) "Contracted services expense" means funds devoted to or required for services provided pursuant to contracts with school districts whether member districts of the commission or not, or contracts with nonpublic schools.

(g) "Member district" means a public school district located in the county or counties in which a commission is established which is authorized by this act to be a constituent part of the commission, to participate in the election of members of the governing body of the commission, and to contract with the commission for one or more of its services.

C. 18A:6-52 County educational services commission; authority and procedure for establishment.

2. Whenever 2 or more boards of education in any county or in any 2 or more counties and the commissioner after study and investigation shall deem it advisable to establish a county educational services commission, such boards of education may petition the State Board of Education for permission to establish such a commission. A report shall be attached to such petition setting forth the kind or kinds of educational services which are deemed to be needed and proposed to be provided, an estimate of the cost of providing such services, a method of financing the operation expenses of such commission until such can be financed under its first regularly adopted budget as provided in section 12, and any other data or information deemed pertinent.

The State board, after studying the petition and report, shall determine whether there is a need for such a commission and whether its operation is feasible. If the State board finds that the need exists and further finds that the operation of a commission will be feasible, it shall approve the petition and so notify the petitioning boards of education and the county superintendent or county superintendents of the county or counties, as the case may be, in which such boards of education are located.

C. 18A:6-53 State board's approval; county superintendent's action.

3. Whenever the boards of education and the county superintendent or superintendents, as the case may be, receive notification that the State board approves the establishment of a commission, the county superintendent, or the county superintendents

by agreement if more than one county is included, shall instruct each board of education to elect one of its members to serve on the board of directors of such commission, and shall fix a date and place for the first meeting of the said board of directors.

C. 18A:6-54 Board of directors; organization, officers.

4. The first board of directors shall organize upon the call of the county superintendent or county superintendents, as the case may be. Thereafter the board of directors shall organize annually on the first Monday of October. The board of directors shall organize by electing a president and a vice-president, who shall serve until the next annual organization meeting.

C. 18A:6-55 Membership; voting.

5. The board of directors shall consist of one representative from each member board of education and the county superintendent or county superintendents, as the case may be, of the county or counties in which the member school districts are located. Each member of the board of directors shall have one vote.

C. 18A:6-56 Members of board of directors elected by district boards; vacancies, terms.

6. Members of the board of directors representing school districts shall be elected by their respective boards of education from among the membership of such boards of education. Should a member cease to be a member of the board of education which elected him, his place on the board of education shall become vacant, and the board of education which elected him shall elect another of its members to fill the vacancy for the remainder of the term for which the vacating member had been elected.

The members of the first board of directors shall serve until the regular annual organization meeting next ensuing and for 1 year or 2 years thereafter as their first terms shall be established according to an assignment of original terms in which the names of the school districts shall be arranged in order alphabetically and then numbered consecutively, beginning with the number 1, and those districts having odd numbers in such alphabetical list shall be assigned an original term of 2 years, and those districts having even numbers in such list having an original term of 1 year. After the original term, the term of office of a school district member of the board of directors shall be for 2 years.

C. 18A:6-57 Bimonthly meetings; financial transactions; executive committee's establishment and authority.

7. The board of directors shall meet for the transaction of business at least once every 2 months throughout the year.

The board shall neither enter into a contract nor pay a bill or demand for money against it, until the same has been presented and passed upon at a regularly called meeting of the board.

The board may designate its president, its vice-president and the county superintendent or county superintendents serving ex officio on the board as an executive committee to administer the affairs of the board of directors between regularly convened meetings of the board.

C. 18A:6-58 Secretary; appointment, compensation, term, bond, bonding fee.

8. The board shall appoint a suitable person to be its secretary and shall fix his compensation and term of employment. The secretary shall before entering upon the duties of his office execute and deliver to the board a bond in a sum to be fixed by it, with surety to be approved by the board, conditioned for the faithful performance of the duties of his office. The board may accept the bond of a company authorized to execute surety bonds, and may pay the annual premium or fee therefor as an operating expense.

C. 18A:6-59 Secretary's powers and duties.

9. The powers and duties of the secretary of the board of directors shall be prescribed by the board, including but not limited to the following:

(a) Record in a suitable book all proceedings of the board.

(b) Pay out on warrants signed by 2 members of the executive committee all moneys of the commission.

(c) Report to the board at each regular meeting:

(1) The amount of the total appropriations and the cash receipts for each account;

(2) The amount for which warrants have been drawn and the amount of orders for all contractual obligations since the date of his last report;

(3) The accounts against which the warrants have been drawn and the accounts against which the contractual obligations are chargeable; and

(4) The cash balance and free balance to the credit of each account;

(d) Notify all members of the board of all regular meetings of the board.

(e) Notify all members of the board of special meetings of the board when ordered by the president to do so, or when requested to do so by a petition in writing signed by at least ⅓ of the members of the board.

(f) During the month of October in each year, report to the board a detailed report of its financial transactions during the preceding fiscal year, and file a copy thereof with the county superintendent of schools, or county superintendents, as the case may be, of the county or counties in which the commission is located.

C. 18A:6-60 Executive director; appointment, qualifications, powers.

10. The board of directors may appoint a suitable person to be the executive director of the commission. Such person shall possess a certificate appropriate to his position as may be prescribed under rules of the State Board of Examiners. He shall have a seat on the board of directors, but no vote. He shall have the same powers as are conferred upon superintendents of schools by Title 18A of the New Jersey Statutes.

C. 18A:6-61 Establishment of board as corporate body; name.

11. The board of directors shall be a body corporate, and shall be known as "the board of directors of ....." (here shall be inserted a suitable name to be adopted by the board of directors with the approval of the State Board of Education, but such name shall contain at least the words "Educational Services Commission").

C. 18A:6-62 Annual budget; preparation, adoption, funding.

12. The board of directors shall annually, on or before October 1, prepare a budget for the ensuing fiscal year, and submit such budget to the board of directors at the annual organization meeting in October. The board of directors shall adopt a budget on or before November 1 next following its organization and shall forthwith notify all member boards of education of their proportionate share of the operating expense of the commission for the next ensuing school year. The proportionate share of the operating expense for each member board of education shall be determined as the proportion which the total public school enrollment in the school district on September 30 of the year in which the budget is made bears to the total public school enrollment for all member districts on said September 30. Payment of the member district's proportionate share of the operating expense, when so determined, shall be an obligation of a member school district, and payments shall be made during the school year for which such budget shall have been made in 4 equal installments on July 1, October 1, January 1, and April 1.

C. 18A:6-63 Commission's services; cost; contracts; withdrawal from membership.

13. The board of directors shall from time to time determine what services shall be provided by the commission, subject to ap-

proval of and pursuant to rules of the State Board of Education. It shall determine the cost of providing such services, and may enter into contracts with member school districts to provide such services. Such contracts may be for terms not exceeding 10 years, and a member school district, having so contracted, may not withdraw from membership in the commission during the term of such a contract.

C. 18A:6-64 Procedure for withdrawal from membership; exception.

14. Except as provided in section 13 of this act, a school district which is a member of a commission may withdraw from membership by adopting a resolution setting forth its intention to withdraw, and filing with the secretary of the board of directors a certified copy of such resolution. Such withdrawal shall be effective at the conclusion of the third full school year after the filing of such resolution with the secretary of the board of directors.

C. 18A:6-65 Employment of professional and nonprofessional employees.

15. The board may employ teachers, principals and other employees, subject to the provisions of Title 18A for the employment of personnel for public school districts, and subject to the rules of the State Board of Examiners for the employment of persons whose office, position or employment requires them to hold an appropriate certificate issued by the State Board of Examiners.

C. 18A:6-66 Employees' rights and benefits.

16. Persons holding office, position or employment under a board of directors of a commission shall enjoy the same rights and benefits as are enjoyed by persons holding office, position, or employment under a public school district board of education.

C. 18A:6-67 Authority to receive and administer funds and grants.

17. With the approval of the State Board of Education, the board of directors may enter into a contract with and receive and administer funds and grants from any individual or agency, including but not limited to, agencies of the Federal Government of the United States.

C. 18A:6-68 Bookkeeping and accounting system; adoption, employment, audit.

18. The board of directors shall adopt and employ such a system of bookkeeping and accounting as may be prescribed by the State Board of Education. The board of directors shall comply with the requirements for audit prescribed in chapter 23 of Title 18A for public school districts.

C. 18A:6-69 Enlargement of commission's purposes.

19. The board of directors may enlarge the purposes for which the formation of the commission was approved, upon application to and approval by the State Board of Education.

C. 18A:6-70 Admission of nonmembers to commission membership; new member's term.

20. A board of education not a member of a commission at the time such commission was established shall be admitted to such commission upon application to its board of directors not less than 3 months prior to the annual organization meeting of the board of directors next ensuing. The term of the representative elected by such new member board of education shall be for 1 or 2 years as may be required to provide for the election of as nearly ½ of the board of directors each year. Thereafter the term of such representative shall be for 2 years. Should more than one new board of education member be admitted at any annual organization, the county superintendent, or county superintendents, as the case may be, shall determine by lot the assignment of original 1-year or 2-year terms.

21. This act shall take effect July 1, 1968.

Approved August 6, 1968.

CHAPTER 244

AN ACT to validate and confirm conveyances of lands made to a grantee named and designated in any such conveyance as a corporation where said grantee was not incorporated at the time of such conveyance and was thereafter incorporated in certain cases.

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

Validating act.

1. Every conveyance of land heretofore executed and delivered to a grantee named and designated in any such conveyance as a corporation where said grantee was not incorporated at the time of such conveyance and was thereafter incorporated within 6 months from the date of such conveyance is hereby validated and confirmed and any and all such conveyances and the record thereof shall be as valid and effectual as if the said grantee had been in-

corporated at the time of such conveyance, provided such conveyance was recorded in the office of a county recording officer within 1 year after making of such conveyance. This act shall be inapplicable to any such conveyance where the sufficiency or validity thereof has been involved in any action or proceeding in any court heretofore instituted or which shall be instituted within 30 days from the effective date of this act.

2. This act shall take effect immediately.

Approved August 6, 1968.

CHAPTER 245

AN ACT authorizing municipalities to establish conservation commissions and supplementing Title 40 of the Revised Statutes.

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

C. 40:56A-1 Municipal conservation commission; appointment, terms, vacancies.

1. Commission; appointment; terms; vacancies. The governing body of any municipality may by ordinance establish a conservation commission for the protection, development or use of natural resources, including water resources, located within its territorial limits. The commission shall consist of not less than 5 nor more than 7 members, appointed by the mayor or other chief executive officer of the municipality, one of whom shall also be a member of the municipal planning board and all of whom shall be residents of the municipality; the members shall serve without compensation except as hereinafter provided. The mayor or other chief executive officer of the municipality shall designate one of the members to serve as chairman and presiding officer of the commission. The terms of office of the first commissioners shall be for 1, 2 or 3 years, to be designated by the mayor in making his appointments so that the terms of approximately ⅓ of the members will expire each year, and their successors shall be appointed for terms of 3 years and until the appointment and qualification of their successors. The mayor or governing body of the municipality may remove any member of the commission for cause, on written charges served upon the member and after a hearing thereon at which the member shall be entitled to be heard in person or by counsel. A vacancy on the commission occurring otherwise than by expiration of a

term shall be filled for the unexpired term in the same manner as an original appointment.

C. 40:56A-2 Commission's powers.

2. Powers of commission. A conservation commission organized under this act shall have power to conduct research into the use and possible use of the open land areas of the municipality and may co-ordinate the activities of unofficial bodies organized for similar purposes, and may advertise, prepare, print and distribute books, maps, charts, plans and pamphlets which in its judgment it deems necessary for its purposes. It shall keep an index of all open areas, publicly or privately owned, including open marshlands, swamps and other wetlands, in order to obtain information on the proper use of such areas, and may from time to time recommend to the planning board or, if none, to the mayor and governing body of the municipality plans and programs for inclusion in a municipal master plan and the development and use of such areas.

C. 40:56A-3 Commission's acquisition.

3. Acquisitions by commission. A conservation commission may, subject to the approval of the governing body, acquire property, both real and personal, in the name of the municipality by gift, purchase, grant, bequest, devise or lease for any of its purposes and shall administer the same for such purposes subject to the terms of the conveyance or gift. Such an acquisition may be to acquire the fee or any lesser interest, development right, easement (including conservation easement), covenant or other contractual right (including a conveyance on conditions or with limitations or reversions), as may be necessary to acquire, maintain, improve, protect, limit the future use of, or otherwise conserve and properly utilize open spaces and other land and water areas in the municipality.

C. 40:56A-4 Records and annual report.

4. Records and annual report. A conservation commission shall keep records of its meetings and activities and shall make an annual report to the governing body of the municipality.

C. 40:56A-5 Appropriation; personnel.

5. Appropriation. The governing body of a municipality may appropriate funds for the expenses incurred by the conservation commission. The commission may appoint such clerks and other employees as it may from time to time require and as shall be within the limits of funds appropriated to it.

6. This act shall take effect immediately.

Approved August 6, 1968.

CHAPTER 246

AN ACT to amend the charter of Gloucester city, in the county of Camden.

WHEREAS, The city of Gloucester in the county of Camden has petitioned the Legislature for the passage of a special law to provide an amendment to the charter for the city, pursuant to Article IV, section VII, paragraph 10 of the Constitution of 1947, in accordance with the procedure prescribed by the laws of 1948, chapter 199 (C. 1:6–10 et seq.); now, therefore,

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

Private act.

1. That an act to incorporate "Gloucester city," Camden county, New Jersey, New Jersey Pamphlet Laws of 1868, chapter 44, approved February 25, 1868, is amended to read as follows:

2. Section 2 is amended to read as follows:

2. For the better order and government of Gloucester city there shall be elected hereafter in said city a mayor who shall hold his office for a term of 4 years, 2 common councilmen from each of the 3 wards who shall hold office for a period of 3 years and who with the mayor shall form and be one body politic and corporate in deed, fact, name and law and be known by the name, style and title of "The Mayor and Common Council of Gloucester City."

3. Section 3 is amended to read as follows:

3. The mayor and members of common council shall be elected at the general election to be held on the first Tuesday after the first Monday in November and shall take office on the first Thursday in January following their election to office in the following order: In the first year after the passage of this act by the Legislature and the adoption of this act by the legally qualified voters of Gloucester city, no councilmen shall be elected from any ward and the remaining 6 councilmen shall continue to hold office for the remainder of their unexpired terms and until their successors have been elected and qualified, in the second year one councilman from each of the 3 wards shall be elected for a term of 3 years, in the third year one councilman from each of the 3 wards shall be elected

for a term of 3 years, and thereafter all councilmen shall be elected for a term of 3 years upon the expiration of the elected terms; except, that the mayor shall be elected at large for a term of 4 years commencing the first Thursday in January of 1971.

4. Section 4 is amended to read as follows:

4. The mayor and 6 councilmen of Gloucester city shall constitute the common council thereof and the mayor shall be the president thereof and shall preside at all meetings of common council during his term of office and shall have a vote in all matters coming before the council, and shall appoint, with the advice and consent of the councilmen, the chairman and members of all committees of common council; provided, however, that the mayor shall be the chairman of the committees having jurisdiction of the police and fire departments, and if the mayor be absent or temporarily disabled the councilmen shall appoint one of the councilmen as acting mayor and he shall exercise all of the powers of the mayor, except that he shall only have a vote as mayor and not as a councilman, nor shall his council seat be declared vacant unless he resigned, and the said common council shall have power to make and adopt such rules and by-laws for their own government as they may deem proper, and to pass all ordinances and resolutions, to elect or appoint all officials, officers and positions of employment in the city, except those whose election or appointment is prescribed by the statutes of the State of New Jersey, and in general to do and perform all such other acts as are required and permitted them to do under the general laws of the State of New Jersey, and 4 members of common council shall constitute a quorum; and it shall be the duty of the mayor to call special meetings of said common council upon the request of any 2 members of said common council and upon a 3-day notice being given to all the members of common council in person or left at their place of residence, unless all of said councilmen shall waive the 3-day notice.

5. Section 15 is amended to read as follows:

15. The mayor shall be paid an annual salary of $2,500.00 and the councilmen shall be paid an annual salary of $1,000.00 and that all other officials, officers and employees of Gloucester city shall be paid such compensation for the performance of their official duties as shall be established by ordinance of the mayor and common council.

6. This act shall become operative only after it is adopted by vote of the legally qualified voters of the city of Gloucester City, in the county of Camden.

The question of the adoption of this act shall be submitted to the vote of the legally qualified voters of the city of Gloucester City, in the county of Camden, at the general election to be held in the year 1968, provided this act shall be passed not less than 25 days next preceding such election; otherwise at the general election next succeeding the passage of this act, whichever shall first occur.

There shall be presented on each official ballot to be used at such 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 specific amendments to the charter of the city of Gloucester City, in the county of Camden' be adopted?"
	NO.	

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.

7. 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 in the city of Gloucester City, in the county of Camden, at 12:00 o'clock noon on the first Thursday of January of the second year following the adoption of such law, except that the first governing body on that date shall consist of the 6 councilmen presently in office whose terms of office will expire at the end of the first year and the second year after this act becomes operative. The first mayor under this act shall be the mayor currently in office at the time this act becomes operative. Said mayor shall serve until the first Thursday in January of 1971 at which time he will be succeeded by a person duly elected in accordance with this act.

8. This act shall take effect immediately.

Approved August 6, 1968.

CHAPTER 247

AN ACT concerning motor vehicles, 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:

C. 39:3-27.5 Certain license plates authorized.

1. The Director of the Division of Motor Vehicles shall cause to be issued to each applicant who holds an amateur radio license issued by the Federal Communications Commission, registration plates for one motor vehicle bearing the amateur radio call letters of such applicant.

C. 39:3-27.6 Application; form, proof; fee.

2. Application for registration of such motor vehicles and for the issuance of such amateur radio call letter registration plates shall be made in such form and accompanied by such proof as the director shall prescribe. An additional fee of $10.00 shall be paid for the issuance or replacement of any such plates.

C. 39:3-27.7 Revocation or expiration of radio station license; notification, procedure; penalty.

3. Upon revocation or expiration of the amateur radio station license the motor vehicle registrant within 15 days after said revocation or expiration shall notify the director thereof. The director shall issue new registration and registration plates in lieu of such amateur radio call letter registration plates and shall charge the usual fee for the issuance of lost registration plates. If the holder of such amateur radio station call letter registration plates shall fail to notify the director as set forth herein, the director may revoke said motor vehicle registration.

4. This act shall take effect July 1, 1968.

Passed June 17, 1968.

CHAPTER 248

AN ACT concerning mortgage guarantee insurance, repealing Chapter 46 of Title 17 and supplementing Title 17, of the Revised Statutes.

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

C. 17:46A-1 Short title.

1. This act may be cited as the Mortgage Guaranty Insurance Act.

C. 17:46A-2 Definitions.

2. Definitions. The definitions set forth in this section shall govern the construction of the terms used in this act.

(a) "Mortgage guaranty insurance" means insurance against financial loss by reason of nonpayment of principal, interest and other sums agreed to be paid under the terms of any note or bond or other evidence of indebtedness secured by a mortgage, deed of trust, or other instrument constituting a lien or charge on real estate.

(b) "Authorized real estate security" means an amortized note, bond or other evidence of indebtedness, not exceeding 90% of the fair market value of the real estate, secured by a mortgage, deed of trust, or other instrument constituting a first lien or charge on real estate; provided:

(1) The real estate loan secured in such manner is one which a bank, savings and loan association, or an insurance company, which is supervised and regulated by a department of this State or an agency of the Federal Government, is authorized to make.

(2) The improvement on such real estate is a residential building or buildings designed for occupancy by not more than 4 families.

(3) The lien on such real estate may be subject and subordinate to the following:

(i) The lien of any public bond, assessment, or tax, when no installment, call or payment of or under such bond, assessment or tax is delinquent.

(ii) Outstanding mineral, oil or timber rights, rights-of-way, easements or rights-of-way or support, sewer rights, building restrictions or other restrictions or covenants, conditions or regulations of use, or outstanding leases upon such real property under which rents or profits are reserved to the owner thereof.

(c) "Contingency reserve" means an additional premium reserve established for the protection of policyholders against the effect of adverse economic cycles.

(d) "Policyholders surplus" means the aggregate of capital, surplus and contingency reserve.

C. 17:46A-3 Capital, surplus and contingency reserve requirements.

3. Capital, surplus and contingency reserve requirements.

(a) An insurance company shall not transact the business of mortgage guaranty insurance unless it has paid-in capital of at least $1,000,000.00 and paid-in surplus of at least $1,000,000.00.

(b) In addition to the paid-in capital and surplus provided in subsection (a), each mortgage guaranty insurance company shall establish a contingency reserve out of net premiums remaining (gross premiums less premiums returned to policyholders) after establishment of the unearned premium reserve. To the contingency reserve the insurance company shall contribute an amount equal to 50% of such remaining premiums. The yearly contributions to the contingency reserve made during each calendar year shall be maintained for a period of 180 months, except that withdrawals may be made by the insurance company in any given year in which the actual losses exceed the expected losses. The commissioner shall, by regulation, determine when an insurance company may make withdrawals from its contingency reserve.

(c) A mortgage guaranty insurance company shall not at any time have outstanding a total liability under its aggregate insurance policies exceeding 25 times its policyholders surplus, such liability to be computed on the basis of the insurance company's liability under its election as provided in subsections (c) and (d) of section 4. In the event that any insurance company has outstanding total liability exceeding 25 times its policyholders surplus, it shall cease transacting new business until such time as its total liability no longer exceeds 25 times its policyholders surplus.

(d) A mortgage guaranty insurance company shall not declare any dividends except from undivided profits remaining on hand over and above the aggregate of its paid-in capital, paid-in surplus and contingency reserve.

C. 17:46A-4 Limitations and restrictions for transacting business.

4. Limitations and restrictions for transacting business.

(a) Mortgage guaranty insurance may be transacted in this State only by a stock insurance company holding a certificate of authority for the transaction of such insurance, and shall be written only to insure loans secured by authorized real estate securities as defined in section 2 of this act.

(b) A mortgage guaranty insurance company shall not insure loans secured by properties in a single housing tract or a contiguous tract in excess of 10% of the insurance company's policyholders surplus. In determining the amount of such risk, applicable rein-

surance in any assuming insurance company authorized to transact mortgage guaranty insurance in this State shall be deducted from the total direct risk insured. "Contiguous," for the purposes of this section, means not separated by more than ½ mile.

(c) A mortgage guaranty insurance company shall limit its coverage to a maximum of 20% of the outstanding balance of the loan insured, but the liability of the insurance company shall in no event exceed the actual loss or as provided in subsection (d). In lieu of paying the percentage of the loan insured as specified in the policy, a mortgage guaranty insurance company may elect to pay the entire indebtedness to the insured and acquire title to the authorized real estate security.

(d) A mortgage guaranty insurance company shall limit its coverage to a maximum of 20% of the outstanding balance of the loan insured, but in lieu of complying with subsection (c), the liability of the insurance company shall in no event exceed 80% of the actual loss. In lieu of paying the percentage of the loan insured as specified in the policy, a mortgage guaranty insurance company may elect to pay the entire indebtedness to the insured and acquire title to the authorized real estate security.

(e) A mortgage guaranty insurance company which anywhere transacts any class of insurance other than mortgage guaranty insurance is not eligible for the issuance of a certificate of authority to transact mortgage guaranty insurance in this State nor for the renewal thereof.

(f) Nothing in this act shall be construed as limiting the right of any mortgage guaranty insurance company to impose reasonable requirements upon the lender with regard to the terms of any note or bond or other evidence of indebtedness secured by a mortgage or deed of trust, such as requiring a stipulated down payment by the borrower.

C. 17:46A-5 Rebates and commissions.

5. Rebates and commissions.

(a) Every mortgage guaranty insurance company shall adopt, print and make available a schedule of premium charges for mortgage guaranty insurance policies. The schedule shall show the entire amount of premium charge for each type of mortgage guaranty insurance policy issued by the insurance company.

(b) No mortgage guaranty insurance company shall pay to any person who is acting as agent, representative, attorney or employee of the owner, mortgagee of the prospective owner, or mortgagee of the real property or any interest therein, either directly or in-

directly, any commission, or any part of its premium charges or any other consideration as an inducement for or as compensation on any mortgage guaranty insurance business.

(c) No mortgage guaranty insurance company shall make any rebate of any portion of the premium charge shown by the schedule required by subsection (a). No mortgage guaranty insurance company shall quote any premium charge to any person which is less than that currently available to others for the same type of mortgage guaranty insurance policy. The amount by which any premium charge is less than that called for by the current schedule of premium charges is an unlawful rebate.

(d) No mortgage guaranty insurance company shall pay any compensation to any person for transacting insurance for or with it based in whole or in part upon a commission basis unless such person is licensed pursuant to section 6 of this act, subject to all the other provisions of and restrictions in chapter 22 of Title 17. This subsection shall not be construed so as to affect the meaning of any other provisions of this section.

(e) The commissioner may after a hearing suspend or revoke the certificate of authority of any mortgage guaranty insurance company which, after 10 days written notice from the commissioner requiring it to cease and desist, continues to pay any commission or to make any unlawful rebate in willful violation of the provisions of this act.

C. 17:46A-6 Licensing of agents.

6. Licensing of agents. An agent's license limited to mortgage guaranty insurance may be issued, at the discretion of the commissioner, to an applicant who:

(a) Qualifies by passing a special examination as prescribed by the commissioner, and

(b) Is recommended and vouched for by an insurance company authorized to transact mortgage guaranty insurance business.

C. 17:46A-7 Financial statements.

7. Financial statements.

(a) The provisions of chapter 23 of Title 17 shall apply to mortgage guaranty insurance companies.

(b) The unearned premium reserve shall be computed as required by the annual statement form, except that on all policies covering a risk period of more than 1 year the unearned premium reserve shall be computed in accordance with standards promulgated by the commissioner.

(c) In addition to the contingency reserve required under subsection (b) of section 3, the case basis method shall be used to determine the loss reserve, which shall include a reserve for claims reported and unpaid and claims incurred but not reported, including:

(i) Estimated losses on insured loans which have resulted in the conveyance of property which remains unsold.

(ii) Insured loans in the process of foreclosure.

(iii) Insured loans in default for 4 or more months.

C. 17:46A-8 Applicability of other laws.

8. Applicability of other laws. All the applicable provisions of Title 17 and Title 54 of the Revised Statutes, chapter 227 (C. 54:16A–1 et seq.) of the laws of 1952, and chapter 132 (C. 54:18A–1 et seq.) of the laws of 1945, except as may be in conflict with this act, shall apply to mortgage guaranty insurance companies licensed under this act.

C. 17:46A-9 Commissioner's additional powers.

9. Additional powers of commissioner. The commissioner may adopt, pursuant to the provisions of chapters 66 (C. 17:1–8.1 et seq.) and 68 (C. 17:1–8.5 et seq.) of the laws of 1958, such reasonable rules and regulations as may be necessary to carry out the provisions of this act, including, but not limited to, appropriate restrictions as to investments, giving full consideration to the desirability of high liquidity.

C. 17:46A-10 Advertising.

10. Advertising. No bank, savings and loan association or insurance company, any of whose authorized real estate securities are insured by mortgage guaranty insurance pursuant to this act may state in any brochure, pamphlet, report or any form of advertising that the real estate loans of the bank, savings and loan association or insurance company are "insured loans" unless the brochure, pamphlet, report or advertising also clearly states that the loans are insured by private insurers and the names of the private insurers are given and shall not make any such statement at all unless such insurance is by an insurance company authorized to transact business in this State pursuant to this act.

C. 17:46A-11 Repealer.

11. Chapter 46 of Title 17 of the Revised Statutes is repealed.

12. This act shall take effect immediately.

Approved August 12, 1968.

CHAPTER 249

AN ACT relating to the authorization, acquisition, financing and operation of systems for the collection and disposal of garbage, solid waste and refuse matter by or on behalf of any one or more municipalities, providing for the creation of authorities as public bodies corporate and politic to undertake the same, for the issuance of bonds and other obligations therefor, and for service charges to meet the expense thereof, and supplementing Title 40 of the Revised Statutes.

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

C. 40:66A-32 Short title.

1. Short title. This act shall be known and may be cited as the "solid waste management authorities law."

C. 40:66A-33 Policy declaration.

2. Public interest and policy declared. It is hereby declared to be in the public interest and to be the policy of the State to foster and promote by all reasonable means the health and welfare of the citizens thereof by the proper collection and disposal of garbage, solid waste and other refuse matter.

C. 40:66A-34 Definitions.

3. Definitions. As used in this act, unless a different meaning clearly appears from the context:

(1) "Municipality" shall mean any city of any class, any borough, village, town, township, or any other municipality other than a county or a school district;

(2) "Governing body" shall mean the commission, council, board or body, by whatever name it may be known, having charge of the finances of the municipality;

(3) "Person" shall mean any person, association, corporation, nation, State or any agency or subdivision thereof, municipality of the State or a solid waste management authority;

(4) "Solid waste management authority" shall mean a public body created pursuant to section 4 of this act;

(5) Subject to the exceptions provided in section 4 of this act, "district" shall mean the area within the territorial boundaries

of the municipality or municipalities which created or joined in the creation of a solid waste management authority;

(6) "Local unit" shall mean any municipality which created or joined in the creation of a solid waste management authority;

(7) "Garbage and solid wastes disposal system" shall mean the plants, structures and other real and personal property acquired, constructed or operated or to be acquired, constructed or operated by a solid waste management authority, including incinerators or other plants for the treatment and disposal of garbage, solid waste and refuse matter and all other real and personal property and rights therein and appurtenances necessary or useful and convenient for the collection or treatment or disposal in a sanitary manner of garbage, solid waste and refuse matter (but not including sewage);

(8) "Cost" shall mean, in addition to the usual connotations thereof, the cost of acquisition or construction of all or any part of a garbage and solid waste disposal system of all or any property, rights, easements and franchises deemed by the solid waste management authority to be necessary or useful and convenient therefor, including reimbursements to the solid waste management authority or any municipality or other person of any moneys theretofore expended for the purposes of the solid waste management authority and including interest or discount on bonds to finance such cost, engineering and inspection costs and legal expenses, the cost of financial, professional and other advice, and the cost of issuance of any such bonds;

(9) "Real property" shall mean lands, both within and without the State, and improvements thereof or thereon, or any rights or interests therein;

(10) "Construct" and "construction" shall connote and include acts of construction, reconstruction, replacement, extension, improvement and betterment of a garbage and solid waste disposal system;

(11) "Garbage, solid wastes or refuse matter" shall mean any refuse matter, trash or garbage from residences, hotels, apartments or any other public or private building but shall not include water-carried wastes or the kinds of wastes usually collected, carried away and disposed of by a sewerage system;

(12) "Ordinance" means a written act of the governing body of a municipality adopted and otherwise approved and published in the manner or mode of procedure prescribed for ordinances tending to obligate such municipality pecuniarily; and

(13) "Resolution" means a written act of the governing body of a local unit adopted and otherwise approved in the manner or mode of procedure prescribed for resolutions tending to obligate such local unit pecuniarily.

C. 40:66A-35 Solid waste management authority; creation, name, membership, appointment, terms, vacancies, municipal agreements; filing of ordinance and appointment resolutions; municipal creation or participation in more than one authority; limitation.

4. Solid waste management authority may be created by municipalities; filing of ordinance or resolution. (a) The governing body of any municipality may, by ordinance duly adopted, create a public body corporate and politic under the name and style of "..... solid waste management authority" with all or any significant part of the name of such municipality 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, and it shall constitute the solid waste management 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 (c) of this section provided, 5 persons shall be appointed as the members of the solid waste management 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 solid waste management 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 solid waste management authority occurring during an unexpired term of office, a person shall be appointed as a member of the solid waste management authority to serve for such unexpired term.

(b) The governing bodies of any 2 or more municipalities, whether or not the areas of such municipalities comprise an integral body of territory, may enter into an agreement and, by parallel ordinances 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..... solid waste management authority" with all or any significant part of the name of each such municipality 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 resolution of the several governing bodies as hereinafter in this section provided, and it shall constitute the solid waste management authority contemplated and provided for in this act and an agency and instrumentality of the said municipalities. The governing body of each municipality which is a party to such agreement shall appoint one member of the solid waste management authority. Said ordinance may provide for the appointment of an alternate representative to serve in the event of the absence or inability to act of the representative. The terms of the representative and such alternate of the respective municipalities shall be 3 years. Nothing herein shall prevent such ordinances and agreement from providing for staggered terms. In the event a vacancy occurs at any time in the office of representative of any one of the municipalities, the governing body of such municipality shall forthwith, by resolution, appoint a successor representative to fill the said vacancy and serve out the said unexpired term. Until the appointment and qualification of such successor representative, however, the alternate representative of such municipality shall serve as the representative of such municipality to the authority. In the event a vacancy occurs at any time in the office of alternate representative of any one of the municipalities, the governing body of such municipality shall forthwith, by resolution, appoint a successor alternate representative to fill such vacancy and serve out the said unexpired term.

(c) A copy of each ordinance for the creation of a solid waste management 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 ordinance or of certified copies of the parallel ordinances for the creation of a solid waste management authority as aforesaid, the solid waste management 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 solid waste management 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 ordinance, duly certified by or on behalf of the Secretary of State, shall be admissible in evidence in any suit, action or proceeding.

(d) A copy of each resolution appointing any member of a solid waste management authority adopted pursuant to this action, 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 members named therein.

(e) No governing body which may create or join in the creation of any solid waste management authority pursuant to this section shall thereafter create or join in the creation of any other solid waste management authority. No governing body of any municipality within a district shall create or join in the creation of any solid waste management authority except upon the written consent of the solid waste management authority and in accordance with the terms and conditions of such consent.

C. 40:66A-36 Vesting of authority's powers; member's term, interest in certain property, removal, reimbursement for expenses; annual election; personnel.

5. Solid waste management authority; powers to be vested in members; membership; reimbursement for expenses; election. (a) The powers of a solid waste management authority shall be vested in the members thereof in office from time to time. A majority of the entire authorized membership of the solid waste management authority shall constitute a quorum at any meeting thereof. Action may be taken and motions and resolutions adopted by the solid waste management authority at any meeting of the members thereof by vote of a majority of the membership; unless in any case the by-laws of the solid waste management authority shall require a larger number and with the exception of those questions or items referred to in subsection (b) hereafter. The solid waste management authority may delegate to one or more of its officers, agents or employees such powers and duties as it may deem proper.

(b) The following questions or items shall require unanimous vote of all the representatives duly appointed to and serving as members of the authority:

(1) The selection and designation of any site on which is to be located any facility to be operated and managed by the authority in connection with and in the course of its operations;

(2) The decision to issue bonds of the authority for the purpose of raising funds to finance capital expenditures by the authority; and

(3) The fixing and determining of any rate or rates to be included in any rate schedule promulgated by the authority from time to time setting forth the rate or rates to be charged by the authority for its services.

(c) Each member of a solid waste management authority shall hold office for the term for which he was appointed and until his successor has been appointed and has qualified.

(d) No member, officer or employee of a solid waste management authority shall have or acquire any interest, direct or indirect, in any property included or planned to be included in the garbage and solid wastes disposal system or in any contract or proposed contract for materials or services to be furnished to or used by the solid waste management authority, but neither the holding of any office or employment in the government of any municipality or under any law of the State nor the owning of any property within the State shall be deemed a disqualification for membership in or employment by a solid waste management authority. A member of a solid waste management authority may be removed only by the governing body by which he was appointed and only for inefficiency or neglect of duty or misconduct in office and after he shall have been given a copy of the charges against him and, not sooner than 10 days thereafter, had opportunity in person or by counsel to be heard thereon by such governing body.

(e) A solid waste management authority may reimburse its members for necessary expenses incurred in the discharge of their duties. In no event however shall any representative or alternate representative appointed to the authority receive any compensation whatsoever and each such representative or alternate representative shall serve without compensation or remuneration of any kind with the exception of reimbursed expenses referred to aforesaid.

(f) Every solid waste management 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 president, a vice-president, a secretary and a treasurer who shall hold office, until February 1 next ensuing and until their respective successors have been appointed and have qualified. Every solid waste management authority may also appoint and employ such professional and technical advisers and experts and such other officers, agents, and employees as it may require, and it shall determine their qualifications, duties and compensation.

C. 40:66A-37 Acquisition of facilities.

6. Acquisition of incinerators, treatment plants or works. Every solid waste management authority is hereby authorized and directed, subject to the limitations of this act, to acquire, in its own name but for the local unit or units, by purchase, gift, condemnation or otherwise, and notwithstanding the provisions of any charter, ordinance or resolution of any county or municipality to the contrary, to construct, maintain, operate and use such incinerators, treatment plants or works at such places and such other plants, structures, property and conveyances, as in the judgment of the solid waste management authority will provide an effective and satisfactory method for promoting the purposes of the solid waste management authority.

C. 40:66A-38 Authority established as political subdivision; powers.

7. Solid waste management authority as political subdivision; powers. Every solid waste management 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 have the following powers:

(1) To adopt and have a common seal and to alter the same at pleasure;

(2) To sue and to be sued;

(3) In the name of the solid waste management authority and on its behalf, to acquire, hold, use and dispose of its service charges and other revenues and other moneys;

(4) In the name of the solid waste management authority but for the local unit or units, to acquire, hold, use and dispose of other personal property for the purposes of the solid waste management authority;

(5) In the name of the solid waste management authority but for the local unit or units, to acquire by purchase, gift, condemnation or otherwise, real property and easements therein, necessary or useful and convenient for the purposes of the solid waste management authority, and 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 solid waste management authority;

(6) To 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;

(7) To accept gifts or grants of real or personal property, money, material, labor or supplies for the purpose of the solid waste management authority, and to make and perform such agreements and contracts as may be necessary or convenient in connection with the procuring, acceptance or disposition of such gifts or grants;

(8) To enter on any lands or premises for the purposes of the solid waste management authority;

(9) 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 the garbage and solid wastes disposal system and any other of its properties, and to amend the same;

(10) 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 persons; and

(11) 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 purpose of the solid waste management authority or to carry out any powers expressly given in this act.

C. 40:66A-39 Annual audit; filing.

7.1. Audit of accounts of solid waste management authority annually; filing. It shall be the duty of every solid waste management authority, created pursuant to this act, to cause an annual audit of the accounts of the authority to be made and filed with the authority, and for this purpose the authority 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 with the Director of the Division of Local Government in the Department of the Treasury within 10 days after the original report is filed with the authority.

C. 40:66A-40 Bond resolution and bond proceedings; filing.

7.2. Certified copy of bond resolution and bond proceedings; filing. Every such solid waste management authority shall file a certified copy of every bond resolution as finally passed with the Director of the Division of Local Government in the Department of the Treasury and in addition shall file a certified copy of all bond proceedings with the said director.

C. 40:66A-41 Rents, rates, fees and charges.

8. Rents, rates, fees or other charges. (a) Every solid waste management authority is hereby authorized to charge and collect rents, rates, fees or other charges (in this act sometimes referred to as "service charges") for the services and facilities of the garbage and solid wastes disposal system.

(b) Such rents, rates, fees and charges, being in the nature of use or service charges, shall as nearly as the solid waste management authority shall deem practicable and equitable be uniform throughout the district for the same type, class and amount of use or service of the garbage and solid wastes disposal system.

(c) The solid waste management authority shall prescribe and from time to time when necessary revise the schedule of such service charges, which in any event shall be such that the revenues of the solid waste management authority will at all times be adequate to pay all expenses of operation and maintenance of the garbage and solid wastes disposal system including reserves, insurance, extensions, and replacements, and to pay punctually the principal of and interest on any bonds and to maintain such reserves or sinking funds therefor as may be required by the terms of any contract of the solid waste management authority. Said schedule shall thus be prescribed and from time to time revised by the solid waste management authority after public hearing thereon which shall be held by the solid waste management authority at least 7 days after such published notice as the solid waste management authority may determine to be reasonable. The solid waste management authority shall likewise fix and determine the time or times when and the place or places where such service charges shall be due and payable and may require that such service charges shall be paid in advance for periods of not more than 1 year. A copy of such schedule of service charges in effect shall at all times be kept on file at the principal office of the solid waste management authority and shall at all reasonable times be open to public inspection. It is the purpose of this subsection that the rates fixed from time to time shall produce revenue not in excess of an amount sufficient to provide for all expenses of operation and maintenance of the authority, and to provide for interest, sinking fund and amortization. Any surplus which may accrue to the authority, however, for any reason whatsoever shall be retained by the authority to reduce its rates to the extent such surplus may justify, and to increase the quality and efficiency of its operations.

C. 40:66A-42 Appropriation.

9. Appropriation of moneys for purpose of solid waste management authority. Any local unit shall have power, in the discretion of its governing body, to appropriate moneys for the purposes of the solid waste management authority, and to loan or donate such moneys to the solid waste management authority in such installments and upon such terms as may be agreed upon between such local unit and the solid waste management authority.

C. 40:66A-43 Revenue bonds.

10. Revenue bonds. Revenue bonds may be authorized to be issued under this act to provide funds to pay the cost of all or any part of the garbage and solid wastes disposal system, or for the refunding of any bonds theretofore issued for such purposes. The purposes for which such revenue bonds may be issued shall include the payment to the local unit or local units of the reasonable value of any properties or facilities deemed necessary or desirable for the purposes of the solid waste management authority, and such solid waste management authorities are hereby authorized to purchase and acquire such properties or facilities from such local unit or local units.

Such revenue bonds shall be authorized by resolution of the solid waste management authority which may be adopted at the same meeting at which it is introduced by a unanimous vote of all the members thereof then in office, shall take effect immediately and need not be published or posted. Such revenue bonds may bear interest at such rate or rates, not exceeding 6% per annum, may be in one or more series, may bear such date or dates, may mature at such time or times not exceeding 30 years from their respective dates, may be payable in such medium of payment at such place or places, may carry such registration privileges, may be subject to such terms of redemption with or without premium, may be executed in such manner, may contain such terms, covenants and conditions, and may be in such form, either coupon or registered, as such resolution or subsequent resolution may provide. Such revenue bonds may be sold, all at one time or in blocks from time to time, at public or private sale, or if refunding bonds may also be delivered in exchange for the outstanding obligations to be refunded thereby, in such manner as the solid waste management authority shall determine by resolution, and at such price or prices, computed according to standard tables of bond values, as will yield to the purchasers or the holders of the obligations surrendered in exchange, income at a rate not exceeding 6% per annum to the

maturity dates of the several bonds so sold or exchanged on the money paid or the principal amount of obligations surrendered therefor to the solid waste management authority.

C. 40:66A-44 Interim certificates, temporary bonds, other instruments.

11. Interim certificates; temporary bonds or other instruments. After sale of any revenue bonds pursuant to this act, the solid waste management authority shall have power to authorize the execution and issuance to the purchasers, pending the preparation of the definitive bonds, of interim certificates therefor or of temporary bonds or other temporary instruments exchangeable for the definitive bonds when prepared, executed and ready for delivery. The holders of such interim certificates, temporary bonds or other temporary instruments shall have all the rights and remedies which they would have as holders of the definitive bonds.

C. 40:66A-45 Bond resolution notice; limitation of certain actions.

12. Notice of adoption of bond resolution; limitation of actions questioning validity. Any solid waste management authority may cause to be published in a newspaper published in the district a notice stating the date of adoption of such bond resolution, the amount and maturities of the bonds authorized to be issued, and also stating that any action or proceeding of any kind or nature in any court questioning the validity of the creation and establishment of the solid waste management authority, or 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 no such action or proceeding shall be commenced or instituted within 20 days after the first publication of such notice, then all residents and taxpayers and owners of property in the district and users of the garbage and solid wastes disposal system and all other persons whatsoever 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 of proceeding, questioning the validity of the creation and establishment of the solid waste management authority, the validity or proper authorization of such bonds, or the validity of any 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. 40:66A-46 Negotiability of bonds or obligations.

13. Negotiability of bonds or obligations. Any provision of any law to the contrary notwithstanding any bond or other obligation issued pursuant to this act shall be fully negotiable in the meaning and for all purposes of the law merchant and negotiable instruments law of the State, and each holder or owner of such a bond or other 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 negotiable instruments law.

C. 40:66A-47 Bond resolution provisions.

14. Provisions of bond resolutions. Any bond resolution of a solid waste management authority providing for or authorizing the issuance of any bonds may contain provisions, and such solid waste management authority, in order to secure the payment of such bonds and in addition to its other powers, shall have power by provision in the bond resolution to covenant and agree with the several holders of such bonds, as to:

(1) The custody, security, use, expenditure or application of the proceeds of the bonds;

(2) The construction and completion, or replacement, of all or any part of the garbage and solid wastes disposal system;

(3) The use, regulation, operation, maintenance, insurance or disposition of all or any part of the garbage and solid wastes disposal system, or restrictions on the exercise of the powers of the solid waste management authority to dispose, or to limit or regulate the use, of all or any part of the garbage and solid wastes disposal system;

(4) 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 as obligations as to any lien or security, or the acceleration of the maturity of any such bonds or obligations;

(5) The use and disposition of any moneys of the solid wastes management authority, including revenues (in this act sometimes called "system revenues") derived or to be derived from the operation of all or any part of the garbage and solid wastes disposal system, including any parts thereof theretofore constructed or acquired;

(6) Pledging, setting aside, depositing or trusteeing all or any part of the system revenues or other moneys of the solid waste

management 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 the garbage and solid wastes disposal system, and the powers and duties of any trustee with regard thereto;

(7) The setting aside out of the system revenues or other moneys of the solid waste management authority of reserves and sinking funds, and the source, custody, security, regulation, application and disposition thereof;

(8) Determination or definition of the system revenues or of the expenses of operation and maintenance of the garbage and solid wastes disposal system;

(9) The rents, rates, fees, or other charges for the use of the services and facilities of the garbage and solid wastes disposal system, including any parts thereof theretofore constructed or acquired and any parts, extension, replacements or improvements thereof thereafter constructed or acquired, and the fixing, establishment, collection and enforcement of the same, the amount or amounts of system revenues to be produced thereby, and the disposition and application of the amounts charged or collected;

(10) The assumption or payment or discharge of any indebtedness, liens or other claims relating to any part of the garbage and solid wastes disposal system or any obligations having or which may have a lien on any part of the system revenue;

(11) Limitations on the issuance of additional bonds or any other obligations or on the incurrence of indebtedness of the solid waste management authority;

(12) Limitations on the powers of the solid waste management authority to construct, acquire or operate, or permit the construction, acquisition, or operation of, any plants, structures, facilities or properties which may compete or tend to compete with the garbage and solid wastes disposal system.

(13) Vesting in a trustee or trustees such property, rights, powers and duties in trust as the solid waste management 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 17 of this act, and limiting or abrogating the right of such holders to appoint a trustee pursuant to section 15 of this act or limiting the rights, duties and powers of such trustee;

(14) Payment of costs or expenses incident to the enforcement of the bonds or of the provision of the bond resolution or of any covenant or contract with the holders of bonds;

(15) The procedure, if any, by which the terms of any covenant or contract 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

(16) 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 in the bonds.

All such provisions of the bond resolution and all such covenants and agreements shall constitute valid and legally binding contracts between the solid waste management 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.

C. 40:66A-48 Default in bond payment; trustee's appointment, powers; receiver.

15. Default in payment of bonds; trustee; appointment; powers; receiver. In the event that there shall be a default in the payment of principal of or interest on any bonds 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 in the event that the solid waste management authority shall fail or refuse to comply with 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 of such bonds, and such failure or refusal shall continue for a period of 30 days after written notice to the solid waste management authority of its existence and nature, the holders of 25% in aggregate principal amount of the bonds of such series then outstanding, by instruments or instrument filed in the office of the Secretary of State and proved and 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 in this section, and to have the powers provided in this section.

(a) 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 an action or proceeding in a court of competent jurisdiction, enforce all rights of the holders of such bonds, including the right to require the solid waste management authority to charge and collect service charges adequate to carry out any contract as to, or pledge of, system revenues, and to require the solid waste management 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 an action require the solid waste management authority to account as if it were the trustee of an express trust for the holders of such bonds;

(4) By an 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 solid waste management 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.

(b) 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.

(c) In any action or proceedings by such trustee, the fees, counsel fees and expenses of the trustee and of the receiver, if any, appointed pursuant to this act, may be allowed by the court as taxable costs and disbursements or otherwise, when so allowed, shall be a first charge upon any service charges and system revenues of the solid waste management authority pledged for the payment or security of bonds of such series.

(d) Such trustee, upon such default referred to in this section, whether or not all of the bonds of such series shall have been declared due and payable, shall be entitled as of right to the appointment of a receiver of the garbage and solid wastes disposal system, and such receiver may enter upon and take possession of all moneys and other property derived from or applicable to the acquisition, construction, operation, maintenance or reconstruction which the solid waste management authority is under any obligation to do, and operate, maintain and reconstruct the garbage and solid wastes disposal system and fix, charge, collect, enforce and receive the service charges and all system revenues thereafter arising subject to any pledge thereof or contract with the holders of such bonds relating thereto and perform the public duties and carry out the contracts and obligations of the solid waste management authority in the same manner as the solid waste

management authority itself might do and under the direction of the court.

C. 40:66A-49 Bond liability.

16. Personal liability on bonds; not debt or liability of State or local unit. Neither the member of the solid waste management 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, and bonds or other obligations issued by a solid waste management authority pursuant to this act shall not be in any way a debt or liability of the State or of any local unit or municipality.

C. 40:66A-50 Real property acquisition; condemnation.

17. Real property, acquisition of; condemnation. Every solid waste management authority is hereby empowered, in its own name but for the local unit or units, to acquire by purchase, gift, grant or devise and to take for public use real property, within the district, which may be deemed by the solid waste management authority necessary for its purpose. Such solid waste management 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., section 20:1–1 et seq.) and, to that end, may invoke and exercise in the manner or mode of procedure prescribed in said chapter, either in its own name or in the name of any local unit or units, all of the powers of such local unit or units to acquire or take property for public use.

C. 40:66A-51 Real property service charge; enforcement, collection.

18. Service charge with regard to real property; interest; liens, enforcement of; collection.

(a) In the event that a service charge of any solid waste management authority with regard to any parcel of real property shall not be paid as and when due, interest shall accrue and be due to the solid waste management authority on the unpaid balance at the rate of 1% per month until such service charge, and the interest thereon, shall be fully paid to the solid waste management authority.

(b) In the event that a service charge of any solid waste management authority with regard to any parcel of real property owned by any person, firm, corporation or association shall not be paid as and when due, the unpaid balance thereof and all interest accruing thereon shall be a lien on such parcel. Such lien

shall be superior and paramount to the interest in such parcel of any owner, lessee, tenant, mortgagee or other person except the lien of State, county and municipal taxes and shall be on a parity with and deemed equal to the lien on such parcel of State, county and municipal taxes.

(c) In the event that a service charge of any solid waste management authority with regard to any parcel of real property shall not be paid as and when due, the solid waste management authority may, in its discretion, discontinue the furnishing of any of the services and facilities of said garbage and solid wastes disposal system until such service charge and any subsequent service charge with regard to such parcel and all interest accrued thereon shall be fully paid to the solid waste management authority.

(d) The collector or other officer of every municipality charged by law with the duty of enforcing municipal liens on real property shall enforce, with and as any other municipal lien on real property in such municipality, all service charges and the lien thereof and shall pay over to the solid waste management authority the sums or a pro rata share of the sums realized upon such enforcement or upon liquidation of any property acquired by the municipality by virtue of such enforcement.

(e) In the event that any service charge of a solid waste management authority shall not be paid as and when due, the unpaid balance thereof and all interest accrued thereon, together with attorneys' fees and costs, may be recovered by the solid waste management authority in a civil action, and any lien on real property for such service charge and interest accrued thereon may be foreclosed or otherwise enforced by the solid waste management authority by action or suit in equity as for the foreclosure of a mortgage on such real property.

(f) All rights and remedies granted by this act for the collection and enforcement of service charges shall be cumulative and concurrent.

C. 40:66A-52 Sale, lease, grant or permit to authority.

19. Sale, lease, loan, grant or conveyance to solid waste management authority; permit. Any county, by resolution of its board of chosen freeholders, or any municipality, by ordinance of its governing body, or any other person is hereby empowered, without any referendum and without the consent of any board, officer or other agency of the State, to sell, lease, lend, grant or convey to any solid waste management authority, or to permit any solid

waste management authority in use, maintain or operate as part of the garbage and solid wastes disposal system, any real or personal property owned by it, which may be necessary or useful and convenient for the purposes of the solid waste management authority and which may be accepted by the solid waste management authority. Any such sale, lease, loan, grant, conveyance or permit may be made with or without consideration and for a specified or an unlimited period of time and under any agreement and in any terms and conditions which may be approved by such county, municipality or other person and which may be agreed to by the solid waste management authority in conformity with its contracts with the holders of bonds, the solid waste management authority may enter into and perform any and all agreements for the assumption of principal or interest or both of indebtedness of such county, municipality or other 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 the garbage and solid wastes disposal system.

C. 40:66A-53 Contracts.

20. Contracts. Any solid waste management authority and any municipality within the district by ordinance of its governing body may enter into a contract or contracts providing for or relating to the collection or treatment and disposal of garbage, solid wastes and refuse originating in the district or in such municipality by means of the garbage and solid wastes disposal system, and the cost and expense of such collection or treatment and disposal. Such contract or contracts may provide for the payment to the solid waste management authority by such municipality annually or otherwise of such sum or sums of money, computed at fixed amounts or by a formula based on any factors or other matters described in subsection (b) of section 8 of this act or in any other manner, as said contract or contracts may provide, and the sum or sums so payable may include provision for all or any part or a share of the amounts necessary (1) to pay or provide for the expenses of operation and maintenance of the garbage and solid wastes disposal system, including without limitation insurance, extensions, betterments and replacements and the principal of and interest on any bonds, and (2) to provide for any deficits resulting from failure to receive sums payable to the solid waste management authority by such municipality, any other municipality, or any person, or from any other cause, and (3) to maintain such reserves or sinking funds for any of the foregoing as may be required by

the terms of any contract of the solid waste management authority or as may be deemed necessary or desirable by the solid waste management authority. Any such contract may provide that the sum or sums so payable to the solid waste management authority shall be in lieu of all or any part of the service charges which would otherwise be charged and collected by the solid waste management authority with regard to persons or real property within such municipality. Such contract or contracts may also contain provisions as to the financing and payment of expenses to be incurred by the solid waste management authority and determined by it to be necessary for its purposes prior to the placing in operation of the garbage and solid wastes disposal system and may provide for the payment by such municipality to the solid waste management authority for application to such expenses or indebtedness therefor such sum or sums of money, not in the aggregate exceeding an amount stated or otherwise limited in said contract or contracts plus interest thereon, as said contract or contracts may provide and as the governing body of said municipality shall, by virtue of its authorization of and entry into said contract or contracts, determine to be necessary for the purposes of the solid waste management authority. Any such contract may be made with or without consideration and for a specified or an unlimited time and on any terms and conditions which may be approved by such municipality and which may be agreed to by the solid waste management authority in conformity with its contracts with the holders of any bonds, and shall be valid whether or not an appropriation with respect thereto is made by such municipality prior to authorization or execution thereof. Subject to any such contracts with the holders of bonds, such municipality is hereby authorized and directed to do and perform any and all acts or things necessary, convenient or desirable to carry out and perform every such contract and to provide for the payment or discharge of any obligation thereunder in the same manner as other obligations of such municipality and, in accordance with any such contract, to waive, modify, suspend or reduce the service charges which would otherwise be charged and collected by the solid waste management authority with regard to persons or real property within such municipality. Nothing in this section, however, shall prevent the solid waste management authority from collecting additional fees and charges from the owners or occupants of all parcels of real estate served by it within such municipality if for any reason such additional fees or charges shall be necessary in order for the solid waste management authority to pay all operating expenses, debt service and other

payments required pursuant to contracts with bondholders; and notwithstanding such contracts with such municipalities, the solid waste management authority shall at all times have power and be obligated to collect sufficient additional fees and charges whenever necessary to pay all operating costs, debt service and all other payments required by contracts with bondholders. Nothing in this section shall be deemed to imply or direct that any contracts referred to aforesaid must provide for both the collection and disposal of garbage and solid wastes and such solid waste management authority may, by the agreement and parallel ordinances and such municipality may, by ordinance, engage in either collection of solid wastes or disposal of solid wastes or both.

C. 40:66A-54 Public bodies to pay service charges.

21. Public bodies to pay service charges. Each county, municipality and other public body shall promptly pay to a solid waste management authority all service charges which the solid waste management authority may charge to it, as owner or occupant of any real property and shall provide for the payment thereof in the same manner as other obligations of such county, municipality or public body.

C. 40:66A-55 Mortgage, pledge or disposal of system; exemptions.

22. Mortgage, pledge or disposal of garbage and solid wastes disposal system; exemptions. Neither the solid waste management authority nor any local unit shall have power to mortgage, pledge, encumber or otherwise dispose of any part of the garbage and solid wastes disposal system, except that the solid waste management authority may dispose of such part or parts thereof as may be not longer necessary for the purposes of the solid waste management authority. The provisions of this section shall be deemed to constitute a part of the contract with the holder of any bonds. All property of a solid waste management 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 a solid waste management 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 a solid waste management authority on its system revenues.

C. 40:66A-56 Bonds as legal investments.

23. Bonds as legal investments. Notwithstanding any restriction contained in any other law, the State and all public officers, munici-

palities, counties, political subdivisions and public bodies, and agencies thereof, all banks, bankers, 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, moneys 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. 40:66A-57 Property as public property; bonds issued by political subdivision; tax exemption.

24. Property as public property; bonds declared issued by political subdivision; bonds exempt from taxation. Every garbage and solid wastes disposal system and all other property of a solid waste management 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 service 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.

To the end that municipalities may not suffer undue loss of tax revenue by reason of the acquisition and ownership of property therein by a solid waste management authority, every solid waste management authority is hereby authorized, empowered and directed to enter into an agreement or agreements with any municipality, whereby such solid waste management authority will undertake to pay a fair and reasonable sum or sums to compensate the said municipality for a loss of revenue in connection with any property acquired and owned by such solid waste management authority in carrying out the provisions of this act. Any such payment or payments which a solid waste management authority is hereby authorized, empowered and directed to make may be made on an annual basis, in which case the payment or payments shall not be less than the amount of taxes upon the property when last

assessed prior to its acquisition by the solid waste management authority. Every municipality wherein the property shall be acquired by any solid waste management authority is hereby empowered to enter into such agreement or agreements with the solid waste management authority to accept the payment or payments which every solid waste management authority is herein authorized, empowered and directed to make.

C. 40:66A-58 Competitive systems; State's pledge.

25. Competitive systems; State's pledge and agreement with bondholders. The State of New Jersey does hereby pledge to and covenant and agree with the holders of any bonds issued pursuant to this act that the State will not authorize or permit the construction or maintenance of any incinerator or garbage and solid wastes disposal system which may be competitive with the garbage and solid wastes disposal system of the solid waste management authority, and will not limit or alter the rights hereby vested in the solid waste management authority to acquire, construct, maintain, reconstruct and operate its garbage and solid wastes disposal system, and to fix, establish, charge and collect its service charges and to fulfill the terms of any agreement made with the holders of such bonds or other obligations, and will not 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 such 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.

C. 40:66A-59 Banks authorized to give undertaking; deposits.

26. Banks authorized to give undertaking; deposits. All banks, bankers, trust companies, savings banks, investment companies and other persons carrying on a banking business are hereby authorized to give to any solid waste management authority a good and sufficient undertaking with such sureties as shall be approved by the solid waste management 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 the warrant of the solid waste management authority or its authorized agent all such funds as may be deposited with it by the solid waste management 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 solid waste management authority

or its authorized agent or any trustee therefor or for the holders of any bonds, as collateral, such securities as the solid waste management authority may approve; provided, such securities shall consist of obligations in which public officers and bodies of the State and its municipal subdivisions, savings institutions, including savings and loan associations, insurance companies and associations, executors, administrators, guardians, trustees and other fiduciaries in the State may properly and legally invest the funds within their control, in such principal amount, market value or other description as may be approved by the solid waste management authority. The deposits of the solid waste management 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 solid waste management authority and such bank or banking institution.

C. 40:66A-60 Municipalities' powers; limitation; use of services.

27. Municipalities' powers respecting garbage and solid wastes disposal limited after creation of solid waste management authority; use of services. After the creation of a solid waste management authority as provided herein, no municipality within the district shall have power to engage in, grant any license or permit for, or enter into any contract for the collection or treatment and disposal of garbage, refuse and solid wastes; and no such municipality, or any person, firm, corporation or association shall engage in any activities within such municipality which would be competitive with the purposes of the solid waste management authority as provided in this act; provided, however, that the prohibitions aforesaid shall not be applicable to that activity (to wit: either the collection or disposal of solid wastes) in which any such solid waste management authority shall determine not to engage.

It is hereby determined and declared that it is necessary for the health and welfare of the inhabitants of every district within which a solid waste management authority is created that the facilities and services of such solid waste management authority shall be used by the owners or occupants of all lands, buildings and premises within such district, and the solid waste management authority may by resolution require the owners or occupants of all lands, buildings and premises therein to use the services and facilities of the solid waste management authority under such rules and regulations as the solid waste management authority shall fix and establish.

The provisions of this section shall not be construed, however, to affect or impair any contract entered into prior to the creation of a solid waste management authority.

C. 40:66A-61 Construction of act.

28. Liberal construction; regulation of solid waste management authorities. 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 a solid waste management authority shall not be subject to regulation as to its service charges or as to any other matter whatsoever by any officer, board, agency, commission or other office of the State.

C. 40:66A-62 Municipal operation of disposal plants.

29. Municipalities not prohibited from operating garbage and solid wastes disposal plants. Nothing in this act shall be construed to prevent or prohibit any municipality from erecting, constructing, operating and maintaining an incinerator or garbage and solid wastes disposal plant or other means for the disposition of garbage and solid wastes in any manner or by any means by which the same may now lawfully be erected, constructed, operated or maintained.

C. 40:66A-63 Severability of act.

30. Partial invalidity. 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.

31. This act shall take effect immediately.

Approved August 16, 1968.

CHAPTER 250

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

C. 54:10A-4 Definitions.

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

(a) "Commissioner" shall mean the Director of the Division of Taxation of the State Department of the Treasury.

(b) "Allocation factor" shall mean the proportionate part of a taxpayer's net worth or entire net income used to determine a measure of its tax under this act.

(c) "Corporation" shall mean any corporation, joint-stock company or association and any business conducted by a trustee or trustees wherein interest or ownership is evidenced by a certificate of interest or ownership or similar written instrument.

(d) "Net worth" shall mean the aggregate of the values disclosed by the books of the corporation for (1) issued and outstanding capital stock, (2) paid-in or capital surplus, (3) earned surplus and undivided profits, (4) surplus reserves which can reasonably be expected to accrue to holders or owners of equitable shares, not including reasonable valuation reserves, such as reserves for depreciation or obsolescence or depletion, and (5) the amount of all indebtedness owing directly or indirectly to holders of 10% or more of the aggregate outstanding shares of the taxpayer's capital stock of all classes, as of the close of a calendar or fiscal year. The foregoing aggregate of values shall be reduced by 50% of the amount disclosed by the books of the corporation for investment in the capital stock of one or more subsidiaries, which investment is defined as ownership (1) of at least 80% of the total combined voting power of all classes of stock of the subsidiary entitled to vote and (2) of at least 80% of each class, if any, of nonvoting stock. In the case of investment in an entity organized under the laws of a foreign country, the foregoing requisite degree of ownership shall effect a like reduction of such investment from net worth of the taxpayer, if the foreign entity is considered a corporation for any purpose under the United States Federal income tax laws, such as (but not by way of sole examples) for the purpose of supplying deemed-paid foreign tax credits or for the purpose of status as a controlled foreign corporation. In calculating the net worth of a taxpayer entitled to reduction for investment in subsidiaries, the amount of liabilities of the taxpayer shall be reduced by such proportion of the liabilities as corresponds to the ratio which the

excluded portion of the subsidiary values bears to the total assets of the taxpayer.

If in the opinion of the commissioner, the corporation's books do not disclose fair valuations the commissioner may make a reasonable determination of the net worth which, in his opinion, would reflect the fair value of the assets, exclusive of subsidiary investments as defined aforesaid, carried on the books of the corporation, in accordance with sound accounting principles, and such determination shall be used as net worth for the purpose of this act.

(e) "Indebtedness owing directly or indirectly" shall include, without limitation thereto, all indebtedness owing to any stockholder or shareholder and to members of his immediate family where a stockholder and members of his immediate family together or in the aggregate own 10% or more of the aggregate outstanding shares of the taxpayer's capital stock of all classes.

(f) "Investment company" shall mean any corporation whose business during the period covered by its report consisted, to the extent of at least 90% thereof of holding, investing and reinvesting in stocks, bonds, notes, mortgages, debentures, patents, patent rights and other securities for its own account, but this shall not include any corporation which: (1) is a merchant or a dealer of stocks, bonds and other securities, regularly engaged in buying the same and selling the same to customers; or (2) had less than 90% of its average gross assets in New Jersey, at cost, invested in stocks, bonds, debentures, mortgages, notes, patents, patent rights or other securities or consisting of cash on deposit during the period covered by its report; or (3) owned more than 10% of either the aggregate outstanding shares of capital stock of all classes entitled to vote, or of the aggregate outstanding shares of nonvoting capital stock, of any other corporation, during the period covered by its report.

(g) "Regulated investment company" shall mean any corporation which for a period covered by its report, is registered and regulated under the Investment Company Act of 1940 (54 Stat. 789), as amended.

(h) "Taxpayer" shall mean any corporation required to report or to pay taxes, interest or penalties under this act.

(i) "Fiscal year" shall mean an accounting period ending on any day other than the last day of December on the basis of which the taxpayer is required to report for Federal income tax purposes.

(j) Except as herein otherwise provided, "privilege period" shall mean the calendar or fiscal accounting period for which a tax is payable under this act.

(k) "Entire net income" shall mean total net income from all sources, whether within or without the United States, and shall include the gain derived from the employment of capital or labor, or from both combined, as well as profit gained through a sale or conversion of capital assets. For the purpose of this act, the amount of a taxpayer's entire net income shall be deemed prima facie to be equal in amount to the taxable income, before net operating loss deduction and special deductions, which the taxpayer is required to report to the United States Treasury Department for the purpose of computing its Federal income tax; provided, however, that in the determination of such entire net income,

(1) Entire net income shall exclude 100% of dividends which were included in computing such taxable income for Federal income tax purposes, paid to the taxpayer by one or more subsidiaries owned by the taxpayer to the extent of the 80% or more ownership of investment described in subsection (d) of this section. With respect to other dividends, entire net income shall not include 50% of the total included in computing such taxable income for Federal income tax purposes;

(2) Entire net income shall be determined without the exclusion, deduction or credit of:

(A) the amount of any specific exemption or credit allowed in any law of the United States imposing any tax on or measured by the income of corporations;

(B) any part of any income from dividends or interest on any kind of stock, securities or indebtedness, except as provided in subsection (k) (1) of this section;

(C) taxes paid or accrued to the United States on or measured by profits or income, or the tax imposed by this act, or any tax paid or accrued with respect to subsidiary dividends excluded from entire net income as provided in subsection (k) (1) of this section;

(D) net operating losses sustained during any year or period other than that covered by the report;

(E) 90% of interest on indebtedness owing directly or indirectly to holders of 10% or more of the aggregate outstanding shares of the taxpayer's capital stock of all classes; except that such interest may, in any event, be deducted

(i) up to an amount not exceeding $1,000.00,

(ii) in full to the extent that it relates to bonds or other evidences of indebtedness issued, with stock, pursuant to a bona fide plan of reorganization, to persons, who, prior to such reorganization, were bona fide creditors of the corporation or

its predecessors, but were not stockholders or shareholders thereof;

(3) The commissioner may, whenever necessary to properly reflect the entire net income of any taxpayer, determine the year or period in which any item of income or deduction shall be included, without being limited to the method of accounting employed by the taxpayer.

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

C. 54:10A-5 Amount of franchise tax.

5. The franchise tax to be annually assessed to and paid by each taxpayer shall be the sum of the amount computed under subsection (a) hereof, or, in the alternative to the amount computed under subsection (a) hereof, the amount computed under subsection (f) hereof, and the amount computed under subsection (c) hereof:

(a) that portion of its entire net worth as may be allocable to this State as provided in section 6 multiplied by the following rates: 2 mills per dollar on the first $100,000,000.00 of allocated net worth; 4/10 of a mill per dollar on the second $100,000,000.00; 3/10 of a mill per dollar on the third $100,000,000.00; and 2/10 of a mill per dollar on all amounts of allocated net worth in excess of $300,000,000.00;

(b) (Deleted by amendment.)

(c) 3¼% of its entire net income or such portion thereof as may be allocable to this State as provided in section 6; provided, however, that with respect to reports covering privilege periods or parts thereof ending after December 31, 1967, the rate shall be 4¼%.

(d) Provided, however, that the franchise tax to be annually assessed to and paid by any investment company or regulated investment company which has elected to report as such and has filed its return in the form and within the time provided in this act and the rules and regulations promulgated in connection therewith, shall, in the case of an investment company, be measured by 25% of its entire net income and 25% of its entire net worth, and, in the case of a regulated investment company, by 4% of its entire net income and 15% of its entire net worth, at the rates hereinbefore set forth for the computation of tax on net income and net worth, respectively, but in no case less than $250.00.

(e) The tax assessed to any taxpayer pursuant to subsection (a) of this section shall not be less than the greatest of (i) 5/10

of a mill per dollar on the first $100,000,000.00 and 2/10 of a mill per dollar on all amounts in excess of $100,000,000.00 of the average of the taxpayer's real and tangible personal property within the State allocated to this State in accordance with paragraph (A) of section 6 hereof (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 shall be 100%); or (ii) in the case of a domestic corporation, an amount measured by the number of shares which the taxpayer is authorized to issue as follows: where authorized capital stock does not exceed 5,000 shares $25.00; where the authorized capital stock is in excess of 5,000 shares but does not exceed 10,000 shares $55.00; and where the authorized capital stock exceeds 10,000 shares, for the first 10,000 shares $55.00 and for each additional 10,000 shares or part thereof $27.50, but not over $100,000.00; or (iii) $25.00 in the case of a domestic corporation, or $50.00 in the case of a foreign corporation.

(f) In lieu of the portion of the tax based on net worth and to be computed under subsection (a) of this section, any taxpayer, the value of whose total assets everywhere, less reasonable reserves for depreciation, as of the close of the period covered by its report, amounts to less than $150,000.00 may elect to pay the tax shown in the following table:

If total assets are at least	But less than	The tax shall be For Domestic Corporations	The tax shall be For Foreign Corporations
$0 00	$18,000 00	$25 00	$50 00
18,000 00	22,000 00	31 00	50 00
22,000 00	26,000 00	37 00	50 00
26,000 00	30,000 00	43 00	50 00
30,000 00	34,000 00	49 00	50 00
34,000 00	38,000 00	55 00	55 00
38,000 00	42,000 00	61 00	61 00
42,000 00	46,000 00	67 00	67 00
46,000 00	50,000 00	73 00	73 00
50,000 00	54,000 00	79 00	79 00
54,000 00	58,000 00	85 00	85 00
58,000 00	62,000 00	91 00	91 00
62,000 00	66,000 00	97 00	97 00
66,000 00	70,000 00	103 00	103 00
70,000 00	74,000 00	109 00	109 00
74,000 00	78,000 00	115 00	115 00
78,000 00	82,000 00	121 00	121 00

If total assets are at least	But less than	The tax shall be For Domestic Corporations	For Foreign Corporations
$82,000 00	$86,000 00	$127 00	$127 00
86,000 00	90,000 00	133 00	133 00
90,000 00	94,000 00	139 00	139 00
94,000 00	98,000 00	145 00	145 00
98,000 00	102,000 00	151 00	151 00
102,000 00	106,000 00	157 00	157 00
106,000 00	110,000 00	163 00	163 00
110,000 00	114,000 00	169 00	169 00
114,000 00	118,000 00	175 00	175 00
118,000 00	122,000 00	181 00	181 00
122,000 00	126,000 00	187 00	187 00
126,000 00	130,000 00	193 00	193 00
130,000 00	134,000 00	199 00	199 00
134,000 00	138,000 00	205 00	205 00
138,000 00	142,000 00	211 00	211 00
142,000 00	146,000 00	217 00	217 00
146,000 00	150,000 00	223 00	223 00

3. 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 (excluding dividends excluded from entire net income by subsection (k) (1) of section 4 hereof) 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%.

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

C. 54:10A-8 Adjustment of allocation factor.

8. If it shall appear to the commissioner that an allocation factor determined pursuant to section 6 does not properly reflect the activity, business, receipts, capital, entire net worth or entire net income of a taxpayer reasonably attributable to the State, he may adjust it by:

(a) excluding one or more of the factors therein;

(b) including one or more other factors, such as expenses, purchases, contract values (minus subcontract values);

(c) excluding one or more assets in computing entire net worth; or

(d) excluding one or more assets in computing an allocation percentage; or

(e) applying any other similar or different method calculated to effect a fair and proper allocation of the entire net income and the entire net worth reasonably attributable to the State.

5. Section 9 of the act of which this act is amendatory (C. 54:10A–9) is amended to read as follows:

C. 54:10A-9 Taxpayer holding stock of subsidiary; deductions from net worth; "subsidiary" defined.

9. Any taxpayer which holds capital stock of a subsidiary during all or part of any year may, for the purposes of the tax imposed by this act, deduct from its net worth such proportion of the average value of such holdings less net liabilities (if any) to a subsidiary as corresponds to 50% of the ratio of the subsidiary's taxable net worth, for the same year under this act, to its entire net worth; provided, however, that if the subsidiary is subject to a franchise tax measured by gross receipts under any other law of this State, such deductible portion of such holdings shall correspond to 50% of the ratio of the subsidiary's business within the State to its business everywhere during its next preceding taxable year under such law. For the purpose of this section, a subsidiary shall be deemed to be any corporation in which a taxpayer is the owner of at least 80% of the total combined voting power of all classes of stock entitled to vote and of at least 80% of each class, if any, of nonvoting stock.

6. This act shall take effect immediately and shall be applicable with respect to privilege periods commencing after December 31, 1968.

Approved August 16, 1968.

CHAPTER 251

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, 1969, and regulating the disbursement thereof," approved June 25, 1968 (P. L. 1968, c. 119), now pending before the Legislature.

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 Treasury, for the purposes specified:

DEPARTMENT OF LAW AND PUBLIC SAFETY

115-100. DIVISION ON CIVIL RIGHTS

Extraordinary:		
To establish a regional office in Camden, to establish local offices, and to create an Affirmative Action Unit to identify and eliminate patterns of discrimination		$275,000
Total Appropriation, Division on Civil Rights		$275,000

120-100. DIVISION OF STATE POLICE

Extraordinary:		
For the cost of expanding the Law Enforcement Officers Training School termed "Operation Combine"	$185,000	
For the expansion of the communications system maintained by the Division of State Police	330,000	
For the purchase of 2 50-unit emergency communication systems	70,000	
Total Appropriation, Division of State Police		$585,000

DEPARTMENT OF EDUCATION

500-100. COMMISSIONER'S OFFICE

Extraordinary:		
For the recruitment and training of 500 persons for membership in the Urban Education Corps	$500,000	
For emergency grants to Community Action Organizations in support of Project Head Start programs affected by a reduction in the Federal appropriation therefor	100,000	

For the State's share, on a 50-50 matching basis, of the cost of expanding and equipping the Newark Manpower Training Skills Center	1,547,000	
Total Appropriation, Office of the Commissioner		$2,147,000
Total Appropriation, Department of Education		$2,147,000
Total Appropriation, General State Operations, Extraordinary		$3,007,000

2. This act shall take effect immediately.
Approved August 26, 1968.

CHAPTER 252

AN ACT to amend "An Act to provide for the regulation of credit life insurance and credit accident and health insurance, as defined, and supplementing Title 17 of the Revised Statutes," approved January 27, 1959 (P. L. 1958, c. 169).

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. 17:38A-6 Insurance policy or certificate; delivery, contents.

6. (a) All credit life insurance and credit accident and health insurance sold shall be evidenced by an individual policy, or in the case of group insurance by a certificate of insurance, which individual policy or group certificate of insurance shall be delivered to the debtor.

(b) Each individual policy or group certificate of credit life insurance, and credit accident and health insurance shall, in addition to other requirements of law, set forth the name and home office address of the insurer, the identity by name or otherwise of the person or persons insured, the rate of premium separately in connection with credit life insurance and credit accident and health insurance if a payment therefor is collected from the debtor, a

description of the coverage including any exceptions, limitations or restrictions, and shall state that the benefits shall be paid to the creditor to reduce or extinguish the unpaid indebtedness and, wherever the amount of insurance may exceed the unpaid indebtedness, that any such excess shall be payable to a beneficiary, other than the creditor, named by the debtor or to his estate. For the purpose of this section a payment for such insurance is deemed to have been collected from the debtor if an amount therefor is separately stated or is included in a total charge for insurance and other services.

(c) Said individual policy or group certificate of insurance shall be delivered to the insured debtor at the time the indebtedness is incurred except as hereinafter provided.

(d) If said individual policy or group certificate of insurance is not delivered to the debtor at the time the indebtedness is incurred, a copy of the application for such policy or a notice of proposed insurance, signed by the debtor and setting forth the name and home address of the insurer, the name or names of the debtor, the amount of payment separately in connection with credit life insurance and credit accident and health insurance coverage and a brief description of the coverage provided shall be delivered to the debtor at the time such indebtedness is incurred. The copy of the application for, or notice of proposed insurance shall refer exclusively to insurance coverage, and shall be separate and apart from the loan, sale or other credit statement of account, instrument or agreement, except that, when the information required by this subsection is adequately set forth therein, this requirement may be waived by the commissioner. Upon acceptance of the insurance and within 30 days of the date upon which the indebtedness is incurred, the insurer shall cause the individual policy or group certificate of insurance to be delivered to the debtor. Said application or notice of proposed insurance shall state that, upon acceptance by the insurer, the insurance shall become effective as of the date the indebtedness is incurred.

(e) Any policy, group certificate, copy of the application or notice of proposed insurance, as referred to in this section, may specify an age beyond which the insurance on a debtor will not become effective or on which a debtor's insurance will terminate; provided, however, that no charge shall be made to a debtor for coverage beyond the limiting age.

2. This act shall take effect immediately.

Approved September 4, 1968.

CHAPTER 253

AN ACT concerning crimes and supplementing chapter 111 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:111-37 Obtaining personal property by fraud; penalty; defense.

1. Any person who in hiring, renting or leasing any personal property obtains or retains possession of such property by means of any false or fraudulent representation, fraudulent concealment, false pretense or personation, trick, artifice or device, including, but not limited to, a false representation as to his name, residence, employment, motor vehicle operator's license, or other appropriate item, is guilty of a misdemeanor.

It shall be a complete defense to any civil action arising out of or involving the arrest or detention of any person renting or leasing any personal property that any representation made by him in obtaining or retaining possession of such property is contrary to the fact.

C. 2A:111-38 Failure to return personal property after demand; penalty; defense.

2. Any person who, after hiring, renting or leasing any personal property under an agreement in writing which provides for the return of such property to a particular place or at a particular time, shall fail to return such property to said place within the time specified and is thereafter personally served with a written demand, or upon whom written demand is thereafter made by registered or certified mail, to return such property to the place specified in the written agreement within 72 hours from the time of the personal service or service by registered or certified mail of such demand, and who fails, except for causes beyond his control, to return such property to the lessor within said period, is guilty of a misdemeanor.

Service by registered or certified mail shall be deemed to be complete upon deposit in the United States mail of such demand securely wrapped, postpaid and addressed to such person at the address for such person set forth in the rental or lease agreement or in the absence of such address to such person's last known place of residence.

New Jersey State Library

It shall be a complete defense to any civil action arising out of or involving the arrest or detention of any person upon whom such demand was served personally or by registered or certified mail that he failed to return such property to the place specified in the rental agreement within such 72-hour period.

3. This act shall take effect immediately.

Approved September 4, 1968.

CHAPTER 254

AN ACT to amend the "Good Samaritan Act" being chapter 140 of the laws of 1963, approved August 13, 1963.

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:62A-1 Emergency care.

1. Any individual, including a person licensed to practice any method of treatment of human ailments, disease, pain, injury, deformity, mental or physical condition, or licensed to render services ancillary thereto, who in good faith renders emergency care at the scene of an accident or emergency to the victim or victims thereof, shall not be liable for any civil damages as a result of any acts or omissions by such person in rendering the emergency care.

2. This act shall take effect immediately.

Approved September 4, 1968.

CHAPTER 255

AN ACT relating to remissions of sentences of prisoners confined in county jails or penitentiaries and amending section 2A:164–24 of the Revised Statutes.

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

1. Section 2A:164–24 of the New Jersey Statutes is amended to read as follows:

Remission of sentence of prisoners confined in county jail or penitentiary.

2A:164–24. The board of chosen freeholders of any county, or the committee on the discharge of prisoners of such board, may, upon the recommendation of the sheriff or jail warden of the county jail or penitentiary in whose custody any prisoner may be, remit for good conduct from the sentence of any person committed to such county jail or penitentiary, a term not exceeding 1 day for every 6 days of such sentence. If any such person shall be again convicted and sentenced to imprisonment in such county jail or penitentiary, he may, in addition to such new sentence, be required at the discretion of the court to serve out the number of days remitted to him on the previous term.

2. This act shall take effect immediately.

Approved September 4, 1968.

CHAPTER 256

AN ACT concerning disorderly persons in relation to usury 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:170-102 Charging excessive interest rates; penalty.

1. Any person excluding those under the supervision of the New Jersey State Department of Banking and Insurance or of the Comptroller of Currency of the United States, Federal Home Loan Bank Board, or the Department of Housing and Urban Development or any of its subagencies or departments who loans or agrees to loan any money to any individual or partnership or to any unincorporated company, association, society, or firm in connection therewith, knowingly directly or indirectly charges, takes, receives or reserves interest or discount at a rate in excess of the maximum rate permitted by law, is a disorderly person, and shall be punished by a fine of not less than $500.00.

C. 2A:170-103 "Person" defined.

2. "Person" shall be defined to include individuals, partnerships, corporations or unincorporated company, association, society or firm.

3. This act shall take effect immediately.

Approved September 4, 1968.

CHAPTER 257

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

C. 17:12B-48 Specific powers.

48. Specific powers. Without limiting the generality of the foregoing, every association shall have power to:

(1) Have succession by its corporate name for the period limited in its charter or certificate of incorporation, and when no period is limited, perpetually.

(2) Sue and be sued in any court.

(3) Adopt and use a corporate seal and alter the same.

(4) Purchase and otherwise acquire, hold, mortgage, pledge, lease, exchange, sell, convey and otherwise dispose of, any real and personal property, necessary or incidental to its operations and consistent with its powers and purposes.

(5) Insure its members' accounts with the Federal Savings and Loan Insurance Corporation, and comply with conditions necessary to obtain and maintain such insurance.

(6) Become a member of or stockholder in a Federal Home Loan Bank and to that end to comply with all conditions of membership therein.

(7) Act as agent for the United States or the State of New Jersey or any instrumentality of either of them, when designated for that purpose, and perform such reasonable duties as such agent as may be required of it.

(8) Join any co-operative league organized for the purpose of protecting and promoting the welfare of associations and their members and comply with all conditions of membership therein.

(9) Borrow money from any source in or out of the State, on the note, bond and mortgage or other obligation of the association upon such terms and conditions as the board may from time to time prescribe by resolution adopted by at least a majority of all the members of the board and duly recorded on the minutes and to pledge, assign or transfer mortgages, owned by the association and the obligations secured by such mortgages, together with the shares, if any, pledged as collateral security therefor, or any real or other personal property, as security for the repayment of money so borrowed. No association shall borrow money if by doing so the aggregate of its indebtedness for borrowed money other than to the Federal Home Loan Bank will exceed 20% of its capital, except with the approval of the commissioner.

(10) Take from its members, a premium for priority or privilege of loan or acquisition of real estate and no premium so taken shall be deemed usurious. The rate of premium may be agreed upon or be determined by auction.

(11) Require an advance payment of interest for a period of one month on any loan; and accept advance payments of interest, if made at the option of the debtor, for any period on any loan. None of such payments shall be deemed usurious.

(12) Where shares are issued, charge an admission fee, not to exceed $0.25 per share, which shall include the cost of membership or share certificate and account book.

(13) Impose charges upon a member for failure to make any payment to the association when due, but only as provided in this paragraph. Where the association issues installment share accounts it may impose such charge upon any member holding such an account or any borrower upon a sinking fund mortgage not in excess of 1% a month upon the amount in arrears, except for the first month's arrearage or the amount by which such first month's arrearage may be increased by subsequent arrearage in which case a charge not in excess of 5% may be imposed. Such charges shall be subject to the further limitations that no such charge shall be deducted from any amount actually paid by a member upon an account nor shall the total of any such charges against any account in any fiscal year exceed the amount that may be charged for failure to make any payments for a 6-month period nor shall any charge for default be made on a charge for default. Otherwise an association may impose a charge for failure to make any required payment to it when due upon any loan or contract for the resale of real estate to a member not to exceed 4% of the amount of each payment in arrears but no

more than one such charge may be made with respect to any one payment in arrears. An association may impose a reasonable service charge against any member who tenders to such association, for collection or as payment, a check or other instrument of any type which subsequently is not honored by the institution or person upon which such check or other instrument is drawn. None of such charges shall be deemed usurious.

(14) Compute interest upon any direct reduction loan, on designated payment dates, and add the same to the unpaid balance of such loan.

(15) Act as agent for any person where such agency will further the interests of the association and its members, subject to such limitations as may be prescribed by the commissioner.

(16) Upon application to and approval by the commissioner, to act as custodian or trustee within the contemplation of the Federal Self-Employed Individuals Tax Retirement Act of 1962, as amended and supplemented, and as custodian, trustee or manager of any such investment fund the authorized investments of which include, but need not be limited to, savings accounts or real estate loans, and the beneficial interests in which may be represented by transferable shares or certificates. Associations exercising the powers authorized by the subsection shall segregate all funds held in such fiduciary capacities from the general assets of the association and shall keep a separate set of books and records showing in detail all transactions made under authority of this subsection. If individual records are kept for each self-employed individual's retirement plan and each such investment fund, then all such funds held in such fiduciary capacities by an association may be commingled for appropriate purposes of investment. No funds held in such fiduciary capacities shall be used by an association in the conduct of its business; however, such funds may be invested in savings accounts of the association in the event that the custodial, trust or other plan does not prohibit such investment. In granting or refusing the association's application the commissioner shall take into consideration the investment policies, amount, type and adequacy of reserves, fidelity bonds and any legally required deposits of the applicant and other pertinent facts and circumstances.

2. This act shall take effect immediately.

Approved September 4, 1968.

CHAPTER 258

AN ACT to amend "An act concerning workmen's compensation, and supplementing chapter 15 of Title 34 of the Revised Statutes," approved June 18, 1966 (P. L. 1966, c. 157).

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. 34:15-39.1 Unlawful discharge of, or discrimination against, employee claiming compensation benefits; penalty.

1. It shall be unlawful for any employer or his duly authorized agent to discharge or in any other manner discriminate against an employee as to his employment because such employee has claimed or attempted to claim workmen's compensation benefits from such employer, or because he has testified, or is about to testify, in any proceeding under the chapter to which this act is a supplement. For any violation of this act, the employer or agent shall be punished by a fine of not less than $100.00 nor more than $1,000.00 or imprisonment for not more than 60 days or both. Any employee so discriminated against shall be restored to his employment and shall be compensated by his employer for any loss of wages arising out of such discrimination; provided, if such employee shall cease to be qualified to perform the duties of his employment he shall not be entitled to such restoration and compensation.

2. This act shall take effect immediately.

Approved September 4, 1968.

CHAPTER 259

AN ACT creating a commission to inquire into the reasons for the inequitable distribution of property tax resources among the several municipalities of the State and to recommend remedies, and making an appropriation therefor.

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

1. The Legislature finds:

(a) A significant proportion of the governmental services rendered to citizens of this State is provided through local agencies of government and financed by property taxes levied in, by and for local jurisdictions.

(b) Under New Jersey's traditional system of Home Rule, each municipality is allowed a considerable degree of autonomy in regulating its internal affairs, including land-use and other regulations which directly affect the pattern of property taxation within each municipality and as compared with other municipalities.

(c) Preservation of sufficient Home Rule to protect and foster the individuality and distinctive character of communities is a desirable aim of public policy; but it is also essential that there be sufficient uniformity of tax practices among the State's municipalities to assure that the burden of supporting services for all the citizens of the State falls with substantial equality upon all the taxpayers of the State.

(d) Recent controversy over the status of the borough of Teterboro has focused attention upon the possibility that "tax havens" for favored classes of property owners may be created through deliberate municipal policy or by other means.

(e) The establishment of such "havens" which may exist to a significant degree under circumstances less drastic than those exemplified by Teterboro may allow certain municipalities and favored taxpayers therein to shirk their just share of providing governmental services which ought to be the concern of the State as a whole and which are a normal obligation of municipal-level government to provide; and further, such "havens" tend to lure tax ratables from other jurisdictions where such burdens are not shirked and the need for tax resources is correspondingly greater.

(f) A distinct inequality in the distribution of tax resources needed to finance governmental services at the local level is evident from such indexes of local tax resources as the computation of equalized tax rates and equalized valuations per public school pupil, although it is not known with certainty to what degree this inequality results from deliberate municipal policy or from other conditions.

2. There is hereby created a commission to consist of 6 members, 2 to be appointed by the Governor from among the citizens of this State, 2 to be appointed from the membership of the Senate by the President thereof, and 2 to be appointed from the membership of the General Assembly by the Speaker thereof. All members shall

be appointed without regard to political affiliation; and they shall serve without compensation. Vacancies in the membership of the commission shall be filled in the same manner as the original appointments were made.

3. 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.

4. It shall be the duty of said commission to conduct an inquiry into the various factors which may tend to create inequalities between the tax resources of the several municipalities, which factors may include varying patterns of land use, land use regulation, assessment practices and other policies and practices of the various municipalities; the pattern of distribution among the various municipalities of revenues from sources other than property taxation; and the effects of State laws which deal with tax practices or municipal functions and which, singly or in combination, may permit or encourage the creation of inequities in the distribution of tax resources among the various municipalities. The commission shall direct its attention to recommending means, consistent with the preservation of a desirable degree of Home Rule, by which the inequities of tax resource distribution may be remedied and the future creation of unreasonable "tax havens" prevented.

5. 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.

6. 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 Governor and the Legislature as soon as practicable, accompanying the same with any legislative bills which it may desire to recommend for adoption by the Legislature.

7. The commission shall have the powers granted pursuant to chapter 13 of Title 52 of the Revised Statutes.

8. There is hereby appropriated for the purposes of the commission $15,000.00.

9. This act shall take effect immediately.

Approved September 4, 1968.

CHAPTER 260

AN ACT concerning crimes and supplementing chapter 111 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:111-39 Dual contracts for purchase or sale of real property; penalty.

1. It shall be unlawful for any person to knowingly make, issue, deliver, or receive dual contracts for the purchase or sale of real property. The term "dual contracts," either written or oral, means 2 separate contracts concerning the same parcel of real property, one of which states the true and actual purchase price and one of which states a purchase price in excess of the true and actual purchase price and is used to induce persons to make a loan commitment on such real property in reliance upon the stated inflated value. Any person who violates the provisions of this act is guilty of a misdemeanor.

2. This act shall take effect immediately.

Approved September 4, 1968.

CHAPTER 261

AN ACT to amend "An act authorizing the leasing of certain real estate by municipalities to certain nonprofit organizations, supplementing chapter 60 of Title 40 of the Revised Statutes," approved June 5, 1950 (P. L. 1950, c. 184) as said title was amended by chapter 132 of the laws of 1951.

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. 40:60-45.3 Organizations for promotion of community welfare; leases.

1. The governing body of any municipality may lease any real estate owned or controlled by it or any interest therein when, and to the extent that, it is not required for municipal purposes, to any

nonprofit organization or association having for its purposes the promotion of the health, safety, morals and general welfare of the community while it is used for such purposes and not for commercial business, trade or manufacturing purposes, without cost or at a nominal rental.

2. This act shall take effect immediately.

Approved September 4, 1968.

CHAPTER 262

AN ACT concerning corporations and supplementing chapter 3 of Title 14 of the Revised Statutes.

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

C. 14:3-18 Corporations' authority to participate with others under certain circumstances.

1. Every corporation hereafter organized under Title 14 of the Revised Statutes shall have the power to participate with others in any corporation, partnership, limited partnership, joint venture, or other association of any kind, or in any transaction, undertaking or arrangement which the participating corporation would have power to conduct by itself, whether or not such participation involves sharing or delegation of control with or to others.

Every corporation heretofore organized, by amendment of its certificate of incorporation or by a by-law adopted in the manner in which it is authorized to adopt by-laws, may adopt the provisions of this act.

2. This act shall take effect immediately.

Approved September 4, 1968.

CHAPTER 263

AN ACT concerning corporations and amending sections 14:2–1, 14:7–1 and 14:7–7 of the Revised Statutes.

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

1. Section 14:2–1 of the Revised Statutes is amended to read as follows:

Formation; purposes.

14:2–1. Any one or more persons may associate to form a corporation for any lawful purpose or purposes whatever, except as hereinafter in this section stated or as otherwise provided by law, by executing, recording and filing a certificate of incorporation in the manner hereinafter provided.

There shall not be formed under this Title:

a. Any savings bank, building and loan association, insurance or surety company; or

b. Except as provided in section 14:2–2 of this Title, any railroad, telegraph, telephone, canal or turnpike company, or other company which shall need to possess the right of taking and condemning lands in this State; or

c. Any corporation provided for by chapter 4 of the Title Corporations and Institutions for Finance and Insurance (§17:4–1 et seq.); or

d. Any corporation provided for by chapter 14 of the Title Corporations and Institutions for Finance and Insurance (§17:14–1 et seq.).

2. Section 14:7–1 of the Revised Statutes is amended to read as follows:

Board of directors; authority, number, annual election.

14:7–1. The business of every corporation shall be managed by its board of directors, not less than 3 in number, except that in cases where all the shares with voting powers of a corporation are owned beneficially and of record by either one or 2 shareholders, the number of directors may be less than 3 but not less than the number of holders of shares with voting powers. Directors shall be chosen annually by the stockholders, at the time and place provided in the by-laws, and shall hold office for one year and until others are chosen and qualified in their stead.

3. Section 14:7–7 of the Revised Statutes is amended to read as follows:

Directors or officers; vacancies.

14:7–7. Any vacancy occurring among the directors or in the office of president, secretary or treasurer, however caused, shall be filled in the manner provided in the by-laws. In the absence of such provision any vacancy shall be filled by the board of directors. If by reason of death, resignation or other cause a corporation has no

directors in office, any shareholder or the executor or administrator of a deceased shareholder may call a special meeting of shareholders for the election of directors. Written notice of the time, place and purpose of the meeting shall be given not less than 10 days before the date of the meeting personally or by mail to each shareholder of record entitled to vote at the meeting. If all such shareholders shall, in writing, waive notice and fix a time and place of meeting, no notice shall be required.

4. This act shall take effect immediately.

Approved September 4, 1968.

CHAPTER 264

AN ACT relating to attendance before grand juries and at certain court proceedings by members of municipal, county, county boulevard, and county park police departments and repealing chapter 225 of the laws of 1967.

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

C. 40:11-13.9 Compensation of policemen for time spent in court; exception.

1. Whenever a member of a municipal, county or county boulevard police department, as part of his duties, shall be required to appear before any grand jury or at any County, Superior or Supreme Court proceeding, except in a civil action, the time during which he is so engaged shall be considered a time of assignment to, and performance of, duty. When such appearance occurs during such member's assigned duty hours, he shall suffer no loss in compensation for such appearance. When such appearance occurs outside his assigned duty hours, he shall receive either (a) compensatory time off from his regular duty hours, or (b) additional compensation.

C. 40:11-13.10 Implementation of act.

2. This act shall not be operative (a) in any municipality until adopted by ordinance of such municipality, (b) in any county until adopted by resolution of the board of chosen freeholders of such county with respect to the county police department, or with respect to the county boulevard police system until adopted by the

county boulevard commissioners of such county, or with respect to the county park police system until adopted by the county park commission.

C. 40:11-13.8 Repealed.

3. Chapter 225 of the laws of 1967 is hereby repealed.

4. This act shall take effect immediately.

Approved September 4, 1968.

CHAPTER 265

AN ACT relating to and providing a scholarship program for certain police officers and making an appropriation therefor.

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

C. 52:17B-71.2 Legislature's findings.

1. The Legislature finds and declares that the amount and quality of a policeman's education often determines the value of his contribution to the community, and the degree of proficiency with which he performs his duties. An educated policeman is a better public employee since his viewpoint, understanding and awareness have been broadened beyond the narrow confines of police "work." However, because of the present level of police salaries the recruiting of applicants with college degrees or some higher education is very difficult. Therefore, if the goal of a better educated police personnel is to be realized, some incentive must be provided to encourage present members of police departments to achieve the advantages of higher education. The Legislature seeks to provide this incentive by authorizing the Police Training Commission to provide scholarships for those policemen who wish to pursue the advantages of higher education and by providing by the State for the costs of such scholarships.

C. 52:17B-71.3 "Policeman" defined.

2. "Policeman" as used herein shall mean any permanent full-time active member of any police force or organization of any municipality or county.

C. 52:17B-71.4 Undergraduate scholarship program.

3. The granting of undergraduate scholarships to policemen shall be determined by the Police Training Commission, subject to the

review and approval of the governing body of the municipality or county. However, no scholarship shall be granted under any such program to any person who is not a full-time policeman, nor shall a leave of absence be granted to any scholarship recipient for educational purposes. A scholarship recipient may be given consideration, by the governing body of the municipality or county as to work assignments and hours, but no other preferential treatment shall be given to him.

C. 52:17B-71.5 Scholarship amount.

4. Each undergraduate scholarship granted pursuant to any such program shall entitle the recipient thereof to an amount not to exceed $500.00 per academic year, or the amount charged for tuition for a regular academic year by the institution where the scholarship is used, whichever is the smaller amount. The undergraduate scholarship may be used for part-time study in any institution of collegiate grade which offers a college curriculum leading to or accreditable toward an undergraduate baccalaureate or associated degree and which is accredited by the board of higher education.

C. 52:17B-71.6 Scholarship period.

5. Each undergraduate scholarship shall be for a period of no more than 4 academic years. However, scholarships may be awarded on a partial basis for the prorated cost per credit hour, but a recipient must complete his course of studies within 8 calendar years.

C. 52:17B-71.7 Rules and regulations.

6. The Police Training Commission shall promulgate such rules and regulations as are necessary to carry out the provisions of this act.

7. There is hereby appropriated to the Police Training Commission the sum of $50,000.00 to carry out the purposes of this act.

8. This act shall take effect September 1, 1968.

Approved September 4, 1968.

CHAPTER 266

AN ACT creating a temporary State Commission of Investigation; prescribing its functions, powers and duties; making an appropriation therefor.

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

C. 52:9M-1 State Commission of Investigation; creation, membership, appointment, terms, qualifications, chairman, compensation, vacancies.

1. There is hereby created a temporary State Commission of Investigation. The commission shall consist of 4 members, to be known as commissioners.

Two members of the commission shall be appointed by the Governor, one by the President of the Senate and one by the Speaker of the General Assembly, each for 5 years. The Governor shall designate one of his appointees to serve as chairman of the commission.

The members of the commission appointed by the President of the Senate and the Speaker of the General Assembly and at least one of the members appointed by the Governor shall be attorneys admitted to the bar of this State. No member or employee of the commission shall hold any other public office or public employment. Not more than 2 of the members shall belong to the same political party.

Each member of the commission shall receive an annual salary of $15,000.00 and shall also be entitled to reimbursement for his expenses actually and necessarily incurred in the performance of his duties, including expenses of travel outside of the State.

Vacancies in the commission shall be filled for the unexpired term in the same manner as original appointments. A vacancy in the commission shall not impair the right of the remaining members to exercise all the powers of the commission.

C. 52:9M-2 Authority to conduct certain investigations.

2. The commission shall have the duty and power to conduct investigations in connection with:

a. The faithful execution and effective enforcement of the laws of the State, with particular reference but not limited to organized crime and racketeering;

b. The conduct of public officers and public employees, and of officers and employees of public corporations and authorities;

c. Any matter concerning the public peace, public safety and public justice.

C. 52:9M-3 Investigations requested by the Governor or Legislature.

3. At the direction of the Governor or by concurrent resolution of the Legislature the commission shall conduct investigations and otherwise assist in connection with:

a. The removal of public officers by the Governor;

b. The making of recommendations by the Governor to any other person or body, with respect to the removal of public officers;

c. The making of recommendations by the Governor to the Legislature with respect to changes in or additions to existing provisions of law required for the more effective enforcement of the law.

C. 52:9M-4 Investigations of State agencies.

4. At the direction or request of the Legislature by concurrent resolution or of the Governor or of the head of any department, board, bureau, commission, authority or other agency created by the State, or to which the State is a party, the commission shall investigate the management or affairs of any such department, board, bureau, commission, authority or other agency.

C. 52:9M-5 Assistance to law enforcement officials.

5. Upon request of the Attorney General, a county prosecutor or any other law enforcement official, the commission shall co-operate with, advise and assist them in the performance of their official powers and duties.

C. 52:9M-6 Cooperation with Federal agencies.

6. The commission shall co-operate with departments and officers of the United States Government in the investigation of violations of the Federal laws within this State.

C. 52:9M-7 Examinations beyond State boundaries.

7. The commission shall examine into matters relating to law enforcement extending across the boundaries of the State into other States; and may consult and exchange information with officers and agencies of other States with respect to law enforcement problems of mutual concern to this and other States.

C. 52:9M-8 Reference of evidence to certain officials.

8. Whenever it shall appear to the commission that there is cause for the prosecution for a crime, or for the removal of a public officer for misconduct, the commission shall refer the evidence of such crime or misconduct to the officials authorized to conduct the prosecution or to remove the public officer.

C. 52:9M-9 Commission personnel; appointment, removal, duties, compensation, powers.

9. The commission shall be authorized to appoint and employ and at pleasure remove an executive director, counsel, investigators, accountants, and such other persons as it may deem necessary, without regard to civil service; and to determine their duties and fix their salaries or compensation within the amounts appropriated therefor. Investigators and accountants appointed by the commission shall be and have all the powers of peace officers.

C. 52:9M-10 Annual and interim reports.

10. The commission shall make an annual report to the Governor and Legislature which shall include its recommendations. The commission shall make such further interim reports to the Governor and Legislature, or either thereof, as it shall deem advisable, or as shall be required by the Governor or by concurrent resolution of the Legislature.

C. 52:9M-11 Public to be informed.

11. By such means and to such extent as it shall deem appropriate, the commission shall keep the public informed as to the operations of organized crime, problems of criminal law enforcement in the State and other activities of the commission.

C. 52:9M-12 Performance of commission's functions; reimbursement of witnesses.

12. With respect to the performance of its functions, duties and powers and subject to the limitation contained in paragraph d. of this section, the commission shall be authorized as follows:

a. To conduct any investigation authorized by this act at any place within the State; and to maintain offices, hold meetings and function at any place within the State as it may deem necessary;

b. To conduct private and public hearings, and to designate a member of the commission to preside over any such hearing;

c. To administer oaths or affirmations, subpœna witnesses, compel their attendance, examine them under oath or affirmation, and require the production of any books, records, documents or other evidence it may deem relevant or material to an investigation; and the commission may designate any of its members or any member of its staff to exercise any such powers;

d. Unless otherwise instructed by a resolution adopted by a majority of the members of the commission, every witness attending before the commission shall be examined privately and the commission shall not make public the particulars of such examination. The commission shall not have the power to take testimony at a private hearing or at a public hearing unless at least 2 of its members are present at such hearing;

e. Witnesses summoned to appear before the commission shall be entitled to receive the same fees and mileage as persons summoned to testify in the courts of the State.

C. 52:9M-13 Construction of act.

13. Nothing contained in sections 2 through 12 of this act shall be construed to supersede, repeal or limit any power, duty or function of the Executive Department or any other department or agency of the State, or any political subdivision thereof, as prescribed or defined by law.

C. 52:9M-14 Assistance of public agencies.

14. The commission may request and shall receive from every department, division, board, bureau, commission, authority or other agency created by the State, or to which the State is a party, or of any political subdivision thereof, co-operation and assistance in the performance of its duties.

C. 52:9M-15 Disclosure of information by participant in investigation; limitation; penalty.

15. Any person conducting or participating in any examination or investigation who shall disclose to any person other than the commission or an officer having the power to appoint one or more of the commissioners the name of any witness examined, or any information obtained or given upon such examination or investigation, except as directed by the Governor or commission, shall be adjudged a disorderly person.

C. 52:9M-16 Impounding evidence; custody of evidence; exception.

16. Upon the application of the commission, or a duly authorized member of its staff, the Superior Court or a judge thereof may impound any exhibit marked in evidence in any public or private hearing held in connection with an investigation conducted by the commission, and may order such exhibit to be retained by, or delivered to and placed in the custody of, the commission. When so impounded such exhibit shall not be taken from the custody of the commission, except upon further order of the court made upon 5 days' notice to the commission or upon its application or with its consent.

C. 52:9M-17 Witness's refusal to testify; procedure, immunity from prosecution; exception.

17. a. If, in the course of any investigation or hearing conducted by the commission pursuant to this act, a person refuses to answer a question or questions or produce evidence of any kind on the ground that he will be exposed to criminal prosecution or penalty or to a forfeiture of his estate thereby, the commission may order the person to answer the question or questions or produce the requested evidence and confer immunity as in this section provided. No order to answer or produce evidence with immunity shall be made except by resolution of a majority of all the members of the commission and after the Attorney General and the appropriate county prosecutor shall have been given at least 24 hours written notice of the commission's intention to issue such order and afforded an opportunity to be heard in respect to any objections they or either of them may have to the granting of immunity.

b. If upon issuance of such an order, the person complies therewith, he shall be immune from having such responsive answer given by him or such responsive evidence produced by him, or evidence derived therefrom used to expose him to criminal prosecution or penalty or to a forfeiture of his estate, except that such person may nevertheless be prosecuted for any perjury committed in such answer or in producing such evidence, or for contempt for failing to give an answer or produce evidence in accordance with the order of the commission; and any such answer given or evidence produced shall be admissible against him upon any criminal investigation, proceeding or trial against him for such perjury, or upon any investigation, proceeding or trial against him for such contempt.

C. 52:9M-18 Severability of act.

18. If any section, clause or portion of this act shall be unconstitutional or be ineffective in whole or in part, to the extent that it is not unconstitutional or ineffective it shall be valid and effective and no other section, clause or provision shall on account thereof be deemed invalid or ineffective.

19. There is hereby appropriated to the commission the sum of $400,000.00.

20. This act shall take effect immediately and remain in effect until December 31, 1974.

Approved September 4, 1968.

CHAPTER 267

AN ACT providing for the conduct of a study and pilot facility involving problems relating to the chronic drunkenness offender under contract with the Rutgers Center of Alcohol Studies and making an appropriation therefor.

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

C. 18A:65-72.1 Development of program to meet problems of chronic drunkenness offender.

1. The Attorney General is authorized and directed to enter into a contract with Rutgers, The State University for the conduct by the Rutgers Center of Alcohol Studies of a study and pilot facility involving the development of a program or programs to meet the problems of the chronic drunkenness offender.

C. 18A:65-72.2 Federal funds and private grants.

2. The Attorney General subject to the approval of the Director of the Division of Budget and Accounting in the Department of the Treasury is authorized to apply for Federal funds and to accept private grants in assistance of the purposes of this act.

3. There is appropriated to the Department of Law and Public Safety, the sum of $60,000.00 for the initial phases of the study and pilot facility authorized by this act.

4. This act shall take effect July 1, 1968.

Approved September 4, 1968.

CHAPTER 268

AN ACT concerning guardians for mental incompetents and amending section 3A:6–36 of the New Jersey Statutes.

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

1. Section 3A:6–36 of the New Jersey Statutes is amended to read as follows:

Guardian's appointment and duties.

3A:6–36. The County Court of the county in which a mental incompetent may reside or, if he is a nonresident, in which his real or personal estate may be, or the Superior Court may determine his mental incompetency and appoint a guardian for him.

In any case where a guardian is to be appointed, letters of guardianship shall be granted to the spouse, if the spouse was living with the incompetent as man and wife at the time the incompetency arose, or to the next of kin, or if none of them will accept the letters or it is proven to the court that no appointment from among them will be to the best interest of the incompetent or his estate, then to such other proper person as will accept the same.

Any such guardian shall provide for the care and safekeeping of the mental incompetent, shall take possession of his real and personal property and see to it that no waste or destruction of his real property is done or permitted and shall apply his personal property and the rents and profits of his real property so as properly to support the mental incompetent. The real property shall in nowise be aliened except pursuant to the law of this state.

2. This act shall take effect immediately.

Approved September 4, 1968.

CHAPTER 269

AN ACT concerning the compensation of jailkeepers in certain counties of the second class, and supplementing chapter 8 of Title 30 of the Revised Statutes.

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

C. 30:8-24.1a Compensation of jailkeepers in certain second-class counties.

1. Notwithstanding the provisions of section 30:8–18 of the Revised Statutes or chapter 278 of the laws of 1947, or any other law, the compensation paid to jailkeepers employed in counties of the second class having more than 500,000 inhabitants, shall not be less than and may be more than the compensation paid to court attendants attending the county court of such county.

C. 30:8-24.1b Action by sheriff and board of chosen freeholders.

2. Compensation paid to jaikeepers employed in counties of the second class having more than 500,000 inhabitants, may on recommendation of the county sheriff, be increased by resolution of the board of chosen freeholders.

3. This act shall take effect immediately.

Approved September 4, 1968.

CHAPTER 270

AN ACT concerning the powers of executors, administrators, guardians and trustees, and supplementing chapter 6 of Title 3A of the New Jersey Statutes, amending section 3A:16–1 of the New Jersey Statutes, and repealing section 3A:16–12.

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

C. 3A:6-16.1 Definitions.

1. As used in this act, unless the context or subject matter otherwise requires:

(a) The term "estate" means the estate of a decedent;

(b) The term "trust" means any express trust of real or personal property, or both, created by a will, deed or other instrument whereby there is imposed upon a trustee the duty to administer a trust asset, transferred to the trust by a testator or settlor, for benefit of a named or otherwise described income or principal beneficiary, or both. A trust shall not include trusts for the benefit of creditors, resulting or constructive trusts, business trusts where certificates of beneficial interest are issued to the beneficiary, investment trusts, voting trusts, security investments such as deeds of trust and mortgages, trusts created by the judgment or decree of a court, liquidation or reorganization trusts, trusts for the sole purpose of paying dividends, interests, interest coupons, salaries, wages, pensions or profits, instruments wherein one or more persons are mere nominees for another or others, or trusts created in deposits in any banking institution or savings and loan institution;

(c) The term "fiduciary" means executors, administrators with the will annexed, administrators pendente lite, trustees of express trusts, including a corporate as well as a natural person acting as a fiduciary, and an ancillary, successor or substituted fiduciary.

C. 3A:6-16.2 Fiduciary's powers.

2. In the absence of contrary or limiting provisions in the judgment or order appointing a fiduciary, in the will, deed or other instrument or in a subsequent court judgment or order, every fiduciary shall, in the exercise of good faith and reasonable discretion, have the power:

(a) To accept additions to any estate or trust from sources other than the estate of the decedent or the settlor of a trust;

(b) To acquire the remaining undivided interest in an estate or trust asset in which the fiduciary, in his fiduciary capacity, holds an undivided interest;

(c) To invest and reinvest assets of the estate or trust under the provisions of the will, deed or other instrument or as otherwise provided by law and to exchange assets for investments and other property upon such terms as may seem to the fiduciary advisable;

(d) To effect and keep in force fire, rent, title, liability, casualty or other insurance to protect the property of the estate or trust and to protect the fiduciary;

(e) With respect to any property or any interest therein owned by an estate or trust, including any real property belonging to the fiduciary's decedent at death, except where such property or any interest therein is specifically disposed of:

i. To take possession of, collect the rents from and manage the same, and pay taxes, mortgage interest and other charges against the property;

ii. To sell the same at public or private sale, and on such terms as in the opinion of the fiduciary shall be most advantageous to those interested therein;

iii. With respect to fiduciaries other than a trustee, to lease the same for a term not exceeding 3 years, and in the case of a trustee to lease the same for a term not exceeding 10 years, though such term extends beyond the duration of the trust, and in either of such cases including the right to explore for and remove mineral or other natural resources, and in connection with mineral leases to enter into pooling and unitization agreements; and

iv. To mortgage the same;

v. To grant easements to adjoining owners and utilities;

vi. A fiduciary acting under a will may exercise any of the powers granted by this subparagraph (e) notwithstanding the effects upon the will of the birth of a child after its execution.

(f) To make repairs to the property of the estate or trust for the purpose of preserving the property or rendering it rentable or saleable;

(g) To grant options for the sale of any property of the estate or trust for a period not exceeding 6 months;

(h) With respect to any mortgage held by the estate or trust (i) to continue the same upon and after maturity, with or without renewal or extension, upon such terms as may seem to the fiduciary advisable, and (ii) to foreclose, as an incident to collection of any bond or note, any mortgage and purchase the mortgaged property or acquire the property by deed from the mortgagor in lieu of foreclosure;

(i) In the case of the survivor or survivors of 2 or more fiduciaries to administer the estate or trust without the appointment of a successor to the fiduciary or fiduciaries who have ceased to act and to exercise or perform all of the powers given unless contrary to the express provision of the will, deed or other instrument;

(j) As a new, alternate, successor, substitute or additional fiduciary or fiduciaries, to have or succeed to all of the powers, duties and discretion of the original fiduciary or fiduciaries, with respect to the estate or trust, as were given to the original fiduciary or fiduciaries named in or appointed by a will, deed or other instrument, unless the exercise of such powers, duties or discretion

of such original fiduciary or fiduciaries is expressly prohibited by the will, deed or other instrument to any successor or substitute fiduciary or fiduciaries;

(k) Where there are 3 or more fiduciaries qualified to act, to take any action with respect to the estate or trust which a majority of such fiduciaries shall determine. A fiduciary who fails to act through absence or disability, or a dissenting fiduciary who joins in carrying out the decision of a majority of the fiduciaries if his dissent is expressed promptly in writing to his cofiduciaries, shall not be liable for the consequences of any majority decision, provided that liability for failure to join in administering the trust or to prevent a breach of trust may not thus be avoided;

(l) To employ and compensate attorneys;

(m) To compromise, contest or otherwise settle any claim in favor of the estate, trust or fiduciary or in favor of third persons and against the estate, trust or fiduciary, including transfer inheritance, estate, income and other taxes;

(n) To vote in person or by proxy, discretionary or otherwise, shares of stock or other securities held by the estate or trust;

(o) To pay calls, assessments and any other sums chargeable or accruing against or on account of shares of stock, bonds, debentures or other corporate securities in the hands of a fiduciary, whenever such payments may be legally enforceable against the fiduciary or any property of the estate or trust or the fiduciary deems payment expedient and for the best interests of the estate or trust;

(p) To sell or exercise stock subscription or conversion rights, participate in foreclosures, reorganizations, consolidations, mergers or liquidations, and to consent to corporate sales or leases and encumbrances. In the exercise of such powers, the fiduciary is authorized to deposit stocks, bonds or other securities with any custodian, agent, protective or other similar committee, or trustee under a voting trust agreement, under such terms and conditions respecting the deposit thereof as the fiduciary may approve;

(q) To execute and deliver agreements, assignments, bills of sale, contracts, deeds, notes, receipts and any other instrument necessary or appropriate for the administration of the estate or trust;

(r) In the case of a trustee, to hold 2 or more trusts or parts of such trusts created by the same instrument, as an undivided whole, without separation as between such trusts or parts of such trusts, provided that such separate trusts or parts of such trusts

shall have undivided interests and provided further that no such holding shall defer the vesting of any estate in possession or otherwise;

(s) To distribute in kind any property of the estate or trust at its fair market value at the date of distribution;

(t) To join with the surviving spouse, the executor of his or her will or the administrator of his or her estate in the execution and filing of a joint income tax return for any period prior to the death of a decedent for which he has not filed a return or a gift tax return on gifts made by the decedent's surviving spouse, and to consent to treat such gifts as being made ½ by the decedent, for any period prior to a decedent's death, and to pay such taxes thereon as are chargeable to the decedent.

C. 3A:6-16.3 Authorization to exercise other powers.

3. The court having jurisdiction of the estate or trust may authorize the fiduciary to exercise any other power which in the judgment of the court is necessary for the proper administration of the estate or trust.

The powers set forth in this section are in addition to the powers granted by law, and by the will, deed or other instrument.

4. Section 3A:16–1 of the New Jersey Statutes is amended to read as follows:

Guardian's power to manage ward's real property; disposition of proceeds; exception.

3A:16–1. A guardian shall have power to take possession of, collect the rents from and manage the real estate of his ward, and to lease the same for a term not exceeding 3 years, though the term extends beyond the ward's infancy, death or restoration to competency, as the case may be. The rents collected and the income from the ward's estate may be used by the guardian to pay taxes, mortgage interest and other charges related to the real estate.

Any lease made by virtue of this section shall be subject to the right of the guardian to sell such real estate under a power of sale conferred by the will or by order of any court of competent jurisdiction.

Repealed.

5. Section 3A:16–12 of the New Jersey Statutes is repealed.

6. This act shall take effect immediately and shall be applicable to any will or trust executed after such effective date or to the estate of any decedent dying intestate thereafter.

Approved September 4, 1968.

CHAPTER 271

AN ACT concerning education and amending section 18A:17–5 of the New Jersey Statutes.

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

1. Section 18A:17–5 of the New Jersey Statutes is amended to read as follows:

Secretary of board of education; appointment, term, vacancy; compensation; limitation.

18A:17–5. Each secretary shall be appointed by the board, by a recorded roll call majority vote of its full membership, for a term to expire not later than June 30 of the calendar year next succeeding that in which the board shall have been organized, but he shall continue to serve after the expiration of his term until his successor is appointed and qualified. The secretary may be appointed from among the members of the board and, subject to the provisions of this Title and any other law, the board shall fix his compensation; provided, however, that the secretary shall not receive compensation from the board for any period during which he is an elected or appointed member of the board.

In case of a vacancy in the office of secretary, the vacancy shall be filled by the board within 60 days after the vacancy occurs and if the board does not make such appointment within such time the county superintendent shall appoint a secretary who shall receive the same compensation as his predecessor in office received and shall serve until a secretary is appointed by the board.

2. This act shall take effect July 1, 1968.

Approved September 4, 1968.

CHAPTER 272

AN ACT concerning motor vehicles, and amending section 39:4–77 of the Revised Statutes.

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

1. Section 39:4–77 of the Revised Statutes is amended to read as follows:

Loading so as to spill prohibited; cover; minimum safety standards; penalty.

39:4–77. No person shall cause or permit a vehicle to be so loaded or operate a vehicle so loaded that the contents or any part thereof may be scattered in any street. Whenever the load of any vehicle is of material other than farm products susceptible to scattering on a street and such load extends above the height of the sides or tail gate or rear of the body of the vehicle, such load shall be securely covered by a tarpaulin or other cover. The director, where public safety so warrants, shall, after a public hearing, prescribe by rule or regulation minimum safety standards for fastening loads on and fix loading procedures for any commercial type flat bed motor vehicle or motor-drawn vehicle. Any rule or regulation so promulgated by the director shall be filed in the Secretary of State's office and copies thereof shall be available, upon request, in the director's office.

The owner, lessee, bailee, or operator of any vehicle described above found on a highway in violation of any such safety standard or procedure that may be prescribed by the director shall be fined not more than $500.00 for each violation.

2. This act shall take effect immediately.

Approved September 4, 1968.

CHAPTER 273

AN ACT concerning applications for State participation in certain Federal programs and interim and final reports in relation to such applications.

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

C. 52:14-34.1 Notification by State agency to certain officers of application, contract, etc.

1. Whenever a State agency makes application, enters into a contract or agreement or submits State plans for participation in and for grants of Federal funds under any Federal law which are not appropriated by the Legislature, the agency making such application shall at the time of such action, notify the Director of the

Division of Budget and Accounting, the Director of Legislative Budget and Finance, the chairman of the Senate Appropriations Committee and the chairman of the Assembly Appropriations Committee on forms and in a manner prescribed by the Director of the Division of Budget and Accounting.

C. 52:14-34.2 Notification of amendment of application, contract, etc.

2. Whenever any such application, contract, agreement or State plan is amended, such agency shall notify each such officer of such action in a manner prescribed by the Director of the Division of Budget and Accounting.

C. 52:14-34.3 Interim reports; final report.

3. Such agency shall furnish to each such officer a progress report in relation to each such application, contract, agreement or State plan at least once in each 6 months period following the date of the filing of the application, contract, agreement or State plan and shall also file with each such officer a final report as to the final disposition of each such application, contract, agreement or State plan.

4. This act shall take effect immediately.

Approved September 4, 1968.

CHAPTER 274

AN ACT to amend "An act concerning juvenile and domestic relations courts in certain counties, and supplementing chapter 4 of the Title 2A of the New Jersey Statutes," approved June 1, 1964 (P. L. 1964, c. 97).

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:4-4.4 Appointment of judges in fifth-class counties with population exceeding 300,000; salary; temporary assignment.

1. The Governor, with the advice and consent of the Senate, shall appoint in each county of the fifth class, having a population in excess of 300,000, 2 attorneys-at-law to be judges of the juvenile and domestic relations court of the county. Each judge, so appointed, shall devote his entire time to his judicial duties, shall not engage in the practice of law, and shall be paid such salary as is provided by law.

Any such judge may be assigned by the Chief Justice of the Supreme Court to hold temporarily the County Court or county district court of his county and, upon such assignment, shall have all the power, authority and jurisdiction of a judge of the County Court or county district court.

The provisions of the chapter to which this act is a supplement in respect to a referendum on appointing a special juvenile court judge shall be inapplicable to any such county. Except as otherwise provided herein, the provisions of the chapter to which this act is a supplement shall be applicable to any judge appointed pursuant to this supplementary act.

2. This act shall take effect September 1, 1968.

Approved September 4, 1968.

CHAPTER 275

AN ACT authorizing municipalities to augment their police forces by temporary appointments thereto of experienced personnel not eligible for permanent appointment.

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

C. 40:47-4.6 Legislature's findings.

1. The Legislature finds that the urgency of augmenting local law enforcement agencies to cope with increases in the number of serious crimes and civil disorders dictates authorization for temporary expansion of municipal police forces by appointment of additional officers and men with police and law enforcement experience who do not meet age and residence requirements imposed by law for permanent appointees to municipal police forces and to permit retired police personnel to accept such appointments without affecting their continued right to receive pension and retirement benefits or subsidies from this or any other State or any county, municipality or school district of this or any other State.

C. 40:47-4.7 Temporary appointment of policemen authorized; qualifications.

2. Notwithstanding the provisions of law as to maximum age, residence, eligibility for membership in a pension or retirement system, duration of employment throughout an entire year or re-

striction on employment or earnings upon eligibility of any person to continued receipt of retirement benefits, any municipality may by ordinance authorize the temporary appointment to its police department or force, for a period not in excess of 4 years, of any citizen of the United States of good moral character who has had 10 or more years of experience in former employment as a member of the police force or other law enforcement agency of the United States or of this or another State, or of a county or municipality of this or another State.

C. 40:47-4.8 Temporary nature of act.

3. This act is of a temporary and emergent nature and no appointment shall be made pursuant hereto after January 1, 1972.

4. This act shall take effect immediately.

Approved September 4, 1968.

CHAPTER 276

AN ACT increasing the maximum age for appointment of policemen and firemen and for their acceptance as members of the Police and Firemen's Retirement System of New Jersey and amending section 40:47–4 of the Revised Statutes and section 3 of P. L. 1944, c. 255.

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

1. Section 40:47–4 of the Revised Statutes is amended to read as follows:

Age limits for policemen and firemen.

40:47–4. No person shall be appointed a member of the paid fire or police department or force of any municipality who is less than 21 or more than 35 years of age. In any municipality which shall be subject to the terms of Title 11, Civil Service, of the Revised Statutes, any person who shall have met the requirements of this section at the announced closing date of a civil service examination for such position shall be considered within the age requirements during the existence of the civil service list promulgated as a result of that examination. But upon the creation of paid fire or police department in any municipality, nothing herein contained shall be

construed to prohibit the continuance in office or employment of any person who is permanently employed by the municipality in a part-paid fire or police department at a fixed annual salary and whose sole occupation is that of fireman or policeman.

The provisions of this section are subject to the provisions of chapter 98 of the laws of 1944.

2. 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 35 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 35 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.

3. This act shall take effect immediately.

Approved September 4, 1968.

CHAPTER 277

AN ACT authorizing municipalities to acquire and retire alcoholic beverage retail consumption licenses in certain cases and to borrow money and increase annual license fees for retail consumption licenses to assist in financing acquisition of such licenses.

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

C. 40:48-2.40 Alcoholic beverage retail consumption licenses; reduction of number, acquisition and retirement by municipality.

1. The governing body of any municipality in which the number of existing alcoholic beverage retail consumption licenses exceeds one for each 2,000 of its population according to the latest Federal census, may by ordinance determine it is in the public interest to reduce the number of such licenses, authorize the acquisition and retirement by the municipality of licenses in excess of such limitation by contracts with licensees and appropriate funds therefor.

C. 40:48-2.41 Amount of payment; reduction limitation; retirement of license.

2. No such contract shall authorize payment to the licensee for transfer of the license to the municipality of a sum in excess of $10,000.00 and no such contract shall result in the reduction in the number of retail consumption licenses to fewer than one for each 2,000 of the municipality's population, and no license so acquired by the municipality shall be reissued to any applicant.

C. 40:48-2.42 Increase in license fees.

3. Any ordinance authorizing the acquisition of licenses pursuant to this act may provide for an increase in the annual license fees for all retail consumption licenses in the municipality in an amount of not more than $200.00 over and above the maximum fees fixed in accordance with section 33:1–12 of the Revised Statutes, which increase may be continued in force for each license year until the total revenue derived from such additional license fees in all years shall equal the total amount expended by the municipality to acquire and retire licenses pursuant to contracts authorized by ordinance adopted under this act. If in the final year in which the additional license fee authorized by this section is in effect, the total additional revenue derived in all years from such increase shall exceed the amount expended for acquisition of licenses and retirement of indebtedness incurred pursuant to section 4 of this act, such excess may be used for general municipal purposes.

C. 40:48-2.43 Funding acquisition and retirement of licenses.

4. Any municipality adopting an ordinance pursuant to this act may, by bond ordinance, incur indebtedness, borrow money and authorize and issue its negotiable obligations to finance the acquisition and retirement of licenses. Revenue derived from any additional annual license fee authorized by section 3 of this act shall be applied to the payment and retirement of any indebtedness incurred pursuant to this section.

C. 40:48-2.44 Time limit for acquisition.

5. No contract for acquisition of a license, authorized by an ordinance adopted pursuant to this act, may be entered into after January 1, 1974.

C. 40:48-2.45 Certain municipal authority not affected.

6. Nothing in this act shall affect the authority of a municipality to acquire and retire licenses pursuant to P. L. 1966, chapter 317.

7. This act shall take effect immediately.

Approved September 4, 1968.

CHAPTER 278

AN ACT providing for the payment of a death benefit in the event of the death of a member of the organized militia on active duty, and supplementing Title 38A of the New Jersey Statutes.

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

C. 38A:13-8 Lump sum benefit payable to heirs in event of death or injury resulting in death.

1. In the event a member of the organized militia on active duty ordered by competent authority, is killed or dies within 2 years from injuries sustained in such line of duty, he shall, in addition to the benefits provided by section 38A:13–1, be entitled to have a lump sum death benefit of $7,500.00 paid by the State on his account. Such death benefit shall be paid to the deceased militiaman's wife, if any, otherwise to his children, if any, in equal shares, and otherwise to those who would be entitled to share in his estate if he had died intestate.

C. 38A:13-9 Death benefit not payable under certain circumstances.

2. The death benefit provided for in section 1 of this act shall not be payable where there is a lump sum death benefit payable as a result of the deceased militiaman's membership in a public employees' pension system, or when the militiaman was detailed to the Department of Defense in a permanent duty status and entitled to benefits out of Federal funds.

3. This act shall take effect immediately.

Approved September 4, 1968.

CHAPTER 279

AN ACT authorizing the expunging of the record of conviction as a disorderly person in certain cases.

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

C. 2A:169-11 Suspended sentence or fine for being disorderly; expunging from record after 5 years; hearing; order and service thereof; fees.

1. In all cases wherein a person has been adjudged a disorderly person whereon sentence was suspended or a fine imposed and no subsequent criminal or disorderly person conviction has been entered against such person, it shall be lawful after the lapse of 5 years from the date of such conviction for the person so adjudged a disorderly person to present a duly verified petition to the County Court of the county in which the conviction was entered, setting forth all the facts in the matter and praying for the relief provided for in this act.

Upon reading and filing such petition the court may by order fix a time, not less than 10 or more than 30 days thereafter, for the hearing of the matter, a copy of which order shall be served in the usual manner, within 5 days from its date, upon the county prosecutor and upon the chief of police or other executive head of the police department of the municipality wherein the offense was committed and, if the conviction was entered in a municipal court, upon the magistrate of that court. 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 the court wherein such conviction was entered to expunge from the records all evidence of said conviction and that the person against whom such conviction was entered shall be forthwith thereafter relieved from such disabilities as may have existed by reason thereof.

For services performed under this act the same fees shall be taxed as are usual for like services in other matters, which shall be payable by the petitioner.

2. This act shall take effect immediately.

Approved September 4, 1968.

CHAPTER 280

AN ACT to create a School of Criminal Justice at Rutgers, The State University, and making an appropriation therefor.

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

C. 18A:65-55.1 Legislature's findings.

1. The Legislature finds there is need in New Jersey for academic contributions to the administration of criminal justice through teaching, research and leadership, including the training of administrators and those requiring scientific background in this field, by study and searching inquiries into crime causation, juvenile delinquency, law enforcement procedure, criminal rehabilitation, and judicial doctrine relating to the trial of criminal cases, which dictate establishment of a school of criminal justice.

C. 18A:65-55.2 School of Criminal Justice authorized.

2. The President and the Board of Governors of Rutgers, The State University, are authorized and directed to establish and maintain within the University a School of Criminal Justice.

3. For the initial planning of the expansion of the existing Police Administration Chair to a School of Criminal Justice, there is hereby appropriated to Rutgers, The State University, the sum of $100,000.00.

4. This act shall take effect immediately.

Approved September 4, 1968.

CHAPTER 281

AN ACT creating a commission to revise the statutory law pertaining to crimes, disorderly persons, criminal procedure and related statutory law, prescribing its powers and duties and making an appropriation.

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

C. 1:19-1 Criminal Law Revision Commission; creation, membership, vacancies.

1. A Criminal Law Revision Commission is hereby created which shall consist of 9 members, 3 to be appointed by the President of the Senate, 3 to be appointed by the Speaker of the General Assembly and 3 to be appointed from the citizenry of the State at large by the Governor. No more than 2 of each group of 3 shall be of the same political party. Vacancies in the membership of the commission shall be filled in the same manner as the original appointments were made.

C. 1:19-2 Compensation; reimbursement for expenses.

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.

C. 1:19-3 Organization, officers, secretary.

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.

C. 1:19-4 Commission's duties.

4. It shall be the duty of the commission to study and review the statutory law pertaining to crimes, disorderly persons, criminal procedure and related subject matter as contained in Title 2A of the New Jersey Statutes and other laws and prepare a revision or

revisions thereof for enactment by the Legislature. It shall be the purpose of such revision or revisions to modernize the criminal law of this State so as to embody principles representing the best in modern statutory law, to eliminate inconsistencies, ambiguities, outmoded and conflicting, overlapping and redundant provisions and to revise and codify the law in a logical, clear and concise manner.

C. 1:19-5 Working staff; assistance of State agencies; employment of assistants; expenses.

5. In the performance of its work, the commission shall establish a working staff and may contract with attorneys and consultants for specific portions of its work. The commission shall collaborate with the members and staff of the Law Revision and Legislative Services Commission as to style and arrangement of its proposals and shall be entitled to accept the assistance and services of such employees of any department of the State Government, board, bureau, commission or agency as may be made available to it, and to employ such legal, stenographic, technical and clerical assistance, and incur such traveling, printing and other miscellaneous expenses as it may deem necessary in order to perform its duties and to disseminate its report or reports and proposals among those interested in the State, provided that the aggregate of all expenditures for such purpose shall be within the limits of the funds appropriated or otherwise made available to it therefor.

C. 1:19-6 Interim reports; final report.

6. The commission shall prepare and submit to the Governor and the Legislature, such interim reports from time to time as it shall determine and on or before April 1, 1970, a final report containing its basic policy determinations and the principal proposals for substantive change in the law, together with the text of its proposed revision.

7. There is hereby appropriated to the commission the sum of $50,000.00 to carry out the purposes of this act.

8. This act shall take effect immediately.

Approved September 4, 1968.

CHAPTER 282

AN ACT relating to employment qualifications of rehabilitated convicted offenders.

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

C. 2A:168A-1 Legislature's findings.

1. The Legislature finds and declares that it is in the public interest to assist rehabilitated convicted offenders to obtain gainful employment by the elimination of impediments and restrictions upon their obtaining employment based solely upon the existence of a criminal record.

C. 2A:168A-2 Authority to grant application for license, certificate or admission to examination under certain circumstances; exception.

2. Notwithstanding the contrary provisions of any law or rule or regulation issued pursuant to law, any State, county or municipal department, board, officer or agency, hereinafter referred to as "licensing authority," authorized to pass upon the qualifications of any applicant for a license or certificate of authority or qualification to engage in the practice of a profession or business or for admission to an examination to qualify for such a license or certificate may grant an application for a license or certificate or an application for admission to a qualifying examination notwithstanding that the applicant has been convicted of a crime, other than a high misdemeanor, or adjudged a disorderly person, where it shall appear to the licensing authority that the applicant has achieved a degree of rehabilitation which indicates his engaging in the profession or business, for which he is an applicant for license or certificate or admission to a qualifying examination, would not be incompatible with the welfare of society or the aims and objectives of the licensing authority.

C. 2A:168A-3 Certain evidence deemed sufficient.

3. Evidence of a pardon or of the expunging of a criminal conviction, pursuant to N. J. S. 2A:164–28, or certificate of the Federal or State Parole Board or the Chief Probation Officer of a United States District Court or of a county, who has supervised the applicant's probation, that the applicant has achieved a degree of rehabilitation which indicates engaging in the proposed employment would not be incompatible with the welfare of society shall be sufficient evidence as to the achievement by the applicant of a degree of rehabilitation compatible with the welfare of society.

4. This act shall take effect immediately.

Approved September 4, 1968.

CHAPTER 283

AN ACT to permit the town of Hammonton in the county of Atlantic to appoint Edward Aiello and Frank LaSasso as permanent patrolmen of the Hammonton Police Department classified as permanent employees under civil service and with rights to become members of the Police and Firemen's Pension System of New Jersey.

WHEREAS, The town of Hammonton has presented and filed with the Legislature of the State of New Jersey a certified copy of an ordinance of said town dated October 9, 1967 entitled "An ordinance authorizing the town of Hammonton, in the county of Atlantic to petition the Legislature of the State of New Jersey for the passage of a private, special or local law regulating the internal affairs of the town of Hammonton"; and

WHEREAS, Pursuant to P. L. 1948, chapter 199, said town has filed with the Legislature an original petition dated November 21, 1967, petitioning the Legislature for passage of a law authorizing the appointment of Edward Aiello and Frank LaSasso as permanent patrolmen of the town of Hammonton fully classified as permanent patrolmen under civil service pursuant to provisions of Title 11 of the Revised Statutes and with full rights to become members of the Police and Firemen's Pension System of New Jersey; now, therefore,

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

Private act.

1. The town of Hammonton in the county of Atlantic is hereby authorized to appoint Edward Aiello and Frank LaSasso as permanent patrolmen on the police force of the said town.

2. The town of Hammonton is hereby authorized to classify the said Edward Aiello and Frank LaSasso as classified permanent patrolmen under civil service with all the rights and privileges of civil service employees under Title 11 of the Revised Statutes and the Civil Service Commission of the State of New Jersey is hereby directed, upon the appointment of Edward Aiello and Frank LaSasso, to certify said patrolmen as classified employees under civil service.

3. The town of Hammonton in the county of Atlantic is authorized to provide in making said appointment, that Edward Aiello and Frank LaSasso shall have the right to become members of the Police and Firemen's Pension System of New Jersey in the same fashion as all other present classified permanent patrolmen of the Hammonton Police Department.

4. The appointments hereby authorized of Edward Aiello and Frank LaSasso shall become effective upon the adoption by the mayor and common council of the town of Hammonton of an ordinance making the appointment authorized by this statute including the classification of said employees under civil service and their securing of the rights to enroll in the Police and Firemen's Pension System of New Jersey.

5. This act shall take effect immediately but shall remain inoperative until adoption of an ordinance as authorized in section 4 of this act.

Approved September 5, 1968.

CHAPTER 284

AN ACT to authorize the borough of Little Silver in the county of Monmouth to make permanent the appointment of Harold A. Giblin, Jr. to the police department of the borough of Little Silver.

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

Private act.

1. The borough of Little Silver in the county of Monmouth is authorized to make permanent the appointment of Harold A. Giblin, Jr. to the police department of Little Silver notwithstanding his age was 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 contribution deemed due and payable from the date of original appointment.

3. This act shall take effect upon due adoption and publication of an ordinance of the borough of Little Silver for the purpose of adopting same.

Approved September 5, 1968.

CHAPTER 285

AN ACT concerning county planning, authorizing county planning boards to exercise additional powers in relation to subdivision and improvement of lands, amending chapters 433 and 434 of the laws of 1953, chapter 162 of the laws of 1965, and sections 40:27–4, 40:27–5, 40:55–34 and supplementing chapters 27 and 55 of Title 40 of the Revised Statutes, and repealing section 40:27–7 of the Revised Statutes and chapter 412 of the laws of 1948.

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

C. 40:27-6.1 Definitions.

1. As used in this act and in chapter 27 of Title 40 of the Revised Statutes, unless the context otherwise requires:

"County master plan" and "master plan" means a composite of the master plan for the physical development of the county, with the accompanying maps, plats, charts and descriptive and explanatory matter adopted by the county planning board pursuant to Revised Statutes 40:27–2;

"Official county map" means the map, with changes and additions thereto, adopted and established, from time to time, by resolution of the board of chosen freeholders of the county pursuant to Revised Statutes 40:27–5;

"Site plan" means a plan of an existing lot or plot or a subdivided lot on which is shown topography, location of all existing and proposed buildings, structures, drainage facilities, roads, rights-of-way, easements, parking areas, together with any other information required by and at a scale specified by a site plan review and approval resolution adopted by the board of chosen freeholders pursuant to this act;

"Subdivision" means the division of a lot, tract, or parcel of land into 2 or more lots, sites or other divisions of land

for the purpose, whether immediate or future, of sale or building development; except that where no new streets or roads are involved the following divisions shall not be considered subdivisions within the meaning of this act: divisions of land for agricultural purposes where the resulting parcels are 3 acres or larger in size, divisions of land by testamentary or intestate provisions, or divisions of land upon court order; "subdivision" also includes resubdivision, and where appropriate to the context, relates to the process of subdividing or to the lands or territory divided.

"Subdivision application" means the application for approval of a subdivision pursuant to the "Municipal Planning Act (1953)" (P. L. 1953, c. 433) (C. 40:55–1.1 et seq.) as amended and supplemented or an application for approval of a planned unit development pursuant to the "Municipal Planned Unit Development Act (1967)" (P. L. 1967, c. 61) (C. 40:55–54 et seq.).

2. Section 40:27–4 of the Revised Statutes is amended to read as follows:

Hearing prior to plan adoption; notice; publication, transmission of notice and plan; resolution; required vote; filing of plan.

40:27–4. a. Before adopting the master plan or any part thereof or any amendment thereof the board shall hold at least one public hearing thereon, notice of the time and place of which shall be given by one publication in a newspaper of general circulation in the county and by the transmission by delivery or by certified mail, at least 20 days prior to such hearing, of a notice of such hearing and a copy of the proposed master plan, or part thereof or any proposed amendment thereof to the municipal clerk and secretary of the planning board of each municipality in the county. The adoption of the plan or part or amendment thereof shall be by resolution of the board carried by the affirmative vote of not less than ⅔ of the members of the board. The resolution shall refer especially to the maps and descriptive and other matter intended by the board to form the whole or part of the plan or amendment and the action taken shall be recorded on the map and plan and descriptive matter by the identifying signature of the secretary of the board. An attested copy of the master plan or any amendments thereof shall be certified to the board of chosen freeholders, to the county park commission, if such exists, and to the legislative body of every municipality within the county.

b. In order to maximize the degree of co-ordination between municipal and county plans and official maps, the county planning board shall be notified in regard to the adoption or amendment of

any municipal master plan, official map or ordinance under the "Municipal Planned Unit Development Act (1967)." A copy of any such proposed plan, map or amendment shall be forwarded to the county planning board for review and report at least 20 days prior to the date of public hearing thereon.

c. Within 30 days after the adoption of a zoning ordinance, subdivision ordinance, master plan, official map, capital improvement program, or amendments thereto, a copy of said document shall be transmitted to the county planning board for its information and files.

3. Section 40:27–5 of the Revised Statutes is amended to read as follows:

Changes of county map; publication of hearing notice; written notice to certain agencies and officers; submission of changes to board; map considered binding.

40:27–5. The board of chosen freeholders in any county after receiving the advice of the county planning board is hereby empowered to adopt and establish and thereafter as often as the board may deem it for the public interest, to change or to add to an official county map, showing the highways, roadways, parks, parkways, and sites for public buildings or works, under county jurisdiction, or in the acquisition, financing or construction of which the county has participated or may be called upon to participate. Such map shall be deemed to have been established to conserve and promote the public health, safety, convenience, and welfare. Before acting thereon in the first instance and before adopting any amendments thereto such board of chosen freeholders, after notice of time and place has been given by one publication for each of 3 successive weeks in a newspaper of general circulation in the county and after written notice to the county engineer, county planning board, county park commission, if such exists, and such other county officers and departments as the board shall designate and to the municipal clerk and secretary of the planning board of each municipality in the county, shall hold a public hearing or hearings thereon at which such representatives entitled to notice and such property owners and others interested therein as shall so desire shall be heard.

Before holding any such public hearing such board of chosen freeholders shall submit such proposed change or addition to the county planning board for its consideration and advice and shall fix a reasonable time within which such county planning board may report thereon, not, however, less than 20 days; upon receipt of such report from the county planning board or upon the failure

of such board to report within the time limit so fixed such board of chosen freeholders may thereupon act upon the proposed change, but any action adverse to the report of the county planning board shall require the affirmative vote of the majority of all the members of such board of chosen freeholders.

When approved in whole or part by the board of chosen freeholders in any county, such county official map or part thereof shall be deemed to be binding upon the board of chosen freeholders of the county and the several county departments thereof, and upon other county boards heretofore or hereafter created under special laws, and no expenditure of public funds by such county for construction work or the acquisition of land for any purpose enumerated in section 40:27–2 of this Title shall be made except in accordance with such official map.

Nothing herein prescribed shall be construed as restricting or limiting the powers of boards of chosen freeholders from repairing, maintaining and improving any existing street, road, viaduct, bridge or parkway not shown on such official maps, which does not involve the acquisition of additional land or of park commissions as otherwise provided by law.

C. 40:27-6.2 Review and approval of certain determinations of planning board; procedures and standards; notice of hearing.

4. The board of freeholders of any county having a county planning board shall provide for the review of all subdivisions of land within the county by said county planning board and for the approval of those subdivisions affecting county road or drainage facilities as set forth and limited hereinafter in this section. Such review or approval shall be in accordance with procedures and engineering and planning standards adopted by resolution of the board of chosen freeholders. These standards shall be limited to:

a. The requirement of adequate drainage facilities and easements when, as determined by the county engineer in accordance with county-wide standards, the proposed subdivision will cause storm water to drain either directly or indirectly to a county road, or through any drainageway, structure, pipe, culvert, or facility for which the county is responsible for the construction, maintenance, or proper functioning;

b. The requirement of dedicating rights-of-way for any roads or drainageways shown on a duly adopted county master plan or official county map;

c. Where a proposed subdivision abuts a county road, or where additional rights-of-way and physical improvements are required by the county planning board, such improvements shall be subject to recommendations of the county engineer relating to the safety and convenience of the traveling public and may include additional pavement widths, marginal access streets, reverse frontage and other county highway and traffic design features necessitated by an increase in traffic volumes, potential safety hazards or impediments to traffic flows caused by the subdivision;

d. The requirement of performance guarantees and procedures for the release of same, maintenance bonds for not more than 2 years duration from date of acceptance of improvements and agreements specifying minimum standards of construction for required improvements. The amount of any performance guarantee or maintenance bond shall be set by the planning board upon the advice of the county engineer and shall not exceed the full cost of the facility and installation costs or the developer's proportionate share thereof, computed on the basis of his acreage related to the acreage of the total drainage basin involved plus 10% for contingencies. In lieu of providing any required drainage easement a cash contribution may be deposited with the county to cover the cost or the proportionate share thereof for securing said easement. In lieu of installing any such required facilities exterior to the proposed plat a cash contribution may be deposited with the county to cover the cost of proportionate share thereof for the future installation of such facilities. Any and all moneys received by the county to insure performance under the provisions of this act shall be paid to the county treasurer who shall provide a suitable depository therefor. Such funds shall be used only for county drainage projects or improvement for which they are deposited unless such projects are not initiated for a period of 10 years, at which time said funds shall be transferred to the general fund of the county, provided that no assessment of benefits for such facilities as a local improvement shall thereafter be levied against the owners of the lands upon which the developer's prior contribution had been based. Any moneys or guarantees received by the county under this paragraph shall not duplicate bonds or other guarantees required by municipalities for municipal purposes.

e. Provision may be made for waiving or adjusting requirements under the subdivision resolution to alleviate hardships which would result from strict compliance with the subdivision standards.

Where provision is made for waiving or adjusting requirements criteria shall be included in the standards adopted by the board of chosen freeholders to guide actions of the county planning board.

Notice of the public hearing on a proposed resolution of the board of chosen freeholders establishing procedures and engineering standards to govern land subdivision within the county, and a copy of such resolution, shall be given by delivery or by certified mail to the municipal clerk and secretary of the planning board of each municipality in the county at least 10 days prior to such hearing.

C. 40:27-6.3 Subdivision application; planning board action.

5. Each subdivision application shall be submitted to the county planning board for review and, where required, approval prior to approval by the local municipal approving authority. County approval of any subdivision application affecting county road or drainage facilities shall be limited by and based upon the rules, regulations and standards established by and duly set forth in a resolution adopted by the board of chosen freeholders. The municipal approval authority shall defer taking final action on a subdivision application until receipt of the county planning board report thereon. The county planning board shall report to the municipal authority within 30 days from the date of receipt of the application. If the county planning board fails to report to the municipal approving authority within the 30-day period, said subdivision application shall be deemed to have been approved by the county planning board unless, by mutual agreement between the county planning board and municipal approving authority, with approval of the applicant, the 30-day period shall be extended for an additional 30-day period, and any such extension shall so extend the time within which a municipal approving authority shall be required by law to act thereon.

C. 40:27-6.4 Review and approval by planning board; specification of reasons for disapproval.

6. The county planning board shall review each subdivision application and withhold approval if said proposed subdivision does not meet the subdivision approval standards previously adopted by the board of chosen freeholders, in accordance with section 4 of this act. In the event of the withholding of approval, or the disapproval of, a subdivision application, the reasons for such action shall be set forth in writing and a copy thereof shall be transmitted to the applicant.

C. 40:27-6.5 Recording officer's action.

7. The county recording officer shall not accept for filing any subdivision plat unless it bears the certification of either approval or of review and exemption of the authorized county planning board officer or staff member indicating compliance with the provisions of this act and standards adopted pursuant thereto, in addition to all other requirements for filing a subdivision plat including compliance with the provisions of "The Map Filing Law" (P. L. 1960, c. 141). In the event the county planning board shall have waived its right to review, approve or disapprove a subdivision by failing to report to the municipal approval authority within the 30-day period or the mutually agreed upon 30-day extension period, as outlined in section 5 above, the subdivision shall be deemed to have county planning board approval, and at the request of the applicant, the secretary of the county planning board shall attest on the plat to the failure of the county planning board to report within the required time period, which shall be sufficient authorization for further action by the municipal planning board and acceptance thereof for filing by the county recording officer.

C. 40:27-6.6 Review of certain site plans; hearing; delivery of notice to certain officers; procedures and standards.

8. The board of chosen freeholders of any county having a county planning board may provide for the review of site plans for land development along county roads and for the approval of such development as hereinafter set forth and limited for the purpose of assuring a safe and efficient county road system. Such review and approval shall be in conformance with procedures and standards adopted by resolution of the board of chosen freeholders. Notice of the public hearing on a proposed resolution of the board of chosen freeholders establishing procedures and standards to govern the review and regulation of land development along county roads, and a copy of such resolution, shall be given by delivery or by certified mail to the municipal clerk, secretary of the planning board and secretary of the board of adjustment of each municipality in the county at least 10 days prior to such hearing. These procedures and standards shall be limited to:

a. The submission of a site plan, prior to the issuance of a municipal building permit, drawn in accordance with standards in the resolution for any proposed land development including proposed commercial, industrial, multi-family structures containing 5 or more units, or any other land development requiring offstreet parking area or producing surface runoff in excess of standards

set forth in the site plan review and approval resolution of the board of chosen freeholders.

b. The requirement of dedication of additional right-of-way in accordance with the county master plan adopted by the county planning board or an official county map adopted by the board of chosen freeholders. Where by reason of special or unusual conditions said total additional right-of-way is to be secured from just one side of an existing road, only one half of the additional right-of-way may be required to be dedicated.

c. The requirement of physical improvements subject to recommendations of the county engineer relating to the safety and convenience of the traveling public, including drainage facilities, or other highway and traffic design features as may be deemed necessary on such county road or roads in accordance with the engineering and planning standards established in the site plan review and approval resolution of the board of chosen freeholders.

d. The requirement of performance and payment guarantees and procedures for the release of same, maintenance bonds of not more than 2 years duration from the date of acceptance of improvements, cash contributions, and agreements specifying minimum standards of construction for required improvements. Procedures for, and limitations on the requirement of such guarantees or cash contributions shall be governed by the provisions of this act.

C. 40:27-6.7 Deferment of action pending approval by planning board; specification of reasons for disapproval.

9. The municipal or other local agency or individual with authority to approve the site plan or issue a building permit shall defer action on any application requiring county approval pursuant to section 7 of this act until the same shall have been submitted to the county planning board for its approval of the site plan. The county planning board shall have 30 days from the receipt of a site plan to report to the appropriate local authority. In the event of disapproval, such report shall state the specific reasons therefor. If the county planning board fails to report to the municipal approving or issuing authority within the 30-day period, said site plan shall be deemed to have been approved by the county planning board. Upon mutual agreement between the county planning board and the municipal approving authority, with approval of the applicant, the 30-day period may be extended for an additional 30-day period.

C. 40:27-6.8 Vesting of planning board's power.

10. The county planning board may by resolution vest its power to review and approve subdivisions, pursuant to the provisions of sections 4 through 6 of this act, and the power to review and approve site plans pursuant to the provisions of sections 8 and 9 of this act with the county planning director and a designated committee of members of said county planning board.

C. 40:27-6.9 Right of appeal.

11. If said action is taken by the planning director and a committee of the board, said applicant may file an appeal in writing to the county planning board within 10 days after the date of notice by certified mail of the said action. Any person aggrieved by the action of the county planning board in regard to subdivision review and approval or site plan review and approval may file an appeal in writing to the board of chosen freeholders within 10 days after the date of notice by certified mail of said action. The county planning board or the board of chosen freeholders to which an appeal is taken shall consider such appeal at a regular or special public meeting within 45 days from the date of its filing. Notice of said hearing shall be made by certified mail at least 10 days prior to the hearing to the applicant and to such of the following officials as deemed appropriate for each specific case: the municipal clerk, municipal planning board, board of adjustment, building inspector, zoning officer, board of chosen freeholders and the county planning board. The board to which appeal is taken shall render a decision within 30 days from the date of the hearing.

C. 40:27-6.10 Filing of certain municipal ordinances; notice of certain revisions or amendments.

12. In order that county planning boards shall have a complete file of the planning and zoning ordinances of all municipalities in the county, each municipal clerk shall file with the county planning board a copy of the planning and zoning ordinances of the municipality in effect on the effective date of this act and shall notify the county planning board of the introduction of any revision or amendment of such an ordinance which affects lands adjoining county roads or other county lands, or lands lying within 200 feet of a municipal boundary, or proposed facilities or public lands shown on the county master plan or official county map. Such notice shall be given to the county planning board at least 10 days prior to the public hearing thereon by personal delivery or by certified mail of a copy of the official notice of the public hearing together with a copy of the proposed ordinance.

C. 40:27-6.11 Notice of application to board of adjustment in certain instances; notice of hearing.

13. The county planning board shall be notified of any application to the board of adjustment under Revised Statutes 40:55–39 in such cases where the land involved fronts upon an existing county road or proposed road shown on the official county map or on the county master plan, adjoins the other county land or is situated within 200 feet of a municipal boundary. Notice of hearings on such applications shall be furnished by the appellant in accordance with P. L. 1965, c. 162 (C. 40:55–53).

C. 40:27-6.12 Continuance of existing authority.

14. Any county planning board exercising the authority of review and approval of land subdivision pursuant to the provisions of chapter 27 of Title 40 of the Revised Statutes and chapter 412 of the laws of 1948 supplementary thereto is authorized to continue to exercise such authority thereunder for the period of 1 year after the effective date of this act or until the board of chosen freeholders of the county adopts a resolution governing land subdivision pursuant to this act, whichever occurs first.

C. 40:27-6.13 Certain hearings before municipal zoning board or governing body; notice to planning board.

15. Whenever a hearing is required before a zoning board of adjustment or the governing body of a municipality in respect to the granting of a variance or establishing or amending an official municipal map involving property adjoining a county road or within 200 feet of an adjoining municipality, and notice of said hearing is required to be given, the person giving such notice shall also, at least 10 days prior to the hearing, give notice thereof in writing by certified mail to the county planning board. The notice shall contain a brief description of the property involved, its location, a concise statement of the matters to be heard and the date, time and place of such hearing.

16. Section 10 of chapter 433 of the laws of 1953 is amended to read as follows:

C. 40:55-1.10 Master plan; action by county planning board; filing.

10. The planning board may prepare, and after public hearing, adopt, and from time to time amend, a master plan for the physical development of the municipality which generally shall comprise land use, circulation, and a report presenting the objectives, assumptions, standards and principles which are embodied in the various interlocking portions of the master plan. The master plan shall be a composite of the one or more mapped and written pro-

posals recommending the physical development of the municipality which the planning board shall have adopted either as a whole or severally after public hearing. Such master plan may include proposals for various stages in the future development of the municipality.

A copy of any such proposed plan or amendment shall be forwarded to the county planning board for review and such comment thereon as the county board deems appropriate at least 20 days prior to the date of public hearings thereon, and a copy of any such plan or amendment adopted by the municipality shall be filed with the county planning board within 30 days after its adoption.

17. Section 7 of chapter 434 of the laws of 1953 is amended to read as follows:

C. 40:55-1.36 Hearing on proposed official map or amendment; notice; action by county planning board; filing.

7. Upon receipt of the recommendation of the planning board or after 45 days without such recommendation, the governing body shall hold a public hearing on the proposed adoption of the official map or amendment thereto and shall cause notice of the hearing to be published in the official newspaper of the municipality or in a newspaper of general circulation in the municipality, at least 10 days prior to the hearing. A map showing the proposal shall be made available for public inspection in the office of the municipal clerk during such period and the notice shall so state. At the public hearing all interested parties shall be afforded an opportunity to be heard, prior to the final vote upon the ordinance.

A copy of any such proposed official map or amendment shall be forwarded to the county planning board for review and such comment thereon as the county board deems appropriate at least 20 days prior to the date of public hearing thereon, and a copy of any such official map or amendment adopted by the municipality shall be filed with the county planning board within 30 days after its adoption.

18. Section 14 of chapter 433 of the laws of 1953 is amended to read as follows:

C. 40:55-1.14 Regulation of subdivisions; approval of plats; filing; action by county planning board.

14. The governing body may by ordinance provide for the regulation of subdivisions within the municipality by requiring the approval of the governing body, by resolution, of all plats after favorable referral by the planning board before such plats may

be filed with the county recording officer and may authorize and empower the planning board to review plats in accordance with regulations, requirements and standards established by the governing body and may further fix filing fees to be paid for by any applicant for subdivision approval.

In any ordinance creating a planning board or in any amendment or supplement thereto, provision may be made for the regulation of subdivisions within the municipality by approval of the planning board acting in lieu of the governing body of all plats before such plats may be filed with the county recording officer, provided such ordinance regulating subdivisions establishes regulations, requirements, and standards for plat approval by the planning board. If such power of approval is granted to the planning board, the procedures of the planning board under this act shall be required in connection with such approval, and the signature of the chairman of the planning board shall have the same force as the signature of the mayor.

Any such ordinance may exempt from the requirement of local municipal approval, subdivisions wherein the number of new lots is less than a designated number, or plats that do not involve new streets, or such other classes of subdivisions as such ordinance shall designate. In all cases involving such exempted subdivisions, the mayor or planning board chairman, as the case may be, and the municipal clerk shall certify the exemption on the plat, deed, or instrument to be filed with the county recording officer.

Within 30 days after the adoption of any subdivision ordinance, regulation or of any amendment thereto, a copy of said document shall be transmitted to the county planning board for its information and files.

Each subdivision application or site plan review application, where required pursuant to section 8 of this act, shall be submitted to the county planning board for review and approval prior to approval by the local municipal approving authority.

The municipal approval authority shall defer taking action on a subdivision until receipt of the county planning board report thereon. The county planning board shall report to the municipal authority within 30 days from the date of receipt of the application. If the county planning board fails to report to the municipal approving authority within the 30-day period, said subdivisions shall be deemed to have been approved by the county planning board unless by mutual agreement between the county planning board and municipal approving authority, with approval of the applicant,

the 30-day period may be extended for an additional 30-day period, and any such extension shall so extend the time within which a municipal approving authority shall be required by law to act thereon.

19. Section 40:55–34 of the Revised Statutes is amended to read as follows:

Zoning and certain other ordinances; publication of hearing notice; filing; notice to county planning board in certain instances.

40:55–34. No zoning ordinance or ordinance authorized under The "Municipal Planned Unit Development Act (1967)" shall be adopted, amended, or repealed until after public hearing thereon by the governing body or board of public works, at which parties in interest and citizens shall have an opportunity to be heard. Said ordinance and notice of the time and place of hearing thereon shall be published at least once in an official newspaper, if there be one, or otherwise in a newspaper of general circulation in the municipality, and such publication shall take place 10 or more days prior to such hearing.

Within 30 days after the adoption of any such ordinance or amendment thereto, a copy of said document shall be transmitted to the county planning board for its information and files.

The municipal clerk shall notify the county planning board of the introduction of any revision or amendment of any such ordinance which affects lands adjoining county roads or other county lands, or lands lying within 200 feet of a municipal boundary, or proposed facilities or public lands shown on the county master plan or official county map. Such notice shall be given to the county planning board at least 10 days prior to the public hearing thereon by personal delivery or by certified mail of a copy of the official notice of the public hearing together with a copy of the proposed ordinance.

20. Section 40:55–39 of the Revised Statutes is amended to read as follows:

Powers of board of adjustment; no relief impairing zone plan; notice to county planning board in certain instances.

40:55–39. The board of adjustment shall have the power to:

a. Hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision or refusal made by an administrative official or agency based on or made in the enforcement of the zoning ordinance.

b. Hear and decide, in accordance with the provisions of any such ordinance, requests for special exceptions or for interpreta-

tion of the map or for decisions upon other special questions upon which such board is authorized by any such ordinance to pass.

c. Where by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or by reason of exceptional topographic conditions, or by reason of other extraordinary and exceptional situation or condition of such piece of property, the strict application of any regulation enacted under the act would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon the owner of such property, to authorize, upon an appeal relating to such property, a variance from such strict application so as to relieve such difficulties or hardship; provided, however, that no variance shall be granted under this paragraph to allow a structure or use in a district restricted against such structure or use.

d. Recommend in particular cases and for special reasons to the governing body of the municipality the granting of a variance to allow a structure or use in a district restricted against such structure or use. Whereupon the governing body or board of public works may, by resolution, approve or disapprove such recommendation. If such recommendation shall be approved by the governing body or board of public works then the administrative officer in charge of granting permits shall forthwith issue a permit for such structure or use.

No relief may be granted or action taken under the terms of this section unless such relief can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance.

The county planning board shall be notified of any application to the board of adjustment under Revised Statutes 40:55–39 in such cases where the land involved fronts upon a county road, adjoins other county land or is situated within 200 feet of a municipal boundary. Notice of hearings on such applications shall be furnished by the appellant in accordance with P. L. 1965, c. 162 (C. 40:55–53).

21. Section 1 of chapter 162 of the laws of 1965 is amended to read as follows:

C. 40:55-53 Planning, zoning, etc.; hearing; notice to municipal clerk and county planning board.

1. Whenever a hearing is required in respect to planning, zoning, approval of subdivisions, granting of variances or establishing or amending an official map involving property situated within 200 feet of an adjoining municipality and notice of said hearing is required to be given, the person giving such notice shall also,

at least 10 days prior to the hearing, give notice in writing of such hearing by registered or certified mail to the clerk of such municipality. The said notice of hearing shall contain a brief description of the property involved, its location and a concise statement of the matters to be heard.

Whenever a hearing is required before a zoning board of adjustment or the governing body of a municipality in respect to the granting of a variance or establishing or amending an official municipal map involving property adjoining a county road or within 200 feet of an adjoining municipality, and notice of said hearing is required to be given, the person giving such notice shall also, at least 10 days prior to the hearing, give notice thereof in writing by certified mail to the county planning board. The notice shall contain a brief description of the property involved, its location, a concise statement of the matters to be heard and the date, time and place of such hearing.

Repealer.

22. Section 40:27–7 of the Revised Statutes and chapter 412 of the laws of 1948 are repealed.

23. Sections 1 through 21 of this act shall take effect July 1, 1969 and section 22 shall take effect December 31, 1969.

Approved September 6, 1968.

CHAPTER 286

AN ACT concerning municipal parks and supplementing chapter 61 of Title 40 of the Revised Statutes.

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

C. 40:61-22.30 Construction of facilities in public places.

1. The body or authority having control of any public park, playground or other public place or property in any municipality may enter into an agreement with any person for the construction by said person of any facility within said public park, playground or other public place that said body or authority is itself authorized by any law to construct, subject to the approval by said body or authority of the plans, specifications and location of such facility, and may accept as a gift any such facility.

2. This act shall take effect immediately.

Approved September 6, 1968.

CHAPTER 287

AN ACT to amend "An act to provide for exemption from taxation in certain cases, and supplementing chapter 4 of Title 54 of the Revised Statutes," approved July 18, 1955 (P. L. 1955, c. 148).

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. 54:4-3.35 Exemption for residences of district superintendents of religious organizations.

1. The dwelling house and the lot or curtilage whereon the same is erected, together with the accessory buildings located on the same premises, belonging to any religious association or corporation actually occupied as a residence by a clergyman of such association or corporation who is a district superintendent of such religious association or corporation who is acting as such, shall be exempt from taxation on proper claim made therefor.

2. This act shall take effect immediately.

Approved September 6, 1968.

CHAPTER 288

AN ACT regulating the maintaining and operation of junk yards, providing that persons violating the provisions of the act are disorderly persons, and supplementing subtitle 12 of Title 2A of the New Jersey Statutes, and repealing "An act authorizing municipalities to provide by ordinance for the enclosing of portions of junk yards and to enforce such ordinances," approved February 26, 1963 (P. L. 1962, c. 239).

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

C. 2A:170-69.7 Enclosure of junk yards by wall or fence; penalty.

1. No person shall maintain or operate a junk yard unless such parts of the yard as face the street or highway are enclosed by a solid wall or fence of a height of not less than 7 feet above the

ground level. Any such wall or fence may have gates and doors for the purpose of ingress and egress. Any person who violates the provisions of this act is a disorderly person and shall be punishable as such according to the procedure provided by subtitle 12 of Title 2A of the New Jersey Statutes. Any person who maintains or operates a junk yard on the effective date of this act shall have a period of 6 months therefrom within which to construct or have constructed the wall or fence as prescribed in this act and shall not be liable to punishment under the provisions of this act unless the violation shall have occurred after the expiration of the said 6 months period.

C. 2A:170-69.8 Illegal continuance; municipal action.

2. Upon any continuation of the maintenance or operation of a junk yard after conviction under the provisions of this act, the municipality wherein such junk yard is located may bring a civil action in the Superior Court of this State to restrain such illegal continuance and for such other relief as may be necessary and appropriate to secure compliance with the provisions of this act and the said court shall have jurisdiction to grant such relief.

Repealer.

3. P. L. 1962, chapter 239 (C. 40:48–2.36 to 40:48–2.38) is repealed.

4. This act shall take effect immediately but shall be inoperative for 90 days after its effective date.

Approved September 6, 1968.

CHAPTER 289

AN ACT to provide State aid for school building facilities of county vocational schools and supplementing article 2 of chapter 58 of Title 18A of the New Jersey Statutes.

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

C. 18A:58-27.1 Building aid allowance for county vocational schools.

1. Building aid allowance shall be payable to county vocational schools in an amount equal to the average per pupil building aid payable to all other districts in the county multiplied by the number of pupils enrolled in the county vocational school on a full-time basis on the last day of September of the school year in which calculation of aid is made.

2. This act shall take effect immediately.

Approved September 6, 1968.

CHAPTER 290

AN ACT providing for special hospital election boards and supplementing chapter 6 of Title 19 of the Revised Statutes and 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. 19:6-16.1 Hospital election boards; appointment, membership, powers.

1. The county election board shall, on or before March 20 in each year, appoint a special hospital election board for each hospital in the county, with the exception of mental hospitals, consisting of 2 members, one from each of the 2 political parties which, at the last preceding general election held for the election of all of the members of the General Assembly, cast the largest and next largest number of votes, respectively, in this State for members of the General Assembly. Each such member so appointed shall be subject to the requirements of law pertaining to, and have all the powers of, members of district boards of election.

C. 19:6-16.2 Patients authorized to vote.

2. Any person entitled to vote in this State, who enters and is confined in a hospital otherwise than as a mental patient, after the last date for otherwise obtaining a civilian absentee ballot for an ensuing election and who will be unable to cast his ballot at the polling place in his election district on the day of the election because of being so confined, shall be entitled to vote by absentee ballot in such election in the manner hereinafter provided.

C. 19:6-16.3 Action by board and voters.

3. Two days prior to each election to be held in this State, the special hospital election board herein provided for shall determine which of the persons confined in the hospital, for which it is appointed, are elegible to vote by absentee ballot pursuant to the provisions of this act. Said board shall thereupon obtain, from the appropriate county boards of election, a sufficient number of absentee ballots, serially numbered, to enable each such person, so confined, to vote in the ensuing election. Said absentee ballots shall conform generally to the ballot to be used at said election in each such person's election district. All such ballots shall be

accounted for by the special hospital election board to the particular county election boards from which they were received.

Said absentee ballots shall be marked by the voters for which they were obtained on the day preceding the election and thereupon returned to the appropriate county election boards, with an accompanying certification, by the members of the special hospital election board, that said voter entered and was confined in the hospital after the last day for otherwise obtaining a civilian absentee ballot and is unable to cast his ballot at the polling place in his election district on the day of said election because of being so confined.

C. 19:6-16.4 Compliance with absentee voting law.

4. Marking and handling of ballots, certification thereof, duties of the commissioners of registration and county boards of election with regard thereto, hereunder, shall comply as nearly as may be with the appropriate provisions of the Absentee Voting Law (1953).

C. 19:6-16.5 Action by Secretary of State.

5. The Secretary of State shall prepare instructions to implement the provisions of this act which, upon the approval of the Attorney General, shall become effective and shall be filed in his office and published and distributed as part of the pamphlets of the election laws and instructions, required to be prepared and distributed by him, pursuant to section 19:9–2 of the Revised Statutes.

6. This act shall take effect January 1, 1969.

Approved September 6, 1968.

CHAPTER 291

AN ACT providing for the regulation and certification of X-ray technicians and establishing an X-ray technician board as an agency of the Commission on Radiation Protection in the Department of Health, and making an appropriation therefor.

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

C. 45:25-1 Policy declaration.

1. It is declared to be the policy of the State of New Jersey that the health and safety of the people of the State must be protected against the harmful effects of excessive and improper exposure to ionizing radiation. Such protection can in some major measure

be accomplished by requiring adequate training and experience of persons operating X-ray equipment in each particular case under the specific direction of licensed practitioners as defined herein. It is the purpose of this act to establish standards of education, training and experience and to require the examination and certification of operators of X-ray equipment.

C. 45:25-2 Definitions.

2. When used in this law:

(a) "X-ray technician" means a person other than a licensed practitioner who uses X-rays on human beings; the term shall include a person who actually handles X-ray equipment in the process of applying radiation on a human being in each particular case under the specific direction of a licensed practitioner.

(b) "Licensed practitioner" means a person licensed or otherwise authorized by law to practice medicine, dentistry, dental hygiene, podiatry, chiropody, osteopathy or chiropractic.

(c) "Health physicist" means a person who is certified by the American Board of Health Physics or the American Board of Radiology in radiation physics.

(d) "Department" means the State Department of Health.

(e) "Board" means the X-ray technician board of examiners as provided for in this act.

(f) "Commission" means the Commission on Radiation Protection in the State Department of Health.

(g) "Commissioner" means the State Commissioner of Health.

(h) "Certificate" means a certification granted and issued by the board under this act.

C. 45:25-3 Use of X-rays; limitations, exceptions.

3. (a) Except as hereinafter provided, no person shall use X-rays on a human being unless he is a licensed practitioner or unless he is the holder of a certificate as provided in this act.

(b) A person holding a certificate as an X-ray technician may use the title "certified X-ray technician," "certified X-ray technologist," or the letters "C.X.T." after his name. No other person shall be entitled to do so, or to use a title, or letters after his name that indicates or implies that he is a certified X-ray technician, or to hold himself out in any way, whether orally or in writing, expressly or by implication, as a certified X-ray technician.

(c) A person holding a certificate as an X-ray technician may only use X-rays or X-ray producing equipment on human beings for diagnostic or therapeutic purposes while operating in each particular case under the specific direction of a licensed practi-

tioner, and only if the application of X-rays and the direction to an X-ray technician to apply X-rays are limited to those persons or parts of the human body specified in the law under which the practitioner is licensed.

(d) Nothing in the provisions of this act relating to X-ray technicians shall be construed to limit, enlarge or affect, in any respect the practice of their respective professions by duly licensed practitioners.

(e) The requirement of a certificate shall not apply to:

(1) A hospital resident specializing in radiology who is not a licensed practitioner in the State of New Jersey, or a student enrolled in and attending a school or college of medicine, osteopathy, chiropody, podiatry, dentistry, dental hygiene, chiropractic or X-ray technology who applies radiation to a human being while under the direct supervision of a licensed practitioner;

(2) A person engaged in performing the duties of an X-ray technician in his employment by an agency, bureau, or division of the government of the United States.

C. 45:25-4 X-ray technician board; creation, membership, appointment, qualifications, terms, vacancies, compensation, organization, officers, meetings, quorum.

4. (a) There shall be an X-ray technician board consisting of 10 examiners which shall be an agency of the Commission on Radiation Protection and which shall report to the commission. The board shall consist of 2 commission members appointed annually to the membership of the board by the chairman of the commission, and of 8 additional members appointed by the Governor. Of the members appointed by the Governor, 2 shall be radiologists who have practiced not less than 5 years; one shall be a licensed physician who has actively engaged in the general practice of medicine not less than 5 years; one shall be a licensed dentist actively engaged in the general practice of dentistry not less than 5 years; one shall be an administrator of a general hospital with at least 5 years of such experience; one shall be a health physicist who has practiced as such not less than 5 years; 2 shall be practicing X-ray technicians with at least 10 years of experience in the practice of X-ray technology and, except in the case of those members first appointed to the board, holders of certificates issued pursuant to this act.

(b) The term of office of the members appointed by the Governor shall be 3 years except that of the members first appointed, 2 shall be appointed for terms of 1 year, 2 for terms of 2 years, and 3 for

terms of 3 years. Vacancies shall be filled for an unexpired term only in the manner provided for the original appointment.

(c) Members of the board shall serve without compensation but shall be reimbursed for their reasonable and necessary traveling and other expenses incurred in the performance of their official duties.

(d) The commissioner shall designate an officer or employee of the department to act as secretary of the board, who shall not be a member of the board.

(e) The board at its first meeting to be held within 30 days after appointment, and annually thereafter at its first meeting in each year, shall organize and elect from its members a chairman.

(f) Within 5 days after the organization meeting of the first appointed board, the secretary shall convey to the commission and to the department in writing a report of the chairman elected, and the department shall, following the receipt of said report, issue a certificate of certification, without an examination, to each member of the board who is a practicing X-ray technician.

(g) The board, for the purpose of transacting its business, shall meet at least once every 6 months at times and places fixed by the board. Special meetings also may be held at such times as the board may fix, or on the call of the chairman or the commissioner. A written and timely notice of the time, place and purpose of any special meeting shall be mailed by the secretary to all members of the board.

(h) A majority of the members of the board shall constitute a quorum for the transaction of business at any meeting.

C. 45:25-5 Rules and regulations.

5. The commission shall have power subject to approval of the commissioner to make such rules and regulations, not inconsistent with law, as may be necessary to carry out the provisions of this act. In promulgating such rules and regulations, the commission shall seek the advice of the board.

C. 45:25-6 Admission to certification examination.

6. (a) The board shall admit to examination for certification any applicant who shall pay to the department a nonrefundable fee of $20.00 and submit satisfactory evidence, verified by oath or affirmation, that he

(1) At the time of application is at least 18 years of age;

(2) Is of good moral character;

(3) Has successfully completed a 4-year course of study in

a secondary school approved by the State Board of Education or, passed an approved equivalency test; and

(4) Has satisfactorily completed a 24 months' course of study in X-ray technology in a school of X-ray technology approved by the board as maintaining a satisfactory standard, or the equivalent of such a course of study as determined by the board.

C. 45:25-7 Approval of schools of X-ray technology.

7. (a) The board may approve a school of X-ray technology as maintaining a satisfactory standard:

(1) If its course of study includes not less than 400 hours of classroom work including but not limited to the following subjects: X-ray physics, radiographic techniques, darkroom chemistry and techniques, anatomy and physiology, radiation protection, radiation therapy, and professional ethics; and

(2) If its course of study includes not less than 2,400 hours to be devoted to clinical experience consisting of demonstrations, discussions, seminars and supervised practice, including not less than 80 hours of regularly scheduled supervised film critiques.

(b) An approved school of X-ray technology may be operated by a medical or educational institution or other public, or private agency or institution, and for the purpose of providing the requisite clinical experience, shall be affiliated with one or more hospitals that, in the opinion of the board, are likely to provide such experience.

(c) In approving a school of X-ray technology, the board shall take into consideration the standards adopted by appropriate professional organizations, such as the American Medical Association and the American College of Radiology, and may accept the certification of a school of X-ray technology, or the accreditation of a hospital to provide requisite clinical experience, if the board finds that such certification or accreditation was granted on the basis of standards that will afford the same protection to the public as the standards provided by this act.

C. 45:25-8 Examinations; contents, preparation, administration; certification without examination.

8. (a) All applicants shall be required to pass an examination encompassing the following subjects: X-ray physics, radiographic techniques, darkroom chemistry and techniques, anatomy and physiology, radiation protection, radiation therapy, medical terminology, basic electronics, radiological equipment maintenance, radiological mathematics and professional ethics.

(b) The board shall prepare and submit to the department, as required, lists of examination questions or problems. Examinations shall be administered by the board.

(c) The board shall hold an examination at least once every 6 months at such times and places as the board may determine, for applicants desirous of practicing as X-ray technicians in this State.

(d) Examinations shall include a written portion but may also include practical and oral portions. Following each examination, the papers and the practical and oral examinations shall be graded and the standing of each applicant shall be recorded. The board shall either pass or reject each applicant.

(e) An applicant who fails to pass the examination may apply for a second examination. A nonrefundable application fee of $20.00 shall be charged for the second and for any subsequent examination.

(f) The board may accept in lieu of its own examination a certificate of the American Registry of Radiologic Technologists issued on the basis of a registry examination satisfactory to the board.

(g) The board may accept in lieu of its own examination a certificate, registration or license as an X-ray technician issued by another State; such acceptance will be based on standards in the other State satisfactory to the board.

C. 45:25-9 Issuance, possession and display of certificate.

9. (a) The board shall issue a certificate to each candidate who has either successfully passed the examination, or who has paid the prescribed fee and has qualified under subsection (f) or (g) of section 8 of this act.

(b) The board may, in its discretion, issue a limited certificate to any applicant who does not qualify by reason of a restricted area or duration of training and experience for the issuance of a certificate under the provisions of sections 6, 8 or 10 of this act, but who has demonstrated to the satisfaction of the board by examination that he is capable of performing the functions of an X-ray technician in chest radiography or radiation therapy or of acting as a dental technician. A limited certificate shall specify the activities that its holder may engage in, and shall be issued only if the board finds that its issuance will not violate the purposes of this act or tend to endanger the public health and safety.

(c) The board may, in its discretion, issue a temporary certificate (1) to any person who qualified for examination under section 10 of this act, (2) to any person who has failed his first examination

under section 10 of this act and who applied for a second examination, and (3) to any person whose certification or recertification may be pending and in whose case the issuance of a temporary certificate may be justified by reason of special circumstances. A temporary certificate shall be issued only if the board finds that its issuance will not violate the purposes of this act or tend to endanger the public health and safety. A temporary certificate shall expire 90 days after the date of the next examination if the applicant is required to take the same, or, if the applicant does not take the examination, then on the date of such examination. In all other cases, a temporary certificate shall expire when the determination is made either to issue to the applicant, or to deny him the issuance, of a regular certificate, and in no event shall such a temporary certificate be issued for a period longer than 180 days.

(d) Every X-ray technician shall carry his certificate with him when at work. The certificate shall be displayed on request.

C. 45:25-10 Certification based on prior experience or training.

10. (a) The board shall issue a certificate to any person who makes application to it in writing accompanied by a fee of $20.00 within 1 year from the effective date of this act, and who is of good moral character

(1) If he has been engaged as an X-ray technician for at least 5 of the 6 years immediately prior to the effective date of this act, and passes an oral or practical examination prepared by the board to show his proficiency; or

(2) If he has been engaged as an X-ray technician for at least 2 of the 3 years immediately prior to the effective date of this act and passes an oral or practical examination, and a written examination, prepared by the board to show his proficiency.

(b) A person having the qualifications specified in subsection (a) of this section and who shall be on active duty with the Armed Forces of the United States during any portion of a 6-month period after this act becomes effective, shall be permitted to make application under the terms provided in this section within 6 months after the date of termination of his active duty, but in any event not later than 1 year after the effective date of this act.

(c) A student who is engaged in a 24 months' course of study of X-ray technology in a school of X-ray technology on the effective date of this act and who shall complete such course of study, shall be eligible for examination and certification as provided in subsection (a) (2) of this section.

(d) A person who has successfully completed a 24-month course of study of X-ray technology in a school of X-ray technology within the 2-year period immediately preceding the effective date of this act, shall be eligible for examination and certification as provided in subsection (a) (2) of this section.

(e) Application shall be made in a form prescribed by the board and shall be accompanied by such other evidence of qualifications as may be required.

(f) If a candidate who applied for certification under the provisions of this section fails the first examination, he may, at any time thereafter, apply for a second examination, for which an additional nonrefundable application fee of $20.00 shall be required.

C. 45:25-11 Duration of certification; renewal; reissuance.

11. (a) An X-ray technician's certificate issued in accordance with section 9 shall expire on December 31 of the first even-numbered year following the year of its issuance and of every even-numbered year thereafter. A certificate shall be renewed by the board for a period of 2 years upon payment of a renewal fee in an amount to be determined by the board and submission of a renewal application containing such information as the board deems necessary to show that the applicant for renewal is an X-ray technician in good standing.

(b) An X-ray technician who has been heretofore duly certified in this State and whose certificate has not been revoked or suspended, and who has temporarily ceased his activities as X-ray technician for not more than 5 years and surrendered his certificate, may apply for the reissuance of a certificate upon complying with the provisions of this section, including payment of any fees due as of the date of surrender.

C. 45:25-12 Certification suspension or revocation.

12. (a) The certificate of an X-ray technician may be suspended for a fixed period, or may be revoked, or such technician may be censured, reprimanded or otherwise disciplined, in accordance with the provisions and procedures defined in this act, if after due hearing it is determined that:

(1) He is guilty of any fraud or deceit in his activities as an X-ray technician or has been guilty of any fraud or deceit in procuring his certificate;

(2) He has been convicted in a court of competent jurisdiction, either within or without this State, of a crime involving moral turpitude, except that if the conviction has been reversed

and the holder of the certificate discharged or acquitted, or if he has been pardoned or his civil rights restored, the certificate may be restored to him;

(3) He is an habitual drunkard or is addicted to the use of morphine, cocaine or other drugs having similar effect, or is insane;

(4) He has aided and abetted a person who is not a certified X-ray technician or otherwise authorized, in engaging in the activities of an X-ray technician;

(5) He has undertaken or engaged in any practice beyond the scope of the authorized activities of a certified X-ray technician pursuant to this act;

(6) He has falsely impersonated a duly certified X-ray technician or former duly certified X-ray technician or is engaging in the activities of an X-ray technician under an assumed name;

(7) He has been guilty of unethical conduct as defined by rules promulgated by the commission;

(8) He has continued to practice without obtaining a certificate renewal as required by section 11;

(9) He has applied X-rays to a human being when not operating in each particular case under the specific direction of a duly licensed practitioner as defined herein; or to any person or part of the human body other than specified in the law under which such practitioner is licensed;

(10) He has acted or is acting as an owner, co-owner, or employer in any enterprise engaged in the application of X-rays to human beings for the purpose of diagnostic interpretation, chiropractic analysis, or the treatment of disease;

(11) He has expressed to a member of the public an interpretation of a diagnostic X-ray film or fluorescent image;

(12) He has used or is using the prefix "Dr.," the word "doctor" or any suffix or affix to indicate or imply that the certified X-ray technician is a duly licensed practitioner as defined herein when not so licensed;

(13) He is or has been guilty of incompetence or negligence in his activities as an X-ray technician.

(b) Proceedings against any certified X-ray technician under this section shall be begun by filing with the board a written charge or charges under oath against such X-ray technician. The charges may be preferred by any person, corporation, association or public officer, or by the board in the first instance. A copy thereof, together with a report of such investigation as the board shall deem proper,

shall be referred to the commission for its recommendation to the commissioner. If the commissioner decides that the charges should be heard, he shall designate 3 or more members of the board as a committee to hear and report on the charges and shall set a time and place for the hearing. A copy of the charges, together with a notice of the time and place of hearing shall be served upon the person charged either personally or by registered mail at least 15 days before the date fixed for the hearing, and he shall have an opportunity to appear and answer the charges either personally or by counsel, to cross-examine witnesses against him and to produce evidence and witnesses in his defense. For the purposes of this section, the board or its committee shall have power to issue subpœnas for the appearance of witnesses, and to take testimony under oath. Upon the conclusion of the hearing the committee shall make a written report of its findings and recommendations to the commissioner. If the commissioner finds that the charges have not been proved, he shall order them dismissed. If the charges are found to be true, the commissioner shall, in his discretion, issue an order suspending or revoking the certificate of the accused, or otherwise disciplining him.

(c) When the certificate of any person has been revoked or annulled, as herein provided, the board may, after the expiration of 2 years, entertain an application for restoration of such certificate.

C. 45:25-13 Unlawful activities specified; penalty.

13. (a) It shall be unlawful for any person to

(1) Sell or fraudulently obtain or furnish an X-ray technician diploma, certificate, or record, or to aid or abet in the same;

(2) Engage in the activities of an X-ray technician under cover of a diploma, or certificate illegally or fraudulently obtained or signed or issued unlawfully, or under fraudulent representation or mistake of fact in material regard;

(3) Engage in the activities of an X-ray technician under a false or assumed name;

(4) Engage in, or hold himself out as entitled to engage in, the activities of an X-ray technician without a valid certificate.

(5) Otherwise violate any of the provisions of this act.

(b) Any person who violates any provision of section 13 (a) of this act shall be guilty of a misdemeanor.

14. This act shall take effect 3 months after the date of its enactment, except that the members of the X-ray technician

board of examiners as provided by this act may be appointed at any time prior to such date and the department may immediately take such action as may be necessary for this act to become fully effective on such date.

Approved September 6, 1968.

CHAPTER 292

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.

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 Tuesday next after the first Monday in June, between the hours of 7:00 A. M. and 8:00 P. M., 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:

Books, blank forms and other supplies; preparation and distribution.

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 instruc-

tions; 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:

Time and place of holding; opening and closing polls.

19:23–40. The primary election for the general election shall be held for all political parties upon the Tuesday next after the first Monday in June between the hours of 7:00 A.M. and 8:00 P. M., 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 September 6, 1968.

CHAPTER 293

AN ACT authorizing the appointment of a second magistrate of the municipal court of certain municipalities and supplementing chapter 8 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:8-6.1 Additional magistrate in municipalities of 100,000-200,000 population.

1. In every municipality having a population of not less than 100,000 nor more than 200,000, the governing body of such municipality may provide for the appointment as the need may appear, of an additional magistrate of the municipal court of such municipality.

2. This act shall take effect immediately.

Approved September 9, 1968.

CHAPTER 294

AN ACT concerning education and amending section 18A:51–7 of the New Jersey Statutes.

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

1. Section 18A:51–7 of the New Jersey Statutes is amended to read as follows:

Assessments for maintenance of audiovisual aids center.

18A:51–7. Assessments for maintenance of audiovisual aids center. The commission shall assess against the participating school districts a sum which, together with any anticipated State aid and private donations, shall be required for the establishment and maintenance of the county educational audiovisual aids center during the first year and for the maintenance and operation of the same, during each year thereafter, which total annual assessment shall be apportioned among the participating school districts in the proportion which the resident enrollment of the pupils of each such district shall bear to the total resident enrollment of the pupils of all of the participating school districts. Said resident enrollment shall be calculated and determined upon the basis of the current school year in the same manner as the same was calculated and determined by the commissioner, for apportionment of current expense State aid for schools among the participating school districts.

2. This act shall take effect immediately.

Approved September 9, 1968.

CHAPTER 295

AN ACT concerning education, amending certain sections of Title 18A of the New Jersey Statutes and enacting a revision of parts of the statutory law.

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

1. Section 18A:13–8 of the New Jersey Statutes is amended to read as follows:

Number of members of regional boards; apportionment.

18A:13–8. The board of education of a regional district shall consist of 9 members unless it consists of more than 9 constituent districts, in which case the membership shall be such that each district shall have one member, but if there are less than 9 constituent districts, the members of the board of education of the regional district shall be apportioned by the county superintendent or county superintendents of the county or counties in which the constituent districts are situate, among said districts as nearly as may be according to the number of their inhabitants except that each constituent district shall have at least one member.

In making the apportionment of the membership of a regional board of education among the several school districts uniting to create a regional school district, as required by section 18A:13–36, there shall be subtracted from the number of inhabitants of a constituent school district, as shown by the last Federal census officially promulgated in this State, the number of such inhabitants who according to the records of the Federal Bureau of the Census were patients in, or inmates of, any State or Federal hospital or prison, or who are military personnel stationed at, or civilians residing within the limits of, any United States Army, Navy or Air Force installation, located in such constituent school district.

If any constituent district is a consolidated district, or a district composed of 2 or more municipalities, and

a. The regional district is a limited purpose regional district and such constituent district has such population that it is entitled to have apportioned to it a number of members equal to or greater than the number of districts making up such constituent district, or

b. The regional district is an all purpose district,

the membership of the regional board of education from such district shall be apportioned, and from time to time reapportioned, and the members from the district shall be elected, as their respective terms expire, in the same manner as though each of the municipalities making up such constituent district were constituent districts of the regional district.

2. Section 18A:14–19 of the New Jersey Statutes is amended to read as follows:

Notice; contents, posting, publication.

18A:14–19. The secretary of each board shall give notice of each election specifying:

(1) The day, time and place thereof,

(2) The offices, if any, to be filled at such election,

(3) The substance of any public question to be submitted to the voters thereat,

(4) Such other information as may be required by law, and

(5) If more than one polling district is established in the school district, the boundaries of the polling districts or the numbers assigned to them as election districts with which they coincide in the school district and the location of the polling place for each,

not less than 10 days prior to the date fixed for the election, by posting at least 7 copies of such notice, one on each schoolhouse in the district and the others at such public places therein as the board shall direct and causing a copy thereof to be published at least once, in at least one newspaper published in each municipality in the district and, if no newspaper is published in any such municipality or such a newspaper will not be published in time to publish such notice in accordance with this section, then, as to such municipality, in at least one newspaper published in the county or State and circulating in the municipality.

3. Section 18A:17–25 of the New Jersey Statutes is amended to read as follows:

Appointment, salary, removal.

18A:17–25. A business manager may be appointed in any type I school district, and subject to the provisions of article 1 of this chapter, may be removed from such office, by a recorded roll call majority vote of the full membership of the board of education and he shall receive such salary as the board shall determine.

4. Section 18A:17–32 of the New Jersey Statutes is amended to read as follows:

Custodian's bond.

18A:17–32. If the custodian is an officer of the municipality constituting the district, and the bond given by him for the faithful performance of his duties as such municipal officer covers and secures the faithful performance of his duties as custodian of school moneys, and it shall be so certified to the board by a certificate of such coverage by the bondsman thereon and the amount thereof is sufficient to cover both the original and the additional

liability he shall not be required to give additional bond but otherwise or if he is not such an officer he shall give bond for the faithful performance of his duties as custodian of school moneys in such amount, and with such surety, as the board shall direct. In each case the board in its determination of the amount shall be guided by a schedule of minimum limits to be promulgated by the State board.

5. Section 18A:22-8 of the New Jersey Statutes is amended to read as follows:

Budget contents.

18A:22-8. The budget shall be prepared in such detail and upon such forms as shall be prescribed by the commissioner and to it shall be annexed a statement so itemized as to make the same readily understandable, in which shall be shown:

a. The amounts of moneys estimated to be necessary to be appropriated for such ensuing school year, indicating separately those required for—

1. Current expenses of the school including the salaries of the secretary of the board of education, the custodian of school moneys, principals, teachers, janitors, medical inspectors and truant officers; fuel, textbooks, school supplies, flags, transportation of pupils, tuition of pupils attending schools in other districts with the consent of the board, school libraries, truant schools, insurance, repairs and renewals to buildings, furniture, equipment or apparatus, and other incidental expenses of the schools,

2. Vocational evening schools and courses,

3. Evening schools or classes for foreign-born residents,

4. Interest and debt redemption charges, in type II districts only,

5. Appropriations to the capital reserve fund,

6. Any other major purposes including any capital project which it is desired to include in the annual budget;

b. The amount appropriated for each of said items for the current school year;

c. The anticipated revenues intended to be used for said items and purposes and the respective sources and amounts of the same;

d. The anticipated revenues for similar items and purposes for the current school year and the respective sources and amounts of the same;

e. The amount of the surplus account available at the beginning of the current school year; and

f. The amount of money which shall have been apportioned to the district by the commissioner and authorized by law to be used to meet the expenses of such district for such ensuing year.

6. Section 18A:22–33 of the New Jersey Statutes is amended to read as follows:

Budget submission and tax authorization.

18A:22–33. The board of education of each type II district not having a board of school estimate shall, at each annual school election, submit to the voters of the district, the amounts of money fixed and determined in its budget, excluding therefrom the sum or sums stated therein to be used for interest and debt redemption charges, in the manner provided by law, to be voted upon for the use of the public schools of the district for the ensuing school year, which amounts shall be stated in the notice of the election, and the legal voters of the district shall determine at such election, by a majority vote of those voting upon the proposition, the sum or sums, not exceeding those stated in the notice of the election, to be raised by special district tax for said purposes, in the district during the ensuing school year and the secretary of the board of education shall certify the amounts so determined upon, if any, and the sums so stated for interest and debt redemption charges, to the county board of taxation of the county on or before April 1 next succeeding and the amount or amounts so certified shall be included in the taxes assessed, levied and collected in the municipality or municipalities comprising the district for such purposes.

7. Section 18A:22–37 of the New Jersey Statutes is amended to read as follows:

Determination by municipal governing body or bodies where items rejected at second election.

18A:22–37. If the voters reject any of the items submitted at the second election, the governing body of the municipality, or of each of the municipalities, included in the district shall, after consultation with the board, and within 10 days after receipt of the proposed school budget from the board, determine the amount which, in the judgment of said body or bodies, is necessary to be appropriated, for each item appearing in such budget, to provide a thorough and efficient system of schools in the district, and certify to the county board of taxation the totals of the amount so determined to be necessary for each of the following:

a. Current expenses of schools;

b. Vocational evening schools or classes;

c. Evening schools or classes for foreign-born residents;
d. Appropriations to capital reserve fund; or
e. Any capital project, the cost whereof is to be paid directly from such taxes;

which amounts shall be included in the taxes to be assessed, levied and collected in such municipality or municipalities for such purposes.

8. Section 18A:22–38 of the New Jersey Statutes is amended to read as follows:

Failure of municipal governing body or bodies to certify; commissioner's action; amount included in tax levy.

18A:22–38. If said governing body or bodies shall fail so to certify any amount, determined by them to be necessary for any item rejected at the second election, or in event that the governing bodies of the municipalities comprising a school district, shall certify different amounts, then the commissioner shall determine the amount or amounts which in his judgment, are necessary to be appropriated, for each of the items appearing in the budget, submitted to such governing body or bodies, to provide a thorough and efficient system of public schools in the district, and certify to the county board of taxation the totals of the amount so determined to be necessary for each of the following:

a. Current expenses of schools;
b. Vocational evening schools or classes;
c. Evening schools or classes for foreign-born residents;
d. Appropriations to capital reserve fund; or
e. Any capital project, the cost whereof is to be paid directly from such taxes;

and the amounts so certified shall be included in the taxes to be assessed, levied and collected in such municipality or municipalities for such purposes.

9. Section 18A:24–20 of the New Jersey Statutes is amended to read as follows:

Authorization of bonds in excess of limitations prescribed in section 18A:24—19.

18A:24–20. School bonds may be authorized and issued in the manner prescribed in section 18A:24–21, notwithstanding the provisions of section 18A:24–19, by, or for the purposes of, any district other than a regional district, within the limitations and upon compliance with the provisions of this article to the extent that the percentage of net debt as stated in a supplemental debt statement required to be filed as to such authorization, and prior thereto, shall not exceed 3½%.

10. Section 18A:24–23 of the New Jersey Statutes is amended to read as follows:

Authorization of bonds in excess of limitations prescribed in sections 18A:24-19, 18A:24-20 and 18A:24-21.

18A:24–23. School bonds may be authorized and issued notwithstanding the provisions of section 18A:24–19:

a. For the purposes of a Type I district, when an ordinance, authorizing the issuance of such bonds and conforming with the provisions of section 18A:24–24, has been finally adopted by the governing body of the municipality comprised within the district, by the recorded affirmative vote of a majority of all the members thereof, upon a copy of which there shall have been endorsed, prior to such adoption, the consents of the commissioner and the local finance board, provided for in sections 18A:24–25, 18A:24–26 and 18A:24–27, and by the adoption subsequently of a proposition confirming such ordinance, conforming with the provisions of section 18A:24–24, by the qualified voters of such municipality by a majority of the legal votes cast thereon upon its submission to them for their approval or rejection; or

b. By a Type II district, when a proposal authorizing the board of education to issue such bonds has been adopted by resolution by the board of education of the district and such proposal has been adopted by the legal voters of the district by a majority of the legal votes cast thereon upon its submission to them for their approval or rejection after there has been endorsed upon a copy thereof the consents of the commissioner and the local finance board, as provided in sections 18A:24–25, 18A:24–26 and 18A:24–27.

11. Section 18A:24–24 of the New Jersey Statutes is amended to read as follows:

Form of ordinance, proposition for confirmation of ordinance or proposal for issuance of bonds under section 18A:24-23.

18A:24–24. Every ordinance, and every proposition confirming an ordinance, and every proposal, authorizing the issuance of bonds under section 18A:24–23, except such a proposal authorizing the issuance of bonds of a regional school district shall, after stating any other matters or things required by law, disclose the effect of such ordinance or proposal contained in such resolution on the borrowing margin of every municipality comprised within the school district, and such disclosure shall include and state the amount, if any, of such borrowing margin before final approval of the ordinance or proposal and the amount of such borrowing margin, if any, which would be used up by final approval thereof and the

amount, if any, of net debt, in excess of the measure of such borrowing margin, which would result after the final approval of the ordinance or resolution, and such disclosure shall be sufficient if in substantially the following form with appropriate figures inserted:

a. In the case of an ordinance—

The authorization of the $..... (insert amount of bonds to be issued) bonds provided for by this ordinance uses up all of the $..... (insert amount of borrowing margin before adoption of ordinance), or, in an appropriate case, increases the existing deficit in the borrowing margin of the ..... (insert name of municipality) previously available for other improvements and raises its net debt to $..... (insert amount, after adoption of ordinance, of net debt of the municipality in excess of 3½% of the amount stated in the supplemental debt statement required by this article to be filed prior to the authorization of the bonds to be issued as the average of the 3 last preceding equalized valuations of the taxable real estate (together with improvements) of the municipality, as stated in the annual debt statement of the municipality or revision thereof last filed) beyond such borrowing margin;

b. In the case of a proposition confirming such an ordinance—

Shall the ordinance of the ..... (insert name of municipality) adopted on ..... (insert date of adoption) authorizing the issuance of $..... (insert amount of bonds to be issued) bonds for school purposes and using up all of the $ ..... (insert amount of borrowing margin before adoption of ordinance), or, in an appropriate case, increasing the existing deficit in the borrowing margin of the ..... (insert name of municipality) previously available for other improvements and raising its net debt to $..... (insert amount, after adoption of ordinance, of net debt of the municipality in excess of 3½% of the amount stated in the supplemental debt statement required by this article to be filed prior to the authorization of the bonds to be issued as the average of the 3 last preceding equalized valuations of the taxable real estate (together with improvements) of the municipality, as stated in the annual debt statement of the municipality or revision thereof last filed) beyond such borrowing margin, be approved;

c. In the case of a proposal contained in a resolution—

Resolved that the board of education does hereby determine, subject to the approval of the legal voters of the district:

To * * *; and

To issue bonds of the school district for said purpose (or purposes) in the principal amount of $..... (insert amount of bonds to be issued), thus using up all of the $..... (insert amount of borrowing margin before adoption of resolution), or, in an appropriate case, increasing the existing deficit in the borrowing margin of the ..... (insert name of municipality) previously available for other improvements and raising its net debt to $..... (insert amount, after adoption of resolution, of net debt of the municipality in excess of 3½% of the amount stated in the supplemental debt statement required by this article to be filed prior to the authorization of the bonds to be issued as the average of the 3 last preceding equalized valuations of the taxable real estate (together with improvements) of the municipality, as stated in the annual debt statement of the municipality or revision thereof last filed) beyond such borrowing margin, and (if there be other municipality or municipalities comprised within such school district) using up all (or, in an appropriate case, an amount) of the $..... (insert amount of borrowing margin before adoption of resolution), or, in an appropriate case, increasing the existing deficit in the borrowing margin of the ..... (insert name of municipality) previously available for other improvements and (in every case where all borrowing margin is used) raising its net debt to $..... (insert amount, after adoption of proposal, of net debt of the municipality in excess of 3½% of the amount stated in the supplemental debt statement required by this article to be filed prior to the authorization of the bonds to be issued as the average of the 3 last preceding equalized valuations of the taxable real estate (together with improvements) of the municipality, as stated in the annual debt statement of the municipality or revision thereof last filed) beyond such borrowing margin, et cetera, et cetera.

12. Section 18A:25–6 of the New Jersey Statutes is amended to read as follows:

Suspension of assistant superintendents, principals and teaching staff members.

18A:25–6. The superintendent of schools may, with the approval of the president or presidents of the board or boards employing him, suspend any assistant superintendent, principal or teaching staff member, and shall report such a suspension to the board or boards forthwith. The board or boards, each by a recorded roll call majority vote of its membership, shall take such action for the restoration or removal of such person as it shall deem

proper, subject to the provisions of chapter 6 and chapter 28 of this Title.

13. Section 18A:29–14 of the New Jersey Statutes is amended to read as follows:

Withholding increments; causes; notice; right of appeal.

18A:29–14. Any board of education may withhold, for inefficiency or other good cause, the employment increment, or the adjustment increment, or both, of any member in any year by a recorded roll call majority vote of the full membership of the board of education. It shall be the duty of the board of education, within 10 days, to give written notice of such action, together with the reasons therefor, to the member concerned. The member may appeal from such action to the commissioner under rules prescribed by him. The commissioner shall consider such appeal and shall either affirm the action of the board of education or direct that the increment or increments be paid. The commissioner may designate an assistant commissioner of education to act for him in his place and with his powers on such appeals. It shall not be mandatory upon the board of education to pay any such denied increment in any future year as an adjustment increment.

14. Section 18A:37–4 of the New Jersey Statutes is amended to read as follows:

Suspension of pupils by teacher or principal; reinstatement.

18A:37–4. The teacher in a school having but one teacher or the principal in all other cases may suspend any pupil from school for good cause but such suspension shall be reported forthwith by the teacher or principal so doing to the superintendent of schools of the district if there be one. The superintendent to whom a suspension is reported or if there be no superintendent in the district, the teacher or principal suspending the pupil shall report the suspension to the board of education of the district at its next regular meeting. Such teacher, principal or superintendent may reinstate the pupil prior to the second regular meeting of the board of education of the district held after such suspension unless the board shall resinstate the pupil at such first regular meeting.

15. Section 18A:54–31 of the New Jersey Statutes is amended to read as follows:

Raising moneys for lands or buildings; bond issues.

18A:54–31. Whenever a board of education of a county vocational school district shall decide that it is necessary to raise money

for any capital project, as defined in section 18A:21–1 of this Title, it shall prepare and deliver to each member of the board of school estimate a statement of the amount of money estimated to be necessary for such purpose or purposes.

The board of school estimate shall fix and determine the necessary amount and shall make 2 certificates thereof, one of which certificates shall be delivered to the board of education and the other to the board of chosen freeholders of the county in which the school district is situate.

The board of chosen freeholders may appropriate such amount as other appropriations are made by it, and the amount shall be raised, assessed, levied, and collected at the same time and in the same manner as moneys appropriated for other purposes in the county are raised, assessed, levied, and collected; or the board of chosen freeholders may appropriate and borrow such amount for the purpose or purposes aforesaid, and secure the repayment of the sum so borrowed, together with interest thereon, by the issuance of bonds or notes of the county pursuant to the local bond law, notwithstanding any debt limitation or requirement for down payment therein provided for. The proceeds of the sale of such obligations shall be paid to the treasurer of the county vocational school district and shall be paid out by him only on the warrants or orders of the board of education of the school district. The treasurer shall in no event disburse such proceeds, except to pay the expenses of issuing and selling such obligations and for the purpose or purposes for which such obligations were issued. If for any reason any part of such proceeds are not applied to or necessary for such purpose or purposes, the board of education of the county vocational school district may transfer the balance remaining unapplied to the capital outlay account of the school district.

16. Section 18A:58–15 of the New Jersey Statutes is amended to read as follows:

Payment of state aid.

18A:58–15. The sums payable as State aid to the school districts and county vocational schools shall be payable in each school year, ¼ on October 1, ¼ on December 1, ¼ on March 1, and ¼ on May 1. Payments shall be made by the State Treasurer to each board of education upon certificate of the commissioner and warrant of the Director of the Division of Budget and Accounting.

17. Section 18A:71–12 of the New Jersey Statutes is amended to read as follows:

Competitive examinations; award of scholarships.

18A:71–12. The State Scholarship Commission shall provide for the conduct of annual competitive examinations for State competitive scholarships. On the basis of the scholastic records and the results achieved on the required examinations the commission shall award scholarships to qualified applicants for whom financial need has been established, except that the commission shall give preference to any qualified applicant who is the son or daughter of a policeman or fireman who died on or after January 1, 1961 as the result of injuries received in the performance of his duties.

"Policeman or fireman," as used herein shall mean any member of the State Police, any volunteer or exempt fireman, any permanent 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 in this State.

18. This act shall take effect immediately.

Approved September 9, 1968.

CHAPTER 296

AN ACT concerning municipalities and amending section 40:52–1 of the Revised Statutes.

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

1. Section 40:52–1 of the Revised Statutes is amended to read as follows:

Authority to license and regulate; exception.

40:52–1. The governing body may make, amend, repeal and enforce ordinances to license and regulate:

a. All vehicles used for the transportation of passengers, baggage, merchandise, and goods and chattels of every kind, and the owners and drivers of all such vehicles; and the places and premises

in which or at which the different kinds of business or occupation mentioned herein are carried on and conducted. Nothing herein contained shall be construed as modifying or repealing any of the provisions of chapter 4 of the Title Public Utilities (§ 48:4–1 et seq.);

b. Autobusses, and the owners and drivers of all such vehicles, and to fix the fees for such licenses, which may be imposed for revenue, and to prohibit the operation of all such vehicles in the public streets or places of such municipality, unless such ordinances are complied with, whether such vehicles are operated over routes wholly or partly within the territorial limits of such municipality; the powers conferred by this section shall not be in substitution of but in addition to whatever other right, power and authority any such municipality may at any time have as to licensing, regulating, or control of the operation of such autobusses, commonly called jitneys, and this section shall not be construed as modifying or repealing any of the provisions of chapter 4 (§ 48:4–1 et seq.) or article 3 of chapter 16 (§ 48:16–23 et seq.) of the Title Public Utilities;

c. Cartmen, expressmen, baggagemen, porters, common criers, hawkers, peddlers, employment agencies, pawnbrokers, junk shop keepers, junk dealers, motor vehicle junk dealers, street sprinklers, bill posters, bill tackers, sweeps, scavengers, itinerant vendors of merchandise, medicines and remedies; and the places and premises in which or at which the different kinds of business or occupation mentioned herein are conducted and carried on;

d. Hotels, boarding houses, lodging and rooming houses, trailer camps and camp sites, motels, furnished and unfurnished rented housing or living units and all other places and buildings used for sleeping and lodging purposes, and the occupancy thereof, restaurants and all other eating places, and the keepers thereof;

e. Automobile garages, dealers in second-hand motor vehicles and parts thereof, bathhouses, swimming pools, and the keepers thereof;

f. Theatres, cinema and show houses, opera houses, concert halls, dance halls, pool or billiard parlors, bowling alleys, exhibition grounds, and all other places of public amusement, circuses and traveling or other shows, plays, dances, exhibitions, concerts, theatrical performances, and all street parades in connection therewith;

g. Lumber and coal yards, stores for the sale of meats, groceries and provisions, dry goods and merchandise, and goods and chattels

of every kind, and all other kinds of business conducted in the municipality other than herein mentioned, and the places and premises in or at which the business is conducted and carried on; street stands for the sale or distribution of newspapers, magazines, periodicals, books, and goods and merchandise or other articles;

h. Street signs and other objects projecting beyond the building line, into or over any public street or highway;

i. Auctioneers and their business, whether the auctioneers be real estate brokers engaged in selling at auction or real estate auctioneers licensed by the New Jersey Real Estate Commission; fix their fees, and license and regulate public auctions; make such regulations as the governing body of the municipality shall deem necessary, to protect the public against fraud at public auction sales, and for the safety and protection of the property of the municipality and its inhabitants, including the power to require from auctioneers a bond to the municipality, not exceeding the penal sum of $5,000.00, conditioned as the governing body shall require;

j. Sales of goods, wares and merchandise to be advertised, held out or represented, or which are advertised, held out or represented, to the public, by any means, directly or by implication, as forced sales at reduced prices or as insurance, bankruptcy, mortgage foreclosure, insolvency, removal, loss or expiration of lease or closing out sales, or as assignees', receivers' or trustees' sales or as sales of goods distrained or as sales of goods damaged by fire, smoke or water, except any sale which is to be held under a judicial order, judgment or decree or a writ issuing out of any court or to enforce any lawful lien or power of sale whether by judicial process or not or by a licensed auctioneer; to make such regulations governing the advertisement, holding out or representing to the public of such sales, and the conduct thereof, as the governing body of the municipality shall deem necessary to protect the public against fraud; to prohibit the advertising, holding out or representing to the public of any sale as being of the character above described which is not of such character and to fix license fees for the conduct of such sales and to impose penalties for the violation of any such ordinance.

k. Roving bands of nomads, commonly called gypsies; and,

l. The opening and closing of barber shops on Sunday and legal holidays, and the hours of opening and closing on week days, and to impose a penalty for the violation of any such ordinance, not exceeding a fine of $25.00, or imprisonment in the municipal lockup, or in the county jail, not exceeding 10 days.

Nothing in this chapter contained shall be construed to authorize or empower the governing body of any municipality to license or regulate any person holding a license or certificate issued by any department, board, commission, or other agency of the State; provided, however, that the governing body of a municipality may make, amend, repeal and enforce ordinances to license and regulate real estate auctioneers or real estate brokers engaged in selling at auction and their business as provided in this section despite the fact that such real estate auctioneers or brokers may be licensed by the New Jersey Real Estate Commission and notwithstanding the provisions of this act or any other act.

2. This act shall take effect immediately.

Approved September 9, 1968.

CHAPTER 297

AN ACT concerning certain fees and costs charged by the Secretary of State and amending section 22A:4–19 of the New Jersey Statutes.

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

1. Section 22A:4–19 of the New Jersey Statutes is amended to read as follows:

Collection of fees in advance; deposits; establishment of accounts.

22A:4–19. Surrogates, registers of deeds and mortgages, county clerks, clerks of courts, sheriffs and the Secretary of State, for their own protection, may exact in advance of a service the fees and costs therefor.

For convenience, such officers may receive reasonable deposits in advance to meet the fees and costs of persons who may desire such services, and such officers shall account to depositors at least once in 4 months for the sums deposited, except that the Clerk of the Supreme Court, the Clerk of the Superior Court and the Secretary of State shall so account at least annually.

The Secretary of State shall provide for the establishment of accounts for persons making application therefor, under such terms and conditions as may be fixed by the Secretary of State.

2. This act shall take effect on July 1, 1968.

Approved September 9, 1968.

CHAPTER 298

AN ACT concerning the import into the State of alcoholic beverages and amending sections 33:1–2 and 54:43–2 of the Revised Statutes.

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

1. Section 33:1–2 of the Revised Statutes is amended to read as follows:

Unlawful manufacture, sale, transportation, etc.; personal consumption; special permit.

33:1–2. It shall be unlawful to manufacture, sell, possess with intent to sell, transport, warehouse, rectify, blend, treat, fortify, mix, process, bottle or distribute alcoholic beverages in this State, except pursuant to and within the terms of a license, or as otherwise expressly authorized, under this chapter; but any drink actually intended for immediate personal consumption may be mixed by any person; and alcoholic beverages intended in good faith to be used solely for personal consumption may be transported in any vehicle from a point within this State to the extent of, not exceeding ½ barrel, or 2 cases containing not in excess of 24 quarts in all, of beer, ale or porter, and 5 gallons of wine and 12 quarts of other alcoholic beverages within any consecutive period of 24 hours, and, by the owner thereof, in a vehicle other than that of the holder of a transportation license, from a point outside this State to the extent of, not exceeding ¼ barrel or one case containing not in excess of 12 quarts in all, of beer, ale or porter, and one gallon of wine and 2 quarts of other alcoholic beverages within any consecutive period of 24 hours; provided, however, that except pursuant to and within the terms of a license or permit issued by the director, no person shall transport into this State or receive from without this State into this State, alcoholic beverages where the said alcoholic beverages are transported or received from a State which prohibits the transportation into that State of alcoholic beverages purchased or otherwise obtained in the State of New Jersey. If any person or persons desire to transport alcoholic beverages intended only for personal consumption in quantities in excess of those above-mentioned, an application may be made to the commissioner who may, upon being satisfied of the good faith of the

applicant, and upon payment of a fee of $5.00 issue a special permit limited by such conditions as the commissioner may impose, authorizing such transportation of alcoholic beverages in quantities in excess of those above-mentioned.

2. Section 54:43–2 of the Revised Statutes is amended to read as follows:

Tax-exempt beverages; exported from State; imported into State; exception.

54:43–2. No tax imposed by this subtitle shall be payable on any sale of alcoholic beverages by any State licensee for resale and consumption outside of this State, or directly for consumption outside of this State, when said sale is accompanied by the actual transportation of such beverages out of this State and by the delivery of such beverages in full compliance with the laws of the place or places of delivery; provided, evidence of such sales and deliveries satisfactory to the commissioner is submitted. If any such beverages shall thereafter be brought back into this State the State licensee who shall have sold such beverages and transported or caused the same to be transported out of this State shall then pay such tax unless the same has been paid by some other person.

No tax imposed by this subtitle shall be payable by the holder of a special or temporary permit issued by the State Commissioner of Alcoholic Beverage Control to dispose of alcoholic beverages theretofore acquired by the permittee while engaged as a State licensee, on any sale heretofore or hereafter made of such beverages, for resale and consumption outside of this State, or directly for consumption outside of this State when the sale shall have been accompanied by the actual transportation of the beverages out of this State and by the delivery of such beverages in full compliance with the laws of the place or places of delivery; provided, evidence of such sales and deliveries satisfactory to the commissioner is submitted. If any such beverages shall thereafter be brought back into this State, the holder of said special or temporary permit shall then pay such tax unless the same has been paid or secured by some other person.

No tax imposed by this subtitle shall be payable by the holder of a transportation license issued by the State Commissioner of Alcoholic Beverage Control, when the delivery of alcoholic beverages from without this State shall have been made at the instance of or to the holder of a manufacturer's, wholesaler's, including State beverage distributor's or plenary retail transit license issued pursuant to the provisions of Title 33 of the Revised Statutes, as amended, or when such delivery is made to another person who has

paid or secured the payment of the tax thereon, except that the holder of a transportation license shall be liable for the tax on all alcoholic beverages given into his custody as set forth on a way-bill, bill of lading, or other evidence of delivery from a consignor without this State which are not delivered to the consignee within the State of New Jersey, unless proof is furnished satisfactory to the commissioner of other disposition out of this State.

No tax imposed by this subtitle shall be payable on any sale or delivery of alcoholic beverages or alcohol intended for use and actually used in the manufacture or sale of the following products or for the following purposes; provided, evidence of such sale, delivery, and intended use satisfactory to the commissioner is submitted:

a. Denatured alcohol produced and used pursuant to Acts of Congress and regulations promulgated thereunder.

b. Patent, proprietary, medicinal, pharmaceutical, antiseptic and toilet preparations.

c. Flavoring extracts, syrups and food products.

d. Scientific, chemical, mechanical and industrial products and purposes.

e. Use for medical and dental purposes.

The delivery of alcoholic beverages from without this State into a licensed public warehouse in this State for temporary storage by any person other than the holder of a license issued pursuant to the provisions of Title 33 of the Revised Statutes, shall be exempt from the tax imposed by this law; provided, such alcoholic beverages, when released from storage are actually transported outside of this State by a licensed transporter. If any such licensed transporter shall fail to consummate the delivery of any such alcoholic beverages to a point outside of this State, such licensed transporter and the person to whom he shall deliver such alcoholic beverages in this State shall be liable for the tax due by reason of the delivery or other disposition of such alcoholic beverages.

The importation into this State of alcoholic beverages by the individual owner thereof, in his personal possession and not by delivery by a carrier; for personal consumption and not for sale or delivery to any other person, in quantities not exceeding ¼ barrel or one case containing not in excess of 12 quarts in all of beer, and one gallon of wine, and 2 quarts of other alcoholic beverages, within any consecutive period of 24 hours shall be exempt from the tax imposed by this law.

The importation into this State of alcoholic beverages which are not intended for sale or delivery herein and which pass through

this State in continuous transportation and are delivered to a point outside of this State shall be exempt from the tax imposed by this law. If any transporter shall fail to consummate the delivery of any such alcoholic beverages to a point outside of this State, such transporter and the person to whom he shall deliver such alcoholic beverages in this State shall be liable for the tax due by reason of the delivery or other disposition of such alcoholic beverages.

3. This act shall take effect 30 days after enactment.

Approved September 9, 1968.

CHAPTER 299

AN ACT concerning education and amending section 18A:39–1 of the New Jersey Statutes.

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

1. Section 18A:39–1 of the New Jersey Statutes is amended to read as follows:

Transportation of pupils remote from schools; pupils registered after September 1.

18A:39–1. Whenever in any district there are pupils residing remote from any schoolhouse, the board of education of the district may make rules and contracts for the transportation of such pupils to and from school, including the transportation of school pupils 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 pupils to and from school pursuant to this section, transportation shall be supplied to school pupils residing in such school district in going to and from any remote school other than a public school, not operated for profit in whole or in part, located within the State not more than 20 miles from the residence of the pupil provided the per pupil cost of the lowest bid received does not exceed $150.00 and if such bid shall exceed said cost then the parent, guardian or other person having legal custody of the pupil shall be eligible to receive said amount toward the cost of his transportation to a qualified school other than a public school, 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 pupil attending a remote school, other than a public school, not operating for profit in whole or in part, to register said pupil 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 in order to be eligible for the transportation provided by this section. If the registration of any such pupil is not completed by September 1 of the school year and if it is necessary for the board of education to enter into a contract establishing a new route in order to provide such transportation, then the board shall not be required to provide it, but in lieu thereof the parent, guardian or other person having legal custody of the pupil shall be eligible to receive $150.00 or an amount computed by multiplying $0.8333 times the number of school days remaining in the school year at the time of registration, whichever is the smaller amount. Whenever any regional school district provides any transportation for pupils attending schools other than public schools pursuant to this section, 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 district was organized, shall be prorated by the regional district among the constituent districts on a per pupil basis after approval of such cost by the county superintendent. This section shall not require school districts to provide any transportation to pupils 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 46 of this Title or for pupils transported to a vocational, technical or other public school offering a specialized program. Any transportation to a school, other than a public school, shall be pursuant to the same rules and regulations promulgated by the State board 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 pupils to a school in an adjoining district when such pupils are transferred to the district by order of the county superintendent, or when any pupils 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 46 of this Title.

2. This act shall take effect immediately.

Approved September 9, 1968.

CHAPTER 300

AN ACT concerning crimes, and supplementing subtitle 10 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:111-40 Definitions.

1. As used in this act:

(a) "Cardholder" means the person or organization named on the face of a credit card to whom or for whose benefit the credit card is issued by an issuer.

(b) "Credit card" means any instrument or device, whether known as a credit card, credit plate, or by any other name, issued with or without fee by an issuer for the use of the cardholder in obtaining money, goods, services or anything else of value on credit.

(c) "Expired credit card" means a credit card which is no longer valid because the term shown on it has elapsed.

(d) "Issuer" means the business organization or financial institution which issues a credit card or its duly authorized agent.

(e) "Receives" or "receiving" means acquiring possession or control or accepting as security for a loan.

(f) "Revoked credit card" means a credit card which is no longer valid because permission to use it has been suspended or terminated by the issuer.

C. 2A:111-41 False written statements; penalties.

2. A person who makes or causes to be made, either directly or indirectly, any false statement in writing, knowing it to be false and with intent that it be relied on, respecting his identity or that of any other person, firm or corporation, or his financial condition or that of any other person, firm or corporation, for the purpose of procuring the issuance of a credit card, violates this section and is subject to the penalties set forth in subsection (a) of section 10 of this act.

C. 2A:111-42 Acquisition, possession, custody, control, sale or receipt of cards without consent or with intent to defraud; penalties.

3. (a) A person who takes a credit card from the person, possession, custody or control of another without the cardholder's consent or who, with knowledge that it has been so taken, receives the credit card with intent to use it or to sell it, or to transfer it to a person

other than the issuer or the cardholder is guilty of credit card theft and is subject to the penalties set forth in subsection (a) of section 10 of this act. Taking a credit card without consent includes obtaining it by conduct defined or known as statutory larceny, common law larceny by trespassory taking, common law larceny by trick, embezzlement, or obtaining property by false pretense, false promise or extortion.

A person who has in his possession or under his control credit cards issued in the names of 2 or more other persons is presumed to have violated this subsection.

(b) A person who receives a credit card that he knows to have been lost, mislaid, or delivered under a mistake as to the identity or address of the cardholder, and who retains possession with intent to use it or to sell it or to transfer it to a person other than the issuer or the cardholder is guilty of credit card theft and is subject to the penalties set forth in subsection (a) of section 10 of this act.

(c) A person other than the issuer who sells a credit card or a person who buys a credit card from a person other than the issuer violates this subsection and is subject to the penalties set forth in subsection (a) of section 10 of this act.

(d) A person who, with intent to defraud the issuer, a person or organization providing money, goods, services or anything else of value, or any other person, obtains control over a credit card as security for debt violates this subsection and is subject to the penalties set forth in subsection (a) of section 10 of this act.

(e) A person, other than the issuer, who during any 12-month period, receives credit cards issued in the names of 2 or more persons which he has reason to know were taken or retained under circumstances which constitute credit card theft or a violation of section 2 of this act or subsection (c) or (d) of this section violates this subsection and is subject to the penalties set forth in subsection (b) of section 10 of this act.

(f) A person who, with intent to defraud a purported issuer, a person or organization providing money, goods, services or anything else of value, or any other person, falsely makes or falsely embosses a purported credit card or utters such a credit card is guilty of credit card forgery and is subject to the penalties set forth in subsection (b) of section 10 of this act. A person other than the purported issuer who possesses 2 or more credit cards which are falsely made or falsely embossed is presumed to have violated this subsection. A person "falsely makes" a credit card

when he makes or draws, in whole or in part, a device or instrument which purports to be the credit card of a named issuer but which is not such a credit card because the issuer did not authorize the making or drawing, or alters a credit card which was validly issued. A person "falsely embosses" a credit card when, without the authorization of the named issuer, he completes a credit card by adding any of the matter, other than the signature of the cardholder, which an issuer requires to appear on the credit card before it can be used by a cardholder.

(g) A person other than the cardholder or a person authorized by him who, with intent to defraud the issuer, or a person or organization providing money, goods, services or anything else of value, or any other person, signs a credit card, violates this subsection and is subject to the penalties set forth in subsection (a) of section 10 of this act. A person who possesses 2 or more credit cards which are so signed is presumed to have violated this subsection.

C. 2A:111-43 Use of card with intent to defraud; knowledge of revocation.

4. A person, who, with intent to defraud the issuer, a person or organization providing money, goods, services or anything else of value, or any other person, (a) uses for the purpose of obtaining money, goods, services or anything else of value a credit card obtained or retained in violation of section 3 of this act or a credit card which he knows is forged, expired or revoked, or (b) obtains money, goods, services or anything else of value by representing without the consent of the cardholder that he is the holder of a specified card or by representing that he is the holder of a card and such card has not in fact been issued, violates this subsection and is subject to the penalties set forth in subsection (a) of section 10 of this act, if the value of all money, goods, services and other things of value obtained in violation of this subsection does not exceed $500.00 in any 6-month period; and is subject to the penalties set forth in subsection (b) of section 10 of this act, if such value does exceed $500.00 in any 6-month period. Knowledge of revocation shall be presumed to have been received by a cardholder 4 days after it has been mailed to him at the address set forth on the credit card or at his last known address by registered or certified mail, return receipt requested, and, if, the address is more than 500 miles from the place of mailing, by air mail. If the address is located outside the United States, Puerto Rico, the Virgin Islands, the Canal Zone and Canada, notice shall be presumed to have been received 10 days after mailing by registered or certified mail.

C. 2A:111-44 Liability of person authorized to honor card; penalties.

5. (a) A person who is authorized by an issuer to furnish money, goods, services or anything else of value upon presentation of a credit card by the cardholder, or any agent or employees of such person, who, with intent to defraud the issuer or the cardholder, furnishes money, goods, services or anything else of value upon presentation of a credit card obtained or retained in violation of section 3 of this act or a credit card which he knows is forged. expired or revoked violates this subsection and is subject to the penalties set forth in subsection (a) of section 10 of this act, if the value of all money, goods, services and other things of value furnished in violation of this subsection does not exceed $500.00 in any 6-month period; and is subject to the penalties set forth in subsection (b) of section 10 of this act if such value does exceed $500.00 in any 6-month period.

(b) A person who is authorized by an issuer to furnish money, goods, services or anything else of value upon presentation of a credit card by the cardholder, or any agent or employee of such person, who, with intent to defraud the issuer or the cardholder, fails to furnish money, goods, services or anything else of value which he represents in writing to the issuer that he has furnished violates this subsection and is subject to the penalties set forth in subsection (a) of section 10 of this act, if the difference between the value of all money, goods, services and anything else of value actually furnished and the value represented to the issuer to have been furnished does not exceed $500.00 in any 6-month period; and is subject to the penalties set forth in subsection (b) of section 10 of this act if such difference does exceed $500.00 in any 6-month period.

C. 2A:111-45 Incomplete cards possessed with intent to complete without consent; penalties.

6. A person other than the cardholder possessing 2 or more incomplete credit cards, with intent to complete them without the consent of the issuer or a person possessing, with knowledge of its character, machinery, plates or any other contrivance designed to reproduce instruments purporting to be the credit cards of an issuer who has not consented to the preparation of such credit cards, violates this subsection and is subject to the penalties set forth in subsection (b) of section 10 of this act. A credit card is "incomplete" if part of the matter other than the signature of the cardholder, which an issuer requires to appear on the credit card, before it can be used by a cardholder, has not yet been stamped, embossed, imprinted or written on it.

C. 2A:111-46 Liability of person who receives money, goods, etc. in violation of act; penalties.

7. A person who receives money, goods, services or anything else of value obtained in violation of section 4 of this act, knowing or believing that it was so obtained violates this section and is subject to the penalties set forth in subsection (a) of section 10 of this act. A person who obtains at a discount price a ticket issued by an airline, railroad, steamship or other transportation company which was acquired in violation of section 4 of this act without reasonable inquiry to ascertain that the person from whom it was obtained had a legal right to possess it shall be presumed to know that such ticket was acquired under circumstances constituting a violation of section 4 of this act.

C. 2A:111-47 Prosecution; defense.

8. In any prosecution for violation of this act, the State is not required to establish and it is no defense:

(a) That a person other than the defendant who violated this act has not been convicted, apprehended or identified; or

(b) That some of the acts constituting the crime did not occur in this State or were not a crime or elements of a crime where they did occur.

C. 2A:111-48 Consequences of establishment of certain presumptions.

9. When this act establishes a presumption with respect to any fact which is an element of a crime, it has the following consequences:

(a) When there is sufficient evidence of the facts which give rise to the presumption to go to the jury, the issue of the existence of the presumed fact must be submitted to the jury, unless the court is satisfied that the evidence as a whole clearly negatives the presumed fact; and

(b) When the issue of the existence of the presumed fact is submitted to the jury, the court shall charge that while the presumed fact must, on all the evidence, be proved beyond a reasonable doubt, the law declares that the jury may regard the facts giving rise to the presumption as sufficient evidence of the presumed fact.

C. 2A:111-49 Penalties.

10. (a) A person who is subject to the penalties of this subsection shall be fined not more than $1,000.00 or imprisoned not more than 1 year, or both.

(b) A person who is subject to the penalties of this subsection shall be fined not more than $3,000.00 or imprisoned not more than 3 years, or both.

C. 2A:111-50 Construction of act.

11. This act shall not be construed to preclude the applicability of any other provision of the criminal law of this State which presently applies or may in the future apply to any transaction which violates this act, unless such provision is inconsistent with the terms of this act.

C. 2A:111-51 Severability of act.

12. If any provision of this act or its application to any person or circumstance is held invalid, the 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.

13. This act shall take effect immediately.

Approved September 9, 1968.

CHAPTER 301

AN ACT concerning State Aid to Education and Supplementing chapter 58 of Title 18A of the New Jersey Statutes.

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

C. 18A:58-6.2 Additional state aid to all districts.

1. Every school district shall receive, in addition to all other aid, an apportionment of $25.00 per resident pupil.

2. This act shall take effect July 1, 1969.

Passed September 13, 1968.

CHAPTER 302

AN ACT supplementing 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:*

C. 54:32B-30 Definitions.

1. For the purposes of this act:

a. "Population" means the population shown in the last Federal decennial census;

b. "Current year" means the calendar year in which the State aid moneys provided for in this act are set aside and appropriated;

c. "Apportionment valuation" means the net valuation on which county taxes are apportioned among the municipalities of the county, as defined in Revised Statutes 54:4–49;

d. "Effective tax rate," with respect to each municipality, means the total tax levy for the current year on which the tax rate is computed divided by the apportionment valuation for the current year, as shown in the table of aggregates prepared pursuant to Revised Statutes 54:4–52;

e. "Qualifying municipality" means a municipality with an effective tax rate of 10 mills per dollar or more in the current year.

C. 54:32B-31 Amount of state aid to municipalities.

2. An amount equal to 10% of the net receipts of revenues, but not in excess of $25,000,000.00, derived by the State in any fiscal year, commencing with the fiscal year 1967-68, from the taxes imposed pursuant to the "Sales and Use Tax Act" (P. L. 1966, c. 30) shall be annually appropriated commencing with the fiscal year 1969-70 as State aid to municipalities for general municipal purposes.

C. 54:32B-32 Apportionment.

3. The funds appropriated pursuant to this act shall be apportioned among the qualifying municipalities in the proportion that the population of each qualifying municipality bears to the total population of all the qualifying municipalities of the State, except that no funds shall be apportioned to any municipality in which the effective tax rate for the current year is less than 10 mills per dollar.

C. 54:32B-33 Revenues apportioned in addition to all other State aid.

4. The revenues apportioned and appropriated pursuant to this act shall be in addition to all other State aid to municipalities and shall be so included in each annual general appropriation act, commencing with the general appropriations act for the fiscal year 1969-70.

C. 54:32B-34 State Treasurer's determination and certification.

5. The Director of the Division of Taxation shall, on or before October 1, 1968, and on or before October 1 annually thereafter,

determine and certify to the State Treasurer, who in turn shall notify the governing body of each qualifying municipality the amount of State aid allocable to each municipality pursuant to this act. The State Treasurer annually, on or before December 31, commencing on or before December 31, 1969, upon the certification of the Director of the Division of Taxation and upon the warrant of the State Comptroller, shall pay and distribute to each municipality the amount so determined and certified.

C. 54:32B-35 Rules and regulations.

6. The Director of the Division of Taxation is authorized to make such rules and regulations, and to require such facts and information from counties and municipalities and their agencies and agencies of State Government as he may deem necessary to carry out the provisions of this act.

C. 54:32B-36 Appeal or review.

7. No appeal or review may be taken by any person or any municipality with respect to any of the provisions of this act except in the case of an arithmetical or typographical error in the calculation of the distribution hereunder.

8. This act shall take effect immediately.

Passed September 13, 1968.

CHAPTER 303

AN ACT to amend the title of "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), so that the same shall read "An act concerning employer-employee relations in public and private employment, creating a board of mediation, a public employment relations commission and prescribing their functions, powers and duties," and to amend and supplement the body of said act and making an appropriation.

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

Title amended.

1. The title of chapter 100 of the laws of 1941 is amended to read as follows: An act concerning employer-employee relations in public and private employment, creating a board of mediation, a public employment relations commission and prescribing their functions, powers and duties.

2. Section 1 of P. L. 1941, chapter 100 (C. 34:13A–1) is amended to read as follows:

C. 34:13A-1 Short title.

1. This act shall be known and may be cited as "New Jersey Employer-Employee Relations Act."

3. Section 2 of P. L. 1941, chapter 100 (C. 34:13A–2) is amended to read as follows:

C. 34:13A-2 Policy declaration.

2. It is hereby declared as the public policy of this State that the best interests of the people of the State are served by the prevention or prompt settlement of labor disputes, both in the private and public sectors; that strikes, lockouts, work stoppages and other forms of employer and employee strife, regardless where the merits of the controversy lie, are forces productive ultimately of economic and public waste; that the interests and rights of the consumers and the people of the State, while not direct parties thereto, should always be considered, respected and protected; and that the voluntary mediation of such public and private employer-employee disputes under the guidance and supervision of a governmental agency will tend to promote permanent, public and private employer-employee peace and the health, welfare, comfort and safety of the people of the State. To carry out such policy, the necessity for the enactment of the provisions of this act is hereby declared as a matter of legislative determination.

4. Section 3 of P. L. 1941, chapter 100 (C. 34:13A–3) is amended to read as follows:

C. 34:13A-3 Definitions.

3. When used in this act:

(a) The term "board" shall mean New Jersey State Board of Mediation.

(b) the term "commission" shall mean New Jersey Public Employment Relations Commission.

(c) the term "employer" includes an employer and any person acting, directly or indirectly, on behalf of or in the interest of an employer with the employer's knowledge or ratification, but a labor

organization, or any officer or agent thereof, shall be considered an employer only with respect to individuals employed by such organization. This term shall include "public employers" and shall mean the State of New Jersey, or the several counties and municipalities thereof, or any other political subdivision of the State, or a school district, or any special district, or any authority, commission, or board, or any branch or agency of the public service.

(d) The term "employee" shall include any employee, and shall not be limited to the employees of a particular employer unless this act explicitly states otherwise, and shall include any individual whose work has ceased as a consequence of or in connection with any current labor dispute or because of any unfair labor practice and who has not obtained any other regular and substantially equivalent employment. This term, however, shall not include any individual taking the place of any employee whose work has ceased as aforesaid, nor shall it include any individual employed by his parent or spouse, or in the domestic service of any person in the home of the employer, or employed by any company owning or operating a railroad or railway express subject to the provisions of the Railway Labor Act. This term shall include public employee, i.e. any person holding a position, by appointment or contract, or employment in the service of a public employer, except elected officials, heads and deputy heads of departments and agencies, and members of boards and commissions, provided that in any school district this shall exclude only the superintendent of schools or other chief administrator of the district.

(e) The term "representative" is not limited to individuals but shall include labor organizations, and individual representatives need not themselves be employed by, and the labor organization serving as a representative need not be limited in membership to the employees of, the employer whose employees are represented. This term shall include any organization, agency or person authorized or designated by a public employer, public employee, group of public employees, or public employee association to act on its behalf and represent it or them.

C. 34:13A-5.1 Division of Public Employment Relations and Division of Private Employment Dispute Settlement; establishment, functions State Board of Mediation.

5. There is hereby established a Division of Public Employment Relations and a Division of Private Employment Dispute Settlement.

(a) The Division of Public Employment Relations shall be concerned exclusively with matters of public employment related to

determining negotiating units, elections, certifications and settlement of public employee representative and public employer disputes and grievance procedures. For the purpose of complying with the provisions of Article V, Section IV, paragraph 1 of the New Jersey Constitution, the Division of Public Employment Relations is hereby allocated within the Department of Labor and Industry, and located in the city of Trenton, but notwithstanding said allocation, the office shall be independent of any supervision or control by the department or by any board or officer thereof.

(b) The Division of Private Employment Dispute Settlement shall assist in the resolution of disputes in private employment. The New Jersey State Board of Mediation, its objectives and the powers and duties granted by this act and the act of which this act is amendatory and supplementary shall be concerned exclusively with matters of private employment and the office shall continue to be located in the city of Newark.

C. 34:13A-5.2 Public Employment Relations Commission; establishment, powers and duties, membership, appointment, qualifications, chairman, terms, vacancies, compensation and reimbursement.

6. (a) There is hereby established in the Division of Public Employment Relations a commission to be known as the New Jersey Public Employment Relations Commission. This commission, in addition to the powers and duties granted by this act, shall have in the public employment area the same powers and duties granted to the labor mediation board in sections 7 and 10 of chapter 100, P. L. 1941 and in sections 2 and 3 of chapter 32, P. L. 1945. There shall be a chief executive officer and administrator who shall devote his full time to the performance of his duties exclusively in the Division of Public Employment Relations. (b) This commission shall make policy and establish rules and regulations concerning employer-employee relations in public employment relating to dispute settlement, grievance procedures and administration including enforcement of statutory provisions concerning representative elections and related matters. The commission shall consist of 7 members to be appointed by the Governor, by and with the advice and consent of the Senate. Of such members, 2 shall be representative of public employers, 2 shall be representative of public employee organizations and 3 shall be representative of the public including the appointee who is designated as chairman. Of the first appointees, 2 shall be appointed for 2 years, 2 for a term of 3 years and 3, including the chairman, for a term of 4 years. Their successors shall be appointed for terms of 3 years each, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the member whose office has become vacant.

The members of the commission shall be compensated at the rate of $50.00 for each day, or part thereof, spent in attendance at meetings and consultations and shall be reimbursed for necessary expenses in connection with the discharge of their duties.

C. 34:13A-5.3 Public employees' organizations; authorization, membership, representation, written agreements, grievance procedures.

7. Except as hereinafter provided, public employees shall have, and shall be protected in the exercise of, the right, freely and without fear of penalty or reprisal, to form, join and assist any employee organization or to refrain from any such activity; provided, however, that this right shall not extend to any managerial executive except in a school district the term managerial executive shall mean the superintendent of schools or his equivalent, nor, except where established practice, prior agreement or special circumstances, dictate the contrary, shall any supervisor having the power to hire, discharge, discipline, or to effectively recommend the same, have the right to be represented in collective negotiations by an employee organization that admits nonsupervisory personnel to membership, and the fact that any organization has such supervisory employees as members shall not deny the right of that organization to represent the appropriate unit in collective negotiations; and provided further, that, except where established practice, prior agreement, or special circumstances dictate the contrary, no policeman shall have the right to join an employee organization that admits employees other than policemen to membership. The negotiating unit shall be defined with due regard for the community of interest among the employees concerned, but the commission shall not intervene in matters of recognition and unit definition except in the event of a dispute.

Representatives designated or selected by public employees for the purposes of collective negotiation by the majority of the employees in a unit appropriate for such purposes or by the majority of the employees voting in an election conducted by the commission as authorized by this act shall be the exclusive representatives for collective negotiation concerning the terms and conditions of employment of the employees in such unit. Nothing herein shall be construed to prevent any official from meeting with an employee organization for the purpose of hearing the views and requests of its members in such unit so long as (a) the majority representative is informed of the meeting; (b) any changes or modifications in terms and conditions of employment are made only through negotiation with the majority representative; and (c) a minority organization shall not present or process grievances. Nothing

herein shall be construed to deny to any individual employee his rights under Civil Service laws or regulations. When no majority representative has been selected as the bargaining agent for the unit of which an individual employee is a part, he may present his own grievance either personally or through an appropriate representative or an organization of which he is a member and have such grievance adjusted.

A majority representative of public employees in an appropriate unit shall be entitled to act for and to negotiate agreements covering all employees in the unit and shall be responsible for representing the interests of all such employees without discrimination and without regard to employee organization membership. Proposed new rules or modifications of existing rules governing working conditions shall be negotiated with the majority representative before they are established. In addition, the majority representative and designated representatives of the public employer shall meet at reasonable times and negotiate in good faith with respect to grievances and terms and conditions of employment.

When an agreement is reached on the terms and conditions of employment, it shall be embodied in writing and signed by the authorized representatives of the public employer and the majority representative.

Public employers shall negotiate written policies setting forth grievance procedures by means of which their employees or representatives of employees may appeal the interpretation, application or violation of policies, agreements, and administrative decisions affecting them, provided that such grievance procedures shall be included in any agreement entered into between the public employer and the representative organization. Such grievance procedures may provide for binding arbitration as a means for resolving disputes.

8. Section 6 of P. L. 1941, chapter 100 (C. 34:13A–6) is amended to read as follows:

C. 34:13A-6 Powers and duties.

(a) Upon its own motion, in an existing, imminent or threatened labor dispute in private employment, the board, through the Division of Private Employment Dispute Settlement, may, and, upon the request of the parties or either party to the dispute, must take such steps as it may deem expedient to effect a voluntary, amicable and expeditious adjustment and settlement of the differences and issues between employer and employees which have precipitated

or culminated in or threaten to precipitate or culminate in such labor dispute.

(b) Whenever negotiations between a public employer and an exclusive representative concerning the terms and conditions of employment shall reach an impasse, the commission, through the Division of Public Employment Relations shall, upon the request of either party, take such steps as it may deem expedient to effect a voluntary resolution of the impasse. In the event of a failure to resolve the impasse by mediation the Division of Public Employment Relations is empowered to recommend or invoke fact-finding with recommendation for settlement, the cost of which shall be borne by the parties equally.

(c) The board in private employment, through the Division of Private Employment Dispute Settlement, and the commission in public employment, through the Division of Public Employment Relations, shall take the following steps to avoid or terminate labor disputes: (1) to arrange for, hold, adjourn or reconvene a conference or conferences between the disputants or one or more of their representatives or any of them; (2) to invite the disputants or their representatives or any of them to attend such conference and submit, either orally or in writing, the grievances of and differences between the disputants; (3) to discuss such grievances and differences with the disputants and their representatives; and (4) to assist in negotiating and drafting agreements for the adjustment in settlement of such grievances and differences and for the termination or avoidance, as the case may be, of the existing or threatened labor dispute.

(d) The commission, through the Division of Public Employment Relations, is hereby empowered to resolve questions concerning representation of public employees by conducting a secret ballot election or utilizing any other appropriate and suitable method designed to ascertain the free choice of the employees. The division shall decide in each instance which unit of employees is appropriate for collective negotiation, provided that, except where dictated by established practice, prior agreement, or special circumstances, no unit shall be appropriate which includes (1) both supervisors and nonsupervisors, (2) both professional and nonprofessional employees unless a majority of such professional employees vote for inclusion in such unit or, (3) both craft and noncraft employees unless a majority of such craft employees vote for inclusion in such unit. All of the powers and duties conferred or imposed upon the division that are necessary for the administration of this subdivision, and not inconsistent with it, are to that extent hereby

made applicable. Should formal hearings be required, in the opinion of said division to determine the appropriate unit, it shall have the power to issue subpœnas as described below, and shall determine the rules and regulations for the conduct of such hearing or hearings.

(e) For the purposes of this section the Division of Public Employment Relations shall have the authority and power to hold hearings, subpœna witnesses, compel their attendance, administer oaths, take the testimony or deposition of any person under oath, and in connection therewith, to issue subpœnas duces tecum, and to require the production and examination of any governmental or other books or papers relating to any matter described above.

(f) In carrying out any of its work under this act, the board may designate one of its members, or an officer of the board to act in its behalf and may delegate to such designee one or more of its duties hereunder and, for such purpose, such designee shall have all the powers hereby conferred upon the board in connection with the discharge of the duty or duties so delegated. In carrying out any of its work under this act, the commission may designate one of its members or an officer of the commission to act on its behalf and may delegate to such designee one or more of its duties hereunder and, for such purpose, such designee shall have all of the powers hereby conferred upon the commission in connection with the discharge of the duty or duties so delegated.

(g) The board and commission may also appoint and designate other persons or groups of persons to act for and on its behalf and may delegate to such persons or groups of persons any and all of the powers conferred upon it by this act so far as it is reasonably necessary to effectuate the purposes of this act. Such persons shall serve without compensation but shall be reimbursed for any necessary expenses.

(h) The personnel of the Division of Public Employment Relations shall include only individuals familiar with the field of public employee-management relations. The commission's determination that a person is familiar in this field shall not be reviewable by any other body.

9. Section 8 of P. L. 1941, chapter 100 (C. 34:13A–8) is amended to read as follows:

C. 34:13A-8 Right to engage in lawful activities.

8. Nothing in this act shall be construed to interfere with, impede or diminish in any way the right of private employees to strike or engage in other lawful concerted activities.

C. 34:13A-8.1 Existing agreements and statutes not affected.

10. Nothing in this act shall be construed to annul or modify, or to preclude the renewal or continuation of any agreement heretofore entered into between any public employer and any employee organization, nor shall any provision hereof annul or modify any statute or statutes of this State.

C. 34:13A-8.2 Filing of contracts.

11. The commission shall collect and maintain a current file of filed contracts in public employment. Public employers shall file with the commission a copy of any contracts it has negotiated with public employee representatives following the consummation of negotiations.

C. 34:13A-8.3 Employee-management relations program.

12. The commission in conjunction with the Institute of Management and Labor of Rutgers, the State University, shall develop and maintain a program for the guidance of public employers in employee-management relations, to provide technical advice to public employers on employee-management programs, to assist in the development of programs for training management personnel in the principles and procedures of consultation, negotiation and the settlement of disputes in the public service, and for the training of management officials in the discharge of their employee-management relations responsibilities in the public interest.

13. Section 11 of P. L. 1941, chapter 100 (C. 34:13A–11) is amended to read as follows:

C. 34:13A-11 Adoption or amendment of rules.

11. The board shall have power to adopt, alter, amend or repeal such rules in connection with the voluntary mediation of labor disputes in private employment and the commission shall have the same powers in public employment, as may be necessary for the proper administration and enforcement of the provisions of this act.

14. For the purpose of carrying out the amendatory and supplementary provisions of this act there is hereby appropriated for the use of the commission for the fiscal year 1968-1969, the additional sum of $100,000.00.

15. This act shall take effect July 1, 1968.

Passed September 13, 1968.

CHAPTER 304

AN ACT authorizing management consultant contracts for studies of State employment conditions, and making an appropriation.

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

C. 52:14-17.50 Annual contracts for studies of State employment.

1. The Director of the Division of Budget and Accounting in the Department of the Treasury with the approval of the President of the Senate and Speaker of the General Assembly is authorized to enter into annual contracts on behalf of the State with a recognized management consulting firm of its selection to prepare, and from time to time revise, a thorough study of wages, salaries, benefits, work productivity and working conditions of State employees and comparison thereof with comparable private employment, with the ends in view of providing the Governor and the Legislature with standards and guidelines for use in the preparation of annual budgets and appropriation acts for the support of the State Government that will permit fair treatment of State employees and permit the State to gain and maintain a competitive position in its recruitment and retention of employees.

2. There is appropriated to the Division of Budget and Accounting, Department of the Treasury for the purpose of this act the sum of $100,000.00.

3. This act shall take effect immediately.

Passed September 13, 1968.

CHAPTER 305

AN ACT to stimulate and encourage improvements in the dental health of the public and providing means for the development and operation of plans to achieve the same.

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

C. 17:48C-1 Corporation's objectives.

1. The objects and purposes of a dental service corporation authorized pursuant to this act shall be to establish, maintain and operate a nonprofit dental service plan or plans in the public interest whereby dental care may be provided to individuals either singly or in groups who become subscribers thereto; and in furtherance thereof to enter into contracts with duly licensed dentists whereby such dentists agree to provide such dental care to its subscribers; and to do everything necessary, incidental or appropriate for the performance and fulfillment of the aforesaid objects and purposes or which may lawfully be done by a nonprofit corporation organized under the laws of the State of New Jersey.

C. 17:48C-2 Definitions.

2. As used in this act the following words and phrases shall have the stated meanings unless a different meaning clearly appears from the context:

(a) the term "dental service corporation" or "the corporation" shall mean a corporation which is (1) organized, without capital stock, and not for profit, for the purpose of establishing, maintaining and operating a nonprofit dental service plan, whereby the expense of dental services to subscribers and other covered dependents is paid in whole or in part by the corporation to participating dentists and to others as provided herein in return for premiums or other valuable considerations, and which (2) holds a certificate of authority issued under this act;

(b) the term "subscriber" shall mean a person to whom a subscription certificate is issued by the corporation and which sets forth the kinds and extent of the dental services for which the corporation is liable to make and which constitutes the contract between the subscriber and the corporation;

(c) the term "covered dependent" shall mean the spouse, an adult dependent or a child of the subscriber who is named in the subscription certificate issued to the subscriber and with respect to whom appropriate premium is specified in the certificate;

(d) the term "participating dentist" shall mean any dentist authorized to practice dentistry under the laws of this State and who agrees in writing with the corporation to provide the dental services specified in the subscription certificates issued by the corporation and at such rates of compensation as shall be determined by its board of trustees and who agrees to abide by the by-laws, rules and regulations of the corporation applicable to participating dentists;

(e) the term "dental service" shall mean any and all general and special dental services ordinarily provided by such licensed dentists in accordance with accepted practices in the community at the time the service is rendered;

(f) the term "commissioner" shall mean the Commissioner of Banking and Insurance.

C. 17:48C-3 Nonprofit corporation; application of assets in event of dissolution.

3. No dental service corporation shall be converted into a corporation organized for pecuniary profit. Every such corporation shall be operated for the benefit of the subscribers. No dental service corporation shall impose any restrictions as to methods of diagnosis or treatment on dentists who administer to its subscribers. The certificate of incorporation or by-laws shall contain an irrevocable provision that in the event of any dissolution of the corporation the net assets remaining shall be applied to one or more charitable or educational purposes, as near as may be to those for which the corporation was formed, to be selected by a majority of the trustees of the corporation with the approval of the commissioner; and in case of the failure or inability of the trustees to so select, or in case of any disagreement in respect to the validity of such selection, the same shall be made by the Superior Court by application of the doctrine of cy pres and other applicable equitable doctrines in a summary proceeding initiated by one or more trustees, or by any other person having a substantial interest in the provisions of this section, including, without limitation, the commissioner or the Attorney General.

C. 17:48C-4 Certification by commissioner; certificate of authority; solicitation of subscribers.

4. A nonprofit corporation organized under Title 15 of the Revised Statutes for the purpose of establishing, maintaining and operating a nonprofit dental service plan, as described in section 2 (a) of this act, intending to do so as a dental service corporation certified under and thereby subject to the provisions of this act, shall seek certification therefor by application to the commissioner. The application of such a corporation shall include a certified copy of its certificate of incorporation, a copy of its by-laws certified by the lawful custodian of the original, and a statement in such form and detail as the commissioner shall prescribe, showing its financial condition, its proposed methods and places of operation, and such other matters as the commissioner shall prescribe, signed and sworn to by its president and secretary or other proper officers. If the commissioner is satisfied, on the basis of examination or otherwise, that such corporation is organized without capital stock and not for pecuniary profit and has complied with the requirements of this act and that its condition or methods of operation are not such as would render its operations hazardous to the public or its subscribers, the commissioner shall issue a certificate of authority to such corporation as a dental service corporation of this State. A corporation to which a certificate of authority has been issued under this act thenceforth shall be subject in all its activities to the provisions of this act as long as the certificate of authority as issued or thereafter amended remains in effect. No change in, or amendment to, or alteration in, addition to, or substitution of any document, instrument or other papers so filed with the commissioner shall become operative or effective until the same shall also have been filed with the commissioner in a similar manner. No certificate of authority shall be issued to any corporation not incorporated as a corporation without capital stock and not for pecuniary profit under the laws of this State, or to any corporation which, prior to or pending its application for such certificate, has solicited a subscriber or issued a subscription certificate. No dental service corporation shall solicit a subscriber or issue a subscription certificate until its board of trustees has been fully constituted as provided in this act.

C. 17:48C-5 Certification standards.

5. In reviewing any application for authority to operate under this act, the commissioner shall be guided by the following standards:

(a) It shall be shown that the initial working funds are adequate. No certificate of authority shall be issued to any applicant therefor except on receipt of evidence by the commissioner that such applicant is in possession of unencumbered funds of not less than $25,000.00 and that such amount is held in cash or in bank to its credit. From and after the issuance of a certificate of authority to an applicant, the corporation shall maintain such amount as a general surplus over and above its reserves, liabilities, and special contingent surplus.

(b) It shall be shown that the applicant has enlisted a sufficient number of participating dentists, with skills in appropriate fields and accessible to subscribers, to indicate ability to render the intended dental service. In carrying out the intent of this section the commissioner shall determine that at least 100 dentists have agreed to participate.

(c) It shall be shown that the applicant will accept as a participating dentist any dentist authorized to practice dentistry in the jurisdiction where his services are to be rendered, and who is ready, available and willing to render dental service to be provided under a contract or contracts.

C. 17:48C-6 Board of trustees; membership, qualifications, chairman.

6. The activities and operations of a dental service corporation shall be conducted by a board of trustees composed initially of an even number of persons, not less than 14 in all, as may be specified in the certificate of incorporation, ½ of whom shall be persons who are licensed to practice dentistry in this State and who are holders of active registration certificates in good standing. The initial members of the board shall elect one additional person to serve as chairman of the board to preside at all meetings of the board, and who shall be a member of the board and participate in its work and functions, except that he shall cast no vote on any matter coming before the board except in case of a tie in the votes cast by the other members of the board. The offering and operation of contracts and agreements under the authority of this act shall not constitute the practice of dentistry.

C. 17:48C-7 Subscription contracts.

7. Every contract made by any dental service corporation to provide payment for dental service shall provide for the payment for dental service for a period of 12 months, and no contract shall be made providing for the inception of such services at a date

later than one year after the actual date of the making of such contract. Any such contract may provide that it shall be automatically renewed from year to year unless there shall have been 90 days' prior written notice of termination by either the subscriber or the corporation. No contract between the corporation and a subscriber shall provide for payment for dental services for more than one person, except that a family contract may provide that payment will be made for dental services rendered to a subscriber and covered dependents.

C. 17:48C-8 Written contracts required; subscription certificates.

8. Every contract entered into by the corporation with any subscriber shall be in writing and a certificate stating the terms and conditions thereof shall be furnished to the subscriber. No such subscription certificate shall be issued or delivered by any dental service corporation unless it contains the following provisions:

(a) A statement of the amounts payable to the corporation by the subscriber and the times at which and the manner in which such amounts shall be paid; and a provision requiring 90 days' written notice to the subscriber before any change in the contract, including a change in the amount of subscription rate, shall take effect;

(b) a statement of the nature of the dental services to be paid for and the period during which the certificate is effective; and if there are any types of dental services to be excepted, or for which benefits are limited, a detailed statement of such exceptions and limitations printed as hereinafter specified;

(c) a statement of the terms or conditions, if any, upon which the certificate may be canceled or otherwise terminated at the option of either party;

(d) a statement that the subscription certificate constitutes the contract between the corporation and the subscriber and includes the endorsements thereon and attached papers, if any, and contains the entire contract;

(e) a statement that no statement by the subscriber in his application for a certificate shall void the contract or be used in any legal proceeding thereunder, unless such application or an exact copy thereof is included in or attached to the certificate, and that no agent or representative of the corporation, other than an officer or officers designated in the certificate, is authorized to change the contract or waive any of its provisions;

(f) a statement that if the subscriber defaults in making any payment under the certificate, the subsequent acceptance of a payment by the corporation or by one of its duly authorized agents shall reinstate the contract, but such reinstatement shall not provide coverage for the period during which the subscriber was in default in making such payment;

(g) a statement of the period of grace which will be allowed the subscriber for making any payment due under the contract, which period shall not be less than 10 days;

(h) a statement that indemnity in the form of cash will not be paid to any subscriber except in payment for dental services for which the corporation was liable at the time of such payment.

C. 17:48C-9 Payment of additional fees.

9. Any dental service corporation may classify subscribers whereby under specified circumstances a subscriber or covered dependents may pay a participating dentist for dental services an amount in addition to that payable by the corporation for dental services and the subscription certificate issued to any subscriber affected thereby shall contain the provisions thereof and shall specify such circumstances. No subscriber or covered dependent shall be liable for that portion of a participating dentist's fee for dental service specified in the subscriber's certificate, which is to be paid by the corporation to the participating dentist.

C. 17:48C-10 Corporation's liability.

10. Any subscription certificate may contain a provision that all dental services paid for by a dental service corporation shall be in accordance with the accepted dental practices in the community at the time, but the corporation shall not be liable for injuries resulting from negligence, misfeasance, malfeasance, nonfeasance or malpractice on the part of any officer or employee or on the part of any dentist or others engaged by him in the course of rendering dental services to subscribers.

C. 17:48C-11 Subscription certificates; form and contents.

11. In every subscription certificate issued or delivered by any dental service corporation of this State:

(a) All printed portions shall be plainly printed in type of which the face is not smaller than 10 point;

(b) there shall be a brief description of the subscription certificate on its first page and on its filing back, in type of which the face is not smaller than 14 point;

(c) the exceptions and limitations of the contract shall appear with the same prominence in the certificate as the benefits to which they apply; and

(d) if the contract contains any provisions purporting to make any portion of the articles, constitution or by-laws or regulations of the corporation or plans a part of the contract, such portion shall be set forth in full.

C. 17:48C-12 Certain agreements authorized.

12. Any dental service corporation may enter into agreements with eligible dentists whereby such dentists become participating dentists in a plan operated by the corporation and may make to such dentists such payments as shall have accrued by reason of services required to be performed under the plan. No person shall become a participating dentist unless he shall be a dentist authorized to practice dentistry under the laws of this State. Any dental service corporation may enter into contracts for the payment of dental services to the subscribers or members of similar nonprofit dental service corporations of this or any other State, subject to the supervision of the State in which such similar corporation is located, and shall have the right to make payment to any other nonprofit dental service corporation, or to any dentists authorized to practice dentistry in this or any other State for services rendered to its subscribers and their covered dependents at rates not exceeding the rates paid participating dentists under the certificate of the subscriber. The making of any such contract or arrangement, or the rendering of dental service pursuant thereto, shall not be a violation of any law, rule or regulation governing the practice of dentistry.

C. 17:48C-13 Commissioner's approval of subscription certificate; review.

13. No subscription certificate shall be issued by any dental service corporation to any subscriber unless and until the form thereof shall have been filed with the commissioner, together with all applications, riders and endorsements for use in connection with the issuance or renewal thereof. If the commissioner shall at any time notify the corporation filing the same of his disapproval of any such form, as contrary to law, or as being oppressive or calculated to mislead the public, specifying particulars, it shall be unlawful for such corporation thereafter to issue any such 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.

C. 17:48C-14 Schedule of rates; filing, disapproval, review.

14. No dental service corporation shall enter into any contract with a subscriber unless and until it shall have filed with the commissioner a full schedule of the rates to be paid by the subscribers to such contracts. The commissioner may disapprove such schedule of rates at any time if he finds that such rates are excessive, inadequate or discriminatory. It shall be unlawful for any dental service corporation whose schedule of rates has been disapproved to effect any contract or issue any subscription certificate until a revised schedule of rates has been filed. Such disapproval by the commissioner shall be subject to review by the Superior Court in a proceeding in lieu of prerogative writ.

C. 17:48C-15 Agreements with dentists; approval of payments; corporate records.

15. No dental service corporation shall enter into any contract with a subscriber unless and until it shall have filed with the commissioner a copy of the agreement proposed to be entered into by the corporation and the participating dentists. Every such agreement shall provide for the payment of dental services to subscribers and covered dependents to the end of the subscription certificate year; that 30 days' written notice of termination of such agreement may be given to the corporation at any time by any participating dentist but shall not apply to any subscription certificate in force at the time of such notice until the first date thereafter when such subscription certificate may properly be terminated by the corporation, and that the agreement of the dentist to render such service to the end of any certificate year shall not be affected by cessation of the transaction of business by reason of appropriate resolution of the board of trustees, or directors of such corporation, injunction issued by a court of competent authority, legislative act or by any other exercise of judicial, administrative or legislative authority; provided, that this requirement shall not apply to any subscription certificate which is not maintained in force by the payment of premiums required thereby. There shall be included in the minutes of the board of trustees of every dental service corporation a record of the approval of payments to be made to participating dentists. The corporation shall maintain in its office complete records of all the dental services rendered to subscribers and covered dependents in such form as will indicate the kind of services rendered, the amounts claimed for such services by the participating dentists, and the amounts paid by the corporation. No payment to any participating dentists shall be authorized by the board of trustees except in accordance with a plan of payments

adopted by the board, recorded in the minutes of a meeting, and filed with the commissioner. If the commissioner at any time shall notify the corporation of his disapproval of any rate of payment included in the plan of payments as being excessive or inadequate in itself or in relation to other rates of payment, payment shall not thereafter be made at the rate. In making his determination the commissioner shall give consideration to prevailing rates of payment by hospital, medical and dental service corporations of this and other States for similar services under similar conditions, the fair relationships of the values of the different kinds of services covered in the plan of payments and any other relevant facts. At the time of filing a plan and thereafter upon request of the commissioner, the corporation shall furnish to the commissioner such information as the commissioner shall specify to facilitate review of the plan of payments.

C. 17:48C-16 Group contracts.

16. A dental service corporation may also issue to a policyholder a group contract, covering at least 10 employees or members at the date of issue, if it conforms to the following description:

(a) A contract issued to an employer or to the trustees of a fund established by one or more employers, or issued to a labor union, or issued to an association formed for purposes other than obtaining such contract, or issued to the trustees of a fund established by one or more labor unions or by one or more employers and one or more labor unions, covering employees and members of associations or labor unions.

(b) A contract issued to cover any other group which the commissioner determines may be covered in accordance with sound underwriting principles.

Benefits may be provided for one or more members of the families or one or more dependents of persons who may be covered under a group contract referred to in (a) or (b) above.

The contract may provide that the terms "employees" shall include as employees of a single employer the employees of one or more subsidiary corporations and the employees, individual proprietors and partners of affiliated corporations, proprietorships and partnerships if the business of the employer and such corporations, proprietorships or partnerships is under common control through stock ownership, contract or otherwise. The contract may provide that the term "employees" shall include the individual proprietor or partners of an individual proprietorship or a partner-

ship. The contract may provide that the term "employees" shall include retired employees. A contract issued to trustees may provide that the term "employees" shall include the trustees or their employees, or both, if their duties are principally connected with such trusteeship. A contract issued to the trustees of a fund established by the members of an association of employers may provide that the term "employees" shall include the employees of the association.

C. 17:48C-17 Certain provisions of act not applicable to group contracts.

17. The provisions of this act shall apply to group contracts except that sections 7, 8, 11 and 14 of this act shall not apply. The word "subscriber" as used in this act means the policyholder under a group contract where the context so requires.

C. 17:48C-18 Written group contract to be furnished to policyholder; contents.

18. Every group contract entered into by a dental service corporation with any policyholder shall be in writing and a contract form stating the terms and conditions thereof shall be furnished to the policyholder to be kept by him. No group contract form shall be used unless it contains the following provisions:

(a) A statement of the contract rate payable to the dental service corporation by or on behalf of the policyholder for the original period of coverage, the time or times at which, the manner in which, the contract rate due is to be paid, and the basis, if any, on which the rate may subsequently be adjusted;

(b) A provision that all contract rates due under the contract shall be paid by the policyholder, or by the designated representative of the policyholder, to the dental service corporation on or before the due date thereof or within such period of grace as may be specified therein;

(c) A statement of the nature of the dental services to be paid for and the period during which such payments will be made, and if there are any services to be excepted, a detailed statement of such exceptions;

(d) A provision that the contract, any endorsements or riders thereto, the application of the policyholder in whose name the contract is issued, a copy of which shall be attached to the contract, and the individual applications, if any, of the employees or members shall constitute the entire contract between the parties and that all statements contained in any such application for coverage shall be deemed representations and not warranties;

(e) A provision that there shall be issued to the policyholder, for delivery to the employee or member, a certificate or other document which sets forth or summarizes the essential features of the coverage including the time, place and method for making claims for benefits;

(f) A provision that all new employees or new members, as the case may be, in the groups or classes eligible for the coverage must be added to the eligible groups or classes;

(g) A statement of the terms and conditions, if any, upon which the contract may be terminated or amended. Any notice to the policyholder shall be effective if sent by mail to the policyholder's address as shown at the time on the corporation's records. The notice to the policyholder as herein required shall be sent at least 30 days before the termination or amendment of the contract takes effect.

Any such group contract may contain a provision that all dental services paid for by a dental service corporation shall be in accordance with the accepted dental practices in the community at the time, but the corporation shall not be liable for injuries resulting from negligence, misfeasance, malfeasance, nonfeasance or malpractice on the part of any officer or employee or on the part of any dentist or others engaged by him in the course of rendering dental services to persons covered.

Any dental service corporation may classify persons covered whereby under specified circumstances a covered person may pay a participating dentist for dental services an amount in addition to that payable by the corporation for dental services and the group contract shall contain the provisions thereof and specify such circumstances.

C. 17:48C-19 Group contract rates; formulas, experience rating, commissioner's approval.

19. Group contracts, covering at least 100 employees or members, may provide for the adjustment of the contract rate, based on both past and contemplated experience thereunder, at the end of the first year or any subsequent year of coverage thereunder but no increase in the contract rate shall be retroactive. No dental service corporation shall use any form of experience rating plan until it shall have filed with the commissioner a full schedule of the rates and formulas to be used and the classes of groups to which they are to apply. The commissioner may disapprove the rates, formulas

or classes at any time if he finds that the rates produced thereby are excessive, inadequate or unfairly discriminatory or that the rates, formulas or classes are such as to prejudice the interests of persons who are eligible for dental services under contracts with the dental service corporation which are not subject to experience rating.

No experience rating formula shall be approved by the commissioner unless it provides that the groups subject to experience rating will be assessed a reasonable community charge and unless it incorporates a provision that, in no event, shall the rates charged an experience rated group be more than 25% in excess of or more than 25% below the average projected rates to be charged all experience rated groups, having comparable coverage, as of the end of the calendar quarter next following the ending date of the experience period for the group in question.

Any experience rating formula may provide for the allowance of an equitable discount in the event the policyholder agrees to perform certain administrative functions and record keeping in connection with routine maintenance of the group account.

C. 17:48C-20 Participation with other corporations.

20. A dental service corporation of this State may enter into agreements to participate with other corporations in the issuance of group contracts to policyholders whose employees or members are located in more than one State. Without regard to the size limitation and the percentage limitations specified in the first and second paragraphs, respectively, of section 19 of this act, the agreements may provide for experience rating, for a sharing of the premium, claims, and expenses by the participating corporations or for acceptance or ceding of the whole or portions of group risks on a reinsurance basis. No such agreements shall, however, prejudice the interests of persons who are eligible for dental services under other contracts with the dental service corporation. Such agreements shall be filed with and approved by the commissioner before becoming effective.

C. 17:48C-21 Issuance of contracts other than experience rated.

21. No dental service corporation shall issue group contracts which are not experience rated pursuant to sections 19 or 20 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.

C. 17:48C-22 Review of certain practices, rules and procedures; hearing; review of disapproval.

22. All practices, rules and procedures of a dental service corporation, involving termination or refusal to renew coverage, modification of coverage or rates in the case of persons classified as left-group, selection of risks, and underwriting classifications, shall be subject to review at any time by the commissioner and upon his request for information relative to any such practice, rule or procedure the dental service corporation shall furnish such information in writing without delay. If in the opinion of the commissioner any such practice, rule or procedure, is unjust, unfair, or inequitable, taking into consideration the nonprofit and tax-exempt status of the dental service corporation, he shall so notify the dental service corporation and fix a time and place for hearing before him or his designated representative at which the dental service corporation may be heard.

Following such hearing, the commissioner may make an order based on the record of the proceeding. If such order be one of disapproval, it shall be unlawful for the corporation to continue such practice, rule, or procedure. Such disapproval by the commissioner shall be subject to review by the Superior Court in a proceeding in lieu of prerogative writ.

C. 17:48C-23 Certain fees payable to commissioner.

23. Every corporation to which this act shall be applicable shall pay the following fees to the commissioner for enforcement of the provisions of this act, viz.: for filing its application and charter, $10.00; for filing each annual statement, $20.00; for each copy of any paper filed in the Department of Banking and Insurance, $0.20 a sheet or folio of 100 words and $1.00 for certifying the same. In addition, such corporation shall pay on April 1 of each year a general supervisory fee to the commissioner in the amount of $0.02 per subscriber at the end of the preceding year under subscription contracts other than group contracts, plus $0.02 per member or employee covered under group contracts at the end of the preceding year.

C. 17:48C-24 Corporation's operating expenses.

24. If the commissioner shall determine that the amount disbursed during any 12-month period by a dental service corporation as expenses of operation is excessive in proportion to the amount it received from subscribers during that period, the corporation shall reduce its expenses during the 12-month period next following notification of the commissioner's determination to the proportion directed by the commissioner. In making his determination the commissioner shall give consideration to the number of subscribers enrolled, the aggregate payments by subscribers, the length of time the corporation has been certified as a dental service corporation, the expense rates of hospital, medical and dental service corporations of this and other States under similar conditions and any other relevant facts. In no event shall a dental service corporation disburse an amount during any 12-month period for expenses of operation greater than 30% of the amount it receives from subscribers during that period.

C. 17:48C-25 Investment of funds; special contingent surplus.

25. The funds of any dental service corporation may be invested only in accordance with the requirements now or hereafter provided by law for the investment of funds of life insurance companies. Every dental service corporation after the first full calendar year of doing business after the effective date of this act, shall accumulate and maintain a special contingent surplus over and above its reserves and liabilities at the rate of 2% annually of its net contract and certificate income until such surplus shall be not less than $100,000.00, except that no such corporation shall be required to maintain a special contingent surplus exceeding 55% of its average annual contract and certificate income for the previous 5 years.

C. 17:48C-26 Annual financial statement; preparation, filing; commissioner's inquiries.

26. Every dental service corporation transacting business in this State shall file annually, on or before March 1, in the Department of Banking and Insurance, a statement in such form and detail as the commissioner shall prescribe, subscribed and sworn to by its president and secretary, or in their absence by 2 of its principal officers, showing its financial condition at the close of business on December 31 of the year last preceding, its business transacted during that year, and such other matters as the commissioner shall prescribe. The commissioner may also address

inquiries to any such corporation or its officers in relation to its condition or affairs, or any matter connected with its transactions, and it shall be the duty of the officers of such corporation to reply promptly in writing to all such inquiries; for good cause shown the commissioner may extend the time within which any such statement may be filed.

C. 17:48C-27 Failure to file statement or answer inquiries; penalty.

27. Any dental service corporation neglecting to make and file its annual statement as required by section 26 of this act, or neglecting to reply in writing to inquiries of the commissioner within such reasonable time as may be specified by him, shall forfeit $25.00 for each day's neglect, to be recovered in a civil action; and upon notice by the commissioner to such effect, its authority to do new business in this State shall cease while such default continues.

C. 17:48C-28 Examination of assets and affairs; assistants, expenses.

28. (a) The commissioner shall have the power, whenever he deems the same expedient, to make or cause to be made an examination of the assets and liabilities, method of conducting business and all other affairs of every dental service corporation authorized or which has made application for authority to transact business under the provisions of this act. For the purpose of such examination the commissioner may commission and employ such persons to conduct the same or to assist therein as he may deem advisable, which examination may be conducted in any State in which the corporation examined has an office, agent or place of business.

(b) The reasonable expense of such examination shall be fixed and determined by the commissioner and he shall collect the same from the corporation examined, which shall pay same on presentation of a detailed account of such expense. In case any corporation, after such examination, shall be adjudged by the Superior Court to be insolvent, the expense of such examination, if unpaid, shall be ordered paid out of the assets of the corporation. No dental service corporation shall, either directly or indirectly, pay, by way of gift, credit or otherwise, any other or further sum to the commissioner or to any person in the employ of the Department of Banking and Insurance, for extra service or for purposes of legislation, or for any other purpose whatsoever.

(c) It shall be the duty of the officers, agent and employees of any such corporation to exhibit all its books, records and accounts

for the purpose of such examination and otherwise to facilitate the same so far as it may be in their power to do so, and for that purpose the commissioner and his deputies, assistants and employees shall have the power to examine, under oath, the officers, agents and employees of any such corporation relative to its business and affairs.

C. 17:48C-29 Insolvency or other circumstances; injunctive relief; receiver.

29. Whenever any dental service corporation shall become insolvent or shall suspend its ordinary business for want of funds to carry on the same, or whenever the commissioner shall ascertain, as a result of examination as authorized by this act, or in any other manner, that any such dental service corporation is exceeding its powers or violating the law or that its condition or methods of business are such as to render the continuance of its operations hazardous to the public or its members, that its assets are less than its liabilities or that the number of subscribers to its service has decreased to less than 100 persons, or that it has failed to maintain the number of participating dentists specified by this act, the commissioner may institute an action in the Superior Court to enjoin it from the transaction of any further business, or from the transfer or disposal of its property in any manner whatsoever. The court may proceed in the action in a summary manner or otherwise. It may grant injunctive relief and 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 tenement, books, papers, choses in action, bills, notes and property of every description belonging to such dental service corporation and sell and convey and assign the same, and hold and dispose of the proceeds thereof under the directions of the Superior Court. The court may cause the receiver to continue the existing operations of the corporation, under court supervision, until the next anniversary of the subscription certificates then in force. Any such dental service corporation may be deemed insolvent whenever it is presently or prospectively unable to fulfill its outstanding contracts and to maintain the reserves required pursuant to this act.

C. 17:48C-30 Violations of provisions of act; penalties.

30. Any dental service corporation which shall have violated any of the provisions of, or shall have neglected, failed or refused to comply with, any of the requirements of this act, except the failure to file an annual statement and the failure to reply in writing to in-

quiries of the commissioner, shall be liable to a penalty of $500.00, to be sued for and collected by the commissioner in a civil action in the name of the State. The penalties when recovered shall be paid by the commissioner into the State Treasury for the use of the State. Any officer, agent, employee or member of any such corporation or any other person who shall issue, circulate or cause or permit to be circulated, any estimate, illustration, circular of any sort misrepresenting the terms of any contract issued by such corporation or misrepresent the benefits or advantages promised thereby, or use any name or title of any contract or class of contracts misrepresenting the true nature thereof shall be guilty of a misdemeanor.

C. 17:48C-31 Grants for needy persons.

31. A dental service corporation may receive and accept from any governmental agencies, Federal, State or local, any grant or allocation of funds for the purpose of providing payment for dental services to eligible persons under such terms or conditions as shall be specified by such agency. Any dental service corporation may in its discretion accept the grant of funds from private agencies, corporations, associations, groups of individuals or individuals for the purpose of providing dental services to needy persons under such conditions as shall be satisfactory to such persons or organizations and to the corporation. All funds received under such grants shall be segregated in a separate fund or funds to be used for the purposes agreed upon. Neither the income from subscribers to the corporation, nor the assets accumulated from income received from subscribers shall be available for the payment of any obligations assumed by the corporation under such grants, nor shall any funds received through such grants be available for the payment of the obligations assumed by the corporation under its subscription certificates. The authority of the commissioner under the provisions of this act shall not extend to funds received under such grants except to such extent as is necessary to satisfy him that the requirements of this act have been complied with.

C. 17:48C-32 Corporation as charitable or benevolent institution; tax exemption.

32. Every dental service corporation is hereby declared to be a charitable and benevolent institution, and its funds and property shall be exempt from taxation by the State or any political subdivision thereof.

C. 17:48C-33 Severability of act.

33. Should any provision or section of this act be held invalid for any reason, such holding shall not be construed as affecting the validity of any remaining portion of such section or of this act, it being intent of the Legislature that this act shall stand notwithstanding the invalidity of any such provision or section.

C. 17:48C-34 Engaging in activity provided for in act; exceptions.

34. No person, association or corporation shall engage in any activity provided for in this act unless organized and authorized in accordance with its provisions; but this shall not preclude activities authorized under other enabling acts, nor shall it apply to any arrangement or activity which is subject to regulation under other applicable law of this State or of the United States.

C. 17:48C-35 Construction of act.

35. This act shall be liberally construed to the end that its objectives may be achieved with maximum flexibility and variety.

C. 17:48C-36 Short title.

36. This act shall be known and may be referred to by its short title as the "Dental Service Corporation Act of 1968."

37. This act shall take effect immediately.

Approved September 26, 1968.

CHAPTER 306

AN ACT appropriating funds to assist local officials in organizational and operational planning with relation to police agencies and services.

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

1. The Legislature finds it to be in the public interest for the State to assist local police agencies in planning their organizational structure to provide rapid and adequate police protection to the public including specialist, investigative and technical services.

2. For the purpose of assisting local public officials in the development of plans for the voluntary consolidation of police agencies or provision of police services on a pooling or joint contract basis there is hereby appropriated to the Department of Law and Public Safety the sum of $100,000.00.

3. This act shall take effect July 1, 1968.

Approved September 26, 1968.

CHAPTER 307

AN ACT increasing the penalty for possession of firearms and certain other dangerous weapons and amending section 2A:151–41 of the New Jersey Statutes.

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

1. Section 2A:151–41 of the New Jersey Statutes is amended to read as follows:

Carrying weapons without permit or identification card; penalty.

2A:151–41. Except as hereinafter provided, any person who carries, holds or possesses in any automobile, carriage, motor cycle or other vehicle, or on or about his clothes or person, or otherwise in his possession, or in his possession or under his control in any public place or public area:

a. A pistol or revolver without first having obtained a permit to carry the same in accordance with the provisions of this chapter; or

b. A rifle or shotgun without first having obtained a firearms purchaser identification card in accordance with the provisions of this chapter; or

c. Any dangerous instrument of the kinds known as a blackjack, slung shot, billy, sandclub, sandbag, bludgeon, metal knuckles, cestus or similar leather band studded with metal for fitting on the knuckles, loose wool impregnated with metal filings, or razor blades imbedded in wood slivers, dagger, dirk, dangerous knife or knife as defined in chapter 5 of the laws of 1952 (C. 2A:151–62), stiletto,

grenade, bomb or other explosive, other than fixed ammunition, except as such person may be licensed to carry, hold or possess explosives under the provisions of Title 21 of the Revised Statutes and amendments thereto, is guilty of a high misdemeanor.

2. This act shall take effect immediately.

Approved September 26, 1968.

CHAPTER 308

AN ACT to amend "An act to conserve certain natural resources of the State and to protect the public health; to provide for the licensing of well drillers; to fix fees therefor and to provide penalties for violations thereof," approved July 1, 1947 (P. L. 1947, c. 377) and to repeal sections 11, 21 and 22 thereof.

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. 58:4A-5 Commissioner's powers; rules and regulations.

1. The Commissioner of the Department of Conservation and Economic Development, hereinafter called commissioner, in furtherance of his general powers of supervision over the natural resources of the State and their conservation for public use, is hereby authorized, empowered and directed to make effective the provisions of this act and to adopt and effectuate, such rules and regulations as may be proper for this purpose and for the administration of the provisions of this act. The commissioner may adopt rules and regulations to carry out the purposes of this act.

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

C. 58:4A-6 Well driller's license; requirement, authority to establish standards.

2. No person, partnership or corporation shall hereafter engage in well drilling in this State except as provided in section 20 hereof unless he, if an individual, or a member of the firm, if a partnership, or an executive officer, if a corporation, shall be licensed as a well driller of the proper class, as provided in this act.

No person, partnership, or corporation shall employ more than 3 other well drillers in well drilling in this State until he complies with the criteria established therefor under the rules and regulations of the commissioner.

No other agency or civil division of the State shall be empowered to license or to establish standards or requirements for engaging in the trade, business or calling of well drilling which shall be applicable to any person licensed under this act.

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

C. 58:4A-7 Well driller examiners' board; creation, appointment, function, membership, qualifications, terms, quorum, removal.

3. A board of 7 well driller examiners is hereby created to be appointed by the Commissioner of Conservation and Economic Development, which shall function as an examining board of well drillers, and as an advisory board to the commissioner and shall be hereinafter referred to as the board. Two members of the board shall be employees of the department; one member not employed by the State or pecuniarily involved in well drilling shall be appointed by the commissioner; and the remaining 4 members shall have the qualifications to qualify as master well drillers. Members of the board shall be appointed for terms of 3 years. A quorum of the board shall consist of 5 members. All persons appointed to said board shall be citizens of the United States and residents of the State of New Jersey. The commissioner may remove any member of the board, after hearing, for misconduct, incompetence, neglect of duty or for any other sufficient cause.

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

C. 58:4A-8 Board designation; compensation and reimbursement for expenses; exception.

4. Said board so appointed shall be designated and known as the "State Well Drillers Examining and Advisory Board."

Each member of the board, except those who are employees of the department, shall receive compensation of $25.00 per day, and actual and necessary expenses, for each day in which such member is engaged in the attendance upon meetings of the board; such charges to be approved by the commissioner and paid from general funds of the State within the limits of appropriations to the department.

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

C. 58:4A-9 Meetings.

5. The board shall meet on the call of the commissioner within 30 days after its members are first appointed and thereafter shall hold at least one meeting each year. A special meeting of the board shall be called by the commissioner, or his duly authorized representative, whenever the necessity for such a meeting exists.

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

C. 58:3A-10 Powers and duties.

6. The board shall be vested with the following powers and duties:

(a) It shall be the duty of the board to examine as to their experience and qualifications all persons applying for licenses as well drillers, and to certify the results thereof within 10 days to the commissioner of the department. Such examinations may be oral or written and shall be of a practical nature.

(b) It shall, by a majority of all its members, formulate and recommend to the commissioner rules, regulations, and standards for engaging in the trade, business or calling of well drilling, which shall be applicable to any person licensed under this act.

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

C. 58:4A-12 Revocation or suspension of licenses; action by board, filing of charges, conduct of hearings.

8. The board may after public hearing, recommend to the commissioner that he revoke, or suspend for any period less than 1 year the license of any well driller, if the same was obtained through error or fraud, or if the board shall find him guilty of gross neglect, incompetency, or misconduct in the practice of well drilling or if the holder thereof has a second time willfully violated any of the provisions of this law or any of the rules and regulations prescribed by the commissioner. Any person whose license has been revoked may, after the expiration of 1 year from the date of such revocation, apply for a new license.

The charges against any well driller of whom complaint is made shall be in writing and sworn to by the complainant, and filed with the board.

Such charges unless dismissed by the board as unfounded or trivial shall be heard and determined by the board within 3 months after the date on which they are preferred unless the board shall determine that good cause exists for further delay. The board shall have the power at any such proceeding to require the attendance of witnesses before it, and the production of such books, papers and documents as it may require, and to issue or authorize the issuance of subpœna therefor.

The time and place of the hearing, which may be adjourned from time to time, shall be fixed by the board. A copy of the charges, together with a notice of the time and place of hearing shall be served on the accused by the board personally or by certified mail, addressed to his last known place of residence in this State, at least 30 days before the day fixed for the hearing. At such hearing the accused shall have the right to appear personally or by counsel and to cross-examine witnesses against him and to produce evidence in his defense.

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

C. 58:4A-13. Operations requiring supervision of licensed driller; display of owner's name on equipment.

9. Any operation on the drilling, boring, coring, driving, digging or construction of wells shall be under the immediate supervision of a licensed well driller, and the name of the owner shall be displayed on the equipment used by such driller. Nothing in this act shall be construed as applying to the drilling of blast holes in quarries or mines.

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

C. 58:4A-14 Permit to drill well; report after drilling well; failure to file report; penalty.

10. No well shall be drilled until a permit therefor where required by the provisions of this act, has been secured from the said department. Application for each such permit shall be made upon forms prescribed and supplied by the department, and the applicant for a permit shall give such information pertaining to the proposed well as the commissioner shall require. Each application shall be accompanied by a fee of $3.00. As a condition to the issuance of such permit, the division may require that accurate samples of the materials encountered in sinking the proposed well shall be pre-

served and delivered to the State Geologist or one of his authorized representatives. Within 60 days of the completion of the drilling of any well, a report, on forms prescribed and supplied by the department, shall be filed by the driller with the department, giving the log (i. e. description of materials penetrated), the size and depth of the well, the diameters and lengths of casing and screen installed therein, the static and pumping levels and the yield of the well, and such other information pertaining to the construction or operation of the well as the department may require.

Any driller failing to file the report required by this section within the time specified or to deliver the samples of material required in this section, or who shall willfully file an incomplete or incorrect report, shall be liable to a penalty of $25.00 which may be collected and enforced in an action by the department in the name of the State in a court of competent jurisdiction in a summary manner, without a jury, in accordance with the procedure prescribed in "The Penalty Enforcement Law" (P. L. 1948, c. 253). All penalties and costs collected in such actions shall be payable to the municipality in which the offense occurred.

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

C. 58:4A-18 License renewal and reinstatement.

14. A license once issued unless revoked or suspended may be renewed at any time within 1 year from its effective date on application therefor and payment of the required renewal fee, and any such renewal shall become effective on and after July 1 next following the date of such renewal, and shall expire on June 30 next following such effective date. Any license which shall not have been renewed prior to its expiration date may be reinstated within 3 years of its said expiration date by payment of the cumulative renewal fees for each year, or fraction thereof, during which the license has lapsed.

After the said 3-year period, renewal shall require prior certification by the board or the taking and passing of a re-examination in the form and manner prescribed by the board for applicants for new licenses.

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

C. 58:4A-20 Authority to inspect, take samples and enter to obtain information.

16. The said commissioner and the State Geologist, or any authorized representative of the commissioner, shall have the power

to make such inspections and take such samples as may be deemed necessary for the investigation of the construction and repair of wells throughout the State. They shall also have the right to enter upon any and all property for the purpose of obtaining information about wells, whether idle, in use or abandoned.

12. Section 19 of the act of which this act is amendatory is amended to read as follows:

C. 58:4A-23 Definitions.

19. As used in this act:

A "well" is any excavation whether drilled, bored or cored, for water, oil or gas, or in exploration for water, oil or gas, or for the storage or disposal thereof, or their derivatives, or for the storage or disposal of sewage, industrial waste or radioactive material. Single domestic drive point wells 2 inches and under in diameter and hand dug wells are excluded from the provisions of this act.

A "well driller" is any person who engages in drilling, digging, driving, boring, coring, constructing, altering or repairing any well.

A "master well driller" is any person skilled in the planning, superintending and practical construction of wells and the installation and repair of well pumping equipment, who has been engaged in well drilling for at least 5 years, and who has been licensed as such by the board.

A "journeyman well driller" is any person, other than a master well driller, skilled in the practical construction of wells, who has had at least 3 years' experience in such work, and who has been licensed as such by the board.

The examining board, the board of examiners, the advisory board or the board of advisors means the "State Well Drillers Examining and Advisory Board."

13. Section 20 of the act of which this act is amendatory is amended to read as follows:

C. 58:4A-24 Violations; penalties.

20. Any person who shall engage in the trade, business or calling of a well driller or who shall operate a well drilling machine without having a license, except in the presence and under the immediate supervision of a master or journeyman well driller, or any person,

partnership or corporation who, or which, shall engage in the trade, business or calling of well drilling without employing a licensed driller to operate his, their or its well drilling machine, or who shall operate without a permit as provided in this act, or who shall aid or abet in the commission of such violation, or who shall refuse to perform any duty or obey any direction lawfully enjoined upon him by this act or by the department or said commissioner or the State Geologist, except as provided in section 10 hereof, shall be deemed a disorderly person and upon conviction thereof shall be punished by a fine of not less than $100.00 nor more than $250.00 for each and every such violation, which may be collected and enforced in an action by the department in the name of the State in a court of competent jurisdiction in summary proceedings pursuant to the Penalty Enforcement Law N. J. S. 2A :58–1 et seq. All penalties and costs collected in such actions shall be payable to the municipality in which the offense occurred. Each day such violation shall continue shall constitute a separate offense. The acceptance by any person, partnership or corporation of any money or other consideration for the construction of any well by anyone other than a licensed driller of the proper class as provided by this act, shall be deemed prima facie evidence of the violation of this act.

Repealer.

14. Sections 11, 21 and 22 of chapter 377 of the laws of 1947 are hereby repealed.

15. This act shall take effect immediately, except that no person, partnership or corporation engaged in the business, trade or calling of well drilling shall be required to have a master well driller supervise operations as herein provided until after 180 days from the passage of this act.

Approved September 26, 1968

CHAPTER 309

AN ACT authorizing municipalities and fire districts to provide for the establishment of junior fire auxiliaries to volunteer fire departments, and supplementing chapter 47 of Title 40 of the Revised Statutes.

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

C. 40:47-30.6 Junior Firemen's Auxiliary authorized in certain municipalities or fire districts.

1. In any municipality or fire district in this State maintaining a volunteer fire department, or where there shall exist one or more incorporated volunteer fire companies affording fire protection to said municipality or fire district the membership whereof are serving under the jurisdiction of and with the consent of said municipality or fire district, it shall be lawful for the governing body of such municipality, or the board of commissioners of such fire district to provide, by ordinance or resolution, for the establishment of an auxiliary to any such volunteer fire department or company to be known as the Junior Firemen's Auxiliary.

C. 40:47-30.7 Eligibility for membership; written permission of parents or guardian.

2. No person shall be eligible for membership in the Junior Firemen's Auxiliary who is less than 18 or more than 21 years of age. Persons between the ages of 18 and 21 shall be required to obtain permission to join the auxiliary from their parents or guardian. Such permission shall be in writing and acknowledged or proved in the manner required by law for deeds to real estate.

C. 40:47-30.8 Insurance coverage.

3. Members of the auxiliary shall be provided with the same insurance coverage and in the same amounts provided for the regular volunteer firemen of the municipality or fire district pursuant to law.

C. 40:47-30.9 Rules and regulations.

4. The governing body of the municipality or the board of commissioners of the fire district shall, before authorizing the establishment of any junior firemen's auxiliary, formulate rules and

regulations to govern the activities of the auxiliary. The rules and regulations shall provide for the training of the auxiliary to eventual membership in the volunteer fire department of the municipality or fire district or in any such volunteer fire company or companies affording fire protection therein, and shall further provide that no junior fireman shall be required to perform duties which would expose him to the same degree of hazard as a regular member of a volunteer fire department.

5. This act shall take effect immediately.

Approved Septemebr 26, 1968.

CHAPTER 310

AN ACT concerning redevelopment and regional development agencies, and amending the "Urban Renewal Corporation and Association Law of 1961," approved June 2, 1961 (P. L. 1961, c. 40) as said Title was amended by chapter 114 of the laws of 1967 (C. 40:55C–40 et seq.) and the "Urban Renewal Nonprofit Corporation Law of 1965," approved June 14, 1965 (P. L. 1965, c. 95) (C. 40:55C–77 et seq.)

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

1. Section 5 of chapter 40 of the laws of 1961 is amended to read as follows:

C. 40:55C-44 "Urban renewal corporation" defined.

5. "Urban renewal corporation" means a corporation qualified under this act to acquire by purchase or lease of not less than 15 years, construct, operate and maintain a project hereunder, or to acquire by purchase or lease of not less than 15 years, operate and maintain a project constructed by a corporation so qualified under this act, and the term "corporation" when used within this act shall be understood to be a contraction of the term "urban renewal corporation" except when the context indicates otherwise.

2. Section 7 of chapter 40 of the laws of 1961 is amended to read as follows:

C. 40:55C-46 "Project" defined.

7. "Project" means the undertaking and execution of the redevelopment of a blighted area, in whole or in part, in accordance with an agreement with respect to the land concerned between the corporation or association and a municipality, or agency, or authority, and in connection with a redevelopment plan adopted pursuant to the procedures specified in section 17 (b) of chapter 306 of the laws of 1949, 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.

3. Section 8 of chapter 40 of the laws of 1961 is amended to read as follows:

C. 40:55C-47 "Total project unit cost" or "total project cost" defined.

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 whether acquired from a private or a public owner, such cost in the case of leasehold interests to be computed by capitalizing the aggregate rental at a rate provided in the financial agreement; (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%

4. Section 13 of chapter 40 of the laws of 1961 is amended to read as follows:

C. 40:55C-52 Acquisition and maintenance of projects by urban renewal corporation or association; regulation of conditions of use.

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 by purchase or lease of not less than 15 years from a public or private owner, 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.

5. Section 14 of chapter 40 of the laws of 1961 is amended to read as follows:

C. 40:55C-53 Making land of blighted area available for use for project; resolution of governing body.

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 cor-

poration or association, qualified under this act or any supplement thereto, by private sale or lease of not less than 15 years, 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.

6. Section 15 of chapter 40 of the laws of 1961 is amended to read as follows:

C. 40:55C-54 Qualification of corporations; required provisions of certificate.

15. Any corporation formed, or which shall be formed, under Title 14, "Corporations, General" of the Revised Statutes may qualify to operate under the provisions of this act, if its certificate of incorporation, originally or by amendment thereof, shall contain the following provisions:

(a) The name of the corporation shall include the words "urban renewal."

(b) The object for which it is formed shall be to operate under this act 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, to acquire by purchase or lease of not less than 15 years from a public or private owner, plan, develop, construct, alter, maintain or operate housing, business, industrial, commercial, cultural or recreational projects 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.

(c) A provision that so long as the corporation is obligated under a financial agreement with a municipality made pursuant to this act, it shall engage in no business other than the ownership, operation and management of a single project.

(d) A declaration that the corporation 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

and dividends for so long as it remains the owner of a project subject to the provisions of this act.

(e) A provision that the corporation shall not voluntarily transfer the project undertaken by it under the terms of this act, 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 corporation which, with the consent of the municipality in which the project is located, shall assume all the contractual obligations of the transferor corporation under its financial agreement with the said municipality.

7. Section 26 of chapter 40 of the laws of 1961 is amended to read as follows:

C. 40:55C-65 Exemption of improvements from taxation; annual service charge; credits against annual charge.

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, or by the private or public owner from whom the urban renewal corporation acquired the land.

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 $100.00 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.

8. Section 5 of chapter 95 of the laws of 1965 is amended to read as follows:

C. 40:55C-81 "Urban renewal nonprofit corporation" defined.

5. "Urban renewal nonprofit corporation" means, a corporation qualified under this act to acquire by purchase or lease of not less than 15 years, construct, operate and maintain a project hereunder, or to acquire by purchase or lease not less than 15 years, operate and maintain a project constructed by a corporation qualified under this act or under the provisions of chapter 40 of the laws of 1961 as amended and supplemented, and the term "corporation" when used within this act shall be understood to be a contraction of the term "urban renewal nonprofit corporation" except when the context indicates otherwise.

9. Section 7 of chapter 95 of the laws of 1965 is amended to read as follows:

C. 40:55C-83 "Project" defined.

7. "Project" means, the undertaking and execution of the redevelopment of a blighted area, in whole or in part, in accordance with an agreement with respect to the land concerned between the corporation and a municipality, or agency, or authority, and in connection with a redevelopment plan adopted pursuant to the procedures specified in section 17 (b) of chapter 306 of the laws of 1949, 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 public utilities, the financial arrangements and the terms and conditions of the proposed municipal co-operation and approval.

10. Section 8 of chapter 95 of the laws of 1965 is amended to read as follows:

C. 40:55C-84 "Total project unit costs" or "total project cost" defined.

8. "Total project unit costs," 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 corporation whether acquired from a private or a public owner, such cost in the case of leasehold interests to be computed by capitalizing the aggregate rental at a rate provided in the financial agreement; (b) architects, engineers and attorneys fees, paid or payable by the corporation in connection with the planning, construction and financing of the project; (c) surveying and testing charges in connection therewith; (d) actual construction costs as certified by the architect, including the cost of any preparation of the site undertaken at the corporation's expense; (e) insurance, interest and finance costs during construction; (f) costs 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; (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%
$500,000 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 $10,000,000	—5%

11. Section 10 of chapter 95 of the laws of 1965 is amended to read as follows:

C. 40:55C-86 Acquisition and maintenance of projects by urban renewal nonprofit corporations; regulation of conditions of use.

10. Any urban renewal nonprofit corporation qualifying under this act may undertake one or more projects, and when so authorized by a financial agreement with the municipality pursuant to this act, may acquire by purchase or lease of not less than 15 years from a public or private owner, plan or 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 project shall be regulated as herein provided.

12. Section 11 of chapter 95 of the laws of 1965 is amended to read as follows:

C. 40:55C-87 Making land of blighted area available for use for projects; resolution of governing body.

11. 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 nonprofit corporation, qualified under this act, by private sale or lease of not less than 15 years, upon such terms and conditions as shall be agreed upon by the said governing body or said agency or authority and the said corporation. Any such resolution shall include a determination of the use value of the said land, and the price to be paid therefor by the corporation shall not be less than the amount so determined.

13. Section 12 of chapter 95 of the laws of 1965 is amended to read as follows:

C. 40:55C-88 Qualification of corporations; required provisions of certificate.

12. Any corporation formed, or which shall be formed, under Title 15 "corporations not for pecuniary profit" of the Revised Statutes may qualify to operate under the provisions of this act, if its certificate of incorporation, originally or by amendment thereof, shall contain the following provisions: (a) one of the objects for which it is formed shall be to promote the development and redevelopment of blighted areas in municipalities and to acquire by purchase or lease of not less than 15 years from a public or private owner, plan, develop, construct, alter, maintain or operate housing, business, industrial, commercial, cultural or recreational projects under such conditions as to use, ownership, management and control as shall be regulated pursuant to this act; (b) a declaration that the corporation has been organized to serve a public purpose, that its operations shall be directed toward providing for and making possible the clearance, replanning, development and 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 or projects is situated; (c) a provision that the corporation shall not voluntarily transfer any project undertaken by it under the terms of this act, until it has first removed 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 nonprofit corporation which, with the consent of the municipality in which the project is located shall assume all the contractual obligations of transferor corporation under its financial agreement with the municipality; (d) that upon dissolution by the corporation all projects shall be conveyed to the municipality.

14. Section 21 of chapter 95 of the laws of 1965 is amended to read as follows:

C. 40:55C-97 Exemption of improvements from taxation; annual service charge; credits against annual charge.

21. 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 25 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 nonprofit corporation 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 nonprofit corporations shall make payment to the municipality of an annual service charge for municipal services applied 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 9 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 to be 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, or by the private owner from whom the urban renewal corporation acquired the land.

The aforesaid payment shall be made annually within 30 days after the close of each such calendar year.

Against such annual charge the corporation 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 and the distribution of State school aid.

At the end of 25 years from the date of the execution of said financial agreement or earlier at the end of 20 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 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 in regard to the project covered by the agreement shall terminate and be at an end upon the corporation's rendering its final account on that project with the municipality.

15. This act shall take effect immediately.

Approved September 26, 1968.

CHAPTER 311

AN ACT concerning self-insurance by employers against liability for workmen's compensation payments, and amending section 34:15–77 of the Revised Statutes.

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

1. Section 34:15–77 of the Revised Statutes is amended to read as follows:

Employer carrying own insurance.

34:15–77. Any employer desiring to carry his own liability insurance may make application to the Commissioner of Banking and Insurance showing his financial ability to pay compensation. The commissioner, if satisfied of the applicant's financial ability and the permanence of his business, shall by written order exempt the applicant from insuring the whole or any part of his compensation liability.

The commissioner may from time to time require any employer exempted as herein provided to furnish further statements of financial ability and if at any time it appears to him that any such employer is no longer financially able to carry the risk of compensation liability the commissioner shall revoke his order granting

exemption, whereupon the employer shall immediately insure his liability under this chapter in a mutual association or other insurance company authorized to engage in workmen's compensation in this State.

Whenever the commissioner is not satisfied with the financial ability and the permanence of the business of an employer exempted as herein provided, or of a new applicant for exemption, he may consider, and shall have the authority to accept, as evidence of such ability to pay compensation, (a) a guaranty by the parent corporation of such applicant that said parent corporation will discharge the applicant's liability under this chapter; (b) a separate account or reserve fund, or any deposit thereupon, maintained by an applicant to discharge his liability under this chapter; (c) a surety bond executed by an association or corporation licensed to do business in this State, provided the surety on any such surety bond undertakes to discharge the applicant's liability under this chapter; or (d) a contract of an employer with an insurance carrier covering liability for a portion of the compensation required under article 2, chapter 15, Title 34 of the Revised Statutes.

Any employer exempted as herein provided may for his own protection insure his liability for the payment of any stated loss in excess of $5,000.00 by reason of any single accident or by reason of occupational diseases scheduled in this chapter; provided, that any such contract of insurance shall operate only between the employer and his insurance carrier and shall not be subject to any of the provisions of this chapter.

An application pertaining only to a change of name of a presently exempt employer, without any change in the financial structure of said employer, shall not be considered as a new application for exemption under this act.

2. This act shall take effect immediately.

Approved September 26, 1968.

CHAPTER 312

AN ACT creating a commission to be known as the Commission on Open Space Policy to study and recommend the implementation of policies for the preservation of recreational, agricultural and other open spaces in the most suitable portions of remaining open lands and water resources of the State, providing for reports and recommendations to the Governor and Legislature.

WHEREAS, The State of New Jersey has been officially designated as the Garden State; and

WHEREAS, The basic charm of the Garden State is dependent upon the fields, forests and meadowlands that constitute its open spaces; and

WHEREAS, The open spaces in New Jersey are being rapidly consumed by residential, industrial and public development; and

WHEREAS, The Division of State and Regional Planning has prepared and recommended an Open Space Policy Plan; and a comprehensive outdoor recreation plan is being prepared for the Department of Conservation and Economic Development; and

WHEREAS, It is essential that future development of the State be accomplished in such a way so as to preserve needed open space for agricultural production; soil and water conservation; air purification; recreation; and esthetic beauty of the countryside, and to serve future planned residental and industrial expansion and an appropriate environment for the settlement of citizens; and

WHEREAS, The implementation and demonstration of long-range public open space policies are needed to achieve a co-ordinated and orderly development of the State's urban, suburban and rural areas and yet preserve needed open land and water resources; now, therefore,

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

1. There is hereby created a commission to consist of 15 citizen members to be named from the State at large and 4 ex-officio mem-

bers to be known as the Commission on Open Space Policy. Of the citizen members, 5 shall be named respectively by the Governor, the President of the Senate and the Speaker of the General Assembly. No more than 3 of each group of 5 shall be of the same political party. The ex-officio members shall be the Commissioner of Conservation and Economic Development, the Secretary of Agriculture, the Commissioner of Community Affairs, and the Dean of the College of Agriculture and Environmental Science, Rutgers, The State University. 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 and a vice-chairman from among its members. The secretary to the commission shall be the Director of the Division of State and Regional Planning without additional remuneration.

3. It shall be the duty of said commission to study, test and recommend public policies, public actions, demonstrations and legislation to guide the future development of the State by providing for acquisition of land and development rights or any other desirable means of providing for orderly development and the preservation and best use of agricultural, recreational and other open space uses of the most suitable portions of the remaining open land and water resources of the State.

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 on or before July 1, 1969, accompanying the same with any legislative bills which it may desire to recommend for adoption by the Legislature.

6. For the purpose of effectuating the purposes of this act, the College of Agriculture and Environmental Science, Rutgers, The State University, shall provide staff assistance and co-ordinate the work of the commission. In addition, the Department of Agriculture, the Department of Conservation and Economic Development and the Department of Community Affairs shall co-operate with the commission in providing assistance of such personnel as may be needed to conduct the studies undertaken by the commission, the preparation, printing and distribution of its report and recommendations.

7. This act shall take effect immediately.

Approved September 26, 1968.

CHAPTER 313

AN ACT relating to the establishing of proof of age for purposes of purchasing alcoholic beverages in certain cases.

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

C. 33:1-81.2 Identification card attesting to age; issuance by county clerk; contents.

1. The county clerk in any county shall issue, upon application of any resident of that county who shall have attained the age of 21 years, and who shall have supplied the clerk with the necessary information required by rules and regulations made by the Director of Alcoholic Beverage Control, an identification card bearing the applicant's date of birth, physical description, photograph, signature, and such other information, as said regulation may require, attesting to the age of the applicant. The identification card shall be signed by the applicant in the clerk's presence. Such cards shall be numbered and a permanent record thereof maintained by the clerk.

C. 33:1-81.3 Rules and regulations.

2. The Director of Alcoholic Beverage Control shall have the power to make such rules and regulations as he shall, from time

to time, deem proper regarding the size, style and additional content of the identification card, the form and content of any application therefor, applicant's photograph, the type, style and quantity of proof required to verify the applicant's age, the procedure for receiving and processing such application, the distribution of said card, the charge to be imposed for any card more than one that he shall issue to the same applicant, and all other matters the director shall deem necessary or advisable for the purpose of carrying into effect the provisions of this act.

C. 33:1-81.4 Printing of cards.

3. Each county clerk shall cause a sufficient number of identification cards to be printed as may be necessary to accomplish the purposes of this act.

C. 33:1-81.5 Fee.

4. A fee of $2.00 shall be paid to each county clerk for the issuance of an identification card hereunder.

C. 33:1-81.6 Presentation upon request.

5. Such identification card shall be presented by the holder thereof upon request of any holder of a license to sell alcoholic beverages, or the servant, agent or employee thereof, for the purpose of aiding such licensee, his servant, agent or employee to determine whether or not such person is 21 years of age and upwards when such person desires to purchase alcoholic beverages.

C. 33:1-81.7 Transfer or unlawful possession of card; penalty.

6. It shall be unlawful for the owner of an identification card, as defined by this act, to transfer said card to any other person for the purpose of aiding such person to secure alcoholic beverages. Any person who shall transfer such identification card for the purpose of aiding such transferee to obtain alcoholic beverages shall be guilty of a misdemeanor and, upon conviction thereof, shall be sentenced to pay a fine of not more than $300.00, or undergo imprisonment for not more than 60 days. Any person not entitled thereto who shall have unlawfully procured or have issued or transferred to him, as aforesaid, identification card or any person who shall make any false statement on any card required by subsection (c) hereof to be signed by him shall be guilty of a misdemeanor and, upon conviction thereof, shall be sentenced to pay a fine of not more than $300.00, or undergo imprisonment for not more than 60 days.

C. 33:1-81.8 Liability of licensee.

7. The fact of the possession or presentation of the identification card prescribed by this act by any person in connection with the purchase or attempted purchase, of any alcoholic beverage from any alcoholic beverage licensee shall not be deemed to relieve such licensee of the obligations, responsibilities, or liabilities imposed by law upon such licensee.

C. 33:1-81.9 Card not a "writing" under certain laws.

8. The identification card prescribed by this act shall not be deemed to constitute a "writing" within the meaning of the laws of 1939, chapter 228, sections 1 (a) or 1 (c) (R. S. 33:1–77 (a) or (c)).

9. This act shall take effect immediately.

Approved September 26, 1968.

CHAPTER 314

AN ACT to amend "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. Section 8 of the act of which this act is amendatory is amended to read as follows:

C. 34:2-21.8 Issuance of certificates; prerequisites.

8. The issuing officer shall issue such certificates only upon the application in person of the minor desiring employment, and after having approved and filed the following papers:

(1) A promise of employment signed by the prospective employer or by someone duly authorized by him, setting forth the

specific nature of the occupation in which he intends to employ such minor, the wage to be paid such minor, and the number of hours per day and days per week which said minor shall be employed.

(2) Evidence of age showing that the minor is of the age required by this act, which evidence shall consist of one of the following proofs of age and shall be required in the order herein designated, as follows:

(a) A birth certificate or certified transcript thereof or a signed statement of the recorded date and place of birth issued by a registrar of vital statistics or other officer charged with the duty of recording births, or

(b) A baptismal certificate or attested transcript thereof showing the date and place of birth, and date and place of baptism of the minor, or

(c) Other documentary evidence of age satisfactory to the issuing officer, such as a bona fide contemporary record of the date and place of the minor's birth kept in the Bible in which the records of the births in the family of the minor are preserved, or a passport, showing the age of the minor, or a certificate of arrival in the United States, issued by the United States Immigration Office, showing the age of the minor, or a life insurance policy, provided that such other documentary evidence has been in existence at least 1 year prior to the time it is offered as evidence, and provided further that a school record of age or an affidavit of a parent or guardian or other written statement of age shall not be accepted, except as specified in paragraph (d) of this section.

(d) In the case none of the aforesaid proofs of age shall be obtainable and only in such case, the issuing officer may accept the school record or the school-census record of the age of the minor together with the sworn statement of a parent or guardian as to the age of the minor and also with a certificate signed by the physician authorized to sign the statements of physical fitness required by this section, specifying what in his opinion is the physical age of the minor. Such certificates shall show the height and weight of the minor and other facts concerning his physical development which were revealed by such examination and upon which the opinion of the physician is based as to the physical age of the minor. If the school or school-census record of age is not obtainable, the sworn statement of

the minor's parent or guardian, certifying to the name, date and place of birth of the minor, together with a physician's certificate of age as hereinbefore specified, may be accepted as evidence of age. The issuing officer shall administer said sworn statement.

The issuing officer shall, in issuing a certificate for a minor, require the evidence of age specified in paragraph (a) of this section in preference to that specified in paragraphs (b), (c) and (d) of this section and shall not accept the evidence of age permitted by any subsequent paragraph unless he shall receive and file evidence that the evidence of age required by the preceding paragraph or paragraphs cannot be obtained.

(3) A statement of physical fitness, signed by a medical inspector employed by the applicable board of education, or any other physician licensed to practice medicine and surgery, setting forth that such minor has been thoroughly examined by such medical inspector, or such other physician licensed to practice medicine and surgery, that he either is physically fit for employment in occupations permitted for persons under 18 years of age, or is physically fit to be employed under certain limitations, specified in the statement. If the statement of physical fitness is limited, the employment certificate issued thereon shall state clearly the limitations upon its use, and shall be valid only when used under the limitations so stated. The method of making such examinations shall be prescribed jointly by the Commissioner of Education and the State Department of Health; provided, however, no minor shall be required to submit to a physical examination, whose parent or guardian objects thereto in writing on the grounds such examination is contrary to his religious beliefs and practices.

(4) A school record signed by the principal of the school which the minor has last attended or by someone duly authorized by him, giving the full name, date of birth, grade last completed, and residence of the minor, provided, that in the case of a vacation certificate issued for work before or after school hours, such record shall also state that the child is a regular attendant at school, and in the opinion of the principal may perform such work without impairment of his progress in school, but such principal's statement shall not be required for the issuance of a vacation certificate for work during regular school vacations.

2. This act shall take effect immediately.

Approved September 26, 1968.

CHAPTER 315

AN ACT to amend "An act concerning highway beautification and supplementing article 1 of chapter 7 of Title 27 of the Revised Statutes," approved May 24, 1966 (P. L. 1966, c. 46).

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

1. Section 1 of the act (C. 27:7–22.4) of which this act is amendatory is amended to read as follows:

C. 27:7-22.4 Acquisition of property for landscape and roadside development adjacent to Federal-aid highways.

1. The commissioner is hereby authorized to acquire by gift, purchase or condemnation, real or personal property for landscape and roadside development appropriate for the restoration, preservation and enhancement of scenic beauty adjacent to Federal-aid highways and for the development of controlled rest and recreational areas and sanitary and other facilities to accommodate the public traveling on said highways; provided, however, that no such real or personal property shall be acquired by the commissioner for such purposes without first notifying in writing the governing body of the municipality or county owning such property or if such property is not owned by a municipality or county, the governing body of the municipality in which such property is located. Any property thus acquired shall be considered to be integral parts of the Interstate Highway System and the State highway system and the cost of said acquisition shall be considered as a part of the cost of the right-of-way of such highways. Any person whose property is purchased or otherwise acquired pursuant to this act shall receive just compensation therefor.

2. This act shall take effect immediately.

Approved September 26, 1968.

CHAPTER 316

AN ACT to validate certain municipal zoning ordinances and actions taken thereunder.

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

Validating act.

1. No municipal ordinance heretofore enacted for the purpose of revising the entire zoning ordinance of the municipality shall be held invalid solely by reason of the failure to have given notice, pursuant to P. L. 1965, chapter 162 (C. 40:55–53), to the clerks of the adjoining municipalities of hearings on the proposal before the municipal planning board and governing body, provided notices of such hearing and of a hearing before the governing body on the ordinance following its introduction were published in a newspaper having general circulation in the municipality and the adjoining municipalities; and any action of any municipal officer or board taken under said ordinance is validated and confirmed. This act shall not apply to any ordinance the validity of the enactment of which is or shall be the subject matter of any action or proceeding heretofore instituted, or which shall be instituted within 30 days of the effective date of this act, by or on behalf of an adjoining municipality.

2. This act shall take effect immediately.

Approved October 7, 1968.

CHAPTER 317

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

C. 40:14A-7 Sewerage authority; establishment as corporate body; powers.

7. Every sewerage authority shall be a public body politic and corporate constituting a political subdivision of the State estab-

lished as an instrumentality exercising public and essential governmental functions to provide for the public health and welfare and shall have perpetual succession and have the following powers:

(1) To adopt and have a common seal and to alter the same at pleasure;

(2) To sue and to be sued;

(3) In the name of the sewerage authority and on its behalf, to acquire, hold, use and dispose of its service charges and other revenues and other moneys;

(4) In the name of the sewerage authority but for the local unit or units, to acquire, hold, use and dispose of other personal property for the purposes of the sewerage authority;

(5) In the name of the sewerage authority but for the local unit or units, to acquire by purchase, gift, condemnation or otherwise, real property and easements therein, necessary or useful and convenient for the purposes of the sewerage authority, and 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 sewerage authority;

(6) To 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;

(7) To accept gifts or grants of real or personal property, money, material, labor or supplies for the purposes of the sewerage authority, and to make and perform such agreements and contracts as may be necessary or convenient in connection with the procuring, acceptance or disposition of such gifts or grants;

(8) To enter on any lands, waters or premises for the purpose of making surveys, borings, soundings and examinations for the purposes of the sewerage authority;

(9) 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 the sewerage system and any other of its properties, and to amend the same;

(10) 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 persons;

(11) To enter into any and all contracts, execute any and all instruments, and do and perform any and all acts or things neces-

sary, convenient or desirable for the purposes of the sewerage authority or to carry out any power expressly given in this act; and

(12) To enter into any and all lease agreements with sewerage authorities, and municipalities, and counties operating sewerage systems, for the rental of equipment owned by authority and municipality and/or county, together with the personnel to operate said equipment.

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

C. 40:14A-8 Rates and service charges.

8. (a) Every sewerage authority is hereby authorized to charge and collect rents, rates, fees or other charges (in this act sometimes referred to as "service charges") for direct or indirect connection with, or the use or services of, the sewerage system. Such service charges may be charged to and collected from any person contracting for such connection or use or services or from the owner or occupant, or both of them, of any real property which directly or indirectly is or has been connected with the system or from or on which originates or has originated sewage or other wastes which directly or indirectly have entered or may enter the sewerage system, and the owner of any such real property shall be liable for and shall pay such service charges to the sewerage authority at the time when and place where such service charges are due and payable.

(b) Rents, rates, fees and charges, which may be payable periodically, being in the nature of use or service charges, shall as nearly as the sewerage authority shall deem practicable and equitable be uniform throughout the district for the same type, class and amount of use or service of the sewerage system, and may be based or computed either on the consumption of water on or in connection with the real property, making due allowance for commercial use of water, or on the number and kind of water outlets on or in connection with the real property, or on the number and kind of plumbing or sewerage fixtures or facilities on or in connection with the real property, or on the number of persons residing or working on or otherwise connected or identified with the real property, or on the capacity of the improvements on or connected with the real property, or on any other factors determining the type, class and amount of use or service of the sewerage system, or on any combination of any such factors, and may give weight to the characteristics of the sewage and other wastes and

any other special matter affecting the cost of treatment and disposal thereof, including chlorine demand, biochemical oxygen demand, concentration of solids and chemical composition. In addition to any such periodic service charges, a separate charge in the nature of a connection fee or tapping fee, in respect of each connection of any property with the sewerage system may be imposed upon the person making such connection or upon the owner or occupant of the property so connected. Such connection charges shall be uniform within each class of users but the amount thereof shall otherwise be entirely within the discretion of the authority in order that the combination of such connection fee or tapping fee and the aforesaid periodic service charges shall meet the requirements of subsection (c) hereof.

(c) The sewerage authority shall prescribe and from time to time when necessary revise a schedule of such service charges, which shall comply with the terms of any contract of the sewerage authority and in any event shall be such that the revenues of the sewerage authority will at all times be adequate to pay all expenses of operation and maintenance of the sewerage system, including reserves, insurance, extensions, and replacements, and to pay punctually the principal of and interest on any bonds and to maintain such reserves or sinking funds therefor as may be required by the terms of any contract of the sewerage authority or as may be deemed necessary or desirable by the sewerage authority. Said schedule shall thus be prescribed and from time to time revised by the sewerage authority after public hearing thereon which shall be held by the sewerage authority at least 7 days after such published notice as the sewerage authority may determine to be reasonable. The sewerage authority shall likewise fix and determine the time or times when and the place or places where such service charges shall be due and payable and may require that such service charges shall be paid in advance for periods of not more than 1 year. A copy of such schedule of service charges in effect shall at all times be kept on file at the principal office of the sewerage authority and shall at all reasonable times be open to public inspection.

(d) Any county sewerage authority may establish sewerage regions in portions of the district. Rents, rates, fees and charges which may be payable periodically, being in the nature of use or service charges, shall as nearly as the sewerage authority shall deem practical and equitable, be uniform throughout the district

for the same type, class and amount of use or service of the sewage systems and shall meet all other requirements of subsection (b) hereof.

3. This act shall take effect immediately.

Approved October 7, 1968.

CHAPTER 318

AN ACT concerning insurance contracts, supplementing subtitle 3 of Title 17 of the Revised Statutes, and repealing sections 17:34–18, 17:34–28, 17:34–29, 17:34–30 and section 5 of chapter 237 of the laws of 1951 (C. 17:38–13.4).

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

C. 17:35B-1 Insurable interest.

1. Insurable interest. (a) Every individual has an insurable interest in his own life, body and health. The term "insurable interest" as used in this act, shall include only such an interest and the following interests in the life, body and health of other individuals:

(1) In the case of individuals related closely by blood or by law, a substantial interest engendered by love and affection;

(2) In the case of other individuals, a lawful and substantial economic interest in having the life, health, or bodily safety of the individual insured continue, and

(3) An individual heretofore or hereafter party to a contract or option for the purchase or sale of an interest in a business partnership or firm, or of shares of stock of a closed corporation or of an interest in such shares, has an insurable interest in the life, body and health of each individual party to such contract for the purposes of such contract only, in addition to any insurable interest which may otherwise exist as to such individual.

(b) No person shall procure or cause to be procured any insurance contract upon the life, body or health of another individual unless the benefits under such contract are payable to the individual insured or his personal representatives, or to a person having, at the time when such contract was made, an insurable interest in the individual insured. A person liable for the support of a child may procure a policy of insurance on such child.

(c) If the beneficiary, assignee, or other payee under any contract made in violation of this section receives from the insurer any benefits thereunder accruing upon the death, disablement, or injury of the individual insured, the individual insured or his executor or administrator, as the case may be, may maintain an action to recover such benefits from the person so receiving them.

(d) An insurer shall be entitled to rely upon all statements, declarations and representations made by an applicant for insurance relating to the insurable interest of the applicant in the insured; and no insurer shall incur legal liability, except as set forth in the policy, by virtue of any untrue statements, declarations or representations so relied upon in good faith by the insurer.

(e) This section shall not apply to group life insurance, group health insurance or blanket insurance.

C. 17:35B-2 Minors.

2. Minors. (a) Any minor not less than 15 years of age may, notwithstanding such minority, contract for annuities or for insurance, or affirm by novation or otherwise pre-existing contracts for annuities or insurance, upon his own life, body or health, or upon the life, body or health of another person in whom the minor has an insurable interest.

(b) Any minor not less than 15 years of age may, notwithstanding such minority, acquire ownership of and exercise every right, privilege and power with respect to or under any contract of annuity or insurance upon the life, body or health of such minor or of another person, whether or not such contract was applied for by such minor. A minor shall be deemed competent to receive and give full acquittance for any payment made by any one insurer under the provisions and options of, or under a settlement agreement arising from, any such contract, as follows:

(1) As to a minor not less than 15 years of age—a payment or payments in aggregate not exceeding $2,000.00 in any 1 calendar year, or,

(2) As to a minor not less than 18 years of age—a payment or payments in aggregate not exceeding $5,000.00 in any 1 calendar year;

provided that prior to any such payment to a minor the insurer has not received at its home office written notice of the appointment of a duly qualified guardian of the property of the minor. A minor shall not be deemed competent to alienate the right to or to anticipate or commute such payment. A minor shall not by reason of his minority, be entitled to rescind, avoid or repudiate such a contract or any exercise of a right, privilege or power, or acquittance given, thereunder; except that a minor not otherwise emancipated shall not be bound by any unperformed agreement to pay, by promissory note or otherwise, any premium on any such annuity or insurance contract.

C. 17:35B-3 Application as evidence.

3. Application as evidence. (a) No application for the issuance of any life or health insurance policy shall be admissible in evidence in any action relative to such policy, unless a copy of the application was attached to or endorsed upon the policy when issued.

(b) If any policy of life or health insurance delivered in this State is reinstated or renewed, and the insured or the beneficiary or assignee of the policy makes written request to the insurer for a copy of the application, if any, for such reinstatement or renewal, the insurer shall, within 30 days after receipt of such request at its home office, deliver or mail to the person making such request a copy of such application reproduced by any legible means. In the case of such a request from a beneficiary or assignee, the time within which the insurer is required to furnish a copy of such application shall not begin to run until after receipt of evidence satisfactory to the insurer of the beneficiary's or assignee's interest in the policy.

(c) No alteration of any written application for any such policy shall be made by any person other than the applicant without his written consent, except that insertions may be made by the insurer, for administrative purposes only, in such manner as to indicate clearly that such insertions are not to be ascribed to the applicant.

(d) The falsity of any statement in the application for any policy covered by this act may not bar the right to recovery thereunder unless such false statement materially affected either the acceptance of the risk or the hazard assumed by the insurer.

C. 17:35B-4 Filing of forms.

4. Filing of forms. (a) No life insurance policy, or application where written application is required and is to be made a part of such policy, or printed rider or endorsement for use with such policy, shall be delivered or issued for delivery in this State unless the form thereof has been submitted to and filed by the commissioner.

(b) At the expiration of 30 days after submission the form shall be deemed filed unless prior thereto it has been affirmatively filed or disapproved for filing by order of the commissioner.

(c) If any such form is disapproved for filing by the commissioner during said 30-day period, it may not be so delivered or issued for delivery unless and until such disapproval for filing is withdrawn. Such disapproval for filing shall be subject to review by the Superior Court in a proceeding in lieu of prerogative writ. Any withdrawal of a filing by the commissioner of any such form which has been filed or deemed filed shall not become effective until the expiration of 45 days from the date of such withdrawal.

(d) The commissioner may extend the 30-day period referred to above not more than 30 additional days by giving written notice of such extension before the expiration of the initial 30-day period. In the event of such extension all the provisions of this section except this provision for extension relating to the initial 30-day period shall apply to the extended period instead of such initial 30-day period.

(e) The disapproval for filing or the withdrawal of a filing of any such form by the commissioner must state in writing the grounds therefore in such detail as reasonable to inform the insurer thereof.

(f) This section shall not apply to documents which relate only to the manner of distribution of benefits or to the reservation of rights and benefits under life insurance policies and which are used at the request of the individual policyholder.

(g) The commissioner may exempt from the requirements of this section for so long as he deems proper any insurance document or form or type thereof as specified in such order, to which, in his opinion, this section may not practicably be applied, or the filing of which is, in his opinion, not desirable or necessary for the protection of the public.

C. 17:35B-5 Standard provisions.

5. Standard provisions—In general. (a) Life or health insurance policies or annuity contracts shall contain such standard or uniform provisions as are required for the particular kinds of insurance. The commissioner may, by affirmatively filing the policy, waive the required use of a particular provision in a particular insurance policy form upon a finding that such provision is unnecessary for the protection of the insured and inconsistent with the purposes of the policy.

(b) No such policy shall contain any provision inconsistent with or contradictory to any applicable standard or uniform provision but a policy may contain, and the commissioner may file affirmatively a policy which contains, substitute provisions which are, in his opinion, not less favorable to the insured or owner if other than the insured, than the provisions otherwise required.

(c) In lieu of the provisions required for particular kinds of insurance, substantially similar provisions required by the law of the domicile of a foreign or alien insurer may be used when affirmatively filed by the commissioner.

C. 17:35B-6 Assignment of insurance policies and annuity contracts.

6. Assignment of insurance policies and annuity contracts. An insurance policy or annuity contract may be assignable or not assignable, as provided by its terms. Subject to its terms relating to assignability, any life or health insurance policy or annuity contract, whether heretofore or hereafter issued, under the terms of which the beneficiary may be changed upon the sole request of the insured or owner, if other than the insured, may be assigned either by pledge or transfer of title, by an assignment executed by the insured or such owner alone and delivered to the insurer, whether or not the pledgee or assignee is the insurer. Any such assignment shall entitle the insurer to deal with the assignee as the owner or pledgee of the insurance policy or annuity contract in accordance with the terms of the assignment, until the insurer has received at its home office written notice of termination of the assignment or pledge, or written notice by or on behalf of some other person claiming some interest in the insurance policy or annuity contract in conflict with the assignment.

C. 17:35B-7 Payment discharges insurer.

7. Payment discharges insurer. Whenever the proceeds of or payments under a life or health insurance policy or annuity contract heretofore or hereafter issued become payable in accordance with

the terms of such policy or contract, or the exercise of any right or privilege thereunder, payment thereof by the insurer in accordance therewith or in accordance with any written assignment thereof shall fully discharge the insurer from all claims under the policy or contract unless, before payment is made, the insurer has received at its home office written notice by or on behalf of some other person that such other person claims to be entitled to such payment or some interest in the policy or contract.

C. 17:35B-8 Life insurance proceeds exempt.

8. Exemption of proceeds—Life insurance. (a) If a policy of insurance, whether heretofore or hereafter issued, is effected by any person on his own life, or on another life, in favor of a person other than himself, or, except in cases of transfer with intent to defraud creditors, if a policy of life insurance is assigned or in any way made payable to any such person, then the lawful beneficiary, assignee or payee of such policy, other than

(1) The insured,

(2) The person so effecting such insurance, or

(3) The executors or administrators of such insured or the person so effecting such insurance,

shall be entitled to its proceeds and avails against the creditors and representatives of the insured and of the person effecting the same, whether or not

(a) The right to change the beneficiary is reserved or permitted, or

(b) The policy is made payable to the person whose life is insured or to the executors or administrators of such person if the beneficiary shall predecease such person.

(b) Such proceeds and avails shall be exempt from any liability for any debt of the beneficiary existing at the time the proceeds and avails become available for his use; provided that, subject to the statute of limitations, the amount of any premiums for such insurance paid with intent to defraud creditors, with interest thereon, shall inure to their benefit from the proceeds of the policy; but the insurer issuing the policy shall be discharged of all liability thereon by payment of its proceeds in accordance with its terms, unless, before such payment, the insurer shall have received written notice at its home office, by or in behalf of a creditor, of a claim to recover for transfer made or premiums paid with intent to defraud creditors setting forth such facts as will enable the insurer to ascertain the particular policy.

(c) For the purposes of subsections (a) and (b) above, a policy shall also be deemed to be payable to a person other than the insured if and to the extent that a facility-of-payment clause or similar clause in the policy permits the insurer to discharge its obligation after the death of the individual insured by paying the death benefits to a person as permitted by such clause.

C. 17:35B-9 Married woman's benefit.

9. Married woman—Inure to benefit of. Every policy of life insurance made payable to or for the benefit of a married woman, or after its issue assigned, transferred or in any way made payable to a married woman, or to any person in trust for her or for her benefit, whether procured by herself, her husband or by another person, and whether the assignment or transfer is made by her husband or by another person, shall inure to her separate use and benefit, and to that of her children, according to the terms and provisions of the policy or assignment, subject to the provisions of section 8 of this act relating to premiums paid in fraud of creditors.

C. 17:35B-10 Annuity proceeds exempt.

10. Exemption of proceeds—Annuity contracts. (a) The benefits, rights, privileges, powers and options which under any annuity contract heretofore or hereafter issued are due or prospectively due the annuitant, shall not be subject to execution, garnishment, attachment, sequestration or other legal process nor shall the annuitant be compelled to exercise any such rights, privileges, powers, or options, nor shall creditors be allowed to interfere with or terminate the contract, except:

(1) As to amounts paid, with intent to defraud creditors, for or as consideration for any such annuity, with interest thereon, and of which the creditor has given the insurer written notice at its home office prior to the making of the payments to the annuitant out of which the creditor seeks to recover. Any such notice shall set forth such facts as will enable the insurer to ascertain the particular annuity contract.

(2) The total exemption of benefits presently due and payable to any annuitant periodically or at stated times under all annuity contracts under which he is an annuitant, shall not at any time exceed $500.00 per month for the length of time represented by such installments, and such periodic payments in excess of $500.00 per month shall be subject to garnishee execution to the same extent as are wages and salaries.

(3) If the total benefits presently due and payable to any annuitant under all annuity contracts under which he is an annuitant, shall at any time exceed payment at the rate of $500.00 per month, then the court may order such annuitant to pay to a judgment creditor or apply on the judgment, in installments, such portion of such excess benefits as to the court may appear just and proper, after due regard for the reasonable requirements of the judgment debtor and his family, if dependent upon him as well as any prior court orders.

(b) If the contract so provides, the benefits, rights, privileges, powers or options accruing under such contract to a beneficiary or assignee shall not be transferable nor subject to commutation, and if the benefits are payable periodically or at stated times, the same exemptions and exceptions contained herein for the annuitant, shall apply with respect to such beneficiary or assignee.

C. 17:35B-11 Group insurance proceeds exempt.

11. Exemption of proceeds—Group insurance. (a) A policy of group life insurance or group health insurance or the proceeds thereof payable to the individual insured or to the beneficiary thereunder, shall not be liable, either before or after payment, to be applied by any legal or equitable process to pay any debt or liability of such insured individual or his beneficiary or of any other person having a right under the policy. The proceeds thereof, when not made payable to a named beneficiary or to a third person pursuant to a facility-of-payment clause, shall not constitute a part of the estate of the individual insured for the payment of his debts. Nothing herein contained shall apply to any income disability benefit in any action to recover for necessaries contracted for after the commencement of the disability covered by the disability clause or contract allowing such income benefit.

(b) This section shall not apply to group insurance covering the debtors of a creditor, to the extent that such proceeds are applied to payment of the obligation for the purpose of which the insurance was so issued.

C. 17:35B-12 Policy settlements.

12. Policy settlements. Any life insurer shall have the power to hold under agreement the proceeds of any policy issued by it, upon such terms and restrictions as to revocation by the policyholder and control by beneficiaries, and with such exemptions from

the claims of creditors of beneficiaries other than the policyholder as set forth in the policy or as agreed to in writing by the insurer and the policyholder. Upon maturity of a policy, in the event the policyholder has made no such agreement, the insurer shall have the power to hold the proceeds of the policy under an agreement with the beneficiaries. The insurer shall not be required to segregate the funds so held but may hold them as part of its general assets.

C. 17:35B-13 Issuance of participating and nonparticipating policies.

13. Participating and nonparticipating policies—Right to issue. A stock or mutual life insurer may issue policies on both the participating and nonparticipating basis, provided, that the right or absence of right of participation is reasonably related to the premium charged and that the policy indicates clearly whether it is participating or nonparticipating; and provided further that in the case of mutual life insurers, a separate account shall be established for nonparticipating policies, and adequate provision shall be made so that the interests of participating policyholders are in no way adversely affected by reason of the issuance of such nonparticipating policies.

C. 17:35B-14. Repealer.

14. Sections 17:34–18, 17:34–28, 17:34–29, 17:34–30 of the Revised Statutes and section 5 of chapter 237 of the laws of 1951 (C. 17:38–13.4) are hereby repealed.

15. This act shall take effect immediately.

Approved October 7, 1968.

CHAPTER 319

AN ACT concerning workmen's compensation and amending section 34:15–94 of the Revised Statutes.

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

1. Section 34:15–94 of the Revised Statutes is amended to read as follows:

Amount payable to Commissioner of Labor and Industry; payment to State Treasurer; quarterly payments; amount of fund.

34:15–94. Each mutual association or stock company writing compensation or employer's liability insurance in this State, and

each self-insurer, shall pay to the Commissioner of Labor and Industry a sum equal to that proportion of 150% of the total amount of moneys paid under section 34:15–95 of the Revised Statutes during the preceding calendar year, less the amount of net assets remaining in such fund as of December 31 of said preceding calendar year, which the total compensation payments of such mutual association, stock company or self-insurer bears to the total compensation payments made by all such mutual associations, stock companies, and self-insurers during such preceding calendar year. Such sum shall be paid by the Commissioner of Labor and Industry to the State Treasurer.

On or before November 1, 1968, the Commissioner of Labor and Industry shall recalculate payments due for calendar year 1968 in accordance with the formula provided above, and levy supplemental assessments to adjust for any difference due to be paid in satisfaction of obligations for calendar year 1968, giving full credit for payments previously due and paid on or before March 1 and September 1, 1968. Such supplemental assessments, if necessary to be levied, shall be paid on or before December 1, 1968. Commencing January 1, 1969, and each year thereafter, annual payments shall be calculated by the commissioner and sums due shall be paid ¼ on or before March 15, ¼ on or before June 15, ¼ on or before September 15 and ¼ on or before December 15 of each year.

When the total amount of all such payments into the fund, together with the accumulated interest thereon, exceeds $1,250,000.00, an amount not to exceed $50,000.00 of such excess over $1,250,000.00 in any 1 fiscal year, may be applied toward the cost of administration of the Division of Workmen's Compensation in the Department of Labor and Industry when authorized and appropriated by the Legislature.

2. This act shall take effect immediately.

Approved October 7, 1968.

CHAPTER 320

AN ACT providing for tenure in office, position or employment of township superintendents and superintendents of public works in townships in certain cases.

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

1. The governing body of any township may, by resolution, provide that any person who holds or shall hold office, position or employment as township superintendent or superintendent of public works of the township and has held or shall have held one or more of such offices, positions or employments with or without additional service as road supervisor acting under appointment by the township committee, for a continuous period of not less than 10 years from the date of his original appointment to any of them and has or shall have held office, position or employment full time in the department of public works in the township for a continuous period of not less than 15 years shall have tenure of office, position or employment as such township superintendent or superintendent of public works of the township, as the case may be, and thereafter any such person shall hold and continue to hold said office, position or employment during good behavior and efficiency, whether or not he was then serving for a fixed term, and he shall not be dismissed from said office, position or employment for political reasons or except for good cause and then only after written charges of the cause or causes, have been preferred against him, signed by the person or persons making the same and filed with the township clerk and after such charges have been served upon the person so charged and examined into and found to be true in fact by the governing body of the township at a public hearing held upon reasonable notice to such person at which public hearing he may be represented by counsel and shall have the right of subpœna to produce and may produce and have testify, witnesses upon his own behalf, and may cross-examine witnesses produced against him; provided, however, that no person shall be granted tenure under this act unless such person shall have qualified therefor on or prior to January 1, 1969; and provided further, that this act shall not apply to any township which has heretofore or shall hereafter

adopt the provisions of Title 11, Civil Service, of the Revised Statutes.

2. This act shall take effect immediately.

Approved October 9, 1968.

CHAPTER 321

AN ACT concerning motor vehicles in relation to liability insurance therefor and amending section 39:3–4 of the Revised Statutes.

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

1. Section 39:3–4 of the Revised Statutes is amended to read as follows:

Registration of automobiles and motorcycles; application, registration certificates, expiration, issuance; penalty.

39:3–4. Except as hereinafter provided, every resident of this State and every nonresident whose automobile or motorcycle shall be driven in this State shall before using such vehicles on the public highways, register the same, and no automobile or motorcycle shall be driven unless so registered.

Such registration shall be made in the following manner: An application in writing, signed by the applicant or by an agent or officer in case the applicant is a corporation, shall be made to the director or his lawful agent, on forms prepared and supplied by the director, containing the name, address and age of the owner, together with a description of the character of the automobile or motorcycle, including the name of the maker and the manufacturer's number or the motor number, or both, and any other statement that may be required by the director. If the vehicle is insured by motor vehicle liability insurance as provided for in section 3 of chapter 173 of the laws of 1952, the applicant must file a certificate, issued by the insurance carrier, which sets forth the following:

(a) the name and address of the insured;

(b) the name and address of the insurer;

(c) the limits of liability of the insurance policy covering the vehicle to be registered;

(d) the policy number; and

(e) the policy renewal date.

In the event that such insurance is terminated, the owner of such vehicle shall notify the director within 5 days, and the insurer shall notify the director within 30 days, following such termination; provided, however, the owner of such vehicle shall have the privilege of:

(a) obtaining other motor vehicle liability insurance in compliance with the requirements of section 3 of chapter 173 of the laws of 1952 and with this act, or

(b) paying the fee prescribed by the director pursuant to section 3 of chapter 174 of the laws of 1952 for registration of an uninsured motor vehicle in this State on a pro rata basis.

Thereupon the director shall have the power to grant a registration certificate to the owner of any motor vehicle, if over 17 years of age, application for the registration having been properly made and the fee therefor paid, and the vehicle being of a type that complies with the requirements of this subtitle. The form and contents of the registration certificate to be issued shall be prescribed by the director. The director shall maintain a record of all registration certificates issued, and of the contents thereof.

Every registration shall expire and the certificate thereof become void on the last day of the twelfth calendar month following the calendar month in which the certificate was issued; provided, however, that the director may, at his discretion and for good cause shown, require registrations which shall expire, and issue certificates thereof which shall become void, on a date fixed by him, which date shall not be sooner than 3 months nor later than 16 months after the date of issuance of such certificates, and the fees for such registrations shall be fixed by the director in amounts proportionately less or greater than the fees established in this Title.

The director shall issue registration certificates for the following registration period, on and after the first day of the calendar month immediately preceding the commencement of such registration period, such registration certificates to be effective immediately.

Application forms for all renewals of registrations for passenger automobiles shall be mailed by the director from the central office

of the division to the last addresses of owners of motor vehicles and motorcycles, as they appear on the records of the division.

No person owning or having control over any unregistered motor vehicle shall permit the same to be parked or to stand on a public highway.

Any motor vehicle inspector or police officer is authorized to remove any such unregistered vehicle from the public highway to a storage space or garage, the expense involved in such removal and storing of said motor vehicle to be borne by the owner of such vehicle.

Any person violating the provisions of this section shall be subject to a fine not exceeding $100.00, except that for the misstatement of any fact in the application required to be made by the director, the person making such statement shall be subject to the penalties provided in section 39:3–37 of this Title.

Nothing in this section shall be construed to alter or extend the expiration date of any registration certificate issued prior to March 1, 1956.

2. This act shall take effect 90 days after enactment.

Approved October 9, 1968.

CHAPTER 322

AN ACT to amend the "Motor Vehicle Liability Security Fund Act," approved May 10, 1952 (P. L. 1952, c. 175) and 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. Section 4 of P. L. 1952, chapter 175 (C. 39:6–95) is amended to read as follows:

C. 39:6-95 Percentage of premiums payable by liability insurers.

4. For the privilege of issuing policies of motor vehicle liability insurance, and in addition to all other requirements of law, every

insurer shall pay into the fund on or before April 15 and October 15 of each year, a sum equal to its pro rata share, as determined by the commissioner, of the amount necessary to restore and maintain the net value of the fund at the level fixed in section 5 of this act, based upon a percentage of the total net direct written premiums by all insurers for the preceding calendar year which sum shall in no event exceed ½ of 1% of its net direct written premiums as reported to the commissioner for the preceding calendar year.

2. Section 5 of P. L. 1952, chapter 175 (C. 39:6–96) is amended to read as follows:

C. 39:6-96 Net value of fund; determination.

5. The commissioner, on or before April 1, shall ascertain and determine the net value of the fund as of the next preceding December 31. The net value of the fund shall be determined by deducting from the value of the assets of the fund, the aggregate actual and estimated liabilities of the fund as determined by the commissioner. When the net value of the fund, as thus determined, reaches $6,000,000.00 no further payments to said fund shall be required to be made; provided, however, that whenever, thereafter, the net value of said fund shall be reduced below the aforesaid amount, by reason of payments from and known and estimated liabilities of said fund, then such payments to said fund shall be resumed in the manner provided in section 4 of this act, and shall continue in such manner until said fund, over and above its known and estimated liabilities, shall reach the aforesaid defined amount.

3. The State Treasurer is directed to transfer from the Motor Vehicle Liability Security Fund, established pursuant to P. L. 1952, chapter 175, to the Unsatisfied Claim and Judgment Fund, established pursuant to P. L. 1952, chapter 174, all sums in excess of $6,000,000.00, which transfer shall be made in cash, book value of investments, or both.

4. This act shall take effect immediately.

Approved October 9, 1968.

CHAPTER 323

AN ACT to amend the "Unsatisfied Claim and Judgment Fund Law," approved May 10, 1952 (P. L. 1952 c. 174), and amending sections 39:3–4, 39:3–37 and 39:3–40, and supplementing Title 39, of the Revised Statutes.

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 (C. 39:6–62) is amended to read as follows:

C. 39:6-62 Definitions.

2. Definitions. As used in this act:

"Director" means the Director of the Division of Motor Vehicles in the Department of Law and Public Safety.

"Manager" means the official designated by the director to administer to and be in charge of the Unsatisfied Claim and Judgment Fund and who shall be responsible to the Unsatisfied Claim and Judgment Fund Board.

"Treasurer" means the State Treasurer of New Jersey acting as the custodian of the Unsatisfied Claim and Judgment Fund.

"Commissioner" means the Commissioner of Banking and Insurance.

"Unsatisfied Claim and Judgment Fund" or "Fund" means the fund derived from the sources specified in this act.

"Unsatisfied Claim and Judgment Fund Fee" means the additional fee to be collected under this act as a contribution to the fund from the owner of a motor vehicle upon the registration thereof in this State.

"Unsatisfied Claim and Judgment Fund Board" or "board" means the board created in section 4 of this act.

"Qualified person" means a resident of this State or the owner of a motor vehicle registered in this State or a resident of another State, territory, or Federal district of the United States or Province of the Dominion of Canada or foreign country, in which recourse is afforded, to residents of this State, of substantially similar character to that provided for by this act.

"Uninsured motor vehicle" means a motor vehicle as to which there is not in force a liability policy meeting the requirements of sections 3, 24, 25, or 26 of the Motor Vehicle Security-Responsibility Law of this State, established pursuant to the provisions of chapter 173 of the laws of 1952, as amended and supplemented, and which is not owned by a holder of a certificate of self-insurance under said law.

"Person" includes natural persons, firms, copartnerships, associations and corporations.

"Insurer" means any insurer authorized in this State to write the kinds of insurance specified in paragraphs d and e, section 17:17–1 of the Revised Statutes.

"Net direct written premiums" means direct gross premiums written on policies, insuring against legal liability for bodily injury or death and for damage to property arising out of the ownership, operation or maintenance of motor vehicles, which are principally garaged in this State, less return premiums thereon and dividends paid to policy holders on such direct business.

"Registration license year" means the period beginning June 1, 1956, and ending May 31, 1957, and each subsequent 12 month period, beginning June 1 and ending the following May 31.

2. Section 3 of the act of which this act is amendatory (C. 39:6–63) is amended to read as follows:

C. 39:6-63 Creation and maintenance of fund.

3. For the purpose of creating and maintaining the fund:

(a) (Deleted by amendment.)

(b) (Deleted by amendment.)

(c) (Deleted by amendment.)

(d) On December 30 in each year, beginning with 1956, the director shall calculate the probable amount which will be needed to carry out the provisions of this act during the ensuing registration license year. In such calculation, he shall take into consideration the amount presently reserved for pending claims, anticipated payments from the fund during said year, anticipated amounts to be reserved for claims pending during said year, and the desirability of maintaining a surplus over and above such anticipated payments and present and anticipated reserves, such surplus not to exceed the amount actually paid from the fund during the 12 full calendar

months immediately preceding the date of calculation. If, in his judgment, the estimated balance of the fund at the beginning of the next registration license year will be insufficient to meet such needs, he shall:

(1) Determine the amount to be fixed as the Unsatisfied Claim and Judgment Fund fee for such registration license year. Such fee shall in no case exceed $50.00 and shall be paid by each person registering an uninsured motor vehicle during such ensuing year at the time of registration in addition to any other fee prescribed by any other law.

(2) If the estimated total amount of Unsatisfied Claim and Judgment Fund fees to be collected during the ensuing registration license year shall be insufficient, in the judgment of the director, to provide the estimated amount needed to carry out the provisions of this act during the said ensuing registration license year, he shall assess this estimated deficiency against insurers for such year's contribution to the fund. Such deficiency shall be apportioned among such insurers in the proportion that the net direct written premiums of each bears to the aggregate net direct written premiums of all insurers during the preceding calendar year as shown by the records of the commissioner. Such aggregate assessment, however, shall in no event exceed 1% of the aggregate net direct written premiums for such preceding calendar year. Each insurer shall pay the sum so assessed to the treasurer on or before March 31, next following.

(e) Whenever any of the provisions of this act concerning the method and sources of assessments, the maximum amounts payable from the fund, eligibility or qualifications of claimants, or amounts to be deducted from payments made from the fund are amended by law, between January 1 and April 30 in any year, the director may, if he deems it necessary, rescind any assessment made on December 30 of the preceding year. He shall then, within 15 days of the adoption of such amendment, recalculate the probable amount which will be needed to carry out the provisions of this act during the ensuing registration license year, in accordance with the provisions of subsection (d) of this section. If, in his judgment, the estimated balance of the fund at the beginning of the next registration license year will be insufficient to meet such needs, he shall determine the Unsatisfied Claim and Judgment Fund fee and the contributions of insurers, if any, in accordance with the provisions of subsection (d) of this section. In the event of a rescission and

reassessment subsequent to March 1 in any year, insurers shall pay the sum so assessed, if any, to the treasurer within 90 days of the date of such assessment.

C. 39:6-63.2 Verification of liability insurance; filing, contents.

3. Every insurance company and selfinsurer or broker, agent or authorized representative of either thereof insuring any vehicle shall file a verification of motor vehicle liability insurance on a form provided by the director which shall include the name of the insured, the policy number, the effective date and termination date of the policy and such other information prescribed by the director.

4. Section 7 of the act of which this act is amendatory (C. 39:6–67) is amended to read as follows:

C. 39:6-67 Defense of actions against motorists.

7. Defense of actions against motorists. The insurer to whom any action has been assigned may through counsel enter an appearance on behalf of the defendant, file a defense, appear at the trial or take such other steps as it may deem appropriate on the behalf and in the name of the defendant, and may thereupon, on the behalf and in the name of the defendant, conduct his defense, take recourse to any appropriate method of review on behalf of, and in the name of, the defendant, and all such acts shall be deemed to be the acts of such defendant; provided, however, that nothing contained herein shall deprive defendant of the right to also employ his own counsel and defend the action. All expense incurred by such insurer in connection with any review prosecuted or defended by it from a judgment rendered in such action, shall be borne by the fund, and its attorneys' fees in connection therewith, unless agreed to between the board and the attorney, shall be subject to approval by the court.

5. Section 12 of the act of which this act is amendatory (C. 39:6–72) is amended to read as follows:

C. 39:6-72 Settlement of actions against motorists.

12. (a) In any action against an operator or owner of a motor vehicle for injury to or death of any person or for damage to property arising out of the ownership, maintenance or use of said vehicle in this State on or after April 1, 1955, pending in any court of competent jurisdiction in this State, the plaintiff may upon notice to the board file a verified petition with the court alleging

(1) the matters set forth in subparagraphs (a), (b), (c), (d), (e) and (f) of section 10;

(2) that the petition is not presented on behalf of an insurer under circumstances set forth in subparagraph (1) of section 10;

(3) that he has entered into an agreement with the defendant to settle all claims set forth in the complaint in said action and the amount proposed to be paid to him pursuant thereto;

(4) that the said proposed settlement has been entered into with and by the consent of the County, county district, or Superior Court and approved by the manager of the fund;

(5) that the defendant has executed and delivered to the board a verified statement of his financial condition;

(6) that a judgment against the defendant would be uncollectible;

(7) that the defendant has undertaken in writing to repay to the treasurer the sum that he would be required to pay under such settlement, and has executed a confession of judgment in connection therewith.

If the court be satisfied of the truth of the allegations in said petition and of the fairness of such proposed settlement, it may enter an order approving the same and directing the treasurer, upon receipt of the undertaking and confession of judgment mentioned in subparagraph (7) of this section, to make payment to the plaintiff of the amount agreed to be accepted.

(b) An insurer to whom a claim has been assigned may settle any claim involving the payment of less than $5,000.00 with the approval of the manager of the fund or any claim involving payment of $5,000.00 or more with the approval of the board, without court approval, if satisfied

(1) that the claimant is not a person of the character described in subparagraphs (a), (b), (c), (d), (e) and (f) of section 10;

(2) that the settlement is not made on behalf of an insurer under circumstances set forth in subparagraph (e) of section 10; and

(3) that a judgment against the owner or operator of the motor vehicle involved in the accident would be uncollectible, and that such owner or operator has consented to such settlement, executed and delivered to the board a verified statement of his financial condition and undertaken in writing to repay to the treasurer the sum to be paid under the settlement, and executed a confession of judgment in connection therewith. Any settlement so made shall

be certified by the board to the treasurer, who shall, upon receipt of said undertaking to repay and confession of judgment, make the required payment to claimant out of the fund.

6. Section 17 of the act of which this act is amendatory (C. 39:6–77) is amended to read as follows:

C. 39:6-77 Assignment of judgments to director.

17. Assignment of judgments to director. The treasurer shall not pay any sum from the fund, in compliance with an order made for that purpose, in any case in which the claim is founded upon a judgment, except a judgment obtained against the director under this act, until the applicant assigns the judgment to the director and, thereupon, the director shall be deemed to have all the rights of the judgment creditor under the judgment and shall enforce and collect the same for the full amount thereof with interest and costs and if more money is collected upon any such judgment than the amount paid out of the fund, the director shall pay the balance, after reimbursing the fund, to the judgment creditor. Upon assignment of a judgment to the director the board may, on behalf of the director, enter into agreement with the defendant for reimbursement of the fund by lump sum or installment payments, including waiver of interest and subordination of the lien of the judgment where the same is determined to be advantageous in obtaining reimbursement of payments made by the fund. Any such agreement may be annexed to an application for a court order made pursuant to section 27 (b).

7. Section 25 of the act of which this act is amendatory (C. 39:6–85) is amended to read as follows:

C. 39:6-85 Subrogation.

25. Subrogation. When judgment has been obtained against the director in an action brought under this act, the director shall, upon payment from the fund of the amount of the judgment to the extent provided in this act, be subrogated to the cause of action of the judgment creditor against the operator and owner of the motor vehicle by which the accident was occasioned and shall bring an action against either or both of such persons for the amount of the damage sustained by the judgment creditor when and in the event that the identity of either or both of such persons shall be established, and shall recover the same out of any funds which would be payable in respect to the death or injury under any policy of insurance, which was in force, at the time of

the accident and in event that more is recovered and collected in any such action than the amount paid out of the fund by reason of the judgment, the treasurer shall pay the balance, after reimbursing the fund, to the judgment creditor.

8. Section 27 of the act of which this act is amendatory (C. 39:6–87) is amended to read as follows:

C. 39:6-87 Registration, etc., not restored until fund is reimbursed.

27. Registration, et cetera, not restored until fund is reimbursed. Where the license or privileges of any person, or the registration of a motor vehicle registered in his name, has been suspended or cancelled under the Motor Vehicle Security-Responsibility Law of this State, and the treasurer has paid from the fund any amount in settlement of a claim or towards satisfaction of a judgment against that person, the cancellation or suspension shall not be removed, nor the license, privileges, or registration, restored, nor shall any new license or privilege be issued or granted to, or registration be permitted to be made by, that person until he has

(a) Repaid in full to the treasurer the amount so paid by him together with interest thereon at 6% per annum from the date of such payment; and

(b) Satisfied all requirements of said Motor Vehicle Security-Responsibility Law in respect of giving proof of ability to respond in damages for future accidents, provided, that the court in which such judgment was rendered may, upon 10 days' notice to the board, make an order permitting payment of the amount of such person's indebtedness to the fund, to be made in installments, and in such case, such person's driver's license, or his driving privilege, or registration certificate, if the same have been suspended or revoked, or have expired, may be restored or renewed and shall remain in effect unless and until such person defaults in making any installment payment specified in such order. In the event of any such default, the director shall upon notice of such default suspend such person's driver's license, or driving privileges or registration certificate until the amount of his indebtedness to the fund has been paid in full.

A discharge in bankruptcy shall not relieve a person from the penalties and disabilities provided in this act.

9. Section 39:3–37 of the Revised Statutes is amended to read as follows:

Falsifying application or examination; penalty; revocation of registration or license.

39:3–37. A person who gives a fictitious name or address or makes any other misstatement of fact in his application for registration of a motor vehicle or driver's license or in a preliminary application, examination or proceeding shall be subject to a fine of not less than $500.00, or imprisonment for not more than 1 year or both, at the discretion of the court. The director shall, upon proper evidence not limited to a conviction in court, of the misstatement or fictitious name or address, revoke the registration of the motor vehicle or driver's license as the case may be for a period of not less than 2 years.

10. Section 39:3–40 of the Revised Statutes is amended to read as follows:

Driving when license refused, suspended, revoked or prohibited; motor vehicle registration revoked; penalty.

39:3–40. No person to whom a driver's license has been refused or whose driver's license or reciprocity privilege has been suspended or revoked, or who has been prohibited from obtaining a driver's license, shall personally operate a motor vehicle during the period of refusal, suspension, revocation, or prohibition.

No person whose motor vehicle registration has been revoked shall operate or permit the operation of such motor vehicle during the period of such revocation.

A person violating any provision of this section shall be fined not less than $200.00 nor more than $1,000.00, or be imprisoned in the county jail for not more than 6 months, or both provided, that if while operating a vehicle in violation of this section, such person is involved in an accident resulting in personal injury, the punishment shall include imprisonment for not less than 45 days.

11. This act shall take effect on the thirtieth day next following the enactment thereof.

Approved October 9, 1968.

CHAPTER 324

AN ACT concerning crimes, and supplementing chapter 113 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:170-54.2 Enticing child under 18 to accept harmful gifts or food; penalty.

1. Any person who shall knowingly offer, give or entice any child under the age of 18 years, to take or accept any treat, candy, gift or food which is poisonous, deleterious or harmful to the health or welfare of such child, is a disorderly person.

2. This act shall take effect immediately.

Approved October 28, 1968.

CHAPTER 325

A SUPPLEMENT to "An act for the establishment of a police and firemen's retirement system for the police and firemen of a municipality, county or political subdivision thereof," approved May 23, 1944 (P. L. 1944, c. 255).

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

C. 43:16A-3.4 Continuance of membership after election to public office.

1. Any member elected to public office may continue to be a member during the time he remains in such public office upon the payment of any and all contributions required on behalf of members and employers by section 15 of the act hereby supplemented, which shall be made either in a lump sum or by installment payments of amounts calculated in accordance with the requirements and regulations of the board of trustees.

2. This act shall take effect immediately.

Approved November 4, 1968.

CHAPTER 326

AN ACT authorizing certain county correction officers to exercise police powers, and amending section 2A:154–3 of the New Jersey Statutes.

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

1. Section 2A:154–3 of the New Jersey Statutes is amended to read as follows:

Court attendants and county correction officers as peace officers.

2A:154–3. All court attendants and county correction officers in the competitive class of civil service who have been or who may hereafter be appointed by the sheriff or board of chosen freeholders of any county in this State shall, by virtue of such appointment and in addition to any other power or authority, be empowered to act as officers for the detection, apprehension, arrest and conviction of offenders against the law.

2. This act shall take effect immediately.

Approved November 4, 1968.

CHAPTER 327

AN ACT to amend the "Department of Conservation and Economic Development Act of 1948," approved October 25, 1948 (P. L. 1948, c. 448).

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

1. Section 100 of the act of which this act is amendatory is amended to read as follows:

C. 13:1B-49 Water Policy and Supply Council; establishment, membership, qualifications, appointment, terms, chairman, vacancies, removal, compensation, reimbursement for expenses.

100. There shall be within the Division of Water Policy and Supply, a Water Policy and Supply Council which shall consist of

11 members, of whom at least one shall be a farmer who derives more than half of his income from the production of crops and livestock in New Jersey. Each member of the Council shall be appointed by the Governor, with the advice and consent of the Senate, for a term of 4 years and shall serve until his successor has been appointed and has qualified.

Each Governor shall designate one of the members of the council as chairman of such council. Any member of the council so designated shall serve as such chairman at the pleasure of the Governor designating him until his successor has been designated. 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.

The members of the council shall serve without compensation but shall be reimbursed for necessary expenses incurred in the performance of their duties.

2. This act shall take effect immediately.

Approved November 4, 1968.

CHAPTER 328

AN ACT to amend the "Municipal Utilities Authorities Law," approved August 22, 1957 (P. L. 1957, c. 183).

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

1. Section 63 of the act of which this act is amendatory (C. 40:14B–63) is amended to read as follows:

C. 40:14B-63 Tax exemptions; exceptions.

63. Every utility system and all other property of a municipal 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, other than lands subject to assessment and taxation pursuant to Revised Statutes 54:4–3.3, shall be exempt from all taxes and special assessments of the State or any subdivision thereof. All bonds 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 service 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.

2. This act shall take effect immediately.

Approved November 8, 1968.

CHAPTER 329

AN ACT respecting pollution of the fresh or tidal waters of this State and amending sections 23:5–28, 23:8–5, 23:9–36 and 23:9–52 of the Revised Statutes.

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

1. Section 23:5–28 of the Revised Statutes is amended to read as follows:

Pollution of fresh or tidal waters; penalty.

23:5–28. No person shall put or place into, turn into, drain into, or place where it can run, flow, wash or be emptied into, or where it can find its way into any of the fresh or tidal waters within the jurisdiction of this State any deleterious, destructive or poisonous substances of any kind; provided, however, that the use of chemicals by any State, county or municipal governmental agency in any program of mosquito or other pest control or the use of chemicals by any person on agricultural, horticultural or forestry crops, or in connection with livestock, or aquatic weed control or structural pest and rodent control, in a manner prescribed by the United

States Department of Agriculture, the State Department of Agriculture, or the College of Agriculture, Rutgers, the State University, or discharges from facilities for the treatment, or the disposal of sewage or other wastes in a manner which conforms to rules and regulations promulgated by the State Department of Health, shall not constitute a violation of this section. In case of pollution of said waters by substances known to be injurious to fish, birds or mammals, it shall not be necessary to show that the substances have actually caused the death of any of these organisms. A person violating this section shall be liable to a penalty of $500.00 for the first offense, and $1,000.00 for any subsequent offense.

2. Section 23:8–5 of the Revised Statutes is hereby amended to read as follows:

Pollution of waters used by State fish hatchery; penalty.

23:8–5. No person shall put or place in any water used by a State fish hatchery any explosive or poisonous substances, or any drug or poison bait, or allow any dyestuff, coal or gas tar, coal oil, sawdust, tanbark, cocculus indicus, otherwise known as fishberries, lime, vitriol or any of the compounds thereof, refuse from gas houses, oil tanks or tanneries, or any deleterious, destructive or poisonous substances of any kind, to be turned into or allowed to run, flow, wash or to be emptied, or find its way into any water used by a State fish hatchery, or erect or maintain any privy, water-closet, pigsty, hogpen, inclosure for poultry, barn or barnyard, in which animals or poultry are kept, or drain from any building or the cellars thereof, where drainage or refuse therefrom will find its way into waters used by a State fish hatchery. In case of the pollution of water used by a State fish hatchery, by substances known to be injurious to fish or fish food, it shall not be necessary to prove that the substances have actually caused the death of any particular fish.

A person violating this section shall be subject to a penalty of $500.00 for the first offense and $1,000.00 for any subsequent offense.

3. Section 23:9–36 of the Revised Statutes is amended to read as follows:

Pollution of certain waters; penalty.

23:9–36. No person shall put or place in the waters mentioned in section 23:9–22 of this Title, any explosive or poisonous sub-

stances whatsoever, or any drug or any poison bait for the purpose of catching, taking, killing or injuring the fish, and no person shall put or place into, turn into, drain into, or place where it can run, flow, wash or be emptied into, or where it can find its way into said waters within the jurisdiction of this State any deleterious, destructive or poisonous substances of any kind; provided, however, that the use of chemicals by any State, county or municipal governmental agency in any program of mosquito or other pest control or the use of chemicals by any person on agricultural, horticultural or forestry crops, or in connection with livestock, or aquatic weed control or structural pest and rodent control, in a manner prescribed by the United States Department of Agriculture, the State Department of Agriculture, or the College of Agriculture, Rutgers, the State University, or discharges from facilities for the treatment, or the disposal of sewage or other wastes in a manner which conforms to rules and regulations promulgated by the State Department of Health, shall not constitute a violation of this section. In the case of the pollution of said waters by substances known to be injurious to fish, birds or mammals, it shall not be necessary to prove that such substances have actually caused the death of any of these organisms. Any person violating any of the provisions of this section shall be subject to a fine of $500.00 for the first offense and $1,000.00 for any subsequent offense.

4. Section 23:9–52 of the Revised Statutes is amended to read as follows:

Pollution of certain waters; penalty.

23:9–52. No person shall put or place, in the waters mentioned in section 23:9–39 of this Title, any explosive or poisonous substances, drug or poison bait for the purpose of catching, taking, killing or injuring the fish, and no person shall put or place into, turn into, drain into, or place where it can run, flow, wash or be emptied into, or where it can find its way into said waters within the jurisdiction of this State any deleterious, destructive or poisonous substances of any kind; provided, however, that the use of chemicals by any State, county or municipal governmental agency in any program of mosquito or other pest control or the use of chemicals by any person on agricultural, horticultural or forestry crops, or in connection with livestock, or aquatic weed control or structural pest and rodent control, in a manner prescribed by the United States Department of Agriculture, the State Department of Agriculture, or the College of Agriculture, Rutgers,

the State University, or discharges from facilities for the treatment, or the disposal of sewage or other wastes in a manner which conforms to rules and regulations promulgated by the State Department of Health, shall not constitute a violation of this section. In the case of the pollution of said waters by substances known to be injurious to fish, birds or mammals, it shall not be necessary to prove that these substances have actually caused the death of any of these organisms. A person violating this section shall be subject to a fine of $500.00 for the first offense and $1,000.00 for any subsequent offense.

5. This act shall take effect immediately.

Approved November 13, 1968.

CHAPTER 330

AN ACT respecting pollution of the Delaware river between New Jersey and Pennsylvania and amending section 23:9–18 of the Revised Statutes.

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

1. Section 23:9–18 of the Revised Statutes is amended to read as follows:

Pollution of certain waters; penalty.

23:9–18. No person shall put or place in the Delaware river above or below Trenton falls, any explosive or poisonous substances whatsoever, or any drug or any poison bait for the purpose of catching, taking, killing or injuring the fish, and no person shall put or place into, turn into, drain into, or place where it can run, flow, wash or be emptied into, or where it can find its way into said waters within the jurisdiction of this State any deleterious, destructive or poisonous substances of any kind; provided, however, that the use of chemicals by any State, county or municipal governmental agency in any program of mosquito or other pest control or the use of chemicals by any person on agricultural, horticultural or forestry crops, or in connection with livestock, or aquatic weed control or structural pest and rodent control in a manner pre-

scribed by the United States Department of Agriculture, the State Department of Agriculture, or the College of Agriculture, Rutgers, the State University, or discharges from facilities for the treatment, or the disposal of sewage or other wastes in a manner which conforms to rules and regulations promulgated by the State Department of Health shall not constitute a violation of this section. In case of the pollution of said waters by substances known to be injurious to fish, birds or mammals, it shall not be necessary to prove that such substances have actually caused the death of any of these organisms. Any person violating any of the provisions of this section shall be subject to a fine of $500.00 for the first offense and $1,000.00 for any subsequent offense.

2. This act shall take effect upon the enactment into law by the State of Pennsylvania of similar legislation, but if the State of Pennsylvania shall have already enacted such legislation this act shall take effect immediately.

Approved November 13, 1968.

CHAPTER 331

AN ACT to amend the title of "An act authorizing municipalities to provide a pension to the widow or minor children of a volunteer fireman who has died or shall have died as the result of injuries sustained in the performance of duty," approved August 2, 1957 (P. L. 1957, c. 168), as said title was amended by chapter 121 of the laws of 1960, so that the same shall read "An act authorizing municipalities to provide a pension to the widow or minor children of any volunteer fireman or first aid or rescue squad worker who has died or shall have died as the result of injuries sustained in the performance of duty," 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 168 of the laws of 1957, as said title was amended by chapter 121 of the laws of 1960, is amended to read as

follows: An act authorizing municipalities to provide a pension to the widow or minor children of any volunteer fireman or first aid or rescue squad worker who has died or shall have died as the result of injuries sustained in the performance of duty.

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

C. 43:12-28.1 Pension for widows or children of volunteer firemen or first aid or rescue squad workers.

1. The governing body of any municipality served by a volunteer fire company or first aid or rescue squad may, by ordinance or resolution, provide for the payment of a pension to the widow or minor children of any volunteer fireman or first aid or rescue squad worker who has died or shall have died as the result of injuries sustained in the course of performance of duty as a member of the volunteer fire company or first aid or rescue squad.

"First aid or rescue squad" as used herein shall mean any duly incorporated first aid and emergency or volunteer ambulance or rescue squad association providing vounteer public first aid, ambulance or rescue services within the municipality.

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

C. 43:12-28.2 Amount of pension; limitations.

2. No such pension shall exceed the sum of $5,000.00 annually and shall be paid to the widow, during her widowhood, or to the minor child or children of such fireman or worker, if he leave no widow him surviving, or to such minor child or children after the death of such widow.

4. This act shall take effect immediately.

Approved November 13, 1968.

CHAPTER 332

AN ACT requiring the submission of quarterly fiscal reports to boards of chosen freeholders.

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

C. 40:20-1.1 Quarterly fiscal reports.

1. Notwithstanding the provisions of any law to the contrary, all boards, bodies or commissions appointed by the board of chosen freeholders of a county and receiving funds or using funds made available by said freeholder board, shall render quarterly fiscal reports covering both operating and capital construction and improvement funds, or operating and capital construction or improvement funds, on a calendar basis, to said freeholder board.

2. This act shall take effect immediately.

Approved November 13, 1968.

CHAPTER 333

AN ACT concerning commission government in relation to the appointment of deputy commissioners in certain cases and amending section 40:72–9 of the Revised Statutes.

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

1. Section 40:72–9 of the Revised Statutes is amended to read as follows:

Director's appointment of deputy in second-class cities and in certain fourth-class cities.

40:72–9. In all cities of the second class and in any city of the fourth class having a population of not less than 7,500 inhabitants, governed hereby, the board of commissioners may, in their discretion, provide by ordinance for the appointment of a deputy by each or such of the directors of departments as may be deemed necessary for the proper and efficient conduct of the affairs

of such departments. The deputies shall serve during the terms of the directors making the appointments, but any deputy so appointed may be removed by his principal at any time, and such removal shall not be reviewable. If an officer or employee of a municipality is designated to perform the duties of a deputy in addition to the performance of the ordinary duties of his office or employment, the expiration of the term of his principal, or his removal from the office of deputy, shall not affect his right to the office or employment held by him at and before his designation as deputy, the duties of which office or employment he has continued to perform.

Each director shall prescribe, in writing, the powers and duties of the deputy so appointed by him and the acts of such deputy within the scope of his authority shall in all cases be as legal and binding as if done and performed by the director for whom he is acting, but such deputies shall not be authorized to act for directors at meetings of the board of commissioners.

Nothing in this section contained shall be construed to place any deputy or deputies, appointed pursuant to the authority hereof, within the operation of the laws affecting civil service.

2. This act shall take effect immediately.

Approved November 13, 1968.

CHAPTER 334

AN ACT concerning the pension fund of police and firemen and amending R. S. 43:16–4.

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

1. Section 43:16–4 of the Revised Statutes is amended to read as follows:

Pension to dependents on loss of life.

43:16–4. (a) Upon the receipt of proper proofs of the death of a member who shall have lost his life while on duty, there shall be paid to his widow or dependent widower a pension of ½ of the member's average salary, 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 the member's average salary will be payable to one surviving child, 35% of such salary to 2 surviving children in equal shares and if there be 3 or more children, ½ of such salary will be payable to such children in equal shares; if there is no surviving widow, dependent widower, or child, 25% of the member's average salary will be payable to one surviving dependent parent or 40% of such salary will be payable to 2 surviving dependent parents in equal shares.

(b) The changes in benefits provided by subsection (a) of this section shall apply only to pensions granted after April 1, 1967; provided, however, that any pension in an amount less than $2,100.00 per annum presently being paid or to be paid in the future, pursuant to section 43:16–4 of the Revised Statutes, to a widow of a policeman or fireman who lost his life while on duty, shall be increased to $2,100.00 per annum.

2. This act shall take effect immediately.

Approved November 13, 1968.

CHAPTER 335

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 distillers and vintners packaged holiday merchandise prepacked as a unit with suitable glassware as gift items to be sold only as a unit, 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 distillers and vintners packaged holiday merchandise prepacked as a unit with suitable glassware as gift items to be sold only as a unit, 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 distillers and vintners packaged holiday merchandise prepacked as a unit with suitable glassware as gift items to be sold only as a unit, cigars, cigarettes, packaged crackers, chips, nuts, and similar snacks, ice, and 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 licensee 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 November 13, 1968.

CHAPTER 336

AN ACT concerning the organization and financial requirements of insurance companies, and amending sections 17:17–4, 17:17–6, 17:17–7, 17:32–1 and 17:34–8 of the Revised Statutes.

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

1. Section 17:17–4 of the Revised Statutes is amended to read as follows:

Certificate of incorporation.

17:17–4. The persons so proposing to incorporate shall sign a certificate stating their intention to form a corporation under chapters 17 to 33 of this Title (17:17–1 et seq.), and setting forth:

a. The name of the company, which shall contain the words "insurance company," except that a company which may be formed for any or all of the purposes specified in paragraphs "d" to "o" of section 17:17–1 of this Title may adopt a name containing the words "insurance company," "indemnity company," "casualty company," "surety company" or "guaranty company." The name shall not so closely resemble that of any existing corporation as to be likely to mislead the public, and shall be approved by the commissioner;

b. The place where its principal office in this State is to be located;

c. The kind or kinds of insurance proposed to be transacted by the company, stating the paragraphs of section 17:17–1 of this Title authorizing the same;

d. Whether the company is to be a stock company or a mutual company;

e. If a stock company, the amount of its capital stock, which shall not be less than $200,000.00, the number of shares into which it is divided, and the par value of each share, which shall not be less than $5.00, except that if such company proposes to transact the kinds of insurance set forth in paragraphs "c" and "d" of section 17:17–1 of this Title, the amount of its capital stock shall not be less than the minimum capital stock requirements set forth in section 17:17–6 of this Title; and

f. The period, if any, limited for the duration of the company.

The certificate may contain such other particulars as may be necessary to explain and make manifest or limit the objects and purposes of the corporation, and such other provisions not inconsistent with chapters 17 to 33 of this Title (17:17–1 et seq.), or the Constitution or laws of this State, which the corporators may choose to insert for the conduct of the affairs of the company, the regulation of its business, or for defining, regulating and limiting the powers of the directors or stockholders.

2. Section 17:17–6 of the Revised Statutes is amended to read as follows:

Capital required for stock company.

17:17–6. No stock insurance company organized under chapters 17 to 33 of this Title (17:17–1 et seq.), shall commence business unless it has a capital stock of at least $200,000.00, actually paid in cash and additional capital stock of $100,000.00, actually paid in cash, for each kind of insurance more than one which it may transact as specified in section 17:17–3 of this Title, and also a surplus actually paid in cash equal to ½ of the capital stock. A company shall not commence the kind of business specified in paragraph "c" of section 17:17–1 of this Title, unless it has a capital stock of at least $800,000.00, actually paid in cash, and an additional capital stock of $100,000.00, actually paid in cash, for every other kind of insurance which it is authorized to transact, and also a surplus of at least $1,700,000.00, actually paid in cash. Except as otherwise provided hereby, a company shall not commence the kind of business specified in paragraph "d" of section 17:17–1 of this Title, unless it has a capital stock of at least $400,000.00, actually paid in cash, and an additional capital stock of $100,000.00, actually paid in cash, for every other kind of insurance other than the kind specified in paragraph "c" of section 17:17–1 of this Title which it is authorized to transact, and also a surplus of at least $600,000.00, actually paid in cash; provided, however, that any such insurer duly licensed in this State immediately prior to the effective date of this enactment shall be excepted from the provisions hereof and shall remain subject to those capital and surplus requirements in effect immediately prior thereto, but if such insurer hereafter seeks to amend its license by increasing the kinds of business which it shall be authorized to transact in this State, it shall then be subject to the capital and surplus requirements specified herein. A company formed for the purposes specified in paragraph "d" of section

17:17–1 of this Title may not transact the kind of business specified in paragraph "c" of section 17:17–1 of this Title unless such company increases its capital stock and surplus, actually paid in cash, to conform to the financial requirements of a company formed for the purposes specified in paragraph "c" of section 17:17–1 of this Title. A company shall not commence the kind of business specified in paragraph "g" of section 17:17–1 of this Title, unless it has a capital stock of at least $250,000.00 actually paid in cash, and an additional capital stock of $100,000.00, actually paid in cash, for every other kind of insurance which it is authorized to transact, and also a surplus actually paid in cash equal to ½ of the capital stock. In case of a stock insurance company formed under paragraph "h" of section 17:17–1 of this Title by certificate filed in the Department of Banking and Insurance prior to January 1, 1947, the company shall be entitled to commence business within the time limited by section 17:17–10 of this Title if it has a capital stock of at least $100,000.00, actually paid in cash, and also a surplus actually paid in cash equal to ½ of such capital stock.

3. Section 17:17–7 of the Revised Statutes is amended to read as follows:

Assets required for mutual company; net cash assets required for workmen's compensation or employer's liability insurance.

17:17–7. Except as otherwise provided in section 17:34–8 of this Title, no mutual insurance company organized under chapters 17 to 33 of this Title (§17:17–1 et seq.), shall commence business until bona fide applications have been made for insurance with the company of the kind or kinds it may transact, as specified in section 17:17–3 of this Title, and premiums thereon have been paid into the company in cash in such sum, which, together with any other funds that may be legally available, will result in the company having unencumbered assets over and above all required reserves and other liabilities of at least $50,000.00 for each kind of business it may transact, as specified in section 17:17–3 of this Title, as aforesaid. Any such company now transacting business in this State and desiring to write one or more additional kinds of insurance must be possessed of at least $50,000.00 of net cash assets for each kind of insurance it is writing and is proposing to write. A mutual company shall not commence the kind of business specified in paragraph "c" of section 17:17–1 of this Title unless it has net cash assets of at least $600,000.00 and, unless also qualified under said paragraph "c," shall not commence the kind of business

specified in paragraph "d" of section 17:17–1 of this Title unless it has net cash assets of at least $300,000.00. A company shall not commence the business of workmen's compensation or employer's liability insurance, as comprised in paragraph "e" of section 17:17–1 of this Title unless it has net cash assets of at least $300,000.00 and shall not commence the writing of fidelity and surety bonds as comprised in paragraph "g" of section 17:17–1 of this Title unless it has net cash assets of at least $375,000.00.

4. Section 17:32–1 of the Revised Statutes is amended to read as follows:

Transaction of business by foreign companies.

17:32–1. Any insurance company formed by authority of another State or foreign government may be admitted to transact in this State any class or classes of insurance authorized by chapters 17 to 33 of this Title (§ 17:17–1 et seq.), to be transacted by an insurance company of this State, in the manner hereinafter provided. Any corporation of any State of the United States, which by its charter or the laws of the State in which it was incorporated is authorized to write life insurance and insurance against accidents to persons, may, if possessed of a paid-up capital of not less than $1,000,000.00, be admitted to transact in this State all of the kinds of insurance specified in paragraphs "c," "d" and "e" of section 17:17–1 of this Title.

5. Section 17:34–8 of the Revised Statutes is amended to read as follows:

Temporary capital stock of mutual company; premiums required to commence business; dividends.

17:34–8. A mutual life insurance company may be organized with a temporary capital stock of not less than $600,000.00, which shall be invested in the manner provided for the investment of its other funds. If so organized, the amount of premiums required to be engaged and collected before commencing business shall be $10,000.00. Out of the net surplus of the company the holders of the stock may receive a dividend of not more than 10% per annum, which may be cumulative. The stock shall not be a liability of the company, except that it shall be retired when the surplus of the company becomes sufficient to pay it at its par value and leave a surplus not less than the amount of the temporary capital so retired.

6. This act shall take effect immediately.

Approved November 13, 1968.

CHAPTER 337

AN ACT to authorize Montville township in the county of Morris to appoint Robert Allen Engler to the police department of Montville.

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

Private act.

1. The township of Montville in the county of Morris is authorized to appoint Ralph Allen Engler to the police department of Montville, notwithstanding his height is less than the minimum for appointment thereto.

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 contribution deemed due and payable from the date of his appointment.

3. This act shall take effect upon the due adoption and publication of an ordinance of Montville township for the purpose of adopting the same.

Approved November 13, 1968.

CHAPTER 338

AN ACT concerning annual reports of State agencies.

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

C. 52:14-18.1 Annual reports of certain State agencies for calendar year.

1. Any department, board, commission and agency of the State Government required to make an annual report to the Governor or the Governor and the Legislature as to its operations for a calendar year shall make such report on or before the following March 1.

2. This act shall take effect immediately.

Approved November 13, 1968.

CHAPTER 339

AN ACT to amend "An act relating to the powers and duties of the Director of the Division of Taxation in the Department of the Treasury with respect to State aid for schools, and making an appropriation therefor," approved June 30, 1954 (P. L. 1954 c. 86).

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

1. Section 1 of P. L. 1954, chapter 86 (C. 54:1–35.1) is amended to read as follows:

C. 54:1-35.1 Table of equalized valuations; promulgation; maintenance as public record in certain offices.

1. On or before October 1 in each year the Director of the Division of Taxation, in the State Department of the Treasury shall promulgate a table of equalized valuations to be used in the calculation and apportionment of distributions pursuant to the State School Aid Act of 1954. Such table shall be deemed to have been promulgated on the day when the director shall have completed the delivery of a certified copy thereof to the Commissioner of Education and the mailing of a certified copy thereof to the municipal clerk of each municipality, to the secretary of each county board of taxation and, by certified mail, to the mayor or other chief executive officer of any municipality for which the equalized valuation so certified exceeds by 10% or more the equalized valuation determined for the preceding year. The table for each year and any revision thereof shall be kept as a public record in each office to which it is sent and in the office of the Director of Taxation.

2. This act shall take effect immediately.

Approved November 13, 1968.

CHAPTER 340

AN ACT concerning education and supplementing article 1 of chapter 58 of Title 18A of the New Jersey Statutes.

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

C. 18A:58-5.5 Additional aid payable to sending districts under certain circumstances.

1. Whenever any person is placed in accordance with subsection (d) of section 18A:38–1 or section 18A:38–2, in the home of a resident of a school district which does not operate any schools, and which sends all its school age children to schools in another district, the Commissioner of Education may approve and grant to the sending district special State aid in such amount as he shall determine in accordance with rules adopted by the State Board of Education.

2. This act shall take effect immediately.

Approved November 13, 1968.

CHAPTER 341

AN ACT concerning sick leave of civil service employees and amending section 11:14–2 of the Revised Statutes, and amending chapter 232 of the laws of 1939.

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

1. Section 11:14–2 of the Revised Statutes is amended to read as follows:

Sick leave; accumulation, extension; proof of need of leave.

11:14–2. In the preparation and administration of regulations regarding sick leaves of absence with pay as provided in section 11:14–1 of this Title, every employee in the classified service shall,

in addition to his annual vacation leave with pay, be granted sick leave, as hereinafter defined, with pay of not less than 1 working day for every month of service during the remainder of the first calendar year of service following permanent appointment, and in addition 15 working days in every calendar year thereafter. If any such employee requires none or only a portion of the allowable sick leave for any calendar year, the amount of such leave not taken shall accumulate to his credit from year to year and such employee shall be entitled to such accumulated sick leave of absence with pay if and when needed. In computing the accumulation of sick leave, the years of service of such employee prior and subsequent to the adoption of this act shall be used.

The commission shall establish regulations extending leaves of absence with pay or with part pay for longer periods to employees disabled either through injury or illness as a result of, or arising from, their respective employment.

Sick leave is hereby defined to mean absence from post of duty of an employee because of illness, accident, exposure to contagious disease, attendance upon a member of the employee's immediate family seriously ill requiring the care or attendance of such employee, or absence caused by death in the immediate family of said employee. A certificate of a reputable physician in attendance shall be required as sufficient proof of need of leave or leaves of absence of the employee or the need of the employee's attendance upon a member of the employee's immediate family. In the case of an illness of a chronic or recurring nature causing an employee's periodic or repeated absence from duty for 1 day or less, only one medical certificate shall be required for every 6-month period as sufficient proof of need of leave of absence of the employee; provided, however, that certificate must specify that the chronic or recurring nature of the illness is likely to cause subsequent absences from employment. In case of leave of absence due to exposure to contagious disease a certificate from the Department of Health shall be required. In case of death in the family of the employee, any reasonable proof required by the department head shall be sufficient.

2. Section 5 of chapter 232 of the laws of 1939 is amended to read as follows:

C. 11:24A-5 "Sick leave" defined; proof of need of leave.

5. Sick leave is hereby defined to mean absence from post of duty of an employee because of illness, accident, exposure to con-

tagious disease, attendance upon a member of the employee's immediate family seriously ill requiring the care or attendance of such employee, or absence caused by death in the immediate family of such employee. A certificate of a reputable physician in attendance shall be required as sufficient proof of need of leave or leaves of absence of the employee or the need of employee's attendance upon a member of the employee's immediate family. In the case of an illness of a chronic or recurring nature causing an employee's periodic or repeated absence from duty for 1 day or less, only one medical certificate shall be required for every 6-month period as a sufficient proof of need of leave of absence of the employee; provided, however, the certificate must specify that the chronic or recurring nature of the illness is likely to cause subsequent absences from employment. In case of leave of absence due to contagious disease a certificate from the Department of Health shall be required. In case of death in the family of the employee, any reasonable proof required by the department head shall be sufficient.

3. This act shall take effect immediately.

Approved November 13, 1968.

CHAPTER 342

AN ACT concerning education and amending section 18A:18-18 of the New Jersey Statutes.

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

1. Section 18A:18-18 of the New Jersey Statutes is amended to read as follows:

No action for damages for action by officials.

18A:18-18. No action for damages in any court of competent jurisdiction shall lie against the State board, any State official or any district board or any of its officers because of any action taken by virtue of the provisions of this chapter.

2. This act shall take effect immediately.

Approved November 13, 1968.

CHAPTER 343

AN ACT concerning municipalities and amending section 40:60–43 of the Revised Statutes.

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

1. Section 40:60–43 of the Revised Statutes is amended to read as follows:

Lease to incorporated historical societies and certain nonprofit corporations; rental.

40:60–43. Any land or buildings or interest therein owned by any municipality and situated within its limits, when and to the extent that it is not required for municipal purposes, may be leased by such body to: (1) the duly incorporated county historical society of the county in which such municipality is located for such term as the governing body of the municipality may by resolution determine; or

(2) to any nonprofit corporation formed for the purpose of preserving historical sites or any incorporated historical society for any term not to exceed 50 years; or

(3) to any nonprofit corporation organized for the purpose of maintaining a colony of persons aged 65 or over in need of sanitary shelter for such term as the governing body of the municipality may determine but so long as said lands or buildings are used for the purposes of such corporation; for such rental, nominal or otherwise, and upon such conditions, terms and limitations as such body shall by resolution determine; or

(4) to any nonprofit corporation to conduct a nature center or nature preserve for any term not to exceed 50 years, provided, however, that such nonprofit nature center corporation may raise funds through membership or admission charges sufficient for maintenance of the property and improvements thereto and for conducting its programs without profit.

2. This act shall take effect immediately.

Approved November 13, 1968.

CHAPTER 344

AN ACT to authorize the borough of Hopatcong in the county of Sussex to make permanent the appointment of Howard Karl to the police department of the borough of Hopatcong.

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

Private act.

1. The borough of Hopatcong in the county of Sussex is authorized to make permanent the appointment of Howard Karl to the police department of Hopatcong notwithstanding his age was greater than the maximum age limit for appointment thereto set forth in section 40:47–4 of the Revised Statutes, subject to his passing the civil service examination.

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 contribution deemed due and payable from the date of original appointment.

3. This act shall take effect upon due adoption and publication of an ordinance of the borough of Hopatcong for the purpose of adopting same.

Approved November 13, 1968.

CHAPTER 345

AN ACT to amend the title of "An act concerning the sale of land by municipalities to volunteer fire companies or first-aid and emergency or volunteer ambulance or rescue squad associations, and supplementing chapter 60 of Title 40 of the Revised Statutes," approved July 15, 1954 (P. L. 1954, c. 143), as said title was amended by chapter 75 of the laws of 1964, so that the same shall read "An act concerning the sale of land by municipalities to volunteer fire companies or first-aid and emergency or volunteer ambulance or rescue squad associations, or mental health commissions, and supplementing chapter 60 of Title 40 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 chapter 143 of the laws of 1954, as said title was amended by chapter 75 of the laws of 1964, is amended to read as follows:

Title amended.

An act concerning the sale of land by municipalities to volunteer fire companies or first-aid and emergency or volunteer ambulance or rescue squad associations, or mental health commissions, and supplementing chapter 60 of Title 40 of the Revised Statutes.

2. Section 1 of P. L. 1954, chapter 143 (C. 40:60–40.5) is amended to read as follows:

C. 40:60-40.5 Volunteer fire company, first-aid and emergency or volunteer ambulance or rescue squad association or mental health commission or association; conveyance of unneeded lands; leases.

1. When the governing body of a municipality shall determine that any land owned by the municipality is no longer desirable, necessary or required for public purposes, it may by resolution authorize the sale and conveyance of the same for a nominal consideration to a duly incorporated volunteer fire company or first-aid and emergency or volunteer ambulance or rescue squad association of the municipality, or a local mental health commission or association, for the erection thereon of a fire house or for the erection

thereon of, or the use thereof including any buildings thereon as a fire school or for the erection thereon of a first-aid and emergency or volunteer ambulance or rescue squad association building or the erection thereon of a mental health center.

Any such land including any buildings thereon sold and conveyed to any duly incorporated volunteer fire company may be leased by such fire company to any volunteer fireman's association for the erection thereon of, or the use thereof as, a fire school for the benefit of the members of such association.

3. This act shall take effect immediately.

Approved November 13, 1968.

CHAPTER 346

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).

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 (C. 17:35A–5) 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, except that such guarantee need not apply to any investment management fee which is subject to change with the approval by vote of the persons having beneficial interests in the variable contract account in which such contract participates. 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 interest rate or rates and mortality table or tables specified in section 2 of chapter 148 of the laws of 1943 (C. 17:34–25.2) (the Standard Valuation Law) as amended and as such provision may be amended from time to time, as acceptable minimum standards for the valuation of the reserve liabilities of individual annuity and pure endowment contracts.

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, except that such guarantee need not apply to any investment management fee which is subject to change with the approval by vote of the persons having beneficial interests in the variable contract account in which such contract participates.

"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.

2. This act shall take effect immediately.

Approved November 13, 1968.

CHAPTER 347

AN ACT to authorize the township of Berkeley in the county of Ocean to make permanent the appointment of William Hester to the police department of the township of Berkeley.

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

Private act.

1. The township of Berkeley in the county of Ocean is authorized to make permanent the appointment of William Hester to the police department of Berkeley 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 contribution deemed due and payable from the date of original appointment.

3. This act shall take effect upon due adoption and publication of an ordinance of the township of Berkeley for the purpose of adopting same.

Approved November 13, 1968.

CHAPTER 348

AN ACT to amend and supplement "The New Jersey Highway Authority Act," approved April 14, 1952 (P. L. 1952, c. 16).

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

1. Section 3 of P. L. 1952, chapter 16 (C. 27:12B–3) is amended to read as follows:

C. 27:12B-3 Definitions.

3. As used in this act the following words and terms shall have the following meanings, unless the context shall indicate another or different meaning or intent:

(a) "Authority" means the New Jersey Highway Authority, created by section 4 of this act, or, if said authority shall be abolished, the board, body or commission succeeding to the principal functions thereof or to whom the powers given by this act to the authority shall be given by law.

(b) "Commissioner" means the State Highway Commissioner.

(c) "Department" means the State Highway Department.

(d) "Project" or "highway project" means any express highway, superhighway or motorway at such locations and between such termini as herein established or as may hereafter be established by law, and acquired or to be acquired or constructed or to be constructed under the provisions of this act by the authority, over which abutters have no easement or rights of lift, air or direct access by reason of the fact that their properties abut thereon, together with such adjoining park or recreational areas and facilities directly related to the use of the express highway, superhighway or motorway as the authority, with the concurrence of the Department of Conservation and Economic Development, shall find to be necessary and desirable for the convenience and comfort of users of the highway project and feasible for development pursuant to this act, and shall include but not be limited to all bridges, tunnels, overpasses, underpasses, interchanges, traffic circles, grade separations, entrance plazas, approaches, toll houses, service areas, service stations, service facilities, communications facilities, and administra-

tion, storage and other buildings which the authority may deem necessary for the operation of such project, together with all property, rights, easements and interests which may be acquired by the authority for the construction or the operation of such project.

"Project" or "ferry project" also means a ferry service for the transportation of passengers and freight between such termini as are herein established or as may hereafter be established by law, and shall include but shall not be limited to ferries and other craft, bulkheads, docks, piers, wharves, warehouses, ferry terminals and stations, parking areas, service stations, service facilities, communication facilities and administration and other buildings which the authority may deem necessary for the operation of such project, together with all property, rights, easements and interests, including land under water and riparian rights, which may be acquired by the authority for the construction or operation of such project.

(e) "Bonds" or "revenue bonds" means bonds of the authority authorized under the provisions of this act or any amendment thereof or supplement thereto.

(f) "Public highway" means and shall include any public highway, road or street in the State, whether maintained by the State or by any county, city, borough, town, township, village, or other political subdivision.

(g) "Feeder road" means any road which in the opinion of the authority is necessary to create or facilitate access to a project.

(h) "Owner" means and shall include all individuals, copartnerships, associations, private or municipal corporations and all political subdivisions of the State having any title or interest in any property, rights, easements and interests authorized to be acquired by this act.

C. 27:12B-5.1 Construction or operation of facility; limitation.

2. The authority shall not engage in construction or operation of any facility or activity not directly related to the use of a highway project except as may be specially authorized by law.

3. This act shall take effect immediately.

Passed November 18, 1968.

CHAPTER 349

AN ACT concerning crimes and supplementing subtitle 10 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:119A-1 Interest charges exceeding 50 percent per annum; penalty.

1. Any person who, not being authorized or permitted by law so to do, charges, takes or receives any money, property or other thing of value as interest on the loan or forbearance of any money or other property at a rate exceeding 50% per annum, or the equivalent rate for a longer or shorter period, is guilty of a misdemeanor and shall be punished by a fine of not more than $5,000.00, or by imprisonment for not more than 5 years, or both.

C. 2A:119A-2 Use of force or threats to obtain excessive interest payments; penalty.

2. Any person who knowingly participates in any way in the use of actual or threatened force, violence, or fear in connection with a loan or forbearance prohibited by section 1 of this act, or who conspires so to do, shall be guilty of a high misdemeanor and shall be punished by a fine of not more than $10,000.00, or by imprisonment for not more than 25 years, or both.

C. 2A:119A-3 Engaging in, or conspiring to engage in, lending money at excessive interest; penalty.

3. Any person who engages in the business of making loans or forbearances prohibited by section 1 of this act, or who conspires so to do, shall be guilty of a high misdemeanor and shall be punished by a fine of not more than $10,000.00, or by imprisonment for not more than 25 years, or both.

C. 2A:119A-4 Possession or control of record of excessive interest charge or payment; penalty.

4. Any person who knowingly possesses, maintains or exercises control over any paper, writing, instrument or other thing used to record any loan or forbearance, or any part of such transaction, prohibited by section 1 of this act, shall be guilty of a misdemeanor and shall be punished by a fine of not more than $25,000.00, or by imprisonment for not more than 3 years, or both.

5. This act shall take effect immediately.

Passed November 18, 1968.

CHAPTER 350

AN ACT revising the General Corporation Law and establishing a new Title to be known as Title 14A, Corporations, General, of the New Jersey Statutes.

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

TITLE 14A.

CORPORATIONS, GENERAL

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TITLE 14A. CORPORATIONS, GENERAL, OF THE NEW JERSEY STATUTES

CHAPTER 1

General Provisions

Section

14A:1–1. Short Title; Purposes; Rules of Construction; Variation.
14A:1–2. Definitions.
14A:1–3. Application of Act.
14A:1–4. Reincorporation Under this Act by Certain Corporations Organized Under Special Acts.
14A:1–5. Reservation of Power.
14A:1–6. Execution, Filing and Recording of Documents.
14A:1–7. Repeal of Prior Acts.
14A:1–8. Notices.
14A:1–9. Certificates and Certified Copies.

14A:1-1 Short title; purposes; rules of construction; variation.

(1) This act shall be known and may be cited as the "New Jersey Business Corporation Act."

(2) This act shall be liberally construed and applied to promote its underlying purposes and policies.

(3) Underlying purposes and policies of this act are, among others,

(a) to simplify, clarify and modernize the law governing corporations;

(b) to provide a general corporate form for the conduct of lawful business with such variations and modifications from the form so provided as the interested parties in any corporation may agree upon, subject only to over-riding interests of this State and of third parties; and

(c) to give special recognition to the legitimate needs of the close corporation.

(4) The presence in certain provisions of this act of the words "unless otherwise provided in the certificate of incorporation" or "unless otherwise provided in the certificate of incorporation or by-laws," or words of similar import, does not imply that the effect of other provisions may not be varied by provisions in the certificate of incorporation or by-laws.

14A:1-2 Definitions.

As used in this act, unless the context otherwise requires, the term:

(a) "Attorney General" means the Attorney General of New Jersey.

(b) "Authorized shares" means the shares of all classes and series which the corporation is authorized to issue.

(c) "Board" means board of directors. "Entire board" means the total number of directors which the corporation would have if there were no vacancies.

(d) "Bonds" includes secured and unsecured bonds, debentures, notes and other written obligations for the payment of money.

(e) "Capital surplus" means the entire surplus of a corporation other than its earned surplus.

(f) "Certificate of incorporation" includes

(i) the original certificate of incorporation or any other instrument filed or issued under any statute to form a domestic or foreign corporation, as amended, supplemented or restated by certificates of amendment, merger or consolidation or by other certificates or instruments filed or issued under any statute; and

(ii) a special act or charter creating a domestic or foreign corporation, as amended, supplemented or restated.

(g) "Corporation" or "domestic corporation" means a corporation for profit organized under this act, or existing on its effective date and theretofore organized under any other law of this State for a purpose or purposes for which a corporation may be organized under this act.

(h) "Director" means any member of the governing board of a corporation, whether designated as director, trustee, manager, governor, or by any other title.

(i) "Earned surplus" means the portion of the surplus that represents the net earnings, gains and profits, after deduction of all losses, that have not been distributed to the shareholders as dividends or transferred to stated capital or capital surplus, or applied to other purposes permitted by law.

(j) "Foreign corporation" means a corporation for profit organized under laws of a jurisdiction other than this State for a purpose or purposes for which a corporation may be organized under this act.

(k) "Insolvent," except as used in Chapter 14 of this act, means being unable to pay debts as they become due in the usual course of the debtor's business.

(l) "Net assets" means the amount by which the assets of a corporation exceed its liabilities. Treasury shares are not assets and stated capital and surplus are not liabilities.

(m) "Secretary of State" means the Secretary of State of New Jersey.

(n) "Shareholder" means one who is a holder of record of shares in a corporation.

(o) "Shares" means the units into which the proprietary interests in a corporation are divided.

(p) "Stated capital" means, at any particular time, the sum of

(i) the par value of all shares of the corporation having a par value that have been issued;

(ii) the amount of the consideration received by the corporation for all shares of the corporation without par value that have been issued, except such part of the consideration therefor as may have been allocated to surplus in a manner permitted by law; and

(iii) such amounts not included in paragraphs 14A:1–2(p) (i) and 14A:1–2(p) (ii) as have been transferred to stated capital of the corporation, whether upon the issue of shares as a share dividend or otherwise, minus all reductions from such sum as have been effected in a manner permitted by law.

(q) "Subscriber" means one who subscribes for shares in a corporation, whether before or after incorporation.

(r) "Subsidiary" means a domestic or foreign corporation whose outstanding shares are owned directly or indirectly by another domestic or foreign corporation in such number as to entitle the holder at the time to elect a majority of its directors without regard to voting power which may thereafter exist upon a default, failure or other contingency.

(s) "Surplus" means the excess of the net assets of a corporation over its stated capital.

(t) "Treasury shares" means

(i) shares of a corporation which have been issued, have been subsequently acquired by the corporation under circumstances

which do not result in automatic cancellation and have not been cancelled by action of the board; and

(ii) shares which have been distributed as a share dividend upon treasury shares pursuant to subsection 14A:7–15(4).

Treasury shares are issued shares, but not outstanding shares.

14A:1-3 Application of act.

This act shall apply to

(1) every corporation which is organized under this act;

(2) every corporation which reincorporates under this act pursuant to section 14A:1–4;

(3) every corporation which was organized under or became subject to, any heretofore enacted law of this State with respect to which power to amend or repeal was reserved to the Legislature, and which provided for the organization of a corporation or corporations for a purpose or purposes for which a corporation may be organized under this act;

(4) every corporation organized under or subject to any other law of this State providing for the organization of corporations for any purpose for which a corporation may not be organized under this act

(a) to the extent that this act provides that this act shall be applicable, in whole or in part, to any such corporation; or

(b) to the extent that the law applicable to any such corporation provides that this act shall be applicable to any such corporation;

(5) foreign corporations to the extent provided in this act; and

(6) commerce with foreign nations and among the several states, and to foreign corporations, including those formed by or under any act of Congress, only to the extent permitted under the Constitution and laws of the United States.

14A:1-4 Reincorporation under this act by certain corporations organized under special acts.

Any corporation which has been organized by special act of the Legislature for any of the purposes permitted by this act, and to which this act does not apply pursuant to section 14A:1–3, may come under and be subject to the provisions of this act, and continue in existence and operation as if organized hereunder, by amending its certificate of incorporation pursuant to the provisions of this act and filing a certificate of such amendment in the office of the Secretary of State, together with a certificate waiving any

right of exemption from taxation and from privileges and advantages arising under such special act of incorporation. Thereupon, such corporation shall be deemed to be incorporated under this act and to be free from the liabilities and provisions of the act or acts under which it was formerly incorporated. Nothing in this section shall be held to affect such transactions, liabilities or debts of any such corporations, occurring before the filing of such certificate.

14A:1-5 Reservation of power.

This act may be supplemented, altered, amended or repealed by the Legislature, and every corporation, domestic or foreign, to which this act applies shall be bound thereby.

14A:1-6 Execution, filing and recording of documents.

(1) If a document relating to a domestic or foreign corporation is required or permitted to be filed in the office of the Secretary of State under this act:

(a) The document shall be in the English language, except that the corporate name need not be in the English language if written in English letters or Arabic or Roman numerals, and except that this requirement shall not apply to a certificate of good standing under paragraph 14A:2–4(2) (b), section 14A:2–5, or subsection 14A:13–4(2).

(b) The filing shall be accomplished by delivering the document to the office of the Secretary of State, together with the fees and any accompanying documents required by law. Thereupon, the Secretary of State shall endorse upon it the word "Filed" with his official title and the date of filing thereof, and shall file it in his office. If so requested at the time of the delivery of the document to his office, the Secretary of State shall include the hour of filing in his endorsement thereon.

(c) The transaction in connection with which the document has been filed shall be effective at the time of filing, unless a subsequent effective time is set forth in such document pursuant to any other provision of this act, in which case such transaction shall be effective at the time so specified, which shall in no event be later than 30 days after the date of filing.

(2) If a document relating to a domestic corporation or a foreign corporation is required or permitted to be filed under this act and is also required by this act to be executed on behalf of such corporation, the document shall be signed by the chairman of the

board, or the president or a vice-president. The name of any person so signing such a document, and the capacity in which he signs, shall be stated beneath or opposite his signature. The document may, but need not, contain

(a) the corporate seal; or

(b) an attestation by the secretary or an assistant secretary of the corporation; or

(c) an acknowledgment or proof.

If the corporation is in the hands of a receiver, trustee, or other court appointed officer, the document shall be signed by such fiduciary or the majority of them, if there are more than one.

(3) If a document relating to a domestic or foreign corporation was required or permitted to be filed in the office of the Secretary of State under the law in force prior to the effective date of this act and was or is duly executed before or after the effective date of this act, in accordance with such law, to reflect any vote, consent, certification, or action by directors, officers, or shareholders of a corporation or by any such persons on behalf of the corporation, duly taken, given or made before the effective date of this act, such document and any annual report by a corporation, so executed, may be filed in the office of the Secretary of State on the effective date of this act, and within 6 months thereafter.

(4) The Secretary of State shall record all documents, excepting annual reports, which relate to or in any way affect corporations, and which are required or permitted by law to be filed in his office. The recording may be effected by typewritten copy, or by photographic, microphotographic or microfilming process, or in such other manner as may be provided by law. Such records shall be kept in a place separate and away from the place where the originals are filed.

14A:1-7 Repeal of prior acts.

The repeal by this act of the whole or any part of any act under which there was organized any corporation in existence on the effective date of this act, shall not work a dissolution of such corporation, but such corporation, its officers, directors and shareholders shall have the same rights, and shall be subject to the same limitations, restrictions, liabilities and penalties as those prescribed by this act for corporations organized under this act, their officers, directors and shareholders.

14A:1-8 Notices.

In computing the period of time for the giving of any notice required or permitted by this act, or by a certificate of incorporation or by-laws or any resolution of directors or shareholders, the day on which the notice is given shall be excluded, and the day on which the matter noticed is to occur shall be included. If notice is given by mail, the notice shall be deemed to be given when deposited in the mail addressed to the person to whom it is directed at his last address as it appears on the records of the corporation, with postage prepaid thereon.

14A:1-9 Certificates and certified copies.

(1) Upon request of any person, the Secretary of State shall furnish certified copies of documents filed in his office in accordance with the provisions of this act.

(2) Upon request of any person, the Secretary of State shall certify to the existence or non-existence of any facts on record in his office relating to domestic or foreign corporations.

CHAPTER 2

FORMATION

Section

14A:2–1. Purposes.
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14A:2–7. Certificate of Incorporation.
14A:2–8. Organization Meeting of Directors.
14A:2–9. By-laws; Making and Altering.
14A:2–10. By-laws and Other Powers in Emergency.

14A:2-1 Purposes.

A corporation may be organized under this act for any lawful business purpose or purposes except to do in this State any business for which organization is permitted under any other statute of this State unless such statute permits organization under this act.

14A:2-2 Corporate name of domestic or foreign corporations.

(1) The corporate name of a domestic corporation or of a foreign corporation authorized to transact business in this State

(a) shall not contain any word or phrase, or abbreviation or derivative thereof, which indicates or implies that it is organized for any purpose other than one or more of the purposes permitted by its certificate of incorporation;

(b) shall not be the same as, or confusingly similar to, the corporate name of any domestic corporation, including a corporate name set forth in a certificate of incorporation filed in the office of the Secretary of State whose effective date is subsequent to the date of filing, as authorized by subsection 14A:2–7 (2), or of any foreign corporation authorized to transact business in this State or any corporate name reserved or registered under this act, unless the written consent of such other domestic or foreign corporation or holder of a reserved or registered name to the adoption of its name, or a confusingly similar name is filed in the office of the Secretary of State with the certificate of incorporation or with the application for an original or amended certificate of authority to transact business in this State or, in lieu of such consent, there is filed a certified copy of a final judgment of a court of competent jurisdiction establishing the prior right of the corporation to the use of such name in this State, and

(c) shall not contain any word or phrase, or any abbreviation or derivative thereof, the use of which is prohibited or restricted by any other statute of this State, unless any such restrictions have been complied with.

(2) This section

(a) shall not require any domestic corporation organized prior to the effective date of this act or any foreign corporation authorized to transact business in this State prior to the effective date of this act to change its corporate name in order to comply with this section, if such name is otherwise lawful on the effective date of this act. No such corporation shall change its corporate name on or after the effective date of this act to a name which is not available for corporate use under this section;

(b) shall not prevent a domestic corporation with which another corporation, domestic or foreign, is merged, or which is formed by the reorganization or consolidation of one or more other domestic or foreign corporations or upon a sale, lease or other disposition to, or exchange with, a domestic corporation

of all or substantially all the assets of another corporation, domestic or foreign, including its name, from having the same corporate name as any of such corporations if at the time such other corporation was organized under the laws of, or is authorized to transact business in, this State; and

(c) shall not prevent a foreign corporation from being authorized to transact business in this State under a fictitious name which is available for corporate use under this section if such corporation files in the office of the Secretary of State with its application for an original or amended certificate of authority a resolution of its board adopting such fictitious name for use in transacting business in this State.

(3) The corporate name of a domestic corporation which has been dissolved and any name confusingly similar to the name of a domestic corporation which has been dissolved shall not be available for corporate use for 2 years after the effective time of dissolution, unless, within such 2 year period, the written consent of such dissolved corporation to the adoption of its name, or a confusingly similar name, is filed in the office of the Secretary of State with the certificate of incorporation of another domestic corporation or with the application of a foreign corporation for an original or amended certificate of authority to transact business in this State.

(4) The filing in the office of the Secretary of State of the certificate of incorporation of a domestic corporation or the issuance by the Secretary of State of a certificate to a foreign corporation authorizing it to transact business in this State shall not preclude an action by this State to enjoin a violation of this section or an action by any person adversely affected to enjoin such violation or the use of a corporate name in violation of the rights of such person, whether on principles of unfair competition or otherwise. The court in any such action may grant any other appropriate relief.

14A:2-3 Reserved name.

(1) The exclusive right to the use of a corporate name may be reserved upon compliance with the provisions of this section.

(2) The reservation shall be made by filing in the office of the Secretary of State an application to reserve a specified corporate name, executed by or on behalf of the applicant and setting forth the name and address of the applicant. If the Secretary of State finds that the name complies with the provisions of section 14A:2–2,

he shall reserve it for the exclusive use of the applicant for a period of 120 days from the date of filing of the application and shall issue a certificate of reservation.

(3) The right to the exclusive use of a specified corporate name so reserved may be transferred by filing in the office of the Secretary of State a notice of such transfer, executed by or on behalf of the applicant for whom the name was reserved, and specifying the name and address of the transferee.

14A:2-4 Registered name.

(1) Any foreign corporation may register its corporate name under this act, provided its corporate name is available for use under section 14A:2–2.

(2) Such registration shall be made by filing in the office of the Secretary of State:

(a) An application for registration executed on behalf of the corporation, setting forth the name and the address of the main business or headquarters office of the corporation, the jurisdiction of its incorporation, the date of its incorporation, a statement that it is carrying on or doing business, and a brief statement of the business in which it is engaged; and

(b) A certificate setting forth that such corporation is in good standing under the laws of the jurisdiction of its incorporation, executed by the official of such jurisdiction who has custody of the records pertaining to corporations and dated not earlier than 30 days prior to the filing of the application.

(3) Such registration shall be effective until the close of the calendar year in which the application for registration is filed.

14A:2-5 Renewal of registered name.

A corporation which has a registration of its corporate name in effect may renew such registration from year to year by annually filing in the office of the Secretary of State an application for renewal setting forth the facts required to be set forth in an original application for registration, together with a certificate of good standing as required for the original registration. A renewal application may be filed between the first day of October and the thirty-first day of December in each year, and shall extend the registration for the following calendar year.

14A:2-6 Incorporators.

(1) One or more individuals or domestic or foreign corporations may act as incorporator or incorporators of a corporation by sign-

ing and filing in the office of the Secretary of State a certificate of incorporation for such corporation. Individuals acting as incorporators shall be at least 21 years of age. Incorporators need not be United States citizens or residents of this State or subscribers to shares in the corporation.

(2) Except as otherwise provided in the certificate of incorporation, any action required or permitted by this act to be taken by incorporators may be taken without a meeting.

(3) When there are two or more incorporators, if any dies or is for any reason unable to act, the other or others may act. If there is no incorporator able to act, any person for whom an incorporator was acting as agent may act in his stead, or if such other person also dies or is for any reason unable to act, his legal representative may act.

14A:2-7 Certificate of incorporation.

(1) The certificate of incorporation shall set forth:

(a) The name of the corporation;

(b) The purpose or purposes for which the corporation is organized. It shall be a sufficient compliance with this paragraph to state, alone or with specifically enumerated purposes, that the corporation may engage in any activity within the purposes for which corporations may be organized under this act, and all such activities shall by such statement be deemed within the purposes of the corporation, subject to expressed limitations, if any;

(c) The aggregate number of shares which the corporation shall have authority to issue; if such shares are to consist of one class only, the par value of each of such shares, or a statement that all of such shares are without par value;

(d) If the shares are, or are to be, divided into classes, or into classes and series, the designation of each class and series, the number of shares in each class and series, and a statement of the relative rights, preferences and limitations of the shares of each class and series, to the extent that such designations, numbers, relative rights, preferences and limitations have been determined;

(e) If the shares are, or are to be, divided into classes, or into classes and series, a statement of any authority vested in the board to divide the shares into classes or series or both, and to determine or change for any class or series its designation, number of shares, relative rights, preferences and limitations;

(f) Any provision not inconsistent with this act or any other statute of this State, which the incorporators elect to set forth for the management of the business and the conduct of the affairs of the corporation, or creating, defining, limiting or regulating the powers of the corporation, its directors and shareholders or any class of shareholders, including any provision which under this act is required or permitted to be set forth in the by-laws;

(g) The address of the corporation's initial registered office, and the name of the corporation's initial registered agent at such address;

(h) The number of directors constituting the first board and the names and addresses of the persons who are to serve as such directors;

(i) The names and addresses of the incorporators;

(j) The duration of the corporation if other than perpetual; and

(k) If, pursuant to subsection 14A:2–7(2), the certificate of incorporation is to be effective on a date subsequent to the date of filing, the effective date of the certificate.

(2) The certificate of incorporation shall be filed in the office of the Secretary of State. The corporate existence shall begin upon the effective date of the certificate, which shall be the date of the filing or such later time, not to exceed 30 days from the date of filing, as may be set forth in the certificate. Such filing shall be conclusive evidence that all conditions precedent required to be performed by the incorporators have been complied with and, after the corporate existence has begun, that the corporation has been incorporated under this act, except as against this State in a proceeding to cancel or revoke the certificate of incorporation or for involuntary dissolution of the corporation.

14A:2-8 Organization meeting of directors.

On or after the effective date of the certificate of incorporation, an organization meeting of the board named in the certificate of incorporation shall be held, at the call of a majority of the incorporators, to adopt by-laws, elect officers, and transact such other business as may come before the meeting. The incorporators calling the meeting shall give at least 5 days' notice thereof by mail to each director named in the certificate of incorporation, which notice shall state the time and place of the meeting.

14A:2-9 By-laws; making and altering.

(1) The initial by-laws of a corporation shall be adopted by the board at its organization meeting. Thereafter, the board shall have the power to make, alter and repeal by-laws unless such power is reserved to the shareholders in the certificate of incorporation, but by-laws made by the board may be altered or repealed, and new by-laws made, by the shareholders. The shareholders may prescribe in the by-laws that any by-law made by them shall not be altered or repealed by the board.

(2) The initial by-laws of a corporation adopted by the board at its organization meeting shall be deemed to have been adopted by the shareholders for purposes of this act.

(3) Any provision which this act requires or permits to be set forth in the by-laws may be set forth in the certificate of incorporation with equal force and effect.

14A:2-10 By-laws and other powers in emergency.

(1) The board of a corporation may adopt emergency by-laws, subject to repeal or change by action of the shareholders, which shall, notwithstanding any different provision elsewhere in this act or in the certificate of incorporation or by-laws, be operative during any emergency in the conduct of the business of the corporation resulting from an attack on the United States or any nuclear or atomic disaster. The emergency by-laws may make any provision that may be practical and necessary for the circumtances of the emergency, including provisions that

(a) a meeting of the board may be called by any officer or director in such manner and under such conditions as shall be prescribed in the emergency by-laws;

(b) the director or directors in attendance at the meeting, or any greater number fixed by the emergency by-laws, shall constitute a quorum; and

(c) the officers or other persons designated in a list approved by the board before the emergency, all in such order of priority and subject to such conditions and for such period of time, not longer than reasonably necessary after the termination of the emergency, as may be provided in the emergency by-laws or in the resolution approving the list, shall, to the extent required to provide a quorum at any meeting of the board, be deemed directors for such meeting.

(2) Before or during any such emergency, the board may provide, and from time to time modify, lines of succession in the event

that during such an emergency any or all officers or agents of the corporation shall for any reason be rendered incapable of discharging their duties.

(3) Before or during any such emergency, the board may change the head office or designate several alternative head offices or regional offices, or authorize the officers so to do, said change to be effective during the emergency.

(4) To the extent not inconsistent with any emergency by-laws so adopted, the by-laws of the corporation shall remain in effect during any such emergency and upon its termination the emergency by-laws shall cease to be operative.

(5) Unless otherwise provided in emergency by-laws, notice of any meeting of the board during any such emergency need be given only to such of the directors as it may be feasible to reach at the time and by such means as may be feasible at the time, including publication, or other means of mass communication.

(6) To the extent required to constitute a quorum at any meeting of the board during any such emergency, the officers of the corporation who are present shall, unless otherwise provided in emergency by-laws, be deemed, in order of rank and within the same rank in order of seniority, directors for such meeting.

(7) No officer, director or employee acting in accordance with any emergency by-laws shall be liable except for willful misconduct. No officer, director or employee shall be liable for any action taken by him in good faith in such an emergency in furtherance of the ordinary business affairs of the corporation even though not authorized by the by-laws then in effect.

CHAPTER 3

Powers

Section

14A:3–1. General Powers.
14A:3–2. Ultra Vires Transactions.
14A:3–3. Guaranty Not In Furtherance of Corporate Purposes.
14A:3–4. Contributions by Corporations.
14A:3–5. Indemnification of Directors, Officers and Employees.
14A:3–6. Provisions Relating to Actions by Shareholders.

14A:3-1 General powers.

(1) Each corporation, subject to any limitations provided in this act or any other statute of this State, or in its certificate of incorporation, shall have power

(a) to have perpetual duration unless a limited period is stated in its certificate of incorporation;

(b) to sue and be sued, complain and defend and participate as a party or otherwise in any judicial, administrative, arbitrative or other proceeding, in its corporate name;

(c) to have a corporate seal which may be altered at pleasure, and to use the same by causing it, or a facsimile thereof, to be impressed or affixed or in any other manner reproduced;

(d) to purchase, lease or otherwise acquire, own, hold, improve, use and otherwise deal in and with, real or personal property, or any interest therein, wherever situated;

(e) to sell, convey, mortgage, create a security interest in, lease, exchange, transfer and otherwise dispose of all or any part of its property and assets;

(f) to purchase, subscribe for, or otherwise acquire, own, hold, vote, use, employ, sell, exchange, mortgage, lend, create a security interest in, or otherwise dispose of, and otherwise use and deal in and with, shares or other interests in, or obligations of, other domestic or foreign corporations, associations, partnerships or individuals, or direct or indirect obligations of any domestic or foreign government or instrumentality thereof;

(g) to make contracts and guarantees and incur liabilities, borrow money, issue its bonds, and secure any of its obligations by mortgage of or creation of a security interest in all or any of its property, franchises and income;

(h) to lend money, invest and reinvest its funds, and take and hold real and personal property as security for the payment of funds so loaned or invested;

(i) to conduct its business, carry on its operations, and have offices and exercise the powers granted by this act anywhere in the universe;

(j) to elect or appoint officers, employees and agents of the corporation, and define their duties and fix their compensation;

(k) to make and alter by-laws for the administration and regulation of the affairs of the corporation;

(l) to pay pensions and establish pension, profit-sharing, stock option, stock purchase, incentive and deferred compensation plans, and plans of similar nature for, and to furnish medical

services, life, sickness, accident, disability or unemployment insurance and benefits, education, housing, social and recreational services and other similar aids and services to, any or all of its directors, officers and employees, their families, dependents or beneficiaries;

(m) to participate with others in any corporation, partnership, limited partnership, joint venture, or other association of any kind, or in any transaction, undertaking or arrangement which the participating corporation would have power to conduct by itself, whether or not such participation involves sharing or delegation of control with or to others;

(n) at the request of the United States government or of any of its agencies, to transact any lawful business in time of war or other national emergency, notwithstanding the purpose or purposes set forth in its certificate of incorporation;

(o) to have and exercise all other powers necessary or convenient to effect any or all of the purposes for which the corporation is organized.

(2) It shall not be necessary to set forth in the certificate of incorporation any corporate powers enumerated in this act.

14A:3-2 Ultra vires transactions.

No act of a corporation and no conveyance or transfer of real or personal property to or by a corporation shall be invalid by reason of the fact that the corporation was without capacity or power to do such act or to make or receive such conveyance or transfer, but such lack of capacity or power may be asserted:

(a) In a proceeding by a shareholder against the corporation to enjoin the doing of any act or acts or the transfer of real or personal property by or to the corporation. If the unauthorized acts or transfer sought to be enjoined are being, or are to be, performed or made pursuant to any contract to which the corporation is a party, the court may, if all of the parties to the contract are parties to the proceeding and if it deems the same to be equitable, set aside and enjoin the performance of such contact, and in so doing may allow to the corporation or to the other parties to the contract, as the case may be, compensation for the loss or damage sustained by either of them which may result from the action of the court in setting aside and enjoining the performance of such contract, but anticipated profits to be derived from the performance of the contract shall not be awarded by the court as a loss or damage sustained.

(b) In a proceeding by the corporation, whether acting directly or through a receiver, trustee, or other legal representative, or through shareholders in a representative suit, against the incumbent or former officers or directors of the corporation.

(c) In a proceeding by the Attorney General, as provided in this act, to dissolve the corporation, or in a proceeding by the Attorney General to enjoin the corporation from the transaction of unauthorized business.

14A:3-3 Guaranty not in furtherance of corporate purposes.

A corporation may give a guaranty not in furtherance of its corporate purposes only when authorized at a meeting of shareholders by the affirmative vote of two-thirds of the votes cast by the holders of each class and series of shares entitled to vote thereon. If authorized by a like vote, such guaranty may be secured by a mortgage of or a security interest in all or any part of the corporate property, or any interest therein, wherever situated.

14A:3-4 Contributions by corporations.

(1) Any corporation organized for any purpose under any general or special law of this State, unless otherwise provided in its certificate of incorporation or by-laws, shall have power, irrespective of corporate benefit, to aid, singly or in cooperation with other corporations and with natural persons, in the creation or maintenance of institutions or organizations engaged in community fund, hospital, charitable, philanthropic, educational, scientific or benevolent activities or patriotic or civic activities conducive to the betterment of social and economic conditions, and the directors may appropriate, spend or contribute for such purposes such reasonable sums as they may determine; provided, that a contribution shall not be authorized hereunder if at the time of the contribution or immediately thereafter the donee institution shall own more than 10% of the voting stock of the donor corporation or one of its subsidiaries.

(2) The provisions of this section shall not be construed as directly or indirectly minimizing or interpreting the rights and powers of corporations, as heretofore existing, with reference to appropriations, expenditures or contributions of the nature above specified.

14A:3-5 Indemnification of directors, officers and employees.

(1) As used in this section,

(a) "corporate agent" means any person who is or was a director, officer, employee or agent of the indemnifying corporation and any person who is or was a director, officer, trustee, employee or agent of any other enterprise, serving as such at the request of the indemnifying corporation, or the legal representative of any such director, officer, trustee, employee or agent;

(b) "other enterprise" means any domestic or foreign corporation, other than the indemnifying corporation, and any partnership, joint venture, sole proprietorship, trust or other enterprise, whether or not for profit, served by a corporate agent;

(c) "expenses" means reasonable costs, disbursements and counsel fees;

(d) "liabilities" means amounts paid or incurred in satisfaction of settlements, judgments, fines and penalties;

(e) "proceeding" means any pending, threatened or completed civil, criminal, administrative or arbitrative action, suit or proceeding, and any appeal therein and any inquiry or investigation which could lead to such action, suit or proceeding.

(2) Any corporation organized for any purpose under any general or special law of this State shall have the power to indemnify a corporate agent against his expenses and liabilities in connection with any proceeding involving the corporate agent by reason of his being or having been such a corporate agent, other than a proceeding by or in the right of the corporation, if

(a) such corporate agent acted in good faith and in a manner he reasonably believed to be in or not opposed to the best interests of the corporation; and

(b) with respect to any criminal proceeding, such corporate agent had no reasonable cause to believe his conduct was unlawful.

The termination of any proceeding by judgment, order, settlement, conviction or upon a plea of nolo contendere or its equivalent, shall not of itself create a presumption that such corporate agent did not meet the applicable standards of conduct set forth in paragraphs 14A:3-5(2) (a) and 14A:3-5(2) (b).

(3) Any corporation organized for any purpose under any general or special law of this State shall have the power to indemnify a corporate agent against his expenses in connection with any proceeding by or in the right of the corporation to procure a judg-

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ment in its favor which involves the corporate agent by reason of his being or having been such corporate agent, if he acted in good faith and in a manner he reasonably believed to be in or not opposed to the best interests of the corporation. However, in such proceeding no indemnification shall be provided in respect of any claim, issue or matter as to which such corporate agent shall have been adjudged to be liable for negligence or misconduct, unless and only to the extent that the court in which such proceeding was brought shall determine upon application that despite the adjudication of liability, but in view of all circumstances of the case, such corporate agent is fairly and reasonably entitled to indemnity for such expenses as the court shall deem proper.

(4) Any corporation organized for any purpose under any general or special law of this State shall indemnify a corporate agent against expenses to the extent that such corporate agent has been successful on the merits or otherwise in any proceeding referred to in subsections 14A:3–5(2) and 14A:3–5(3) or in defense of any claim, issue or matter therein.

(5) Any indemnification under subsection 14A:3–5(2) and, unless ordered by a court, under subsection 14A:3–5(3), may be made by the corporation only as authorized in a specific case upon a determination that indemnification is proper in the circumstances because the corporate agent met the applicable standard of conduct set forth in subsection 14A:3–5(2) or subsection 14A:3–5(3). Such determination shall be made

(a) by the board of directors acting by a quorum consisting of directors who were not parties to the proceeding; or

(b) if such a quorum is not obtainable, or, even if obtainable and a quorum of the disinterested directors so directs, by independent legal counsel in a written opinion; or

(c) by the shareholders.

(6) Expenses incurred by a corporate agent in connection with a proceeding may be paid by the corporation in advance of the final disposition of the proceeding upon receipt of an undertaking by or on behalf of the corporate agent to repay such amount unless it shall ultimately be determined that he is entitled to be indemnified as provided in this section.

(7) (a) If a corporation upon application of a corporate agent has failed or refused to provide indemnification as required under subsection 14A:3–5(4) or permitted under subsections 14A:3–5(2), 14A:3–5(3) and 14A:3–5(6), a corporate agent may apply to a court for an award of indemnification by the corporation, and such court

(i) may award indemnification to the extent authorized under subsections 14A:3–5(2) and 14A:3–5(3) and shall award indemnification to the extent required under subsection 14A:3–5(4), notwithstanding any contrary determination which may have been made under subsection 14A:3–5(5); and

(ii) may allow reasonable expenses to the extent authorized by, and subject to the provisions of, subsection 14A:3–5(6), if the court shall find that the corporate agent has by his pleadings or during the course of the proceeding raised genuine issues of fact or law.

(b) Application for such indemnification may be made

(i) in the civil action in which the expenses were or are to be incurred or other amounts were or are to be paid; or

(ii) to the Superior Court in a separate proceeding. If the application is for indemnification arising out of a civil action, it shall set forth reasonable cause for the failure to make application for such relief in the action or proceeding in which the expenses were or are to be incurred or other amounts were or are to be paid.

The application shall set forth the disposition of any previous application for indemnification and shall be made in such manner and form as may be required by the applicable rules of court or, in the absence thereof, by direction of the court to which it is made. Such application shall be upon notice to the corporation. The court may also direct that notice shall be given at the expense of the corporation to the shareholders and such other persons as it may designate in such manner as it may require.

(8) The indemnification provided by this section shall not exclude any other rights to which a corporate agent may be entitled under a certificate of incorporation, by-law, agreement, vote of shareholders, or otherwise.

(9) Any corporation organized for any purpose under any general or special law of this State shall have the power to purchase and maintain insurance on behalf of any corporate agent against any expenses incurred in any proceeding and any liabilities asserted against him in his capacity as corporate agent, whether or not the corporation would have the power to indemnify him against such liability under the provisions of this section.

(10) The powers granted by section 14A:3–5 may be exercised by the corporation notwithstanding the absence of any provision in its certificate of incorporation or by-laws authorizing the exercise of such powers.

14A:3-6 Provisions relating to actions by shareholders.

(1) No action shall be brought in this State by a shareholder in the right of a domestic or foreign corporation unless the plaintiff was a holder of shares or of voting trust certificates therefor at the time of the transaction of which he complains, or his shares or voting trust certificates thereafter devolved upon him by operation of law from a person who was a holder at such time.

(2) In any action hereafter instituted in the right of any such corporation by the holder or holders of shares of such corporation or of voting trust certificates therefor, the court having jurisdiction, upon final judgment and a finding that the action was brought without reasonable cause, may require the plaintiff or plaintiffs to pay to the parties named as defendant the reasonable expenses, including fees of attorneys, incurred by them in the defense of such action.

(3) In any action now pending or hereafter instituted or maintained in the right of any such corporation by the holder or holders of less than 5% of the outstanding shares of any class of such corporation or of voting trust certificates therefor, unless the shares or voting trust certificates so held have a market value in excess of $25,000.00, the corporation in whose right such action is brought shall be entitled at any time before final judgment to require the plaintiff or plaintiffs to give security for the reasonable expenses, including fees of attorneys, that may be incurred by it in connection with such action or may be incurred by other parties named as defendant for which it may become legally liable. Market value shall be determined as of the date that the plaintiff institutes the action or, in the case of an intervener, as of the date that he becomes a party to the action. The amount of such security may from time to time be increased or decreased, in the discretion of the court, upon showing that the security provided has or may become inadequate or excessive. The corporation shall have recourse to such security in such amount as the court having jurisdiction shall determine upon the termination of such action.

CHAPTER 4

REGISTERED OFFICE AND REGISTERED AGENT; ANNUAL REPORT

Section

14A:4–1. Registered Office and Registered Agent.
14A:4–2. Function of Registered Agent and Office; Service of Process, Notice or Demand.

14A:4–3. Change of Registered Office or Registered Agent.
14A:4–4. Resignation of Registered Agent.
14A:4–5. Annual Report to Secretary of State.

14A:4-1 Registered office and registered agent.

(1) Every corporation organized for any purpose under any general or special law of this State and every foreign corporation authorized to transact business in this State shall continuously maintain a registered office in this State, and a registered agent having a business office identical with such registered office.

(2) The registered office may be, but need not be, the same as a place of business of the corporation which it serves.

(3) The registered agent may be a natural person of the age of 21 years or more, or a domestic corporation or a foreign corporation authorized to transact business in this State, whether or not any such agent corporation is organized for a purpose or purposes for which a corporation may be organized under this act.

(4) The designation of a principal or registered office in this State and of a registered agent in charge thereof by any corporation of this State or by any foreign corporation authorized to transact business in this State, as in force on the effective date of this act, shall continue with like effect as if made hereunder until changed pursuant to this act.

14A:4-2 Function of registered agent and office; service of process, notice or demand.

(1) Every registered agent shall be an agent of the corporation which has appointed him, upon whom process against the corporation may be served.

(2) Whenever any law of this State requires or permits any notice or demand to be given to or made upon a domestic corporation or a foreign corporation authorized to transact business in this State, its officers or directors, such notice or demand may be sent by mail or otherwise, as the law may require or permit, to the registered office of the corporation in this State, and such notice so given or demand so made shall be sufficient notice or demand.

(3) The provisions of this section shall not exclude any other method provided by law for service of process upon a corporation, domestic or foreign, or for service of a notice or demand upon such corporation, its officers or directors.

(4) Whenever any law of this State requires that any certificate, report or statement made, published, filed or recorded by any

corporation, domestic or foreign, state the residence or post office address of any incorporator, shareholder, director or officer, it shall be sufficient if the address of the registered office of the corporation in this State is stated.

14A:4-3 Change of registered office or registered agent.

(1) A domestic corporation or a foreign corporation authorized to transact business in this State may change its registered office or its registered agent, or both. When the registered office is changed, or when the registered agent is changed, or dies, resigns or becomes disqualified, the corporation shall, by resolution of the board, forthwith fix the address of the new registered office or designate the successor registered agent or both, as the case may be.

(2) Such corporation shall forthwith file in the office of the Secretary of State a certificate executed on behalf of the corporation setting forth

(a) the name of the corporation;

(b) if the registered agent is not being changed, the name of the registered agent;

(c) if the registered agent is being changed, the names of the registered agent being succeeded and of the successor registered agent;

(d) if the registered office is not being changed, the address of the then registered office;

(e) if the registered office is being changed, the address of the registered office immediately prior to the change, and the address of the new registered office;

(f) that the address of its registered office and the address of its registered agent will be identical after the change; and

(g) that the change in registered office, or registered agent, or both, is made pursuant to resolution of the board.

(3) The registered agent of one or more domestic or foreign corporations may change the registered office of such corporation or corporations to another address in the same municipality or county of this State by filing in the office of the Secretary of State a certificate executed by such agent and setting forth

(a) the names of all the corporations whose registered offices are being changed and for which he or it is the registered agent, listed in alphabetical order;

(b) the address of the registered office of each such corporation immediately prior to the change, and the address of the new registered office;

(c) that the address of the registered office of each such corporation and the address of its registered agent will be identical after the change; and

(d) a statement that at least 20 days' prior notice of the change has been given to each such corporation in writing.

The change of the registered office of each of the corporations named in the certificate shall become effective upon the date of such filing or at such later time, not to exceed 30 days after the date of filing, as may be set forth in the certificate.

14A:4-4 Resignation of registered agent.

(1) The registered agent of a domestic corporation or a foreign corporation authorized to transact business in this State may resign by complying with the provisions of this section.

(2) The registered agent shall serve a notice of resignation by certified mail, return receipt requested, upon the president, or any vice president, or the secretary or treasurer of the corporation at the address last known to the agent, and shall make an affidavit of such service. If such service cannot be made, the affidavit shall so state, and shall state briefly why such service cannot be made. The affidavit, together with a copy of the notice of resignation, shall be filed in the office of the Secretary of State.

(3) Such resignation shall become effective upon the expiration of 30 days after the filing in the office of the Secretary of State of the affidavit under this section or upon the designation by the corporation of a new registered agent pursuant to this act, whichever is earlier. If the corporation fails to designate a new registered agent within said 30-day period, the corporation shall thereafter be deemed to have no registered agent or registered office in this State.

14A:4-5 Annual report to Secretary of State.

(1) Every domestic corporation and every foreign corporation authorized to transact business in this State shall file in the office of the Secretary of State, within the time prescribed by this section, an annual report setting forth

(a) the name of the corporation and, in the case of a foreign corporation, the jurisdiction of its incorporation;

(b) the address of the registered office of the corporation in this State, and the name of its registered agent in this State at such address, and, in the case of a foreign corporation, the address of its main business or headquarters office;

(c) the names and addresses of the directors and officers of the corporation; and

(d) the date appointed for the next annual meeting of the shareholders for the election of directors.

(2) Such report shall be filed within 30 days after the time appointed for holding the annual election of directors, commencing with the time appointed for the first annual election of directors following the date of incorporation or of registering to transact business.

(3) If the report is not so filed, the corporation shall, after written demand therefor by the Secretary of State by certified mail addressed to the corporation at the last address appearing of record in his office, forfeit to the State a penalty of $200.00 for each report required to have been filed not more than 5 years prior thereto and remaining unfiled, to be recovered with costs in a civil action prosecuted by the Attorney General. No corporation shall be subject to penalty if it shall, within 30 days after such written demand, file the reports required by law and shall pay to the Secretary of State a fee of $10.00 for the filing of each such report. In lieu of such civil action, the Secretary of State, after expiration of such 30-day period, may issue a certificate to the Clerk of the Superior Court that the corporation is indebted for the payment of such penalty, and thereupon the Clerk shall immediately enter upon his record of docketed judgments the name of such corporation as the judgment debtor, and of the State as the judgment creditor, a statement that the penalty is imposed under this section, the amount of the penalty, and the date of such certificate. Such entry shall have the same force as a judgment docketed in the Superior Court. The Secretary of State within 5 days after such entry shall give notice thereof to the corporation by certified mail addressed to the corporation at the last address appearing of record in his office.

(4) The Secretary of State shall furnish annual report forms, shall keep in his office all such reports and shall prepare an alphabetical index thereof, which reports and index shall be open to public inspection at proper hours.

CHAPTER 5

Shareholders' Meetings and Elections; Rights and Liabilities of Shareholders in Certain Cases

Section

14A:5–1. Place of Shareholders' Meetings.
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14A:5–3. Call of Special Meetings of Shareholders.
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14A:5-1 Place of shareholders' meetings.

Meetings of shareholders of every corporation organized for any purpose under any general or special law of this State may, unless otherwise provided by law, be held at such place, within or without this State, as may be provided in the by-laws or as may be fixed by the board pursuant to authority granted by the by-laws. In the absence of any such provision, all meetings shall be held at the registered office of the corporation.

14A:5-2 Annual meeting of shareholders.

An annual meeting of the shareholders shall be held at such time as may be provided in the by-laws and, in the absence of such provision, at noon on the first Tuesday of April. Failure to hold the annual meeting at the designated time, or to elect a sufficient number of directors at such meeting or any adjournment thereof, shall not affect otherwise valid corporate acts or work a forfeiture or dissolution of the corporation. If the annual meeting for election of directors is not held on the date designated therefor, the directors shall cause the meeting to be held as soon thereafter as convenient. If there is a failure to hold an annual meeting for a period of 30 days after the date designated therefor, or if no date has been designated for a period of 13 months after the organization of the corporation or after its last annual meeting, the Superior Court may, upon the application of any shareholder, summarily order the meeting or the election, or both, to be held at such time and place, upon such notice and for the transaction of such business as may be designated in such order. At any meeting ordered to be called pursuant to this section, the shareholders present in person or by proxy and having voting powers shall constitute a quorum for the transaction of the business designated in such order.

14A:5-3 Call of special meeting of shareholders.

Special meetings of the shareholders may be called by the president or the board, or by such other officers, directors or shareholders as may be provided in the by-laws. Notwithstanding any such provision, upon the application of the holder or holders of not less than 10% of all the shares entitled to vote at a meeting, the Superior Court, in an action in which the court may proceed in a summary manner, for good cause shown, may order a special meeting of the shareholders to be called and held at such time and place, upon such notice and for the transaction of such business

as may be designated in such order. At any meeting ordered to be called pursuant to this section, the shareholders present in person or by proxy and having voting powers shall constitute a quorum for the transaction of the business designated in such order.

14A:5-4 Notice of shareholders' meetings.

(1) Except as otherwise provided in this act, written notice of the time, place and purpose or purposes of every meeting of shareholders shall be given not less than 10 nor more than 60 days before the date of the meeting, either personally or by mail, to each shareholder of record entitled to vote at the meeting.

(2) When a meeting is adjourned to another time or place, it shall not be necessary, unless the by-laws otherwise provide, to give notice of the adjourned meeting if the time and place to which the meeting is adjourned are announced at the meeting at which the adjournment is taken and at the adjourned meeting only such business is transacted as might have been transacted at the original meeting. However, if after the adjournment the board fixes a new record date for the adjourned meeting, a notice of the adjourned meeting shall be given to each shareholder of record on the new record date entitled to notice under subsection 14A:5–4 (1).

14A:5-5 Waiver of notice or of lapse of time.

(1) Notice of a meeting need not be given to any shareholder who signs a waiver of such notice, in person or by proxy, whether before or after the meeting. The attendance of any shareholder at a meeting, in person or by proxy, without protesting prior to the conclusion of the meeting the lack of notice of such meeting, shall constitute a waiver of notice by him.

(2) Whenever shareholders are authorized to take any action after the lapse of a prescribed period of time, the action may be taken without such lapse if such requirement is waived in writing, in person or by proxy, before or after the taking of such action, by every shareholder entitled to vote thereon as at the date of the taking of such action.

14A:5-6 Action by shareholders without a meeting.

(1) Any action required or permitted to be taken at a meeting of shareholders by this act or the certificate of incorporation or

by-laws of a corporation, may be taken without a meeting if all the shareholders entitled to vote thereon consent thereto in writing.

(2) Except for actions required or permitted to be taken at a meeting of shareholders by Chapter 10 of this act, any action required or permitted to be taken at a meeting of shareholders by this act or the certificate of incorporation or by-laws of a corporation, may be taken without a meeting upon the written consent of less than all the shareholders entitled to vote thereon, if

(a) such action is provided for by the certificate of incorporation; and

(b) the shareholders who so consent would be entitled to cast at least the minimum number of votes which would be required to take such action at a meeting at which all shareholders entitled to vote thereon are present.

Prompt notice of such action shall be given to all shareholders who would have been entitled to vote upon the action if such meeting were held.

(3) Whenever action is taken pursuant to subsection 14A:5–6(1) or 14A:5–6(2), the written consents of the shareholders consenting thereto shall be filed with the minutes of proceedings of shareholders.

(4) Any action taken pursuant to subsection 14A:5–6(1) or 14A:5–6(2) shall have the same effect for all purposes as if such action had been taken at a meeting of the shareholders.

(5) If any other provision of this act requires the filing of a certificate upon the taking of an action by shareholders, and such action is taken in the manner authorized by subsection 14A:5–6(1) or 14A:5–6(2), such certificate shall state that such action was taken without a meeting pursuant to the written consents of the shareholders and shall set forth the number of shares represented by such consents.

14A:5-7 Fixing record date.

(1) For the purpose of determining the shareholders entitled to notice of or to vote at any meeting of shareholders or any adjournment thereof, or to express consent to or dissent from any proposal without a meeting, or for the purpose of determining shareholders entitled to receive payment of any dividend or allotment of any right, or for the purpose of any other action, the by-laws may provide for fixing, or in the absence of such provision the board may fix, in advance, a date as the record date for any such determination of shareholders. Such date shall not be more

than 60 nor less than 10 days before the date of such meeting, nor more than 60 days prior to any other action.

(2) If no record date is fixed

(a) the record date for the determination of shareholders entitled to notice of or to vote at a meeting of shareholders shall be the close of business on the day next preceding the day on which notice is given, or, if no notice is given, the day next preceding the day on which the meeting is held; and

(b) the record date for determining shareholders for any purpose other than that specified in paragraph 14A:5–7(2) (a) shall be at the close of business on the day on which the resolution of the board relating thereto is adopted.

(3) When a determination of shareholders of record entitled to notice of or to vote at any meeting of shareholders has been made as provided in this section, such determination shall apply to any adjournment thereof, unless the board fixes a new record date under this section for the adjourned meeting.

14A:5-8 Voting list.

(1) The officer or agent having charge of the stock transfer books for shares of a corporation shall make and certify a complete list of the shareholders entitled to vote at a shareholders' meeting or any adjournment thereof. Such list shall

(a) be arranged alphabetically within each class and series, with the address of, and the number of shares held by, each shareholder;

(b) be produced at the time and place of the meeting;

(c) be subject to the inspection of any shareholder during the whole time of the meeting; and

(d) be prima facie evidence as to who are the shareholders entitled to examine such list or to vote at any meeting.

(2) If the requirements of this section have not been complied with, the meeting shall, on the demand of any shareholder in person or by proxy, be adjourned until the requirements are complied with. Failure to comply with the requirements of this section shall not affect the validity of any action taken at such meeting prior to the making of any such demand.

14A:5-9 Quorum of shareholders.

(1) Unless otherwise provided in the certificate of incorporation or this act, the holders of shares entitled to cast a majority of the votes at a meeting shall constitute a quorum at such meeting. The

shareholders present in person or by proxy at a duly organized meeting may continue to do business until adjournment, notwithstanding the withdrawal of enough shareholders to leave less than a quorum. Less than a quorum may adjourn.

(2) Whenever the holders of any class or series of shares are entitled to vote separately on a specified item of business, the provisions of this section shall apply in determining the presence of a quorum of such class or series for the transaction of such specified item of business.

14A:5-10 Voting of shares.

Each outstanding share shall be entitled to one vote on each matter submitted to a vote at a meeting of shareholders, unless otherwise provided in the certificate of incorporation.

14A:5-11 Votes required.

(1) Whenever any action, other than the election of directors, is to be taken by vote of the shareholders, it shall be authorized by a majority of the votes cast at a meeting of shareholders by the holders of shares entitled to vote thereon, unless a greater plurality is required by the certificate of incorporation or another section of this act.

(2) The certificate of incorporation may provide that any class or classes of shares, or any series thereof, shall vote as a class to authorize any action, including amendments to the certificate of incorporation. Such voting as a class shall be in addition to any other vote required by this act. Where voting as a class or series is provided in the certificate of incorporation, it shall be by the proportionate vote provided in the certificate or, if no proportionate vote is so provided, then for any action other than the election of directors, by a majority of the votes cast at such meeting by the holders of shares of such class or series entitled to vote thereon.

(3) Where voting as a class or series is required by this act to authorize any action, such action shall be authorized by a majority of the votes cast at such meeting by the holders of shares of each such class or series entitled to vote thereon, unless a greater vote is required by the certificate of incorporation or another section of this act. Such voting as a class shall be in addition to any other vote required by this act.

14A:5-12 Greater voting requirements.

(1) Whenever, with respect to any action to be authorized by the shareholders of a corporation, the certificate of incorporation

requires the affirmative vote of a greater proportion of the votes cast by the holders of shares entitled to vote thereon, or by the holders of shares of any class or series thereof, than is required by this act with respect to such action, the provisions of the certificate of incorporation shall control.

(2) An amendment of the certificate of incorporation which changes or deletes such a provision shall be authorized by the same vote as would be required to take action under such provision.

14A:5-13 Shares owned or controlled by the corporation not voted or counted.

Treasury shares shall not be voted at any meeting or counted in determining the total number of outstanding shares at any given time. If the corporation holds shares entitled to cast the plurality of the votes required for the election of directors of another domestic corporation or a foreign corporation, shares of the corporation held by such other domestic corporation or foreign corporation shall not be voted at any meeting or counted in determining the total number of outstanding shares at any given time.

14A:5-14 Shares held by another corporation.

Shares standing in the name of another domestic or foreign corporation may be voted by any officer or agent, or by proxy appointed by any of them, unless some other person, by resolution of its board or pursuant to its by-laws, shall be appointed to vote such shares.

14A:5-15 Shares held by fiduciaries.

Shares held by any person in any representative or fiduciary capacity may be voted by him without a transfer of such shares into his name. Where shares are held jointly by any number of fiduciaries, and the instrument or order appointing such fiduciaries does not otherwise direct, such shares shall be voted as the majority of such fiduciaries shall determine. If the fiduciaries are equally divided as to how the shares shall be voted, any court having jurisdiction may, in an action brought by any of such fiduciaries or by any beneficiary, appoint an additional person to act with such fiduciaries in such matter, and the stock shall be voted by the majority of such fiduciaries and such additional person. The court may proceed in the action in a summary manner or otherwise.

14A:5-16 Shares held jointly or as tenants in common.

Shares held by two or more persons as joint tenants or as tenants in common may be voted at any meeting of the shareholders by any one of such persons, unless another joint tenant or tenant in common seeks to vote any of such shares in person or by proxy. In the latter event, the written agreement, if any, which governs the manner in which such shares shall be voted, shall control if presented at the meeting. If there be no such agreement presented at the meeting, the majority in number of such joint tenants or tenants in common present shall control the manner of voting. If there be no such majority, or if there be two such joint tenants or tenants in common, both of whom seek to vote such shares, the shares shall, for the purpose of voting, be divided equally among such joint tenants or tenants in common present.

14A:5-17 Voting of pledged stock.

A shareholder whose shares are pledged shall be entitled to vote such shares until the shares have been transferred into the name of the pledgee, or a nominee of the pledgee.

14A:5-18 When redeemable shares no longer entitled to vote.

On and after the date on which written notice of redemption of redeemable shares has been mailed to the holders thereof and a sum sufficient to redeem such shares has been deposited with a bank or trust company with irrevocable instruction and authority to pay the redemption price to the holders thereof upon surrender of certificates therefor, such shares shall not be entitled to vote on any matter and shall not be deemed to be outstanding shares.

14A:5-19 Proxy voting.

(1) Every shareholder entitled to vote at a meeting of shareholders or to express consent or dissent without a meeting may authorize another person or persons to act for him by proxy. Every proxy shall be executed in writing by the shareholder or his agent. No proxy shall be valid after 11 months from the date of its execution, unless a longer time is expressly provided therein, but in no event shall a proxy be valid after 3 years from the date of execution. Unless it is coupled with an interest, a proxy shall be revocable at will. A proxy shall not be revoked by the death or incapacity of the shareholder but such proxy shall continue in force until revoked by the personal representative or guardian of the

shareholder. The presence at any meeting of any shareholder who has given a proxy shall not revoke such proxy unless the shareholder shall file written notice of such revocation with the secretary of the meeting prior to the voting of such proxy.

(2) A person named in a proxy as the attorney or agent of a shareholder may, if the proxy so provides, substitute another person to act in his place, including any other person named as an attorney or agent in the same proxy. The substitution shall not be effective until an instrument effecting it is filed with the secretary of the corporation.

14A:5-20 Voting trust.

(1) One or more shareholders of a corporation may confer upon a trustee or trustees the right to vote or otherwise represent his or their shares, for a period not to exceed 21 years, by entering into a written voting trust agreement specifying the terms and conditions of the voting trust, by filing an executed counterpart of the agreement at the registered office of the corporation and by depositing his or their shares of an original issue with, or by transferring his or their shares to, such trustee or trustees for the purposes of the agreement. After the filing of the agreement, certificates for shares shall be issued to the trustee or trustees to represent any shares of an original issue so deposited with him or them, and any certificates for shares so transferred shall be surrendered and cancelled and new certificates therefor issued to such trustee or trustees stating that they are issued under such agreement, and in the entry of such ownership in the records of the corporation that fact shall also be noted, and such trustee or trustees may vote the shares so transferred during the term of such agreement. The copy of the voting trust agreement so filed shall be subject to inspection at any reasonable time by any shareholder of the corporation or by any holder of a beneficial interest in the voting trust, in person or by agent or attorney. Voting trust certificates shall be issued to evidence beneficial interests in the voting trust.

(2) A trustee who votes shares subject to a voting trust shall incur no responsibility as shareholder, trustee, or otherwise, except for his own dereliction of duty.

(3) Where two or more persons are designated as voting trustees, and the right and method of voting any shares standing in their names at any meeting of the corporation are not fixed by the agreement appointing the trustees, the right to vote said shares and the manner of voting the same at any such meeting shall be

determined by a majority of the trustees. If the trustees are equally divided as to how the shares shall be voted, the Superior Court or County Court having jurisdiction may, in an action brought by any of such trustees, appoint an additional person to act with such trustees in such matter, and the right to vote said shares and the manner of voting the same at any such meeting shall be determined by a majority of the trustees and such additional person. The court may proceed in the action in a summary manner or otherwise.

(4) At any time within 2 years prior to the time of expiration of any such voting trust agreement as originally fixed or as extended as herein provided, one or more beneficiaries of the voting trust may, by agreement in writing and with the written consent of such voting trustees, extend the duration of such voting trust agreement with regard to the shares subject to their beneficial interest for an additional period not exceeding 21 years. The voting trustees shall, prior to the time of expiration of any such voting trust agreement, as originally fixed or as previously extended, as the case may be, file in the registered office of the corporation an executed counterpart of such extension agreement and of their consent thereto, and thereupon the duration of such voting trust agreement shall be extended for the period fixed in such extension agreement; but no such extension agreement shall affect the rights or obligations of persons not parties thereto.

(5) The validity of a voting trust or of an extension thereof, otherwise lawful, shall not be affected during a period of 21 years from the date of its commencement by the fact that by its terms it will or may last beyond such 21-year period; but it shall become inoperative at the end of such 21-year period.

14A:5-21 Agreements as to voting; provision in certificate of incorporation as to control of directors.

(1) An agreement between two or more shareholders, if in writing and signed by the parties thereto, may provide that in exercising any voting rights, the shares held by them shall be voted as therein provided, or as they may agree, or as determined in accordance with a procedure agreed upon by them.

(2) A provision in the certificate of incorporation otherwise prohibited by law because it improperly restricts the board in its management of the business of the corporation, or improperly transfers to one or more shareholders or to one or more persons or corporations to be selected by him or them, all or any part of such management otherwise within the authority of the board, shall

nevertheless be valid if all the incorporators have authorized such provision in the certificate of incorporation or the holders of record of all outstanding shares, whether or not having voting power, have authorized such provision in an amendment to the certificate of incorporation.

(3) A provision authorized by subsection 14A:5–21(2) shall become invalid if, to the knowledge of the board,

(a) subsequent to the adoption of such provision, shares are transferred or issued to any person who takes delivery of the share certificate without notice thereof, unless such person consents in writing to such provisions; or

(b) any shares of the corporation are listed on a national securities exchange or regularly quoted in an over-the-counter market by one or more members of a national or affiliated securities association.

(4) If a provision authorized by subsection 14A:5–21(2) shall have become invalid as provided in subsection 14A:5–21(3), the board shall amend the certificate of incorporation to delete such provision by filing a certificate of amendment in the office of the Secretary of State. The certificate shall be executed on behalf of the corporation and shall set forth

(a) the name of the corporation;

(b) the date of the adoption of the amendment;

(c) the deleted provision; and

(d) the event set forth in subsection 14A:5–21(3) by reason of which the provision has become invalid.

(5) The effect of any provision authorized by subsection 14A:5–21(2) shall be to relieve the directors and impose upon the shareholders the liability for managerial acts or omissions that is imposed on directors by law to the extent that, and so long as, the discretion or powers of the directors in their management of corporate affairs is controlled by any such provision. Such shareholders shall be deemed to be corporate agents for the purposes of section 14A:3–5.

(6) If the certificate of incorporation contains a provision authorized by subsection 14A:5–21(2), the existence of such provision shall be noted conspicuously on the face of every certificate for shares issued by such corporation, and each holder of such certificate shall conclusively be deemed to have taken delivery with notice of such provision.

14A:5-22 Infant shareholders and bondholders.

(1) A corporation may treat an infant who holds shares or bonds of such corporation as having capacity to receive and to empower others to receive dividends, interest, principal and other payments and distributions, to vote or express consent or dissent, and to make elections and exercise rights relating to such shares or bonds, unless, in the case of shares, the corporate officer responsible for maintaining the list of shareholders or the transfer agent of the corporation or, in the case of bonds, the treasurer or paying officer or agent, has received written notice that such holder is an infant.

(2) An infant holder of shares or bonds of a corporation who has received or empowered others to receive payments or distributions, voted or expressed consent or dissent, or made an election or exercised a right relating to such shares or bonds, shall have no right thereafter to disaffirm or avoid, as against the corporation, any such act on his part, unless prior to such receipt, vote, consent, dissent, election or exercise, as to shares, the corporate officer responsible for maintaining the list of shareholders or its transfer agent or, in the case of bonds, the treasurer, other paying officer or transfer agent, had received written notice that such holder was an infant.

(3) This section does not limit any other statute which authorizes any corporation to deal with an infant or limits the right of an infant to disaffirm his acts.

14A:5-23 Voting powers of bondholders; right to inspect.

The certificate of incorporation may confer upon the holders of bonds issued by the corporation the power to vote for the election of directors and in respect to other corporate affairs and management, upon such terms and conditions as the certificate of incorporation shall provide. The certificate of incorporation or by-laws may provide for the manner of exercising such voting powers. The holders of bonds with voting powers shall, when entitled by the terms of such bonds to exercise such voting powers, have the same rights as those accorded to shareholders under section 14A:5–28.

14A:5-24 Elections of directors; cumulative voting.

(1) Elections of directors need not be by ballot unless a shareholder demands election by ballot at the election and before the voting begins, or unless the by-laws so require.

(2) At each election of directors every shareholder entitled to vote at such election shall have the right to vote the number of shares owned by him for as many persons as there are directors

to be elected and for whose election he has a right to vote, or, if the certificate of incorporation so provides, to cumulate his votes by giving one candidate as many votes as the number of such directors multiplied by the aggregate number of his votes shall equal, or by distributing such votes on the same principle among any number of such candidates.

(3) Except as otherwise provided by the certificate of incorporation, directors shall be elected by a plurality of the votes cast at an election.

14A:5-25 Selection of inspectors.

(1) Unless the by-laws otherwise provide, the board may, in advance of any shareholders' meeting, appoint one or more inspectors to act at the meeting or any adjournment thereof.

(2) If inspectors are not so appointed by the board or as otherwise provided in the by-laws or shall fail to qualify, the person presiding at a shareholders' meeting may, and on the request of any shareholder entitled to vote thereat, shall, make such appointment.

(3) In case any person appointed as inspector fails to appear or act, the vacancy may be filled by appointment made by the board in advance of the meeting or at the meeting by the person presiding at the meeting.

(4) If the by-laws require inspectors at any shareholders' meeting, such requirement is waived unless compliance therewith is requested by a shareholder entitled to vote at such meeting.

(5) Each inspector, before entering upon the discharge of his duties, shall take and sign an oath faithfully to execute the duties of inspector at such meeting with strict impartiality and according to the best of his ability.

(6) No person shall be elected a director at a meeting at which he has served as an inspector.

14A:5-26 Duties of inspectors.

The inspectors shall determine the number of shares outstanding and the voting power of each, the shares represented at the meeting, the existence of a quorum, the validity and effect of proxies, and shall receive votes or consents, hear and determine all challenges and questions arising in connection with the right to vote, count and tabulate all votes or consents, determine the result, and do such acts as are proper to conduct the election or vote with fairness to all shareholders. If there are three or more

inspectors, the act of a majority shall govern. On request of the person presiding at the meeting or any shareholder entitled to vote thereat, the inspectors shall make a report in writing of any challenge, question or matter determined by them. Any report made by them shall be prima facie evidence of the facts therein stated, and such report shall be filed with the minutes of the meeting.

14A:5-27 Review of elections by Superior Court.

Any election by shareholders may be reviewed by the Superior Court in a summary manner, or otherwise, in an action brought by a shareholder entitled to vote at such election upon notice to the persons elected, the corporation and such other persons as the court may direct. The court may confirm the election, order a new election or provide such other relief as justice may require.

14A:5-28 Books and records; right of inspection.

(1) Each corporation shall keep books and records of account and minutes of the proceedings of its shareholders, board and executive committee, if any. Unless otherwise provided in the by-laws, such books, records and minutes may be kept outside this State. The corporation shall keep at its registered office, or at the office of its transfer agent in this State, a record or records containing the names and addresses of all shareholders, the number, class and series of shares held by each and the dates when they respectively became the owners of record thereof, except that in the case of shares listed on a national securities exchange, the records of the holders of such shares may be kept at the office of the corporation's transfer agent within or without this State. Any of the foregoing books, minutes or records may be in written form or in any other form capable of being converted into written form within a reasonable time. A corporation shall convert into written form without charge any such records not in such form, upon the written request of any person entitled to inspect them.

(2) Upon the written request of any shareholder, the corporation shall mail to such shareholder its balance sheet as at the end of the preceding fiscal year, and its profit and loss and surplus statements for such fiscal year.

(3) Any person who shall have been a shareholder of record of a corporation for at least six months immediately preceding his demand, or any person holding, or so authorized in writing by the holders of, at least 5% of the outstanding shares of any class, upon at least five days' written demand shall have the right for any proper purpose to examine in person or by agent or attorney,

during usual business hours, its minutes of the proceedings of its shareholders and record of shareholders and to make extracts therefrom, at the places where the same are kept pursuant to subsection 14A:5–28(1).

(4) Nothing herein contained shall impair the power of any court, upon proof by a shareholder of proper purpose, irrespective of the period of time during which said shareholder shall have been a shareholder of record, and irrespective of the number of shares held by him, to compel the production for examination by such shareholder of the books and records of account, minutes and record of shareholders of a corporation.

(5) Holders of voting trust certificates representing shares of the corporation shall be regarded as shareholders for the purpose of this section.

14A:5-29 Preemptive rights.

(1) Except as otherwise provided in the certificate of incorporation, a corporation may issue or deliver unissued or treasury shares, or option rights, or securities having conversion or option rights, without first offering them to existing shareholders.

(2) The preemptive rights, whether created by statute or common law, of shareholders of corporations organized prior to the effective date of this act shall not be affected by subsection 14A:5–29(1). Any such corporation may alter or abolish its shareholders' preemptive rights by an amendment of its certificate of incorporation.

14A:5-30 Liability of subscribers and shareholders.

(1) A holder of or subscriber for shares of a corporation shall be under no obligation to the corporation or its creditors to pay for such shares other than the obligation to pay to the corporation the unpaid portion of the consideration for which such shares were issued or to be issued, which in no event shall be less than the amount of the consideration for which such shares could be lawfully issued.

(2) A person holding stock in a fiduciary or representative capacity shall not be personally liable to the corporation as the holder of or subscriber for shares of a corporation but the estate and funds in his hands shall be so liable.

(3) Any person becoming an assignee or transferee of shares or of a subscription for shares in good faith and without knowledge or notice that the full consideration therefor has not been paid shall not be liable to the corporation or its creditors for any un-

paid portion of such consideration, but the original holder or subscriber and any assignee or transferee prior to an assignment or transfer to a person taking in good faith and without such knowledge or notice shall remain liable therefor.

(4) No pledgee or other holder of shares as collateral security shall be liable as a shareholder.

CHAPTER 6

Directors and Officers

Section

14A:6–1. Board of Directors.
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14A:6–3. Term of Directors.
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14A:6–15. Officers.
14A:6–16. Removal and Resignation of Officers; Filling of Vacancies.
14A:6–17. Bonds; Facsimile Signatures and Seals.

14A:6-1 Board of directors.

The business and affairs of a corporation shall be managed by its board, except as in this act or in its certificate of incorporation otherwise provided. Directors shall be at least 21 years of age and need not be United States citizens or residents of this State

or shareholders of the corporation unless the certificate of incorporation or by-laws so require. The certificate of incorporation or by-laws may prescribe other qualifications for directors.

14A:6-2 Number of directors.

The number of directors of a corporation shall be not less than three, except that in cases where all the shares with voting powers of a corporation are owned beneficially and of record by either one or two shareholders, the number of directors may be less than three but not less than the number of shareholders. Subject to such limitation and to any provisions contained in the certificate of incorporation, the by-laws shall specify the number of directors except as to the number constituting the first board.

14A:6-3 Term of directors.

The directors named in the certificate of incorporation shall hold office until the first annual meeting of shareholders, and until their successors shall have been elected and qualified. At the first annual meeting of shareholders and at each annual meeting thereafter the shareholders shall elect directors to hold office until the next succeeding annual meeting, except in case of the classification of directors as permitted by this act. Each director shall hold office for the term for which he is elected and until his successor shall have been elected and qualified. A director may resign by written notice to the corporation. The resignation shall be effective upon receipt thereof by the corporation or at such subsequent time as shall be specified in the notice of resignation.

14A:6-4 Classification of directors; restriction of right to choose directors.

(1) A corporation may provide in its certificate of incorporation for the classification of its directors in respect to the time for which they shall severally hold office, but no class of directors shall hold office for a term shorter than one year or longer than five years, and the term of office of at least one class shall expire in each year. No classification of directors shall be effective prior to the first annual meeting of shareholders.

(2) Any corporation having more than one class of shares may provide in its certificate of incorporation for the election of one or more directors by the shareholders of any class or series, to the exclusion of other shareholders.

14A:6-5 Vacancies and newly created directorships.

(1) Unless otherwise provided in the certificate of incorporation or the by-laws, any directorship not filled at the annual meeting and any vacancy, however caused, occurring in the board may be filled by the affirmative vote of a majority of the remaining directors even though less than a quorum of the board, or by a sole remaining director. A director so elected by the board shall hold office until the next succeeding annual meeting of shareholders and until his successor shall have been elected and qualified.

(2) Unless otherwise provided in the certificate of incorporation or by-laws, when one or more directors shall resign from the board effective at a future date, a majority of the directors then in office, including those who have so resigned, shall have power to fill such vacancy or vacancies, the vote thereon to take effect when such resignation or resignations shall become effective, and each director so chosen shall hold office as herein provided in the filling of other vacancies.

(3) Any directorship to be filled by reason of an increase in the number of directors shall be filled by election at an annual meeting or at a special meeting of shareholders called for that purpose, except that the certificate of incorporation or a by-law adopted by the shareholders may authorize the board to fill any such directorship. A director elected by the board to fill any such directorship shall hold office until the next succeeding annual meeting of shareholders and until his successor shall have been elected and qualified.

(4) If by reason of death, resignation or other cause a corporation has no directors in office, any shareholder or the executor or administrator of a deceased shareholder may call a special meeting of shareholders for the election of directors and, over his own signature, shall give notice of said meeting in accordance with section 14A:5–4 except to the extent that such notice is waived pursuant to section 14A:5–5.

14A:6-6 Removal of directors.

(1) One or more or all the directors of a corporation may be removed for cause by the shareholders by the affirmative vote of the majority of the votes cast by the holders of shares entitled to vote for the election of directors. If the certificate of incorporation so provides, one or more or all the directors may be removed without cause by like vote of the shareholders.

(2) The removal of directors, with or without cause, by vote of the shareholders as provided in subsection 14A:6–6(1), is subject to the following qualifications

(a) in any case where cumulative voting is authorized, if less than the total number of directors then serving on the board is to be removed by the shareholders, no one of the directors may be so removed if the votes cast against his removal would be sufficient to elect him if then voted cumulatively at an election of the entire board; or, if there are classes of directors, at an election of the class of directors of which he is a part;

(b) a director elected by a class vote, as authorized by subsection 14A:6–4(2), may be removed only by a class vote of the holders of shares entitled to vote for his election.

(3) The certificate of incorporation or a by-law adopted by the shareholders may provide that the board shall have the power to remove directors for cause and to suspend directors pending a final determination that cause exists for removal.

(4) The Superior Court, in an action in which the court may proceed in a summary manner or otherwise, may review the removal or suspension of a director for cause.

(5) No act of the board done during the period when a director has been suspended or removed for cause shall be impugned or invalidated if the suspension or removal is thereafter rescinded by the shareholders or by the board or by the final judgment of the court.

14A:6-7 Quorum of board of directors and committees; action of directors without a meeting.

(1) A majority of the entire board, or of any committee thereof, shall constitute a quorum for the transaction of business, unless the certificate of incorporation or the by-laws shall provide that a greater or lesser number shall constitute a quorum, which in no case shall be less than the greater of two persons or one-third of the entire board or committee, except that when a board of one director is authorized under the provisions of section 14A:6–2, then one director shall constitute a quorum. The act of the majority present at a meeting at which a quorum is present shall be the act of the board or of the committee, unless the act of a greater number is required by this act, the certificate of incorporation or the by-laws.

(2) Unless otherwise provided by the certificate of incorporation or by-laws, any action required or permitted to be taken pursuant to authorization voted at a meeting of the board or any committee thereof, may be taken without a meeting if, prior or subsequent to such action, all members of the board or of such

committee, as the case may be, consent thereto in writing and such written consents are filed with the minutes of the proceedings of the board or committee. Such consent shall have the same effect as a unanimous vote of the board or committee for all purposes, and may be stated as such in any certificate or other document filed with the Secretary of State.

14A:6-8 Effect of common directorships and directors' personal interest.

(1) No contract or other transaction between a corporation and one or more of its directors, or between a corporation and any domestic or foreign corporation, firm or association of any type or kind in which one or more of its directors are directors or are otherwise interested, shall be void or voidable solely by reason of such common directorship or interest, or solely because such director or directors are present at the meeting of the board or a committee thereof which authorizes or approves the contract or transaction, or solely because his or their votes are counted for such purpose, if

(a) the contract or other transaction is fair and reasonable as to the corporation at the time it is authorized, approved or ratified; or

(b) the fact of the common directorship or interest is disclosed or known to the board or committee and the board or committee authorizes, approves, or ratifies the contract or transaction by a vote sufficient for the purpose without counting the vote or votes of such common or interested director or directors; or

(c) the fact of the common directorship or interest is disclosed or known to the shareholders, and they authorize, approve or ratify the contract or transaction.

(2) Common or interested directors may be counted in determining the presence of a quorum at a board or committee meeting at which a contract or transaction described in subsection 14A:6–8(1) is authorized, approved or ratified.

(3) The board, by the affirmative vote of a majority of directors in office and irrespective of any personal interest of any of them, shall have authority to establish reasonable compensation of directors for services to the corporation as directors, officers, or otherwise; provided that the approval of the shareholders shall be required if the by-laws so provide.

14A:6-9 Executive committee; other committees.

(1) If the certificate of incorporation or the by-laws so provide, the board, by resolution adopted by a majority of the entire board, may appoint from among its members an executive committee and one or more other committees, each of which shall have at least three members. To the extent provided in such resolution, or in the certificate of incorporation or in the by-laws, each such committee shall have and may exercise all the authority of the board, except that no such committee shall

(a) make, alter or repeal any by-law of the corporation;

(b) elect or appoint any director, or remove any officer or director;

(c) submit to shareholders any action that requires shareholders' approval; or

(d) amend or repeal any resolution theretofore adopted by the board.

(2) The board, by resolution adopted by a majority of the entire board, may

(a) fill any vacancy in any such committee;

(b) appoint one or more directors to serve as alternate members of any such committee, to act in the absence or disability of members of any such committee with all the powers of such absent or disabled members;

(c) abolish any such committee at its pleasure; and

(d) remove any director from membership on such committee at any time, with or without cause.

(3) Actions taken at a meeting of any such committee shall be reported to the board at its next meeting following such committee meeting; except that, when the meeting of the board is held within two days after the committee meeting, such report shall, if not made at the first meeting, be made to the board at its second meeting following such committee meeting.

(4) The designation of any such committee and the delegation thereto of authority shall not operate to relieve the board, or any member thereof, of any responsibility imposed by law.

14A:6-10 Place and notice of directors' meetings.

(1) Meetings of the board may be held either within or without this State, unless otherwise provided by the certificate of incorporation or the by-laws.

(2) Regular meetings of the board may be held with or without notice as prescribed in the by-laws. Special meetings of the board

shall be held upon such notice as is prescribed in the by-laws. Notice of any meeting need not be given to any director who signs a waiver of notice, whether before or after the meeting. The attendance of any director at a meeting without protesting prior to the conclusion of the meeting the lack of notice of such meeting shall constitute a waiver of notice by him. Neither the business to be transacted at, nor the purpose of, any meeting of the board need be specified in the notice or waiver of notice of such meeting unless required by the by-laws. Notice of an adjourned meeting need not be given if the time and place are fixed at the meeting adjourning and if the period of adjournment does not exceed ten days in any one adjournment.

14A:6-11 Loans to officers or employees.

A corporation may lend money to, or guarantee any obligation of, or otherwise assist, any officer or other employee of the corporation or of any subsidiary, whenever, in the judgment of the directors, such loan, guarantee or assistance may reasonably be expected to benefit the corporation; provided, however, that a corporation shall not lend money to, guarantee any obligation of, or otherwise assist, any officer or other employee who is also a director of the corporation unless such loan, guarantee or assistance is authorized by the certificate of incorporation or a by-law adopted by the shareholders, and then only when authorized by a majority of the entire board. The loan, guarantee or other assistance may be made with or without interest, and may be unsecured, or secured in such manner as the board shall approve, including, without limitation, a pledge of shares of the corporation, and may be made upon such other terms and conditions as the board may determine.

14A:6-12 Liability of directors in certain cases.

(1) In addition to any other liabilities imposed by law upon directors of a corporation, directors who vote for, or concur in, any of the following corporate actions

(a) the declaration of any dividend or other distribution of assets to the shareholders contrary to the provisions of this act or contrary to any restrictions contained in the certificate of incorporation;

(b) the purchase of the shares of the corporation contrary to the provisions of this act or contrary to any restrictions contained in the certificate of incorporation;

(c) the distribution of assets to shareholders during or after dissolution of the corporation without paying, or adequately pro-

viding for, all known debts, obligations and liabilities of the corporation, except that the directors shall be liable only to the extent of the value of assets so distributed and to the extent that such debts, obligations and liabilities of the corporation are not thereafter paid, discharged, or barred by statute or otherwise;

(d) the making of any loan to an officer, director or employee of the corporation or of any subsidiary thereof contrary to the provisions of this act;

shall be jointly and severally liable to the corporation for the benefit of its creditors or shareholders, to the extent of any injury suffered by such persons, respectively, as a result of any such action.

(2) Any director against whom a claim is successfully asserted under this section shall be entitled to contribution from the other directors who voted for, or concurred in, the action upon which the claim is asserted.

(3) Directors against whom a claim is successfully asserted under this section shall be entitled, to the extent of the amounts paid by them to the corporation as a result of such claims,

(a) upon payment to the corporation of any amount of an improper dividend or distribution, to be subrogated to the rights of the corporation against shareholders who received such dividend or distribution with knowledge of facts indicating that it was not authorized by this act, in proportion to the amounts received by them respectively;

(b) upon payment to the corporation of any amount of the purchase price of an improper purchase of shares, to have the corporation rescind such purchase of shares and recover for their benefit, but at their expense, the amount of such purchase price from any seller who sold such shares with knowledge of facts indicating that such purchase of shares by the corporation was not authorized by this act;

(c) upon payment to the corporation of the claim of any creditor by reason of a violation of paragraph 14A:6–12 (1)(c), to be subrogated to the rights of the corporation against shareholders who received an improper distribution of assets;

(d) upon payment to the corporation of the amount of any loan made improperly to a director or shareholder, to be subrogated to the rights of the corporation against a director or shareholder who received the improper loan.

(4) A director shall not be liable under this section if, in the circumstances, he discharged his duty to the corporation under section 14A:6–14.

(5) Every action against a director for recovery upon a liability imposed by subsection 14A:6–12(1) shall be commenced within six years next after the cause of any such action shall have accrued.

14A:6-13 Liability of directors; presumption of assent to action taken at a meeting.

A director of a corporation who is present at a meeting of its board, or any committee thereof of which he is a member at which action on any corporate matter referred to in section 14A:6–12 is taken shall be presumed to have concurred in the action taken unless his dissent shall be entered in the minutes of the meeting or unless he shall file his written dissent to such action with the person acting as the secretary of the meeting before or promptly after the adjournment thereof. Such right to dissent shall not apply to a director who voted in favor of such action. A director who is absent from a meeting of the board, or any committee thereof of which he is a member at which any such action is taken shall be presumed to have concurred in the action unless he shall file his dissent with the secretary of the corporation within a reasonable time after learning of such action.

14A:6-14 Liability of directors; reliance on corporate records.

Directors and members of any committee designated by the board shall discharge their duties in good faith and with that degree of diligence, care and skill which ordinarily prudent men would exercise under similar circumstances in like positions. In discharging their duties, directors and members of any committee designated by the board shall not be liable if, acting in good faith, they rely upon the opinion of counsel for the corporation or upon written reports setting forth financial data concerning the corporation and prepared by an independent public accountant or certified public accountant or firm of such accountants or upon financial statements, books of account or reports of the corporation represented to them to be correct by the president, the officer of the corporation having charge of its books of account, or the person presiding at a meeting of the board.

14A:6-15 Officers.

(1) The officers of a corporation shall consist of a president, a secretary, a treasurer, and, if desired, a chairman of the board, one or more vice presidents, and such other officers as may be pre-

scribed by the by-laws. Unless otherwise provided in the by-laws, the officers shall be elected or appointed by the board.

(2) Any two or more offices may be held by the same person but no officer shall execute, acknowledge, or verify any instrument in more than one capacity if such instrument is required by law or by the by-laws to be executed, acknowledged, or verified by two or more officers.

(3) Any officer elected or appointed as herein provided shall hold office for the term for which he is so elected or appointed and until a successor is elected or appointed and has qualified, subject to earlier termination by removal or resignation.

(4) All officers of the corporation, as between themselves and the corporation, shall have such authority and perform such duties in the management of the corporation as may be provided in the by-laws, or as may be determined by resolution of the board not inconsistent with the by-laws.

14A:6-16 Removal and resignation of officers; filling of vacancies.

(1) Any officer elected or appointed by the board may be removed by the board with or without cause. An officer elected by the shareholders may be removed, with or without cause, only by vote of the shareholders but his authority to act as an officer may be suspended by the board for cause. The removal of an officer without cause shall be without prejudice to his contract rights, if any. Election or appointment of an officer shall not of itself create contract rights.

(2) An officer may resign by written notice to the corporation. The resignation shall be effective upon receipt thereof by the corporation or at such subsequent time as shall be specified in the notice of resignation.

(3) Any vacancy occurring among the officers, however caused, shall be filled in the manner provided in the by-laws. In the absence of such provision, any vacancy shall be filled by the board.

14A:6-17 Bonds; facsimile signatures and seals.

The seal of the corporation and any or all signatures of the officers or other agents of the corporation upon a bond and any coupon attached thereto may be facsimilies if the bond is countersigned by an officer or other agent of a trustee or other certifying or authenticating authority. In case any officer or other agent who has signed or whose facsimile signature has been placed upon

such bond or coupon shall have ceased to be such officer or agent before such bond is issued, it may be issued by the corporation with the same effect as if he were such officer or agent at the date of its issue.

CHAPTER 7

Shares and Dividends

Section

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14A:7-1 Authorized shares.

(1) Each corporation shall have power to create and issue the number of shares stated in its certificate of incorporation. Such shares may consist of one class or may be divided into two or more classes and any class may be divided into one or more series. Each

class and series may have such designation and such relative voting, dividend, liquidation and other rights, preferences, and limitations as shall be stated in the certificate of incorporation, except that all shares of the same class shall be either without par value or shall have the same par value. Each class and series shall be designated so as to distinguish its shares from those of every other class and series.

(2) In particular, and without limitation upon the general power granted by subsection 14A:7–1(1), a corporation, when so authorized in its certificate of incorporation, may issue classes of shares and series of shares of any class

(a) entitling the holders thereof to cumulative, non-cumulative or partially cumulative dividends;

(b) entitling the holders thereof to receive dividends payable on a parity with or in preference to the dividends payable on any other class or series;

(c) entitling the holders thereof to preferential rights upon the liquidation of, or upon any distribution of the assets of, the corporation;

(d) convertible as provided in section 14A:7–9;

(e) redeemable as provided in section 14A:7–6;

(f) lacking voting rights or having limited voting rights or enjoying special or multiple voting rights.

14A:7-2 Issuance of shares in classes and series; board action.

(1) The division of shares into classes and into series within any class or classes, the determination of the designation and the number of shares of any class or series, the determination of the relative rights, preferences and limitations of the shares of any class or series, and any or all of such divisions and determinations, may be accomplished by the original certificate of incorporation or may be accomplished by an amendment or amendments thereto. Such an amendment may be made by any procedure to amend the certificate of incorporation provided for in Chapter 9 of this act or as provided in subsection 14A:7–2(2).

(2) Such an amendment may be made by action of the board if the certificate of incorporation authorizes the board to take such action. Unless otherwise provided in the certificate of incorporation, authority granted to the board to determine the number of shares of any class or series shall be deemed to include the power to increase the number of shares of such class or series previously

determined by it, and to decrease such previously determined number of shares to a number not less than that of the shares then outstanding. Upon any such decrease, the affected shares shall continue as part of the authorized shares and shall have such designation and such relative rights, preferences and limitations as they had before the board first acted to include them in such class or series. Unless otherwise provided in the certificate of incorporation, authority granted to the board to determine the relative rights and preferences of any class or series shall be deemed to include the power to determine relative rights and preferences which are prior or subordinate to, or equal with, the shares of any other class or series, whether or not such other shares are issued and outstanding at the time when the board acts to determine such relative rights and preferences. The certificate of incorporation may authorize the board to change the designation or number of shares, or the relative rights, preferences and limitations of the shares, of any theretofore established class or series no shares of which have been issued.

(3) Whenever the board acts under subsection 14A:7–2(2) it shall adopt a resolution setting forth its actions and stating the designation and number of shares, and the relative rights, preferences and limitations of the shares, of each class and series thereby created or with respect to which it has made a determination or change.

(4) Before the issue of any shares of a class or series with respect to which the board has acted under subsection 14A:7–2(2), the corporation shall execute and file in the office of the Secretary of State a certificate of amendment to the certificate of incorporation setting forth

(a) the name of the corporation;

(b) a copy of the resolution of the board required by subsection 14A:7–2(3);

(c) that such resolution was duly adopted by the board and the date of such adoption; and

(d) that the certificate of incorporation is amended so that the designation and number of shares of each class and series acted upon in the resolution, and the relative rights, preferences and limitations of each such class and series, are as stated in the resolution.

14A:7-3 Subscriptions for shares.

(1) Unless otherwise provided by the subscription agreement or unless all of the subscribers consent to the revocation of such

subscription, a subscription for shares of a corporation to be formed shall be irrevocable for a period of 6 months if no certificate of incorporation shall be filed within such period. If the certificate of incorporation is filed within such period, or if it is filed at any later time before revocation, such subscription shall also be irrevocable until 60 days after the filing of the certificate of incorporation. Subscriptions for shares, whether made before or after the organization of a corporation, shall be accepted or rejected by the board, unless the certificate of incorporation or the by-laws require action by the shareholders.

(2) A subscription agreement, whether made before or after the formation of a corporation, shall not be enforceable unless it satisfies the requirements provided in N. J. S. § 12A:8–319 with respect to a contract for the sale of securities.

(3) A subscriber shall not become a holder of any shares for which the full consideration to be received by the corporation has not been paid. Unless otherwise provided by the subscription agreement

(a) any payment made by the subscriber, in accordance with the subscription agreement or as called for by the board, shall be applied to pay the full consideration to be received by the corporation for as many whole shares as possible and any remaining balance of such payment shall be applied as part payment of a share;

(b) a share certificate shall be registered in the name of the subscriber for the number of shares so paid for in full; and

(c) the corporation shall be entitled to retain such share certificate as security for the performance by the subscriber of his obligations under the subscription agreement and subject to the power of sale or rescission upon default provided in paragraphs 14A:7–3(5)(b) and 14A:7–3(5)(c).

(4) Unless otherwise provided by the subscription agreement

(a) subscriptions for shares, whether made before or after the organization of a corporation, shall be paid in full at such time, or in such installments and at such times, as shall be determined by the board;

(b) any call made by the board for payment on subscriptions shall be uniform as to all shares of the same class or as to all shares of the same series, as the case may be;

(c) all such calls for payments on subscriptions shall be upon 30 days' notice thereof and of the time and place of payment,

which notice shall be given personally or by registered or certified mail.

(5) In the event of default in the payment of any installment or call or other amount due under the terms of the subscription agreement, including any amount which may become due as a result of a default in the performance of any provision thereof, the corporation shall have the following rights and duties:

(a) It may proceed to collect the amount due in the same manner as any other debt owing to it. At any time before full satisfaction of the claim or any judgment therefor, it may proceed as provided in paragraph 14A:7–3(5)(b).

(b) It may sell the shares in any reasonable manner. Notice of the time and place of any public sale or of the time after which any private sale may be had, together with a statement of the amount due upon each share, shall be given in writing to the subscriber personally or by registered or certified mail at least 20 days before any such time stated in the notice. Unless otherwise provided in the subscription agreement, the corporation may not be the purchaser at any sale. Any excess of net proceeds realized over the amount due plus interest shall be paid over to the subscriber. If the sale is made in good faith, in a reasonable manner and upon the notice required by this paragraph, the corporation may recover the difference between the amount due plus interest and the net proceeds of the sale. A good faith purchaser for value shall acquire title to the sold shares free of any rights of the subscriber even though the corporation fails to comply with one or more of the requirements of this subsection.

(c) It may rescind the subscription, with the effect provided in subsection 14A:7–3(6), and may recover damages for breach of contract. Unless special circumstances show proximate damages of a different amount, the measure of damages shall be the difference between the market price at the time and place for tender of the shares and the unpaid contract price. Liquidated damages may be provided for in the subscription agreement in an amount which is reasonable under the circumstances, including the difficulties of proof of loss. The subscriber shall be entitled to restitution of any amount by which the sum of his payments exceeds the corporation's damages for breach of contract, whether fixed by agreement or judgment.

The rights and duties set forth in subsection 14A:7–3(5) shall be interpreted as cumulative so far as is consistent with the purpose

of entitling the corporation to a full and single recovery of the amount due or its damages. The subscription agreement may limit the rights and remedies of the corporation set forth in subsection 14A:7–3(5), and may add to them so far as is consistent with the preceding sentence.

(6) The rescission by the corporation of a subscription under which a portion of the shares subscribed for have been issued and in which the corporation retains a security interest, as provided in subsection 14A:7–3(3), shall effect the cancellation of such shares.

(7) A contract made with a corporation to purchase its shares, whether shares to be issued or treasury shares, is a subscription agreement and not an executory contract to purchase shares, unless otherwise provided in the agreement.

14A:7-4 Consideration for shares.

(1) Shares having a par value may be issued for such consideration, not less than the par value thereof, as shall be fixed from time to time by the board.

(2) Shares without par value may be issued for such consideration as may be fixed from time to time by the board unless the certificate of incorporation reserves to the shareholders the right to fix the consideration. If such right is reserved as to any shares, the shareholders shall either fix the consideration to be received for such shares or authorize the board to fix such consideration.

(3) Unless otherwise provided in the certificate of incorporation, treasury shares may be disposed of by the corporation for such consideration as may be fixed from time to time by the board.

(4) That part of the surplus of a corporation which is transferred to stated capital upon the issuance of shares as a share dividend shall be the consideration for the issuance of such shares.

(5) Upon a conversion of shares or of convertible bonds, or upon an exchange of shares with or without par value for the same or a different number of shares with or without par value, whether of the same or different class or series, the consideration for the shares so issued in exchange or conversion shall be

(a) the stated capital then represented by the shares so exchanged or converted, or, in the case of convertible bonds, the principal sum of and the accrued interest on the convertible bonds;

(b) any stated capital not theretofore allocated to any designated class or series of shares which is thereupon allocated to the new shares;

(c) that part of surplus, if any, transferred to stated capital upon the issuance of shares for the shares or bonds so exchanged or converted; and

(d) any additional consideration paid to the corporation upon the issuance of shares for the shares or bonds so exchanged or converted.

(6) In the absence of fraud in the transaction, the judgment of the board or the shareholders, as the case may be, as to the value of the consideration received for shares shall be conclusive.

14A:7-5 Payment for shares.

(1) Subject to any restrictions contained in the certificate of incorporation, the consideration for the issuance of shares may be paid, in whole or in part, in money, in real property, in tangible or intangible personal property, including stock of another corporation, or in labor or services actually performed for the corporation or in its formation. Neither obligations of the subscriber nor any future services shall constitute payment or part payment for shares of the corporation.

(2) When payment of the full consideration for which shares are to be issued is received by the corporation, the subscriber shall thereupon become entitled to all the rights and privileges of a holder of such shares, including the registration in his name of a certificate representing them, and such shares shall be fully paid and nonassessable.

14A:7-6 Redeemable shares.

(1) A corporation may provide in its certificate of incorporation for one or more classes or series of shares which are redeemable, in whole or in part, at the option of the corporation in cash, its bonds or other property, at such price or prices, within such period or periods, and under such conditions as are stated in the certificate of incorporation. If so provided in its certificate of incorporation, a corporation may create a sinking fund for the redemption of any class or classes of redeemable shares.

(2) A corporation which is an open-end investment company, as defined in an Act of Congress entitled "Investment Company Act of 1940," as amended or supplemented, or any act adopted in substitution therefor, may, if its certificate of incorporation so provides and upon compliance with that act, issue shares which are redeemable at the option of the holder at a price approximately equal to the shares' proportionate interest in the net assets of the

corporation, and a shareholder may compel redemption of such shares in accordance with their terms.

(3) A corporation may provide, in its original certificate of incorporation or by an amendment approved by unanimous vote of the shareholders, for one or more classes or series of shares which are redeemable, in whole or in part, at the option of the shareholder. Subject to the restrictions imposed by section 14A:7–16, such shares may be redeemable in cash, bonds of the corporation or other property, at such price or prices, within such period or periods and under such conditions as are stated in the certificate of incorporation, and such shares may also be redeemable at the option of the corporation, as provided in subsection 14A:7–6(1). The certificate of incorporation may be amended to delete or change a provision for shares redeemable at the option of the shareholder only with the unanimous approval of the holders of such shares. A provision for shares redeemable at the option of the shareholder shall become invalid when the number of holders of such shares, other than directors, officers, employees and the spouses of such persons, shall become 25 or more. For the purposes of the preceding sentence, shares which are held in joint or common tenancy or by the entireties shall be counted as held by one holder. The provisions of this subsection shall not be applicable to an open-end investment company.

(4) If a provision for shares redeemable at the option of the holder shall have become invalid as provided in subsection 14A:7–6(3), the board shall amend the certificate of incorporation to delete such provision by filing a certificate of amendment in the office of the Secretary of State. The certificate shall be executed on behalf of the corporation and shall set forth

(a) the name of the corporation;

(b) the date of adoption of the amendment;

(c) the deleted provision; and

(d) that the provision for shares redeemable at the option of the holder has become invalid because the number of holders of such shares, other than directors, officers, employees and the spouses of such persons, has become 25 or more.

The corporation shall thereupon give written notice of such invalidity to each holder of shares which have ceased to be redeemable at the option of the holder.

14A:7-7 Share rights and options.

(1) Subject to any provisions in respect thereof set forth in its certificate of incorporation, a corporation may create and issue,

whether or not in connection with the issuance and sale of any of its shares or bonds, rights or options entitling the holders thereof to purchase from the corporation shares of any class or series for such consideration and upon such terms and conditions as may be fixed by the board. The shares to be purchased upon the exercise of any such right or option may be authorized but unissued shares, treasury shares or shares to be purchased or acquired by the corporation for the purpose. Such rights or options shall be evidenced in such manner as the board shall approve and, without limiting the generality of the foregoing, may be evidenced by warrants attached to or forming part of bond instruments or share certificates or existing independently thereof. The instruments evidencing such rights or options shall set forth or incorporate by reference the terms and conditions of their exercise, including the time or times, which may be limited or unlimited in duration, within which, and the price or prices at which such shares may be purchased from the corporation, and any limitations on the transferability of any such right or option. The consideration for shares to be purchased upon the exercise of any such right or option shall comply with the requirements of sections 14A:7–4 and 14A:7–5. In the absence of fraud in the transaction, the judgment of the board as to the adequacy of the consideration received for such rights or options shall be conclusive.

(2) If such rights or options are to be issued to directors, officers or employees as such of the corporation or of any subsidiary thereof, or to their families, dependents or beneficiaries, pursuant to a plan, the provisions of Chapter 8 of this act govern their issuance. Without a plan, a corporation may also issue such rights or options to any such person, as an incentive to service or continued service of any such director, officer or employee, provided that no such director, officer or employee, together with his dependents and beneficiaries, shall receive in the aggregate rights and options entitling him to more than 1% of each class of shares of the corporation except with shareholder approval.

14A:7-8 Determination of amount of stated capital.

(1) The consideration received by a corporation upon the issuance of shares having a par value shall constitute stated capital to the extent of the par value and the excess, if any, shall constitute capital surplus.

(2) The consideration received by a corporation upon the issuance of shares without par value shall constitute stated capital unless, at the time of or within 60 days after the issuance of such

shares, the board shall allocate a portion of such consideration to capital surplus. No such allocation shall be made of any portion of the consideration for the issue of shares without par value which is fixed by the shareholders pursuant to a right reserved in the certificate of incorporation, unless such allocation is authorized by a vote of the shareholders, nor shall such allocation be made contrary to any restrictions contained in the certificate of incorporation.

(3) If shares have been or shall be issued by a corporation in merger or consolidation or in acquisition of all or substantially all of the outstanding shares or of the property and assets of another corporation, whether domestic or foreign, any amount that would otherwise constitute capital surplus under the foregoing provisions of this section may instead be allocated to earned surplus by the board of the issuing corporation except that its aggregate earned surplus shall not exceed the sum of the earned surpluses of the issuing corporation and of all other corporations, domestic or foreign, that were merged or consolidated or of which the shares or assets were acquired.

(4) The stated capital of a corporation may be increased from time to time by resolution of the board directing that all or a part of the surplus of the corporation be transferred to stated capital. The board may direct that the amount so transferred shall be stated capital in respect to any designated class or series of shares.

14A:7-9 Convertible shares and bonds.

(1) When so provided in its certificate of incorporation, a corporation may issue shares of any class or series convertible, at the option of the holder or of the corporation or both, into shares of any other class or classes or of any series of the same or any other class or classes.

(2) Unless otherwise provided in its certificate of incorporation, a corporation may issue bonds convertible, at the option of the holder or of the corporation or both, into shares of any class or classes or of any series of any class or classes, upon such terms and conditions as may be fixed by the board. The bond instrument shall set forth or incorporate by reference the terms and conditions of the conversion privilege.

(3) No issue of shares or bonds convertible into shares of the corporation shall be made unless a sufficient number of shares of the appropriate class or classes or series, either authorized but unissued or treasury shares, are reserved by the board to be issued

or disposed of only in satisfaction of the conversion privileges of the convertible shares or bonds being issued.

(4) If there is shareholder approval of the issue of shares or bonds convertible into shares of the corporation, such approval may provide that the board is authorized upon such issue to increase the authorized shares of any class or series to such number as will be not more than sufficient, when added to the previously authorized but unissued shares of such class or series, to satisfy the conversion privileges of the convertible shares or bonds being issued. The board, when so authorized, may increase the authorized shares of the corporation by filing a certificate of amendment to the certificate of incorporation. The certificate shall be executed on behalf of the corporation and shall set forth

(a) the name of the corporation;

(b) the date of adoption of the amendment;

(c) the amendment so adopted;

(d) that the amendment is made pursuant to authority granted by the shareholders in connection with shareholder approval of the issue of shares or bonds of the corporation convertible into the shares being authorized by the amendment; and

(e) the designation of the convertible shares or bonds and the date of such shareholder approval.

(5) If, upon the conversion of shares, the stated capital represented by the shares being converted is greater than the amount of stated capital required by the provisions of subsections 14A:7–8(1) and 14A:7–8(2) to be represented by the shares being issued, a reduction of stated capital by all or any part of such excess may be accomplished at any time thereafter by the procedure set forth in section 14A:7–19. Subsection 14A:7–19(3) shall not limit the power of the board to make such reduction of stated capital.

(6) No privilege of conversion shall be confered upon, or altered in respect to, any shares or bonds which would result in the receipt by the corporation, upon the exercise of such privilege, of less than the minimum consideration for which the new shares may lawfully be issued, except that a privilege of conversion may provide for adjustments of the conversion rate or price as required to maintain the value of the privilege unimpaired by changes in the capital structure of the corporation occurring after the issue of such convertible shares or bonds.

(7) When bonds have been converted, they shall be cancelled and not reissued. The disposition of converted shares is provided for in section 14A:7–18.

14A:7-10 Expenses of organization; reorganization and financing.

The reasonable charges and expenses of organization or reorganization of a corporation, and the reasonable expenses of and compensation for the sale or underwriting of its shares, may be paid or allowed by such corporation out of the consideration received by it in payment for its shares without thereby rendering such shares assessable or not fully paid.

14A:7-11 Certificates representing shares.

(1) The shares of a corporation shall be represented by certificates signed by, or in the name of the corporation by, the chairman or vice-chairman of the board, or the president or a vice-president, and by the treasurer or an assistant treasurer, or the secretary or an assistant secretary of the corporation and may be sealed with the seal of the corporation or a facsimile thereof. If the certificate is countersigned by a transfer agent or registrar, who is not an officer or employee of the corporation, any and all other signatures may be facsimiles. In case any officer, transfer agent or registrar who has signed or whose facsimile signature has been placed upon such certificate shall have ceased to be such officer, transfer agent, or registrar before such certificate is issued, it may be issued by the corporation with the same effect as if he were such officer, transfer agent or registrar at the date of its issue.

(2) Every share certificate delivered after the effective date of this act by a corporation which is authorized to issue shares of more than one class shall set forth upon the face or back of the certificate, a full statement

(a) of the designations, relative rights, preferences and limitations of the shares of each class and series authorized to be issued, so far as the same have been determined, and

(b) of the authority of the board to divide the shares into classes or series and to determine and change the relative rights, preferences and limitations of any class or series, or

shall set forth that the corporation will furnish to any shareholder, upon request and without charge, such a full statement.

(3) Each certificate representing shares shall state upon the face thereof

(a) that the corporation is organized under the laws of this State;

(b) the name of the person to whom issued; and

(c) the number and class of shares, and the designation of the series, if any, which such certificate represents.

(4) No certificate shall be issued for any share until such share is fully paid, except as provided in section 14A:8–3.

14A:7-12 Transfer of shares and restrictions on transfer.

(1) The shares of a corporation shall be personal property and shall be transferable in accordance with the provisions of Chapter 8 of the Uniform Commercial Code (N.J.S. 12A:8–101 et seq.), as amended from time to time, except as otherwise provided in this act.

(2) Any reasonable restriction on the transfer or registration of transfer of shares, or other securities having conversion or option rights, may be enforced against the holder of the restricted securities and any successor or transferee of the holder, including any fiduciary entrusted with responsibility for the person or property of the holder. Such restriction shall be valid only if imposed by the certificate of incorporation or by-laws or by the provisions of an employee benefit plan permitted by Chapter 8 of this act, or by a written agreement among any number of shareholders or among such holders and the corporation. No restriction shall be valid with respect to any securities issued prior to the imposition of the restriction unless their holders shall have voted in favor of the imposition of the restriction or are parties to the agreement imposing it. Unless noted conspicuously on the security, a restriction shall not be valid against a person who becomes the holder of the security without actual knowledge of the restriction.

(3) In particular and without limitation of the generality of the power granted by subsection 14A:7–12(2) to impose restrictions, a restriction on the transfer or registration of transfer of shares, or other securities having conversion or option rights, may be enforced as provided in subsection 14A:7–12(2), if it:

(a) obligates the holder of the restricted securities to offer to the corporation or to any other holders of securities of the corporation or to any other person or to any combination of the foregoing, a prior opportunity, to be exercised within a reasonable time, to acquire the restricted securities;

(b) obligates the corporation or any holder of securities of the corporation or any other person or any combination of the

foregoing, to purchase the securities which are the subject of an agreement respecting the purchase and sale of the restricted securities;

(c) requires the corporation or the holders of any class or series of securities of the corporation to consent to any proposed transfer of the restricted securities or to approve the proposed transferee of the restricted securities;

(d) prohibits the transfer of the restricted securities to designated persons or classes of persons, and such designation is not manifestly unreasonable; or

(e) exists for the purpose of maintaining the status of the corporation as an electing small business corporation under subchapter S of the United States Internal Revenue Code.

(4) If a restriction on transfer of shares or other securities having conversion or option rights is held not to be authorized by the law of this State, the corporation shall nevertheless have an option for a period of 30 days after the judgment setting aside the restriction becomes final, to acquire the restricted securities at a price to be agreed upon by the parties, or if no agreement is reached as to price, then at their fair value as determined by any court having jurisdiction. In order to determine fair value, the court may appoint an appraiser to receive evidence and report to the court his findings and recommendations as to fair value. The appraiser shall have such powers and shall proceed so far as applicable, in the same manner as an appraiser appointed under section 14A:11-8.

14A:7-13 Issuance of fractional shares or scrip.

Unless otherwise provided in its certificate of incorporation, a corporation may, but shall not be obliged to issue fractions of a share and certificates therefor on original issue or otherwise when necessary to effect share transfers, dividends, distributions, exchanges or reclassifications, or to effect mergers, consolidations or reorganizations. By action of its board, a corporation may, in lieu of issuing fractional shares, pay cash equal to the value of such fractional share, or issue scrip in registered or bearer form which shall entitle the holder to receive a certificate for a full share upon the surrender of such scrip aggregating a full share. A certificate for a fractional share shall entitle the holder to exercise voting rights, to receive dividends thereon, and to participate in any distribution of assets of the corporation in the event of liquidation, but scrip shall not entitle the holder to exercise such voting

rights, receive dividends or participate in any such distribution of assets unless such scrip shall so provide. All scrip shall be issued subject to the condition that it shall become void if not exchanged for certificates representing full shares before a specified date. If such scrip is not so exchanged, the corporation shall either sell the shares for which such scrip was exchangeable and distribute the proceeds thereof pro rata to the holders of such scrip, or pay, pro rata, to the holders of such scrip the market value of the shares for which such scrip was exchangeable as of the day when such scrip became void.

14A:7-14 Dividends or other distributions in cash or property.

(1) A corporation may, from time to time, by action of its board, declare and pay dividends or make other distributions on its outstanding shares in cash or in its bonds or other property, including the shares or bonds of other corporations, except when the corporation is insolvent or would thereby be made insolvent, or when the payment or distribution would be contrary to any restrictions contained in the certificate of incorporation. Unless the certificate of incorporation otherwise provides, such payments or distributions may be made whether or not the net assets remaining after the transaction are less than the aggregate amount of the preferences of outstanding shares in the assets of the corporation upon liquidation.

(2) Dividends may be declared or paid and other distributions may be made out of surplus only, except in dissolution and except that a corporation engaged in the exploitation of natural resources or other wasting assets, including patents and other term rights, or formed primarily for the liquidation of specific assets, may declare and pay dividends or make other distributions in excess of its surplus to the extent that the cost of the wasting or specific assets has been recovered by depletion reserves, amortization or sale.

14A:7-15 Share dividends.

(1) Subject to any restrictions contained in the certificate of incorporation, a corporation may, from time to time, by resolution of its board, pay dividends in its own shares, as provided in this section.

(2) Such dividends may be paid in authorized but unissued shares out of surplus upon the following conditions

(a) if a dividend is payable in shares having a par value, such shares shall be issued at not less than the par value thereof and there shall be transferred to stated capital at the time such dividend is paid an amount of surplus at least equal to the aggregate par value of the shares to be issued as a dividend;

(b) if a dividend is payable in shares without par value, the amount of stated capital to be represented by each share shall be fixed by the board by resolution adopted at the time such dividend is declared, unless the certificate of incorporation reserves to the shareholders the right to fix the consideration for the issue of such shares, and there shall be transferred to stated capital at the time such dividend is paid an amount of surplus equal to the aggregate stated capital represented by such shares.

(3) Such dividends may be paid in treasury shares, in which event no transfer from surplus to capital need be made.

(4) A corporation paying a dividend in authorized but unissued shares to the holders of any class or series of outstanding shares may at its option make an equivalent distribution on treasury shares of the same class or series and any shares so distributed shall be treasury shares.

(5) Unless the certificate of incorporation otherwise provides, a dividend may be paid in shares having a preference in the assets of the corporation upon liquidation, whether or not the net assets remaining after such payment are less than the aggregate amount of such preferences of such outstanding shares.

(6) A split-up or division of the issued shares of any class or series into a greater number of shares of the same class or series without increasing the stated capital of the corporation shall not be construed to be a share dividend within the meaning of this section.

14A:7-16 Right of a corporation to acquire and dispose of its own shares.

(1) A corporation shall have the right to purchase or otherwise acquire, and to sell, create a security interest in, or otherwise dispose of its own shares, but purchases of its own shares, whether direct or indirect, shall be made only out of surplus, except as provided in subsections 14A:7–16(2), 14A:7–16(3) and 14A:7–16(4).

(2) A corporation may purchase its own shares out of stated capital for the purpose of

(a) eliminating fractional shares;

(b) collecting or compromising indebtedness to the corporation; or

(c) paying dissenting shareholders entitled to payment for their shares under the provisions of this act.

(3) A corporation may redeem or purchase its redeemable shares out of stated capital, except when after such redemption or purchase net assets would be less than the stated capital remaining after giving effect to the cancellation of such shares.

(4) A corporation may purchase its nonredeemable shares out of stated capital, if such shares have a preference over the shares of any other class or series in the payment of dividends or in the distribution of the assets upon liquidation, except when after such purchase net assets would be less than the stated capital remaining after giving effect to the cancellation of such shares.

(5) No purchase or redemption of its own shares shall be made by a corporation

(a) contrary to any restrictions contained in the certificate of incorporation;

(b) at a time when the corporation is insolvent or when such purchase or redemption would render the corporation insolvent;

(c) unless after such purchase or redemption there remain outstanding one or more classes or series of shares possessing, among them collectively, voting rights and unlimited residual rights as to dividends and distribution of assets on liquidation; or

(d) in the case of redeemable shares and within the period of their redeemability, at a price greater than the applicable redemption price plus, in the case of shares entitled to cumulative dividends, the dividends which would have accrued to the next dividend date following the date of purchase or redemption.

(6) A corporation which has purchased its own shares out of surplus may defer payment for such shares over such period as may be agreed between it and the selling shareholder. The obligation so created shall constitute an ordinary debt of the corporation and the validity of any payment made upon the debt so created shall not be affected by the absence of surplus at the time of such payment.

(7) Unless the certificate of incorporation otherwise provides, a corporation may purchase or redeem its shares whether or not the net assets remaining after the transaction are less than the aggregate amount of the preferences of outstanding shares in the assets of the corporation upon liquidation.

14A:7-17 Disclosure to shareholders upon certain distributions or earned surplus transactions.

(1) Every dividend or other distribution from a source in whole or in part other than earned surplus, and every share dividend or other distribution of shares of the corporation shall be accompanied by a written notice disclosing the amounts by which such dividend or distribution affects stated capital, capital surplus and earned surplus, or, if such amounts are not determinable at the time of such notice, disclosing the approximate effect of such dividend or distribution upon stated capital, capital surplus and earned surplus and stating that such amounts are not yet determinable.

(2) A corporation which applies any part or all of its capital surplus to the reduction or elimination of any deficit in its earned surplus, as permitted by subsection 14A:7–20(3), shall disclose such application in each financial statement covering the period in which such application is made that is furnished by the corporation to any of its shareholders, and in any event to all its shareholders within 6 months of the date of such application.

(3) Failure of the corporation to comply in good faith with the provisions of this section shall make it liable for any damage sustained by any shareholder in consequence thereof.

14A:7-18 Cancellation of reacquired shares.

(1) When shares of a corporation are reacquired out of stated capital or by their conversion into other shares of the corporation, the reacquisition shall effect their cancellation. When shares of a corporation are otherwise reacquired by it, the corporation may retain them as treasury shares or may cancel them by resolution of the board. In all cases of cancellation, except that of converted shares, a statement of cancellation shall be filed as provided in this section. Upon their cancellation, reacquired shares shall be restored to the status of authorized but unissued shares, unless the certificate of incorporation, or the plan of merger or consolidation in the case of shares acquired by the corporation pursuant to Chapter 11 of this act, provides that such shares shall not be reissued, in which case the filing of the statement of cancellation, pursuant to a resolution of the board, shall constitute an amendment to the certificate of incorporation and shall reduce the authorized number of shares by the number of shares so cancelled.

(2) The statement of cancellation shall be executed on behalf of the corporation and filed in the office of the Secretary of State

not later than 30 days after the cancellation of the reacquired shares. The statement shall set forth:

(a) the name of the corporation;

(b) the number of shares cancelled, itemized by classes and series, and if cancelled shares were not reacquired out of stated capital or by their conversion into other shares of the corporation, the date of adoption of the resolution of the board cancelling such shares;

(c) the aggregate number of issued shares, itemized by classes and series, after giving effect to such cancellation;

(d) the amount, expressed in dollars, of the stated capital of the corporation after giving effect to such cancellation;

(e) if the certificate of incorporation, or the plan of merger or consolidation in the case of shares acquired by the corporation pursuant to Chapter 11 of this act, provides that the cancelled shares shall not be reissued

(i) that the certificate of incorporation is amended pursuant to a resolution of the board by decreasing the aggregate number of shares which the corporation is authorized to issue by the number of shares cancelled, and

(ii) the number of shares which the corporation has authority to issue, itemized by classes and series, after giving effect to such cancellation; and

(f) if shareholder approval is required by subsection 14A:7–18(3) for a reduction of the stated capital of the corporation, a statement of the date of approval by the shareholders, the number of shares outstanding, the number of shares entitled to vote thereon, and the number of shares voted for and against the reduction of the stated capital, respectively; and, if any class or series of shares is entitled to vote thereon as a class, a separate statement of such facts for each class and series entitled to vote separately.

(3) Except as otherwise provided in this subsection, upon the cancellation of reacquired shares the stated capital of the corporation shall be reduced by the amount represented by such shares before their cancellation. In the case of shares without par value for whose issue the consideration was fixed by the shareholders, as provided in subsection 14A:7–4(2), if such shares are not redeemable and are not preferred over the shares of any other class or series in the payment of dividends or in the distribution of assets upon liquidation and have not been reacquired for any of the purposes set forth in subsection 14A:7–16(2), their cancella-

tion shall cause a reduction of the stated capital only to the extent, if any, that the stated capital represented by such shares exceeded the minimum amount required, as provided in subsection 14A:7–8 (2), unless such further reduction has been approved by a vote of the shareholders or is authorized by the certificate of incorporation. This subsection shall not be applicable to converted shares.

(4) A statement of cancellation of converted shares shall be filed only if the certificate of incorporation provides that such shares shall not be reissued. The statement of cancellation shall set forth the information required by paragraphs 14A:7–18(2)(a), (b), (c) and (e).

(5) Nothing contained in this section shall be construed to forbid a cancellation of shares or a reduction of stated capital in any other manner permitted by this act.

14A:7-19 Reduction of stated capital by board action.

(1) Unless otherwise provided in the certificate of incorporation and subject to the provisions of subsections 14A:7–19(3), 14A:7–19 (4) and 14A:7–19(5), a reduction of the stated capital of a corporation, where such reduction is not accompanied by any action requiring an amendment of the certificate of incorporation and not accompanied by a cancellation of shares, may be made by resolution of the board setting forth the amount of the proposed reduction, the manner in which the reduction shall be effected and the date upon which the reduction shall become effective.

(2) A statement of such reduction shall be executed on behalf of the corporation and filed in the office of the Secretary of State not later than 30 days after the effective date of the reduction. Such statement shall set forth

(a) the name of the corporation;

(b) a statement of the amount of the reduction, the manner in which such reduction is effected, and the amount, expressed in dollars, of stated capital of the corporation after giving effect to such reduction; and

(c) if shareholder approval is required for a reduction of the stated capital of the corporation, a statement of the date of approval by the shareholders, the number of shares outstanding, the number of shares entitled to vote thereon, and the number of shares voted for and against the reduction of the stated capital, respectively; and, if any class or series of shares is entitled to vote thereon as a class, a separate statement of such facts for each class and series entitled to vote separately.

(3) Unless the certificate of incorporation otherwise provides, the board shall have discretion to reduce the stated capital of shares under this section whether or not the stated capital after such reduction is at least equal to the aggregate amount of the preferences of issued shares in the assets of the corporation upon liquidation plus the aggregate amount of the par value of all other issued shares with par value.

(4) If the consideration for the issue of shares without par value was fixed by the shareholders under subsection 14A:7–4(2), the board shall not reduce the stated capital represented by such shares except to the extent, if any, that the board was authorized by the shareholders to allocate a portion of such consideration to surplus, as provided in subsection 14A:7–8(2), unless such further reduction has been approved by a vote of the shareholders or is authorized by the certificate of incorporation.

(5) Stated capital which remains in existence, because of the applicability of the second sentence of subsection 14A:7–18(3), after the cancellation of the shares which formerly represented it, shall not be reduced by the board unless such reduction has been approved by a vote of the shareholders or is authorized by the certificate of incorporation.

14A:7-20 Special provisions relating to surplus.

(1) The surplus, if any, created by or arising out of a reduction of the stated capital of a corporation, or a revaluation to reflect unrealized appreciation of its assets, shall be capital surplus. Upon the realization of any such increase in value, the board may, by resolution, transfer from capital surplus to earned surplus the amount realized. When a corporation has applied its earned surplus to the acquisition of treasury shares and such shares are subsequently disposed of for a consideration, the corporation may, at its option, restore to earned surplus, out of the consideration received, all or part of the amount by which earned surplus was reduced at the time of acquisition of such shares. If the consideration received exceeds the amount by which earned surplus was reduced with respect to such shares, the excess shall be capital surplus. When treasury shares are used to satisfy the exercise of conversion privileges, if the stated capital formerly represented by the converted shares is reduced in accordance with the provisions of section 14A:7–19, the surplus so produced may be restored to earned surplus as provided in this subsection, as if it were consideration for the disposition of the treasury shares.

(2) The capital surplus of a corporation may be increased from time to time by resolution of the board directing that all or a part of the earned surplus of the corporation be transferred to capital surplus.

(3) A corporation may, by resolution of its board, apply any part or all of its capital surplus to the reduction or elimination of any deficit in the earned surplus account.

(4) The board of any corporation formed before the effective date of this act may determine the amount of the corporation's earned surplus before the declaration of the first dividend after the effective date of this act, and such determination if made in good faith shall be conclusive.

CHAPTER 8

Beneficial Provisions for Employees

Section

14A:8–1. Employee Benefit Plans.
14A:8–2. Formulation of Plans; Submission to Shareholders in Certain Instances.
14A:8–3. Terms of Plan; Issuance of Certificates.
14A:8–4. Amendment or Termination of Plans.
14A:8–5. Trust Funds for Employees; Creation; Maintenance and Administration.
14A:8–6. Continuation of Trust; Law Against Perpetuities Inapplicable.

14A:8-1 Employee benefit plans.

(1) A corporation may, in the manner prescribed in section 14A:8–2, establish and carry out wholly or partly at its expense, any one or more of the following plans for the benefit of some or all employees of the corporation or any subsidiary thereof and their families, dependents or beneficiaries

(a) plans providing for the sale or distribution of its shares of any class or series, held by it or issued or purchased by it for the purpose, including stock option, stock purchase, stock bonus, profit-sharing, savings, pension, retirement, deferred compensation and other plans of similar nature, whether or not such plans also provide for the distribution of cash or property other than its shares;

(b) plans providing for payments solely in cash or property other than shares of the corporation, including profit-sharing, bonus, savings, pension, retirement, deferred compensation and other plans of similar nature; and

(c) plans for the furnishing of medical services; life, sickness, accident, disability or unemployment insurance or benefits; education; housing; social and recreational services; and other similar aids and services.

(2) The term "employees" as used in this Chapter means employees, officers and directors, including any who have retired, become disabled or died prior to the establishment of any plan heretofore or hereafter adopted.

14A:8-2 Formulation of plans; submission to shareholders in certain instances.

The board alone, by affirmative vote of a majority of directors in office, may adopt any plan described in section 14A:8–1 and may include such provisions therein as the board may deem advisable; provided that the approval of the shareholders shall be required for the adoption of any plan which permits the use or issuance of treasury shares or authorized but unissued shares, and shall also be required for the adoption of any other plan if the certificate of incorporation or the by-laws so provide.

14A:8-3 Terms of plan; issuance of certificates.

The approval by the shareholders of a plan for the issue of rights or options to employees shall include approval of the terms and conditions upon which such rights or options are to be issued, such as, but without limitation thereto, any restrictions upon the administration of the plan, the terms and conditions of payment for shares in full or in installments, the issue of certificates for shares to be paid for in installments, any limitations upon the transferability of such shares and the voting and dividend rights to which the holders of such shares may be entitled, though the full amount of the consideration therefor has not been paid; provided that no certificate for shares shall be delivered under the plan, prior to full payment in cash, property or services therefor, unless the fact that the shares are partly paid for is noted conspicuously on the face of such certificate, or such certificate is deposited with a trustee to be held pursuant to the terms of a plan or an appropriate agreement.

14A:8-4 Amendment or termination of plans.

Unless otherwise provided in the plan, the board may amend or terminate any plan described in section 14A:8–1 heretofore or hereafter adopted, provided that

(a) no such amendment or termination shall impair any rights which have accrued under the plan or deprive any employee or beneficiary of the employee of the equivalent in cash or other benefits of the contributions of the employee under the plan; and

(b) any amendment made by the board to a plan which was approved by the shareholders in accordance with section 14A:8–2, shall be submitted to the shareholders for approval, unless the board shall have determined that such amendment will not result in a material increase in the cost of the plan to the corporation; and

(c) any amendment made by the board to a plan which, under section 14A:8–2, did not initially require shareholder approval, shall require shareholder approval, if the effect of such amendment is to include in the plan a provision, which if originally included in the plan, would have required shareholder approval of the plan.

14A:8-5 Trust funds for employees; creation; maintenance and administration.

Any domestic or foreign corporation which has adopted, or hereafter adopts, a plan described in section 14A:8–1 may establish one or more trust funds of the property contributed or held by any such corporation or any subsidiary thereof for the purposes of such plan. Any such trust fund may be held and administered by the corporation adopting such plan or by any trustee or trustees, within or without this State, appointed by the corporation for that purpose.

14A:8-6 Continuation of trust; law against perpetuities inapplicable.

The period for which any such trust may be created and maintained may be as long as may be desirable for the complete administration of any such plan as originally adopted or thereafter amended, and no such trust or trust fund shall be subject to or held to be in violation of any principle of law, against perpetuities or restraints on alienation or perpetual accumulations or trusts.

CHAPTER 9

AMENDMENTS, CHANGES OR ALTERATIONS

Section

14A:9–1. Amendment of Certificate of Incorporation.
14A:9–2. Procedure to Amend Certificate of Incorporation.
14A:9–3. Class Voting on Amendments.
14A:9–4. Certificate of Amendment.
14A:9–5. Restated Certificate of Incorporation.
14A:9–6. Abandonment of Amendment.

14A:9-1 Amendment of certificate of incorporation.

(1) A corporation may amend its certificate of incorporation, from time to time, in any and as many respects as may be desired so long as the amendment contains only such provisions as might lawfully be contained in an original certificate of incorporation filed at the time of making such amendment.

(2) In particular, and without limitation upon the general power of amendment granted by subsection 14A:9–1(1), a corporation may amend its certificate of incorporation

(a) to change its corporate name;

(b) to enlarge, limit, or otherwise change its corporate purposes or powers;

(c) to change the duration of the corporation, or if such duration has expired but the corporation continues in business, to revive its existence for a limited or perpetual duration;

(d) to increase or decrease the aggregate number of shares, or shares of any class or series of any class, which the corporation has authority to issue;

(e) to increase or decrease the par value of the authorized shares of any class having a par value, whether issued or unissued;

(f) to exchange, classify, reclassify or cancel all or any part of its shares, whether issued or unissued;

(g) to change the designation of all or any part of its shares, whether issued or unissued, and to change the preferences, limitations and the relative rights in respect of all or any part of its shares, whether issued or unissued;

(h) to change shares having a par value, whether issued or unissued, into the same or a different number of shares without par value, and to change shares without par value, whether issued or unissued, into the same or a different number of shares having a par value;

(i) to change the shares of any class or series, whether issued or unissued, and whether with or without par value, into a different number of shares of the same class or series or into the same or a different number of shares, either with or without par value, of other classes or series;

(j) to create new classes or series of shares having rights and preferences superior or inferior to, or equal with, the shares of any class or series then authorized, whether issued or unissued;

(k) to cancel or otherwise affect the right of the holders of the shares of any class or series to receive dividends which have accrued but have not been declared;

(l) to divide any class of shares, whether issued or unissued, into series and fix the designations of such series and the preferences, limitations and relative rights of the shares of such series;

(m) to authorize the board to divide authorized but unissued shares of any class into series and fix the designations and number of shares of such series and the preferences, limitations and relative rights of the shares of such series;

(n) to authorize the board to fix or change the designation or number of shares of, or preferences, limitations or relative rights of the shares of any theretofore established series the shares of which have not been issued;

(o) to revoke, diminish or enlarge the authority of the board to take any of the actions set forth in paragraphs 14A:9–1(2) (m) and 14A:9–1(2) (n);

(p) to limit, deny or grant to shareholders of any class the preemptive right to acquire additional or treasury shares of the corporation, whether then or thereafter authorized;

(q) to strike out, change or add any provision, not inconsistent with law, for the management of the business and the conduct of the affairs of the corporation, or creating, defining, limiting and regulating the powers of the corporation, its directors and shareholders or any class of shareholders, including any provision which under this act is required or permitted to be set forth in the by-laws.

(3) An amendment of the certificate of incorporation may, by resolution of the board, be accompanied by a reduction of stated capital. Such reduction shall not be part of the amendment, but

may be set forth in the certificate of amendment as provided in subsection 14A:9–4(4) and shall become effective as provided in subsection 14A:9–4(5).

14A:9-2 Procedure to amend certificate of incorporation.

(1) Before the organization meeting of the board, the incorporators may amend the certificate of incorporation by complying with subsection 14A:9–4(1).

(2) Amendment of the certificate of incorporation by action of the board is provided for in subsection 14A:4–3(1), subsection 14A:5–21(4), subsection 14A:7–2(4), subsection 14A:7–6(4), subsection 14A:7–9(4), and subsections 14A:7–18(1) and 14A:7–18(4). Amendment of the certificate of incorporation by action of the registered agent to change the registered office is provided for in subsection 14A:4–3(3).

(3) An amendment of the certificate of incorporation pursuant to a plan of merger may be made in the manner provided in Chapter 10 of this act.

(4) All other amendments of the certificate of incorporation shall be made in the following manner:

(a) The board shall approve the proposed amendment and direct that it be submitted to a vote at a meeting of the shareholders.

(b) Written notice setting forth the proposed amendment or a summary of the changes to be effected thereby shall be given to each shareholder of record entitled to vote thereon within the time and in the manner provided in this act for the giving of notice of meetings of shareholders.

(c) At such meeting a vote of shareholders entitled to vote thereon shall be taken on the proposed amendment. The proposed amendment shall be adopted upon receiving the affirmative vote of a majority of the votes cast by the holders of shares entitled to vote thereon and, in addition, if any class or series of shares is entitled to vote thereon as a class, the affirmative vote of a majority of the votes cast in each class vote; except that, in the case of a corporation organized prior to the effective date of this act, the proposed amendment shall be adopted upon receiving the affirmative vote of two-thirds of the votes so cast. The voting requirements of this section shall be subject to such greater requirements as are provided in this act for specific

amendments, or as may be provided in the certificate of incorporation.

(d) Subject to the provisions of section 14A:5–12, a corporation organized prior to the effective date of this act may adopt the majority voting requirements prescribed in paragraph 14A:9–2(4)(c) by amendment of its certificate of incorporation adopted by the affirmative vote of two-thirds of the votes cast by the holders of shares entitled to vote thereon.

(e) Any number of amendments may be acted upon at one meeting.

(f) Upon adoption, a certificate of amendment shall be filed in the office of the Secretary of State as provided in section 14A:9–4.

14A:9-3 Class voting on amendments.

(1) Except as otherwise provided in subsection 14A:9–3(4), and notwithstanding any provision in the certificate of incorporation, the holders of the outstanding shares of a class or series shall be entitled to vote as a class upon a proposed amendment, if the amendment would

(a) exclude or limit their right to vote on any matter, except as such right may be limited by voting rights given to new shares then being authorized of any existing or new class or series;

(b) limit or deny their existing preemptive rights;

(c) cancel or otherwise adversely affect dividends which have accrued but have not been declared on the shares held by them; or

(d) create, or authorize the board to create, a new class or series having, or convertible into shares having, rights or preferences prior or superior to those of the shares held by them, or increase such rights or preferences of any class or series.

(2) Except as otherwise provided in subsection 14A:9–3(4), and notwithstanding any provision in the certificate of incorporation, the holders of the outstanding shares of a class or series whose rights or preferences would be subordinated or otherwise adversely affected by a proposed amendment shall be entitled to vote as a class thereon, if the amendment would

(a) decrease the par value of their shares;

(b) effect a conversion, exchange or reclassification of their shares;

(c) effect a conversion or exchange, or create a right of conversion or exchange, of any shares of another class or series into shares of their class or series;

(d) change the designation, preferences, limitations or relative rights of their shares;

(e) change their shares into a different number of shares, or into the same number of shares of another class or series; or

(f) divide the shares of their class into series or determine the designation of any series in their class or determine any preferences, limitations or relative rights of any series in their class, or authorize the board to make any such division or to make or change any such determination.

(3) If any proposed amendment referred to in subsections 14A:9–3(1) and 14A:9–3(2) would subordinate or otherwise adversely affect the rights or preferences of the holders of shares of one or more series of any class, but not of the entire class, then only the holders of such series shall be entitled by this section to vote as a class upon such proposed amendment.

(4) This section shall not apply to amendments which may be made by board action without shareholder approval, as set forth in subsection 14A:9–2(2).

14A:9-4 Certificate of amendment.

(1) If the amendment is made as provided by subsection 14A:9–2(1), a certificate of amendment shall, subject to subsection 14A:2–6(3), be signed by all the incorporators, shall set forth the name of the corporation and the amendment so adopted, and shall recite that the amendment is made by unanimous consent of the incorporators before the organization meeting of the directors.

(2) If the amendment is made by the board as referred to in subsection 14A:9–2(2), a certificate of amendment shall be executed on behalf of the corporation. The certificate shall set forth the information required by the section of this act which empowers the board to make the amendment.

(3) If the amendment is made as provided by subsection 14A:9–2(4), a certificate of amendment shall be executed on behalf of the corporation and shall set forth

(a) the name of the corporation;

(b) the amendment so adopted;

(c) the date of the adoption of the amendment by the shareholders;

(d) the number of shares outstanding, and the number of shares entitled to vote thereon, and if the shares of any class or series are entitled to vote thereon as a class, the designation and number of outstanding shares entitled to vote thereon of each such class or series;

(e) the number of shares voted for and against such amendment, respectively, and if the shares of any class or series are entitled to vote thereon as a class, the number of shares of each such class and series voted for and against such amendment, respectively;

(f) if such amendment is intended to provide for an exchange, reclassification or cancellation of issued shares, a statement of the manner in which the same shall be effected; and

(g) if, pursuant to subsection 14A:9–4(5), the amendment is to become effective at a time subsequent to the time of filing, the date when the amendment is to become effective.

(4) If such amendment is accompanied by a reduction of stated capital, the corporation may also include in the certificate, at its discretion, in lieu of a statement of reduction under section 14A:7–19, a statement of the amount of the reduction, the manner in which the reduction is effected, and the amount, expressed in dollars, of stated capital of the corporation after giving effect to the reduction.

(5) Each certificate of amendment of the certificate of incorporation shall be filed in the office of the Secretary of State and the amendment shall become effective upon the date of filing or at such later time, not to exceed 30 days from the date of filing, as may be set forth in the certificate. If the certificate of amendment includes a statement provided for in subsection 14A:9–4(4), the stated capital shall be reduced when the amendment becomes effective.

14A:9-5 Restated certificate of incorporation.

(1) A corporation may restate and integrate in a single certificate the provisions of its certificate of incorporation as theretofore amended, including any provision effected by a merger or consolidation and any further amendments as may be adopted concurrently with the restated certificate.

(2) If the proposed restated certificate merely restates and integrates, but does not further amend the certificate of incorporation as theretofore amended, it may be adopted by the board.

(3) If the proposed restated certificate restates and integrates and also further amends the certificate of incorporation as thereto-

fore amended, such restated certificate shall be adopted in the following manner:

(a) the board shall approve the proposed restated certificate and direct that it be submitted to a vote at a meeting of the shareholders;

(b) written notice setting forth the proposed restated certificate shall be given to each shareholder of record entitled to vote thereon within the time and in the manner provided in this act for the giving of notice of such meeting;

(c) at such meeting a vote of shareholders entitled to vote thereon shall be taken on the proposed restated certificate. The proposed restated certificate shall be adopted upon receiving the affirmative vote of a majority of the votes cast by the holders of shares entitled to vote thereon. The voting requirements of this section shall be subject to such greater requirements as are provided in this act for specific amendments or as may be provided in the certificate of incorporation.

(4) The restated certificate shall recite that it is a restated certificate and shall contain all such provisions as are required in an original certificate of incorporation filed at the time the restated certificate is filed, except that

(a) it shall state the address of the corporation's then current registered office, and the name of its then current registered agent, and it shall also state the number, names and addresses of the directors constituting its then current board;

(b) it need not include statements as to the incorporator or incorporators or as to the first directors or the first registered office and registered agent;

(c) if, pursuant to subsection 14A:9–5(6), the restated certificate is to become effective subsequent to the time of filing, it shall state the date when it is to become effective.

(5) The restated certificate shall be executed on behalf of the corporation, and shall be filed in the office of the Secretary of State. There shall be attached to it and filed therewith a certificate executed on behalf of the corporation and setting forth

(a) the name of the corporation;

(b) the date such restated certificate was adopted; and

(c) if the restated certificate of incorporation was adopted by the shareholders, it shall also set forth

(i) the number of the shares outstanding, and the number of shares entitled to vote thereon, and, if the shares of any class or series are entitled to vote thereon as a class, the desig-

nation and number of outstanding shares entitled to vote thereon of each such class and series;

(ii) the number of shares voted for and against such adoption, and, if the shares of any class or series are entitled to vote thereon as a class, the number of shares of each such class and series voted for and against such adoption; and

(iii) if an amendment of the certificate of incorporation was adopted concurrently with the adoption of the restated certificate, the information required by paragraphs 14A:9–4 (3) (b), 14A:9–4(3) (f), and 14A:9–4(3) (g).

(6) The restated certificate and any amendment included therein shall become effective upon the date of filing with the Secretary of State or at such later time, not to exceed 30 days from the date of filing as may be set forth therein.

14A:9-6 Abandonment of amendment.

Prior to the effective date of an amendment of the certificate of incorporation for which shareholder approval is required under the provisions of this act, such amendment may be abandoned pursuant to provisions therefor, if any, set forth in the resolution of the shareholders approving such amendment. If a certificate of amendment has been filed in the office of the Secretary of State prior to such abandonment, a certificate of abandonment shall be filed in the office of the Secretary of State. The certificate shall state that the amendment has been abandoned in accordance with the provisions therefor set forth in the resolution of the shareholders adopting such amendment.

CHAPTER 10

Merger, Consolidation, Acquisition of All Capital Shares of a Corporation and Sale of Assets

Section

14A:10–1. Procedure for Merger.
14A:10–2. Procedure for Consolidation.
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14A:10–9. Acquisition of all the Shares, or a Class or Series of Shares, of a Corporation.
14A:10–10. Sale or Other Disposition of Assets in Regular Course of Business and Mortgage or Pledge of Assets.
14A:10–11. Sale or Other Disposition of Assets Other Than in Regular Course of Business.

14A:10-1 Procedure for merger.

(1) Any two or more domestic corporations may merge into one of such corporations pursuant to a plan of merger approved in the manner provided in this act.

(2) The board of each corporation shall approve a plan of merger setting forth

(a) the names of the corporations proposing to merge, and the name of the corporation into which they propose to merge, which is hereinafter designated as the surviving corporation;

(b) the terms and conditions of the proposed merger, including a statement of any amendments in the certificate of incorporation of the surviving corporation to be effected by such merger;

(c) the manner and basis of converting the shares of each merging corporation into shares, other securities, or obligations of the surviving corporation, or into cash or other consideration which may include shares or other securities or obligations of a corporation not a party to the merger, or into any combination thereof; and

(d) such other provisions with respect to the proposed merger as are deemed necessary or desirable.

14A:10-2 Procedure for consolidation.

(1) Any two or more domestic corporations may consolidate into a new corporation pursuant to a plan of consolidation approved in the manner provided in this act.

(2) The board of each corporation shall approve a plan of consolidation setting forth

(a) the names of the corporations proposing to consolidate, and the name of the new corporation into which they propose to consolidate, which is hereinafter designated as the new corporation;

(b) the terms and conditions of the proposed consolidation;

(c) the manner and basis of converting the shares of each corporation into shares, other securities, or obligations of the new corporation, or into cash or other consideration which may include shares or other securities or obligations of a corporation not a party to the consolidation, or into any combination thereof;

(d) with respect to the new corporation, all of the statements required to be set forth in the certificate of incorporation for corporations organized under this act, except that it shall not be necessary to set forth the name and address of each incorporator; and

(e) such other provisions with respect to the proposed consolidation as are deemed necessary or desirable.

14A:10-3 Approval by shareholders.

(1) The board of each corporation, upon approving such plan of merger or plan of consolidation, shall direct that the plan be submitted to a vote at a meeting of shareholders. Written notice shall be given to each shareholder of record, whether or not entitled to vote at such meeting, not less than 20 nor more than 60 days before such meeting, in the manner provided in this act for the giving of notice of meetings of shareholders. Such notice shall include, or shall be accompanied by

(a) a copy or a summary of the plan of merger or consolidation, as the case may be; and

(b) a statement informing shareholders who, under Chapter 11 of this act, are entitled to dissent, that they have the right to dissent and to be paid the fair value of their shares, provided that they file with the corporation before the taking of the vote of the shareholders on the plan of merger or consolidation a written notice of dissent as required by subsection 14A:11-2(1), and that they otherwise comply with the procedures set forth in Chapter 11 of this act.

(2) At each such meeting, a vote of the shareholders shall be taken on the proposed plan of merger or consolidation. Such plan shall be approved upon receiving the affirmative vote of a majority of the votes cast by the holders of shares of each such corporation entitled to vote thereon, and, in addition, if any class or series is entitled to vote thereon as a class, the affirmative vote of a majority of the votes cast in each class vote; except that, in the case of a corporation organized prior to the effective date of this act, the plan of merger or consolidation shall be approved upon receiving

the affirmative vote of two-thirds of the votes so cast. Any class or series of shares of any such corporation shall be entitled to vote as a class if the plan of merger or consolidation, as the case may be, contains any provision which, if contained in a proposed amendment to the certificate of incorporation, would entitle such class or series of shares to vote as a class unless such provision is one which could be adopted by the board without shareholder approval as referred to in subsection 14A:9–2(2). The voting requirements of this section shall be subject to such greater requirements as are provided in this act for specific amendments or as may be provided in the certificate of incorporation.

(3) Subject to the provisions of section 14A:5–12, a corporation organized prior to the effective date of this act may adopt the majority voting requirements prescribed in subsection 14A:10–3(2) by an amendment of its certificate of incorporation adopted by the affirmative vote of two-thirds of the votes cast by the holders of shares entitled to vote thereon.

(4) Notwithstanding the provisions set forth in subsections 14A:10–3(1) and 14A:10–3(2), the approval of the shareholders of a surviving corporation shall not be required to authorize a merger if

(a) the agreement of merger does not change the name or authorized shares or series of any class or otherwise amend the certificate of incorporation of the surviving corporation; and

(b) the authorized unissued shares and the treasury shares of each class and series of the surviving corporation to be issued or delivered under the plan of merger do not exceed 15 per cent of the shares of each such class or series of the surviving corporation outstanding immediately prior to the effective date of the merger.

14A:10-4 Certificate of merger or consolidation.

(1) After approval of the plan of merger or consolidation, a certificate of merger or a certificate of consolidation, as the case may be, shall be executed on behalf of each corporation. The certificate shall set forth

(a) the plan of merger or the plan of consolidation;

(b) as to each corporation whose shareholders are entitled to vote, the number of shares outstanding, and, if the shares of any class are entitled to vote as a class, the designation and number of outstanding shares of each such class;

(c) as to each corporation whose shareholders are entitled to vote, the number of shares voted for and against such plan, respectively, and, if the shares of any class are entitled to vote as a class, the number of shares of each such class voted for and against such plan, respectively; and

(d) in the case of a merger governed by subsection 14A:10–3 (4), that the plan of merger was approved by the board of directors without any vote of shareholders of the surviving corporation; and

(e) if, pursuant to subsection 14A:10–4(2), the merger is to become effective at a time subsequent to the date of filing with the Secretary of State, the date when the merger is to become effective.

(2) The certificate shall be filed in the office of the Secretary of State and the merger or consolidation shall become effective upon the date of such filing or at such later time, not to exceed 30 days after the date of filing, as may be set forth in the certificate.

14A:10-5 Merger of subsidiary corporation.

(1) Any domestic corporation owning at least 90% of the outstanding shares of each class and series of another domestic corporation or corporations, may merge such other corporation or corporations into itself, or may merge itself, or itself and any such subsidiary corporation or corporations, into any such subsidiary corporation, without approval of the shareholders of any of the corporations, except as provided in subsections 14A:10–5(5) and 14A:10–5(6). The board of the parent corporation shall approve a plan of merger setting forth those matters required to be set forth in plans of merger under section 14A:10–1. Approval by the board of any such subsidiary corporation shall not be required.

(2) If the parent corporation owns less than 100% of the outstanding shares of each subsidiary corporation, it shall mail to each minority shareholder of record of each subsidiary corporation, unless waived in writing, a copy or a summary of the plan of merger. The parent corporation shall also mail to each shareholder who, under Chapter 11 of this act, is entitled to dissent, a statement informing such shareholder that he has the right to dissent and to be paid the fair value of his shares, provided that he files with the corporation, within 20 days after the mailing of such copy or summary, a written demand for the fair value of his shares as required by subsection 14A:11–2(4), and that he other-

wise complies with the procedures set forth in Chapter 11 of this act.

(3) A certificate of merger shall be executed on behalf of the parent corporation. The certificate shall set forth

(a) the plan of merger;

(b) the number of outstanding shares of each class and series of each subsidiary corporation which is a party to the merger and the number of such shares of each class and series owned by the parent corporation;

(c) if the parent corporation owns less than 100% of the outstanding shares of each subsidiary corporation, the date of the mailing of a copy or a summary of the plan of merger to minority shareholders of each subsidiary corporation; or if all such shareholders have waived such mailing in writing, a statement that such waiver has been obtained; and

(d) if, pursuant to subsection 14A:10–5(4), the merger is to become effective at a time subsequent to the date of filing with the Secretary of State, the date when the merger is to become effective.

(4) The certificate shall be filed in the office of the Secretary of State and the merger shall become effective upon the date of such filing or at such later time, not to exceed 30 days from the date of filing, as may be set forth in the certificate.

(5) Approval of the shareholders of any such subsidiary corporation shall be obtained pursuant to its certificate of incorporation, if such certificate requires approval of a merger by the affirmative vote of the holders of more than the percentage of the shares of any class or series of such corporation then owned by the parent corporation.

(6) Approval of the shareholders of the parent corporation shall be obtained:

(a) whenever its certificate of incorporation requires shareholder approval of such a merger; or

(b) pursuant to section 14A:10–3 where

(i) the plan of merger contains a provision which would change any part of the certificate of incorporation of the parent corporation into which a subsidiary corporation is being merged, unless such change is one that can be made by the board without shareholder approval as referred to in subsection 14A:9–2(2); or

(ii) a subsidiary corporation is to be the surviving corporation.

(7) The grant of the power to merge under this section shall not preclude the effectuation of any merger as elsewhere provided in this Chapter.

14A:10-6 Effect of merger or consolidation.

When a merger or consolidation has become effective:

(a) The parties to the plan of merger or consolidation shall be a single corporation, which, in the case of a merger, shall be that corporation designated in the plan of merger as the surviving corporation, and, in the case of a consolidation, shall be the new corporation provided for in the plan of consolidation.

(b) The separate existence of all parties to the plan of merger or consolidation, except the surviving or new corporation, shall cease.

(c) Such surviving or new corporation shall, to the extent consistent with its certificate of incorporation as amended or established by the merger or consolidation, possess all the rights, privileges, powers, immunities, purposes and franchises, both public and private, of each of the merging or consolidating corporations.

(d) All real property and personal property, tangible and intangible, of every kind and description, belonging to each of the corporations so merged or consolidated shall be vested in the surviving or new corporation without further act or deed; and the title to any real estate, or any interest therein, vested in any of such corporations shall not revert or be in any way impaired by reason of such merger or consolidation.

(e) The surviving or new corporation shall be liable for all the obligations and liabilities of each of the corporations so merged or consolidated; and any claim existing or action or proceeding pendng by or against any of such corporations may be enforced as if such merger or consolidation had not taken place. Neither the rights of creditors nor any liens upon, or security interests in, the property of any of such corporations shall be impaired by such merger or consolidation.

(f) In the case of a merger, the certificate of incorporation of the surviving corporation shall, without further act or deed, be amended to the extent, if any, stated in the plan of merger; and, in the case of a consolidation, the statements set forth in the certificate of consolidation and which are required or permitted to be set forth in the certificate of incorporation of corporations organized under this act shall be the certificate of incorporation of the new corporation.

14A:10-7 Merger or consolidation of domestic and foreign corporations.

(1) One or more foreign corporations and one or more domestic corporations may be merged or consolidated in the following manner, if such merger or consolidation is permitted by the laws of the jurisdiction under which each such foreign corporation is organized:

(a) Each domestic corporation shall comply with the provisions of this act with respect to the merger or consolidation of domestic corporations and each foreign corporation shall comply with the applicable provisions of the laws of the jurisdiction under which it is organized.

(b) If the surviving or new corporation is to be a foreign corporation and is to transact business in this State, it shall comply with the provisions of this act with respect to foreign corporations, and, whether or not it is to transact business in this State, the certificate of merger or consolidation required to be filed on behalf of the domestic corporation or corporations pursuant to subsection 14A:10–4(2) shall, in addition to the information required by subsection 14A:10–4(1), set forth

(i) an agreement by such foreign corporation that it may be served with process in this State in any proceeding for the enforcement of any obligation of any domestic corporation or any foreign corporation, previously amenable to suit in this State, which is a party to such merger or consolidation, and in any proceeding for the enforcement of the rights of a dissenting shareholder of any such domestic corporation against the surviving or new corporation; and

(ii) an irrevocable appointment by such foreign corporation of the Secretary of State of this State as its agent to accept service of process in any such proceeding, and the post office address, within or without this State, to which the Secretary of State shall mail a copy of the process in such proceeding;

(iii) an agreement by such foreign corporation that it will promptly pay to the dissenting shareholders of any such domestic corporation the amount, if any, to which they shall be entitled under the provisions of this act with respect to the rights of dissenting shareholders.

(2) The provisions of subsection 14A:10–3(4) shall apply to a merger in which the surviving corporation is a domestic corporation.

(3) If the surviving or new corporation is a domestic corporation, the effect of such merger or consolidation shall be the same as in the case of the merger or consolidation of domestic corporations. If the surviving or new corporation is a foreign corporation, the effect of such merger or consolidation shall be the same as in the case of the merger or consolidation of domestic corporations except insofar as the laws of the jurisdiction of incorporation of such foreign corporation shall provide otherwise.

(4) One or more foreign corporations and one or more domestic corporations may be merged in the manner provided in section 14A:10–5 if such merger is permitted by the laws of the jurisdiction of incorporation of such foreign corporation, provided that, if the parent corporation is a foreign corporation, it shall, notwithstanding the provisions of the laws of its jurisdiction of incorporation, comply with the provisions of subsection 14A:10–5(2) with respect to notice to shareholders of any domestic subsidiary corporation which is a party to the merger.

14A:10-8 Abandonment of merger or consolidation.

Prior to the time when a merger or consolidation authorized by this Chapter shall become effective, the merger or consolidation may be abandoned pursuant to provisions therefor, if any, set forth in the plan of merger or consolidation. If a certificate of merger or consolidation has been filed in the office of the Secretary of State prior to such abandonment, a certificate of abandonment shall be filed in the office of the Secretary of State. The certificate shall be executed on behalf of each corporation which is a party to the plan of merger or consolidation, unless the plan permits abandonment by less than all of such corporations, in which event the certificate may be executed on behalf of the corporation or corporations exercising the right to abandon. The certificate shall state that the merger or consolidation has been abandoned in accordance with the provisions therefor set forth in the plan of merger or consolidation.

14A:10-9 Acquisition of all the shares, or a class or series of shares, of a corporation.

(1) Subject to the limitations imposed by any other statute of this State, any domestic corporation may, in the manner provided by this section, acquire, in exchange for its shares, all the shares, or all the shares of any class or series of any other corporation organized under any statute of this State.

(2) Such acquiring corporation shall submit by first-class mail to all holders of the shares to be acquired a written offer which shall

(a) specify the shares to which such offer relates;

(b) prescribe the terms and conditions of such offer, including the method of acceptance thereof and the manner of exchanging such shares;

(c) contain a statement summarizing the rights of such shareholders as provided in paragraph 14A:10–9(3) (b).

Any such offer may provide for the payment of cash in lieu of the issuance of fractional shares of the acquiring corporation.

(3) If, within 120 days after the date of such mailing, the offer is accepted by the holders of not less than 90% of the shares of each class and series to which the offer relates, other than shares already held at the date of mailing by, or by a nominee for, the acquiring corporation or any subsidiary thereof, the acquiring corporation shall, within 60 days after such acceptance:

(a) execute and file a certificate in the office of the Secretary of State setting forth such acceptance; and

(b) give written notice of such acceptance, by registered or certified mail, return receipt requested, to each holder of such shares to which the offer relates, who has not accepted the offer. Such notice shall include, or be accompanied by, a statement that

(i) such shareholders may elect either to accept the offer or to dissent therefrom and be paid the fair value of their shares provided that they file with the acquiring corporation, not later than 30 days after the mailing of such written notice, a written demand for the fair value of their shares as required by subsection 14A:11–2(5), and otherwise comply with the procedures set forth in Chapter 11 of this act; and

(ii) if such shareholders do not make written demand for the payment of the fair value of their shares to which the offer relates within the 30-day period specified in subsection 14A:11–2(5), they shall be deemed to have accepted the offer.

(4) Upon the filing of such certificate in the office of the Secretary of State as required by paragraph 14A:10–9(3) (a)

(a) the acquiring corporation shall cause to be issued to the holders of shares who have accepted or who are deemed to have accepted such offer pursuant to the provisions of paragraph 14A:10–9(3) (b) certificates for shares of the acquiring corporation to which they respectively are entitled;

(b) all shares in exchange for which shares of the acquiring corporation are 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

(c) the acquiring corporation or a corporate fiduciary designated by it, shall hold in trust, for delivery to the persons entitled thereto, certificates for its shares registered in the names of any holders, other than shares of dissenting shareholders, 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.

(5) This section shall not be construed to prevent a corporation from making an offer to purchase the shares of another corporation conditioned upon the acceptance of holders of less than 90% of the shares to which such offer relates. Such an offer may be joined as an alternate offer with an offer made pursuant to this section; but in no case shall the acquiring corporation have the right to avail itself of the provisions of this section unless the holders of the percentage of shares to which the offer relates required by subsection 14A:10–9(3) shall accept the offer within the time period required by subsection 14A:10–9(3).

(6) Whenever a corporation whose capital stock is acquired pursuant to this section 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 paragraph 14A:10–9(6)(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.

14A:10-10 Sale or other disposition of assets in regular course of business and mortgage or pledge of assets.

The sale, lease, exchange, or other disposition of all, or substantially all, the assets of a corporation in the usual and regular course of its business as conducted by such corporation, and the mortgage or pledge of any or all the assets of a corporation whether or not in the usual and regular course of business as conducted by such corporation, may be made upon such terms and conditions and for such consideration, which may consist in whole or in part of money or property, real or personal, including shares, bonds or other securities of any other corporation, domestic or foreign, as shall be authorized by its board. In any such case, unless otherwise provided in the certificate of incorporation, no approval of the shareholders shall be required.

14A:10-11 Sale or other disposition of assets other than in regular course of business.

(1) A sale, lease, exchange, or other disposition of all, or substantially all, the assets of a corporation, if not in the usual and regular course of its business as conducted by such corporation, may be made upon such terms and conditions and for such consideration, which may consist in whole or in part of money or property, real or personal, including shares, bonds or other securities of any other corporation, domestic or foreign, as may be authorized in the following manner:

(a) The board shall recommend such sale, lease, exchange, or other disposition and direct that it be submitted to a vote at a meeting of shareholders.

(b) Written notice shall be given to each shareholder of record, whether or not entitled to vote at such meeting, not less than 20 nor more than 60 days before such meeting, in the man-

ner provided in this act for the giving of notice of meetings of shareholders. Such notice shall include, or shall be accompanied by

(i) a statement summarizing the principal terms of the proposed transaction; and

(ii) a statement informing shareholders who, under Chapter 11 of this act, are entitled to dissent, that they have the right to dissent and to be paid the fair value of their shares, provided that they file with the corporation before the taking of the vote of the shareholders on such sale, lease, exchange or other disposition, a written notice of dissent as required by subsection 14A:11–2(1) and otherwise comply with the procedures set forth in Chapter 11 of this act.

(c) At such meeting the shareholders may approve such sale, lease, exchange, or other disposition and may fix, or may authorize the board to fix, any or all of the terms and conditions thereof and the consideration to be received by the corporation therefor. Such sale, lease, exchange or other disposition shall be approved upon receiving the affirmative vote of a majority of the votes cast by the holders of shares entitled to vote thereon, and, in addition, if any class or series of shares is entitled to vote thereon as a class, the affirmative vote of a majority of the votes cast in each class vote; except that, in the case of a corporation organized prior to the effective date of this act, the sale, lease, exchange, or other disposition shall be approved upon receiving the affirmative vote of two-thirds of the votes so cast.

(d) Subject to the provisions of section 14A:5–12, a corporation organized prior to the effective date of this act may adopt the majority voting requirements prescribed in paragraph 14A:10–11(1)(c) by an amendment of its certificate of incorporation adopted by the affirmative vote of two-thirds of the votes cast by the holders of shares entitled to vote thereon.

(2) Notwithstanding such approval or authorization by the shareholders, the board may abandon such sale, lease, exchange, or other disposition of assets, subject to the rights of third parties under any contracts relating thereto, without further action by the shareholders.

CHAPTER 11

RIGHTS OF DISSENTING SHAREHOLDERS

Section

14A:11–1. Right of Shareholders to Dissent.
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14A:11–3. "Dissenting Shareholder" Defined; Date for Determination of Fair Value.
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14A:11–9. Judgment in Action to Determine Fair Value.
14A:11–10. Costs and Expenses of Action.
14A:11–11. Disposition of Shares Acquired by Corporation.

14A:11-1 Right of shareholders to dissent.

(1) Any shareholder of a domestic corporation shall have the right to dissent from any of the following corporate actions

(a) any plan of merger or consolidation to which the corporation is a party, provided that

(i) a shareholder shall not have right to dissent from any plan of merger or consolidation with respect to shares

(A) which are listed on a national securities exchange or are regularly quoted in an over-the-counter market by one or more members of a national or affiliated securities association on the record date fixed to determine the shareholders entitled to receive notice of and to vote at the meeting of shareholders at which the plan of merger or consolidation is to be acted on; and

(B) for which, pursuant to the plan of merger or consolidation such shareholders are required to accept only shares or shares and cash in lieu of fractional shares of the cor-

poration surviving or resulting from such merger or consolidation;

(ii) a shareholder of a surviving corporation shall not have the right to dissent from a plan of merger, if the merger did not require for its approval the vote of such shareholders as provided in subsections 14A:10–3(4) and 14A:10–7(2);

(b) any sale, lease, exchange or other disposition of all or substantially all of the assets of a corporation not in the usual or regular course of business as conducted by such corporation, other than

(i) with respect to shares where, at the record date fixed to determine the shareholders entitled to receive notice of and to vote at the meeting of shareholders at which such transaction is to be voted on, such shares are listed on a national securities exchange or are regularly quoted in an over-the-counter market by one or more members of a national or affiliated securities association; or

(ii) a transaction pursuant to a plan of dissolution of the corporation which provides for distribution of substantially all of its net assets to shareholders in accordance with their respective interests within 1 year after the date of such transaction, where such transaction is wholly for

(A) cash; or

(B) shares, bonds and other securities which are listed on a national securities exchange or are regularly quoted in an over-the-counter market by one or more members of a national or affiliated securities association; or

(C) cash and such securities; or

(iii) a sale pursuant to an order of a court having jurisdiction.

(2) Any shareholder of a domestic corporation shall have the right to dissent with respect to any shares owned by him which are to be acquired pursuant to section 14A:10–9.

(3) A shareholder may not dissent as to less than all of the shares owned beneficially by him and with respect to which a right of dissent exists. A nominee or fiduciary may not dissent on behalf of any beneficial owner as to less than all of the shares of such owner with respect to which the right of dissent exists.

14A:11-2 Notice of dissent; demand for payment; endorsement of certificates.

(1) Whenever a meeting of shareholders is called to vote upon a proposed corporate action from which a shareholder may dissent under section 14A:11–1, any shareholder electing to dissent from such action shall file with the corporation before the taking of the vote of the shareholders on such corporate action, a written notice of such dissent stating that he intends to demand payment for his shares if the action is taken.

(2) Within 10 days after the date on which such corporate action takes effect, the corporation, or, in the case of a merger or consolidation, the surviving or new corporation, shall give written notice of the effective date of such corporate action, by certified mail to each shareholder who filed written notice of dissent pursuant to subsection 14A:11–2(1), except any who voted for or consented in writing to the proposed action.

(3) Within 20 days after the mailing of such notice, any shareholder to whom the corporation was required to give such notice and who has filed a written notice of dissent pursuant to this section may make written demand on the corporation, or, in the case of a merger or consolidation, on the surviving or new corporation, for the payment of the fair value of his shares.

(4) Whenever a corporation is to be merged pursuant to section 14A:10–5 or subsection 14A:10–7(4), and, where shareholder approval is not required under subsections 14A:10–5(5) and 14A:10–5(6), a shareholder who has the right to dissent pursuant to section 14A:11–1 may, not later than 20 days after a copy or summary of the plan of such merger and the statement required by subsection 14A:10–5(2) is mailed to such shareholder, make written demand on the corporation or on the surviving corporation, for the payment of the fair value of his shares.

(5) Whenever all the shares, or all the shares of a class or series, are to be acquired by another corporation pursuant to section 14A:10–9, a shareholder of the corporation whose shares are to be acquired may, not later than 30 days after the mailing of notice by the acquiring corporation pursuant to paragraph 14A:10–9(3)(b), make written demand on the acquiring corporation for the payment of the fair value of his shares.

(6) Not later than 20 days after demanding payment for his shares pursuant to this section, the shareholder shall submit the certificate or certificates representing his shares to the corporation upon which such demand has been made for notation thereon that

such demand has been made, whereupon such certificate or certificates shall be returned to him. If shares represented by a certificate on which notation has been made shall be transferred, each new certificate issued therefor shall bear similar notation, together with the name of the original dissenting holder of such shares, and a transferee of such shares shall acquire by such transfer no rights in the corporation other than those which the original dissenting shareholder had after making a demand for payment of the fair value thereof.

14A:11-3 "Dissenting shareholder" defined; date for determination of fair value.

(1) A shareholder who has made demand for the payment of his shares in the manner prescribed by subsections 14A:11–2(3), 14A:11–2(4) or 14A:11–2(5) is hereafter in this Chapter referred to as a "dissenting shareholder".

(2) Upon making such demand, the dissenting shareholder shall cease to have any of the rights of a shareholder except the right to be paid the fair value of his shares and any other rights of a dissenting shareholder under this Chapter.

(3) "Fair value" as used in this Chapter shall be determined

(a) as of the day prior to the day on which the vote of shareholders was taken approving the proposed action; or

(b) in the case of a merger pursuant to section 14A:10–5 or subsection 14A:10–7(4) in which shareholder approval is not required, as of the day prior to the day on which the board of directors approves the plan of merger; or

(c) in the case of an acquisition of all the shares or all the shares of a class or series by another corporation pursuant to section 14A:10–9, as of the day prior to the day on which the board of directors of the acquiring corporation authorizes the acquisition.

In all cases, "fair value" shall exclude any appreciation or depreciation resulting from the proposed action.

14A:11-4 Termination of right of shareholder to be paid the fair value of his shares.

(1) The right of a dissenting shareholder to be paid the fair value of his shares under this Chapter shall cease if

(a) he has failed to present his certificates for notation as provided by subsection 14A:11–2(6), unless a court having juris-

diction, for good and sufficient cause shown, shall otherwise direct;

(b) his demand for payment is withdrawn with the written consent of the corporation;

(c) the fair value of the shares is not agreed upon as provided in this Chapter and no action for the determination of fair value by the Superior Court is commenced within the time provided in this Chapter;

(d) the Superior Court determines that the shareholder is not entitled to payment for his shares;

(e) the proposed corporate action is abandoned or rescinded; or

(f) a court having jurisdiction permanently enjoins or sets aside the corporate action.

(2) In any case provided for in subsection 14A:11–4(1), the rights of the dissenting shareholder as a shareholder shall be reinstated as of the date of the making of a demand for payment pursuant to subsections 14A:11–2(3), 14A:11–2(4) or 14A:11–2(5) without prejudice to any corporate action which has taken place during the interim period. In such event, he shall be entitled to any intervening preemptive rights and the right to payment of any intervening dividend or other distribution, or, if any such rights have expired or any such dividend or distribution other than in cash has been completed, in lieu thereof, at the election of the board, the fair value thereof in cash as of the time of such expiration or completion.

14A:11-5 Rights of dissenting shareholder.

(1) A dissenting shareholder may not withdraw his demand for payment of the fair value of his shares without the written consent of the corporation.

(2) The enforcement by a dissenting shareholder of his right to receive payment for his shares shall exclude the enforcement by such dissenting shareholder of any other right to which he might otherwise be entitled by virtue of share ownership, except as provided in subsection 14A:11–4(2) and except that this subsection shall not exclude the right of such dissenting shareholder to bring or maintain an appropriate action to obtain relief on the ground that such corporate action will be or is ultra vires, unlawful or fraudulent as to such dissenting shareholder.

14A:11-6 Determination of fair value by agreement.

(1) Not later than 10 days after the expiration of the period within which shareholders may make written demand to be paid the fair value of their shares, the corporation upon which such demand has been made pursuant to subsections 14A:11–2(3), 14A:11–2(4) or 14A:11–2(5) shall mail to each dissenting shareholder the balance sheet and the surplus statement of the corporation whose shares he holds, as of the latest available date which shall not be earlier than 12 months prior to the making of such offer and a profit and loss statement or statements for not less than a 12-month period ended on the date of such balance sheet or, if the corporation was not in existence for such 12-month period, for the portion thereof during which it was in existence. The corporation may accompany such mailing with a written offer to pay each dissenting shareholder for his shares at a specified price deemed by such corporation to be the fair value thereof. Such offer shall be made at the same price per share to all dissenting shareholders of the same class, or, if divided into series, of the same series.

(2) If, not later than 30 days after the expiration of the 10-day period limited by subsection 14A:11–6(1), the fair value of the shares is agreed upon between any dissenting shareholder and the corporation, payment therefor shall be made within 20 days after surrender of the certificate or certificates representing such shares.

14A:11-7 Procedure on failure to agree upon fair value; commencement of action to determine fair value.

(1) If the fair value of the shares is not agreed upon within the 30-day period limited by subsection 14A:11–6(2), the dissenting shareholder may serve upon the corporation upon which such demand has been made pursuant to subsections 14A:11–2(3), 14A:11–2(4) or 14A:11–2(5) a written demand that it commence an action in the Superior Court for the determination of the fair value of the shares. Such demand shall be served not later than 30 days after the expiration of the 30-day period so limited and such action shall be commenced by the corporation not later than 30 days after receipt by the corporation of such demand, but nothing herein shall prevent the corporation from commencing such action at any earlier time.

(2) If a corporation fails to commence the action as provided in subsection 14A:11–7(1), a dissenting shareholder may do so in the name of the corporation, not later than 60 days after the

expiration of the time limited by subsection 14A:11–7(1) in which the corporation may commence such an action.

14A:11-8 Action to determine fair value; jurisdiction of court; appointment of appraiser.

In any action to determine the fair value of shares pursuant to this Chapter:

(a) The Superior Court shall have jurisdiction and may proceed in the action in a summary manner or otherwise;

(b) All dissenting shareholders, wherever residing, except those who have agreed with the corporation upon the price to be paid for their shares, shall be made parties thereto as an action against their shares quasi in rem;

(c) The court in its discretion may appoint an appraiser to receive evidence and report to the court on the question of fair value, who shall have such power and authority as shall be specified in the order of his appointment; and

(d) The court shall render judgment against the corporation and in favor of each shareholder who is a party to the action for the amount of the fair value of his shares.

14A:11-9 Judgment in action to determine fair value.

(1) A judgment for the payment of the fair value of shares shall be payable upon surrender to the corporation of the certificate or certificates representing such shares.

(2) The judgment shall include an allowance for interest at such rate as the court finds to be equitable, from the date of the dissenting shareholder's demand for payment under subsections 14A:11–2(3), 14A:11–2(4) or 14A:11–2(5) to the day of payment. If the court finds that the refusal of any dissenting shareholder to accept any offer of payment, made by the corporation under section 14A:11–6, was arbitrary, vexatious or otherwise not in good faith, no interest shall be allowed to him.

14A:11-10 Costs and expenses of action.

The costs and expenses of bringing an action pursuant to section 14A:11–8 shall be determined by the court and shall be apportioned and assessed as the court may find equitable upon the parties or any of them. Such expenses shall include reasonable compensation for and reasonable expenses of the appraiser, if any, but shall exclude the fees and expenses of counsel for and experts employed by any party; but if the court finds that the offer of payment made

by the corporation under section 14A:11–6 was not made in good faith, or if no such offer was made, the court in its discretion may award to any dissenting shareholder who is a party to the action reasonable fees and expenses of his counsel and of any experts employed by the dissenting shareholder.

14A:11-11 Disposition of shares acquired by corporation.

(1) The shares of a dissenting shareholder in a transaction described in paragraph 14A:11–1(1)(b) and the shares of a dissenting shareholder of the surviving corporation in a merger shall become reacquired by the corporation which issued them upon the payment of the fair value of shares. Such shares shall be cancelled if reacquired out of stated capital or if the plan of merger so requires; otherwise they shall become treasury shares.

(2) In a merger or consolidation, if the surviving or new corporation pays out of surplus the fair value of the shares of dissenting shareholders of the merged or constituent corporation, the shares of the surviving or new corporation into which such shares would have been converted under the plan of merger or consolidation shall become treasury shares of such corporation, unless the plan shall provide otherwise.

(3) In an acquisition of shares pursuant to section 14A:10–9, the shares of a dissenting shareholder shall become the property of the acquiring corporation upon the payment by the acquiring corporation of the fair value of such shares. Such payment may be made, with the consent of the acquiring corporation, by the corporation which issued the shares, in which case the shares so paid for shall become reacquired by the corporation which issued them and shall be cancelled.

CHAPTER 12

Dissolution

Section

14A:12–1. Methods of Dissolution.
14A:12–2. Dissolution Before Commencing Business.
14A:12–3. Dissolution Without a Meeting of Shareholders.
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14A:12–18. Judgment of Dissolution; Filing Copy.

14A:12-1 Methods of dissolution.

(1) A corporation may be dissolved in any one of the following ways

(a) automatically by expiration of any period of duration stated in the corporation's certificate of incorporation;

(b) by action of the incorporators or directors pursuant to section 14A:12–2;

(c) by action of the shareholders pursuant to section 14A:12–3;

(d) by action of the board and the shareholders pursuant to section 14A:12–4;

(e) by action of a shareholder or shareholders pursuant to section 14A:12–5;

(f) by a judgment of the Superior Court in an action brought pursuant to sections 14A:12–6 or 14A:12–7, or otherwise;

(g) automatically by a proclamation of the Governor repealing or revoking a certificate of incorporation for nonpayment of taxes.

(2) A corporation which has been dissolved in a proceeding pursuant to section 14A:12–6 or 14A:12–7, or which has been dissolved, or whose charter has been forfeited or revoked, for a cause or by a method not mentioned in this section, shall be subject to all the provisions of this chapter and of Chapter 14, to the extent that such provisions are compatible with a court directed dissolution, or with the statute or common law proceeding pursuant to which such dissolution, forfeiture or revocation is effected.

14A:12-2 Dissolution before commencing business.

(1) A corporation may be dissolved by action of its incorporators when there has been no organization meeting of the board, or by the board if there has been an organization meeting, provided that the corporation

(a) has not commenced business;

(b) has not issued any shares;

(c) has no debts or other liabilities; and

(d) has received no payments on subscriptions for its shares, or, if it has received such payments, has returned them to those entitled thereto, less any part thereof disbursed for expenses.

(2) The dissolution of such a corporation shall be effected in the following manner: the sole incorporator or director, if there is only one, or both incorporators or directors, if there are only two, or a majority of the incorporators or directors, if there are more than two, shall execute and file in the office of the Secretary of State a certificate of dissolution stating

(a) the name of the corporation;

(b) the name of the registered agent of the corporation;

(c) the location of the registered office of the corporation;

(d) the names of the incorporators and directors constituting the first board;

(e) that the corporation has not commenced business and has issued no shares, and has no debts or other liabilities;

(f) that the corporation has received no payments or subscriptions to its shares, or, if it has received such payments, that it has returned them to those entitled thereto, less any part thereof disbursed for expenses; and

(g) that the sole incorporator or director, if there is only one, or both incorporators or directors, if there are only two, or a majority of the incorporators or directors, if there are more than two, has or have elected that the corporation be dissolved.

14A:12-3 Dissolution without a meeting of shareholders.

A corporation may be dissolved by the consent of all its shareholders entitled to vote thereon. To effect such dissolution, all such shareholders shall sign and file in the office of the Secretary of State a certificate of dissolution which shall state

(a) the name of the corporation;

(b) the name of the registered agent of the corporation;

(c) the location of the registered office of the corporation;

(d) the names of its directors and officers;
(e) that the corporation is dissolved; and
(f) that the certificate has been signed in person or by proxy by all the shareholders of the corporation entitled to vote thereon.

14A:12-4 Dissolution pursuant to action of board and shareholders.

(1) A corporation may be dissolved by action of its board and its shareholders as provided in this section.

(2) The board shall recommend that the corporation be dissolved, and direct that the question of dissolution be submitted to a vote at a meeting of shareholders.

(3) Notice of the meeting shall be given to each shareholder of record entitled to vote at such meeting within the time and in the manner provided in this act for the giving of notice of meetings of shareholders.

(4) At such meeting, a vote of the shareholders shall be taken on the proposed dissolution. Such dissolution shall be approved upon receiving the affirmative vote of a majority of the votes cast by the holders of shares of the corporation entitled to vote thereon, and, in addition, if any class or series is entitled to vote thereon as a class, the affirmative vote of a majority of the votes cast in each class vote; except that, in the case of a corporation organized prior to the effective date of this act, the proposed dissolution shall be approved upon receiving the affirmative vote of two-thirds of the votes so cast. The voting requirements of this section shall be subject to such greater requirements as may be provided in the certificate of incorporation.

(5) Subject to the provisions of section 14A:5–12, a corporation organized prior to the effective date of this act may adopt the majority voting requirements prescribed in subsection 14A:12–4 (4) by an amendment of its certificate of incorporation adopted by the affirmative vote of two-thirds of the votes cast by the holders of shares entitled to vote thereon.

(6) If dissolution is approved as provided in this section, a certificate of dissolution shall be executed on behalf of the corporation and shall be filed in the office of the Secretary of State. The certificate shall set forth

(a) the name of the corporation;
(b) the name of the registered agent of the corporation;
(c) the location of the registered office of the corporation;

(d) the names of the corporation's directors and officers;

(e) the text of the board resolution authorizing the dissolution;

(f) the date and place of the meeting of shareholders called to vote upon the dissolution;

(g) the number of outstanding shares of the corporation entitled to vote on the dissolution, and, if the shares of any class or series are entitled to vote as a class, the designation and number of outstanding shares of each such class and series; and

(h) the number of shares represented at the meeting, the number of shares voted for and voted against the dissolution, and, if the shares of any class or series are entitled to vote as a class, the number of shares of each such class and series voted for and voted against the dissolution.

14A:12-5 Dissolution pursuant to provision in certificate of incorporation.

(1) The certificate of incorporation may provide that any shareholder, or any specified number of shareholders, or the holders of any specified number or proportion of shares, or of any specified number or proportion of shares of any class or series, may effect the dissolution of the corporation at will or upon the occurrence of a specified event. In such a case, dissolution of the corporation may be effected by the filing of a certificate of dissolution in the office of the Secretary of State, signed, as the certificate of incorporation may provide, by a single shareholder, or the specified number of shareholders, or the holders of any specified number or proportion of shares, or of any specified number or proportion of shares of any class or series. The certificate of dissolution shall state the name of the corporation, the location of its registered office and the name of its registered agent. It shall also state that the corporation is dissolved; that the dissolution is effected pursuant to a provision of the certificate of incorporation; and that the certificate is executed and filed by the person or persons authorized by the certificate of incorporation.

(2) An amendment of the certificate of incorporation which adds a provision authorized by this section, or which amends or deletes such a provision, shall be authorized at a meeting of shareholders by a vote of all outstanding shares, or by such lesser vote, but not less than the vote set forth in paragraph 14A:9–2(4) (c), as may be specifically provided for in the certificate of incorporation for such amendment.

(3) If the certificate of incorporation of any corporation contains a provision authorized by this section, the fact that such provision exists shall be noted conspicuously on the face or back of every certificate for shares issued by such corporation, and each holder of such certificates shall conclusively be deemed to have taken delivery with notice of such provision. A provision authorized by this subsection shall become invalid if, subsequent to the adoption of such provision, shares are transferred or issued to any person who takes delivery of the share certificate without notice thereof, unless such person consents in writing to such provision.

14A:12-6 Dissolution in action brought by the attorney general.

(1) The Attorney General may bring an action in the Superior Court for the dissolution of a corporation upon the ground that the corporation

(a) has procured its organization through fraud;

(b) has repeatedly exceeded the authority conferred upon it by law; or

(c) has repeatedly conducted its business in an unlawful manner.

(2) The Superior Court may proceed in such action in a summary manner or otherwise.

(3) The enumeration in subsection 14A:12–6(1) of grounds for dissolution shall not exclude any other statutory or common law action by the Attorney General for the dissolution of a corporation or the revocation or forfeiture of its corporate franchises.

14A:12-7 Dissolution of deadlocked corporations.

A corporation may be dissolved by a judgment entered in an action brought in the Superior Court by one or more directors or by one or more shareholders entitled to vote at an election of directors of the corporation, upon proof that

(a) the directors of the corporation, or its shareholders if a provision in the corporation's certificate of incorporation contemplated by subsection 14A:5–21(2) is in effect, are unable to agree on matters respecting the management of the corporation's affairs; or

(b) the shareholders of the corporation are so divided in voting power that, for a period which includes at least two consecutive annual meeting dates, they have failed to elect successors

to directors whose terms have expired or would have expired upon the election and qualification of their successors; and

(c) as a result of the facts contemplated by either or both paragraphs 14A:12–7(a) and 14A:12–7(b), the corporation is unable to function normally in the best interests of its creditors and shareholders.

14A:12-8 Effective time of dissolution.

A corporation is dissolved

(a) when the period of duration stated in the corporation's certificate of incorporation expires;

(b) upon the proclamation of the Governor issued pursuant to section 54:11–2 of the Revised Statutes; or

(c) when a certificate of dissolution is filed in the office of the Secretary of State pursuant to sections 14A:12–2, 14A:12–3, 14A:12–4 or 14A:12–5, except when a later time not to exceed 30 days after the date of filing is specified in the certificate of dissolution; or

(d) when a judgment of forfeiture of corporate franchises or of dissolution is entered by a court of competent jurisdiction.

14A:12-9 Effect of dissolution.

(1) Except as a court may otherwise direct, a dissolved corporation shall continue its corporate existence but shall carry on no business except for the purpose of winding up its affairs by

(a) collecting its assets;

(b) conveying for cash or upon deferred payments, with or without security, such of its assets as are not to be distributed in kind to its shareholders;

(c) paying, satisfying and discharging its debts and other liabilities; and

(d) doing all other acts required to liquidate its business and affairs.

(2) Subject to the provisions of subsection 14A:12–9(1), and except as otherwise provided by court order, the corporation, its officers, directors and shareholders shall continue to function in the same manner as if dissolution had not occurred. In particular, and without limiting the generality of the foregoing,

(a) the directors of the corporation shall not be deemed to be trustees of its assets and shall be held to no greater standard of conduct than that prescribed by section 14A:6–14;

(b) title to the corporation's assets shall remain in the corporation until transferred by it in the corporate name;

(c) the dissolution shall not change quorum or voting requirements for the board or shareholders, nor shall it alter provisions regarding election, appointment, resignation or removal of, or filling vacancies among, directors or officers, or provisions regarding amendment or repeal of by-laws or adoption of new by-laws;

(d) shares may be transferred;

(e) the corporation may sue and be sued in its corporate name and process may issue by and against the corporation in the same manner as if dissolution had not occurred;

(f) no action brought against any corporation prior to its dissolution shall abate by reason of such dissolution.

(3) The right of the corporation to sell its assets and the right of a shareholder to dissent from such sale shall be governed by Chapters 10 and 11 in the same manner as if dissolution had not occurred.

14A:12-10 Revocation of dissolution proceedings.

(1) Dissolution proceedings commenced pursuant to sections 14A:12–3, 14A:12–4 or 14A:12–5 may be revoked at any time within 60 days after the effective time of dissolution, as determined pursuant to section 14A:12–8, provided that no distribution of corporate assets has been made to the shareholders and no proceeding pursuant to section 14A:12–15 is pending, by filing in the office of the Secretary of State a certificate of revocation signed, in person or by proxy, by all of the shareholders, stating that revocation is effective pursuant to subsection 14A:12–10(1) and that all the shareholders of the corporation have signed the certificate, in person or by proxy.

(2) Dissolution proceedings commenced pursuant to sections 14A:12–3 or 14A:12–4 may also be revoked at any time within 60 days after the effective time of dissolution, as determined pursuant to section 14A:12–8, provided that no distribution of corporate assets has been made to the shareholders and no proceeding pursuant to section 14A:12–15 is pending, in the following manner:

(a) The board of directors shall call a meeting of shareholders to vote upon the question of revocation of the dissolution proceedings. In connection with such meeting, the shareholders shall be given the same notice, and the revocation shall be ap-

proved by the same vote, as that required by section 14A:12–4 for the approval of dissolution.

(b) A certificate of revocation, stating

(i) that dissolution is revoked pursuant to subsection 14A:12–10(2), and

(ii) the matters required by subsection 14A:12–4(5)

shall be executed on behalf of the corporation and shall be filed in the office of the Secretary of State.

14A:12-11 Effect of revocation of dissolution.

(1) Upon the filing of a certificate of revocation of dissolution proceedings as authorized by this act, the revocation of dissolution proceedings shall become effective, and the corporation may, subject to the provisions of subsection 14A:12–11(2), again carry on its business in the same manner as if dissolution proceedings had never been commenced. The corporation shall be liable for all taxes payable under the "Corporation Business Tax Act (1945)" (P. L. 1945, c. 162), as amended and supplemented, or under the "Financial Business Tax Law (1946)" (P. L. 1946, c. 174), as amended and supplemented, as though dissolution of the corporation had not occurred.

(2) If, pursuant to subsection 14A:2–2(3), a dissolved corporation has filed a written consent to the adoption of its name or a confusingly similar name by another, the subsequent revocation of dissolution proceedings pursuant to this section shall not restore the dissolved corporation's right to the use of its name.

14A:12-12 Notice to creditors; filing claims.

(1) At any time after a corporation has been dissolved, the corporation, or a receiver appointed for the corporation pursuant to this chapter, may give notice requiring all creditors to present their claims in writing. Such notice shall be published 3 times, once in each of 3 consecutive weeks, in a newspaper of general circulation in the county in which the registered office of the corporation is located and shall state that all persons who are creditors of the corporation shall present written proof of their claims to the corporation or the receiver, as the case may be, at a place and on or before a date named in the notice, which date shall not be less than 6 months after the date of the first publication.

(2) On or before the date of the first publication of the notice as provided in subsection 14A:12–12(1), the corporation, or the receiver, as the case may be, shall mail a copy of the notice to each

known creditor of the corporation. The giving of such notice shall not constitute recognition that any person to whom such notice is directed is a creditor of the corporation other than for the purpose of receipt of notice hereunder.

(3) As used in this section, "creditor" means all persons to whom the corporation is indebted, and all other persons who have claims or rights against the corporation, whether liquidated or unliquidated, matured or unmatured, direct or indirect, absolute or contingent, secured or unsecured.

(4) Proof of the publication and mailing required by this section shall be made by an affidavit filed in the office of the Secretary of State.

14A:12-13 Barring of claims of creditors.

(1) Except as otherwise provided in this section and elsewhere in this chapter, any creditor as defined in subsection 14A:12–12(3) who does not file his claim as provided in the notice given pursuant to section 14A:12–12, and all those claiming through or under him, shall be forever barred from suing on such claim or otherwise realizing upon or enforcing it.

(2) This section shall not apply to claims which are in litigation on the date of the first publication of the notice pursuant to section 14A:12–12.

14A:12-14 Disposition of rejected claims.

If the corporation, or the receiver of a corporation appointed pursuant to this chapter, rejects in whole or in part any claim filed by a creditor, as defined in subsection 14A:12–12(3), the corporation or the receiver, as the case may be, shall mail notice of such rejection to the creditor. If the creditor does not bring suit upon such claim within 60 days from the time such notice was mailed to him, the creditor and all those claiming through or under him shall, except as otherwise provided in this chapter, be forever barred from suing on such claim or otherwise realizing upon or enforcing it. Proof of the mailing required by this section shall be made by an affidavit filed in the office of the Secretary of State.

14A:12-15 Jurisdiction of the Superior Court.

(1) At any time after a corporation has been dissolved in any manner, a creditor, as defined in subsection 14A:12–12(3), or a shareholder of the corporation, or the corporation itself, may apply to the Superior Court for a judgment that the affairs of the

corporation and the liquidation of its assets continue under the supervision of the court. The court shall have power to proceed in a summary manner or otherwise upon such application, and shall make such orders and judgments as may be required, including, but not limited to, the continuance of the liquidation of the corporation's assets by its officers and directors under the supervision of the court, or the appointment of a receiver of the corporation, who shall be vested with all the powers provided in Chapter 14 to be exercised by receivers appointed to liquidate the affairs of a corporation.

(2) For good cause shown, and so long as the corporation has not made complete distribution of its assets, the Superior Court may, in an action pending under subsection 14A:12–15(1) or otherwise, permit a creditor who has not filed his claim within the time limited by section 14A:12–13, or who has not begun suit on a rejected claim within the time limited by section 14A:12–14, to file such claim, or to bring such suit, within such time as the court shall direct.

14A:12-16 Distribution to shareholders.

Any assets remaining after payment of or provision for claims against the corporation shall be distributed among the shareholders according to their respective rights and interests. Distribution may be made either or both cash and kind.

14A:12-17 Disposition of unclaimed distributive shares.

The distributive shares payable to any person who is unknown or cannot be found, or who is under a disability and for whom there is no legal representative, shall be paid into the Superior Court to be held for the benefit of the owners, subject to the order of the court.

14A:12-18 Judgment of dissolution; filing copy.

A copy of every judgment dissolving a corporation or forfeiting its charter shall be forthwith filed by the clerk of the court in the office of the Secretary of State, and a notation thereof shall be made by the Secretary of State on the charter or certificate of incorporation of the corporation affected.

CHAPTER 13

Foreign Corporations

Section

14A:13–1. Holding and Conveying Real Estate.
14A:13–2. Application of Act to Foreign Corporations.
14A:13–3. Admission of Foreign Corporation.
14A:13–4. Application for Certificate of Authority.
14A:13–5. Effect of Certificate of Authority.
14A:13–6. Amended Certificate of Authority.
14A:13–7. Change of Name by Foreign Corporation.
14A:13–8. Withdrawal of Foreign Corporation.
14A:13–9. Termination of Existence of Foreign Corporation.
14A:13–10. Revocation of Certificate of Authority; Issuance of Certificate of Revocation.
14A:13–11. Transacting Business Without Certificate of Authority.
14A:13–12. Injunction Against Foreign Corporation.
14A:13–13. Vesting of Title to Real Property Upon Merger or Consolidation of Foreign Corporations.

14A:13-1 Holding and conveying real estate.

A corporation organized under laws other than the laws of this State, whether or not constituting a foreign corporation as defined in this act, shall have the same powers with respect to real property located in this State, or any interest therein, as a domestic corporation.

14A:13-2 Application of act to foreign corporations.

(1) Foreign corporations which are duly authorized to transact business in this State on the effective date of this act, for a purpose or purposes for which a corporation might secure such authority under this act, shall be entitled to all the rights and privileges applicable to foreign corporations procuring certificates of authority to transact business in this State under this act, and from the time this act takes effect such corporations shall be subject to all the duties, restrictions, penalties and liabilities prescribed herein for foreign corporations procuring certificates of authority to transact business in this State under this act.

(2) A foreign corporation which receives a certificate of authority under this act shall, until a certificate of revocation or of withdrawal is issued as provided in this act, enjoy the same, but no greater, rights and privileges as a domestic corporation organized for the purposes set forth in the application pursuant to which such certificate of authority is issued; and, except as in this act otherwise provided, shall be subject to the same duties, restrictions, penalties and liabilities now or hereafter imposed upon a domestic corporation of like character.

(3) A foreign corporation which transacts business in this State without a certificate of authority under this act shall be subject to the same duties, restrictions, penalties and liabilities now or hereafter imposed upon a foreign corporation procuring such certificate of authority.

14A:13-3 Admission of foreign corporation.

(1) No foreign corporation shall have the right to transact business in this State until it shall have procured a certificate of authority so to do from the Secretary of State. A foreign corporation may be authorized to do in this State any business which may be done lawfully in this State by a domestic corporation, to the extent that it is authorized to do such business in the jurisdiction of its incorporation, but no other business.

(2) Without excluding other activities which may not constitute transacting business in this State, a foreign corporation shall not be considered to be transacting business in this State, for the purposes of this act, by reason of carrying on in this State any one or more of the following activities

(a) maintaining, defending or otherwise participating in any action or proceeding, whether judicial, administrative, arbitrative or otherwise, or effecting the settlement thereof or the settlement of claims or disputes;

(b) holding meetings of its directors or shareholders;

(c) maintaining bank accounts or borrowing money, with or without security, even if such borrowings are repeated and continuous transactions and even if such security has a situs in this State;

(d) maintaining offices or agencies for the transfer, exchange and registration of its securities, or appointing and maintaining trustees or depositaries with relation to its securities.

(3) The specification in subsection 14A:13–3(2) does not establish a standard for activities which may subject a foreign corporation to service of process or taxation in this State.

14A:13-4 Application for certificate of authority.

(1) To procure a certificate of authority to transact business in this State, a foreign corporation shall file in the office of the Secretary of State an application executed on behalf of the corporation setting forth

(a) the name of the corporation and the jurisdiction of its incorporation;

(b) the date of incorporation and the period of duration of the corporation;

(c) the address of the main business or headquarters office of the corporation;

(d) the address of the registered office of the corporation in this State, and the name of its registered agent in this State at such address, together with a statement that the registered agent is an agent of the corporation upon whom process against the corporation may be served; and

(e) the character of the business it is to transact in this State, together with a statement that it is authorized to transact such business in the jurisdiction of its incorporation.

(2) Attached to the application shall be a certificate setting forth that such corporation is in good standing under the laws of the jurisdiction of its incorporation, executed by the official of such jurisdiction who has custody of the records pertaining to corporations and dated not earlier than 30 days prior to the filing of the application. If such certificate is in a foreign language, a translation thereof under oath of the translator shall be attached thereto.

(3) Upon the filing of the application, the Secretary of State shall issue to the foreign corporation a certificate of authority to transact business in this State.

14A:13-5 Effect of certificate of authority.

Upon the issuance of a certificate of authority by the Secretary of State, the foreign corporation shall be authorized to transact in this State any business of the character set forth in its application. Such authority shall continue so long as it retains its authority to transact such business in the jurisdiction of its incorporation and its authority to transact business in this State has not been surrendered, suspended or revoked.

14A:13-6 Amended certificate of authority.

(1) A foreign corporation authorized to transact business in this State shall procure an amended certificate of authority in the event

it desires to change its corporate name, or to enlarge, limit or otherwise change the character of the business which it proposes to transact in this State, by making application therefor to the Secretary of State.

(2) The requirements in respect to the form and contents of such application, the manner of its execution, the filing thereof in the office of the Secretary of State, the issuance of an amended certificate of authority and the effect thereof, shall be the same as in the case of an original application for a certificate of authority.

14A:13-7 Change of name by foreign corporation.

Whenever a foreign corporation which is authorized to transact business in this State shall change its name to one under which a certificate of authority would not be granted to it on application therefor, the certificate of authority of such corporation shall be suspended and the corporation shall not thereafter transact any business in this State until it has changed its name to a name which is available to it under the laws of this State or has otherwise complied with the provisions of this act.

14A:13-8 Withdrawal of foreign corporation.

(1) A foreign corporation authorized to transact business in this State may withdraw from this State upon procuring from the Secretary of State a certificate of withdrawal. In order to procure such a certificate of withdrawal, such foreign corporation shall file in the office of the Secretary of State an application for withdrawal executed on behalf of the corporation setting forth

(a) the name of the corporation and the jurisdiction of its incorporation;

(b) that the corporation is not transacting business in this State;

(c) that the corporation surrenders its authority to transact business in this State; and

(d) a post-office address within or without this State to which the Secretary of State may mail a copy of any process against the corporation that may be served on him.

(2) Upon the filing of the application for withdrawal, the Secretary of State shall issue to the corporation a certificate of withdrawal, whereupon

(a) the authority of the corporation to transact business in this State shall cease;

(b) the authority of its registered agent in this State to accept service of any process against the corporation shall be deemed revoked;

(c) the corporation shall be deemed to have irrevocably consented that service of process in any action or proceeding based upon any liability or obligation incurred by it within this State before the issuance of the certificate of withdrawal may thereafter be made on such corporation by service thereof on the Secretary of State or the chief clerk in his office; and

(d) the Secretary of State shall be charged with such duties and shall be entitled to receive such fees with respect to any process which may be served hereunder on him or the chief clerk of his office, as are provided in N. J. S. sections 2A:15–26 to 2A:15–30.

(3) The post-office address specified in paragraph 14A:13–8(1)(d) may be changed from time to time by filing in the office of the Secretary of State a certificate executed on behalf of the corporation setting forth

(a) the name of the foreign corporation;

(b) the jurisdiction of its incorporation;

(c) the date of the issuance of its certificate of withdrawal by the Secretary of State; and

(d) the changed post-office address.

14A:13-9 Termination of existence of foreign corporation.

(1) When a foreign corporation authorized to transact business in this State is dissolved, or its authority or existence is otherwise terminated or cancelled in the jurisdiction of its incorporation, or it is merged into or consolidated with another corporation, there shall be filed in the office of the Secretary of State

(a) a certificate of the official of the jurisdiction of incorporation of such foreign corporation who has custody of the records pertaining to corporations, attesting to the occurrence of any such event; or

(b) a certified copy of an order or decree of a court of competent jurisdiction directing the dissolution of such foreign corporation, the termination of its existence, or the cancellation of its authority;

together with a statement executed on behalf of the corporation of the post-office address within or without this State to which the Secretary of State may mail a copy of any process against the corporation that may be served on him.

(2) Upon the filing of the certificate, order or decree and the statement of the post-office address, the Secretary of State shall issue a certificate of withdrawal with like effect as provided in subsection 14A:13–8(2).

(3) The post-office address specified in subsection 14A:13–9(1) may be changed from time to time in the same manner as is provided in subsection 14A:13–8(3).

14A:13-10 Revocation of certificate of authority; issuance of certificate of revocation.

(1) In addition to any other ground for revocation provided by law, the certificate of authority of a foreign corporation to transact business in this State may be revoked by the Secretary of State upon the conditions prescribed in this section when

(a) the certificate of authority of the corporation has been suspended for 90 days under this act; or

(b) the corporation has failed to apply for an amended certificate of authority within 90 days after it was required to do so under this act; or

(c) the corporation has failed to maintain a registered agent in this State as required by this act; or

(d) the corporation has failed, after change of its registered office or registered agent, to file in the office of the Secretary of State a statement of such change as required by this act; or

(e) the corporation has failed to file its annual report within the time required by this act.

(2) No certificate of authority of a foreign corporation shall be revoked by the Secretary of State unless

(a) he shall have given the corporation not less than 90 days' notice that such default exists and that its certificate of authority will be revoked unless such default is cured within 90 days after the mailing of such notice; and

(b) the corporation shall fail prior to revocation to cure such default.

Such notice shall be sent by certified mail to the corporation at its registered office in this State and at its main business or headquarters office as such offices are on record in the office of the Secretary of State.

(3) Upon revoking any such certificate of authority, the Secretary of State shall issue a certificate of revocation and shall mail a copy to such corporation at each of the addresses designated in subsection 14A:13–10(2).

(4) The issuance of the certificate of revocation shall have the same force and effect as the issuance of a certificate of withdrawal under subsection 14A:13–8(2).

14A:13-11 Transacting business without certificate of authority.

(1) No foreign corporation transacting business in this State without a certificate of authority shall maintain any action or proceeding in any court of this State, until such corporation shall have obtained a certificate of authority. This prohibition shall apply to

(a) any successor in interest of such foreign corporation, except any receiver, trustee in bankruptcy or other representative of creditors of such corporation; and

(b) any assignee of the foreign corporation, except an assignee for value who accepts an assignment without knowledge that the foreign corporation should have but has not obtained a certificate of authority in this State.

(2) The failure of a foreign corporation to obtain a certificate of authority to transact business in this State shall not impair the validity of any contract or act of such corporation, and shall not prevent such corporation from defending any action or proceeding in any court of this State.

(3) In addition to any other liabilities imposed by law, a foreign corporation which transacts business in this State without a certificate of authority shall forfeit to the State a penalty of not less than $200.00, nor more than $1,000.00 for each calendar year, not more than 5 years prior thereto, in which it shall have transacted business in this State without a certificate of authority. Such penalty shall be recovered with costs in an action prosecuted by the Attorney General. The court may proceed in such action in a summary manner or otherwise.

14A:13-12 Injunction against foreign corporation.

(1) The Attorney General may bring an action in the Superior Court in the name of the State to enjoin a foreign corporation from transacting business in this State

(a) without having first obtained a certificate of authority pursuant to this Chapter; or

(b) of a character not set forth in its application for a certificate of authority or for an amended certificate of authority; or

(c) after its authority to transact business in this State has been surrendered or revoked; or

(d) after it is dissolved or its authority or existence is otherwise terminated or cancelled in the jurisdiction of its incorporation.

(2) The Superior Court may proceed in such action in a summary manner or otherwise.

(3) The provisions of this section shall not exclude any other ground provided by law for injunctive relief against a foreign corporation to restrain it from the exercise of any franchise or the transaction of any business within this State.

14A:13-13 Vesting of title to real property upon merger or consolidation of foreign corporations.

(1) As used in this section, unless the context clearly requires otherwise:

(a) "Surviving foreign corporation" means a foreign corporation into which one or more other foreign corporations have merged.

(b) "New foreign corporation" means a foreign corporation formed by the consolidation of two or more other foreign corporations.

(c) "Certificate of merger" means the instrument, by whatever name it is called, filed or issued under any statute to merge one or more foreign corporations into another foreign corporation.

(d) "Certificate of consolidation" means the instrument, by whatever name it is called, filed or issued under any statute to consolidate two or more foreign corporations into a new foreign corporation.

(e) "Certified copy", when used with reference to a certificate of merger or a certificate of consolidation, means a copy of the certificate of merger or of the certificate of consolidation, as the case may be, which was filed in or issued by the jurisdiction of the surviving corporation, as the case may be, to make the merger or consolidation effective, certified by the official of such jurisdiction having custody of its records pertaining to corporations.

(2) Whenever a foreign corporation shall merge into or consolidate with another foreign corporation, and a certified copy of the certificate of merger or certificate of consolidation, as the case may be, is filed in the office of the secretary of state of New Jersey, any and all real property in New Jersey and any and all interests

therein, owned by each of the merging or consolidating foreign corporations, shall be deemed to have been vested in the surviving foreign corporation or the new foreign corporation, as the case may be, upon the effective date of the merger or consolidation, without further act or deed. Such merger or consolidation shall be valid and effectual to vest title to such real property and interests therein in the surviving foreign corporation or the new foreign corporation, as the case may be, as fully and completely as if regularly conveyed to it by deed.

(3) The provisions of this section shall apply to every merger and to every consolidation of foreign corporations which became effective before the effective date of this act, as well as to every merger and every consolidation of foreign corporations which shall become effective after the effective date of this act, whether the certified copy of the certificate of merger or of the certificate of consolidation, as the case may be, was filed in the office of the secretary of state of New Jersey before the effective date of this act or shall be so filed thereafter. In the case of mergers or consolidations of foreign corporations which became effective before the effective date of this act, the title of each surviving foreign corporation and of each new foreign corporation to all real property in New Jersey and to all interests in real property in New Jersey which at the time of the merger or consolidation was owned by each foreign corporation which was a party to the merger or consolidation is hereby confirmed and made valid and effectual, provided a certified copy of the certificate of consolidation, as the case may be, is filed in the office of the secretary of state of New Jersey.

CHAPTER 14

Insolvency, Receivers and Reorganization

Section

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14A:14-1 Definitions.

As used in this chapter, and unless the context requires otherwise

(a) "corporation" means a domestic corporation and a foreign corporation;

(b) "creditor" means the holder of any claim, of whatever character, against a corporation, whether secured or unsecured, matured or unmatured, liquidated or unliquidated, absolute or contingent;

(c) "debt" includes any legal liability, whether matured or unmatured, liquidated or unliquidated, absolute, fixed or contingent;

(d) "encumbrance" means a mortgage, security interest, lien or charge of any nature in or upon property;

(e) "fair consideration" is given for property or an obligation when, in exchange for such property or obligation, as a fair equivalent therefor, and in good faith, property is transferred or an intecedent debt is satisfied; or when such property or obligation is received in good faith to secure a present advance or antecedent debt in amount not disproportionately small as compared with the value of the property or obligation obtained;

(f) "insolvent": a corporation shall be deemed to be insolvent for the purposes of this chapter (1) when the aggregate of its property, exclusive of any property which it may have conveyed, transferred, concealed, removed or permitted to be concealed or removed, with intent to defraud, hinder or delay its creditors, shall not at a fair valuation be sufficient in amount to pay its debts; or (2) when the corporation is unable, by its available assets or the honest use of credit, to pay its debts as they become due;

(g) "property" means real property, tangible and intangible personal property, and rights, claims and franchises of every nature;

(h) "receiver" means a receiver of a corporation appointed pursuant to this chapter, and includes corporations authorized by law to act as receivers in this State, as well as individuals;

(i) "receivership action" means an action brought pursuant to this chapter for the appointment of a receiver of a corporation;

(j) "transfer" means the sale and every other method, direct or indirect, of disposing of or parting with property or with an interest therein, or with the possession thereof, or of fixing a lien upon property or upon an interest therein, absolutely or conditionally, voluntarily or involuntarily, by or without judicial proceedings, as a conveyance, sale, payment, pledge, mortgage, lien, encumbrance, gift, security, or otherwise; the retention of security title to property delivered to a corporation shall be deemed a transfer suffered by such corporation.

14A:14-2 Jurisdiction of the Superior Court; appointment of receiver.

(1) A receivership action may be brought in the Superior Court by

(a) a creditor whose claim is for a sum certain or for a sum which can by computation be made certain; or

(b) a shareholder or shareholders who individually or in com-

bination own at least ten per cent of the outstanding shares of any class of the corporation; or

(c) the corporation, pursuant to resolution of its board.

(2) The action shall be based upon at least one of the following grounds:

(a) the corporation is insolvent;

(b) the corporation has suspended its ordinary business for lack of funds;

(c) the business of the corporation is being conducted at a great loss and greatly prejudicial to the interests of its creditors or shareholders.

(3) The court may proceed in the action in a summary manner or otherwise. It shall have power to appoint and remove one or more receivers of the corporation from time to time, and to enjoin the corporation, its officers and agents, from exercising any of its privileges and franchises, and from collecting or receiving any debts, or paying out, selling, assigning or transferring any of its property, except to a receiver, and except as the court may otherwise order. The court shall have such further powers as shall be appropriate for the fullfillment of the purposes of this chapter.

(4) Every receiver shall, before assuming his duties, execute and file a bond in the office of the Clerk of the Superior Court, with such sureties and in such form as the court shall approve.

14A:14-3 Multiple receivers.

When more than one receiver of a corporation is appointed,

(a) the provisions of this chapter applicable to one receiver shall be applicable to all;

(b) the debts and property of the corporation may be collected and received by any of them; and

(c) the powers and rights conferred upon them may be exercised by a majority of them.

14A:14-4 Title to corporate property and franchises.

(1) Upon his appointment, the receiver shall become vested with the title to all the property of the corporation, of every nature, including its franchises.

(2) For the purpose of avoiding encumbrances, transfers and preferences, the right and title of a receiver shall relate back to the date upon which the receivership action commenced.

14A:14-5 Powers of receivers; general.

Subject to the general supervision of the Superior Court and pursuant to specific order where appropriate, a receiver shall have power to

(a) take into his possession all the property of the corporation, including its books, records and papers;

(b) institute and defend actions by or on behalf of the corporation;

(c) sell, assign, convey or otherwise dispose of all or any part of the property of the corporation;

(d) settle or compromise with any debtor or creditor of the corporation, including any taxing authority;

(e) summon and examine under oath, which he may administer, or by affirmation, any persons concerning any matter pertaining to the receivership or to the corporation, its property and its transactions, and require such person to produce books, records, papers and other tangible things and to be examined thereon;

(f) take testimony within or without the State, and, if without the State, apply to courts of other jurisdictions for compulsory process to obtain the attendance of witnesses;

(g) continue the business of the corporation, and, to that end, enter into contracts, borrow money, pledge, mortgage or otherwise encumber the property of the corporation as security for the repayment of the receiver's loans;

(h) do all further acts as shall best fulfill the purposes of this chapter.

14A:14-6 Powers of receiver; contempt of court.

If any person summoned to be examined pursuant to section 14A:14–5 shall refuse to be sworn, or to affirm, or to testify, or to answer a proper question, or to produce the books, papers, documents or tangible things demanded, or shall otherwise misconduct himself, the Superior Court may, on motion, and after affording such person the opportunity to be heard, punish such person in the same manner as like failure is punishable in a case pending in the court.

14A:14-7 Powers of receiver; sale of property free of encumbrances.

When property of a corporation for which a receiver has been appointed is, at the time of such appointment, subject to one or

more encumbrances, the Superior Court, upon the application of the receiver, may authorize the receiver to sell such property at public or at private sale, clear of encumbrances, for such price and upon such terms as the court may approve. No such sale shall be authorized or made except upon prior notice to the holders of the encumbrances affecting such property, and unless the receiver demonstrates to the satisfaction of the court that the sale of such property may be reasonably expected to benefit general creditors of the corporation without adversely affecting the interests of the holders of the encumbrances. The proceeds of such sale shall be paid into court, there to remain until the further order of the court, subject to the same encumbrances which affected the property at the time of the sale.

14A:14-8 Rights of debtors; setoff; counterclaim.

(1) In all cases of mutual debts or mutual credits between the corporation and a creditor, the account shall be stated and one debt shall be set off against the other, and the balance only shall be allowed or paid.

(2) A right of setoff or counterclaim shall not be allowed in favor of any debtor of the corporation if it was acquired by such debtor after the commencement of the receivership action, or within four months before such commencement, with a view to such use and with knowledge or notice that the corporation was insolvent.

14A:14-9 Payment or delivery to corporation.

(1) After the commencement of a receivership action, but before the appointment of a receiver, a debtor of the corporation may make payment to the corporation of his debt, and a person holding property of the corporation may deliver it to the corporation, and such payment and such delivery shall have the same effect as if the receivership action were not pending.

(2) If such payment or such delivery is made after the appointment of a receiver by a person acting in good faith and without knowledge of the appointment, such payment and such delivery shall have the same effect as if a receiver had not been appointed.

14A:14-10 Fraudulent transfers.

(1) Every transfer made and every obligation incurred by a corporation which is or will be thereby rendered insolvent, is fraudulent as to creditors without regard to its actual intent if

the transfer is made or the obligation is incurred without a fair consideration.

(2) Every transfer made without fair consideration when the corporation making it is engaged or is about to engage in a business or transaction for which the property remaining in its hands after the transfer is an unreasonably small capital, is fraudulent as to creditors and as to other persons who become creditors during the continuance of such business or transaction without regard to its actual intent.

(3) Every transfer made and every obligation incurred without fair consideration when the corporation making the transfer or entering into the obligation intends to or believes that it will incur debts beyond its ability to pay as they mature, is fraudulent as to both present and future creditors.

(4) Every transfer made and every obligation incurred by a corporation with actual intent, as distinguished from intent presumed in law, to hinder, delay, or defraud either present or future creditors of the corporation, is fraudulent as to both such present and future creditors.

(5) Every transfer made and every obligation incurred by a corporation which is or will thereby be rendered insolvent, within four months prior to the commencement of a receivership action by or against such corporation, is fraudulent as to the then existing and future creditors: (a) if made or incurred in contemplation of the commencement of such action or in contemplation of liquidation of all or the greater portion of the corporation's property, with intent to use the consideration obtained for such transfer or obligation to enable any creditor of the corporation to obtain a greater percentage of his debt than some other creditor of the same class, and (b) if the transferee or obligee of such transfer or obligation, at the time of such transfer or obligation, knew or believed that the corporation intended to make such use of such consideration.

(6) For the purposes of this section, a transfer shall be deemed to have been made at the time when it became so far perfected that no purchaser from the corporation could thereafter have acquired any rights in the property so transferred superior to the rights of the transferee therein, but, if such transfer is not so perfected prior to the commencement of the receivership action by or against such corporation, it shall be deemed to have been made immediately before the filing of such action.

14A:14-11 Fraudulent transfers: continued.

(1) A transfer made or an obligation incurred which is fraudulent under section 14A:14–10 against a creditor, is fraudulent against the receiver, except as to a purchaser for a fair consideration, without knowledge of the fraud at the time of the purchase.

(2) When a transfer made or an obligation incurred is fraudulent as to a creditor whose claim has matured, the receiver may, as against any person except a purchaser for a fair consideration, without knowledge of the fraud at the time of the purchase, or one who has derived title immediately, or immediately from such a purchaser,

(a) disregard the transfer and attach or levy execution upon the property conveyed or such obligation; or

(b) have the transfer set aside or the obligation annulled to the extent necessary to satisfy the creditor's claim.

(3) A purchaser who, without actual fraudulent intent, has given less than a fair consideration for the transfer or obligation, may retain the property or obligation as security for repayment.

(4) When a transfer made or an obligation incurred is fraudulent as to a creditor whose claim has not matured, the receiver may proceed in the Superior Court against any person against whom he could have proceeded if the claim were matured, and the Court may

(a) restrain the defendant from disposing of the property covered or affected by such conveyance or of such obligation;

(b) direct that the property or obligation be delivered to the custody of the receiver;

(c) if equitable, set aside the conveyance or annul the obligation to the extent necessary to satisfy the claim.

14A:14-12 Fraudulent transfers: continued.

Nothing contained in section 14A:14–10 or 14A:14–11 shall be construed to validate a transfer which is voidable under section 14A:14–13.

14A:14-13 Liens by legal process.

(1) Every lien against the property of a corporation shall be void if

(a) such lien is obtained by attachment, judgment, levy or other legal process; and

(b) a receivership action against the corporation is commenced within four months after the date on which such lien was obtained, or if such lien is obtained after the commencement of the receivership action; and

(c) the assets of the corporation are distributed in the receivership action.

(2) The property affected by any such lien shall be discharged from such lien and shall pass to the receiver, but the court may order such lien to be preserved for the benefit of the corporation's creditors. The Superior Court may direct such conveyance of the property affected as may be proper or adequate to evidence title thereto of the receiver. The title of a bona fide purchaser of such property shall be valid, but, if such title is acquired otherwise than by a judicial sale held to enforce such lien, it shall be valid only to the extent of the present consideration paid for such property.

14A:14-14 Preferences.

(1) For the purposes of this chapter, a preference arises when

(a) a corporation which, while insolvent, and within four months of the commencement of a receivership action by or against it, transfers any property to or for the benefit of a creditor for or on account of an antecedent debt; and

(b) the effect of such transfer will be to enable such creditor to obtain a greater percentage of his debt than some other creditor of the same class; and

(c) the creditor receiving or to be benefited by the transfer, or his agent acting with reference thereto, has, at the time when the transfer is made, reasonable cause to believe that the corporation is insolvent.

(2) For the purpose of determining whether a preference has arisen

(a) a transfer of property other than real property shall be deemed to have been made or suffered at a time when it became so far perfected that no subsequent lien obtainable by legal or equitable proceedings on a simple contract could become superior to the rights of the transferee;

(b) a transfer of real property shall be deemed to have been made or suffered when it became so far perfected that no subsequent bona fide purchase from the corporation could create rights in such property superior to the rights of the transferee.

(3) If any transfer of real property is not so perfected against a bona fide purchase, or if any transfer of other property is not so perfected against such liens by legal or equitable proceedings prior to the commencement of a receivership action, it shall be deemed to have been made immediately before the commencement of such action.

(4) When a preference has arisen, the receiver may recover the property or, if it has been converted, its value, from any person who has received or converted such property, except a bona fide purchaser from or lienor of the corporation's transferee for a present fair consideration. Where, however, such bona fide purchaser or lienor has given less than such value, he shall nevertheless have a lien upon such property, but only to the extent of the consideration actually given by him. When a preference is by way of lien or security title, the Superior Court may on due notice order such lien or title to be preserved for the benefit of the insolvent corporation's estate, in which event the lien or title shall pass to the receiver.

(5) If a creditor has been preferred and afterward in good faith gives the corporation further credit without security of any kind for property which becomes a part of the insolvent corporation's property, the amount of such new credit remaining unpaid at the time of the commencement of the receivership action may be set off against the amount which would otherwise be recoverable from such creditor.

14A:14-15 Notice to creditors.

(1) At any time after his appointment, the receiver may give notice requiring all creditors to present their claims in writing. Such notice shall be published twice, once in each of two consecutive weeks, in a newspaper of general circulation in the county in which the registered office of the corporation is located and shall state that all persons who are creditors of the corporation shall present written proof of their claims to the receiver at a place and on or before a date named in the notice, which date shall not be less than 6 months after the date of the first publication.

(2) On or before the date of the first publication of the notice as provided in subsection (1) of this section, the receiver shall mail a copy of the notice to each known creditor of the corporation. The giving of such notice shall not constitute recognition that any person to whom such notice is directed is a creditor of the corporation other than for the purpose of receipt of notice hereunder.

(3) Proof of the publication and mailing required by this section shall be made by an affidavit filed in the office of the Clerk of the Superior Court.

14A:14-16 Claims; presentation; approval or rejection.

Creditors shall, if required by the receiver, submit themselves to examination by him and produce before him such records and proof relating to their claims as the receiver may direct. The receiver may also examine under oath all witnesses produced before him relating to the claims, and he shall pass upon, and allow or disallow, such claims, and shall notify the creditors of his determination.

14A:14-17 Claims; jury trial.

A creditor who presents his claim to a receiver pursuant to this chapter and whose claim is disallowed in whole or in part by the receiver shall, on demand in writing, be entitled to trial by jury on any issue triable of right by jury.

14A:14-18 Review of receiver's actions.

Any person aggrieved by the proceedings or determination of the receiver in the discharge of his duties shall be entitled to a review of the receiver's action in a summary manner in the Superior Court.

14A:14-19 Discontinuance of receivership action.

A receivership action against a corporation may be discontinued at any time when it is established that cause for the action no longer exists. In such event, the court shall dismiss the proceedings and direct the receiver to redeliver to the corporation all its property remaining in his hands. Upon such redelivery, the corporation shall be revested with full rights in such property and in its franchises as if the receiver had not been appointed.

14A:14-20 Allowances to receiver and others; costs and expenses.

In any proceeding under this chapter, the court shall allow a reasonable compensation to the receiver for his services and his costs and expenses in the receivership action. It shall also allow reasonable compensation to the following for their services in the receivership action and their costs and expenses: the attorney for

the receiver, the appraiser, the auctioneer, the accountant and other persons appointed by the court in connection with the receivership action.

14A:14-21 Distribution of assets; priorities.

(1) After payment of all allowances, expenses and costs, and the satisfaction of all liens upon the funds of the corporation to the extent of their lawful priority, the creditors shall be paid proportionately to the amount of their respective debts, excepting mortgage and judgment creditors when the judgment has not been by confession for the purpose of preferring creditors. The creditors shall be entitled to distribution on debts not due, making in such case a rebate of interest, when interest is not accruing on the same.

(2) The surplus funds, if any, after payment of the creditors and the costs, expenses and allowances aforesaid, and the preferred stockholders, shall be divided and paid to the general stockholders proportionately, according to their respective shares.

(3) In any distribution to creditors under this section, all persons doing labor or service of any character, in the regular employment of the corporation, shall be entitled to priority of payment for the wages, not to exceed $600. for each claimant, due them respectively for all labor, work and services performed within three months before the institution of a receivership action under this chapter. A claim under this subsection 14A:14–21(3) shall have priority over all other claims against the corporation, but shall be subordinate to (1) a security interest in personal property perfected more than two months next preceding the date when the receivership action was instituted, (2) a security interest in personal property for money loaned or goods purchased within two months next preceding the date when the receivership action was instituted, (3) mortgages upon the real property of the corporation, and (4) all claims entitled to higher priority by law.

14A:14-22 Judgment of dissolution.

After distribution of the corporation's assets as provided in section 14A:14–21, the Superior Court may make a judgment dissolving the corporation and declaring its charter forfeited and void.

14A:14-23 Reorganization under act of Congress; "plan of reorganization" defined.

As used in sections 14A:14–24, 14A:14–25 and 14A:14–26, "plan of reorganization" means a plan of corporate reorganization which has been ordered or confirmed by a court or by a commission or other agency of the United States, in a proceeding brought under any act of Congress providing for the reorganization of corporations.

14A:14-24 Reorganization under act of Congress; implementation of plan of reorganization.

(1) A corporation shall have the power to do any act required or permitted by a plan of reorganization in order to put such plan in effect according to its terms.

(2) The power conferred by subsection (1) of this section shall be exercised by the trustee or trustees, or other person or persons acting in similar capacities, appointed in the reorganization proceeding resulting in the plan of reorganization, or, if none be then acting, by any other person or persons designated or appointed for such purpose in such organization proceeding, or, if no such other person or persons be then acting, by an officer or officers of the corporation.

(3) The exercise of the power to put in effect a plan of reorganization by those designated in subsection (2) of this section shall have the same effect as if done with the unanimous consent of the directors and the shareholders.

14A:14-25 Reorganization under act of Congress; rights of certain shareholders.

In any case where a plan of reorganization of a corporation provides for any action to be taken, which, if taken voluntarily on the vote of the shareholders of a corporation not in reorganization, would entitle dissenting shareholders to payment of the value of their shares, such action may be taken by such corporation in reorganization without payment to shareholders of the value of their shares.

14A:14-26 Reorganization under act of Congress; certificates.

When any plan of reorganization provides for any action to be taken which, if taken voluntarily on the vote of the shareholders of a corporation not in reorganization, would require the filing of

a certificate or other document in the office of the Secretary of State, such certificate or other document shall be executed on behalf of the corporation by the persons specified in subsection (2) of section 14A:14–24 and shall be filed in the office of the Secretary of State. Such certificate or other document shall recite that its making and filing are authorized pursuant to a plan of reorganization, and shall make reference to the proceeding in which the plan of reorganization was ordered or confirmed.

14A:14-27 Reorganization under act of Congress; powers and duties of State instrumentalities.

Nothing contained in sections 14A:14–24, 14A:14–25 or 14A:14–26 shall be construed to abrogate, limit or restrict the powers and duties over any corporation imposed or conferred by law on any State officer, board, commission or other agency.

CHAPTER 15

Fees of Secretary of State

Section

14A:15–1. License Fees Payable by Domestic Corporations.
14A:15–2. Filing Fees of the Secretary of State.
14A:15–3. Additional Miscellaneous Fees.

14A:15-1 License fees payable by domestic corporations.

(1) The Secretary of State shall charge and collect from each domestic corporation a license fee, based upon the number of shares which it will have authority to issue or the increase in the number of shares which it will have authority to issue, at the time of

(a) filing the original certificate of incorporation;

(b) filing a certificate of amendment of the certificate of incorporation increasing the number of authorized shares or a restated certificate of incorporation including any such amendment; and

(c) filing a certificate of merger or a certificate of consolidation increasing the number of authorized shares which the surviving or new domestic corporation will have authority to issue above the aggregate number of shares which the merging and consolidating domestic corporations had authority to issue.

(2) The license fee shall be at the rate of one cent per share up to and including the first 10,000 authorized shares and one-tenth cent per share for each authorized share in excess of 10,000 shares, whether the shares are of par value or without par value.

(3) The license fee payable on an increase in the number of authorized shares shall be imposed only on the increased number of shares, but the number of previously authorized shares shall not be taken into account in determining the rate applicable to the increased number of authorized shares. The Secretary of State shall determine the amount due on each such increase by reference to the last document on file in his office setting forth the number of previously authorized shares without allowing any credit for any intermediate reduction in the number of authorized shares since the filing of the original certificate of incorporation.

(4) In no case shall any license fee payment hereunder be less than $10.00 nor more than $1,000.00.

14A:15-2 Filing fees of the Secretary of State.

On filing any certificate or other papers relative to corporations in the office of the Secretary of State, there shall be paid to the Secretary of State for the use of the State, filing fees as follows, in addition to any applicable license fee and recording fee:

(1) Certificate of incorporation and amendments thereto:

(a) for filing the original certificate of incorporation	$25.00
(b) for filing a certificate of amendment of the certificate of incorporation, including any number of amendments	$20.00
(c) for filing a certificate of abandonment of one or more amendments of the certificate of incorporation	$10.00
(d) for filing a certificate of merger or a certificate of consolidation	$25.00
(e) for filing a certificate of abandonment of a merger or consolidation	$10.00

(2) Restated certificate of incorporation:

For filing a restated certificate of incorporation, including any amendments of the certificate of incorporation concurrently adopted	$25.00

(3) Dissolution of corporation:

(a) for filing a certificate of dissolution	$25.00

(b) for filing an affidavit of the publication and of the mailing of a notice to creditors $10.00

(c) for filing a certificate of revocation of dissolution proceedings $25.00

(4) Admission and withdrawal of foreign corporation:

(a) for filing an application for a certificate of authority to transact business in this State and issuing a certificate of authority $135.00

(b) for filing an application for an amended certificate of authority to transact business in this State and issuing an amended certificate of authority $25.00

(c) for filing an application for withdrawal from this State and issuing a certificate of withdrawal.. $25.00

(d) for filing a certificate of change of post office address to which process may be mailed by the Secretary of State $10.00

(e) for filing a certificate, order or decree with respect to the dissolution of a foreign corporation, the termination of its existence, or the cancellation of its authority, and issuing a certificate of withdrawal $25.00

(5) Registered office and registered agent:

(a) for filing a certificate of change of address of registered office, or change of registered agent $5.00
if both are changed $10.00

(b) for filing a certificate of change of address of registered agent within the same municipality or county, where such certificate effects a change in the address of the registered office of one or more corporations, for each corporation named in the certificate $5.00

(c) for filing an affidavit of resignation of a registered agent $5.00

(6) Annual report:

For each such report required to be filed $10.00

(7) Tax clearance certificate from the Director of the Division of Taxation:

For each such certificate required to be filed $5.00

14A:15-3 Additional miscellaneous fees.

The Secretary of State shall also charge and collect for:

(1) filing an application to reserve a corporate name and issuing a certificate of reservation	$10.00
(2) filing a notice of transfer of a reserved corporate name	$5.00
(3) filing an application by a foreign corporation to register its corporate name	$25.00
(4) filing an application by a foreign corporation to renew the registration of its corporate name	$25.00
(5) filing a statement of cancellation of shares	$20.00
(6) filing a statement of reduction of stated capital	$20.00
(7) filing a certificate as to the acquisition of the shares or a class of shares of a domestic corporation	$25.00
(8) issuing a certificate of standing, including registered agent and registered office	$5.00
(9) issuing a certificate of standing, same as above, but including incorporators, officers and directors, and authorized shares	$10.00
(10) issuing a certificate of standing, listing charter documents	$10.00
(11) issuing a certificate of availability of corporate name (1 to 3 names)	$5.00
(12) all other certificates issued or papers filed, but not otherwise provided for	$5.00
(13) recording all documents filed, except annual reports ..... per page	$1.00

CHAPTER 16

CONSTRUCTION; REPEALERS; EFFECTIVE DATE

Section

14A:16–1. Construction.
14A:16–2. Acts Saved from Repeal.
14A:16–3. Acts Repealed.
14A:16–4. Effective Date.

14A:16-1 Construction.

(1) The provisions of this act not inconsistent with those of prior laws shall be construed as a continuation of such laws.

(2) This act shall be deemed to be a part of the general and permanent statutes of this State. The abbreviation "N. J. S. 14A" shall constitute a reference to this act, and sections of this act may be cited by section number only, preceded by such abbreviation.

(3) No repeal contained herein shall affect any right now vested in any person pursuant to the provisions of any law so repealed, nor, except as otherwise provided herein, shall it affect any remedy in an action or proceeding heretofore instituted and pending on the effective date of this act. "Action or proceeding" as used in this section shall not be limited to judicial actions or proceedings.

(4) The repeal of Title 14 of the Revised Statutes, as amended and supplemented, shall not of itself be deemed to revive any common law right or remedy abolished by any provision of said Title.

(5) The classification and arrangement of the sections of this act have been made for purposes of convenience, reference and orderly arrangement, and no implication or presumption of a legislative construction shall be drawn therefrom.

(6) In the construction of this act, no outline or analysis of the contents hereof or of any chapter or other part hereof, no cross-reference or cross-reference note and no headnote or source note to any action shall be deemed to be a part hereof.

(7) If any chapter, section or provision of this act shall be declared to be unconstitutional, invalid or inoperative in whole or in part, by a court of competent jurisdiction, such chapter, section or provision shall, to the extent that it is not declared unconstitutional, invalid or inoperative, be enforced and effectuated, and no such determination shall be deemed to invalidate or make ineffectual the remaining provisions of this act.

(8) The provisions of chapter 1 of Title 1 of the Revised Statutes shall be applicable to this act.

(9) Any reference to a section or sections of Title 14 of the Revised Statutes, as amended and supplemented, in any other statute which became effective prior to the effective date of this act and which still remains in effect, shall be given effect on and after the effective date of this act, as though the reference therein

were made to the section or sections of this act which contain the statutory material formerly included in said section or sections of Title 14, as amended and supplemented. Where the statutory material formerly included in Title 14 as amended and supplemented, is not included in this act, references thereto in any other statute which so became effective and remains in effect, shall cease to be operative and shall be deemed to be superseded.

14A:16-2 Acts saved from repeal.

The following acts and parts of acts, and all amendments thereof, are saved from repeal:

R. S. 14:2–2
R. S. 14:3–7
R. S. 14:3–10
R. S. 14:7–5
R. S. 14:8–18
R. S. 14:8–22
R. S. 14:11–16
R. S. 14:13–13
P. L. 1950, c. 102 (C. 14:17–1)
P. L. 1959, c. 200 (C. 14:18–1 through C. 14:18–12)
P. L. 1962, c. 233 (C. 14:19–1 through C. 14:19–17)

14A:16-3 Acts repealed.

The following acts and parts of acts, and all other acts which are inconsistent with this act, except those specifically saved from repeal by this act, are hereby repealed:

Title 14 of the Revised Statutes
P. L. 1938, c. 178 (C. 14:15–7 through C. 14:15–9)
P. L. 1938, c. 180 (C. 14:15–10)
P. L. 1938, c. 303 (C. 14:13–15)
P. L. 1942, c. 124 (C. 14:3–14)
P. L. 1943, c. 175 (C. 14:8–3.1)
P. L. 1945, c. 131 (C. 14:3–15 through C. 14:3–17)
P. L. 1950, c. 220 (C. 14:3–13.1 through C. 14:3–13.4)
P. L. 1950, c. 282 (C. 14:4–4.1)
P. L. 1951, c. 254 (C. 14:13–7.1 through C. 14:13–7.3)
P. L. 1952, c. 33 (C. 14:12–10)
P. L. 1963, c. 161 (C. 14:4–7, C. 14:4–8)

P. L. 1964, c. 177 (C. 14:10–9.1)
P. L. 1967, c. 116 (C. 14:12A–1 through C. 14:12A–5)
P. L. 1968, c. 151 (C. 14:15–1.1)
P. L. 1968, c. 168 (C. 14:1–3.1)
P. L. 1968, c. 262 (C. 14:3–18)

14A:16-4 Effective date.
This act shall take effect on January 1, 1969.
Approved November 21, 1968.

CHAPTER 351

AN ACT to further amend the title of "An act imposing a tax on the sale, possession for sale, use, consumption or storage for use of cigarettes within the State; providing for the licensing of distributors, dealers and consumers; providing for the control of the transportation of cigarettes in and through the State; defining certain words for the purposes of the act; prescribing the methods of collecting the tax imposed; providing penalties for violations; and making certain violations misdemeanors," approved April 29 1948 (P. L. 1948, c. 65), as the title of said act was amended by chapter 214 of the laws of 1957, so that the same shall read "An act imposing a tax on the sale, possession for sale, use, consumption or storage for use of cigarettes within the State; providing for the licensing of manufacturers, manufacturers, representatives, distributors, dealers and consumers; providing for the control of the transportation of cigarettes in and through the State; establishing a tobacco industry advisory council; defining certain words for the purposes of the act; prescribing the methods of collecting the tax imposed; providing penalties for violations; and making certain violations misdemeanors," and to amend and supplement the body of said act and repealing section 7 of chapter 134 of the laws of 1950.

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

C. 54:40A-1 Title amended.

1. The title of chapter 65 of the laws of 1948, as said title was amended by chapter 214 of the laws of 1957, is amended to read as follows: An act imposing a tax on the sale, possession for sale, use, consumption or storage for use of cigarettes within the State, providing for the licensing of manufacturers, manufacturers' representatives, distributors, dealers and consumers; providing for the control of the transportation of cigarettes in and through the State; establishing a tobacco industry advisory council; defining certain words for the purposes of the act; prescribing the methods of collecting the tax imposed; providing penalties for violations; and making certain violations misdemeanors.

2. Section 102 of the act of which this act is amendatory is amended to read as follows:

C. 54:40A-2 Definitions.

102. Definitions.

For the purposes of this act and unless otherwise required by the context:

a. "Cigarette" means any roll for smoking made wholly or in part of tobacco, irrespective of size or shape and whether or not such tobacco is flavored, adulterated or mixed with any other ingredient, the wrapper or cover of which is made of paper or any other substance or material, excepting tobacco.

b. "Director" means the Director of the Division of Taxation, in the Department of the Treasury.

c. "Distributor" means and includes any person, wherever resident or located, who brings or causes to be brought into this State unstamped cigarettes purchased directly from the manufacturers thereof and stores, sells or otherwise disposes of the same after they shall reach this State.

d. "Wholesale dealer" shall include any person wherever resident or located, other than a distributor, as defined herein, who:

(1) Purchases cigarettes from any other person who purchases from the manufacturer and who acquires such cigarettes solely for the purpose of bona fide resale to retail dealers or to other persons for the purposes of resale only; or

(2) Services retail outlets by the maintenance of an established place of business for the purchase of cigarettes, including, but not limited to, the maintenance of warehousing facilities for the storage and distribution of cigarettes.

e. "Retail dealer" means any person who is engaged in this State in the business of selling cigarettes at retail. Any person placing a cigarette vending machine at, on or in any premises shall be deemed to be a retail dealer for each such vending machine.

f. "Consumer" means any person except a distributor or a manufacturer who acquires for consumption, storage or use in this State cigarettes to which New Jersey revenue stamps have not been attached.

g. "Place of business" means and includes any place where cigarettes are sold or where cigarettes are brought or kept for the purpose of sale or consumption, including so far as applicable any vessel, vehicle, airplane, train or cigarette vending machine.

h. "Licensed distributor" means any distributor, as defined in this act, licensed under the provisions of this act.

i. "Licensed wholesale dealer" means any wholesale dealer, as defined in this act, licensed under the provisions of this act.

j. "Licensed retail dealer" means any retail dealer, as defined in this act, licensed under the provisions of this act.

k. "Licensed consumer" means any consumer, as defined in this act, licensed under the provisions of this act.

l. "Person" means any individual, firm, corporation, copartnership, joint adventure, association, receiver, trustee, guardian, executor, administrator, or any other person acting in a fiduciary capacity, or any estate, trust or group or combination acting as a unit, the State Government and any political subdivision thereof, and the plural as well as the singular, and the feminine and neuter as well as the masculine, unless the intention to give a more limited meaning is disclosed by the context.

m. "Rules and regulations" mean those made and promulgated by the director in the administration of this act.

n. "Sale" means any sale, transfer, exchange, theft, barter, gift, or offer for sale and distribution, in any manner or by any means whatsoever.

o. "Stamp" means any impression, device, stamp, label or print manufactured, printed or made as prescribed by the director.

p. "Taxpayer" means any person subject to a tax imposed by this act, or any person required to be licensed under this act.

q. "Treasurer" means the State Treasurer.

r. "Use" means the exercise of any right or power incidental to the ownership of cigarettes.

s. "Manufacturer" means and includes any person, wherever resident or located, who manufactures or produces, or causes to be manufactured or produced, cigarettes and sells, uses, stores or distributes the same regardless of whether they are intended for sale, use or distribution within or without this State.

t. "Manufacturer's representative" means and includes any person, employed by a manufacturer, who, for promotional purposes, sells, stores, handles or distributes cigarettes, within this State, limited exclusively to cigarettes manufactured by the employing manufacturer.

u. "Licensed manufacturer" means any manufacturer, as defined in this act, licensed under the provisions of this act.

v. "Licensed manufacturer's representative" means any manufacturer's representative, as defined in this act, licensed under the provisions of this act.

3. Section 202 of the act of which this act is amendatory is amended to read as follows:

C. 54:40A-4 Issuance of license; fee.

202. Issuance of license; fee.

All licenses shall be issued by the director, who shall make rules and regulations respecting applications therefor and issuance thereof. The director may refrain from the issuance of any license under this act where he has reasonable cause to believe that the applicant has willfully withheld information requested of him for the purpose of determining the eligibility of the applicant to receive a license, or where he has reasonable cause to believe that information submitted in the application is false and misleading and is not made in good faith. Each such license shall lapse on March 31 of the period for which it is issued, and each such license shall be continued annually upon the conditions that the licensee shall have paid the required fee and complied with all the provisions of this act and the rules and regulations of the director made pursuant thereto.

For each license issued to a distributor there shall be paid to the director a fee of $350.00. If a distributor sells or intends to sell cigarettes at 2 or more places of business, whether established or temporary, a separate license shall be required for each place of business. Each license, or certificate thereof, and such other evidence of license shall be exhibited in the place of business for which it is issued and in such manner as may be prescribed by the director. The director shall require each licensed distributor to file with

him a bond in an amount not less than $1,000.00 to guarantee the proper performance of his duties and the discharge of his liabilities under this act. The bond shall be executed by such licensed distributor as principal, and by a corporation approved by the director and duly authorized to engage in business as a surety company in the State of New Jersey, as surety. The bond shall run concurrently with the distributor's license.

For each license issued to a manufacturer, and for each continuance thereof, there shall be paid to the director a fee of $10.00.

For each license issued to a manufacturer's representative, and for each continuance thereof, there shall be paid to the director a fee of $5.00.

For each license issued to a wholesale dealer there shall be paid to the director a fee of $200.00. If a wholesale dealer sells or intends to sell cigarettes at 2 or more places of business, whether established or temporary, a separate license shall be required for each place of business. Each license, or certificate thereof, and such other evidence of license shall be exhibited in the place of business for which it is issued and in such manner as may be prescribed by the director.

For each license issued to a retail dealer and for each continuance thereof, excepting a retail dealer operating a cigarette vending machine, there shall be paid to the director a fee of $5.00. For each license issued to a retail dealer operating a vending machine for the sale of cigarettes and for each continuance thereof, there shall be paid to the director a fee of $1.00. If a retail dealer sells or intends to sell cigarettes at 2 or more places of business, whether established or temporary, or whether in the same building or not, a separate license shall be required for each place of business. Each vending machine for the sale of cigarettes shall be separately licensed and be deemed a separate place of business. Each license, or certificate thereof, and such other evidence of license shall be exhibited in the place of business for which it is issued and in such manner as may be prescribed by the director.

Any person licensed only as a distributor or as a manufacturer or as a manufacturer's representative or as a wholesale dealer or as a retail dealer shall not operate in any other capacity except under that for which he is licensed herein, unless the appropriate license or licenses therefor are first secured.

For each license issued to a consumer and for each continuance thereof there shall be paid to the director a fee of $1.00. Each license, or certificate thereof, or such other evidence of license as

may be prescribed by the director, shall be so kept by the consumer as to be readily available for inspection.

No license shall be issued to any person except upon the payment of the full fee therefor, any statute or exemption to the contrary notwithstanding. No license shall be assignable or transferable, except as hereinafter provided, but in the case of death, bankruptcy, receivership, or incompetency of the licensee, or if for any other reason whatsoever the business of the licensee shall devolve upon another by operation of law, the director may, in his discretion, extend said license for a limited time to the executor, administrator, trustee, receiver, or person upon whom the same has devolved. A purchaser or assignee of a licensed wholesaler or licensed distributor, or any other person upon whom the business of a licensed wholesaler or licensed distributor shall devolve by operation of law, shall upon application to the director, be entitled to an assignment or transfer of the wholesale or distributor license for the balance of the existing license period upon payment of a transfer fee of $5.00 and subject to his qualification to be a licensed wholesaler or licensed distributor under the provisions of this act. The license issued for each vending machine for the sale of cigarettes may be transferred from machine to machine in the same ownership. No refund of the license fee shall be paid to any person upon the surrender or revocation of any license except a license fee paid or collected in error. But, upon payment of a $0.50 fee, there may be obtained (1) a duplicate license, or certificate thereof, in the event the original is lost, destroyed or defaced, and (2) an amended license, or certificate thereof, upon a change in the location of the place of business of any distributor or dealer.

4. Section 205 of the act of which this act is amendatory is amended to read as follows:

C. 54:40A-7 Reports; failure to file; penalty.

205. Reports required; penalty required for not filing reports.

Every licensed distributor shall file with the director on or before the twentieth day of each month, a report in such form as the director shall prescribe, which report shall disclose the number of cigarettes on hand on the first and last days of the calendar month immediately preceding the month in which such report is required; together with such information concerning the amount of stamps purchased, used, and on hand during the report period; together with any other information for the report period that the director shall prescribe.

Every licensed manufacturer shall file with the director on or before the twentieth day of each month, a report in such form as the director shall prescribe, which report shall disclose the number of cigarettes sold, subject to the cigarette tax, for the calendar month immediately preceding the month in which such report is required; together with any other information for the report period that the director shall prescribe.

Every licensed manufacturer's representative, wholesale and retail dealer, upon notice from the director, shall file with the director a report in such form, and on such dates, as the director shall prescribe.

Every licensed consumer who has acquired cigarettes for use, storage or consumption subject to the tax shall, on or before the twentieth day of the month following receipt of such cigarettes, complete and file with the director, in such form as the director shall prescribe, a report showing the amount of cigarettes so received. Said report shall be accompanied by a remittance for the full amount of the tax due.

Any person, other than a licensed distributor, who transports unstamped cigarettes upon the public highways, roads, or streets of this State or who stores unstamped cigarettes in this State upon notice from the director, shall file with the director a report in such form, and on such dates, as the director shall prescribe.

Any person who shall fail to file any report on the day when it shall be due, shall forfeit as a penalty, for each day thereafter until the report is filed, the sum of $1.00 to be collected in the manner provided in this act for the collection of penalties. The director, if satisfied that the failure to comply with any provision of this section was excusable, may remit the whole or any part of said penalty.

5. Section 504 of the act of which this act is amendatory is amended to read as follows:

C. 54:40A-23 Maintenance of records by taxpayer; inventories.

504. Records to be kept by taxpayer; inventories.

Every taxpayer shall keep complete and accurate records of all sales. The kind and form of such records may be prescribed by the director and all records shall be so kept as to be adequate to enable him to determine the tax liability. The director or any authorized assistant may, during reasonable business hours and without prior notice, make or cause to be made physical inventories and examinations of all cigarettes stamped or unstamped and rec-

cords in the possession of any taxpayer. All such records shall be safely preserved for a period of 3 years in such a manner to insure their security and accessibility for inspection by the director, supervisor or any authorized assistant engaged in the administration of this act. The director may consent to the destruction of any such records at any time within said period.

6. Section 604 of the act of which this act is amendatory is amended to read as follows:

C. 54:40A-27 Interference with administration of act; penalty.

604. Interfering with administration of the act.

Any person who prevents or hinders the director or any designated assistant from making a cigarette inventory, examination and full inspection of any place where cigarettes are sold or stored, or prevents or hinders the inspection of invoices, books, records, or papers required to be kept, shall be liable to a penalty of not more than $250.00 for each individual offense.

7. Section 606 of the act of which this act is amendatory is amended to read as follows:

C. 54:40A-29 Forging or counterfeiting revenue stamps; possession of falsely stamped cigarettes; penalties.

606. Forging or counterfeiting revenue stamps.

a. Any person who falsely or fraudulently makes, forges, alters, or counterfeits, or causes or procures to be falsely or fraudulently made, forged, altered, or counterfeited, any stamps prepared or prescribed by the director under the authority of this act, or who knowingly and willfully utters, publishes, passes, or tenders as true, any such false, altered, forged or counterfeited stamp, or uses any stamp provided for and required by this act, which has already once been used, for the purpose of evading the tax hereby imposed, shall be guilty of a high misdemeanor, and upon conviction thereof, shall be fined not more than $2,000.00, or imprisoned, with or without hard labor, as the court may direct, for a term of not more than 7 years, or both.

b. Any person who secures, manufactures, or causes to be secured or manufactured, or has in his possession any stamp or any counterfeit impression device not prescribed or authorized by the director under the authority of this act, shall be guilty of a high misdemeanor and subject to the penalties above prescribed and such fact shall be prima facie evidence that such person has counterfeited stamps.

c. Any person who has in his possession packages of cigarettes in a quantity equal to or greater than 2,000 cigarettes to which are affixed counterfeit stamps or impressions shall be guilty of a misdemeanor.

Possession of such packages or cigarettes shall be deemed sufficient evidence to authorize conviction, unless the accused shall show to the satisfaction of the court (1) that when he bought the cigarettes he knew or made inquiries sufficient to satisfy a reasonable man, that the seller was in a regular and established business for dealing in cigarettes and was so licensed and (2) that the amount paid by him for the cigarettes represented its fair and reasonable value and that he received an invoice for the same.

d. Any person who has in his possession packages of cigarettes, in an amount less than 2,000 cigarettes, to which are affixed counterfeit stamps or impressions, is a disorderly person.

Possession of such packages of cigarettes shall be deemed sufficient evidence to authorize conviction, unless the accused shall show to the satisfaction of the court (1) that when he bought the cigarettes he knew or made inquiries sufficient to satisfy a reasonable man, that the seller was in a regular and established business for dealing in cigarettes and was so licensed and (2) that the amount paid by him for the cigarettes represented its fair and reasonable value and that he received an invoice for the same.

8. Section 609 of the act of which this act is amendatory is amended to read as follows:

C. 54:40A-32 Records; possession and transportation of unstamped cigarettes; seizure and confiscation of vessel or vehicle; penalty.

609. Records; possession and transportation of unstamped cigarettes; seizure and confiscation of vessel or vehicle.

Every person who shall transport cigarettes not stamped as required by this act upon the public highways, waterways, roads or streets of this State shall have in his actual possession invoices or delivery tickets for such cigarettes which shall show the true name and complete and exact address of the consignor or seller, the true name and complete and exact address of the consignee or purchaser, the quantity and brands of the cigarettes transported and in addition shall show separately the true name and complete and exact address of the person who has or shall assume the payment of the New Jersey State tax or the tax, if any, of the State or foreign country at the point of ultimate destination, provided that any common carrier which has issued a bill of lading for a

shipment of cigarettes and is without notice to itself or to any of its agents or employees that said cigarettes are not stamped as required by this act shall be deemed to have complied with this act and the vehicle or vessel in which said cigarettes are being transported shall not be subject to confiscation hereunder. In the absence of such invoices, delivery tickets or bills of lading, as the case may be, the cigarettes so transported, the vehicle, or vessel in which the cigarettes are being transported and any paraphernalia or devices used in connection with the unstamped cigarettes, are declared to be contraband goods and may be seized by the director, his agents or employees or by any peace officer of the State when directed by the director, his agents or employees so to do, without a warrant. The director shall immediately thereafter institute a proceeding for the confiscation thereof in the County Court, county district court or the municipal court within the jurisdiction of which the seizure is made. The owner or any person having a security interest in any such vehicle may secure release of the same by depositing with the clerk of the court, in which such proceeding is pending, a bond with good and sufficient sureties in an amount to be fixed by the court, conditioned upon the return of said vehicle to the director upon demand after completion of said proceeding. The court may proceed in a summary manner and may direct confiscation to the director; provided, however, anything to the contrary notwithstanding that the owner or any person claiming to be the holder of a mortgage, conditional sales contract or other security interest in any vehicle or vessel, the disposition of which is provided for above, may present his petition so alleging and be heard, and in the event it appears to the court that the property was unlawfully used by a person other than the owner or such claimant, and if such owner or claimant acquired ownership or his security interest in good faith and without knowledge that the vehicle or vessel was going to be so used, the court shall either waive forfeiture in favor of such owner or claimant and order the vehicle or vessel returned or delivered to such owner or claimant, or if it is found that the value thereof exceeds the amount of the claim, the court shall order payment of the amount of the claim out of the proceeds of the sale. Every transporter who violates the provisions of this act is a disorderly person.

C. 54:40A-32.1 Seizure or sealing of vending machines; removal of seal; penalty.

9. Sealing, confiscation of vending machines; penalty.

Any cigarette vending machine not bearing a proper license or identification, or which is found to contain unstamped packages

of cigarettes, or cigarettes bearing counterfeit impressions, may be seized or sealed by the director, his agents or employees or by any peace officer of this State, when directed by the director so to do. If the owner or his agent destroys or removes said seal, he may, upon conviction, be subject to a penalty of not more than $250.00. Any vending machine containing unstamped or counterfeit stamped cigarettes may be declared forfeited to the director.

C. 54:40A-24.1 Sale or exchange of certain cigarettes; penalty.

10. Any manufacturer's representative, as defined in this act, who sells or exchanges cigarettes other than those of his employer's manufacture shall be liable to a penalty of not more than $250.00 for each separate offense.

C. 54:40A-9.1 Levying of tax; limitations.

11. No tax imposed by this act shall be levied upon cigarettes in possession of licensed manufacturers prior to delivery to duly licensed distributors or on the sale of cigarettes made by licensed manufacturers to duly licensed distributors.

C. 54:40A-45 Tobacco Industry Advisory Council; establishment, membership, terms, qualifications, compensation, chairman, reports.

12. To advise and consult with the director and the supervisor in the administration and enforcement of the Cigarette Tax Act and the Unfair Cigarette Sales Act of 1952, there is established in the Cigarette Tax Bureau a tobacco industry advisory council to consist of 7 citizens to be appointed by the Governor for terms of 3 years and until the appointment of their successors.

The members of the council shall be holders of, or officers of corporations holding, cigarette distributor, wholesale dealer or retail licenses issued by the State; or representatives of such licensees. The members of the council shall serve without compensation. The council shall organize annually by selection of a chairman from among its members.

The council shall report to the Governor and to the director and supervisor at such times as it shall deem appropriate concerning the administration and enforcement of the Cigarette Tax Act and the Unfair Cigarette Sales Act.

C. 54:40A-10.1 Repealed.

13. Section 7 of chapter 134 of the laws of 1950 is repealed.

14. This act shall take effect immediately.

Passed November 18, 1968.

CHAPTER 352

AN ACT concerning the use of toll roads and other toll facilities by members of the New Jersey National Guard, and supplementing chapter 4 of Title 38A of the New Jersey Statutes.

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

C. 38A:4-13 Use of toll roads, bridges and ferries without charge.

1. Any member of the New Jersey National Guard while going to, or returning from, any parade, encampment, drill, or meeting which he may be required to attend under the laws and regulations for said National Guard, shall, together with his conveyance and the military property of the State or of the United States, or both, in his charge, be allowed to pass free of charge through all toll gates and over all toll roads, bridges and ferries within this State, if he is in uniform or if he presents an order for duty or a certificate from his commanding officer that he is a member of the National Guard.

2. This act shall take effect immediately.

Passed November 25, 1968.

CHAPTER 353

AN ACT to amend "An act concerning the 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).

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 (C. 17:35A–2) is amended to read as follows:

C. 17:35A-2 Qualification of insurer to issue or deliver contracts.

2. No life insurance corporation heretofore or hereafter incorporated pursuant to the provisions of any general or special law

of this State shall undertake the issuance of any "contract on a variable basis," and no insurance company formed by authority of another State or foreign country and heretofore or hereafter admitted to transact in this State any class or classes of insurance authorized by chapters 17 to 33 of Title 17 (§ 17:17–1 et seq.) shall undertake the issuance or delivery of any "contract on a variable basis" within this State, until said company has satisfied the commissioner that it has been engaged in transacting the business of life insurance for a period of at least 2 years and that its condition or methods of operation in connection with the issuance of such "contracts on a variable basis" will not be such as would render its operation hazardous to the public or its policyholders in this State. In determining the qualification of a company requesting authority to issue or deliver "contracts on a variable basis" within this State, the commissioner will consider, among other things, (a) the history of the company; (b) the character, responsibility and general fitness of the officers and directors of the company; and (c) the regulation of a foreign company by its State of domicile. If the company is a subsidiary of a life insurance company admitted to transact business in this State, or affiliated with such company by common management or ownership, it may be deemed by the commissioner to have satisfied the aforementioned provisions if either it or such life insurance company admitted to transact business in this State satisfies said provisions.

2. This act shall take effect immediately.

Approved November 26, 1968.

CHAPTER 354

AN ACT to supplement the "Public Employees' Retirement-Social Security Integration Act," approved June 28, 1954 (P. L. 1954, c. 84) as such affects the pension and other employee benefits of national guard technicians.

WHEREAS, Pursuant to the National Guard Technicians Act of 1968, as of January 1, 1969 all new employees who are national guard technicians shall be eligible to enroll in the Federal Civil Service Retirement System and in other employee benefit programs available to all other Federal employees. Such persons shall be

ineligible for participation in the Public Employees' Retirement System of New Jersey or in any other employee benefit program supported wholly or in part by the State of New Jersey, including the Public and School Employees Health Benefits program. On the basis of their eligibility for participation in the Federal Civil Service Retirement System, such persons shall likewise be barred from coverage under Social Security pursuant to the Agreement between the State of New Jersey and the Secretary of Health, Education, and Welfare.

WHEREAS, The National Guard Technicians Act of 1968 permits all national guard technicians who are presently members of State retirement systems to continue their participation in such State retirement systems on the basis of the State's consent; now, therefore,

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

C. 43:15A-131 Continuance of participation in State retirement system optional for certain members.

1. Within 90 days following the effective date of this legislation, but not later than January 1, 1969, each present member of the Public Employees' Retirement System who is a national guard technician may elect to continue his participation in the State retirement system by filing a proper form expressing his final and irrevocable intention to continue as a member or he may elect to terminate his participation in the Public Employees' Retirement System of New Jersey by filing (a) a proper form waiving all of his rights and privileges in this system and (b) the required application for a withdrawal of his moneys credited to his account.

C. 43:15A-132 Effects of continuance of membership in State retirement system.

2. In the case of those persons who elect to continue as members of the State retirement system and thereby waive their rights for participation in the Federal Civil Service Retirement System, they shall continue to be covered under Social Security pursuant to the State's agreement with the Federal Government, but they shall continue to be ineligible for participation in the Public and School Employees Health Benefits program. Since membership in the Public Employees' Retirement System of New Jersey permits eligibility of all members for noncontributory and/or contributory death benefits, such persons who elect to remain as members of the State retirement system shall be barred from participating in any comparable program provided by the Federal Government.

C. 43:15A-133 Effects of termination of membership in State retirement system and enrollment in Federal retirement system.

3. In the case of those persons who elect to terminate their membership in the Public Employees' Retirement System of New Jersey and to enroll in the Federal Civil Service Retirement System, as of January 1, 1969 they shall be no longer covered under Social Security pursuant to the State's agreement with the Federal Government. They shall continue to be ineligible for participation in the Public and School Employees Health Benefits program and they shall likewise be ineligible to convert any or all of the non-contributory and/or contributory group life insurance which coverage they may now have as members of the Public Employees' Retirement System of New Jersey. The withdrawal of their funds from the State retirement system and the establishment of service credits in the Federal Civil Service Retirement System shall follow the provisions of the National Guard Technicians Act of 1968 and likewise, pursuant to such act, they shall be eligible for all other employee benefits as provided to all other Federal employees.

4. This act shall take effect immediately.

Approved November 26, 1968.

CHAPTER 355

AN ACT concerning convalescent homes, private nursing homes and private hospitals, amending chapter 148 of the laws of 1964 and sections 30:11–3, 30:11–4 of the Revised Statutes.

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

1. Section 8 of chapter 148 of the laws of 1964 is amended to read as follows:

C. 30:11-1.7 Rules, regulations and standards; assessment and collection of penalties.

8. The State Board of Control of the Department of Institutions and Agencies, with the advice of the hospital licensing board, shall adopt, amend, promulgate and enforce such rules, regulations, and minimum standards of nursing and hospital care with respect to the different types of hospitals, convalescent homes and nursing

homes to be licensed hereunder as may be reasonably necessary to accomplish the purposes of this chapter and to assure that patients resident in the institutions described herein shall receive medical and nursing care consistent with accepted practices and procedures for administering such medical and nursing care in physical surroundings and under circumstances conducive to the recovery and convalescence of all patients in such institutions. The State Board of Control of the Department of Institutions and Agencies with the advice of the hospital licensing board may assess penalties and collect the same within the limitations imposed by this chapter. Such rules, regulations and minimum standards may include, but shall not be limited to, the regulation of medical and nursing care, extent of furnishing same, sanitation, dietetics, except where the diet has been prescribed by a licensed physician, heat, light, air, fire prevention and control, space allocation for patient care, housing and recreation facilities and related matters dealing with patient care and comfort and when adopted shall be binding upon all licensees and applicants for license under this chapter.

2. Section 30:11–3 of the Revised Statutes is amended to read as follows:

Denial, revocation or suspension of licenses; assessment and collection of penalties; probationary or provisional licenses; notice; hearings.

30:11–3. The State Board of Control, after serving the licensee with specific charges in writing at least 30 days in advance of the hearing, and after hearing, may assess penalties and collect the same within the limitations imposed by this chapter, deny, place on probationary or provisional license, revoke or suspend any and all licenses granted under authority of this chapter to any person, firm, partnership, corporation or association violating the provisions of this chapter, or the rules and regulations promulgated hereunder.

Prior to the assessment of penalties or the revocation, suspension or denial or placing on probationary or provisional license of any license hereunder, the department shall afford the licensee an opportunity for a prompt and fair hearing before the department on the question of the issuance, suspension or the placing on a probationary or provisional license, or revocation of the license. The procedure governing such hearings shall be in accordance with the rules and regulations of the department adopted by and with the consent of the hospital licensing board. Either party may be

represented by counsel of his own choosing, subpœna witnesses and compel their attendance on forms furnished by the department.

Notice of the assessment of penalties, revocation, suspension, the placing on probationary or provisional license or denial of a license together with a specification of charges shall be sent to the applicant or licensee by registered mail and the notice shall set forth the particular reasons for the denial, suspension, the placing on probationary or provisional license or revocation of the license. Such denial, suspension, the placing on probationary or provisional license, or revocation shall become effective 30 days afer mailing, unless the applicant or licensee, within such 30-day period shall meet the requirements of the department or shall give written notice to the department of its desire for a hearing, in which case the denial, suspension, the placing on probationary or provisional license, or revocation shall be held in abeyance until the hearing has been concluded and a final decision rendered; provided, however, that such applicant or licensee may appeal from such denial, suspension, placing on probationary or provisional license, or revocation, to any court having jurisdiction of such matter.

The Commissioner of the Department of Institutions and Agencies shall arrange for prompt and fair hearings on all such cases, render written decisions stating conclusions and reasons therefor upon each matter so heard, and is empowered to enter orders of denial, suspension, placing on probationary or provisional license or revocation consistent with the circumstances in each case, and may assess penalties and collect the same within the limitations imposed by this chapter.

3. Section 30:11–4 of the Revised Statutes is amended to read as follows:

Violations; penalties, civil action, injunction.

30:11–4. (a) Any person, firm, partnership, corporation or association who shall operate or conduct a private mental hospital, convalescent home, private nursing home or private hospital without first obtaining the license required by this chapter, or who shall operate such private nursing home, convalescent home or private hospital after revocation or suspension of license shall be liable to a penalty of $25.00 for each day of operation in violation hereof for the first offense and for any subsequent offense shall be liable to a penalty of $50.00 for each day of operation in violation hereof. Any person, firm, partnership, corporation or association who shall be found guilty of violating any rule or regulation adopted in

accordance with this chapter as the same pertains to the care of patients and neglects to rectify the same within 7 days after receiving notice from the department of such violation or who neglects to commence, within 7 days, such repairs to his licensed establishment after receiving notice from the department that hazardous or unsafe condition exists in or upon the structure in which the licensed premises is maintained shall be subject to a penalty of not less than $10.00 or more than $25.00 for each day that he is in violation of such rule or regulation. If, within 1 year after such violation such person, firm, partnership, corporation or association is found guilty of the same violation such penalties as hereinbefore set forth shall be doubled, and if there be a third violation within such time, such penalties shall be tripled. In addition thereto the board may, in its discretion, suspend the license for such time as it may deem proper.

Any person, firm, partnership, corporation or association who shall, except in cases of an emergency, maintain more patients in his premises than he is licensed so to do, shall be subject to a penalty in an amount equal to the charge collected from such patient or patients plus $10.00 for each extra patient so maintained.

The State Board of Control, with the approval of the Attorney General, is hereby authorized and empowered to compromise and settle claims for money penalties in appropriate circumstances where it appears to the satisfaction of the board that payment of the full penalty will work severe hardship on any individual not having sufficient financial ability to pay the full penalty but in no case shall the penalty be compromised for a sum less than $250.00 for the first offense and $500.00 for the second and each subsequent offense; provided however, that any penalty of less than $250.00 or $500.00, as the case may be, may be compromised for a lesser sum.

The penalties authorized by this section shall be recovered in a civil action, brought in the name of the State of New Jersey in the Superior Court or the County Court of any county, which court shall have jurisdiction of all actions to recover such penalties. No money penalties provided for herein shall be required to be paid until the appellate procedures provided for in the courts shall have been exhausted and then only if on appeal it is determined that the licensee was in violation of the provisions hereof or the rules and regulations of the Board of Control establishing minimum standards of operation. No penalties shall be

assessed for the period of time following the filing of an appeal with the appropriate appellate court from a determination adverse to the licensee rendered by the department and until such appellate court or courts shall have rendered a final decision, and any penalties assessed prior thereto shall be recoverable only to the extent that the appellate court or courts affirms the decision of the department in the first instance. Money penalties, when recovered, shall be payable to the General State Fund.

The department may, in the manner provided by law, maintain an action in the name of the State of New Jersey for injunction against any person, firm, partnership, association or corporation continuing to conduct, manage or operate a private nursing home, convalescent home or private hospital without a license, or after suspension or revocation of license.

The practice and procedure in actions instituted under authority of this section shall conform to the practice and procedure in the court in which the action is instituted.

(b) Whenever a boarding home for sheltered care, boarding house or rest home or facility or institution of like character, not licensed hereunder, by public or private advertising or by other means holds out to the public that it is equipped to provide post-operative or convalescent care for persons mentally ill or mentally retarded or who are suffering or recovering from illness or injury, or who are chronically ill, or whenever there is reason to believe that any such facility or institution, not licensed hereunder, is violating any of the provisions of this chapter, then, and in such case, the department shall be permitted reasonable inspection of such premises for the purpose of ascertaining whether there is any violation of the provisions hereof.

Any person, firm, association, partnership or corporation, not licensed hereunder, but who holds out to the public by advertising or other means that the medical and nursing care contemplated by this chapter will be furnished to persons seeking admission as patients shall cease and desist from such practice and shall be liable to a penalty of $100.00 for the first offense and $200.00 for each subsequent offense, such penalty to be recovered as provided for herein. If any such boarding home for sheltered care, boarding house, rest home or other facility or institution shall operate as a private mental hospital, convalescent home, private nursing home or private hospital in violation of the provisions of this act and any supplements thereto then the same shall be liable to the pen-

alties which are prescribed and capable of being assessed against hospitals or nursing homes pursuant to subsection (a) of this section.

4. This act shall take effect immediately.

Approved November 26, 1968.

CHAPTER 356

AN ACT providing for the licensing and regulation of convalescent and nursing home administrators, and supplementing chapter 11 of Title 30 of the Revised Statutes.

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

C. 30:11-11 Policy declaration.

1. It is declared to be the public policy of this State to provide for the development, establishment and enforcement of basic standards for the training, experience and education of individuals acting as administrators of convalescent homes and private nursing homes as defined in chapter 11 of Title 30 to insure safe and adequate treatment of all individuals in convalescent homes and private nursing homes. No convalescent home or private nursing home shall operate in this State under the supervision of an individual acting as administrator except upon license first had and obtained for that purpose from the department. Nothing herein contained shall be so construed as to interfere with the powers of the State Board of Medical Examiners to license medical practitioners in New Jersey.

C. 30:11-12 Application for license.

2. Application for license required by this act shall be made upon forms furnished by the Commissioner of the Department of Institutions and Agencies. The applicant shall be required to furnish evidence of his or her ability to comply with the minimum standards for administrators to successfully supervise the institution for which the license is sought.

C. 30:11-13 License; issuance; not transferable; posting; rules, regulations and standards; institutions for treatment by spiritual means.

3. Upon receipt of an application for license and a license fee, the department shall cause an investigation to be made of the ap-

plicant and shall issue a license if it is found that said applicant is of good moral character and complies with the provisions of this act, the regulations of the department and the minimum standards established for the administration of a convalescent home or private nursing home. The license shall not be transferable or assignable and shall be posted in a conspicuous place on the licensed premises wherein the individual acts as an administrator, as prescribed by the regulations of the department. The State Board of Control of the Department of Institutions and Agencies, with the advice of the nursing home administrator's licensing board, shall adopt, amend, promulgate and enforce such rules, regulations, and minimum standards for the training, experience and education of individuals acting as administrators of convalescent homes and private nursing homes to be licensed hereunder as may be reasonably necessary to accomplish the purposes of this chapter. Such rules, regulations and minimum standards when adopted shall be binding upon all licensees and applicants for license under this chapter.

Licensees and applicants for a license as a convalescent home or private nursing home administrator of an institution or home conducted exclusively for persons who rely upon treatment by spiritual means alone through prayer in accordance with the creed or tenets of a recognized church or religious denomination as described in P. L. 1947, chapter 340, section 9 (C. 30:11–9) shall meet all rules, regulations, and minimum standards prescribed by the board except medical rules, regulations, and minimum standards.

C. 30:11-14 Renewal of license; fee.

4. A license to act as an administrator of a convalescent home or private nursing home shall be valid for 1 year from the date of issue, and upon issuance of renewal of such license, the commissioner shall collect, respectively, a fee of $25.00, which shall be paid into the General State Fund, and the cost of administration of this act shall be provided for in the annual appropriation law.

C. 30:11-15 Conditional license.

5. Any administrator supervising any convalescent home or private nursing home in operation at the time of promulgation of any applicable rules, regulations or minimum standards under this act, who during the calendar year immediately preceding January 1, 1970, has served as a convalescent or nursing home administrator and who fails to meet the minimum standards shall receive a conditional license from the department notwithstanding any standards developed, imposed and enforced by the department pursuant to this act, except other than such standards as re-

late to good moral character or suitability; providing, however, that such conditional license shall expire in 2 years or on June 30, 1972, whichever is earlier, and shall not be renewable. There shall be provided by the department during the period for which such conditional license is in effect, a training and instruction program designed to enable all individuals, with respect to whom such conditional license is issued, to qualify for a permanent license.

C. 30:11-16 Denial, revocation or suspension of license.

6. The State Board of Control, after serving the licensee with specific charges in writing, at least 30 days in advance of a hearing, and after hearing, may deny, revoke, or suspend any and all licenses granted under authority of this act to any person violating the provisions of this act, or the rules and regulations promulgated hereunder.

C. 30:11-17 Hearings.

7. The Nursing Home Administrator's Licensing Board shall afford the licensee an opportunity for a prompt and fair hearing before deciding on the matter of suspension, revocation or denial of any license. The procedure governing such hearing shall be in accordance with the rules and regulations of the department adopted by The Board of Control and with the consent of the nursing home administrator's licensing board. Either party may be represented by counsel of their own choosing, subpœna witnesses and compel their attendance on forms furnished by the department.

C. 30:11-18 Pending revocation, suspension or denial of license; delivery of notice; effective date; appeal.

8. Notice of the pending revocation, suspension, or denial of a license together with a specification of charges shall be sent to the applicant or the licensee by registered mail. Denial, suspension or revocation shall become effective 30 days after mailing, unless the applicant or licensee within such 30-day period shall meet the requirements of the department or shall give written notice to the department of his desire for a hearing, in which case, the denial, suspension or revocation shall be held in abeyance until the hearing has been concluded and a final decision rendered; provided, however, that such applicant or licensee may appeal from such denial, suspension or revocation to any court having jurisdiction of such matters.

C. 30:11-19 Commissioner's responsibilities and powers.

9. The Commissioner of the Department of Institutions and Agencies shall arrange for prompt and fair hearings on all such

cases, render written decisions stating his conclusions and reasons therefor upon each matter heard, and is empowered to enter orders of denial, suspension or revocation consistent with the circumstances in each case.

C. 30:11-20 Nursing Home Administrator's Licensing Board; appointment, membership, qualifications, terms, compensation, reimbursement for expenses.

10. The State Board of Control, subject to the approval of the Governor, shall appoint a Nursing Home Administrator's Licensing Board which shall consist of the Commissioner of the Department of Institutions and Agencies; the Commissioner of the Department of Health, and 5 nursing home administrators of recognized ability, 2 of whom shall be registered nurses who are graduates of accredited schools of nursing, licensed by the New Jersey State Board of Nursing to practice nursing in this State, one of whom shall be a fellow of the American College of Nursing Home Administrators, one of whom shall be a member of the American College of Nursing Home Administrators, and one of whom shall be a physician licensed to practice medicine in this State. Each member of the board shall have a minimum of not less than 5 years experience as an administrator in the supervision of a convalescent home or private nursing home and shall at all times be licensed as a nursing home administrator pursuant to the terms of this act. The board shall be appointed for terms of 6 years, except when appointed to complete an unexpired term. Members whose terms shall expire shall hold office until appointment of their successors. They shall serve without compensation, but shall be reimbursed for actual expenses incurred in the performance of their official duties.

C. 30:11-21 Board's responsibilities and duties.

11. The nursing home administrator's licensing board shall have the following responsibilities and duties:

a. Develop, and promulgate by regulation approved by the State Board of Control standards which must be met by individuals in order to receive a license as a nursing home administrator, which standards shall be designed to insure that nursing home administrators will be individuals who are of good character and are otherwise suitable, and who, by training, experience and education in the field of institutional administration, are qualified to serve as nursing home administrators;

b. Develop and apply appropriate techniques, including examinations and investigations for determining whether an individual meets such standards;

c. Issue licenses to individuals determined to meet such standards and recommend to the State Board of Control or the Commissioner of the Department of Institutions and Agencies the revocation, suspension or denial of licenses to be issued or previously issued by the board in any case where the individual holding any such license is determined substantially to have failed to conform to the requirements of such standards;

d. Establish and carry out procedures designed to insure that individuals licensed as nursing home administrators will, during any period that they serve as such, comply with the requirements of such standards;

e. Receive, investigate, and take appropriate action with respect to any charge or complaint filed with the board to the effect that any individual licensed as a nursing home administrator has failed to comply with the requirements of such standards;

f. Conduct a continuing study and investigation of nursing homes and administrators of nursing homes within the state with a view to the improvement of the standards imposed for the licensing of such administrators and of procedures and methods for the enforcement of such standards with respect to administrators of nursing homes who have been licensed as such;

g. To study and identify the core of knowledge that should constitute minimally the training in the field of institutional administration which should qualify an individual to serve as a nursing home administrator;

h. To study and develop model techniques for determining whether an individual possesses such qualifications;

i. To study and develop model criteria for programs of training and to recommend such programs of training and instruction for those desiring to pursue a career in nursing home administration.

C. 30:11-22 "Nursing home administrator" defined.

12. As used in this act, the term "nursing home administrator" means any individual who is charged with the general administration or supervision of a nursing home or convalescent home whether or not such individual has an ownership interest in such home and whether or not his function or duties are shared with one or more other individuals.

C. 30:11-23 Qualifications for license.

13. Except as to persons who shall qualify for a conditional license pursuant to the provisions of this act, no license shall be issued to a person unless he is a citizen of the United States at the time of the submission of the application. No license shall be

issued to any person under the age of 21 years; to any person who has ever been convicted of a crime involving moral turpitude; or to any person who has been found guilty of violating the provisions of this act by a court of competent jurisdiction or who has admitted such guilt.

C. 30:11-24 Filing of notice by licensee or applicant under certain circumstances.

14. Whenever any change shall occur in the facts as set forth in any application for a license, the licensee or applicant shall file with the commissioner a notice in writing of such change within 10 days after the occurrence thereof.

C. 30:11-25 Information to be furnished by applicants; misrepresentation; penalty.

15. Applicants shall answer such questions as may be asked concerning their character, residence, citizenship and ability to operate a nursing home or convalescent home and make such declarations as shall be required. All applicants may be duly sworn and all statements and applications shall be deemed material. Fraud, misrepresentation, false statements, misleading statements, evasions or suppression of material facts in the securing of a license shall be grounds for denial, suspension or revocation of the license.

C. 30:11-26 Operation of home without license or after denial, revocation or suspension of license; penalties; collection and settlement of claims for money penalties; disposition of proceeds; action on appeal.

16. Any person, firm, partnership, corporation or association who shall operate or conduct a convalescent home or private nursing home without first obtaining an administrator licensed pursuant to the provisions of this act, or who shall operate such convalescent home or private nursing home after denial, revocation or suspension of its administrator's license shall be liable to a penalty of $50.00 for each day of operation in violation hereof for the first offense, and for any subsequent offense shall be liable to a penalty of $100.00 for each day in violation hereof. Any such penalty shall be sued for and collected in a summary proceeding instituted by the Attorney General, at the request and in the name of the State Board of Control, pursuant to the Penalty Enforcement law (N. J. S. 2A:58–1, et seq.). The State Board of Control, with the approval of the Attorney General, is hereby authorized and empowered to compromise and settle claims for money penalties in appropriate circumstances where it appears to the satisfaction of the board that payment of the full

penalty will work severe hardship on any individual not having sufficient financial ability to pay the full penalty, but in no case shall the penalty be compromised for a sum less than $200.00 for the first offense and $500.00 for the second and each subsequent offense; provided, however, that any penalty of less than $200.00 or $500.00 as the case may be, may be compromised for a lesser sum. Money penalties when required shall be payable to the General State Fund. No money penalties provided for herein shall be required to be paid until the appellate procedures provided for in the courts shall have been exhausted and then only if on appeal, it is determined that the licensee was in violation of the provisions hereof or the rules and regulations of the State Board of Control establishing minimum standards for license. Money penalties assessed prior to the filing of an appeal to the appellate court or courts shall be recoverable only to the extent that the appellate court or courts affirms the decision of the department in the first instance.

C. 30:11-27 Action for injunction authorized.

17. The department may, in the manner provided by law maintain an action in the name of the State of New Jersey for injunction against any person, firm, partnership, association or corporation, continuing to conduct, manage or operate a convalescent home or private nursing home under the supervision of an administrator who is without a license, or after the suspension or revocation of such license.

C. 30:11-28 Services of State departments and employees.

18. The Nursing Home Administrator's Licensing Board is hereby empowered, within the limits of appropriations made available to it and on a cost reimbursable basis, to obtain the services of any State department and State employee necessary to carry out its duties.

19. This act shall take effect January 1, 1970, but all arangements necessary or appropriate to enable this act to become fully effective on said date may be taken prior thereto.

Approved November 26, 1968.

CHAPTER 357

AN ACT amending the title of "An act authorizing the creation of local convention hall authorities by certain municipalities and defining the powers, duties and functions of such authorities" approved February 27, 1968 (P. L. 1967, c. 309), so that the same shall read "An act concerning municipalities bordering on the Atlantic ocean and the acquisition, construction, financing and operation therein of convention halls and related facilities, and providing for the creation of authorities as public bodies corporate and politic to undertake the same, establishing the powers of such authorities and other public bodies with respect thereto, and supplementing Title 40 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 chapter 309 of the laws of 1967 is amended to read as follows: An act concerning municipalities bordering on the Atlantic ocean and the acquisition, construction, financing and operation therein of convention halls and related facilities, and providing for the creation of authorities as public bodies corporate and politic to undertake the same, establishing the powers of such authorities and other public bodies with respect thereto, and supplementing Title 40 of the Revised Statutes.

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

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 may by ordinance create a public body corporate and politic under the name of "the ..... convention hall authority," with all or any significant part of the name of said municipality inserted.

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 the term of any member a successor 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.

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

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 may, by parallel ordinances, create a public body corporate and politic under the name of "the ..... convention hall authority," with all or any significant part of the name of each such municipality or some identifying geographical phrase inserted.

Said body shall consist of the members thereof, in an aggregate number determined as hereinafter in this section provided, who shall be appointed by resolutions of the several governing bodies as hereinafter in this section provided, and it shall constitute the municipal authority contemplated and provided for in this act and an agency and instrumentality of the said municipalities. The number of members of the municipal authority to be appointed at any time for full terms of office by the governing body of any such municipality shall be as stated in said ordinances which shall be not less than one nor more than 3. After the taking effect of the said ordinances of all such municipalities the appropriate number of persons shall be appointed as members of the municipal authority by the governing body of each municipality. The members first appointed shall serve for terms expiring on the fifth anniversary of the date of the first appointment of any member. 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. 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 or qualify.

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

C. 40:54B-3 Filing of ordinance; conflict of interest of personnel; oath; compensation; reimbursement for expenses; officers; appointment of certain personnel; quorum; bonding.

3. (a) Upon the creation of any such local authority and in any event prior to issuance of any bonds thereof, a copy of the ordinance for the creation of the authority, duly certified by the clerk of the municipality, shall be filed in the office of the Secretary of State. Upon proof of such filing of a certified copy of the ordinance for the creation of an authority as aforesaid, the 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 authority, be conclusively deemed to have been lawfully and properly created, organized and established and authorized to transact business and exercise its powers under this act. A copy of any such certified ordinance, duly certified by or on behalf of the Secretary of State, shall be admissible in evidence in any suit, action or proceeding and shall be conclusive evidence of due and proper adoption and filing thereof as aforesaid.

(b) 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, but neither the holding of any office or employment in the government of any county or municipality or under any law of the State nor the owning of any property within the State shall be deemed a disqualification for membership in or employment by an authority, and members of the governing body of a municipality may be appointed and may serve as members of the authority.

(c) Each member and officer of an authority shall, before assuming office, take and subscribe an oath that he will faithfully and impartially discharge the duties of his office.

(d) The members of an authority shall serve without compensation, but each may receive from the authority his actual disbursements for his expenses in performing his duties.

(e) Each authority, upon the first appointment of its members and thereafter in January in each year, shall annually and whenever a vacancy occurs elect from among its members a chairman and a vice-chairman who shall hold office during their terms as members and until December 31 next ensuing and until their respective successors have been elected and have qualified. Every authority may also appoint and employ, without regard to the provisions of Title 11 of the Revised Statutes, a secretary, an executive director and a treasurer and such professional, technical or other advisers and experts as it may require, and it shall determine their qualifications, terms of office, or appointment, duties and compensation.

(f) The powers of each authority shall be vested in the members thereof in office from time to time. A majority of the entire authorized membership of the authority 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 by-laws of the authority shall require a larger number.

(g) The members and officers of an authority 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.

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

C. 40:54B-5 Issuance and sale of bonds; maximum interest rate; negotiability of bonds.

5. (a) For the purpose of raising funds to pay the cost of any part of its convention hall or other facilities or for the purpose of funding or refunding any of its bonds, every authority shall have power to authorize or provide for the issuance of bonds pursuant to this act. Such authority shall adopt a resolution (in this act sometimes referred to as "bond resolution") which shall (1) describe in brief and general terms sufficient for reasonable identification the convention hall or other 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); (2) state the cost or estimated cost of the project (if any); and (3) provide for the issuance of the bonds in accordance with this section.

(b) Upon adoption of a bond resolution, an authority shall have power to incur indebtedness, borrow money and issue its bonds for the purpose of financing the project or of funding or refunding the bonds described therein. Such bonds shall be authorized by the bond resolution and 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.

(c) Bonds of an authority may be sold by the authority at public or private sale at such price or prices as the authority shall determine; provided, however, that the interest cost to maturity of the money received for any issue of bonds (computed according to standard tables of bond values) shall not exceed 6% per annum.

(d) Any authority may 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 municipality or municipalities and may thereupon cause to be published in each newspaper published or circulating in the municipality or municipalities 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 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 convenants, 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 of the creation and establishment of the authority, or 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 municipality or municipalities and all other persons whatsoever 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 proceedings, questioning the validity of the creation and establishment of the authority, or the validity or proper authorization of such bonds, or the validity of any such covenants, agreements or contracts, and said authority shall be conclusively deemed to have been validly created and established and to be authorized to transact business and exercise powers as an authority under this act, and said bonds, covenants, agreements and contracts shall be conclusively deemed to be valid and binding obligations in accordance with their terms and tenor.

(e) Any provision of any law to the contrary notwithstanding, any bond issued pursuant to this act shall be fully negotiable within the meaning and for all purposes of the Uniform Commercial Code of the State, and each holder or owner of such a bond, or of any coupon appurtenant thereto, by accepting such bond or coupon shall be conclusively deemed to have agreed that such bond or coupon is and shall be fully negotiable within the meaning and for all purposes of said Uniform Commercial Code.

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

C. 40:54B-6 Authority's purposes; bond resolution provisions; liability for bonds.

6. (a) The purposes of every authority shall be to plan, acquire and construct, and operate and maintain or cause to be operated and maintained, a convention hall with related facilities.

(b) Any bond resolution of an authority providing for or authorizing the issuance of any bonds to finance the cost of acquisition, construction, reconstruction or improvement of such convention hall 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 :

(1) the custody, security, use, expenditure or application of the proceeds of the bonds;

(2) the construction and completion, or replacement, of all or any part of the convention hall or any other facilities of the authority;

(3) the use, regulation, mortgaging, operation, maintenance, insurance, leasing or disposition of all or any part of the convention hall or any other facilities of the authority, or restrictions on the exercise of the powers of the authority to dispose, or to limit or

regulate the use, of all or any part of such convention hall or other facilities;

(4) Payment of the principal of or interest on the bonds or of 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;

(5) the use and disposition of any moneys of the authority, including revenues (in this act somtimes called "facility revenues") derived or to be derived from the operation or rental of all or any part of the convention hall or any other facilities of the authority, including any parts thereof theretofore constructed or acquired and any parts, extensions, replacements or improvements thereof thereafter constructed or acquired;

(6) 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 of any other obligations or the payment of expenses of operation or maintenance of the convention hall or other facilities, and the powers and duties of any trustee with regard thereto;

(7) 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;

(8) determination or definition of the facility revenues or of the expenses of operation and maintenance of the convention hall or other facilities;

(9) the rents, admission fees or other charges for occupancy, use or services of, or admission to, its convention hall or any other facilities or any part thereof, 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;

(10) the assumption or payment or discharge of any indebtedness, liens or other claims relating to any part of the convention hall or any other facilities of the authority or any obligations having or which may have a lien on any part of the facility revenues;

(11) limitations on the issuance of additional bonds or any other obligations or on the incurrence of indebtedness of the authority;

(12) 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 paragraph (b) of this section, and limiting or abrogating the right of such holders to appoint a trustee pursuant to said paragraph (b) of this section or limiting the rights, duties and powers of such trustee;

(13) payment of costs or expenses incident to the enforcement of the bonds or of the provisions of the bond resolution or of any covenant or contract with the holders of the bonds;

(14) the procedure, if any, by which the terms of any covenant or contract 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

(15) 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 the bonds.

All such provisions of the 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, suit or proceeding in any court of competent jurisdiction, or by proceeding in lieu of prerogative writ.

(c) 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 paragraph of this section, then in the event that 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 in the event that the authority shall fail or refuse to comply with 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 paragraph. 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, writ, proceeding in lieu of prerogative writ, or other proceeding, enforce all rights of the holders of such bonds, including the right to require the authority to charge and collect rents, admission fees or other 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.

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. 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 constitute taxable costs and disbursements, and all costs and disbursements, allowed by the court, shall be a first charge upon any facility revenues of the authority pledged for the payment or security of bonds of such series.

(d) 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 paragraph (c) of this section and shall further provide in substance that any trustee appointed pursuant to said paragraph or having the powers of such a trustee shall have the powers provided by this parargraph (d), then such trustee, whether or not all of the bonds of such series shall have been declared due

and payable, shall be entitled as of right to the appointment of a receiver of the convention hall and any other facilities of the authority, and such receiver may enter upon and take possession of such convention hall and other facilities and, subject to any pledge or contract with the holders of such bonds, shall take possession of all moneys and other property derived from or applicable to the acquisition, construction, operation, maintenance or reconstruction of such convention hall and other 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 convention hall and other facilities and fix, charge, collect, enforce and receive the charges and all facility revenues thereafter arising subject to any pledge thereof or contract with the holders of such 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.

(e) 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 issued pursuant to this act shall not be in any way a debt or liability of the State or of any county or municipality and shall not create or constitute any indebtedness, liability or obligation of the State or of any such county or municipality, either legal, moral or otherwise, and 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 county or municipality.

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

C. 40:54B-7 Establishment as corporate body; powers.

7. Each authority shall be a public body corporate and politic constituting a political subdivision of the State established as an instrumentality exercising public and essential governmental functions to provide for the public recreation, benefit and welfare and shall have perpetual succession and, in addition to any other powers conferred by this act, for the effectuation of its corporate purposes 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, facility revenues and other moneys;

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 make agreements of any kind with any governmental agency or person, partnership or corporation for the use or operation of, or to lease to any governmental agency or person, partnership or corporation, all or any part of its convention hall or other facilities 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 and provide for and secure the payment of any bonds and the rights of the holders thereof in accordance with this act, 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 agency or person, partnership or corporation, 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 its convention hall and other facilities and all other matters in connection with all or any part of any convention hall or other 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 admission to and the use, services, maintenance and operation of any convention hall or other facility owned or controlled by it, 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 agency, person, partnership or corporation;

l. To acquire, purchase, construct, lease, operate, maintain and undertake any convention hall project or other facilities and to fix

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and collect facility charges for the use or services thereof or admission thereto;

m. To include in its convention hall or any project, and operate or provide and lease as lessor, lands, structures, space or accommodations (whether constructed by the authority or by a lessee) for parking of vehicles or any public, business or commercial use if, in the opinion of the authority, such inclusion, operation, provision or proposed leasing is necessary to assist in defraying the expenses of the authority in connection with such convention hall or project and make possible the operation of the convention hall at reasonable rates and will increase the convention hall facilities which can be feasibly financed, constructed, acquired and operated pursuant to this act; and

n. 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.

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

C. 40:54B-8 Rents, admission fees, etc.

8. Every authority is hereby authorized to fix, charge and collect rents, admission fees or other charges (in this act sometimes referred to as "facility charges") in connection with, or for occupancy, use or services of, or otherwise relating to its convention hall or any part thereof or any facility or other property owned or controlled by it.

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

C. 40:54B-9 Compliance of facility charges with terms of lease or other agreement; adjustment of charges.

9. The facility charges with respect to any convention hall or other facility or property of an authority shall comply with the terms of any lease or other agreement of the authority with regard to such convention hall, facility or property, 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, recon-

struction 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.

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

C. 40:54B-12 Municipal appropriations; sale, lease, grant or use of municipal property; authority's property exempt from levy, sale or tax; investment in authority's bonds; payments in lieu of taxes; State's pledge to bondholders.

12. (a) Any municipality which has created or joined in the creation of a convention hall authority shall have power, in the discretion of its governing body, to appropriate moneys for the purposes of the authority, and to loan or donate such moneys to the authority in such installments and upon such terms as may be agreed upon between the municipality and the authority. A municipality, by ordinance of its governing body, is hereby empowered, without any referendum, to sell, lease, lend, grant or convey to the authority, or to permit the authority to use, maintain or operate as part of its convention hall, any real or personal property owned by it, 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 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 the municipality 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 holders of bonds, the authority may enter into and perform any and all agreements with respect to property so accepted by it, including agreements for the assumption of principal or interest or both of indebtedness of the municipality or of any mortgage or lien existing with respect to such property or for the operation and maintenance of such property as part of the convention hall.

(b) 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 or any trustee therefor to pursue any remedy for the enforcement of any mortgage, pledge or lien given by the

authority on any of its properties, facility charges or revenues, or other moneys.

(c) 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, moneys 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.

(d) Every convention hall and the 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. Such authority and the municipality, however, are hereby authorized and empowered to enter into agreements with respect to the payment by the authority to the municipality of annual sums of money in lieu of taxes on any parcel of real property of the authority situate in the municipality in such amounts as may be agreed upon between the authority and the municipality, and the authority is empowered to make such payments and the municipality is empowered to accept such payments and to apply them in the manner in which taxes may be applied in the municipality; provided, however, that no such annual payment with respect to any such parcel shall exceed the amount of taxes paid thereon for the last taxable year in which taxes were paid thereon ended prior to the time of its acquisition by the authority. 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, facility 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.

(e) The State of New Jersey does hereby pledge to and covenant and agree with the holders of any bonds issued pursuant to a bond

resolution of an authority adopted pursuant to this act and with the lessees of any properties under lease from an authority that the State will not limit or alter the rights hereby vested in the authority to acquire, construct, maintain, reconstruct and operate its convention hall and other facilities or to fix, charge and collect its facility charges and to fulfill the terms of any agreement made with the holders of such bonds or with such lessees, so as to in any way impair the rights or remedies of such holders or lessees, 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 or the leases are terminated and all obligations thereunder are fully met and discharged or provided for, as the case may be.

11. This act shall take effect immediately.

Approved November 27, 1968.

CHAPTER 358

AN ACT providing for a Division of Dairy Industry in the Department of Agriculture, amending section 4:1–2 of the Revised Statutes and amending the "Department of Agriculture Act of 1948," approved October 25, 1948 (P. L. 1948, c. 447).

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:

Department personnel.

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. A Division of Dairy 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 of the act of which this act is amendatory is amended to read as follows:

C. 4:1-24 Division of Dairy Industry established; director.

4. There is hereby established in the Department of Agriculture a Division of Dairy Industry. The executive and administrative head of the division shall be a director who, subject to the supervision of the Secretary of Agriculture, shall be responsible for the activities of the division.

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

C. 4:1-32 "Director of Milk Control" or "Director of the Office of Milk Industry" in laws, contracts or documents.

12. Whenever the term "Director of Milk Control" or "Director of the Office of Milk Industry" 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 Dairy Industry established hereunder.

4. This act shall take effect immediately.

Approved December 2, 1968.

CHAPTER 359

AN ACT to amend and supplement "An act concerning alcoholic beverages; limiting the number of licenses to sell alcoholic beverages at retail, and supplementing chapter 1, Title 33, of the Revised Statutes," approved May 1, 1947 (P. L. 1947, c. 94).

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. 33:1-12.20 Operator of hotel or motel; issuance of new license.

8. Nothing in this act shall prevent the issuance, in a municipality, of a new license to a person who operates a hotel or motel containing 100 guest sleeping rooms or who may hereafter construct and establish a new hotel or motel containing at least 100 guest sleeping rooms.

C. 33:1-12.20a Right of certain holders to use and renew license.

2. Nothing in this act shall affect the right of the holder of any license issued or approved for issuance, contingent on completion of construction for a hotel or motel premises to use and to renew such license.

3. This act shall take effect January 1, 1969.

Passed November 25, 1968.

CHAPTER 360

AN ACT amending Revised Statutes 43:21–19 and supplementing the Unemployment Compensation Act and the Temporary Disability Benefits Law (Revised Statutes, Title 43, chapter 21) and providing coverage under these acts for employees of the South Jersey Port Commission or its successors, a political subdivision of the State of New Jersey.

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

1. 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 to 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 to 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 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 employing 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 enforcible means or otherwise), directly or indirectly by the same interests, or which owns or controls one or more other employing units (by legally enforcible 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 Government, 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 subdivision except those services performed in the employ of the South Jersey Port Commission or its successors;

(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, hospital, 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 contribu-

tions 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 Revised Statute 43:21–3 (d) (3) if a 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.

C. 43:21-19.6 Consideration and duties of South Jersey Port Commission or its successors as employer.

2. With respect to service performed in the employ of the South Jersey Port Commission which is not excluded from the definition of "employment" by the provisions of Revised Statutes 43:21–19 (i) (7) (D), as amended, the employing authority, the South Jersey Port Commission or its successors, shall be considered as an employer, as defined by Revised Statutes 43:21–19 (h), and shall make all payments and perform all acts, with regard to employees performing such service, as may be required by the provisions of Title 43 of any other employer.

3. This act shall take effect on January 1 following the adoption of this act.

Passed November 25, 1968.

CHAPTER 361

AN ACT providing for the impaneling of grand juries with State-wide jurisdiction.

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

C. 2A:73A-1 Short title.

1. This act shall be known and may be referred to as the "State Grand Jury Act."

C. 2A:73A-2 State grand jury; determination of need for impaneling.

2. Whenever the Attorney General deems it to be in the public interest to convene a grand jury which shall have jurisdiction extending beyond the boundaries of any single county, he may petition an assignment judge of the Superior Court designated for such purpose by the Chief Justice for an order in accordance with provisions of this act. Said assignment judge may, for good cause shown, order the impaneling of a State grand jury in which event said grand jury shall have State-wide jurisdiction. In making his

determination as to the need for impaneling a State grand jury, the judge shall require, among other things, a showing that the matter cannot be effectively handled by a county grand jury.

C. 2A:73A-3 Powers and duties; jurisdiction; applicable law; rules and regulations.

3. A State grand jury shall have the same powers and duties and shall function in the same manner as a county grand jury established pursuant to Title 2A of the New Jersey Statutes except that its jurisdiction shall extend throughout the State. The law applicable to county grand juries shall apply to State grand juries except insofar as they are inconsistent with this act. The Supreme Court may promulgate such rules and regulations as it deems necessary to govern particularly the procedures of State grand juries.

C. 2A:73A-4 Members of jury; number, qualifications; exception.

4. The administrative director of the courts, upon receipt of the order of an assignment judge of the Superior Court, shall prepare a list of prospective jurors drawn from the current grand jury lists of the several counties from which list the assignment judge shall impanel a State grand jury. A State grand jury shall be composed of members in the same number and having the same qualifications as provided by law in the case of a county grand jury, except that not more than ¼ of the members of the State grand jury shall be residents of any one county.

C. 2A:73A-5 Summoning jurors for service.

5. The sheriff of the county in which a member of the State grand jury resides, upon receipt of a copy of a panel of State grand jurors transmitted to him by the administrative director of the courts, shall cause said member to be summoned for service.

C. 2A:73A-6 Judicial supervision of jury.

6. Judicial supervision of the State grand jury shall be maintained by the assignment judge who issued the order impaneling such grand jury, and all indictments, presentments and formal returns of any kind made by such grand jury shall be returned to such judge.

C. 2A:73A-7 Presentation of evidence.

7. The presentation of the evidence shall be made to the State grand jury by the Attorney General or his designee.

C. 2A:73A-8 Return of indictment or presentment; action by assignment judge.

8. Any indictment or presentment by a State grand jury shall be returned to the assignment judge without designation of venue. Thereupon, the judge shall, by order, designate the county of venue for the purpose of trial. The judge may, by order, direct the consolidation of an indictment returned by a county grand jury with an indictment returned by a State grand jury and fix venue for trial.

C. 2A:73A-9 Costs and expenses to be paid by State.

9. The costs and expenses of impaneling a State grand jury and for the performing of its functions and duties shall be paid by the State out of funds appropriated to the judiciary.

10. This act shall take effect immediately.

Approved December 16, 1968.

CHAPTER 362

AN ACT concerning master plumbers, providing for the State licensing thereof in certain cases, establishing a State Board of Examiners of Master Plumbers, making an appropriation and amending section 26:3–31 of the Revised Statutes.

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

C. 45:14C-1 Short title.

1. Sections 1 through 27 of this act shall be known and may be cited as "The State Plumbing License Law of 1968."

C. 45:14C-2 Definitions.

2. When used in this act,

(a) "Master plumber" shall mean and include any person, firm, corporation or other legal entity skilled in the planning, supervision and installation of plumbing and who is engaged in contracting to furnish labor, or labor and materials, for the installation, maintenance, repair, extension, alteration or renovation of plumbing.

(b) "State board" shall mean and include the State Board of Plumbing Examiners, as created hereunder.

(c) "Act" means this act and the rules and regulations adopted under it.

(d) "Bona fide representative" shall mean a licensed master plumber who is the holder of not less than 10% of the issued and outstanding shares of stock in a corporation, or not less than 10% of the capital of a partnership, or not less than 10% of the ownership of any other firm or legal entity engaging in the business of master plumber in the State of New Jersey.

C. 45:14C-3 State Board of Examiners of Master Plumbers; creation, membership, appointment, terms, qualifications, reappointment limitation, vacancies, removal.

3. There is created hereunder a State Board of Examiners of Master Plumbers in the Department of Law and Public Safety, consisting of 7 citizens to be appointed by the Governor, without regard to political affiliation, and except as to members first appointed, for terms of 4 years and until the appointment of their successors. Of the members first appointed 2 shall be appointed for terms of 1 year, 2 for 2 years, 2 for 3 years and one for 4 years. Three members shall be master plumbers of at least 10 years experience, one shall be a local plumbing inspector who has held such appointment for at least 10 years, one shall be a journeyman plumber of at least 10 years experience and 2 shall be representatives of the public having no association with the plumbing industry.

No member shall be eligible for appointment for more than 2 terms. Appointments to fill vacancies on the board shall be made for the remainder of the unexpired term.

Members of the board shall be subject to removal by the Governor for cause.

C. 45:14C-4 Compensation; limitation; reimbursement for expenses.

4. Each member of the State board shall receive $25.00 for each day of actual service in attending meetings of the board at which business is transacted and in addition shall be entitled to be reimbursed for his necessary traveling expenses; provided such compensation in any fiscal year shall not exceed $1,000.00 per member.

C. 45:14C-5 Quorum.

5. A majority of the State board shall constitute a quorum for the transaction of business.

C. 45:14C-6 Organization of board; officers; terms, vacancies; executive-secretary and clerical assistants; appointment, compensation; disposition of moneys; payment of expenditures; limitation.

6. The State board shall organize annually by the selection from among its members of a chairman, a vice-chairman and a secre-

tary, subject to the approval of the Attorney General. Such officers shall so serve without additional compensation. The chairman, vice-chairman and secretary shall serve in such capacities for a period of 1 year or until their successors are selected. Vacancies in such offices shall be filled for the unexpired terms by the State board in the manner set forth above. The State board with the approval of the Attorney General is authorized to appoint an executive-secretary without regard to the provisions of Title 11, Civil Service and such clerical assistants as may be required and within the limits of available appropriations and to fix their compensation. The State board is hereby authorized to incur such other necessary expenses, within available appropriation therefor, as may be required to carry out its functions and purpose. All moneys received by the State board shall be remitted to the State Treasury. All expenditures deemed necessary to carry out the provisions of this act shall be paid by the State Treasurer from the license fees and other sources of income of the board, within the limits of available appropriations according to law, but in no event shall expenditures exceed the revenues of the board during any fiscal year.

C. 45:14C-7 Rules and regulations; limitation.

7. The State board may adopt, amend and promulgate such rules and regulations which may be necessary to carry out the provisions of this act; provided, however, that the board's jurisdiction shall not include the regulation or determination of matters relating to trade or craft jurisdiction or the determination of whether any particular class of employee is entitled to perform any particular work.

C. 45:14C-8 Board's powers.

8. The State board, under the hand of its chairman and the seal of the State board, may subpœna witnesses and compel their attendance before it and may require the production of such papers or documents in any matter involving proceedings for the revocation, refusal to issue, or suspension of any State license issued hereunder. Any member of the State board may administer oaths or affirmations to witnesses appearing before the State board.

C. 45:14C-9 Record of proceedings.

9. The State board shall keep a record of all proceedings conducted before it.

C. 45:14C-10 Register of applications; contents.

10. The State board shall keep a register of all applications for State licenses, which register shall show: (a) name, age and residence of the applicant, (b) date of application, (c) principal place of business of applicant, (d) name and address of employer firm or corporation, if not self-employed, (e) whether or not an examination was required, (f) whether the applicant was accepted or rejected, (g) the number of the license, if issued, (h) the date of the action of the State board, (i) any other information prescribed by the State board.

C. 45:14C-11 Procedure to obtain license.

11. On and after the effective date of this act, any person desiring to obtain a State master plumber's license shall make application to the State board to be licensed as described herein and shall pay all the fees required in connection therewith, and be examined as herein required.

C. 45:14C-12 Authority granted to licensee.

12. Upon the issuance of a State license by the State board to such person, it shall be lawful for such person, the provisions of Revised Statutes 26:3–31 (e) notwithstanding, to practice or to be engaged as a master plumber in the business of plumbing in any municipality in this State; and such person, during the term specified in such State license, shall not be compelled nor required to (a) be licensed by any municipality or subdivision thereof, including local boards of health, or (b) apply for and take any examination in connection therewith, or (c) pay, or be obligated to pay, any examination or licensing fees in connection therewith.

C. 45:14C-13 Authority granted to firm or corporation represented by licensee.

13. On and after the effective date of this act, it shall be lawful for any corporation, partnership, firm or other legal entity, the provisions of Revised Statutes 26:3–31 (e) notwithstanding, to practice or to be engaged as a master plumber in the business of plumbing in any municipality in this State during the term specified in the State license held by a bona fide representative of such corporation, partnership, firm or other legal entity and such corporation, partnership, firm or other legal entity shall not be compelled nor required to (a) be licensed by any municipality or subdivision thereof, including local boards of health, or (b) apply for and take any examination in connection therewith, or (c) pay, or be obligated to pay, any examination or licensing fees

in connection therewith; provided, a bona fide representative of such corporation, partnership, firm or other legal entity shall have secured a State license issued hereunder and shall have paid all fees in connection therewith.

C. 45:14C-14 Municipality's authority to inspect work or equipment.

14. This act shall not deny to any municipality the power to inspect plumbing work or plumbing equipment or the power to regulate the standards and manner in which plumbing work shall be done, but no municipality shall require any master plumber licensed under this act to obtain a municipal license or business permit to engage in the business of or perform the work of master plumber in such municipality.

C. 45:14C-15 Application for examination; delivery; qualifications; proof of compliance.

15. Not less than 30 days and no more than 60 days prior to the date set for the examination for a master plumber's State license, every person, except as herein provided, desiring to apply for a State license, who shall meet the qualifications as set forth herein, shall deliver to the State board, personally or by certified mail, return receipt requested, postage prepaid, a certified check or money order payable to the Treasurer of the State of New Jersey in the required amount as set forth herein, together with such written application as shall be required by the State board, completed as therein described, and together with proof of qualifications as described hereunder.

The qualifications which shall be met and satisfied shall be as follows: Such person shall be 21 or more years of age and shall have been engaged or employed in the plumbing industry for a period of 5 years next preceding the date of his application for such State license. Three or more of such 5 years shall have been spent while engaged or employed as a journeyman plumber. In lieu of such 5 years, such person shall have been awarded a bachelor's degree in engineering from an accredited college or university in the United States and in addition shall have been engaged or employed in the practical work of installing plumbing systems for 1 year.

Proof of compliance with such qualifications or those in lieu thereof shall be submitted to the State board in writing, sworn to by the applicant, and such written proof shall be accompanied by a recent photograph of the applicant.

C. 45:14C-16 Nature of examination; time and place of holding; notice; fees; re-examination.

16. (a) Every State master plumber's license examination shall be substantially uniform and shall be designed so as to establish the competence and qualifications of the applicant to perform the type of work and business as described by this act. The examination may be theoretical or practical in nature, or both.

(b) The examination shall be held at least 4 times a year, at Trenton or such other place as the State board shall deem necessary. Public notice of the time and place of the examination shall be given.

(c) No person who has failed the examination shall be eligible to be re-examined for a period of 6 months from the date of the examination failed by such person.

(d) The following shall be the fees charged by the State board:

First application for master plumber's license	$100 00
Annual renewal of master plumber's State license	$ 50 00
Re-examination for master plumber's State examation	$ 35 00

C. 45:14C-17 Issuance of license without examination.

17. The State board shall, upon application to it and the payment of the prescribed fee, issue a State master plumber's license without examination to any person who, within 6 months following the effective date of this act, submits satisfactory evidence that he has been employed or engaged in the business of plumbing for 5 years prior to the date of his application for a State license. The persons entitled to State license under this provision of this act shall comply with the remaining provisions of this act.

C. 45:14C-18 Expiration of license; annual renewal; license expiring while holder is outside United States or in military service.

18. Every State license issued hereunder shall automatically expire on June 30 following the date of its issuance. Licenses may be renewed annually by the State board upon written application of the holder and payment of the prescribed fee and renewal of required bond. Such license may be renewed without the holder having to be re-examined, provided said application for renewal is made within 30 days next preceding or following the scheduled expiration date. Any applicant for renewal making application at any time subsequent to the 30 days next following the scheduled expiration date may be required by the State board to be re-examined, and such person shall not continue to act as a State licensed master plumber, as described in this act, and no firm, corporation

or other legal entity for which such person is the bona fide representative shall operate thereafter under a State license in the plumbing business, as described in this act, until a valid State license has been secured or is held by a bona fide representative.

Any State license expiring while the holder thereof is outside the continental limits of the United States in connection with any project undertaken by the Government of the United States, or while in the services of the Armed Forces of the United States, shall be renewed without such holder being required to be reexamined, upon payment of the prescribed fee at any time within 4 months after such person's return to the United States or discharge from the armed forces, whichever is later.

C. 45:14C-19 Licensing of applicants licensed by other States.

19. The State board may in its discretion grant State licenses without examination to applicants so licensed by other States; provided that equal reciprocity is provided for New Jersey master plumbers by law of such applicant's domiciliary State and provided further that such sister State's standards are equal to or comparable to those of this State.

C. 45:14C-20 Continuance of business of firm or corporation in event of death or disability of licensed representative.

20. No firm, corporation or other legal entity operating under and by virtue of this act shall be denied the privilege of conducting and continuing the business of plumbing, by reason of the death, illness or other substantial disability of the bona fide representative of such firm, corporation or other entity, provided (a) such firm, corporation or other entity has complied with the other provisions of this act, and (b) that such firm, corporation or other entity maintains a place of business within this State, and (c) another bona fide representative of such entity obtains for a State license within 6 months from the date of such death, illness or disability. The State board may promulgate additional regulations governing the management and operation of such an entity during that period of time when such entity shall be in operation without having a bona fide representative.

C. 45:14C-21 Licenses nontransferable and nonassignable; penalty.

21. All State licenses issued hereunder shall be nontransferable and nonassignable; and at a hearing held before the State board, any license which shall have been found to have been so transferred or assigned shall be suspended or revoked by the State board upon due notice to the holder thereof. Such hearing and notice shall be conducted in accordance with the terms of this act.

C. 45:14C-22 Authority to act as hearing board; bases for hearings; notice to accused licensee; conduct of hearings; application for new license after revocation.

22. The State board shall act as a hearing board which may on its own motion investigate and conduct hearings regarding the suspension or revocation of any State license issued hereunder. The State board, on its own motion or on complaint by any aggrieved person, in writing, duly signed and sworn to by the complainant, and filed with the secretary of the State board, may suspend or revoke any State license issued hereunder, as hereinafter set forth, if any licensee has:

(a) Made a material misstatement on his application for an original or renewal State license or examination; or

(b) Willfully committed fraud in his occupation; or

(c) Practiced his occupation in a willfully negligent manner; or

(d) Willfully violated any State or local plumbing code; or

(e) Been convicted of a crime involving moral turpitude; or

(f) Violated any provision of this act or any rule or regulation adopted pursuant thereto.

The State board shall notify the accused licensee of the time and place of the hearings and the nature of the charges against him. The notice to the accused licensee shall be in writing, directed to his last known place of business and shall be mailed by certified mail, return receipt requested, postage prepaid, not less than 15 days before such hearing date. At any hearing the accused licensee shall have the right to appear personally and by counsel and shall have the right to confront and cross-examine witnesses appearing against him and to produce evidence and witnesses in his defense. If a majority of the State board shall vote for suspension or revocation of the accused's State license, the record of the State board shall be so marked and the licensee shall be notified of the State board's decision as soon as practicable. Any person whose State license shall have been revoked may apply for a new State license and shall meet all of the requirements of this act for applicants for new State licenses; provided that such applicant shall not have the right to apply for such new State license within 6 months from and after the date of revocation of such license.

C. 45:14C-23 Right to appeal.

23. Every person whose State license has been suspended or revoked shall have the right to appeal from the decision of the State board by a proceeding in lieu of prerogative writs.

C. 45:14C-24 Authority to elect to secure license from municipal body.

24. Every person who shall not elect to secure a State license hereunder shall remain under the provisions of Revised Statutes 26:3–31 (e) and the licensing and examination of such persons shall be solely governed by the municipal bodies implementing such provisions.

C. 45:14C-25 Penalties.

25. Any person, firm or corporation who violates any of the provisions of this act or any rule or regulation adopted pursuant thereto shall be fined not less than $100.00 or more than $500.00 for the first offense and not less than $500.00 or more than $1,000.00 for the second and each subsequent offense. Penalties shall be collected and enforced by the State board in the name of the State by summary proceedings in any county district or municipal court pursuant to the Penalty Enforcement Law (N. J. S. 2A:58–1 et seq.).

C. 45:14C-26 Surety bond requirement; similar bond requirement by municipality prohibited.

26. In addition to such other bonds as may be required pursuant to contract, no master plumber who is the holder of a license under the provisions of this act shall undertake to do any plumbing work in the State of New Jersey or any political subdivision thereof unless and until he shall have first entered into a bond in favor of the State of New Jersey in the sum of $3,000.00 executed by a surety company authorized to transact business in the State of New Jersey, approved by the Department of Banking and Insurance and to be conditioned on the faithful performance of the provisions of this act. No municipality shall require any similar bond from any master plumber licensed under this act. The board shall by rule and regulation provide who shall be eligible to receive the financial protection afforded by the bond required to be filed hereunder. The aforesaid bond shall be for the term of 12 months and shall be renewed at each expiration for a similar period.

C. 45:14C-27 Severability of act.

27. The provisions of this act are severable and if any provision of this act, or any part thereof, or the application thereof to any person or circumstances is held unconstitutional, the remaining provisions, and parts thereof, and application of such provisions, or part thereof, to other persons or circumstances shall not be affected thereby.

28. There is hereby appropriated to the Department of Law and Public Safety for the administration of this act until June 30, 1969 all revenues received by the board, the expenditure of which shall be subject to the approval of the Attorney General and the Director of the Division of Budget and Accounting.

29. Section 26:3–31 of the Revised Statutes is amended to read as follows:

Powers and duties; exceptions.

26:3–31. The local board of health shall have power to pass, alter or amend ordinances and make rules and regulations in regard to the public health within its jurisdiction, for the following purposes:

a. To protect the public water supply and prevent the pollution of any stream of water or well, the water of which is used for domestic purposes, and to prevent the use of or to close any well, the water of which is polluted or detrimental to the public health.

b. (1) To prohibit the cutting, sale or delivery of ice in any municipality without obtaining a permit from the local board. No person shall cut, sell or deliver ice in any municipality without obtaining such permit.

(2) To refuse such permit or revoke any permit granted by it when in its judgment the use of any ice cut, sold or delivered under the permit would be detrimental to the public health. Upon the refusal or revocation of a permit by the local board, an appeal may be taken to the State department. Upon order of the State department a permit shall be granted or the revocation set aside.

(3) To prohibit the importation, distribution or sale of any impure ice which would be detrimental to the public health.

c. To license and regulate the sanitary conditions of hotels, restaurants, cafes, and other public eating houses and to provide for the posting of ratings or score cards setting forth the sanitary condition of any public eating house after inspection of the same, and to post the rating or score card in some conspicuous or public place in such eating house.

d. To compel any owner of property along the line of any sewer to connect his house or other building therewith. This paragraph shall be enforced by the local board within its jurisdiction and it shall by ordinance provide a fine of $25.00 to be imposed upon any person who shall not comply with any order issued under the authority of this paragraph, within 30 days after notice by the proper officer of the board to make the required connections. An additional fine of $10.00 shall be provided for each day of delay,

after the expiration of the 30 days, in which the provisions of the order or notice are not complied with. Such notice may be served upon the owner personally or by leaving it at his usual place of abode with a member of his family above the age of 18 years.

e. To regulate the practice of plumbing, to issue licenses and to create an examining board to determine the qualification of any applicant for a license to practice plumbing. The board shall consist of 3 persons, of whom one shall be a plumbing inspector in the employ of the local board, one a master plumber, and one a journeyman plumber. No such ordinance or rule or regulation adopted thereunder shall require the obtaining of a license by any person, firm or corporation licensed in accordance with the "State Plumbing License Law of 1968."

f. To regulate, control, and prohibit the accumulation of offal and any decaying or vegetable substance.

g. (1) To regulate the location, construction, maintenance, method of emptying or cleaning, and the frequency of cleaning of any privy or other place used for the reception or storage of human excrement, and to prohibit the construction or maintenance of any privy or other such place until a license therefor shall have been issued by the board, which license shall continue in force for 1 year from the date of issue.

(2) To fix the fee, not exceeding $5.00, for such license, and to use the fees so collected in supervising and maintaining said privies or other places and in removing and disposing of the excrement therefrom.

(3) To revoke such license at any time if the owner or tenant of the property on which any privy or other such place is located, maintains the same in violation of law, or of the State sanitary code, or any ordinance or rule of the board.

h. To regulate, control, or prohibit the cleaning of any sewer, the dumping of garbage, the filling of any sunken lot or marsh land, and to provide for the filling up of any such lot or land, which has become filled with stagnant water and is located in any built-up area.

i. (1) To license and regulate the business of cleaning cesspools and privies, which license shall continue for the term of 1 year from the date of granting, and to fix the fee that shall be charged for such license, not exceeding $20.00 for each vehicle or conveyance.

(2) To prohibit unlicensed persons from engaging in such business.

(3) To require any vehicle or conveyance used in such business within its jurisdiction to be approved by it.

(4) To revoke such license if any licensee or his employee or agent shall violate any ordinance or rule of the board in cleaning any cesspool or privy, or in removing the contents thereof.

j. To aid in the enforcement of laws as to the adulteration of all kinds of food and drink, and to prevent the sale or exposure for sale of any meat or vegetable that is unwholesome or unfit for food.

k. To regulate, control, or prohibit the keeping or slaughtering of animals.

l. To license and regulate the keeping of boarding houses for infants and children and to fix a license fee for the same and to prevent unlicensed persons from keeping such boarding houses. This paragraph shall not apply to:

(1) The Bureau of Children's Services.

(2) Any children's home, orphan asylum, or children's aid society incorporated under the laws of this State.

(3) Any aid society of a properly organized and accredited church or fraternal society organized for aid and relief to its members.

(4) Any charitable society incorporated under the laws of this State having as one of its objects the prevention of cruelty to children or the care and protection of children.

m. To compel owners of buildings, designed to be occupied, or occupied, as residences by more than 2 families and when the owners have agreed to supply heat, to provide heat from October 1 in each year to May 1 of the succeeding year so that the temperature of said apartment where one or more persons reside shall always be kept at 68 degrees Fahrenheit or above, between the hours of 6 ante meridian and 10 post meridian.

n. To regulate the practice of midwifery, but the exercise of such authority shall not conflict with the provisions of chapter 10 of the Title Professions and Occupations (§ 45:10–1 et seq.).

o. To enforce the making of returns or reports to the local board on the part of any person charged with such duty under any law and to take cognizance of any failure to make such returns and deal with the same in an effective manner.

30. This act shall take effect immediately.

Approved December 26, 1968.

CHAPTER 363

AN ACT concerning motor vehicles and traffic regulations, amending section 39:3–33 of the Revised Statutes and making an appropriation.

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

1. Section 39:3–33 of the Revised Statutes is amended to read as follows:

Markers; requirements; display of fictitious or wrong numbers; penalties.

39:3–33. The owner of an automobile which is driven on the public highways of this State shall display not less than 12 inches nor more than 48 inches from the ground in a horizontal position, and in such a way as not to swing, an identification mark or marks to be furnished by the department; provided, that if 2 marks are issued they shall be displayed on the front and rear of the vehicle; and provided, further, that if only one mark is issued it shall be displayed on the rear of the vehicle; and provided, further, that the rear identification mark may be displayed more than 48 inches from the ground on tank trucks, trailers and other commercial vehicles carrying inflammable liquids. Motorcycles shall also display an identification mark or marks; provided, that if 2 marks are issued they shall be displayed on the front and rear of the motorcycle; and provided, further, that if only one mark is issued it shall be displayed on the rear of the motorcycle.

The identification mark or marks shall contain the number of the registration certificate of the vehicle and shall be of such design and material as the commissioner prescribes. All registration plates or markers issued by the department subsequent to August 31, 1969, shall be treated with special reflectorized materials designed to increase the visibility and legibility thereof. All identification marks shall be kept clear and distinct and free from grease, dust or other blurring matter, so as to be plainly visible at all times of the day and night.

The director is authorized and empowered to issue registration plate inserts, to be inserted in and attached to the registration plates or markers described herein. They may be issued in the place of new registration plates or markers; and inscribed thereon, in numerals, shall be the year in which registration of the vehicle has been granted.

No person shall drive a motor vehicle, the owner of which has not complied with the provisions of this subtitle concerning the proper registration and identification thereof, nor drive a motor vehicle which displays a fictitious number, or a number other than that designated for the motor vehicle in its registration certificate.

A person convicted of displaying a fictitious number, as prohibited herein, shall be subject to a fine not exceeding $500.00 or imprisonment in the county jail for not more than 60 days.

A person violating any other provision of this section shall be subject to a fine not exceeding $100.00. In default of the payment thereof, there shall be imposed an imprisonment in the county jail for a period not exceeding 10 days. A person convicted of a second offense of the same violation may be fined in double the amount herein prescribed for the first offense and may, in default of the payment thereof, be punished by imprisonment in the county jail for a period not exceeding 20 days. These penalties shall not apply to the display of a fictitious number.

2. There is hereby appropriated to the Division of Motor Vehicles the sum of $200,000.00 or so much thereof as may be necessary for the purpose of implementing this act for the fiscal year ending June 30, 1969.

3. This act shall take effect immediately.

Approved December 26, 1968.

CHAPTER 364

AN ACT concerning the Pension Fund of School District Employees in First-Class Counties and amending sections 18A:66–100, 18A:66–103, 18A:66–106, 18A:66–117 and 18A:66–124 and supplementing article 2 of chapter 66 of Title 18A of the New Jersey Statutes.

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

1. Section 18A:66–100 of the New Jersey Statutes is amended to read as follows:

Annual report by trustees to boards of education.

18A:66–100. The board of trustees shall make an annual report of the condition of the fund and the manner in which it is invested,

to the boards of education of school districts of the county wherein it is organized, in the month of March of each year, for the prior fiscal year ending December 31 and at such other times as such boards of education may request.

2. Section 18A:66–103 of the New Jersey Statutes is amended to read as follows:

Return of contributions to veteran members; service credits required; liquidation of certain service credits.

18A:66–103. a. Each public employee veteran member of a pension fund in existence and established on June 26, 1962 under article 16 of chapter 5 of Title 18 of the Revised Statutes shall have returned to him the contributions made by him as of July 1, 1962 with simple interest at 2% per annum to such date. All service rendered in office, position or employment of this State or of a county, municipality, school district or board of education or service rendered for the State University of New Jersey, an instrumentality of this State, after April 16, 1945, and the New Jersey State Agricultural Experiment Station established by an act approved March 10, 1880 (P. L. 1880, c. 106 and continued pursuant to chapter 16 of Title 4 of the Revised Statutes), an instrumentality of this State, excluding service rendered as county extension service farm and home demonstration agents, by such veteran member previous to June 26, 1962, and excluding credits for prior service of such veteran covering employment which is vested in another governmental body or pension fund, for which evidence satisfactory to the board of trustees was presented prior to June 27, 1963, shall be credited to him as a member and such credit shall be known as prior service credit and the obligation of the board of education employing such veteran member on account of such credit shall be known as the accrued liability on behalf of such veteran member, and the board of education which employed such veteran member as of June 26, 1962 shall liquidate said accrued liability by annual payments for a period of 30 years commencing July 1, 1963, the amount of these payments to be computed by the actuary and certified by the board of trustees.

b. In the event that a public employee veteran who prior to June 26, 1962 rendered service in office, position or employment of this State, including such service rendered for any instrumentality enumerated in subsection a. of this section, or of a county, municipality, or school district or board of education, shall be a member of the pension fund on or after said date, such public employee veteran shall receive prior service credit for such service

for which evidence satisfactory to the board of trustees is presented in the same manner as received by other public employee veteran members. The employer of such public employee veteran on the date of his becoming a member shall liquidate the accrued liability for such prior service by annual payments over the remainder of the 30-year period specified in subsection a. of this section, the amount of these payments to be computed by the actuary and certified by the board of trustees.

3. Section 18A:66–106 of the New Jersey Statutes is amended to read as follows:

Certain employees permitted to purchase credit for temporary employment or employment in other governmental units in this State or in other States.

18A:66–106. Persons heretofore permanently or provisionally employed by such boards of education who became members of the pension fund at any time prior to June 26, 1962, shall be permitted to purchase credit covering any period of temporary, permanent or provisional service preceding said permanent or provisional employment, by making application therefor, and in such case, the payments to be made by the employee and board of education for such previous service shall be based on appropriate tables of factors submitted by the actuary as being applicable to the salary and contribution rate in effect at the time of making the application to purchase such credit. Persons becoming members thereafter shall be permitted to purchase credit for any temporary service which immediately precedes their permanent or provisional appointment by making application therefor at the time of becoming members and paying into the fund, the amount determined to be due for such service on the basis of appropriate tables of factors submitted by the actuary as being applicable to the salary and contribution rate in effect based on the salary at that time.

Any person coming into the employ of any such board of education as a provisional employee after June 26, 1962, shall become a member of the pension fund as a condition of employment.

A member shall have the right to purchase credit for any period of service in other municipalities or governmental units in this State or in any other State of the United States of America, rendered by the member prior to becoming a member up to the nearest number of years and months but not exceeding 10 years, by making application therefor at the time of becoming a member or for present members within 2 years of the effective date of this 1968 amendatory act and in such case the payments to be made by the employee and the employing board of education for such serv-

ice credits shall be on the basis of appropriate tables of factors submitted by the actuary as being applicable to the salary and contribution rate in effect based on the salary at the time of making application.

4. Section 18A:66–117 of the New Jersey Statutes is amended to read as follows:

Contributory death benefits; death benefits for former members receiving retirement allowances.

18A:66–117. a. The board of trustees may establish a plan of contributory death benefit coverage under which a death benefit, shall, upon receipt of proper proofs of death in service of a member covered therefor, be paid to such person, if living, as the member shall have nominated by written designation duly executed and filed with the board of trustees, otherwise to the executor or administrator of the member's estate. The amounts of death benefits under such plan of contributory death benefit coverage shall be determined by the board of trustees, provided that the amount of the death benefit for any member shall not exceed 1½ times the compensation received by the member in the last year of creditable service, and provided further that for the death in service of a member occurring after he has attained age 70, the amount of death benefit under such plan shall not exceed 3/16 of the compensation received by the member in the last year of creditable service. Such a plan of contributory death benefit coverage shall be subject to adjustment from time to time by the board of trustees.

b. The board of trustees shall establish all rules governing the contributory death benefit coverage, subject to the provisions of this section. There is hereby established the members' death benefit fund in which fund shall be accumulated the contributions made under this section. Upon the death of a member electing the contributory death benefit, the contributory death benefit payable shall be paid from the members' death benefit fund.

c. The board of trustees shall establish schedules of contributions to be made by or on behalf of the members covered under the plan of contributory death benefit coverage. Such contributions shall be so computed that the contributions made by or on behalf of all covered members in the aggregate shall be sufficient to provide for the cost of the benefits established by subsection a. of this section. Such schedules of contributions shall be subject to adjustment from time to time, by the board of trustees, as the need may appear.

d. Each member will be eligible for such contributory death benefit coverage in accordance with and subject to the further provisions of this section. Each person who was a member on June 26, 1962 and who elected, not later than June 26, 1963 to purchase such contributory death benefit coverage became covered therefor on the first day on or after such election, on which he was actively at work and performing all his regular duties at his customary place of employment. Each person who became or becomes a member after June 26, 1962, shall automatically be covered for such contributory death benefit coverage from the first day of his membership on which he is actively at work and performing all his regular duties at his customary place of employment. Such automatic coverage shall continue during the member's first year of membership and during such year contributions as fixed by the board of trustees shall be made by or on behalf of the member. After such first year of membership such member shall continue to be covered for contributory death benefit coverage, subject to the continuance of the required contributions and subject to the provisions of such plan and the provisions of this section.

e. The contributions of a member for the contributory death benefit coverage shall be deducted from his compensation, but if there is no compensation from which such contributions may be deducted it shall be the obligation of the member to make such contributions directly to the members' death benefit fund or as directed by the board; provided, however, that no contribution shall be required while a member remains in service after attaining age 70 but the board of education employing such person shall be required to pay into the members' death benefit fund or as directed by the board of trustees on such person's behalf an amount equal to the contribution otherwise required by the board of trustees in accordance with this section.

f. Any other provision of this article notwithstanding, the contributions of a member, or the contributions made on behalf of a member by the board of education employing such member for the contributory death benefit coverage under this section shall not be returnable to the member, his or her beneficiary, or the board of education employing such member in any manner, or for any reason whatsoever, nor shall any contributions made for the contributory death benefit coverage be included in any pension payable to such member or to his or her beneficiary.

g. A member who is covered by the contributory death benefit coverage provided by this section may file with the board of

trustees, and alter from time to time during his lifetime, as desired, a duly attested, written, new nomination of the payee of the death benefit provided under this section. Such member may also file and alter from time to time during his lifetime, as desired, a request with the board of trustees directing payment of said benefit in one sum or in equal annual installments over a period of years or as a life annuity. Upon the death of such member, a payee to whom a benefit is payable in one sum may elect to receive the amount payable in equal installments over a period of years or as a life annuity.

h. All other provisions of this section notwithstanding, the benefits to be provided pursuant to this section shall come into effect only as determined by the board of trustees. Applications for such additional death benefit coverage shall be submitted to the board of trustees in such a manner and upon such forms as the board of trustees shall provide.

i. The board of trustees may also provide, effective upon the adoption of this 1968 amendatory act, for additional death benefit coverage, as described in subsection j. of this section, for former members who are receiving retirement allowances pursuant to the provisions of this article subject to the provisions hereinafter stated, and the board may terminate such coverage at any time. The additional death benefit coverage to be so provided shall be in accordance with rules as determined by the board from time to time on the basis of dates of retirement or other factors deemed appropriate by it. In no event shall the additional death benefit coverage described in subsection j. of this section apply to any former member receiving a retirement allowance unless such member was covered by the additional death benefits described in subsection a. of this section during the member's last month of creditable service, nor shall such coverage apply prior to a member's attainment of age 60. No contributions toward the cost of additional death benefit coverage described in subsection j. of this section shall be required of a former member while he is receiving a retirement allowance pursuant to the provisions of this article.

j. Upon receipt of proper proofs of the death of a former member who was covered for the additional death benefit coverage pursuant to subsection i. of this section, there shall be paid to such person, if living, as the member shall have nominated by written designation duly executed and filed with the board of trustees, otherwise to the executor or administrator of the member's estate,

an amount equal to $\frac{3}{16}$ of the compensation received by the member in the last year of creditable service.

5. Section 18A:66–124 of the New Jersey Statutes is amended to read as follows:

Leave of absence for illness, etc., deemed to be service; limitations; contributions for death benefits during such leave.

18A:66–124. a. For the purpose of section 18A:66–117 and subsection c. of section 18A:66–108, a member shall be deemed to be in service for a period of no more than 2 years while on official leave of absence without pay; provided that satisfactory evidence is presented to the board of trustees that such leave of absence without pay is due to illness.

b. For the purpose of section 18A:66–117 and subsection c. of section 18A:66–108, a member shall be deemed to be in service for a period of no more than 93 days while on official leave of absence without pay when such leave of absence is due to any reason other than illness or military leave of absence.

c. In order for a member to be covered for the contributory death benefits provided under section 18A:66–117, he shall continue to make contributions for same during the period such member is on official leave of absence without pay up to 93 days, except that when such official leave of absence without pay is due to illness, no contributions shall be required of the member during the period he is deemed to be in service while on such leave of absence.

C. 18A:66-110.1 Formula for increase of pension of certain retired members.

6. The pension being received by any retired member who retired in the year 1954 or prior thereto, shall be increased in accordance with the following formula:

a. The first $900.00 of pension shall be increased in accordance with the "ratio of increase" formula in this act if the retired member shall have established 25 years of service credit prior to retirement, or shall have been retired for service-connected disability.

b. If the retirant shall have established less than 25 years of service credit prior to retirement and shall not have been retired for service-connected disability, the first $900.00 of the retirement allowance, or the full retirement allowance if such allowance is less than $900.00, shall be increased in accordance with the "ratio of increase" formula, except that this increase shall be in the same proportion to the increase provided under the "ratio of increase" formula as the number of years of service credit is to 25.

Nothing in this act shall be construed as providing for an increase in the pension or other benefits payable to the beneficiaries of any retired member.

The "ratio of increase" which shall apply to the pension being received by a retired member shall be calculated in accordance with the following percentages as determined by the calendar year in which the retirement became effective:

Year of Retirement	Ratio of Increase
1932	79%
1933	89%
1934	99%
1935	107%
1936	111%
1937	109%
1938	106%
1939	104%
1940	103%
1941	101%
1942	96%
1943	87%
1944	79%
1945	70%
1946	61%
1947	51%
1948	41%
1949	33%
1950	26%
1951	19%
1952	15%
1953	12%
1954	10%

The board of trustees shall certify annually to the contributing employers the amount necessary to provide for the cost of the increases in pensions provided by this act.

The increase in pensions provided for under this act shall commence with the pension payments due after the first of the month following the effective date of this act, provided that there is appropriated the amount certified by the board of trustees to the employing boards of education.

The increase in pension shall continue to be paid as long as there shall be appropriated the amounts so certified. In the event that

the necessary funds are not so appropriated, the increase in pension shall cease.

Each employing board of education shall appropriate the amounts as certified by the board of trustees as long as the State has appropriated funds for a similar purpose payable to pensioners of State administered retirement systems.

Any retired member who is eligible to receive the increased pension under the provisions of this act may, at any time, waive his or her right thereto by filing a written notice of waiver with the board of trustees. Such waiver may be withdrawn at any time and upon such withdrawal the increase in the pension shall commence with the pension payment for the next following month.

7. This act shall take effect immediately.

Approved December 26, 1968.

CHAPTER 365

AN ACT relating to certain appeals to the Division of Tax Appeals, providing for the payment of taxes assessed and levied in certain cases, and supplementing chapter 2 of Title 54 of the Revised Statutes.

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

C. 54:2-41.5 Amount of tax payable pending appeal.

1. In any appeal to the Division of Tax Appeals in the Department of the Treasury from a judgment of a county board of taxation heretofore instituted and pending on the effective date of this act or hereafter instituted, the taxpayer, notwithstanding the provisions of any other law, shall, upon order of the Division of Tax Appeals, be required to pay to the collector of the taxing district wherein the property subject to the appeal is located, not less than 75% of the full amount of the taxes that would have been payable had the said appeal to the division not been instituted. Such payment shall be subject to a refund of any excess taxes paid together with interest thereon at a rate equal to the rate charged by the taxing district on delinquent taxes, in the event the judgment of the division in any such appeal is entered in favor of the tax-

payer. Any such refund shall be paid by the taxing district within 50 days from the date of the judgment; provided, however, that if agreeable to taxpayer, any such refund may be paid by the taxing district over a period not to exceed 3 years.

C. 54:2-41.6 Bases for order of Division of Tax Appeals.

2. An order of the Division of Tax Appeals providing for payment of 75% of the tax pending appeal shall issue upon the motion of any taxing district supported by affidavit or other reliable evidence that (a) no final judgment has been rendered by the Division of Tax Appeals; (b) that more than 6 months has elapsed from the date upon which the petition of appeal was filed; (c) that less than 75% of the taxes that would have been payable had the said appeal to the division not been instituted have been paid; and (d) that failure to require payment of funds prior to disposition of the appeal may work hardship upon the taxing district. Such motion may be heard and determined by the Division of Tax Appeals upon summary proceedings pursuant to such rules as may be provided by the division for such purpose. Financial distress of an appellant taxpayer shall not constitute grounds for denial of such order.

3. This act shall take effect immediately.

Approved December 26, 1968.

CHAPTER 366

AN ACT concerning unemployment compensation and temporary disability benefits, and amending section 43:21–19 of the Revised Statutes.

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

1. 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 in 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 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 employing 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 enforcible means or otherwise), directly or indirectly by the same interests, or which owns or controls one or more other employing units (by legally enforcible 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.);

(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.); or

(7) Any employing unit subject to the provisions of the Federal Unemployment Tax Act within either the current or the preceding calendar year except for employment hereinafter excluded under paragraph (7) of subsection (i) of this section.

(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 Government, 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, hospital, 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 em-

ployee 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 Revised Statutes 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 Revised Statutes 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.

2. This act shall take effect on January 1 following the adoption of this act.

Approved December 26, 1968.

CHAPTER 367

AN ACT authorizing the creation by ordinance of the office of municipal administrator, and supplementing chapter 46 of Title 40 of the Revised Statutes.

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

C. 40:46-2.2 Municipal administrator.

1. The governing body of any municipality, may by ordinance create the office of municipal administrator, to administer the business affairs of the municipality to have such powers, and perform such duties other than those required by law to be exercised by the governing body itself or by another officer, board or body, and receive such compensation, as the ordinance creating such office shall provide and as may from time to time otherwise be directed by the governing body by ordinance.

C. 40:46-2.3 Appointment of municipal administrator.

2. Appointment to the office of municipal administrator shall be made by the mayor or chief executive officer of the municipality, with the advice and consent of the governing body. In townships, and in municipalities with a commission form of government, the municipal administrator shall be appointed by majority vote of the governing body. The term of office of the municipal administrator shall be at the pleasure of the governing body.

C. 40:46-2.4 Removal of municipal administrator.

3. The municipal administrator may be removed by a ⅔ vote of the governing body. The resolution of removal shall become effective 3 months after its adoption by the governing body. The governing body may provide that the resolution shall have immediate effect; provided, however, that the governing body shall cause to be paid to the administrator forthwith any unpaid balance of his salary and his salary for the next 3 calendar months following adoption of the resolution.

4. This act shall take effect immediately.

Approved December 26, 1968.

CHAPTER 368

AN ACT relating to the establishment of sewerage districts in counties, the creation of Sanitary Sewer District Authorities by the establishing of such districts, prescribing the powers and duties of any such authority and of other public bodies in connection with the construction of sewers and sewage disposal facilities in any such district, and providing the ways and means for paying the costs of construction and operation thereof, and amending the title and body of chapter 123 of the laws of 1946 and amending the title and body of chapter 389 of the laws of 1953.

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

1. The title of chapter 123 of the laws of 1946 is amended to read as follows:

Title amended.

AN ACT relating to the establishment of sewerage districts in counties, the creation of Sanitary Sewer District Authorities by the establishing of such districts, prescribing the powers and duties of any such authority and of other public bodies in connection with the construction of sewers and sewage disposal facilities in any such district, and providing the ways and means for paying the costs of construction and operation thereof.

2. The title of chapter 389 of the laws of 1953 is amended to read as follows:

Title amended.

A SUPPLEMENT to "An act relating to the establishment of sewerage districts in counties, the creation of Sanitary Sewer District Authorities by the establishing of such districts, prescribing the powers and duties of any such authority and of other public bodies in connection with the construction of sewers and sewage disposal facilities in any such district, and providing the ways and means for paying the costs of construction and operation thereof."

3. Section 1 of chapter 123 of the laws of 1946 (C. 40:36A–1) is amended to read as follows:

C. 40:36A-1 Establishment of sewerage district; area.

1. Whenever any river, stream or estuary flows in, through or along the territory of any county and the natural drainage area of such river, stream or estuary within the county includes the territory of more than one municipality in the county and such river, stream or estuary is subject to pollution to such degree that, in the judgment of the board of chosen freeholders of the county, the pollution thereof is, or is likely to become, a threat to the public health of the communities within such drainage area, the board of chosen freeholders of such county hereby is authorized and empowered to establish, by resolution, a sewerage district for the purpose of protecting such river, stream or estuary from pollution in the county, which district shall consist of the territory of such municipalities, within the county, lying in whole or in part within the natural drainage area of such river, stream or estuary within the county, as the board, in its judgment, shall determine to be practical and convenient to include within such district for such purpose by designation in such resolution, and of the territory of such other municipalities of the same character as may from time to time thereafter be included in such district by subsequent resolution or resolutions of such board of chosen freeholders. A resolution establishing a sewerage district shall designate an identifying name for such district.

Any resolution adopted under the provisions of this act by a board of chosen freeholders shall be entered upon the minutes of said board and a copy of the same, certified by the clerk of the board, under the seal of the county, shall be filed in the office of the county clerk of the county wherein such district is situate and an additional copy so certified shall be filed with the State Department of Health.

4. Section 19 of chapter 123 of the laws of 1946 (C. 40:36A–19) is amended to read as follows:

C. 40:36A-19 Establishment of authority as corporate body; powers.

19. An authority shall be a body politic and corporate, with perpetual succession as a governmental instrumentality for the purpose, among others, of the protection of the public safety, health and welfare, with power to sue and be sued, to adopt and use a corporate seal, to borrow money or contract debt, to issue negotiable bonds, and to provide for the rights of the holders thereof,

and with the right, power and authority to acquire, use, hold and dispose of all property, real and personal, and to make and perform all contracts and do all acts and things and with all other powers proper or necessary to design, finance, construct, acquire and operate as hereinafter provided, such a system of trunk, intercepting and outlet sewers, pumping and ventilating stations, treatment plants and other plants and structures (hereinafter sometimes referred to as the "district sewer system") as in its judgment will provide the most effectual and advantageous plan or method for relieving any river, and its tributaries, other streams and estuaries, whether navigable or otherwise, within its sewer district, from pollution and for preventing pollution of the same, and for carrying out and effectuating the purposes and plan herein provided for. The word "sewage" when used in this act shall be deemed to include industrial wastes and other matter having a tendency to pollute streams and watercourses when discharged therein.

5. Section 1 of chapter 389 of the laws of 1953 (C. 40:36A–23.1) is amended to read as follows:

C. 40:36A-23.1 Discharge of sewage or polluting matter into rivers, streams, estuaries, etc.

1. No sewage or other polluting matter shall be discharged, directly or indirectly, into the waters of any river, stream or estuary or into the waters of any of the tributaries of any such river or stream, included within the boundaries of any sewerage district established pursuant to the act to which this act is a supplement, and the Sanitary Sewer District Authority established for said district may enforce the provisions of this act and of the act to which this act is a supplement, over and throughout all municipalities which may, or the inhabitants of which may, directly or indirectly, discharge sewage or other polluting matters into said waters and said authority may institute in its corporate name suits or proceedings in the nature of suits at law or proceedings in equity as may be deemed necessary or appropriate to enforce the provisions of this act, and of the act to which this act is a supplement, and any court of appropriate jurisdiction hereby is vested with special jurisdiction to enforce said provisions in a summary manner upon application of the authority.

6. Section 33 of chapter 123 of the laws of 1946 (C. 40:36A–33) is amended to read as follows:

C. 40:36A-33 Contracts with municipalities, sewer companies and industries.

33. An authority may negotiate and enter into contracts, in the form and with the force and effect provided in sections 50, 51, 52

and 53 of this act, with municipalities within its sewer district and with private sewer companies operating therein and may negotiate and enter into like contracts with any other municipality or any private sewer company which may be discharging sewage directly or indirectly into any river, its tributaries or estuary and which might advantageously use the facilities of a proposed district sewer system, and may negotiate and enter into like contracts with persons or corporations engaged in public or private industry (herein called "industry" or "industries") within its sewer district who or which shall be discharging into any river, its tributaries or estuary any sewage which cannot conveniently be disposed of through the sewer system of any municipality or private sewer company. Nothing in this act shall be construed to prohibit any municipality which has not entered into a contract with an authority, as herein provided, from constructing its own sewerage disposal plant for its own sole use.

7. This act shall take effect immediately.

Approved December 27, 1968.

CHAPTER 369

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 22 of the act of which this act is amendatory is amended to read as follows:

C. 40:55-1.22 Performance guarantees; action required after completion of improvements.

22. The governing body may accept adequate performance guarantees for the purpose of assuring improvements, as provided in section 21 of this act and section 10 of the Official Map and Building Permit Act (1953).

The amount of any performance guarantee may be reduced by the governing body by resolution when portions of the improvements have been completed, and the time allowed for installation of the improvements for which the performance guarantee has been provided may be extended by said body by resolution.

If the required improvements shall not have been installed in accordance with the performance guarantee, the obligor and surety, if any, shall be liable thereon to the municipality for the reasonable cost of the improvements not installed and upon the receipt of the proceeds thereof the municipality shall install such improvements.

When all of the necessary and appropriate improvements have been completed the obligor shall notify the municipal governing body, in writing, by certified or registered mail, of the completion of the aforesaid improvements and shall send a copy thereof to the municipal engineer. The municipal governing body shall direct and authorize the municipal engineer to inspect all of the aforesaid improvements. The municipal engineer shall, thereupon, file a report, in writing, with the municipal governing body, which report shall be detailed and shall indicate either approval, partial approval, or rejection. If said improvements, or any portion thereof, shall not be approved or shall be rejected by the municipal engineer, said report shall contain a statement of reasons for such nonapproval or rejection. Where said report indicates partial approval of said improvements, it shall indicate the cost of the improvements for which approval is rejected or withheld.

The municipal governing body shall accept or reject the improvements, grant partial approval, or withhold approval, on the basis of such report and shall notify the obligor in writing by certified or registered mail, of the contents of said report and the action of said municipal governing body with relation thereto not later than 180 days after receipt of the notice from the obligor of the completion of the improvements. Where partial approval is granted, the obligor shall be released from all liability pursuant to its performance guaranty bond, except for that portion adequately sufficient to secure the improvements not yet approved.

If the municipal governing body fails to send such notification to the obligor within 180 days, the obligor may notify the governing body, in writing, by certified or registered mail, with a copy thereof sent to the municipal engineer, that failure of the governing body to provide the obligor with such notification within 60 days shall constitute approval of the improvements. Within 60 days after receipt of this warning notice, the governing body shall send such notification of the contents of the report and its action with relation thereto to the obligor by certified or registered mail. Failure of the governing body to send or provide such notification to the obligor within 60 days shall be deemed to constitute approval of the improvements and the obligor and surety, if any, shall be released from all liability, pursuant to its performance guaranty bond.

If any portion of the said improvements shall not be approved or shall be rejected by the municipal governing body, the obligor shall cause the same to be completed and, upon completion, the same procedure of notification, as outlined herein, shall be followed.

Nothing herein, however, shall be construed in limitation of the obligor's right to contest or question by legal proceedings or otherwise, any determination of the municipal governing body or the municipal engineer.

The obligor shall be responsible for all of the inspection fees of the municipal engineer incurred in making the foregoing inspections.

Nothing herein shall affect the obligation of any person relating to the posting of appropriate maintenance bonds, when required.

Where herein reference is made to the municipal engineer, it shall be deemed to include any municipal official acting in such capacity.

2. Section 21 of the act of which this act is amendatory is amended to read as follows:

C. 40:55-1.21 Improvements prerequisite to approval of plats; performance guarantee.

21. Before final approval of plats the governing body may require, in accordance with the standards adopted by ordinance, the installation, or the furnishing of a performance guarantee in lieu thereof, of any or all of the following improvements it may deem to be necessary or appropriate: street grading, pavement, gutters, curbs, sidewalks, street lighting, shade trees, surveyor's monuments, water mains, culverts, storm sewers, sanitary sewers or other means of sewage disposal, drainage structures, and such other subdivision improvements as the municipal governing body may find necessary in the public interest.

The municipality may also require a maintenance guarantee for a period not to exceed 2 years after final acceptance of the improvement, in an amount not to exceed 15% of the cost of the improvement or of the original installation.

3. This act shall take effect 90 days after approval.

Approved December 27, 1968.

CHAPTER 370

AN ACT to validate and confirm conveyances of land made in the corporate names of corporations which had expired by their own limitation or been annulled by the Legislature or otherwise dissolved prior to the execution and delivery of such conveyances, and the record thereof.

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

Validating act.

1. Every conveyance of lands of any corporation, heretofore executed and delivered in the corporate name or recorded, after such corporation had expired by its own limitation or been annulled by the Legislature or otherwise dissolved; provided, such conveyance was executed by the person who was the president or a vice-president thereof at the date of dissolution, and such deed has been of record for at least 1 year before the effective date hereof, is hereby validated and confirmed; and any and all such conveyances, and the record thereof, shall be as valid and effectual in law and in equity as if executed and delivered or recorded by the directors of such corporation as trustees on dissolution; provided however, that the charter of said corporation has been reinstated.

2. This act shall take effect immediately.

Approved December 27, 1968.

CHAPTER 371

AN ACT to amend and supplement "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," approved May 2, 1967 (P. L. 1967, c. 43).

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 is amended to read as follows:

C. 2A:158A-17 Lien on property of defendant.

17. The reasonable value of the services rendered to a defendant pursuant to this act may 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, whenever the reasonable value of the services rendered to a defendant appears to exceed $150.00 and may, where the reasonable value of those services appears to be less than $150.00 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-23 Authority to administer oaths.

2. The Public Defender, the deputy public defender, the assistant deputy public defenders and investigators attached to the Office of the Public Defender shall have the power to administer oaths and affirmations in relation to any matter within the jurisdiction of the Office of the Public Defender.

C. 2A:158A-24 Representation of persons under age 18.

3. Except as hereinafter provided, the Public Defender shall in the manner prescribed by P. L. 1967, chapter 43 (N. J. S. 2A:158A–1, et seq.) provide for the legal representation of any other person under the age of 18 who is formally charged with

the commission of an act of juvenile delinquency and where in the opinion of the juvenile judge the prosecution of the complaint may result in the institutional commitment of such person.

C. 2A:158A-25 Eligibility of persons under age 21 for services; recovery of cost.

4. Whenever a person formally charged with an indictable offense, or coming within this act, is under the age of 21 years, the question of eligibility for services shall be measured not only in terms of the financial circumstances of the individual, but also in terms of the financial circumstances of the individual's parents or legal guardians. The Office of the Public Defender shall be entitled to recover the cost of legal services from the parents or legal guardians of such persons to the same extent and in the same manner as is provided under P. L. 1967, chapter 43, and shall have authority to require parents or legal guardians of such to execute and deliver such written requests or authorization as may be requisite under applicable law in order 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.

5. 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 appropriation act.

6. This act shall take effect July 1, 1968, except that sections 1 and 2 of this act shall take effect immediately.

Approved December 27, 1968.

CHAPTER 372

AN ACT to provide for the employment and vocational training of certain prisoners confined in county institutions in certain cases.

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

C. 30:8-44 Employment or vocational training of certain prisoners.

1. In any county in which the board of chosen freeholders, by resolution, approves the application of this act and designates a county work release administrator who may be the sheriff, warden or other person, a person convicted of any offense and sentenced

to the county jail, workhouse or penitentiary of the county may be placed at outside labor or permitted to attend a vocational training course operated or sponsored by a public or private agency in the county by order of the court by which the sentence was imposed, at the time such person is sentenced or at any time thereafter during the term of the sentence. In the case of female offenders a work release order may include permission for release from confinement during specified hours to care for her family. Such order may be revoked by the court which granted it at any time.

The Department of Institutions and Agencies shall prepare and enforce regulations for the operation of this act in accordance with the provisions thereof.

C. 30:8-45 Conditions for work release and training release programs.

2. Every county work release and vocational training release program shall, however, be subject to the following conditions:

(a) Representatives of local union central bodies or similar labor union organizations shall be consulted as to the general program for such placements;

(b) That such placements shall not result in the displacement of employed workers, or be made in skills, crafts or trades in which there is a surplus of available gainful labor in the locality, or impair existing contracts for services; and

(c) That the rates of pay and other conditions of the placements shall not be less than those paid or provided for work of a similar nature in the locality in which the work is to be performed.

C. 30:8-46 Type of employment; wages and hours.

3. If the person so placed at outside labor has been regularly employed, arrangements shall be made for a continuation of said work insofar as possible without interruption. If not employed in any job, every effort shall be made to secure some suitable employment. Any such person so employed shall be paid a fair and reasonable wage for such work and shall work at fair and reasonable employment and hours per day and per week. If suitable private outside employment cannot be found for any prisoner, such prisoner may be employed by the county if work is available and shall receive therefor a fair and reasonable wage and shall work at fair and reasonable hours per day and per week.

C. 30:8-47 Employment in another county.

4. The court may by order authorize the work release administrator to whom any person placed at outside labor is committed

to arrange with another work release administrator for the employment of the prisoner in the other's county, and while so employed to be in the other's custody but in all other respects to be and continue subject to the commitment.

C. 30:8-48 Confinement while not employed.

5. Whenever such person is not employed, and between the hours or periods of employment, he shall be confined in jail or workhouse.

C. 30:8-49 Collection and disposition of earnings; notice to employer.

6. The earnings of such person shall be collected by the work release administrator and the employer shall be notified by registered mail, which notice shall include a copy of the order placing the person at outside labor. From such earnings, payment shall be made for the following purposes and in the order listed:

(1) Board and personal expenses of such person inside and outside of jail or workhouse.

(2) Court costs and fines.

(3) After written notice to the appropriate welfare board the legally ascertained support of such person's dependents.

(4) Payment on debts and legal obligations of such person acknowledged by him in writing and filed with the work administrator in such form as he shall specify. Any balance of such earnings that shall remain after the payment of the above shall be retained until the person's discharge and after proper accounting, shall be paid to him.

C. 30:8-50 Diminution of term.

7. Under regulations of the Department of Institutions and Agencies, he may be granted a diminution of not more than ¼ of his term if his conduct, diligence and general attitude merit such diminution.

C. 30:8-51 Violation of certain conditions.

8. In case of the violation of the conditions laid down for his conduct, custody and employment, any person placed at outside labor or for study, may then be required to serve the balance of the sentence in ordinary confinement and may thereupon cancel any earned diminution of his term.

C. 30:8-52 Segregation from other prisoners.

9. Insofar as possible, persons admitted to outside labor or to a vocational training program under this act shall be segregated from other prisoners serving terms in ordinary confinement.

C. 30:8-53 Escape or attempt to escape.

10. Any person admitted to outside labor or a vocational training program under this act who shall escape or attempt to escape while in such status outside the county institution shall be deemed to have escaped and treated in accordance with the law.

11. This act shall take effect immediately.

Approved December 27, 1968.

CHAPTER 373

AN ACT concerning moneys paid to inmates upon release from State correctional institutions and amending section 30:4–114 of the Revised Statutes.

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

1. Section 30:4–114 of the Revised Statutes is amended to read as follows:

Payment on parole or discharge; return of personal property.

30:4–114. The State board, subject to appropriations made for such purpose, shall have power to prescribe with reference to each institution within its jurisdiction the sum of money in each case, which shall be paid by the chief executive officer to each person upon parole or discharge and the clothing, if any, which shall be provided for such paroled or discharged person. In addition thereto, there shall be returned to each paroled or discharged person the personal property which was taken from him at the time of admission to the institution.

2. This act shall take effect immediately.

Approved December 27, 1968.

CHAPTER 374

AN ACT concerning civil service and amending section 11:28–3 of the Revised Statutes.

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

1. Section 11:28–3 of the Revised Statutes is amended to read as follows:

Transfer or combination of functions not to affect employee's rights; no loss of remuneration.

11:28–3. Should the functions of any department, bureau, commission, authority or any other agency be absorbed, transferred or combined with the functions of any one or more departments, bureaus, commissions, authorities or other agencies of this State, or any county or municipality, by reason of any such absorption or combination or transfer, no employee or person under the classified civil service or under tenure of office shall suffer the loss of seniority, pension rights or demotion by reason of such new set-up of the functions of such department, bureau, commission, authority or other agency. No loss of remuneration or salary shall be inflicted by reason of such governmental changes as herein prescribed.

2. This act shall take effect immediately.

Approved December 27, 1968.

CHAPTER 375

AN ACT concerning public utilities in relation to the transportation of property by movers, defining the same, making an appropriation, and supplementing Title 48 of the Revised Statutes.

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

C. 48:22-1 Short title.

1. This act shall be known and may be cited as the "Public Movers Act."

C. 48:22-2 Legislature's policy; delegation of jurisdiction.

2. Declaration of policy and delegation of jurisdiction.

(a) It is hereby declared to be the policy of this Legislature to regulate transportation of household goods and special commodities and the movers' service provided by movers in a fair and impartial manner as to recognize and preserve the inherent advantages of, and foster sound economic conditions in, such transportation and among such carriers in the public interest; promote safety of operations upon the public highways, adequate, economical and efficient service by movers, and just and reasonable charges therefor, without unjust discriminations, undue preference or advantages, or unfair or destructive competitive practices; to protect the interest of the public, improve the relations between, and co-ordinate transportation by, movers and other carriers; and co-operate with Federal Government and the several States of the United States, and duly authorized officials thereof in matters relating to highway transportation, and with movers, associations in the administration of this act.

(b) The provisions of this act apply to the transportation of household goods and special commodities and to the performance of accessorial services in connection with such transportation by movers over the public highways of this State, and regulation of such transportation and such services is hereby vested in the Board of Public Utility Commissioners.

C. 48:22-3 Definitions.

3. Definitions.

The words and phrases used herein shall have the following meaning:

(a) The term "person" means any individual, co-partnership, association, company, or corporation, and includes any trustee, receiver, assignee, lessee, or personal representative of any person herein defined.

(b) The term "board" means the Board of Public Utility Commissioners of the Department of Public Utilities of this State.

(c) The term "public mover," or "mover," means any person who or which engages in or holds itself out to the general public to engage in the transportation of household goods and special commodities by motor vehicle for compensation in intrastate commerce between points in this State, including the moving of household goods and special commodities from one location to another at a single address, and who or which engages in the performance of accessorial services.

(d) The term "motor vehicle" means any vehicle, machine, tractor, truck, trailer, or semitrailer, or any combination thereof, propelled, driven or drawn by mechanical power, and used upon the public highways in the transportation of the household goods and special commodities in intrastate commerce defined herein.

(e) The term "intrastate commerce" means commerce moving wholly between points within the State over all public highways, or at a single location.

(f) The term "public highway" or "highway" means any public street, road, thoroughfare, bridge and way in this State open to the use of the public as a matter of right for purposes of motor vehicular travel, including those that impose toll charges.

(g) The term "movers' services" includes all of the services rendered by a public mover, as defined above.

(h) The term "household goods" means personal effects; fixtures; equipment; stock and supplies or other property usually used in or as part of the stock of a dwelling, office or commercial, institutional, professional, or other type of establishment;

and the term "special commodities," means and includes objects of works of art, furniture, fixtures, appliances, business machines, electronic equipment, displays, exhibits, home, office, store, theatrical or show equipment, musical instruments or other articles offered for transportation, uncrated or unboxed, requiring the use of equipment or personnel usually furnished or employed by movers of such articles.

(i) The term "accessorial service" means the preparation of articles for shipment such as packing, crating, boxing and servicing of appliances including the furnishing of containers, unpacking, uncrating, reassembling of articles, placing them at final destination and the moving or shifting of articles from one location to another within a building, or at a single address.

(j) The term "public movers' certificate" means the certificate of public convenience and necessity issued by the Board of Public Utility Commissioners to a public mover to operate as such over the public highways of this State, or at a single location.

(k) The term "property" shall include all of the articles in the definition of household goods and special commodities.

(l) The term "booking agent" means a representative, other than a regular employee, appointed by a public mover to solicit, arrange for, and enter into transportation contracts exclusively in the name and on behalf of such public mover.

C. 48:22-4 Exemption of certain vehicles.

4. Vehicles exempted from jurisdiction of this act.

The provisions of this act shall not be construed to include motor vehicles owned or operated by:

(a) The United States, the State, or any local government subdivision, agency or instrumentality thereof;

(b) Persons transporting property in intrastate commerce without compensation or of which such person is the owner and where the transportation is not performed as a subterfuge to avoid regulations hereunder.

C. 48:22-5 Board's duties and powers.

5. General duties and powers of the board.

It shall be the duty of the board:

(a) To regulate public movers of household goods and special commodities and the transportation, moving and accessorial services which they perform, as provided in this act, and to that end, the board shall establish reasonable requirements in respect to proper and adequate movers' service, to fix and enforce just and reasonable rates for said service; to prescribe minimum levels of rates, together with governing classifications or exceptions and rules and regulations applicable to such rate structure; to prescribe a uniform system of accounts, rates, records and reports and the preservation of records.

(b) To administer, execute and enforce all other provisions of this act; to make all necessary orders in connection therewith, and to make the rules, regulations and procedure for such administration; provided, however, that such rules, regulations and procedures shall be adopted upon notice to the public and an opportunity for interested parties to set forth their views thereon.

(c) To employ, and fix the compensation of such experts, assistants, inspectors, examiners, and other employees as in its judgment may be necessary or advisable for the convenience of the public and for the effective administration of this act subject to the provisions of Title 11 (Civil Service) of the Revised Statutes.

(d) On all hearings before the board, a mover may appear in his own behalf or if a corporation may be represented by an officer thereof.

C. 48:22-6 Application for and issuance of certificates.

6. Application for and issuance of certificates.

(a) No public mover shall operate or render a moving service as defined herein unless there is in force with respect to such public

mover a certificate of public convenience and necessity issued by the board authorizing such operation.

(b) Applications for certificates shall be made in writing to the board, be verified under oath, and shall be in such form and contain such information and be accompanied by proof of such notice to the interested parties as the board may by rule or regulations require. A certificate shall be issued to any qualified applicant therefor, authorizing the whole or any part of the operations covered by the application, if it is found that the applicant is fit, willing and able properly to perform the service of a mover, and to conform to the provisions of this act and the lawful requirements, rules and regulations of the board thereunder, and that the proposed service, to the extent to be authorized by the certificate, is or will be required by public convenience and necessity; otherwise, said application shall be denied. In any application for authority or for additional authority, the burden of proof shall be upon the applicant to establish (1) the need for the service or for the additional service, (2) inadequacy of existing service, and (3) that any prior violations of this or other laws, rule, and regulations of the board hereunder or the limitations of any prior authority did not result from a deliberate disregard thereof.

(c) The board shall issue a certificate to any public mover or his successor in interest, who was in bona fide operation as a mover on January 1, 1968, within any portion of this State, and has so operated since that time, or, in the instance of an interruption of service and such interruption was due to circumstances over which the person or his predecessor in interest had no control, without requiring further proof that public convenience and necessity will serve by such operation, and without further proceedings if application for such certificate is made to the board as provided in paragraph (b) of this section within 120 days after the act shall take effect. Pending determination of any such application, the continuance of operation as a mover shall be lawful.

(d) In order to have been in bona fide operation, as required in paragraph (c) above, a public mover must have maintained a permanent place of business located in this State on or before January 1, 1968, and shall have owned or operated under lease at least one moving van registered in this State on or before January 1, 1968.

(e) Any public mover not included within paragraph (c) of this section, who is engaged in the transportation of household goods and special commodities as a public mover when this act takes effect, may continue such operation for a period of 120 days there-

after without a certificate, and, if application for such certificate has been made to the board within such period, the carrier, may, under such regulations as the board shall prescribe, continue such operation until otherwise ordered by the board.

(f) No certificate shall be issued to an applicant if the applicant or any officer, director, partner or associate thereof is one who has (1) committed any act which, if committed by a certificate holder would be grounds for a suspension or revocation of the certificate, or (2) misrepresented any material fact on his application.

(g) Every public mover subject to this act, receiving household goods or special commodities for transportation in intrastate commerce shall issue a receipt or bill of lading therefor, and shall be liable to the lawful holder thereof in accordance with the provisions of subchapters 3, 4, 5, and 6 of Title 12A of New Jersey Statutes Uniform Commercial Code.

C. 48:22-7 Terms and conditions of certificates.

7. Terms and conditions of certificates.

(a) Certificates issued under section 6 shall specify the service to be rendered and the points between which, or territory within which, the public mover is authorized to operate or serve. There shall, at the time of issuance of such certificate and from time to time thereafter, be attached to the exercise of privileges granted by the certificate such reasonable terms, conditions, and limitations as the public convenience and necessity may from time to time require; provided that no terms, conditions, or limitations shall restrict the right of the mover to add to, or dispose of, its equipment and facilities within the territory specified in the certificate as the development of the business and the demands of the public shall require.

(b) Certificates issued pursuant to section 6 (c) of this act shall authorize operations over irregular routes between all points within the State.

C. 48:22-8 Temporary approval for operation.

8. Temporary approval for operation during merger and consolidation.

(a) Pending the determination of an application filed with the board for approval of a consolidation or merger of the properties or 2 or more public movers, or of a purchase, lease, or contract to operate the properties of one or more movers, the board may, in its discretion, and without hearings or other proceedings, grant temporary approval of the operation of the movers' properties sought

to be acquired by the person proposing in such pending application to acquire such properties, if it shall appear that failure to grant such temporary approval may result in destruction of, or injury to, such movers' properties sought to be acquired, or to interfere substantially with their future usefulness in the performance of adequate and continuous service to the public.

(b) Transportation service rendered under such temporary authority shall be subject to all applicable provisions of this act and to the rules, regulations, and requirements of the board promulgated thereunder.

C. 48:22-9 Suspension, change, revocation, or transfer of certificates.

9. Suspension, change, revocation, and transfer of certificates.

(a) Certificates shall be effective from the date specified therein, and shall remain in effect until suspended or terminated as herein provided. Any such certificate may, upon application of the holder thereof, in the discretion of the board and upon public notice, be amended or revoked, in whole or in part, or may upon complaint, or on the board's own initiative after notice and hearing, be suspended, changed, or revoked, in whole or in part, for willful failure to comply with any provisions of this act, or with any lawful order, rule, or regulation of the board promulgated thereunder, or with any term, condition or limitation of such certificate; provided that subject to the provisions of paragraph (c) of this section, no such certificate shall be revoked (except upon application of the holder) unless the holder thereof willfully fails to comply, within a reasonable time, but not less than 30 days, to be fined by the board after a lawful order of the board, commanding obedience to the provision of this act or to the rules or regulations of the board promulgated thereunder, or to the terms, conditions or limitations of such certificates found by the board to have been violated by such holder; and provided, further, that the right to engage in movers' service in this State by virtue of any certificate, or any application filed pursuant to the provisions of section 6 or temporary authority under section 8, may be suspended by the board, upon reasonable notice of not less than 15 days to the mover, but without hearing or other proceedings, for failure to comply, and until compliance, with the provisions of this act or with any lawful order, rule or regulation of the board promulgated thereunder.

(b) Any certificate may be transferred pursuant to such rules and regulations as the board may prescribe, including notice by the board to movers having an interest therein; provided the applicant established (1) that the transferee is fit, willing and able to

operate pursuant to the terms of said certificate, as provided in section 7 of this act; (2) that operations authorized by such certificate are being conducted in accordance with the terms of the certificate; and (3) that if the authority sought to be acquired is to be joined with other authority held by the transferee, such resulting authority will not adversely affect existing authorized service.

(c) Where for the continuous period of 1 year, a holder of a certificate fails to render any movers' service in intrastate commerce under said certificate, except for reasons not within the control of said holder of such certificate, the board, on its own motion, or upon the complaint of any interested party, may direct the revocation of said certificate, only after reasonable opportunity for hearing to interested parties. No order of revocation shall be issued under this subparagraph solely for failure to render service in any part of the State, as long as any movers' service has been rendered by said holder.

C. 48:22-10 Limitation of actions.

10. Limitation of actions.

(a) All actions at law by movers subject to this act for recovery of their charges, or any part thereof, or for the recovery of overcharges shall be begun within 2 years from the time the cause of action accrues, and not after.

(b) All claims against any mover for damage to property shall be filed in writing with the mover within 6 months from the time the cause of action accrues, and not after, and all suits in respect thereof shall be instituted within 1 year, such period of institution to be computed from the day that notice in writing is given by the mover to the claimant that the mover has disallowed the claim or any part or parts thereof specified in the notice.

C. 48:22-11 Fees.

11. Fees.

(a) There shall be paid to the board a fee of $75.00 upon the filing of every application for a certificate, or the transfer or assignment of same. Certificates issued shall automatically expire on August 1 of each year unless the holder thereof shall on or before July 17 of each year pay to the board a renewal fee of $50.00 accompanied by a renewal application on a form prescribed by the board. Certificates shall continue in full force and effect upon the filing of such application and payment until issuance by the board of evidence of renewal or until 30 days after the board shall have refused to issue such evidence of renewal.

(b) Copies of the public movers' certificate or the renewal thereof shall be issued by the board to the holder thereof for a fee of $10.00 each.

(c) A copy of the public movers' certificate shall be carried on each truck, tractor, trailer or semitrailer or combination thereof at all times when such vehicle is being used in operations subject to this act.

(d) There shall be paid to the board a fee of $75.00 upon the filing of every tariff or schedule, and a fee of $5.00 upon the filing of each supplement thereto.

C. 48:22-12 Security for protection of public.

12. Security for the protection of the public.

(a) No certificate shall be issued to a mover or remain in force unless such mover complies with such reasonable rules and regulations as the board shall prescribe governing the approval of surety bonds, policies of insurance, qualifications as a self-insurer or other securities or agreements, in such reasonable amount as the board may require, conditioned to pay within the amount of such surety bonds, policies of insurance, qualifications as a self-insurer or other securities or agreements, any final judgment recovered against such mover for bodily injuries to or the death of any person resulting from the negligent operation, maintenance or use of motor vehicles under such certificate, or for loss or damage to property of others; provided, that any surety company or casualty insurance company, or mutual casualty insurance company providing said bonds or policies shall be duly licensed by the Commissioner of Banking and Insurance of this State or duly authorized by said commissioner to do business in this State, and duly authorized by its charter to write such surety bonds or policies of insurance mentioned herein.

(b) Any mover which may be required by law or contract entered into to compensate a shipper or consignee for any loss, damage, or default for which a connecting carrier is legally responsible shall be subrogated to the rights of such shipper or consignee under such bond, policies of insurance, or other securities or agreements, to the extent of the sum so paid.

(c) If such financial coverage shall be by insurance policy, evidence thereof shall be filed with the board in such form and amounts as the board may prescribe.

C. 48:22-13 Rates and charges.

13. Rates and charges.

(a) It shall be the duty of every mover to provide safe, proper and adequate service, equipment and facilities for performing movers' service in intrastate commerce; to establish, observe, and enforce just and reasonable regulations and practices relating thereto and to manner and method of presenting, marking, packing and delivering property for transportation, the facilities for transportation, and all other matters relating to, or connected with the transportation of property in intrastate commerce.

(b) Movers may establish reasonable through routes and joint rates, charges, and classifications with other such movers or with common carriers by railroad, express, water or air; and in case of such joint rates, or charges, it shall be the duty of the movers and carriers parties thereto to establish just and reasonable regulations and practices in connection therewith, and just, reasonable, and equitable divisions thereof as between the movers and carriers participating therein which shall not unduly prefer or prejudice any of such participating movers and carriers.

(c) It shall be unlawful for any mover to make, give, or cause any undue or unreasonable preference or advantage to any particular person, port, gateway, locality, or traffic of any description in any respect whatsoever, or to subject any particular person, port, gateway, locality, or traffic of any description, in any respect whatsoever, to any unjust discrimination or any undue or unreasonable prejudice or disadvantage. Movers operating under a common control or management or movers interchanging or intertying shipments with each other shall maintain an equal level of rates within the same area or between the same points.

(d) Whenever there shall be filed with the board any schedule stating a new individual or joint rate, or charge, or classification of property by a mover or movers in intrastate commerce, or any rule, regulation, or practice affecting such rate, or charge, or the value of the service thereunder, the board is authorized and empowered upon complaint of any interested party or upon its own initiative at once and, if it so orders, without answer or other formal pleadings by the interested mover or movers, but upon reasonable notice, to enter upon a hearing concerning the lawfulness of such rate, or charge, or such rule, regulation, or practice, and pending such hearing and the decision thereon, the board, by filing with such schedule and delivering to the mover or movers affected thereby a statement in writing of its reasons for such suspension,

may suspend the operation of such schedule and defer the use of such rate, or charge, or such rule, regulation, or practice, for a period of 120 days and if the proceeding has not been concluded and a final order made within such period, the board may extend the period of suspension by order, but not for a period exceeding 6 months beyond the time when it would otherwise go into effect; and after hearing, whether completed before or after the rate, charge, classification, rule, regulation or practice goes into effect, the board may make such order with reference thereto as would be proper in a proceeding instituted after it had become effective. If the proceeding has not been concluded and an order made within the period of suspension, the proposed change of rate, or charge, or classification, rule, regulation or practice, shall go into effect at the end of such period; provided, that this paragraph shall not apply to any initial schedule or schedules filed by any such mover or movers in bona fide operation when this section takes effect.

(e) In the exercise of its power to prescribe minimum rates for the transportation of property by movers, the board shall give due consideration, among other factors, to the inherent advantages of transportation by such movers, to the effect of rates upon the movement of traffic by such movers, to the need, in the public interest, of adequate and efficient transportation service by such movers at the lowest, reasonable cost consistent with the furnishing of such service and to the need for revenue of a level which under honest, efficient and economical management is sufficient to cover the cost of providing adequate transportation service with a reasonable profit to the mover.

(f) In a case involving a complaint against a currently effective rate, the burden of proof shall be upon the complainant. In a case involving a petition or complaint against a rate proposed to become effective, the burden of proof shall be upon the mover proponent.

(g) Nothing in this section shall be held to extinguish any remedy or right of action not inconsistent herewith.

C. 48:22-14 Tariffs.

14. Tariffs.

(a) Every mover shall file with the board, print, and keep open to public inspection, tariffs showing all rates, charges for transportation, and all services in connection therewith, of property in intrastate commerce between its authorized points and between its authorized points and points authorized to any other such mover when a through service and joint rates shall have been established. Such rates and charges shall be stated in terms of lawful money

of the United States. The tariffs required by this section shall be published, filed, and posted in such form and manner, and shall contain such information, as the board shall prescribe; and the board is authorized to reject any tariff filed with it which is not in consonance with this act. Any tariff so rejected by the board shall be void and its use shall be unlawful.

(b) No mover shall charge, demand, collect or receive a greater, lesser or different compensation for movers' service between the points enumerated in such tariff than the rates and charges specified in the tariffs in effect at the time; and no such mover shall refund or remit in any manner or by any device, directly or indirectly, or through any agent or broker or otherwise, any portion of the rates or charges so specified, or extend to any person any privileges or facilities for transportation except such as are specified in its tariffs.

(c) No change shall be made in any rate, charge or classification, or by any rule, regulation, or practice affecting such rate, charge or classification, or the value of the service thereunder, specified in any effective tariff of a mover except after 30 days' notice of the proposed change filed and posted in accordance with paragraph (a) of this section. Such notice shall plainly state the change proposed to be made and the time when such change will take effect. The board may, in its discretion and for good cause shown, in particular instances, allow such change upon notice less than that herein specified or modify the requirements of this section with respect to posting and filing the tariffs either in particular instances or by general order applicable to special or peculiar circumstances or conditions.

(d) No mover, unless otherwise provided by this act, shall engage in the transportation of property subject to this act unless the rates and charges upon which the same are transported by said mover have been filed and published in accordance with the provisions of the act.

(e) Under such regulations as the board may prescribe, a group of 2 or more movers may be permitted to file an agreement relating to rates, or a common tariff or common tariffs relating to rates, classification, divisions, allowance or charges, and rules, regulations and procedures for their operation, consideration, initiation and establishment; and provided that such agreements and practices accord to each mover the free and unrestrained right to take independent action either before or after any determination arrived at through such procedures. Movers filing agreements or

tariffs pursuant to this section shall be exempt from the operation of any other laws relating to agreements in restraint of trade.

C. 48:22-15 Collection of charges.

15. Collection of charges.

No mover shall deliver or relinquish possession at destination of any property transported by it until all rates and charges thereon have been paid, except under such rules and regulations as the board may from time to time prescribe to govern the settlement of all such rates and charges, including rules and regulations for weekly settlement, and to prevent unjust discrimination and undue preference or prejudice; provided, that the provisions of this section shall not be construed to prohibit any such mover from extending credit in connection with rates or charges on property transported for the United States, or any agency or subdivision thereof, this State or any department, bureau or agency thereof.

C. 48:22-16 Orders, notices, and service of process.

16. Orders, notices, and service of process.

(a) It shall be the duty of every mover operating under a certificate, to file with the board a designation in writing of the name and post-office address in this State of a person upon whom or which service of orders, notices or processes may be made pursuant to this act. Such designation may, from time to time be changed by like writing, similarly filed. Service of orders, notices or processes in proceedings under this act may be made upon a mover by personal service upon it, or upon the person so designated by it, or by registered mail addressed to it, or to such person at the address filed. In default of such designation, service of any order, notice or process may be made by posting in the office of the secretary of the board in the city of Trenton. Whenever notice is given by mail as provided herein, the date of mailing shall be considered as the time when service is made.

(b) This section shall not be construed as limiting any other lawful manner of service of process upon movers.

(c) Except as otherwise provided in this act, all orders of the board shall take effect on such date or within a reasonable time as the board may prescribe and shall continue in force until its further order, or for a specified period of time, according as shall be prescribed in the order, unless the same shall be suspended or modified or set aside by the board, or be suspended or set aside by a court of competent jurisdiction.

C. 48:22-17 Unlawful operation; penalties.

17. Unlawful operation; penalties.

(a) Any person knowingly and willfully violating any provision of this act, or any person knowingly and willfully violating any rule, regulation, requirement or order thereunder, or any terms, condition or limitation of any certificate, for which a penalty is not otherwise herein provided, shall upon conviction thereof be fined not less than $25.00, nor more than $100.00, for the first offense and not more than $300.00 for any subsequent offense. Each day of such violation shall constitute a separate offense.

(b) If any mover operates in violation of any provisions of this act (except as to the reasonableness of rates or charges and the discriminatory character thereof), or any rule, regulation, requirement, or order thereunder, or of any term, condition or limitation of any certificate, any person injured thereby or the board or its duly authorized agent may apply to the Superior Court of this State for the enforcement of such provisions of this act, or of such rule, regulation, requirement, order, term, condition or limitation; and such court shall have jurisdiction to enforce compliance thereto by an appropriate judgment or order.

(c) Any person, whether mover or any officer, employee, agent or representative thereof, who shall knowingly offer, grant, or give, or solicit, accept, or receive any rebate, concession or discrimination in violation of any provision of this act, or who by means of any false statement or representation, or by the use of any false or fictitious bill, bill of lading, receipt, voucher, account, claim, certificate, affidavit, deposition, lease or bill of sale, or by any other means or device, shall knowingly and willfully assist, suffer or permit any person or persons, natural or artificial to obtain transportation of property subject to this act for less than the applicable rate, or charge, or who knowingly and willfully misrepresents to the shipper the applicable rate for transportation or the approximate weight of the shipment or the approximate cost, nature or character of the service to be rendered or which the mover holds himself out to render or who shall knowingly and willfully by any such means or otherwise fraudulently seek to evade or defeat regulation as in this act provided for movers shall be guilty of a violation of this act and upon conviction thereof be fined not more than $100.00 for the first offense and not more than $500.00 for any subsequent offense.

(d) Any mover, or any officer, agent, employee, or representative thereof who shall willfully fail or refuse to make a report to the

board as required by this act, or to keep any accounts, records, and memoranda in the form and manner approved or prescribed by the board, or who shall knowingly and willfully falsify, destroy, mutilate, or alter any such report, account, record, or memorandum, shall be guilty of a violation of this act and upon conviction thereof shall be punished by a fine not exceeding $1,000.00.

(e) No person shall for compensation sell or offer for sale movers' services subject to this act or shall enter into any contract agreement or arrangement to provide, procure, furnish or arrange for such services or shall hold himself out by advertisement solicitation or otherwise to sell, provide, procure, contract or arrange for movers' services unless such person is a bona fide employee or a booking agent of such mover. This action shall apply insofar as it concerns a movers' service subject to this act furnished by any mover or movers, singly or jointly, or by any mover in combination with any for-hire carrier.

(f) The appointment of a booking agent by a mover shall not permit such agent to transport shipments in vehicles owned or controlled by the booking agent. Nothing in paragraphs (e) and (f) shall be construed to prevent a mover from interchanging or interlining shipments with another mover or from leasing equipment to or from another mover or from an owner operator.

C. 48:22-18 Enforcement.

18. Enforcement.

(a) The board shall by civil action in any court of competent jurisdiction of this State, prevent any person from operating as a mover in violation of the provisions of this act. Penalties as provided in this act may be recovered in a summary proceeding pursuant to the penalty enforcement law (N. J. S. 2A:58–1 et seq.) or by any proceeding before a magistrate of the State of New Jersey or other court of competent jurisdiction.

(b) It shall be the duty of the board, its agents, employees, and inspectors appointed under its authority to enforce all of the provisions of this act, and, for the purpose of such enforcement, authority and power are hereby given to them and each of them to stop any mover's vehicle and examine the same as well as any shipping documents, or vehicle leases to insure that the provisions and requirements of this act, the rules and regulations thereunder, the terms, conditions and limitations of any certificate that may have been issued to any such mover are being complied with and

to issue a summons in the same manner as any police officer of the State for appearance before a magistrate or other court of competent jurisdiction.

(c) If any mover shall after hearing by the board be found to have violated any of the provisions of this act, or rule, regulation or order of the board, or any legally filed tariff issued by such mover, the board may suspend the certificate issued to such mover for a stated period. Operation after suspension as herein provided shall constitute a misdemeanor by the operator and the mover.

C. 48:22-19 Disposition of fees.

19. Disposition of Fees.

All fees shall be accounted for and forwarded by the board to the Treasurer of the State and all such sums shall become part of the General State Fund; and any and all fines, penalties and forfeitures imposed and collected for violation of any of the provisions of this act shall become a part of the General State Fund.

20. Appropriation.

There is hereby appropriated to the board the sum of $90,000.00 to meet the cost of administration and enforcement of this act until June 30, 1969.

C. 48:22-20 Separability of act.

21. Separability.

If any provisions of this act, or the application thereof, to any person, or commerce, or circumstances, is held invalid, the remainder of the act and the application thereof to other persons, commerce or circumstances shall not be affected thereby.

22. Effective date of the act.

This act shall take effect and be in force on and after July 1, 1969; provided, however, that the commission may in its discretion do immediately all things necessary and appropriate to prepare for the implementation of the provisions of this act.

Approved December 27, 1968.

CHAPTER 376

AN ACT establishing a code of fair procedure to govern State investigating agencies and providing a penalty for certain violations thereof.

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

C. 52:13E-1 Definitions.

1. As used in this act:

(a) "Agency" means any of the following while engaged in an investigation or inquiry: (1) the Governor or any person or persons appointed by him acting pursuant to P. L. 1941, chapter 16, s. 1 (C. 52:15–7), (2) any temporary State commission or duly authorized committee thereof having the power to require testimony or the production of evidence by subpœna, or (3) any legislative committee or commission having the powers set forth in Revised Statutes 52:13–1.

(b) "Hearing" means any hearing in the course of an investigatory proceeding (other than a preliminary conference or interview at which no testimony is taken under oath) conducted before an agency at which testimony or the production of other evidence may be compelled by subpœna or other compulsory process.

(c) "Public hearing" means any hearing open to the public, or any hearing, or such part thereof, as to which testimony or other evidence is made available or disseminated to the public by the agency.

(d) "Private hearing" means any hearing other than a public hearing.

C. 52:13E-2 Service required prior to hearing.

2. No person may be required to appear at a hearing or to testify at a hearing unless there has been personally served upon him prior to the time when he is required to appear, a copy of this act, and a general statement of the subject of the investigation. A copy of the resolution, statute, order or other provision of law authorizing the investigation shall be furnished by the agency upon request therefor by the person summoned.

C. 52:13E-3 Witness's right to counsel.

3. A witness summoned to a hearing shall have the right to be accompanied by counsel, who shall be permitted to advise the witness of his rights, subject to reasonable limitations to prevent obstruction of or interference with the orderly conduct of the hearing. Counsel for any witness who testifies at a public hearing may submit proposed questions to be asked of the witness relevant to the matters upon which the witness has been questioned and the agency shall ask the witness such of the questions as it may deem appropriate to its inquiry.

C. 52:13E-4 Record of hearing; entitlement to copy of testimony.

4. A complete and accurate record shall be kept of each public hearing and a witness shall be entitled to receive a copy of his testimony at such hearing at his own expense. Where testimony which a witness has given at a private hearing becomes relevant in a criminal proceeding in which the witness is a defendant, or in any subsequent hearing in which the witness is summoned to testify, the witness shall be entitled to a copy of such testimony, at his own expense, provided the same is available, and provided further that the furnishing of such copy will not prejudice the public safety or security.

C. 52:13E-5 Witness's right to file statement.

5. A witness who testifies at any hearing shall have the right at the conclusion of his examination to file a brief sworn statement relevant to his testimony for incorporation in the record of the investigatory proceeding.

C. 52:13E-6 Right of certain persons to appear or file statement.

6. Any person whose name is mentioned or who is specifically identified and who believes that testimony or other evidence given at a public hearing or comment made by any member of the agency or its counsel at such a hearing tends to defame him or otherwise adversely affect his reputation shall have the right, either to appear personally before the agency and testify in his own behalf as to matters relevant to the testimony or other evidence complained of, or in the alternative at the option of the agency, to file a statement of facts under oath relating solely to matters relevant to the testimony or other evidence complained of, which statement shall be incorporated in the record of the investigatory proceeding.

C. 52:13E-7 Authority to grant additional rights.

7. Nothing in this act shall be construed to prevent an agency from granting to witnesses appearing before it, or to persons who claim to be adversely affected by testimony or other evidence adduced before it, such further rights and privileges as it may determine.

C. 52:13E-8 Dissemination of certain information; limitations; penalty.

8. Except in the course of subsequent hearing which is open to the public, no testimony or other evidence adduced at a private hearing or preliminary conference or interview conducted before a single-member agency in the course of its investigation shall be disseminated or made available to the public by said agency, its counsel or employees without the approval of the head of the agency. Except in the course of a subsequent hearing open to the public, no testimony or other evidence adduced at a private hearing or preliminary conference or interview before a committee or other multimember investigating agency shall be disseminated or made available to the public by any member of the agency, its counsel or employees, except with the approval of a majority of the members of such agency. Any person who violates the provisions of this subdivision shall be adjudged a disorderly person.

C. 52:13E-9 Taking testimony; limitation.

9. No temporary State commission having more than 2 members shall have the power to take testimony at a public or private hearing unless at least 2 of its members are present at such hearing.

C. 52:13E-10 Right to file minority report.

10. Nothing in this act shall be construed to effect, diminish or impair the right, under any other provision of law, rule or custom, of any member or group of members of a committee or other multimember investigating agency to file a statement or statements of minority views to accompany and be released with or subsequent to the report of the committee or agency.

11. This act shall take effect immediately.

Approved December 27, 1968.

CHAPTER 377

A SUPPLEMENT to the "Corporation Business Tax Act (1945)," approved April 13, 1945 (P. L. 1945, c. 162, C. 54:10A–1 et seq.).

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

1. Any agricultural co-operative association which would have been eligible for exemption from taxation under the Corporation Business Tax Act (1945), pursuant to section 3 of said act as amended by P. L. 1960, chapter 174 (C. 54:10A–3), if incorporated under chapter 13 of Title 4 of the Revised Statutes, but which was instead incorporated under Title 14 of the Revised Statutes, shall not be held liable for any unpaid taxes which might be deemed to have accrued solely because the said association was erroneously incorporated under Title 14 of the Revised Statutes.

2. This act shall be applicable only to agricultural co-operative associations which were in existence on January 10, 1961, and which prior to January 1, 1968, have become subject to the provisions of chapter 13 of Title 4 of the Revised Statutes in accordance with the provisions of Revised Statutes 4:13–13 or 4:13–15 and only for such period as an association was otherwise eligible for exemption from taxation under said section 3 of the Corporation Business Tax Act (1945) as amended by P. L. 1960, c. 174 (C. 54:10A–3).

3. This act shall take effect immediately.

Approved December 27, 1968.

CHAPTER 378

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, 1969, and regulating the disbursement thereof," approved June 25, 1968 (P. L. 1968, c. 119).

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 Treasury, for the purposes specified:

DEPARTMENT OF INSTITUTIONS AND AGENCIES

709-100. OFFICE OF THE PUBLIC DEFENDER

For the purpose of providing legal representation to persons under the age of 21 years for the period ending June 30, 1969	$550,000 00
Total Appropriation, Office of the Public Defender	$550,000 00

DEPARTMENT OF DEFENSE

346-101-000. GOVERNOR'S SELECT COMMISSION ON CIVIL DISORDER

For expenditure in satisfaction of the last expenses of the Governor's Select Commission on Civil Disorder	$51,888 94
Total Appropriation, Department of Defense	$51,888 94
Total Appropriation	$601,888 94

2. This act shall take effect immediately.

Approved December 27, 1968.

CHAPTER 379

AN ACT concerning education and amending section 18A:24–19 of the New Jersey Statutes.

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

1. Section 18A:24–19 of the New Jersey Statutes is amended to read as follows:

Limitations on amount of bonds authorized; exception.

18A:24–19. Except as otherwise provided in sections 18A:24–20 to 18A:24–27, no bonds shall be authorized for the purposes of any school district if the principal amount thereof shall, when added to the net school debt of the district exceed the percentage of the average equalized valuation of taxable property in such district as herein provided:

(1) From kindergarten grade (or grade 1) through grade 6	2½%
(2) From kindergarten grade (or grade 1) through grade 8	3%
(3) From kindergarten grade (or grade 1) through grade 9	3½%
(4) From kindergarten grade (or grade 1) through grade 12	4%
(5) From grade 7 through grade 9	1½%
(6) From grade 10 through grade 12	2%
(7) From grade 9 through grade 12	3%
(8) From grade 7 through grade 12	3½%

Each school district prior to the issuance of bonds shall secure from the State Commissioner of Education a certificate of the grade levels of instruction provided or to be provided by said school district.

Provided, however, that except as otherwise provided in sections 18A:24–20 to 18A:24–27, bonds may be authorized for the purposes of a school district in a city of the first class with a population in excess of 350,000 if the principal amount thereof shall, when added to the net school debt of the district, not exceed 8% of the average equalized valuation of taxable property in such district.

2. This act shall take effect immediately.

Approved December 27, 1968.

CHAPTER 380

AN ACT to amend "An act concerning senior citizen's tax deductions, amending and supplementing chapters 172 of the laws of 1963 and 255 of the laws of 1964," approved June 21, 1968 (P. L. 1968, c. 79).

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. This act shall take effect January 1, 1969 but shall be applicable only with respect to senior citizen tax deductions to be allowed for the tax year 1970 and thereafter.

2. This act shall take effect immediately.

Approved December 27, 1968.

CHAPTER 381

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, 1969, and regulating the disbursement thereof," approved June 25, 1968 (P. L. 1968, c. 119).

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

1. There is hereby appropriated out of the General Treasury to the Department of State the sum of $40,000.00 for the purpose of reimbursing the office of Secretary of State for moneys expended in connection with the advertising of the public questions submitted to referendum in the November 5, 1968 general elections.

2. This act shall take effect immediately.

Approved December 27, 1968.

CHAPTER 382

AN ACT to clarify the authority of the State Department of Health and other State agencies in connection with the activities of solid waste management authorities and incinerator authorities and to amend the "Solid Waste Management Authorities Law," approved August 16, 1968, P. L. 1968, chapter 249, and to amend the "Incinerator Authorities Law," approved September 1, 1948, P. L. 1948, chapter 348 (C. 40:66A–1).

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

1. Section 28 of P. L. 1968, chapter 249, is amended to read as follows:

C. 40:66A-61 Construction of act.

28. Liberal construction; regulation of solid waste management authorities. This act shall be construed liberally to effectuate the legislative intent and as complete authority for the performance of each and every act and thing herein authorized.

2. Section 28 of P. L. 1948, chapter 348 (C. 40:66A–28) is amended to read as follows:

C. 40:66A-28 Construction of act.

28. This act shall be construed liberally to effectuate the legislative intent and as complete authority for the performance of each and every act and thing herein authorized.

3. This act shall take effect immediately.

Approved December 27, 1968.

CHAPTER 383

AN ACT concerning adult education, and supplementing Title 18A of the New Jersey Statutes.

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

C. 18A:50-12 High school equivalency program for adults.

1. School districts may apply to the Commissioner of Education for funds to be used toward the establishment and operation of classes and programs of education for adults and out-of-school young adults designed to provide such persons with the equivalent of a high school education.

These programs for adults and out-of-school young adults shall include such curricular content appropriate to the high school curriculum as to give the adult an opportunity to attain a level of educational achievement comparable to high school graduation and prepare him to secure the high school equivalency certificate as can be obtained through the Office of Adult Education, New Jersey State Department of Education.

C. 18A:50-13 Rules and regulations.

2. The State Board of Education shall prescribe such rules and regulations for the proper management of the programs under this act, including the control and management of all funds appropriated for its implementation.

C. 18A:50-14 Determination of amount and payment of State aid.

3. The apportionment of funds available shall be designated according to a plan submitted by the local educational agency to the Office of Adult Education of the New Jersey State Department of Education. Such plan submitted by the local educational agency shall include the costs of instructors' salaries, guidance and counseling services, as well as such items as instructional materials and other equipment needed in the operation of a local program. Payment by the State, in the form of aid to each program, shall be in an amount equal to ⅔ of these annual costs.

On or before November 15 of each year, the commissioner shall estimate the amount necessary to be appropriated to carry out the provisions of this act for the succeeding school year, including costs

for adequate State supervisory and administrative control, and needed personnel training.

The commissioner shall determine the amounts to be payable to each of the districts eligible under this act for the succeeding school year based upon the per student cost per hour of instruction.

On or before September 15 of the succeeding school year, the commissioner shall make this final determination of the payments to be made under this act for said school year. The sums so payable shall be paid to the eligible districts at the same time and in the same manner as other State aid under section 18A:58–15 of the New Jersey Statutes.

If such payments to any district should exceed the amount to which such district is entitled under this act, such excess shall be deducted by the commissioner from succeeding State aid payments to said districts.

4. This act shall take effect July 1, 1968.

Approved December 27, 1968.

CHAPTER 384

AN ACT concerning education, and supplementing article 3B of chapter 22 of Title 18A of the New Jersey Statutes.

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

C. 18A:22-44.1 Borrowing against appropriation on notes.

1. The board of education of any Type II district may, after July 1 and before January 1, borrow a sum not exceeding ½ of the amount appropriated for the current expenses of the schools and for the repair of schoolhouses under its control, and execute and deliver promissory notes therefor, and pay the amount so borrowed together with interest thereon, at a rate not exceeding 6% per annum.

2. This act shall take effect immediately.

Approved December 27, 1968.

CHAPTER 385

AN ACT to provide greater protection for the victims of uninsured motorists, amending section 17:28–1 and supplementing chapter 28 of Title 17 of the Revised Statutes, and amending the "Unsatisfied Claim and Judgment Fund Law," approved May 10, 1952 (P. L. 1952, c. 174).

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

1. Section 17:28–1 of the Revised Statutes is amended to read as follows:

Separate risks and premiums; exceptions.

17:28–1. When a policy shall insure against more than one hazard or peril, the insurance against any specific hazard or peril shall not be separately cancelable unless the policy shall specify a separate premium for any such insurance so cancelable. No policy of life or endowment insurance or annuity contract authorized pursuant to paragraph "c" of section 17:17–1 of this Title shall assume any hazard or peril specified in any other paragraph of said section 17:17–1 except insurance against bodily injury or death by accident and upon the health of persons as specified in paragraph "d" of the said section. Any policy of liability insurance authorized by paragraphs "d" or "e" of said section 17:17–1 may contain a provision for payment on behalf of the injured party or for reimbursement of the assured for payment of medical, hospital, surgical and funeral expenses incurred, as a result of an accident, irrespective of legal liability of the assured, and an automobile liability policy may also contain a provision for payment of disability benefits to persons who are injured and death benefits to dependents, beneficiaries or personal representatives of persons who are killed if such injury or death is caused by accident and sustained while in or upon, entering or alighting from, or through being struck by an automobile, irrespective of legal liability of the assured, and such provisions shall not be deemed to be an accident insurance policy. The commissioner may order the discontinuance of any provision in a policy of automobile liability insurance providing for such disability or death benefits which he finds to be unjust, unfair, inequitable, misleading or contrary to law. Any policy of automobile liability insurance may also contain a pro-

vision for payment of part or all sums which the insured or his legal representative shall be legally entitled to recover as damages from the operator or owner of an uninsured automobile because of bodily injury, sickness or disease, including death resulting therefrom, or because of damage to property, sustained by the insured, caused by accident and arising out of the ownership, maintenance or use of such uninsured automobile.

C. 17:28-1.1 Provisions required in offer of coverage.

2. No automobile liability policy or renewal of such policy, of insurance insuring against loss resulting from liability imposed by law for bodily injury or death, sustained by any person arising out of the ownership, maintenance or use of a motor vehicle shall be delivered or issued for delivery in this State with respect to any motor vehicle registered or principally garaged in this State unless coverage is offered in connection therewith, in limits for bodily injury or death set forth in section 9 of chapter 174 of the laws of 1952 (C. 39:6–69), under provisions approved by the Commissioner of Banking and Insurance, for payment of all or part of the sums which the insured or his legal representative shall be legally entitled to recover as damages from the operator or owner of an uninsured automobile, or hit and run automobile as defined in section 18 of said chapter 174 (C. 39:6–78), because of bodily injury, sickness or disease, including death resulting therefrom, sustained by the insured, caused by accident and arising out of the ownership, maintenance or use of such uninsured or hit and run automobile anywhere within the United States or Canada.

Such offer shall also include coverage for the payment of all or part of the sums which persons insured thereunder shall be legally entitled to recover as damages from owners or operators of uninsured automobiles, other than hit and run automobiles, because of injury to or destruction to the personal property of such insured with a limit in the aggregate for all insureds involved in any one accident of $5,000.00, and subject, for each insured, to an exclusion of the first $100.00 of such damages.

C. 17:28-1.2 Election to accept or reject offer of coverage.

3. The named insured shall elect to accept or reject the offer of coverage required pursuant to section 2 of this act. Such election shall be in writing and upon receipt thereof by the insurer such coverage shall or shall not be provided in the policy according to said election.

4. Section 2 of chapter 174 of the laws of 1952 (C. 39:6–62) is amended to read as follows:

C. 39:6-62 Definitions.

2. Definitions. As used in this act:

"Director" means the Director of the Division of Motor Vehicles in the Department of Law and Public Safety.

"Manager" means the official designated by the director to administer to and be in charge of the Unsatisfied Claim and Judgment Fund and who shall be responsible to the Unsatisfied Claim and Judgment Fund Board.

"Treasurer" means the State Treasurer of New Jersey acting as the custodian of the Unsatisfied Claim and Judgment Fund.

"Commissioner" means the Commissioner of Banking and Insurance.

"Unsatisfied Claim and Judgment Fund" or "Fund" means the fund derived from the sources specified in this act.

"Unsatisfied Claim and Judgment Fund Fee" means the additional fee to be collected under this act as a contribution to the fund from the owner of a motor vehicle upon the registration thereof in this State.

"Unsatisfied Claim and Judgment Fund Board" or "Board" means the board created in section 4 of this act.

"Qualified person" means a resident of this State or the owner of a motor vehicle registered in this State or a resident of another State, territory, or Federal district of the United States or Province of Canada or of a foreign country, in which recourse is afforded, to residents of this State, of substantially similar character to that provided for by this act; provided, however, that no person shall be a qualified person where such person is an insured under a policy provision providing coverage for damages sustained by the insured as a result of the operation of an uninsured motor vehicle in a form authorized to be included in automobile liability policies of insurance delivered or issued for delivery in this State, pursuant to the provisions of, or any supplement to, chapter 28 of Title 17 of the Revised Statutes or in a form substantially similar thereto.

"Uninsured motor vehicle" means a motor vehicle as to which there is not in force a liability policy meeting the requirements of sections 3, 24, 25, or 26 of the Motor Vehicle Security-Responsibility Law of this State, established pursuant to the provisions of chapter 173 of the laws of 1952, as amended and supplemented, and

which is not owned by a holder of a certificate of self-insurance under said law.

"Person" includes natural persons, firms, co-partnerships, associations and corporations.

"Insurer" means any insurer authorized in this State to write the kinds of insurance specified in paragraphs d and e, section 17:17–1 of the Revised Statutes.

"Net direct written premiums" means direct gross premiums written on policies, insuring against legal liability for bodily injury or death and for damage to property arising out of the ownership, operation or maintenance of motor vehicles, which are principally garaged in this State, less return premiums thereon and dividends paid to policy holders on such direct business.

"Registration license year" means the period beginning June 1, 1956, and ending May 31, 1957, and each subsequent 12 month period, beginning June 1 and ending the following May 31.

5. This act shall take effect 90 days after enactment.

Approved January 2, 1969.

CHAPTER 386

AN ACT limiting the liability of municipalities and counties for property loss from mob violence and riots and amending section 2A:48–1 of the New Jersey Statutes.

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

1. Section 2A:48–1 of the New Jersey Statutes is amended to read as follows:

Liability of municipality or county; action; maximum amount.

2A:48–1. When, by reason of a mob or riot, any property, real or personal, is destroyed or injured, the municipality if it has a paid police force, in which the mob congregates or riot occurs, or, if not in such a municipality, the county in which such property is or was situate, shall be liable to the person whose property was so destroyed or injured for the damages sustained thereby, recoverable in an action by or in behalf of such person, in an amount not to exceed $10,000.00 for the aggregate of damage done to all

such property, both real and personal, at each separate location within a municipality; provided, however, that no person, and no subrogee of such person, having insurance coverage in whole or in part for the said destruction or injury, shall have a cause of action against such municipality or county at common law or pursuant to the provisions of this act. For the purpose of this section, insurance coverage means insurance obtained through any source whatsoever, including insurance purchased through any insurance pool, placement facility, plan of operation, or any other plan established pursuant to Federal or State law.

2. This act shall take effect immediately.

Approved January 2, 1969.

CHAPTER 387

AN ACT to amend "An act concerning motor vehicles in relation to liability insurance therefor and amending section 39:3–4 of the Revised Statutes," approved October 9, 1968 (P. L. 1968, c. 321).

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. This act shall take effect July 1, 1969.

2. This act shall take effect immediately.

Approved January 2, 1969.

CHAPTER 388

AN ACT to validate assessments levied in 1968 against public utilities by the Board of Public Utility Commissioners pursuant to P. L. 1968, chapter 173.

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

Validating act.

1. All determinations, notices and proceedings heretofore made or taken in 1968 and all assessments heretofore levied in 1968 against any public utility by the Board of Public Utility Commissioners as provided for by "An act providing for assessments against public utilities for certain purposes and supplementing Title 48 of the Revised Statutes," P. L. 1968, c. 173, are hereby ratified, adopted, validated and confirmed, notwithstanding that any or all of said actions were had, taken or levied prior to the effective date of said act, and notwithstanding that any public utility did not file a statement pursuant to section 4 of said act.

2. This act shall take effect immediately.

Approved January 2, 1969.

CHAPTER 389

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, 1969, and regulating the disbursement thereof," approved June 25, 1968 (P. L. 1968, c. 119).

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

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

Services other than personal $60,000 00

2. This act shall take effect immediately.

Approved January 2, 1969.

CHAPTER 390

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, 1969, and regulating the disbursement thereof," approved June 25, 1968 (P. L. 1968, c. 119).

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

1. There is hereby appropriated out of the general treasury to the Department of Institutions and Agencies the sum of $23,000,000.00 for the purpose of implementing chapters 138 and 139 of the laws of 1968, approved July 10, 1968 (P. L. 1968, c. 138, 139).

2. This act shall take effect immediately.

Approved January 2, 1969.

CHAPTER 391

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, 1969, and regulating the disbursement thereof," approved June 25, 1968 (P. L. 1968, c. 119).

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 Treasury, for the purposes specified:

080-100. CHIEF EXECUTIVE'S OFFICE

For the State's share to match Federal planning grants under the Federal Omnibus Crime Control and Safe Streets Act	$38,078 00	
To match Federal planning grants under the Federal Omnibus Crime Control and Safe Streets Act in lieu of regional matching funds	25,384 00	
Total		$63,462 00

2. This act shall take effect immediately.

Approved January 2, 1969.

CHAPTER 392

AN ACT to regulate the distribution, labeling and sale of agricultural liming materials, repealing sections 4:9–16 through 4:9–21, and supplementing chapter 9 of Title 4 of the Revised Statutes.

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

C. 4:9-21.1 Short title.

1. This act shall be known and may be cited as "The New Jersey Agricultural Liming Materials Act."

C. 4:9-21.2 Definitions.

2. As used in this act:

(a) "Agricultural liming materials" means all suitable materials containing calcium or magnesium in chemical form, physical condition and quantity capable of neutralizing soil acidity.

(b) "Limestone" means a material consisting essentially of calcium carbonate or a combination of calcium carbonate with magnesium carbonate with a total oxide content of not less than 30%, and shall be classified according to its calcium oxide (CaO) or its magnesium oxide (MgO) content.

(1) The term "calcite" or "calcitic" may only be used to describe limestone containing less than 6% magnesium oxide (MgO), to describe burnt lime containing less than 11% magnesium oxide or to describe hydrated lime containing less than 8% magnesium oxide.

(2) The term "magnesian," "magnesium" or "dolomitic type" may only be used to describe limestone containing at least 6% but less than 15% magnesium oxide (MgO), to describe burnt lime containing at least 11% but less than 27% magnesium oxide or to describe hydrated lime containing at least 8% but less than 20% magnesium oxide.

(3) The term "dolomite" or "dolomitic" may only be used to describe limestone containing 15% or more magnesium oxide (MgO), to describe burnt lime containing 27% or more magnesium oxide or to describe hydrated lime containing 20% or more magnesium oxide.

(c) "Burnt lime" means a material, made from limestone, which consists essentially of calcium oxide or combination of calcium oxide with magnesium oxide.

(d) "Hydrated lime" means a material, made from lime, which consists essentially of calcium hydroxide or a combination of calcium hydroxide with magnesium oxide and/or magnesium hydroxide.

(e) "Brand" means the term, designation, trademark or other specific designation under which an individual agricultural liming material is offered for sale.

(f) "Fineness" means the percentage by weight of the material, which will pass sieves of specified sizes. The fineness shall be measured in reference to 20 mesh, 60 mesh and 100 mesh sieves of the United States Standard designation.

(g) "Physical classification" means the fineness of the agricultural liming material as it relates to its particle size.

(h) "Ton" means a net weight of 2,000 pounds avoirdupois.

(i) "Percent" or "percentage" means by weight.

(j) "Bulk" means in nonpackaged form.

(k) "Label" means any written or printed matter on or attached to the package or on the delivery ticket which accompanies bulk shipments.

(l) "Person" means individual, partnership, association, firm or corporation.

(m) "State board" means the State Board of Agriculture of New Jersey.

(n) "Secretary" means the Secretary of Agriculture of New Jersey.

C. 4:9-21.3 Contents of label, tag or delivery slip.

3. (a) Agricultural liming materials sold, offered or exposed for sale in the State shall have affixed to each package in a conspicuous manner on the outside thereof, a plainly printed, stamped or otherwise marked label, tag or statement, or in the case of bulk sales, a delivery slip, setting forth at least the following information:

(1) The name and principal office address of the manufacturer or distributor.

(2) The brand or trade name of the material.

(3) The identification of the product as to the type of the agricultural liming material.

(4) The net weight of the agricultural liming material.

(5) The fineness of the material, if in ground or powdered form, shall be stated in accordance with rules and regulations promulgated under this act.

(6) a. The minimum percentage of the total oxides of calcium and magnesium, b. the minimum percentage of calcium oxide (CaO) and c. the minimum percentage of magnesium oxide (MgO). The total oxides may exceed the sum of b. plus c.

(7) In the case of hydrated and burnt forms, the maximum percentage of total oxides present as calcium carbonate and magnesium carbonate.

(b) The physical classification shall appear on every package or on the labels attached to packages. In the case of bulk shipments it shall appear on the delivery slip.

(c) No information or statement shall appear on any package, label or delivery slip which is false or misleading, to the purchaser as to the quality, analysis, type or composition of the agricultural liming material.

(d) In the case of any material which has been adulterated subsequent to packaging, labeling or loading thereof and before delivery to the consumer, a plainly marked notice to that effect shall be affixed by the vendor to the package or delivery slip such notice to identify the kind and degree of such adulteration therein.

(e) At every site from which agricultural liming materials are delivered in bulk and at every place where consumer orders for bulk deliveries are placed, there shall be conspicuously posted a copy of the statement required by this section for each brand of material.

C. 4:9-21.4 Percentage of oxides of calcium and magnesium.

4. (a) No agricultural liming material shall be sold or offered for sale in this State unless it contains at least 30% total oxides of calcium and magnesium, and unless it meets the minimum physical requirements established by regulations promulgated under this act.

(b) No agricultural liming material shall be sold or offered for sale in this State which contains toxic materials in quantities injurious to plants.

C. 4:9-21.5 Requirements for expressing guaranteed analysis.

5. At any time after July 1, 1970 when the State board finds after public hearing following due notice that the requirements for expressing the guaranteed analysis of calcium and magnesium in elemental form in addition to calcium oxide and magnesium oxide

would not impose an economic hardship on distributors and users of liming materials by reason of conflicting labeling requirements among the States, the State board may require by regulation thereafter that the "guaranteed analysis" shall contain the following:

(a) The minimum percentage of the total oxides of calcium and magnesium.

(b) The minimum percentage of calcium oxide (CaO).

(c) The minimum percentage of magnesium oxide (MgO).

(d) In the case of hydrated and burnt forms, the maximum percentage present as carbonates.

(e) The minimum percentages of calcium (Ca) and magnesium (Mg).

C. 4:9-21.6 Annual registration of products.

6. Before any person shall sell, offer or expose for sale in this State any agricultural liming material, he shall for each separately identified product file annually with the department on forms supplied by the State board or its authorized agent an application for registration of each such product setting forth the information required by section 3.

C. 4:9-21.7 Registration fee and period; registration by manufacturer.

7. Each application filed pursuant to section 6 shall be accompanied by an annual registration fee of $25.00 per brand. Upon compliance with the provisions of the act, the registration shall be approved for the period ending on December 31 of the year in which it was issued. No person shall be required to register any agricultural liming material for which a certificate of registration has been filed by the manufacturer or other person responsible for the material.

C. 4:9-21.8 Registrant's semiannual statement; inspection fee.

8. Within the 30-day period following June 30 and December 31 of each year, each registrant shall submit on a form furnished by the State board or its authorized agent a semiannual statement setting forth the number of net tons of each agricultural liming material sold by him for use in the State during the previous 6-month period. Such statement shall be accompanied by payment of the inspection fee at the rate of $0.02 per ton. However, no semiannual payment shall exceed $250.00. Such reports shall be confidential and no information therein shall be disclosed in any manner that will reveal the operation of any registrant.

C. 4:9-21.9 Authority to take and analyze samples; removal from sale.

9. The State board is hereby empowered and it shall be the duty of its agent to sample agricultural liming materials, to analyze them and to report promptly to the registrant the results of its analysis. Results shall become official and public after 10 days. The State board or its authorized agent shall for the purpose of taking samples have full access during business hours to all places wherein agricultural liming materials are offered for sale. Upon written notice, the State board or its agent may remove from sale any lot of agricultural liming material until it has been determined that the material is in full compliance with this act.

C. 4:9-21.10 Violations; hearings; penalties; written warnings.

10. Any person convicted of violating any provision of this act or the rules and regulations promulgated thereunder shall be subject to a penalty of not less than $50.00 nor more than $200.00 to be enforced by summary proceedings under the Penalty Enforcement Law (N. J. S. 2A:58–1 et seq.). Upon receiving any information of a violation of any part of this act other than a violation involving a weighed or measured deficiency or the rules and regulations issued thereunder, the secretary, or any assistant designated by him for such purpose, is empowered to hold hearings, formal or informal, 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 an amount not to exceed the maximum limit set forth in this section as the secretary deems proper under the circumstances. In the event the violator makes satisfactory settlement, no further prosecution shall be had upon that violation. Payment of a penalty, in the form of a settlement, shall be deemed equivalent to a conviction for a violation of this act. Violations not settled in this manner, may be referred to the court of competent jurisdiction. Nothing in this act shall be construed as requiring the State board or its authorized agent to report for prosecution or for the institution of seizure proceedings as a result of minor violations of the act when it believes that the public interest will best be served by a suitable written warning.

C. 4:9-21.11 Rules and regulations.

11. The State Board of Agriculture after reasonable notice and hearing is empowered to promulgate and enforce rules and regulations for the administration of this act and to grant exemptions from specific requirements of this act as, from time to time, may be deemed necessary.

Repealer.

12. Sections 4:9–16 through 4:9–21 of the Revised Statutes are repealed.

13. This act shall take effect January 1, 1969. However, registrants shall be allowed not more than 1 year to use existing inventories of labeling materials.

Approved January 2, 1969.

CHAPTER 393

AN ACT concerning transportation, providing for relocation assistance, authorizing payments to persons displaced by transportation projects, protecting proposed lines of new highways, repealing P. L. 1962, chapter 221, and supplementing Title 27 of the Revised Statutes.

WHEREAS, The Federal-Aid Highway Act of 1968 establishes a new program of highway relocation assistance; and

WHEREAS, The purpose of this program is to insure that a few individuals do not suffer disproportionate injuries as a result of a displacement caused by Federal highway programs; and

WHEREAS, Continuing qualification for Federal assistance is contingent upon State highway participation in the highway relocation assistance program and the making of certain payments thereunder; and

WHEREAS, It is in the public interest that persons displaced for any transportation purpose, whether Federally financed or not, be fairly compensated for the property acquired and inconvenience suffered; and

WHEREAS, There is not now adequate legislative authority to carry out a State program as herein contemplated or as required by the Federal-Aid Highway Act of 1968; and

WHEREAS, It is also desirable to protect the proposed alignment of new highways to minimize the necessity for and the cost of relocation; now, therefore,

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

C. 27:7-58 Relocation assistance authorized.

1. The Commissioner of Transportation is authorized and empowered within the limits of available funds and appropriations therefor, to establish and provide the means of implementing a program providing fair and reasonable relocation and other payments for persons displaced from their property as a result of a transportation project undertaken by the Department of Transportation and to carry out relocation assistance programs for persons so displaced.

C. 27:7-59 Use of services of other governmental agencies.

2. In order to prevent unnecessary expenses and duplication of functions, the department may make relocation payments or provide relocation assistance or otherwise carry out the functions required under this law by utilizing the facilities, personnel, and services of any other Federal, State, or local governmental agency having an established organization for conducting relocation assistance programs.

C. 27:7-60 Payments and allowances to displaced persons.

3. (a) Upon application approved by the department, a person displaced by a transportation project may elect to receive actual reasonable expenses in moving himself, his family, his business, or his farm operation, including personal property.

(b) Any displaced person who moves from a dwelling who elects to accept the payments authorized by this subsection in lieu of the payments authorized by subsection (a) of this section may receive—

(1) A moving expense allowance determined according to a schedule established by the commissioner, not to exceed $200.00; and

(2) A dislocation allowance of $100.00.

(c) Any displaced person who moves or discontinues his business or farm operation who elects to accept the payment authorized by this section in lieu of the payment authorized by subsection (a) of this section, may receive a fixed relocation payment in an amount equal to the average annual net earnings of the business or farm operation, or $5,000.00, whichever is the lesser. In the case of a business, no payment shall be made under this subsection unless the department is satisfied that the business (1) cannot be relocated without a substantial loss of its existing patronage, and (2) is not part of a commercial enterprise having at least one other establish-

ment, not being acquired by the State or by the United States, which is engaged in the same or similar business. For purposes of this subsection, the term "average annual net earnings" means ½ of any net earnings of the business or farm operation, before Federal, State, and local income taxes, during the 2 taxable years immediately preceding the taxable year in which such business or farm operation moves from the real property acquired for such project, and includes any compensation paid by the business or farm operation to the owner, his spouse, or his dependents during such 2-year period.

C. 27:7-61 Additional payments to occupants of real property acquired for project; limitations.

4. (a) (1) In addition to amounts otherwise authorized by this act, the department shall make a payment to the owner of real property acquired for a project which is improved by a single-, 2-, or 3-family dwelling actually owned and occupied by the owner for not less than 1 year immediately prior to the initiation of negotiations for the acquisition of such property. Such payment, not to exceed $5,000.00, shall be the amount, if any, which, when added to the acquisition payment, equals the average price established by the commissioner on a class, group or individual basis, to obtain a comparable replacement dwelling that is decent, safe, sanitary and adequate to accommodate the displaced owner, reasonably accessible to public services and places of employment and available on the private market. Such payment shall be made only to a displaced owner who purchases and occupies a dwelling within 1 year subsequent to the date on which he is required to move from the dwelling acquired for the project.

(2) The additional payments authorized in this subsection are intended to assure, to the greatest extent possible, that any owner displaced from a substandard dwelling by a project shall be relocated in a decent, safe and sanitary dwelling adequate to accommodate the displaced owner and reasonably accessible to public services and places of employment. Additional payments are also intended in the case of any other displaced owner where the average price of a comparable replacement dwelling as established by the commissioner exceeds the fair market value of the property being acquired by the department.

(b) In addition to amounts otherwise authorized by this act, the department shall make a payment to any individual or family displaced from any dwelling not eligible to receive a payment under subsection (a) of this section which dwelling was actually and

lawfully occupied by such individual or family for not less than 90 days immediately prior to the initiation of negotiations for acquisition of such property. Such payment, not to exceed $1,500.00, shall be the amount which is necessary to enable such person to lease or rent for a period not to exceed 2 years, or to make the down payment on the purchase of, a decent, safe, and sanitary dwelling adequate to accommodate such individual or family in areas not generally less desirable in regard to public utilities and public and commercial facilities.

C. 27:7-62 Reimbursement of owner of acquired property for certain fees, taxes and penalty costs.

5. In addition to amounts otherwise authorized by this act, the department shall reimburse the owner of real property acquired for a project for reasonable and necessary expenses incurred for (1) recording fees, transfer taxes, and similar expenses incidental to conveying such property; (2) penalty costs for prepayment of any mortgage entered into in good faith encumbering such real property if such mortgage is on record or has been filed for record as provided by law on the date of approval by the department of the location of such project; and (3) the pro rata portion of real property taxes payable during the calendar year in which the property was acquired which are allocable to the period of the year subsequent to the date of vesting of title in the department, or the effective date of the possession of such real property by the department, whichever is earlier.

C. 27:7-63 Effect of authorized payments on compensation established in condemnation proceedings; basis for certain payments; atdjustment of amount.

6. (a) The payments authorized in this act shall not be construed as creating in any condemnation proceeding brought under the power of eminent domain any element of damages not in existence on the effective date of this act and such payments are to be in addition to the just compensation established in the condemnation proceedings but only to the extent they are not otherwise included within the condemnation award.

(b) The payments authorized in section 4 (a) (1) hereof shall be based upon the difference between the average price of a comparable replacement dwelling as established by the commissioner and the fair market value of the dwelling acquired as determined by agreement between the department and the displaced person or as established in a condemnation proceeding. In any condemnation proceeding, where the department has previous to the award made

available to the displaced person a portion of the fair market value of the acquired property and the payment authorized in section 4 (a) (1) hereof, the department shall adjust the amount of the payment required under section 4 (a) (1) to reflect any change in the fair market value as has been established in the condemnation proceeding. In any case where the department has made an advance payment and the amount payable under section 4 (a) (1) is reduced by virtue of a higher fair market value, the department may apply the amount by which the payment has been reduced as a credit against any additional sums payable to the displaced person under the terms of the condemnation award.

C. 27:7-64 Maximum amount payable; exception.

7. Notwithstanding any other provision of this act, the maximum amount payable hereunder to any displaced person shall be $25,000.00 except in any case where an additional sum is required in order to qualify the State to receive Federal financial assistance in which case the full amount required by Federal law shall be paid.

C. 27:7-65 Relocation advisory assistance program.

8. The department shall provide a relocation advisory assistance program which shall include such measures, facilities, or services as may be necessary or appropriate in order—

(1) To determine the needs, if any, of displaced families, individuals, business concerns, and farm operators for relocation assistance;

(2) To assure that, within a reasonable period of time, prior to displacement there will be available, to the extent that can reasonably be accomplished, in areas not generally less desirable in regard to public utilities and public and commercial facilities, and at rents or prices within the financial means of the families and individuals displaced, housing meeting the standards established by the commissioner for decent, safe, and sanitary dwellings, equal in number to the number of, and available to, such displaced families and individuals, and reasonably accessible to public services and places of employment; and

(3) To assist owners of displaced businesses and displaced farm operators in obtaining and becoming established in suitable locations.

C. 27:7-66 Filing copy of plan of proposed highway; commisioner's certification; amendment of plan.

9. Whenever the location of a proposed line of any new State highway shall have been approved by the commissioner, the com-

missioner may file a certified copy of a map, plan or report indicating such proposed line, the width whereof shall not exceed what is reasonably required in accordance with recognized standards of highway engineering practice, with the county clerk of each county within which the proposed line of said new highway is to be located and with the municipal clerk, planning board and building inspector of each municipality within which said line is located. The commissioner shall accompany such filing with his certification that residents of the municipality in which such filing is made have been afforded adequate opportunity to express any objections that they may have to the proposed location of such highway at a public hearing held at a convenient location for the purpose.

Any map, plan or report filed pursuant to this section may be amended from time to time by filing certified copies of a map, plan or report indicating any changes to be made in the location of proposed lines with the officials and in the manner set forth herein.

C. 27:7-67 Conditions for municipal issuance of building permit or approval of subdivision plat after filing of plan of proposed highway.

10. (a) Whenever a map, plan or report indicating a proposed line of a new State highway, or any amendment thereto, has been filed by the department pursuant to this act, any municipal approving authority, before issuing a building permit or approving a subdivision plat with respect to any lot, tract, or parcel of land which abuts or is located wholly or partially within the proposed line of a new highway shall refer the site plan, application for building permit or subdivision plat to the commissioner for review and recommendation as to the effect of the proposed development or improvement upon the safety, efficiency, utility or natural beauty of the proposed new highway.

A municipal approving authority shall not issue any building permit or approve any subdivision plat without the recommendation of the commissioner until 45 days after such reference shall have elapsed without such recommendation. Within said 45-day period, the commissioner may:

(1) Give notice to the municipal approving authority and to the owner of such lot, tract or parcel of land of probable intention to acquire the whole or any part thereof, and thereupon no further action shall be taken by such approving authority for a further period of 120 days following the receipt of said notice; if within such further 120-day period, the department has not acquired, agreed to acquire, or commenced an action to condemn said prop-

erty, the municipal approving authority shall be free to act upon the pending application in such manner as may be provided by law.

(2) Give notice to the municipal approving authority and to the owner of such lot, tract or parcel of land of his recommendation that the permit or approval for which application has been made be granted subject to certain modifications specified in said notice. Within 20 days of receiving such notice the municipal approving authority may, with the consent of the applicant, grant such permit or approval in such manner as to incorporate the commissioner's recommended modifications. If no such modified permit or approval is granted within said 20 days, then for a further period of 20 days, commencing either from the expiration of the aforesaid 20-day period or from any earlier date upon which either the municipal approving authority or the applicant shall have notified the commissioner that his recommended modifications will not be accepted, no further action shall be taken upon such application, unless the commissioner shall earlier notify the municipal approving authority and the applicant that he does not intend to initiate any steps toward the acquisition of such lot, tract or parcel of land or any part thereof. But if before the expiration of said second 20-day period the commissioner gives notice to the municipal approving authority and to the owner of such lot, tract or parcel of land of probable intention to acquire the whole or any part thereof, no further action on such application shall be taken by such approving authority for a further period of 120 days following receipt of said notice. If within such further 120-day period the department has not acquired, agreed to acquire or commenced an action to condemn said property, the municipal approving authority shall be free to act upon the pending application in such manner as may be provided by law.

(3) Give notice to the municipal approving authority and to the owner of such lot, tract or parcel of land that he finds no objection to the granting of such permit or approval in the form in which it has been applied for. Upon receipt of such notice the municipal approving authority shall be free to act upon the pending application in such manner as may be provided by law.

(b) Nothing in this act shall be construed to prohibit or limit the authority of any municipal board, body or agency from incorporating a proposed line of any new State highway in the master plan or official map of said municipality and from taking any action with respect thereto as may be authorized by law.

(c) No application for a building permit or subdivision approval shall be subject to the provisions of this subparagraph with respect to any proposed highway location or amendment thereto filed by the commissioner subsequent to the date on which such application was submitted to the municipal approving authority.

C. 27:7-68 Authority to enter into certain agreements with governmental agencies.

11. The commissioner may enter into agreements with any county or municipality or any authority or agency thereof, or with any authority, board, commission or other agency or instrumentality created by any 2 or more units of local government or by the State Government or by any interstate compact or agreement to which this State is a party, for the installation, construction, maintenance, repair, renewal and removal of tracks, pipes, mains, conduits, cables, wires, towers, poles, and other equipment and appliances or utility facilities owned by such public bodies which are in, on, along, over or under any road over which the department has jurisdiction, where such agreement is required to carry out a transportation project of the department. The department may assume the entire cost incurred under the terms of such agreements.

C. 27:7-69 Rules and regulations.

12. (a) To carry into effect the provisions of this act, the commissioner is authorized to make such rules and regulations as he may determine to be necessary to assure—

(1) That the payments authorized by this act shall be fair and reasonable and as uniform as practicable;

(2) That a displaced person who makes proper application for a payment authorized for such person by this act shall be paid promptly after a move or, in hardship cases, be paid in advance; and

(3) That any person aggrieved by a determination as to eligibility for a payment authorized by this act, or the amount of a payment, may have his application reviewed by the commissioner or his designated representative.

(b) The commissioner may make such other rules and regulations consistent with the provisions of this act as he deems necessary or appropriate to carry out this act.

(c) The commissioner to achieve a uniform administration of related Federal and State laws, may adopt all or any part of applicable Federal rules and regulations.

(d) Insofar as is consistent with other provisions of this act, the commissioner shall adopt the same standards, rules and regulations

with regard to relocation assistance and relocation payments for all transportation projects whether or not such transportation projects are subject to standards, rules and regulations of relocation assistance and relocation payments required by the Federal Government as a condition of receiving Federal aid funds.

C. 27:7-70 Authority to qualify department for Federal aid.

13. The commissioner is further authorized, within the limits of funds and appropriations therefor, to take such additional action as may be required to fully qualify the department for any financial Federal aid assistance available for carrying out the purposes of this act.

C. 27:7-71 Definitions.

14. As used in this act, unless the context otherwise requires, the term:

(a) "Commissioner" means the Commissioner of Transportation or his designated representative.

(b) "Department" means the New Jersey Department of Transportation.

(c) (1) "Person" means—

(A) Any individual, partnership, corporation, or association which is the owner of a business;

(B) Any owner, part owner, tenant, or sharecropper who operates a farm;

(C) An individual who is the head of a family; or

(D) An individual not a member of a family.

(2) "Family" means 2 or more individuals living together in the same dwelling unit who are related to each other by blood, marriage, adoption, or legal guardianship.

(d) "Displaced person" means any person who, after the effective date of this act, moves from real property as a result of the acquisition or reasonable expectation of acquisition of such real property which is subsequently acquired, in whole or in part, for a transportation project, or as the result of the acquisition for a transportation project of other real property on which such person had conducted a business or farm operation.

(e) "Business" means any lawful activity conducted primarily—

(A) For the purchase and resale, manufacture, processing, or marketing of products, commodities, or any other personal property;

(B) For the sale of services to the public; or

(C) By a nonprofit organization.

(f) "Farm operation" means any activity conducted solely or primarily for the production of one or more agricultural products or commodities for sale and home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support.

(g) "Transportation project" means any undertaking of the department for which the acquisition of real property is required.

Repealer.

15. P. L. 1962, chapter 221 (C. 27:8–7 to 27:8–9) is repealed.

16. The commissioner is authorized to establish such additional positions within the department as shall be required to implement the provisions of this act as expeditiously as possible. There is hereby authorized from the funds which have been heretofore appropriated to the department the sum not to exceed $500,000.00 for the purpose of carrying out the provisions of this act.

17. This act shall take effect immediately.

Approved January 2, 1969.

CHAPTER 394

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, 1969, and regulating the disbursement thereof," approved June 25, 1968 (P. L. 1968, c. 119).

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

1. The following additional sum is hereby appropriated out of the General State Fund, for the purpose herein specified:

DEPARTMENT OF AGRICULTURE

330-100. GENERAL

Extraordinary:	
Indemnities—Hog cholera eradication	$100,000 00

2. This act shall take effect immediately.

Approved January 2, 1969.

CHAPTER 395

AN ACT to amend and supplement "An act concerning crimes and supplementing Title 2A of the New Jersey Statutes," approved July 27, 1967 (P. L. 1967, c. 182).

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:149A-1 Educational facilities; entry to commit indictable offense; 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 high misdemeanor, punishable by imprisonment for not more than 5 years, or a fine of not more than $10,000.00 or both.

C. 2A:149A-2 Entry with intent of disrupting classes or interfering with order.

2. Any person, other than a bona fide student therein or parent or legal guardian of such student or a teacher, administrator, or other school employee while in the performance of his duties, who enters any building, structure or place used for any educational purpose with the intent of disrupting classes or of otherwise interfering with the peace and good order of the place shall be guilty of a misdemeanor.

C. 2A:149A-3 Obstructing, assaulting or threatening person lawfully seeking to enter facility; penalty.

3. Any person who obstructs, interferes with, assaults, or threatens bodily harm to any student, teacher, administrator, school employee, or parent, or legal guardian, of any student, or any other person lawfully seeking to enter a school building or any other building, structure or place used for any educational purpose shall be guilty of a high misdemeanor, punishable by imprisonment for not more than 5 years, or a fine of not more than $10,000.00, or both.

4. This act shall take effect immediately.

Approved January 2, 1969.

CHAPTER 396

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, 1969, and regulating the disbursement thereof," approved June 25, 1968 (P. L. 1968, c. 119).

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

1. There is hereby appropriated out of the General Treasury, the following:

DEPARTMENT OF AGRICULTURE (330-100)

Extraordinary:

Gypsy moth control by biological means only $100,000 00

2. This act shall take effect immediately.

Approved January 2, 1969.

CHAPTER 397

AN ACT concerning the State Highway Department; adding a route to the State highway system; providing that the added route shall be a special project to be participated in by a certain county and authorizing the State Highway Commissioner to carry out and complete such special project.

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

27:6-1 State highway route.

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. .... beginning at or in the vicinity of the westerly abutment line of the John F. Kennedy Memorial Bridge over Risley Channel in

Atlantic county and thence proceeding toward Somers Point in said county and being presently designated as Atlantic County Route No. 20.

When this route is taken into the State highway system as provided in this section, the State Highway Commissioner shall designate the said route by an appropriate route number as provided by law.

2. The construction of the added route to the present highway system, provided for by this act, shall be a special project to be participated in by the county of Atlantic, as provided in this act, and the State Highway Commissioner is authorized to enter into such agreements with the said county as may be required to carry out and complete said project and to accept on behalf of the State the land to be contributed by the county of Atlantic.

3. This act shall take effect immediately.

Approved January 10, 1969.

CHAPTER 398

AN ACT authorizing certain county correction officers to exercise police powers, and amending section 2A:154–3 of the New Jersey Statutes.

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

1. Section 2A:154–3 of the New Jersey Statutes is amended to read as follows:

Court attendants, sheriff's officers and county correction officers as peace officers.

2A:154–3. All court attendants, sheriff's officers and county correction officers in the competitive class of civil service who have been or who may hereafter be appointed by the sheriff or board of chosen freeholders of any county in this State shall, by virtue of such appointment and in addition to any other power or authority, be empowered to act as officers for the detection, apprehension, arrest and conviction of offenders against the law.

2. This act shall take effect immediately.

Approved January 10, 1969.

CHAPTER 399

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, 1969, and regulating the disbursement thereof," approved June 25, 1968 (P. L. 1968, c. 119).

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

1. The following sum is hereby appropriated out of the General State Fund for the purpose herein specified:

DEPARTMENT OF EDUCATION

500-150. COMMISSIONER'S OFFICE

To provide an emergency budget for the conduct and administration of special educational services for children suffering serious sensory disorders as a result of the 1962-1964 Rubella disease epidemic... $295,000 00

2. This act shall take effect immediately.

Approved January 10, 1969.

CHAPTER 400

AN ACT concerning the New Jersey Educational Facilities Authority and supplementing chapter 72A of Title 18A of the New Jersey Statutes.

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

C. 18A:72A-12.1 Investment and reinvestment of funds.

1. All functions, powers and duties relating to the investment or reinvestment of funds within the jurisdiction of the authority including the purchase, sale or exchange of any investments or securities may, at the request of the authority, be exercised and performed by the director of the Division of Investment, in accordance with written directions of the authority signed by an authorized officer.

2. This act shall take effect immediately.

Approved January 10, 1969.

CHAPTER 401

AN ACT to require licensing of certain individuals who carry on the practice of marriage counseling in New Jersey for a fee monetary or otherwise; to create in the Division of Professional Boards in the Department of Law and Public Safety, a board to be known as the State Board of Marriage Counselor Examiners; to prescribe the duties and powers of said board; to fix penalties for the violation of this act; and to make an appropriation.

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

C. 45:8B-1 Regulation and control of marriage counseling; construction of act.

1. The practice of marriage counseling in the State of New Jersey is hereby declared to affect the public safety and welfare, and to be subject to regulation and control in the public interest in order to protect the public from the unprofessional, improper, unauthorized and unqualified practice of marriage counseling, and from unprofessional conduct by persons licensed to practice marriage counseling. This act shall be liberally construed to carry out these objects and purposes.

C. 45:8B-2 Definitions.

2. As used in this act, unless the context clearly requires otherwise and except as in this act expressly otherwise provided:

(a) "Licensed marriage counselor" means an individual to whom a license has been issued pursuant to the provisions of this act, which license is in force and not suspended or revoked as of the particular time in question.

(b) The "practice of marriage counseling" means the rendering of professional marriage counseling services to individuals and marital pairs, singly or in groups, whether in the general public or in organizations, either public or private, for a fee, monetary or otherwise. "Marriage counseling" is a specialized field of counseling which centers largely upon the relationship between husband and wife. It also includes premarital counseling, pre- and post-divorce counseling, and family counseling which emphasizes the spousal relationship as a key to successful family living. The practice of marriage counseling consists of the application of principles, methods and techniques of counseling and psychotherapy for

the purpose of resolving psychological conflict, modifying perception and behavior, altering old attitudes and establishing new ones in the area of marriage and family life. In its concern with the antecedents of marriage, with the vicissitudes of marriage, and with the consequences of the failure of marriage, marriage counseling keeps in sight its objective of enabling marital partners and their children to achieve the optimal adjustment consistent with their welfare as individuals, as members of a family, and as citizens in society.

(c) "Board" means the State Board of Marriage Counselor Examiners acting as such under the provisions of this act.

(d) "Recognized educational institution" means any educational institution which grants the bachelor's, master's and doctor's degrees, or any one or more thereof, and which is recognized by the New Jersey State Board of Education or by any accrediting body acceptable to the State Board of Marriage Counselor Examiners.

C. 45:8B-3 Denial of recognition as recognized educational institution.

3. No educational institution shall be denied recognition as a recognized educational institution solely because its program is not accredited by any professional organization of marriage counselors and nothing in this act or in the administration of this act shall require the registration with the board of educational institutions of departments of sociology, psychology, social work, marriage and family life or any other specialty or doctoral programs in any of these professional fields.

C. 45:8B-4 Practice of medicine and surgery.

4. Nothing in this act shall authorize the practice of medicine and surgery by any person not licensed so to do pursuant to chapter 9 of Title 45 of the Revised Statutes.

C. 45:8B-5 Marriage counseling license requirement.

5. Commencing January 1, 1969, no person who is not licensed under this act shall advertise the performance of marriage counseling services or represent himself to be a licensed practicing marriage counselor, use a title or description, including the following titles: marriage counselor, advisor or consultant; a family counselor, advisor or consultant; a family guidance counselor, advisor or consultant; a marriage guidance counselor, advisor or consultant; a family relations counselor, advisor or consultant; a marriage relations counselor, advisor or consultant; a marriage therapist, advisor or consultant; or any other name, style or

description denoting that the person so engages in marriage counseling. Except as otherwise specifically provided in this act, only a person licensed under this act shall advertise himself, purport or describe himself as offering marriage or family counseling services or advice; marriage or family guidance service or advice; marriage or family relations services, therapy or advice; marriage or family problems service or advice; marriage or family relations advice or assistance; services in the alleviation of any marital or family problem; or services of like import or effect, or offer to practice or practice marriage counseling as defined in this act, except as otherwise permitted in sections 6 and 8. The use by a person who is not licensed under this act of such terms, whether in titles or descriptions or otherwise, is not prohibited by this act except when in connection with the offer to practice or the practice of marriage counseling as defined in section 2 (b) of this act. Use of such terms in connection with professional activities other than the rendering of professional marriage counseling services to individuals for a fee, monetary or otherwise, shall not be construed as implying that a person is licensed under this act or as an offer to practice or as the practice of marriage counseling.

C. 45:8B-6 Counseling activities of individual not licensed as practicing marriage counselor.

6. Any individual who is not a licensed practicing marriage counselor shall not be limited in his activities:

(a) As part of his duties as an employee of:

(1) an accredited academic institution, a Federal, State, county or local governmental institution or agency, or a research facility while performing those duties for which he was employed by such an institution, agency or facility;

(2) an organization which is nonprofit and which is, in the opinion of the board, a bona fide community agency, while performing those duties for which he was employed by such an agency;

(3) a proprietary organization while performing those duties for which he was employed by such organization, provided his marriage counseling duties are under the direct supervision of a licensed practicing marriage counselor.

(b) As a student of counseling, marriage counseling interne or person preparing for the practice of marriage counseling under qualified supervision in a training institution or facility recognized by the board provided he is designated by such titles as "marriage

counseling interne," "family counseling interne" or others, clearly indicating such training status.

(c) As a practicing marriage counselor for a period not to exceed 10 consecutive business days or 15 business days in any 90-day period, if he resides outside, and his major practice is outside, of the State of New Jersey and gives the board a summary of his qualifications and a minimum of 10 days' written notice of his intention to practice in the State of New Jersey under this paragraph (c), provided he (1) is certified or licensed in another State under requirements the board considers to be the equivalent of requirements for licensing under this act, or (2) resides in a State which does not certify or license marriage counselors and the board considers his professional qualifications to be the equivalent of requirements for licensing under this act; and is not adjudged and notified by the board that he is ineligible for licensing under this act.

(d) As a practicing marriage counselor for a period not exceeding 1 year, if he has a temporary permit therefor which the board may issue upon his filing of an application for licensing under this act.

(e) As a practicing marriage counselor for a period not exceeding 3 years under the supervision of a licensed practicing marriage counselor, or a person designated by the board as an eligible supervisor, if he has a temporary permit therefor which the board may issue upon his completion of all the requirements for licensing under this act except the supervised experience requirement.

C. 45:8B-7 Exceptions not available to certain persons.

7. The exceptions specified in section 6 (c), (d) and (e) shall not be available to any person who has been found by a court of this or any State of the United States to have been guilty of and who fails to present satisfactory evidence of recovery from or correction of gross immorality, habitual intoxication, drug addiction, criminality involving felonious action or moral turpitude, or dishonorable or unprofessional conduct. An action to determine whether any person asserting an exception under sections (c), (d) or (e) has committed one or more of the acts listed in this section may be brought by the Attorney General on behalf of the board.

C. 45:8B-8 Counseling activities of members of other professional groups.

8. Nothing in this act shall be construed to prevent qualified members of other professional groups such as social workers, psychologists, physicians, attorneys-at-law, members of the clergy

or guidance counselors from doing work of a marriage and family counseling nature consistent with the accepted standards of their respective professions.

C. 45:8B-9 Board of Marriage Counselor Examiners; creation, membership.

9. There is hereby created in the Division of Professional Boards of the Department of Law and Public Safety, the State Board of Marriage Counselor Examiners, which shall consist of 7 members, who are residents of this State and citizens of the United States, 5 of whom shall be licensed practicing marriage counselors. All members, except the citizen members, shall have the qualifications hereinafter set forth in section 10 of this act.

C. 45:8B-10 Members' qualifications.

10. Each member of the board, except the citizen members, shall have the following qualifications:

(a) He shall either be a member of or have professional standing equivalent to that required for classification as a member of the New Jersey Association of Marriage Counselors and the American Association of Marriage Counselors.

(b) He shall be at the time of his appointment, and shall have been for at least 5 years prior thereto, actively engaged as a marriage counselor in rendering professional services in marriage counseling, or in the education and training of doctoral or post-doctoral students of marriage counseling or in marriage counseling research, and shall have spent the major portion of the time devoted by him to such activity, during the 2 years preceding his appointment, in this State.

(c) He shall hold at least a master's degree in social work, marriage or pastoral counseling, psychology, sociology of the family, marriage and family life education, or in a closely allied field or a doctor of medicine; from a recognized educational institution.

C. 45:8B-11 Appointment, terms, vacancies; initial appointees deemed licensed.

11. The members of the board shall be appointed by the Governor. The terms of the first 7 members of the board shall expire as follows: 2 members, June 30, 1970; 2 members, June 30, 1971; 3 members, June 30, 1972. Thereafter, each member of the board shall be appointed for a term of 3 years. If before the expiration of his term any member shall die, resign, become disqualified or otherwise cease to be a board member, the vacancy shall be filled by the Governor by appointment for the unexpired term. Each appointee shall, upon accepting appointment to the board,

take and subscribe to the oath or affirmation prescribed by law and file same in the office of the Secretary of State.

The first appointees, other than the citizen members, shall be deemed to be and shall become licensed practicing marriage counselors immediately upon their appointment and qualification as members of the board.

C. 45:8B-12 Removal for cause; public hearing.

12. The Governor shall have power to remove from office any member of the board for incompetence, neglect of duty, unprofessional conduct or moral turpitude; but no board member may be thus removed until after a public hearing of the charges against him, and at least 30 days' prior written notice to such accused member of the charges against him and of the date fixed for such hearing.

C. 45:8B-13 Organization of board; officers; seal; meetings; quorum; issuance of licenses; reimbursement for expenses; expenditures; limitation; issuance of subpoenas; taking testimony; refusal to testify; penalty.

13. The board shall, at its first meeting, to be called by the Governor as soon as may be following the appointment of its members, and all annual meetings, to be held in June of each year thereafter, organize by electing from among its members a chairman, vice-chairman and secretary whose election shall be subject to the approval of the Attorney General. Such officers shall serve until the following June 30 and until their successors are appointed and qualified. The board shall adopt a seal which shall be affixed to all licenses issued by the board. The board shall administer and enforce the provisions of this act. The board shall hold at least one regular meeting each year; but additional meetings may be held upon call of the chairman or at the written request of any 2 members of the board. Four members of the board shall constitute a quorum and no action at any meeting shall be taken without at least 2 votes in accord. The board shall from time to time adopt such rules and regulations and such amendments thereof and supplements thereto as it may deem necessary to enable it to perform its duties under and to carry into effect the provisions of this act. The board shall examine and pass on the qualifications of all applicants for permits or licenses under the act, and shall issue a permit or license to each qualified successful applicant therefor, attesting to his professional qualifications to engage in the practice of marriage counseling.

Each member of the board shall be reimbursed for actual expenses reasonably incurred in the performance of his duties as a member of or on behalf of the board.

Subject to the approval of the Attorney General, the board shall be empowered to hire such assistance as it may deem necessary to carry on its activities. All expenditures deemed necessary to carry out the provisions of this act shall be paid by the State Treasurer from the license fees and other sources of income of the board, within the limits of available appropriations according to law, but in no event shall expenditures exceed the revenues of the board during any fiscal year. The board, through its chairman or secretary, may issue subpœnas to compel the attendance of witnesses to testify before the board and produce relevant books, records and papers before the board and may administer oaths in taking testimony, in any matter pertaining to its duties under the act (including, without limitation, any hearing authorized or required to be held by the board under any provisions of this act), which subpœnas shall issue under the seal of the board and shall be served in the same manner as subpœnas issued out of the Superior Court. Every person who refuses or neglects to obey the command of any such subpœna, or who, after hearing, refuses to be sworn and testify, shall, in either event, be liable to a penalty of $50.00 to be sued for in the name of the board in any court of competent jurisdiction, which penalty when collected shall be paid to the secretary of the board.

C. 45:8B-14 Application for license; certain evidence required.

14. Each person desiring to obtain a license as a practicing marriage counselor shall make application therefor to the board upon such form and in such manner as the board shall prescribe and shall furnish evidence satisfactory to the board that he:

(a) Is at least 21 years of age;

(b) Is of good moral character;

(c) Is not engaged in any practice or conduct which would be a ground for refusing to issue, suspending or revoking a license issued pursuant to this act;

(d) Qualifies for licensing by an examination of credentials or for admission to an assembled examination to be conducted by the board.

C. 45:8B-15 License issuance by examination of credentials.

15. Any person who applies on or before January 1, 1970, may obtain a license to be issued by the board by an examination of

credentials if he meets the qualifications set forth in section 14 (a), (b) and (c) and provides evidence satisfactory to the board that he meets educational and experiential qualifications as follows:

(a) Educational Requirement: At least a master's degree in social work, marriage or pastoral counseling, psychology, sociology of the family, family life education, or another field of study or a closely allied field of a doctor of medicine in which it is established by the applicant's transcripts that an appropriate course of study has been successfully completed; the degree to have been obtained from an accredited institution so recognized at the time of granting of such degrees.

(b) Experience Requirements: Three years of full-time counseling experience, or its equivalent, of a character approved by the board, 2 years of which must have been in marriage counseling.

C. 45:8B-16 Certain persons deemed qualified.

16. Any person already licensed or certified by January 1, 1970 in the State in a professional discipline cited in section 15a, and under the provisions of section 15b is deemed qualified as a marriage counselor.

C. 45:8B-17 Admission to assembled examination.

17. Any person applying to the board on or before January 1, 1969, may be admitted to an assembled examination if he meets the qualifications set forth in section 14 (a), (b) and (c) and provides evidence satisfactory to the board that he has a master's degree in one of the related fields described in section 15 (a), or a degree declared to be equivalent, from an accredited institution so recognized at the time of granting of such degree and at least 5 years of full-time practice or its equivalent in marriage counseling and be granted a license upon satisfactory completion of the required examination and other requirements herein described.

C. 45:8B-18 Admission to examination after January 1, 1970.

18. Any person applying to the board, after January 1, 1970, may be admitted to an examination if he meets the qualifications set forth in section 14 (a), (b) and (c) and provides evidence satisfactory to the board that he has met educational and experiential qualifications as follows:

(a) Educational Requirement: At least a master's degree in social work, or a doctorate in marriage or pastoral counseling, psychology, sociology of the family, family life education, or a closely allied field of study or a doctor of medicine in which it is

established by the applicant's transcripts that an equivalent course of study has been successfully completed; the degree to have been obtained from an accredited institution so recognized at the time of granting of such degrees.

(b) Experience Requirements: Five years of full-time counseling experience, or its equivalent, of a character approved by the board, 2 years of which must have been in marriage counseling; 2 of the 5 required years must have been under the supervision of a person holding a degree specified in paragraph (a) of this section and who has himself had no less than 5 full-time years of professional experience or the equivalent.

C. 45:8B-19 Examinations; time and place of holding; type; contents.

19. The board shall conduct examinations at least once a year at a time and place to be designated by it. Examinations shall be written and, if the board deems advisable, oral. In any written examination each applicant shall be designated by a number so that his name shall not be disclosed to the board until examinations have been graded. Examinations shall include questions in such theoretical and applied fields as the board deems most suitable to test an applicant's knowledge and competence to engage in the practice of marriage counseling. An applicant shall be held to have passed an examination upon the affirmative vote of at least 4 members of the board.

C. 45:8B-20 Admission to subsequent examination.

20. Any person who shall have failed an examination conducted by the board may not be admitted to a subsequent examination for a period of at least 6 months.

C. 45:8B-21 Applicants licensed in another State.

21. The board may issue a license by an examination of credentials to any applicant who presents evidence that he is licensed or certified as a marriage counselor in another State with requirements for said license or certificate such that the board is of the opinion that said applicant is competent to engage in the practice of marriage counseling in this State.

C. 45:8B-22 Examination and license fees.

22. The following fees shall be assessed and collected by the board:

(a) Application fee, $20.00, which shall not be subject to refund;

(b) Examination and initial license fee, $30.00, which shall be subject to refund if the applicant is determined to be ineligible for

examination, withdraws his application for examination, or fails to appear for examination;

(c) License fee, examination of credentials, $25.00;

(d) License renewal fee, $25.00;

(e) Registration fee, $10.00;

(f) Reinstatement fee, $50.00.

C. 45:8B-23 Annual renewal of license.

23. Licenses will be valid for 1 year and must be renewed annually.

C. 45:8B-24 Renewal procedure.

24. On or before April 15 in each year the secretary of the board shall forward to the holder a form of application for renewal thereof. Upon the receipt of the completed form and the renewal fee on or before June 30 the secretary shall issue a new license for the year commencing July 1. Any application for renewal of a license which has expired shall in addition require the payment of a reregistration fee, or in such cases as the board may by rule prescribe, by a new application fee.

C. 45:8B-25 Refusal to grant or renew license; revocation or suspension of license.

25. The board may refuse to grant or renew or may revoke or suspend a license on any of the following grounds:

(a) Use of fraud or deception in applying for a certificate or in taking the examination therefor required by this act.

(b) Practice of marriage counseling under a false or assumed name or impersonation of a licensed practicing marriage counselor of like or different name, or permitting an unlicensed person to practice marriage counseling in the name of a licensee and to use his license for that purpose.

(c) Conviction of a crime involving moral turpitude.

(d) Habitual intemperance in the use of intoxicants, narcotics or stimulants to such an extent as to incapacitate him for the performance of his professional duties as a licensed practicing marriage counselor or conviction of or has pleaded nolo contendere, non vult contendere or non vult to an indictment, information or complaint alleging a violation of any Federal or State law relating to narcotic drugs.

(e) Violation of any provision of this act or rule, regulation or code of ethics promulgated by the board.

(f) Negligence or misconduct in the performance of his professional duties as a licensed practicing marriage counselor.

The board shall not refuse to grant and shall not revoke or suspend the license of any person for any of the foregoing reasons, until after a hearing of the charges against the accused (which shall be public, unless the accused requests a private hearing thereon), and at least 20 days' prior written notice to the accused of the charges against him and of the date fixed for such hearing. Such written notice shall be mailed by the United States certified or registered mail to the accused's last known address, but the accused's failure to appear shall not prevent or invalidate such hearing or any action taken by the board thereat.

Every action of the board in refusing to issue a license or in suspending or revoking a license pursuant to this section shall be subject to review by appeal to the Superior Court by a proceeding in lieu of prerogative writ.

C. 45:8B-26 Reinstatement of license after revocation.

26. Application may be made to the board for reinstatement, at any time after the expiration of 1 year from the date of revocation of a license. Such application shall be in writing and shall be accompanied by the reinstatement fee. The board shall not reinstate any applicant, unless satisfied that he is competent to engage in the practice of marriage counseling, and if it deems same necessary for such determination, may require the applicant to pass an examination.

C. 45:8B-27 Misrepresentation or practicing without license; penalty.

27. (a) Any person, not a licensed practicing marriage counselor under this act, who on or after January 1, 1970, represents himself to be a licensed practicing marriage counselor or offers to practice or practices marriage counseling in violation of this act shall be liable to a penalty of $200.00 for the first offense and of $500.00 for each subsequent offense.

(b) The New Jersey Superior Court, and every County Court, county district court and municipal court shall have jurisdiction within its territory of proceedings for the collection and imposition of a penalty imposed because of the violation of any provision of this act. Penalties shall be sued for and recovered by and in the name of the board and shall be collected and enforced by summary proceedings pursuant to the Penalty Enforcement Law (chapter 58 of Title 2A of the New Jersey Statutes). Process shall issue at the suit of the board as plaintiff and shall be in the nature of a summons and warrant. In any action to recover such a penalty, the certification of any member of the board under the seal of the board that at the time of the offense charged the defendant was not a licensed

practicing marriage counselor or that the defendant's license had been suspended or revoked, shall be received in evidence and shall be prima facie proof of the facts so stated.

C. 45:8B-28 Prevention or restraint from violation.

28. The Superior Court may prevent or restrain, through an action at the suit of the Attorney General or of the board, or of any citizen of the same county, any person from representing himself as a licensed practicing marriage counselor or from practicing marriage counseling in New Jersey who is not licensed under this act or excluded from its application by sections 6 or 8. Through the same means the Superior Court may prevent or restrain any person from violation of any provision of this act.

C. 45:8B-29 Privileged communications.

29. Any communication between a marriage counselor and the person or persons counseled shall be confidential and its secrecy preserved. This privilege shall not be subject to waiver, except where the marriage counselor is a party defendant to a civil, criminal or disciplinary action arising from such counseling, in which case, the waiver shall be limited to that action.

C. 45:8B-30 Disposition of fees and other moneys.

30. All fees, fines, penalties and other moneys derived from the operation of this act shall be paid to the board and by it remitted to the State Treasurer.

C. 45:8B-31 Severability of act.

31. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any other provisions or applications of the act which can be given effect without such invalid provision or application, and to this end the provisions of this act are declared to be severable.

C. 45:8B-32 Appropriation of fees and revenue.

32. There is hereby appropriated to the Department of Law and Public Safety for the purpose of administering this act all fees and revenue received by the board from the effective date of this act until June 30, 1970. The expenditure of such appropriation shall be authorized by the Attorney General with the approval of the Director of the Division of Budget and Accounting.

C. 45:8B-33 Short title.

33. This act shall be known and may be cited as the "Practicing Marriage Counseling Act."

34. This act shall take effect immediately.

Approved January 10, 1969.

CHAPTER 402

AN ACT concerning purchases of library materials by county colleges and supplementing chapter 64A of Title 18A of the New Jersey Statutes.

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

C. 18A:64A-12.1 Authority to make certain purchases without advertising for bids.

1. The board of trustees of a county college may, within the limits of funds appropriated or otherwise made available to the board, purchase the following without advertising for bids therefor: (1) library materials including books, periodicals, newspapers, documents, pamphlets, photographs, reproductions, microforms, pictorial or graphic works, musical scores, maps, charts, globes, sound recordings, slides, films, filmstrips, video and magnetic tapes, other printed or published matter, and audiovisual and other materials of a similar nature; (2) necessary binding or rebinding of library materials; and (3) specialized library services.

2. This act shall take effect immediately.

Approved January 10, 1969.

CHAPTER 403

AN ACT concerning school elections and amending section 18A:14–4 of the New Jersey Statutes.

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

1. Section 18A:14–4 of the New Jersey Statutes is amended to read as follows:

Polling places.

18A:14–4. The board shall provide at least one polling place for each school election in a schoolhouse or other convenient public place within the school district and shall provide additional polling districts and places, when and as in this article provided. Such school elections may be held in a schoolhouse of the district located without the territorial boundaries of the district.

2. This act shall take effect immediately.

Approved January 10, 1969.

CHAPTER 404

AN ACT to provide for the reclamation, planning, development and redevelopment of the Hackensack meadowlands; creating the Hackensack Meadowlands Development Commission and the Hackensack Meadowlands Municipal Committee; amending and supplementing the "Department of Conservation and Economic Development Act of 1948," approved October 25, 1948 (P. L. 1948, c. 448); and making appropriations to carry out the purposes of this act.

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

A. HACKENSACK MEADOWLAND RECLAMATION AND DEVELOPMENT ACT

ARTICLE I. PURPOSE, SHORT TITLE, DEFINITIONS

C. 13:17-1 Declaration of purpose.

1. It is hereby declared that there are approximately 21,000 acres of salt water swamps, meadows and marshes which are commonly known as meadowlands, in the lower Hackensack river basin; that extensive portions of this area have so far resisted comprehensive development because of their low elevation, exposure to tidal waters, unfavorable soil composition, and, in some instances, their distribution among many municipalities; that this land acreage is a land resource of incalculable opportunity for new jobs, homes and recreational sites, which may be lost to the State through piecemeal reclamation and unplanned development; that much of this acreage may be subject to redevelopment under section 3, Article VIII, of the State Constitution; that the orderly, comprehensive development of these areas, due to their strategic location in the heart of a vast metropolitan area with urgent needs for more space for industrial, commercial, residential, and public recreational and other uses, can no longer be deferred; that insofar as meadowlands are State-owned lands they are an asset of the fund for the support of free public schools whose integrity may not be impaired; that while the State, in the name of the people, has an obligation to assert its interests in meadowlands that are clearly State-owned, it has an equal obligation to establish a framework within which private owners may assert their interests

and take title to meadowlands that are privately-owned; that these areas need special protection from air and water pollution and special arrangements for the provision of facilities for the disposal of solid waste; that the necessity to consider the ecological factors constituting the environment of the meadowlands and the need to preserve the delicate balance of nature must be recognized to avoid any artificially imposed development that would adversely affect not only this area but the entire State; that it is the purpose of this act to meet the aforementioned needs and accomplish the aforementioned objectives by providing for a commission transcending municipal boundaries and a committee representing municipal interests which will act in concert to reclaim, plan, develop and redevelop the Hackensack meadowlands; and to safeguard fully the interests of the fund for the support of free public schools, all to the extent and manner provided herein.

C. 13:17-2 Short title.

2. Sections 1 through 84, inclusive, of this act shall be known and may be cited as the "Hackensack Meadowlands Reclamation and Development Act."

C. 13:17-3 Definitions.

3. As used in this act, the following words and terms shall have the following meanings, unless the context indicates or requires another or different meaning or intent:

(a) "Commission" means the Hackensack Meadowlands Development Commission created by this act or any board, body, commission, department or officer succeeding to the principal functions thereof or to whom the powers and duties conferred upon the commission by this act shall be given by law;

(b) "Bonds" means any bonds, notes, interim certificates, debentures, or other obligations, issued by the commission pursuant to this act;

(c) "Claimant" means a person holding or occupying riparian lands within meadowlands under color of title;

(d) "School fund" means the fund for the support of free public schools, as provided by the New Jersey Constitution, Article VIII, Section IV;

(e) "Riparian lands" are those lands now, formerly or hereafter flowed by mean high tide, except where such tidal flow is caused by artificially produced changes in land or water elevation;

(f) "Person" means and shall include all individuals, partnerships, associations, private or municipal corporations and all political subdivisions of the State;

(g) "Owner" means and shall include all persons having any title or interest in any property, rights, easements and interests authorized to be acquired, assessed or regulated by this act;

(h) "Constituent municipality" means a municipality with lands in the district;

(i) "District" means the Hackensack Meadowlands District, the area within the jurisdiction of the commission described in section 4 of this act;

(j) "Hackensack meadowlands" means all those meadowlands lying within the municipalities of Carlstadt, East Rutherford, Little Ferry, Lyndhurst, Moonachie, North Arlington, Ridgefield, Rutherford, South Hackensack and Teterboro, all in Bergen county; and Jersey City, Kearny, North Bergen and Secaucus, all in Hudson county;

(k) "Master plan" means the comprehensive plan for the district prepared and adopted in accordance with article 5 of this act;

(l) "Renewal area" means an area designated by the commission pursuant to article 5 of this act whose redevelopment is necessary to effectuate the public purposes declared in this act. A renewal area may contain lands, buildings or improvements which of themselves are not detrimental to the public health, safety or welfare, but whose inclusion is found necessary, with or without change in their condition, for the effective redevelopment of the area of which they are a part;

(m) "Project area" means all or a portion of a renewal area;

(n) "Project" means any plan, work or undertaking by the commission or by a redeveloper under contract to the commission, pursuant to the master plan or a redevelopment plan. Such undertaking may include the reclamation and improvement of meadowlands, any buildings, land (including demolition, clearance or removal of buildings from land), equipment, facilities, or other real or personal properties, which are necessary, convenient or desirable appurtenances, including but not limited to, streets, water systems, sewer systems, utilities, parks, site preparation, landscaping, and administrative, community, health, recreational, educational and

welfare facilities, and buildings and structures in renewal areas for industrial, commercial or residential use;

(o) "Redeveloper" means any person, firm, corporation or public or private agency that shall enter into or propose to enter into a contract with the commission for the reclamation, development, redevelopment or improvement of an area or any part thereof under the provisions of this act, or for the construction of any project pursuant to the master plan or redevelopment plan;

(p) "Improvement" means (1) the laying out, opening, construction, widening, straightening, enlargement, extension, alteration, changing of location, grading, paving or otherwise improving, a street, alley or public highway; (2) curbing or guttering of a sidewalk along a street, alley or highway; (3) construction and improvement of bridges and viaducts; (4) construction, enlargement or extension of a sewer or drain or of a sewerage or drainage system including, but not limited to, such systems under street, alleys, or public highways or systems for drainage of marshes and wet lowlands; or works for the sanitary disposal of sewerage or drainage; (5) the installation of service connections to water, and other utility works including the laying, construction, or placing of mains, conduits, or cables under or along a street, alley or highway; (6) the construction, enlargement, or extension of water mains or water distribution works; (7) the construction, enlargement, or extension of sanitary landfills or incinerators or other facilities for the disposal of solid wastes; (8) the installation of lighting standards, appliances and appurtenances required for the illumination of streets; (9) widening, deepening, or improvement of, the removal of obstructions in, and the construction, enlargement and extension of any waterway, or of enclosing walls, or of a pipe or conduit along a water course; (10) the reclaiming, filling and improving and bulkheading lands under tidal or other water and lands adjacent to such reclaimed or filled lands, and the dredging of channels and improvement of harbor approaches in waters abounding the lands to be reclaimed, filled and improved, or bulkheaded and filled; (11) the development and improvement of parks and recreational facilities; and (12) the construction of buildings and other structures.

(q) "Redevelopment" means a program for renewal through reclamation, clearance, replanning, development and redevelopment; the rehabilitation of any improvements; conservation or rehabilitation work; the construction and provision for construction

of projects; and the grant or dedication of spaces as may be appropriate or necessary in the interest of the general welfare for such projects or other public purposes incidental or appurtenant thereto, in accordance with the master plan or any part thereof, or a redevelopment plan;

(r) "Redevelopment plan" means a plan as it exists from time to time for a redevelopment project or projects in all or any part of the district, which plan shall conform to the master plan and shall be sufficiently complete to indicate such land acquisition, demolition and removal of structures, improvements, conservation or rehabilitation work as may be proposed to be carried out in the area of the project, existing and proposed land uses, building requirements, maximum densities, zoning and planning changes, if any, public transportation and utilities, recreational and community facilities and other public improvements, and to indicate the relationship of the plan to definite regional objectives;

(s) "Site plan" means a plan for an existing lot or plot or a subdivided lot on which is shown topography, location of all existing or proposed buildings, structures, drainage facilities, roads, rights-of-way, easements, parking areas, together with any other information, and at such a scale as may be required by a commission site plan review and approval resolution.

(t) "Subdivision" means the division of a lot, tract or parcel of land into 2 or more lots, sites or other divisions of land for the purpose, whether immediate or future, of sale or building development except that the following divisions shall not be considered subdivisions within the meaning of this act; provided, however, that no new streets or roads are involved; divisions of land for agricultural purposes where the resulting parcels are 3 acres or larger in size, divisions of property by testamentary or intestate provisions, or divisions of property pursuant to court order.

(u) "Cost," in addition to the usual meanings thereof, means the cost of acquisition or construction of all or any part of an improvement and of all or any property, rights, easements, privileges, agreements and franchises deemed by the commission to be necessary or useful and convenient therefor or in connection therewith, including interest or discount on bonds, cost of issuance of bonds; engineering and inspection costs and legal expenses; cost of financial, professional and other estimates and advice; organization, administration, operation and other expenses of the commission 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 said improvement or part thereof and the placing of same in operation; and also such provision or reserves for working capital, operating or maintenance or replacement expenses, or for payment or security of principal of or interest on bonds during or after such acquisition or construction; and also reimbursements to the commission or any county, municipality or other person of any moneys theretofore expended for the purpose of the commission or in connection with such improvements;

(v) "Special assessment" means an assessment for benefits accruing from the construction of improvements by or at the direction of the commission;

(w) "Committee" means the Hackensack Meadowlands Municipal Committee established pursuant to article 4 of this act;

(x) "Solid waste" shall mean any refuse matter, trash or garbage from residences, hotels, apartments or any other public or private building, but shall not include water-carried wastes or the kinds of wastes usually collected, carried away and disposed of by a sewerage system;

(y) "Solid waste disposal facilities" shall mean the plants, structures and other real and personal property acquired, constructed or operated, or to be acquired, constructed or operated by the commission, as hereinafter provided, including incinerators, sanitary landfills or other plants or facilities for the treatment and disposal of solid waste.

Article 2. Hackensack Meadowland District

C. 13:17-4 District boundaries.

4. (a) Except as otherwise provided, the commission shall be authorized to carry out the purposes of this act within the following district:

All that certain area bounded as described therein, excepting therefrom the area described in subsection (b) and (c) of this section:

Beginning at a point on Hendricks Causeway at its junction with the tracks of the Erie-Lackawanna Railroad—Northern Railroad of New Jersey Branch in Ridgefield;

Thence southerly along the tracks of the Erie-Lackawanna Railroad—Northern Railroad of New Jersey Branch to its junction with the Fairview-Ridgefield Municipal boundary;

Thence westerly along the Fairview-Ridgefield Municipal boundary to its junction with the Fairview-North Bergen Municipal boundary;

Thence easterly along the Fairview-North Bergen Municipal boundary to its junction with the tracks of the Erie-Lackawanna Railroad—Northern Railroad of New Jersey Branch;

Thence southerly along the tracks of the Erie-Lackawanna Railroad—Northern Railroad of New Jersey Branch to its junction with Tonnelle Avenue (U. S. Route 1 and 9) in Jersey City;

Thence southerly along Tonnelle Avenue (U. S. Route 1 and 9) to its intersection with the Pulaski Skyway;

Thence westerly along a line formed by the Pulaski Skyway to a point where the Port Authority Trans-Hudson tracks pass under the Pulaski Skyway;

Thence westerly along the Port Authority Trans-Hudson tracks to their intersection with the Harrison-Kearny Municipal Boundary;

Thence northwesterly along the Harrison-Kearny Municipal Boundary, as it jugs and curves, to its intersection with the Erie-Lackawanna Railroad, Harrison-Kingsland connecting branch of the Morris and Essex Division;

Thence northerly along the tracks of the Erie-Lackawanna Railroad, Harrison-Kingsland connecting branch of the Morris and Essex Division to its junction with Orient Way in Lyndhurst;

Thence northerly along Orient Way to its junction with Valley Brook Avenue-Smith Street;

Thence easterly along Smith Street to its junction with Madison Street;

Thence northerly along Madison Street to its junction with Evergreen Place;

Thence westerly along Evergreen Place to its junction with Meadow Road;

Thence northerly along Meadow Road to its junction with Rutherford Avenue;

Thence northerly along a straight line drawn between the intersection of Rutherford Avenue and Meadow Road and the junction of Union Avenue and Erie-Lackawanna-New Jersey and New York Railroad;

Thence northerly along the tracks of the Erie-Lackawanna-New Jersey and New York Railroad to its intersection with the Wood-Ridge-Carlstadt municipal boundary;

Thence easterly along the Wood-Ridge-Carlstadt municipal boundary to its intersection with Moonachie-Wood-Ridge municipal boundary;

Thence northerly and westerly along the Moonachie-Wood-Ridge municipal boundary to its intersection with the Hasbrouck Heights-Moonachie municipal boundary;

Thence easterly and northerly along Hasbrouck Heights-Moonachie municipal boundary to its intersection with the Moonachie-Teterboro municipal boundary;

Thence westerly and northerly along the Hasbrouck Heights-Teterboro municipal boundary to its intersection with U. S. Route 46;

Thence easterly along U. S. Route 46 to its intersection with the Teterboro-Little Ferry municipal boundary;

Thence southerly along the Teterboro-Little Ferry municipal boundary to its intersection with the Moonachie-Little Ferry boundary;

Thence southerly along the Moonachie-Little Ferry municipal boundary to its intersection with Red Neck Road;

Thence southerly along Red Neck Road to its junction with Moonachie Avenue in Moonachie;

Thence easterly along Moonachie Avenue to its junction with Moonachie Road;

Thence northerly along Moonachie Road to its junction with Maple Street;

Thence easterly along Maple Street approximately 930 feet to its intersection with the Transcontinental gas pipeline;

Thence northeasterly along a straight line drawn between the intersection of Maple Street and the Transcontinental gas pipeline and the intersection of Bertolotto Avenue and the Moonachie-Little Ferry Municipal boundary (Losen Slofe Creek);

Thence easterly along Bertolotto Avenue to its junction with Eckel Road;

Thence northerly along Eckel Road to its junction with Columbus Avenue;

Thence easterly along Columbus avenue to its junction with Mehrhof Road;

Thence northerly along Mehrhof Road to its junction with Washington Avenue;

Thence easterly and northerly along Washington Avenue to its junction with Main Street;

Thence easterly along Main Street extended to the Little Ferry-Ridgefield Park Municipal boundary; (The middle of the Hackensack River);

Thence southerly along the Little Ferry-Ridgefield Park Municipal boundary (in the middle of the Hackensack River) to its intersection with the Ridgefield Park-Ridgefield Municipal boundary;

Thence easterly along the Ridgefield Park-Ridgefield Municipal boundary (in the middle of Overpeck Creek) to its intersection with Bergen Turnpike;

Thence southerly along Bergen Turnpike to its junction with Hendricks Causeway;

Thence southeasterly along Hendricks Causeway to its junction with the tracks of the Lackawanna Railroad—Northern Branch, the point of beginning.

(b) Exception:

Beginning at a point on Old New Jersey Route 3 (New Jersey Route 153) (Paterson Plank Road) at its junction with County Avenue in Secaucus;

Thence southerly along County Avenue to its junction with Secaucus Road;

Thence westerly along Secaucus Road a distance of 1,321 feet more or less to its junction with Private Road;

Thence northerly along a straight line drawn between the intersection of Secaucus Road and the aforementioned Private Road and the intersection of Pandolfi Avenue-Golden Avenue in Secaucus;

Thence westerly along Pandolfi Avenue to its junction with 5th Street;

Thence Southerly along 5th Street to its junction with Mansfield Avenue;

Thence westerly along Mansfield Avenue to its junction with Walter Place;

Thence northerly along Walter Place to its junction with Mansfield Avenue;

Thence westerly along Mansfield Avenue to its junction with 9th Street;

Thence northerly along 9th Street to its junction with Grace Street;

Thence easterly along Grace Street to its junction with Eighth Street;

Thence northerly along Eighth Street to its junction with Old New Jersey Route 3 (Route 153);

Thence easterly along Old New Jersey Route 3 (Route 153) to its junction with Paterson Plank Road;

Thence easterly continuing along Old New Jersey Route 3 (Route 153) (Paterson Plank Road) to its junction with County Avenue, the point of beginning.

(c) Exception:

Beginning at a point on Maple Avenue at its junction with 7th Street in Secaucus;

Thence northerly and easterly along 7th Street to its junction with Paterson Plank Road;

Thence northerly along Paterson Plank Road to its junction with Farm Road;

Thence northerly along Farm Road to its junction with Meadow Lane;

Thence easterly along Meadow Lane to its junction with Stonewall Lane and Mill Ridge Road;

Thence easterly along Mill Ridge Road to its junction with Koelle Boulevard;

Thence southerly along Koelle Boulevard to its junction with Huber Street;

Thence westerly along Huber Street to its junction with Radio Avenue;

Thence southerly on Radio Avenue to its junction with Pikeview Terrace;

Thence westerly and northerly along Pikeview Terrace to its intersection with Lausecker Lane;

Thence westerly along Lausecker Lane to its junction with Paterson Plank Road;

Thence southerly along Paterson Plank Road to its junction with Maple Street;

Thence westerly along Maple Street to its junction with 7th Street, the point of beginning.

ARTICLE 3. HACKENSACK MEADOWLANDS DEVELOPMENT COMMISSION

C. 13:17-5 Commission established; organization.

5. (a) There is hereby established in, but not of, the Department of Community Affairs a public body corporate and politic, with corporate succession, to be known as the "Hackensack Meadowlands Development Commission." The commission shall constitute a political subdivision of the State established as an instrumentality exercising public and essential governmental functions, and the exercise by the commission of the powers conferred by this act

shall be deemed and held to be an essential governmental function of the State.

(b) The commission shall consist of 7 members appointed and qualified as follows:

(1) The Commissioner of the Department of Community Affairs, ex officio; provided that he may appoint an alternate to act in his place and stead, with the authority to attend, vote and perform any duty or function assigned to the Commissioner of the Department of Community Affairs in his absence. The alternate shall serve during the term of the Commissioner of the Department of Community Affairs, subject to removal at his pleasure. In the event of a vacancy in the position of alternate, it shall be filled in the same manner as an original appointment and only for the unexpired term.

(2) Six citizens of the State, appointed by the Governor, with the advice and consent of the Senate and no more than 3 of whom shall be of the same political party; 2 of whom shall be residents of the constituent municipalities of Bergen county and 2 of whom shall be residents of the constituent municipalities of Hudson county; provided, however, no more than one citizen shall be appointed from any one constituent municipality; one of whom shall be a resident of Bergen county and one of whom shall be a resident of Hudson county. The Commissioner of the State Department of Transportation, the Commissioner of the Department of Conservation and Economic Development, and a representative of the United States Army Corps of Engineers, may, within the limits of their respective responsibilities and at the request of the commission, serve as nonvoting advisors to the commission. The members of the liaison committee established, as hereinafter provided, by the Hackensack Meadowlands Municipal Committee, shall also serve as nonvoting advisors to the commission;

(c) The Commissioner of the Department of Community Affairs shall serve on the commission during his term of office and shall be succeeded by his successor in office. Each member appointed by the Governor shall serve for terms of 5 years; provided that of the first members appointed by the Governor one shall serve for a term of 1 year, one for a term of 2 years, one for a term of 3 years, one for a term of 4 years, and 2 for a term of 5 years. Each member shall serve for the term of his appointment and until his successor shall have been appointed and qualified. Any vacancy shall be filled in the same manner as the original appointment for the unexpired term only.

(d) Any member of the commission may be removed by the Governor for cause after a public hearing.

(e) Each member of the commission before entering upon his duties shall take and subscribe an oath to perform the duties of his 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.

(f) The members of the commission shall serve without compensation, but the commission may reimburse its members for necessary expenses incurred in the discharge of their duties.

(g) The Governor shall designate one of the members of the commission as chairman. The commission shall select from its members a vice-chairman and a treasurer, and shall employ an executive director, who shall be secretary, and a chief fiscal officer. The commission may also appoint, retain and employ, without regard to the provisions of Title 11, Civil Service, of the Revised Statutes, such officers, agents, employees and experts as it may require, and it shall determine their qualifications, terms of office, duties, services and compensation.

(h) The powers of the commission shall be vested in the members thereof in office from time to time and a majority of the total authorized membership of the commission shall constitute a quorum at any meeting thereof. Action may be taken and motions and resolutions adopted by the commission at any meeting thereof by the affirmative vote of a majority of the members, unless in any case the by-laws of the commission or any of the provisions of this act shall require a larger number; provided that the commission may designate one or more of its agents or employees to exercise such administrative functions, powers and duties as it may deem proper, under its supervision and control. No vacancy in the membership of the commission shall impair the right of a quorum to exercise all the rights and perform all the duties of the commission, except as provided by section 8.

(i) Before the issuance of any bonds under the provisions of this act, the members and the officer of the commission charged with the handling of the commission's moneys shall be covered by a surety bond or bonds in such sum as provided by the rules and regulations of the commission conditioned upon the faithful performance of the duties of their respective offices, and executed by a surety company authorized to transact business in the State of New Jersey as a surety. Each such surety bond shall be submitted

to the Attorney General for his approval and upon his approval shall be filed in the office of the Secretary of State prior to the issuance of any bonds by the commission. At all times after the issuance of any bonds by the commission the officer of the commission charged with the handling of the commission's moneys and each member shall maintain such surety bonds in full force and effect. All costs of such surety bonds shall be borne by the commission.

(j) On or before March 31 in each year the commission 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.

(k) The commission shall cause an audit of its books and accounts to be made at least once in each year and the cost thereof shall be treated as one incurred by the commission in the administration of this act, and a copy thereof shall be filed with the State Treasurer, all as more fully provided in section 76 of this act.

(l) (1) No member, officer, employee or agent of the commission shall be financially interested, either directly or indirectly, in any project or any part of a project area (other than a residence) or in any contract, sale, purchase, lease or transfer of real or personal property to which the commission is a party;

(2) Any contract or agreement knowingly made in contravention of this section is voidable;

(3) Any person who shall willfully violate any of the provisions of this section shall forfeit his office or employment and shall be guilty of a misdemeanor.

C. 13:17-6 Powers of the commission.

6. The commission shall have perpetual succession and shall have the following powers:

(a) To adopt and from time to time amend and repeal suitable by-laws for the management of its affairs;

(b) To adopt and use an official seal and alter the same at its pleasure;

(c) To maintain an office at such place or places within the State as it may designate;

(d) To sue and be sued in its own name;

(e) To issue bonds or notes of the commission and to provide for the rights of the holders thereof as provided in this act; pro-

vided, however, that prior to the issuance of any bonds or notes and prior to incurring any financial obligation in excess of $1,000,000.00, the commission shall employ a registered municipal accountant of New Jersey or a certified public accountant of New Jersey to inspect its accounts and certify to the State Treasurer that such bonds or such obligations may be issued or incurred by the commission without prejudice to any bonds or obligations of the commission outstanding, and that such bonds or obligations are, or may reasonably be expected to be, within the ability of the commission to meet.

(f) To enter upon any building or property in order to conduct investigations, examinations, surveys, soundings, or test borings necessary to carry out the purposes of this act, all in accordance with due process of law.

(g) To acquire in the name of the commission by purchase, lease as lessee, 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 or interest therein and other property, including land under water and riparian lands, land or highways held by any municipality or other governmental subdivision of the State, or any fee simple absolute in, easements upon, or the benefit of restrictions upon abutting property, that it may determine is reasonably necessary for the performance of any of its duties under this act; provided that the power of eminent domain shall not be exercised by the commission to acquire any property owned or used by a 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;

(h) To receive and accept, from any Federal or other public agency or governmental entity, grants or loans for or in aid of the planning or construction of any project or improvement, or the acquisition of any property, and to receive and accept aid or contributions from any other source, of either money, property, labor or other things of value, to be held, used and applied only for the purposes for which such grants, loans and contributions may be made, and to enter into co-operative agreements with the Federal Government or any other public or governmental agency for the performance of such acts as may be necessary and proper for the reclamation of the meadowlands and to comply with other requirements for such participation;

(i) To prepare, adopt and implement a master plan for the physical development of all lands, or a portion thereof, lying

within the district; and to adopt and enforce codes and standards for the effectuation of such plan;

(j) By contract or contracts with a redeveloper or by its own employees to undertake any development or other project or improvement as it finds necessary to reclaim, develop, redevelop and improve the land within the district;

(k) To establish engineering standards for land reclamation, including the type of fill, drainage and grading, and to promulgate a building code specifying the maximum weight, size and density of all buildings and structures to be placed on any land within its jurisdiction according to the method of reclamation employed and the load-bearing quality of the reclaimed land;

(l) To recover by special assessments the cost of improvements from the increase of property values attributable to such improvements;

(m) Generally to fix and revise from time to time and to charge and collect rates, fees and other charges for the use of any facilities operated and maintained by the commission;

(n) To make such legal arrangements for the use of the property of the school fund so as to increase the capital of such fund as may be necessary or desirable;

(o) 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 commission or to carry out any power expressly given in this act;

(p) To conduct examinations and investigations, hear testimony and take proof under oath at public or private hearings, of any material matter, require attendance of witnesses and the production of books and papers and issue commissions for the examination of witnesses who are out of State, unable to attend, or excused from attendance;

(q) To publish and disseminate information and to make known to potential users, by advertisement, solicitation or other means, the availability for development of lands in the district;

(r) To review and regulate plans for any subdivision or development within the district;

(s) To subordinate, waive, sell, assign, or release any right, title, claim, lien, or demand however acquired, including any equity or right or redemption; to foreclose, sell, or assign any mortgage held by it, or any interest in real or personal property; and to purchase at any sale upon such terms and at such prices as it de-

termines to be reasonable and to take title to property, real, personal, or mixed, so acquired, and to sell, exchange, assign, convey, lease, mortgage, or otherwise dispose of any such property, subject to such conditions and restrictions as it deems necessary to carry out the purposes of this act;

(t) To cause to be prepared plans, specifications, designs and estimates of costs for the construction of projects and improvements under the provisions of this act, and from time to time to modify such plans, specifications, designs or estimates;

(u) To determine the existence of renewal areas, and to undertake redevelopment projects therein;

(v) To exercise all authorized powers of the commission which shall be deemed to be for a public purpose and to acquire any property which shall be deemed for public use, which use shall be deemed superior to the public use of any municipality, county, school district, or other local or regional district, authority or agency;

(w) To provide solid waste disposal facilities for the treatment and disposal of solid waste, as hereinafter provided.

Article 4. Hackensack Meadowlands Municipal Committee; Organization and Powers

C. 13:17-7 Committee established and organization.

7. (a) There is hereby established a Hackensack Meadowlands Municipal Committee, the membership of which shall consist of the mayor or elected chief executive, or his designated alternate, of each constituent municipality.

(b) A majority of the membership of the committee shall constitute a quorum for the transaction of committee business. Action may be taken and motions and resolutions adopted by the committee at any meeting thereof by the affirmative vote of a majority of the full membership of the committee unless in any case the by-laws of the committee or any of the provisions of this act shall require a larger number. The committee shall elect from its membership a liaison-committee consisting of 4 members, 2 of whom shall be residents of Bergen county and 2 of whom shall be residents of Hudson county. It shall be the purpose of the liaison-committee to act as liaison between the commission and the committee.

(c) The committee shall meet regularly as it may determine, and may also meet at the call of the chairman of the commission.

(d) The committee shall appoint a chairman from among its members and such other officers as may be necessary. The committee may, within the limits of any funds appropriated or otherwise made available to it for this purpose, also appoint, retain and employ, without regard to the provisions of Title 11, Civil Service, of the Revised Statutes, such officers, agents, employees and experts as it may require, and it shall determine their qualifications, terms of office, duties, services and compensation.

(e) Members of the committee shall serve without compensation, and each member shall serve only so long as he is the mayor or elected chief executive of the municipality he represents. The committee may reimburse its members for necessary expenses incurred in the discharge of their duties.

C. 13:17-8 Powers of the committee.

8. (a) The commission shall submit to the committee for review, prior to final action thereon, codes and standards formulated by the commission, the district master plan and amendments thereto, development and redevelopment plans, and improvement plans. The commission may also submit to the committee any other matter which the commission deems advisable.

(b) The committee shall review matters submitted to it by the commission pursuant to this section and shall indicate its position in writing to the commission. Failure of the committee to state its position within 45 days of the receipt of any matter so referred to the committee shall be deemed to constitute approval of the proposed action of the commission. Except that, the committee shall have 120 days after receipt of the master plan to state its position, in writing, to the commission.

(c) The commission shall not take any final action on any matter required to be submitted to the committee pursuant to this section, which matter has been formally rejected by the committee, except by a vote of 5/7 of the full membership of the commission.

(d) The committee may make recommendations to the commission on any matter it deems advisable whether or not such matter was submitted to said committee by said commission.

Article 5. Hackensack Meadowlands Development

C. 13:17-9 Preparation and adoption of master plan by commission.

9. (a) The commission shall prepare, or cause to be prepared, and, after public hearing and pursuant to the procedures herein-

after provided, shall adopt a master plan or portion thereof for the physical development of all lands lying within the district, which plan may include proposals for various stages in the future development of the district. The commission may from time to time, pursuant to the procedures hereinafter provided, and after public hearing, amend said master plan. The master plan shall include a report presenting the objectives, assumptions, standards and principles which are embodied in the various interlocking portions of the master plan. The master plan shall be a composite of the one or more written proposals recommending the physical development of the lands within its jurisdiction either in its entirety or a portion thereof which the commission shall prepare after meetings with the governing bodies of the constituent municipalities and affected counties, and any agencies and instrumentalities thereof.

(b) In preparing the master plan or any portion thereof or amendment thereto the commission shall give due consideration to the necessity to provide in the district sanitary landfills and other facilities for the disposal of solid waste which may be utilized by municipalities within the district and municipalities throughout the State. In preparing the master plan or any portion thereof or amendment thereto the commission shall give due consideration to the existing patterns of the development in the constituent municipalities and to any master plan or other plan of development adopted by any constituent municipality prior to the effective date of this act or prior to the preparation of the master plan by the commission.

(c) In preparing the master plan or any portion thereof or amendment thereto, the commission shall consult with any Federal or State agency having an interest in the district. At least 60 days prior to taking any action relating to the district such Federal and State agency shall file with the commission their proposed plans for the commission's review and recommendation.

C. 13:17-10 Commission's responsibility for providing solid waste treatment and disposal facilities.

9.1 (a) Within 6 months of the effective date of this act the commission shall undertake and complete a survey of the district to determine the total amount of solid waste treated and disposed on a daily basis in the district as of the effective date of this act by persons in this State.

(b) The commission is hereby authorized, empowered and directed to guarantee that solid waste disposal facilities sufficient to

treat and dispose of the total amount of solid waste determined by its survey shall be available or be provided by the commission.

(c) In providing the solid waste disposal facilities which it is hereby authorized, empowered and directed to provide, the commission shall, prior to preparing any plans or specifications for such facilities, consult with those persons utilizing the district for the treatment and disposal of solid waste and, pursuant to the provisions of section 78 of this act, contract with such persons or any of such persons, who desire to utilize any solid waste disposal facilities provided by the commission, and in the provision of such facilities the commission may:

(1) Acquire or construct any such facilities as an improvement, and may recover the cost of such acquisition or construction in the same manner and pursuant to the same procedure provided for any other improvement undertaken by the commission pursuant to this act;

(2) Operate and maintain any such facilities and generally fix and collect rates, fees or other charges for any such facilities in the same manner and pursuant to the same procedure provided for any other facilities operated and maintained by the commission; or lease as leasor or lessee any such facilities, or provide by agreement or contract with any person for the operation of any such facilities; provided, however, that prior to the acquisition, construction, operation, lease as leasor or lessee, contract or agreement by the commission for any such solid waste disposal facilities in the district, the commission shall submit to the Commissioner of the State Department of Health for approval a plan or plans describing in detail the purpose of such acquisition, construction, operation, lease as leasor or lessee, contract or agreement. In reviewing the plans submitted in compliance with this section and in determining conditions under which such plans may be approved the commissioner shall give due consideration to community development of comprehensive regional solid waste disposal facilities, in order to be assured insofar as is practicable that all proposed solid waste disposal facilities shall conform to reasonably contemplated development of comprehensive community or regional solid waste disposal facilities. No solid waste disposal facility shall be acquired, constructed, operated, leased, contracted or agreed for in the district without approval of the Commissioner of the State Department of Health.

(3) Join and participate in any agency, instrumentality or authority created by the State, or by any political subdivision or subdivisions thereof, for the purpose of treating or disposing of solid waste in which it may be authorized by law to join and participate, under any terms or conditions, subject to any duties and entitled to any rights and powers provided by such law.

(4) Permit, by contract or agreement, any agency, instrumentality or authority created by the State, or by any political subdivision or subdivisions thereof, for the purpose of treating or disposing of solid waste to acquire, construct, or operate and maintain any solid waste disposal facilities which such agency, instrumentality or authority is authorized by law to acquire, construct, or operate and maintain. Any such facilities acquired, constructed, or operated and maintained by any such agency, instrumentality or authority may be located either within the district or without the district but within the jurisdiction of such agency, instrumentality or authority; provided, however, that if any such facility is located within the district it shall be subject to the same procedure for approval by the Commissioner of the State Department of Health as any other such facility in the district.

(d) Nothing herein contained shall be interpreted as requiring any person to utilize any solid waste disposal facility provided by the commission; provided, however, that upon the completion of the survey undertaken by the commission pursuant to this section no solid waste may be treated or disposed in the district by any person without the express written consent of the commission.

(e) The commission, in its discretion, may provide solid waste disposal facilities sufficient to treat and dispose of more than the total amount of solid waste determined by its survey, and may make such facilities available to persons other than those treating and disposing of solid waste in the district as of the effective date of this act.

(f) In order to acquire or construct any solid waste disposal facility the commission is authorized to issue bonds and notes and to pay or redeem said bonds and notes from revenue derived from the fees and other charges collected for such facilities. Any cost incurred by the commission in providing any solid waste disposal facilities shall be charged by the commission to the persons utilizing such facilities, and nothing herein contained shall be interpreted

as requiring the commission to bear the cost of any solid waste disposal facility provided by the commission pursuant to this act.

C. 13:17-11 Contents of master plan.

10. (a) The master plan shall include provisions or criteria for the location and use of buildings, structures, facilities, and land for solid waste disposal, and may include provisions for: (1) the use of land and buildings, residential, commercial, industrial, mining, agricultural, park and other like purposes; (2) service-water supply, utilities, sewerage, and other like matters; (3) transportation, streets, parking, public transit lines and stations both above and below ground level, freight facilities, airports, harbors, channels, docks and wharves, and other like matters; (4) housing, residential standards, clearance, redevelopment, rehabilitation, conservation, and other like matters; (5) water, forest, soil conservation, flood control, and other like matters; (6) public and semipublic facilities including but not limited to civic centers, schools, libraries, parks, playgrounds, fire houses, police buildings, hospitals, and other like matters; (7) the distribution and density of population; (8) planned unit development; (9) community appearance; (10) financing and programming capital improvements; (11) and other related elements of growth and development, including the social implications of any proposed development, and advances in technology related to any subject included in the plan.

(b) The plan may also include codes and standards covering land use, comprehensive zoning, subdivisions, building construction and design, housing, and the control of air and water pollution and solid waste disposal which has been approved by the State Department of Health, and other subjects necessary to carry out the plan or to undertake a workable program of community improvement. No codes or standards concerning building construction and design shall be promulgated without the certificate of the chief engineer or equivalent official of the commission that the proposed codes and standards meet the engineering standards adopted by the commission. No municipality shall enact or enforce any code which is inconsistent with the code contained in the master plan insofar as such code applies to property within the district; provided, however, that the governing body or other appropriate body of each constituent municipality may enact zoning ordinances and any other codes or standards, which it is authorized by the laws of this State to enact, for lands within the boundaries of said municipality which are subject to the jurisdiction of the commission and which will effectuate the purposes of the commission's master plan.

C. 13:17-12 Review of building plans and governmental projects by commission.

11. (a) No building or structure may be constructed or altered within the area shown on the master plan unless the commission shall first issue a permit approving the plans and specifications for the proposed construction or alteration as being in conformity with the master plan. No permit may be issued without a certificate from the chief engineer or equivalent official of the commission that the proposed construction or alteration meets the engineering standards adopted by the commission.

(b) Whenever the commission shall have adopted a master plan or any portion thereof, the governing body of any constituent municipality or affected county, or any agency or instrumentality thereof, before taking action necessitating the expenditure of any public funds incidental to the location, character, or extent of one or more projects of said municipality or affected county, or any agency or instrumentality thereof, shall refer action involving such specific project to the commission for review and approval, and shall not act thereon unless the commission has indicated its approval by a majority vote of said commission within 45 days of reference to the commission or by the failure of the commission to disapprove by a majority vote of said commission within said 45 days.

C. 13:17-13 Subdivision and land development review by commission.

12. The commission shall review and regulate subdivisions and land development within the district, in accordance with procedures and engineering and planning standards adopted by resolution, which shall require that:

(a) All subdivisions, site plans, buildings and other development be in accordance with the master plan and any applicable redevelopment plan;

(b) Adequate drainage facilities and easements be provided;

(c) Road improvements be provided for subdivisions or sites where necessary to protect the safety and convenience of the traveling public, such improvements to include, but not be limited to, additional rights-of-way or pavement widths, marginal access streets, reverse frontage and highway and traffic design features necessitated by increased traffic, potential safety hazards or traffic flow impediments caused by the subdivision or development;

(d) Public water and sewer systems be provided where necessary to protect public health and to insure an adequate supply of water;

(e) Performance guarantees, maintenance bonds and agreements be provided specifying minimum standards of construction for required improvements by the commission and not to exceed the full cost of the facility and installation thereof or the developer's proportionate share thereof. Any bonds, moneys or guarantees received by the commission under this paragraph shall not duplicate bonds, moneys or guarantees required by municipalities for municipal purposes.

C. 13:17-14 Review of applications for subdivision and development.

13. (a) Each application for a subdivision, site plan or building permit shall be submitted to the commission for review and, where required, approval prior to approval by the local constituent municipal approving authority. Commission approval of any subdivision application shall be limited by and based upon the rules, regulations and standards established by and duly set forth in a resolution adopted by the commission. The constituent municipal approval authority shall defer taking final action on a subdivision application until receipt of the commission report thereon. The commission shall report to the municipal authority within 45 days from the date of receipt of the application. If the commission fails to report to the municipal approving authority within the 45-day period, said subdivision application shall be deemed to have been approved by the commission unless, by mutual agreement between the commission and municipal approving authority, with approval of the applicant, the 45-day period shall be extended for an additional 45-day period, and any such extension shall so extend the time within which a municipal approving authority shall be required by law to act thereon.

(b) The commission shall review each subdivision plan and building permit application and withhold approval if said application does not meet the approval standards previously adopted by the commission, in accordance with this section. In the event of the withholding of approval, or the disapproval of, any such application, the reasons for such action shall be set forth in writing and a copy thereof shall be transmitted to the applicant.

C. 13:17-15 Commission approval before recording.

14. The county clerk or registrar of deeds and mortgages shall not accept for filing any subdivision plat for lands in the district

unless it bears the certification of approval of the commission in addition to all other requirements for filing a subdivision plat. If the commission shall have taken no action to approve or disapprove a subdivision within the period required by section 13 of this act it shall, at the request of the developer, certify such fact upon the plat. Such certification shall be sufficient authorization for further action by the municipal approving authority and filing with the appropriate county recording officer.

C. 13:17-16 Hearings prior to adoption.

15. (a) Whenever a hearing upon notice is required in any constituent municipality or affected county with respect to the adoption or amendment of a master plan, official map, zoning or subdivision regulations, or to the granting of variances or special exceptions, involving property within the district or within 200 feet of its borders, the person required to give such notice shall also, at least 45 days prior to the hearing, give written notice of the hearing to the commission by registered or certified mail. Said notice of hearing shall contain a brief description of the property involved, its location, a concise statement of the matters to be heard, and a copy of any plan, code, regulations or standards to be approved.

(b) The commission shall be considered a party in interest at such hearing, and no action involving a municipal master plan, zoning ordinance, subdivision, building, or site plan approval, the official map, or the grant or variance or special exception shall be taken by a public body of a constituent municipality, or affected county which shall be inconsistent with the master plan.

C. 13:17-17 Reservation of land for drainage, streets, schools, parks and other public projects.

16. (a) If portions of the master plan contain proposals for drainage rights-of-way, roads or streets, schools, colleges, parks, playgrounds, or for any project as defined in this act, before approving any subdivision or site plan, the commission may require that such project sites be shown in locations and of sizes suitable to their intended uses. The commission shall be permitted to reserve the location and extent of such project sites shown on the master plan or any part thereof for a period of 1 year after the approval of the subdivision or site plan or within such further time as agreed to by the applying party. Unless during each 1 year period or extension thereof the commission shall have entered into a contract to purchase or institute condemnation proceedings ac-

cording to law for said project site, the developer shall not be bound by the proposals for such areas shown on the plan. This subsection shall not apply to streets and roads and drainage rights-of-way required for approval of any subdivision or site plan and deemed essential to the public welfare.

(b) Whenever one or more parcels of land on which is located such a project site cannot yield a reasonable return to the owner unless a building permit is granted or a subdivision or site plan is approved, the commission may, in a specific case, by a majority vote, grant a permit for a building on such project site, which will as little as practicable diminish the area and use of the project site for its intended purposes, or may pay over to the developer the amount of damages found by the commission to have been caused by the delay in approval or acquisition.

C. 13:17-18 Waiver for hardship.

17. Provision may be made by the commission for the waiver, according to definite criteria, of strict compliance with the standards promulgated, where necessary to alleviate hardship. The commission may exempt subdivisions of less than a designated number of lots or site plans involving single-family residences from its regulations where no new streets are involved.

C. 13:17-19 Violations; penalties; civil actions.

18. (a) If any person, as owner or agent, transfers, sells, or rents, or agrees to sell or rent any land or building or other structure or constructs or alters any building or structure within the district without first obtaining the approval of the commission of any application for a subdivision, site plan or building permit as may be required by this act, such person shall be subject to a fine not to exceed $200.00 or to imprisonment for not more than 30 days and each parcel, lot, plot, building, or rental unit so disposed of shall be deemed a separate violation.

(b) In addition to the foregoing, the commission may in the case of any such violation or threat of such violation, institute civil action:

(1) For injunctive relief;

(2) To set aside and invalidate any conveyance or lease made pursuant to contract for sale or otherwise in violation of this section;

(3) To prevent such unlawful sale, rental, erection, construction, reconstruction, alterations, repair, conversion, maintenance or use;

(4) To restrain, correct, or abate such violation;

(5) To prevent the occupancy of said dwelling structure or land; or

(6) To prevent any illegal act, conduct, business or use in or about such premises.

C. 13:17-20 Designation by commission of renewal areas.

19. (a) Pursuant to the procedure hereinafter provided, the commission shall have the exclusive power to declare the district or any portion thereof to be a renewal area; provided, that the commission shall find prior to such declaration that there exist in the district or portion thereof the conditions of "blight" as said conditions are defined in section 3 of chapter 306 of laws of 1949 (P. L. 1949, c. 306). It is hereby determined by the Legislature that such conditions contained in section 3 of chapter 306 of laws of 1949 (P. L. 1949, c. 306) are a social and economic liability to the district.

(b) Prior to declaring any portion of the district a renewal area the commission by resolution shall provide for a preliminary investigation. Upon the adoption of such a resolution, the commission shall prepare a map showing the boundaries of the area to be investigated and the location of the various parcels of property located therein, and shall append thereto a statement setting forth the reasons for the investigation.

(c) The commission shall thereupon cause a hearing to be held at an appointed time and place for the purpose of hearing persons interested in, or who would be affected by, a determination that the area is a renewal area as defined in this act and who are in favor of or are opposed to such determination.

(d) A notice of such hearing shall be given setting forth the general boundaries of the area to be investigated and stating that a map has been prepared and can be inspected at the office of the commission. A copy of such notice shall be published in a newspaper of general circulation in the district once each week for 2 consecutive weeks and the last publication shall be not less than 10 days prior to the date set for the hearing. A copy of the notice shall be mailed at least 10 days prior to the date set for the hearing to the last owner, if any, of each parcel of property within the area according to the assessment records of the municipality where the parcel is located. Such notice shall be sent to the last known postal address of such owners. A notice shall also be sent to any and all persons at his, or their last known address, if any, whose

names are noted on said assessment records as claimants of an interest in any such parcel. The assessor of such municipality shall make such a notation upon the said records when requested so to do by any person claiming to have an interest in any parcel of property in such municipality. Failure to mail any such notice shall not invalidate the investigation or determination thereon.

(e) At the hearing, which may be adjourned from time to time the commission shall hear all persons interested in the investigation and shall consider any, and all, written objections that may be filed and any evidence which may be introduced in support of the objections, or any opposition to a determination that the area is a renewal area. After the hearing the commission shall, by resolution, determine that the area or any part thereof is, or is not, a renewal area, as defined in this act. A determination that the area or any part thereof is a renewal area, if supported by substantial evidence, shall be binding and conclusive upon all persons affected by the determination. If the determination is that the area or any part thereof is a renewal area, the commission within 10 days after such determination, shall cause to be served a copy of the resolution upon each person who filed a written objection at or prior to the hearing; provided, the address of the objector was stated in, or upon, the written objection.

Such service may be made (1) by delivering a copy of the resolution personally to the objector, (2) by mailing such copy addressed to the objector according to his said stated address, or (3) by leaving such copy at said stated address for the objector with a person of suitable age and discretion.

(f) Any person who shall have filed such a written objection with the commission, may have a determination that an area is a renewal area reviewed by the Superior Court of New Jersey by procedure in lieu of prerogative writs. An action for any such review shall be commenced within 30 days after the determination by the commission. In any such action, the said court may make any incidental order that shall be deemed by the court to be proper.

(g) If the determination is that an area is a renewal area, the commission 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 commission may, by resolution, agree that a redeveloper may undertake such clearance, replanning, development

or redevelopment in accordance with statutory authority and subject to the provisions of paragraph 1, Section III, Article VII, of the New Jersey Constitution.

C. 13:17-21 Adoption of redevelopment plans and undertaking of redevelopment projects in renewal area by commission.

20. (a) The commission is authorized to prepare and adopt redevelopment plans for areas in the district determined by the commission to be renewal areas;

(b) In undertaking projects pursuant to any redevelopment plan, the commission may:

(1) Acquire, by condemnation or otherwise, real or personal property, or any interest therein, including such property as it may deem necessary or proper, although temporarily not required for such purposes, in a renewal area and in any area within the district designated by it as necessary for relocation of residents, industry or commerce displaced from a renewal area;

(2) Clear or reclaim any area so acquired and install, construct or reconstruct projects therein necessary to prepare such area for development;

(3) Relocate or arrange or contract with public or private agencies for the relocation of residents, industry or commerce displaced from the renewal area;

(4) Dispose of real property so acquired by sale, lease or exchange for the uses and purposes specified in the redevelopment plan, to any person or public agency;

(5) Study the recommendations of any planning board for redevelopment of any area and make its own investigations as to current trends and blighting factors in the district, or any area thereof;

(6) By contract or contracts with public agencies or redevelopers or by its own employees or consultants plan, replan, construct, reconstruct, operate, maintain and repair any redevelopment or other project or any part thereof;

(7) Make and adopt plans for carrying out a program of voluntary repair and rehabilitation of buildings and improvements, and for the enforcement of codes and laws relating to the use of land, the use and occupancy of buildings and improvements and to the control over the pollution of water and air and the disposal of solid waste;

(8) Prepare and adopt from time to time a workable program, representing an official plan of action for effectively dealing with the problem of urban renewal areas within the district and for the establishment and preservation of well-planned communities with well-organized residential neighborhoods of decent homes and suitable living environment for adequate family life; for utilizing appropriate private and public resources to eliminate and prevent the development or spread of blight and deterioration; to encourage needed conservation or rehabilitation; to provide for the redevelopment of renewal areas; or to undertake such of the aforesaid activities or other feasible activities as may be suitably employed to achieve the objectives of such a program.

C. 13:17-22 Requirements of agreements between commission and redevelopers.

21. All agreements, leases, deeds and other instruments from or between the commission and to or with a redeveloper shall contain, without being limited to, the following provisions: (a) a covenant running with the land to the effect that the land, and any buildings or improvements thereon, shall only be used for the purposes designated in the redevelopment plan; (b) a provision that the redeveloper shall be without power to sell, lease or otherwise transfer the redevelopment area or project or any part thereof without the prior written consent of the commission; (c) any lease to a redeveloper may provide that all improvements shall become the property of the commission; (d) such other covenants, provisions and continuing controls as may be deemed necessary to effectuate the purposes of this act.

Article 6. Capital Financing

C. 13:17-23 Commission may issue negotiable notes.

22. The commission is authorized from time to time to issue its negotiable bonds and notes for any corporate purpose and to renew from time to time any bonds and notes by the issuance of new bonds and notes, whether the bonds and notes to be renewed have or have not matured. The commission may issue bonds and notes partly to renew bonds and notes or to discharge other obligations then outstanding and partly for any other purpose. The notes may be authorized, sold, executed and delivered in the same manner as bonds. The commission may issue bonds and notes on which the principal and interest are payable (1) exclusively from the income and revenues of the improvement

or project financed with the proceeds of such bonds or notes; (2) exclusively from the income and revenue of certain designated improvement or projects whether or not they are financed in whole or in part with the proceeds of such bonds or notes; or (3) from its revenue generally. Any such bonds or notes may be additionally secured by a pledge of any grant or contribution from any department or agency of the United States or the State or person or a pledge of any money, income or revenues of the agency from any source whatsoever. Any resolution or resolutions authorizing bonds and notes of the commission or any issue thereof may contain the following provisions:

(a) A covenant against pledging all or any part of its charges or revenues, or against mortgaging all or any part of its real or personal property then owned or thereafter acquired or against permitting or suffering any lien on such charges, revenues or property;

(b) A covenant with respect to limitations on any right to sell, lease or otherwise dispose of any project or any part thereof or any property of any kind;

(c) A covenant as to the issuance of additional bonds or notes or as to limitations on the issuance of additional bonds or notes and on the incurring of other debts by the commission;

(d) A covenant against extending the time for the payment of bonds or notes or interest thereon;

(e) A covenant as to the rates of fees and other charges to be established and charged, the amount to be raised each year or other period of time by fees, charges or other revenues and as to the use and disposition to be made thereof;

(f) A covenant to create or authorize the creation of special funds or moneys to be held in pledge or otherwise for construction operating expenses, payment or redemption of bonds or notes, reserves or other purposes and as to the use and disposition of the moneys held in such funds;

(g) A provision for the establishment of a procedure, by which the terms of any contract or covenant with or for the benefit of the holders of bonds or notes may be amended or abrogated, the amount of bonds or notes the holders of which must consent thereto, and the manner in which such consent may be given;

(h) A provision for the rights and liabilities, powers and duties arising upon the breach of any covenant, condition or obligation and to prescribe the events of default and the terms and conditions

upon which any or all bonds, notes or other obligations of the commission shall become or may be declared due and payable before maturity and the terms and conditions upon which any such declaration and its consequences may be waived;

(i) A provision for the payment of the costs or expenses incident to the enforcement of such bonds or notes or of the provisions of such resolution or of any covenant or agreement of the commission with the holders of its bonds or notes;

(j) A limit on the powers of the commission to construct, acquire or operate any structures, facilities or properties which may compete or tend to compete with any of its projects;

(k) A limit on the rights of the holders of any bonds or notes to enforce any pledge or covenant securing bonds or notes; and

(l) Any other covenant or provision, in addition to those herein expressly authorized, which the commission deems may be necessary, convenient or desirable in order to better secure the bond or notes, or which in the opinion of the commission will tend to make the bonds or notes more marketable.

All such bonds and notes shall be payable from the revenues or other moneys of the commission, subject only to any contractual rights of the holders of any of its notes or other obligations then outstanding.

C. 13:17-24 Commission may issue negotiable bonds.

23. (a) In anticipation of the sale of such bonds the commission may issue negotiable bond anticipation notes and may renew the same from time to time, but the maximum maturity of any such note, including renewals thereof, shall not exceed 5 years from the date of the issuance of the original note. Such notes shall be paid from any revenues or other moneys of the commission available therefor and not otherwise pledged, or from the proceeds of the sale of the bonds of the commission in anticipation of which they were issued. The notes shall be issued in the same manner as the bonds. Such notes and the resolution or resolutions authorizing the same may contain any provisions, conditions, or limitations which a bond resolution of the commission may contain.

(b) Except as may otherwise be expressly provided by the commission, every issue of its bonds or notes shall be general obligations of the commission payable from any revenues or moneys of the commission, subject only to any agreements with the holders of particular bonds or notes pledging any particular revenues or moneys. Notwithstanding that bonds and notes may be payable

from a special fund, they shall be fully negotiable within the meaning of the Uniform Commercial Code, subject only to the provisions of the bonds and notes for registration.

(c) The bonds may be issued in one or more series as serial bonds or as term bonds, or the commission, in its discretion, may issue bonds of both types. The bonds shall be authorized by resolution of the members of the commission and shall bear such date or dates, mature at such time or times, not exceeding 50 years from their respective dates, bear interest at such rate or rates, not exceeding 6% per annum, be payable at such time or times, 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 lawful money of the United States of America at such place or places, and be subject to such terms of redemption (with or without premium) as such resolution or resolutions may provide. The bonds or notes may be sold at public or private sale for such price or prices as the commission shall determine, but which shall not at the time of sale yield more than 6% per annum computed according to standard tables of bond values. Pending preparation of the definitive bonds, the commission may issue interim receipts of certificates which shall be exchanged for such definitive bonds.

(d) Neither the members of the commission nor any person executing the bonds or notes shall be liable personally on the bonds or notes or be subject to any personal liability or accountability by reason of the issuance thereof.

(e) The commission shall have the power out of any funds available therefor to purchase its bonds or notes. The commission may hold, pledge, cancel or resell such bonds, subject to and in accordance with agreements with bondholders.

C. 13:17-25 Bonds secured by trust agreement; pledge of revenues.

24. (a) In the discretion of the commission, any bonds issued under the provisions of this act may be secured by a trust agreement by and between the commission and a corporate trustee or trustees which may be any trust company or bank having the powers of a trust company within or without the State. Such trust agreement, or the resolution providing for the issuance of such bonds, may pledge or assign the revenues or other moneys to be received or the proceeds of any contract or contracts pledged. Such trust agreement or resolution providing for the issuance of such bonds

may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of the commission in relation to the acquisition of property, and the construction, improvement, maintenance, repair, operation and insurance of the project or projects, the amount of assessments or other charges to be levied upon holders of lands affected by the project or projects, the payment, security or redemption of bonds, and the custody, safeguarding and application of all moneys. Any bank or trust company incorporated under the laws of this State which may act as depositary of the proceeds of bonds or of revenues or other moneys may furnish such indemnifying bonds or pledge such securities as may be required by the commission. Any such trust agreement or resolution may set forth the rights and remedies of the bondholders and of the trustee, or trustees, and may restrict the individual right of action by bondholders. In addition to the foregoing, any such trust agreement or resolution may contain such other provisions as the commission may deem reasonable and proper for the security of the bondholders. All expenses incurred in carrying out the provisions of such trust agreement or resolution may be treated as a part of the cost of construction or of a reclamation project or projects.

(b) Any pledge or assignment made pursuant to this section shall be valid and binding from the time when the pledge or assignment is made; the revenues or moneys so pledged or assigned and thereafter received by the commission 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 commission, irrespective of whether such parties have notice thereof. Neither the resolution nor any trust agreement by which a pledge or assignment is created need be filed or recorded except in the records of the commission.

C. 13:17-26 Bonds not a debt of State or political subdivisions; exceptions.

25. Except as otherwise provided by or pursuant to Section II of Article VIII of the State Constitution and approved by a majority of the legally constituted voters of the State voting thereon or except when any county or municipality shall have guaranteed principal or interest thereon, bonds and notes issued by the commission under the provisions of this act shall not be deemed to constitute a debt or liability of the State or of any political subdivision thereof or a pledge of the faith and credit of the State or

of any political subdivision except the commission and all such bonds or notes shall contain on the face thereof a statement to that effect.

C. 13:17-27 State's pledge not to impair obligation of bonds.

26. The State does pledge to and agree with the holders of the bonds or notes issued pursuant to the provisions of this act that the State will not, without the commission's prior consent enlarge, limit or restrict any of the rights and powers hereby vested in the commission to maintain, acquire, construct, improve, reconstruct, repair and operate any project as defined in this act, nor will the State limit or restrict the fixing, establishment and collection by the commission of such fees, assessments and charges as may be convenient or necessary to produce sufficient revenues to meet the expenses of the commission and to fulfill the terms of any agreements made with the holders of bonds or notes authorized by this act, nor will the State in any way impair the rights or remedies of the holders of such notes or bonds, or modify in any way the exemption from taxation provided in this act until the notes and bonds, together with interest thereon, with interest on any unpaid installments of interest, and all costs in connection with any action or proceeding in behalf of such bondholders are fully paid and discharged or provided for.

C. 13:17-28 Bonds exempt from taxation.

27. All bonds or notes issued by the commission 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 such bonds and notes, their transfer and the interest and premium, if any thereon and the income therefrom, including any profit made on the sale thereof, and all assessments, charges, funds, revenues, income and other moneys pledged or available to pay or secure the payment of such bonds or notes, or interest thereon, shall at all times be exempt from taxation of every kind by the State and by the municipalities and other political subdivisions in the State, except transfer, inheritance and estate taxes.

C. 13:17-29 Moneys of commission as trust funds.

28. All moneys received pursuant to the authority of this act whether as proceeds from the sale of bonds or as revenues, shall be deemed to be trust funds to be held and applied solely as provided in this act. Any officer with whom, or any bank or trust company with which, such moneys shall be deposited shall act as

trustee of such moneys and shall hold and apply the same for the purpose hereof, subject to such regulations as this act and the resolution authorizing the bonds of any issue or the trust agreement securing such bonds may provide.

C. 13:17-30 Remedies of bond holders.

29. Any holder of bonds issued under the provisions of this act, or of any of the coupons appertaining thereto, and the trustee or trustees under any trust agreement, except to the extent the rights herein given may be restricted by any resolution authorizing the issuance of, or any such trust agreement securing, such bonds, may, either at law or in equity, by suit, action, mandamus or other proceedings, protect and enforce any and all rights under the laws of the State or granted hereunder or under such resolution or trust agreement, and may enforce and compel the performance of all duties required by this act or by such resolution or trust agreement to be performed by the commission or by any officer, employee or agent thereof, including the fixing, charging and collecting of the rates, rents, fees and charges herein authorized and required by the provisions of such resolution or trust agreement to be fixed, established and collected.

C. 13:17-31 Refunding bonds.

30. (a) The commission is hereby authorized to provide for the issuance of bonds of the commission for the purpose of refunding any bonds of the commission then outstanding, including the payment of any redemption premium thereon and any interest accrued or to accrue to the earliest or subsequent date of redemption, purchase or maturity, of such bonds, and, if deemed advisable by the commission for the additional purpose of paying all or any part of the cost of acquiring and constructing improvements, extensions, additions or enlargements of project or projects or any portion thereof.

(b) The proceeds of any such bonds issued for the purpose of refunding outstanding bonds may, in the discretion of the commission be applied to the purchase or retirement at maturity or redemption of such outstanding bonds either on their earliest or any subsequent redemption date or upon the purchase or at the maturity thereof and may, pending such application, be placed in escrow to be applied to such purchase or retirement at maturity or redemption on such date as may be determined by the commission.

(c) Any such escrowed proceeds, pending such use, may be invested and reinvested in obligations of or guaranteed by the United States of America, or in certificates of deposit or time deposits secured by obligations of or guaranteed by the United States of America, maturing at such time or times as shall be appropriate to assure the prompt payment, as to principal, interest and redemption premium, if any, of the outstanding bonds to be so refunded. The interest, income and profits, if any, earned or realized on any such investment may also be applied to the payment of the outstanding bonds to be so refunded. After the terms of the escrow have been fully satisfied and carried out, any balance of such proceeds and interest, income and profits, if any, earned or realized on the investment thereof may be returned to the commission for use by it in any lawful manner.

(d) The portion of the proceeds of any such bonds issued for the additional purpose of paying all or any part of the cost of constructing and acquiring additions, improvements, extensions or enlargements of a project or projects, may be invested and reinvested in obligations of or guaranteed by the United States of America, or in certificates of deposit or time deposits secured by obligations of or guaranteed by the United States of America, maturing not later than the time or times when such proceeds will be needed for the purpose of paying all or any part of such cost. The interest, income and profits, if any, earned or realized on such investment may be applied to the payment of all or any part of such cost or may be used by the commission in any lawful manner.

(e) All such bonds shall be subject to the provisions of this act in the same manner and to the same extent as other bonds issued pursuant to this act.

C. 13:17-32 Bonds as legal investments.

31. Bonds and notes issued by the commission under the provisions of this act are hereby made securities in which the State and all political subdivisions of the State, their officers, boards, commissions, departments or other agencies, all banks, bankers, savings banks, trust companies, 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 administrators, executors, guardians, trustees and other fiduciaries, and all other persons whatsoever who now are or may hereafter be authorized to invest in bonds or other obligations of

the State, may properly and legally invest any funds including capital belonging to them or within their control; and said bonds, notes or other securities or obligations are hereby made securities which may properly and legally be deposited with and received by any State or municipal officers or agency of the State for any purpose for which the deposit of bonds or other obligations of the State is now or may hereafter be authorized by law.

C. 13:17-33 No prior approval.

32. Bonds may be issued under the provisions of this act without obtaining the consent of any department, division, commission, board, bureau, agency or officer of the State, and without any other proceedings or the happening of any other conditions or things than those proceedings, conditions and things which are specifically required by this act.

Article 7. Property Acquired and Held by the Commission

C. 13:17-34 Property acquisition by eminent domain.

33. (a) If for any of its authorized purposes (including temporary construction purposes) the commission shall find it necessary or convenient to acquire any real property within its jurisdiction, or if for any of its authorized purposes (including temporary construction purposes) the commission shall find it necessary to acquire any real property beyond its jurisdiction, whether for immediate or future use, the commission may find and determine that such property, whether a fee simple absolute or a lesser interest, is required for public use and, upon such determination, the said property shall be deemed to be required for a public use until otherwise determined by the commission; and the said determination shall not be affected by the fact that such property has heretofore been taken for, or is then devoted to, a public use of any municipality, county, school district, or other local or regional district, authority or agency, but the public use in the hands or under the control of the commission shall be deemed superior.

(b) If the commission is unable to agree with the owner or owners thereof upon terms for the acquisition of any such real property, for any reason whatsoever, then the commission may acquire, and is hereby authorized to acquire, such property, whether a fee simple absolute or a lesser interest, in the manner provided in chapter 1 of Title 20 of the Revised Statutes insofar

as the provisions thereof are applicable and not inconsistent with the provisions contained in this section.

(c) The commission may join, in separate subdivisions of one petition or complaint, the descriptions of any number of tracts 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 or complaint may be condemned in a single proceeding; provided, however, that separate awards 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.

(d) When the commission by resolution determines that it requires immediate possession or use of land or interest therein or other property, the commission shall 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 commission, declaring that possession of one or more of the tracts or parcels of land or property described in the declaration is thereby being taken by and for the use of the commission. The said declaration of taking shall set forth (1) a description of each tract or parcel of land or property to be so taken sufficient for the identification thereof to which a plan or map thereof may be attached, (2) a statement of the estate or interest in the land or property being taken and (3) a statement of the sum of money estimated by the commission 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. Upon the filing by the commission of a declaration of taking of property as provided in this section, the commission shall deposit with the Clerk of the Superior Court the amount of the estimated compensation stated in said declaration.

(e) Upon the filing by the commission 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 commission, 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 an action to fix the compensation to be paid or any other proceeding 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 commission for the purpose or purposes for which the commission is authorized by law to acquire or condemn such land or property or interest therein.

(f) The commission shall cause notice of the filing of a declaration of taking of property as provided in this section and of the making of the deposit required by this section 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 any 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.

(g) Upon the application of any party in interest and after notice to other parties in interest, including the commission, 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 said action shall be less than the amount deposited, the court, after such notice as the court prescribes and hearing, may determine 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 commission 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 shall be less than the amount deposited, the Clerk of the Superior Court shall return the remainder of the deposit to the commission unless the deposit or any part thereof shall have theretofore been distributed, in which event the court, on application of the commission and notice to all persons interested in the award shall afford them an opportunity to be heard and shall

enter judgment in favor of the commission for the difference against the party or parties liable for the return thereof.

(h) The commission shall not abandon any condemnation proceedings subsequent to the date upon which it has taken possession of the land or property as provided in this act.

C. 13:17-35 Public utility property.

34. (a) In addition to the other powers conferred upon it by this act or by any other law and not in limitation thereof, the commission, in connection with construction or operation of any project, 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 project, public highway or real property, including public lands or water. Whenever in connection with construction or operation of any project, the commission shall determine that it is necessary that any such works, which now or hereafter may be located in, on, along, over or under any project, public highway or such real property, should be relocated in the project, public highway or 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 commission; provided, however, that the cost and expense 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 interest 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 commission 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.

(b) In the case of any such relocation or removal of works, as aforesaid, the commission shall own and maintain, repair and renew structures within the rights-of-way of railroad companies carrying any project of feeder road over railroads, and the com-

mission shall bear the cost of maintenance, repair and renewal of structures within the rights-of-way of railroad companies carrying railroads over any project or feeder road, but this provision shall not relieve any railroad company from responsibility for damage caused to any commission or railroad structure by the operation of its railroad. Such approaches, curbing, sidewalk paving, guard rails on approaches and surface paving on projects or feeder roads as shall be within the rights-of-way of a railroad company or companies shall be owned and maintained, repaired and renewed by the commission; rails, pipes and lines shall be owned and maintained, repaired and renewed by the railroad company or companies.

C. 13:17-36 Lands exempt from taxes.

35. Since the exercise of the powers granted by this act will be in all respects for the benefit of the people of the State, all projects, lands and other property of the commission 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; provided, however, that when property or land of the commission exempt from taxation is leased or licensed to another whose property is not exempt, and the licensing or leasing of which does not make the real estate taxable, the estate created by the lease or license and the appurtenances thereto shall be listed as the property of the lessee or licensee thereof, or his assignee, and be assessed and taxed as real estate.

C. 13:17-37 Lands exempt from execution.

36. All projects and property of the commission 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 commission be a charge or lien upon its property; provided, that nothing herein contained shall apply to or limit the rights of the holders of any bonds or notes to pursue any remedy for the enforcement of any pledge or lien given by the commission on its revenues or other moneys.

C. 13:17-38 Payments in lieu of taxes.

37. To the end that municipalities and counties may not suffer undue loss of tax revenue by reason of the acquisition and ownership of property therein by the commission, the commission is hereby authorized, empowered and directed to enter into an agree-

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ment or agreements with any municipality or county, whereby said commission will undertake to pay a fair and reasonable sum or sums to compensate the said municipality or county for a loss of revenue in connection with any property acquired and owned by the commission in carrying out the provisions of this act. Any such payment or payments which the commission is hereby authorized, empowered and directed to make may be made on an annual basis, in which case the payment or payments shall not be less than the amount of taxes upon the property when last assessed prior to its acquisition by the commission. Every municipality and county wherein the property shall be acquired by the commission is hereby empowered to enter into such agreement or agreements with the commission to accept the payment or payments which the commission is herein authorized, empowered and directed to make.

Article 8. Special Assessments

C. 13:17-39 Special assessment district.

38. The commission may form within the district, improvement districts for any authorized purpose in order to levy special assessments against real estate located within such districts for benefits rendered.

All special assessments for improvements within the district shall be made by the appropriate officer of the commission.

C. 13:17-40 Land classification for assessment.

39. All land within the district shall be divided by the commission into 3 classes as follows:

Class 1—Land owned by the State of New Jersey, any of its political subdivisions, or any other public agency or instrumentality which enjoys the privilege of general property tax exemption under the laws of the State, and which land is designated by the owner as presently or ultimately intended for a public use.

Class 2—Land owned by the State of New Jersey, any of its political subdivisions, or any other public agency or instrumentality which enjoys the privilege of general property tax exemption under the laws of the State, and which land is designated by the owner as ultimately disposable to private ownership, or usable by private parties.

Class 3—All other land.

C. 13:17-41 Designation of land in classes 1 and 2.

40. The owners of all public land in the district shall be required to certify to the commission, by a date established by the commission, whether said public lands are in class 1 or class 2; and in the case of land being in class 1, the public owners shall indicate the nature of the present or ultimate use. The commission shall approve or modify the certifications by resolution. The commission may also, by affirmative vote, reclassify lands, upon the request of any owner for such reclassification.

C. 13:17-42 Designation of land in class 3.

41. In the case that the title of lands designated to be in class 3 passes to the State of New Jersey, the commission shall change the designation of the class of such land to reflect the use to which such land shall be put.

C. 13:17-43 Resolution of intent to undertake improvement.

42. If in its judgment, public necessity or interest demands the construction of improvements which would benefit lands within improvement district, the commission shall pass a resolution of its intention to undertake such improvement or improvements and shall give notice of such intention by advertising in one or more newspapers circulating in such district and such advertisement shall fix a time and place, not earlier than 2 weeks after notice, for a hearing on said proposed action and prior to said hearing, the commission shall prepare a tentative assessment which shall be presented at such hearing and shall be open to inspection. Any person desiring to be heard in regard thereto shall be given a hearing. After said hearing, if the commission shall decide to carry out said improvements, it shall pass a resolution declaring such determination and proceed to make such improvements.

C. 13:17-44 Statement of cost of improvement.

43. Upon the completion of any improvement, the appropriate officer of the commission shall prepare a statement showing in detail the cost of the improvement. Such statement shall also show the proportion of the amount to the whole cost of improvement, if any, paid or contributed by any public body or by any person. The total amount of assessment levied upon the land benefited by the improvement shall not exceed the cost thereof.

C. 13:17-45 Hearing.

44. The appropriate officer of the commission shall examine the work of any improvement and view all lands benefited thereby and

shall thereupon fix a time and place for hearing all persons interested. Notice of the time and place of the hearing shall be mailed to owners of land affected, directed to their last known post-office addresses, and shall be published at least 10 days before the hearing. Failure to mail any such notice shall not invalidate any proceeding or assessment. Such officer of the commission shall attend at the time and place appointed and shall give all parties interested or affected by an improvement ample opportunity to be heard upon the subject of assessment. Thereafter, such officer shall make a just and equitable assessment of the benefits conferred upon any land by reason of such improvement, having due regard to the rights and interests of all persons concerned, and the increment in the value of the land benefited thereby.

C. 13:17-46 Assessment based on benefit.

45. All assessments levied under this article for any improvement shall in each case be as nearly as may be in proportion to and not in excess of the benefit, advantage or increase in value which respective lots and parcels of land shall be deemed to receive by reason of such improvement.

C. 13:17-47 Fixing of property damage.

46. In addition to the making of assessments for benefits, the appropriate officer of the commission shall fix and determine the amount, if any, the property is damaged incidentally to the making of the improvement and deduct such amount from the amount of benefits assessed thereon. If the amount of any such damages as confirmed by the commission shall exceed the benefits assessed on the same property, if in case no benefits shall accrue thereto, or if such property is damaged subsequent to the levying and collection of an assessment which shall be confirmed by the commission to be a direct result of the making of the improvement, the balance or amount of such damages so fixed, may be raised from the general revenues of the commission, and shall be paid by the commission to the owner of the property so damaged. Any person aggrieved by such assessment or award of damages may after the same has been confirmed by the commission, appeal therefrom as provided in section 58 of this act.

C. 13:17-48 Award for property damage.

47. When owners of any property have been or shall have been awarded damages as incidental to any improvement undertaken pursuant to this act, and such award has been or shall have been

duly confirmed, the amount thereof shall be tendered to the person or persons entitled thereto. If there is uncertainty as to the person entitled to receive the award or if the party entitled to receive the amount awarded shall refuse upon tender thereof to receive the same, or shall be out of the State or under any legal disability, or if several parties interested in the fund shall not agree as to the distribution thereof, or the lands damaged are encumbered by any mortgage, judgment or other lien, or if for any other reason the commission cannot safely pay the amount awarded to any person, in all such cases the amount awarded may, with leave of the Superior Court, be paid into said court and shall there be distributed according to law, on the application of any person interested therein.

C. 13:17-49 Certification of assessments.

48. Assessments for benefits for any improvement together with any accompanying awards for incidental damages and all awards of damages for land or interests therein taken from any improvement, shall be certified by the officer making the same to the commission by a report in writing signed by the officer. The report shall be accompanied by a map showing the land taken, damaged or benefited by the improvement and for which damages or benefits have been assessed.

C. 13:17-50 Hearing on assessments.

49. The report may be considered by the commission at any meeting, notice whereof shall be published in a newspaper circulating in the district, once each week for 2 weeks prior to said meeting, and also by mailing a copy of the notice to the owners named in the report, directed to his or their last known post-office addresses, and the affidavit of the appropriate officer of the commission shall be conclusive as to such mailing. The notice shall briefly state the object of the meeting with reference to the assessment. At that or any subsequent meeting the commission, after considering the report and map, may adopt and confirm the same with or without alterations, as may seem proper, and may refer such matter to any committee of the commission, or to the officer making such assessment, for revision or correction before taking final action thereon. When the report shall be adopted and confirmed with or without alterations, it shall be final and conclusive and appeals may be taken as hereinafter provided. Failure to mail the notice in this section required shall not invalidate the proceedings.

C. 13:17-51 Mailing of assessment bills.

50. Immediately after the confirmation of any assessment, a duplicate thereof duly certified by the commission shall be delivered to the appropriate officer of the commission, who shall immediately thereafter send out by mail or deliver to owners of such land, bills for such assessment. Such officer shall mail or deliver a bill for an assessment in the manner required in connection with local improvements and shall keep a record and books of assessments in the same manner required for local improvements under Revised Statutes 40:56–31, at the expense of the commission. The commission may make additional requirements for recording, accounting for, and collecting assessments.

C. 13:17-52 Establishment of Hackensack Meadowlands Development Fund.

51. (a) Special assessments levied against land in class 1 shall be considered to be of general benefit to the entire district and shall be included as a charge against general revenues of the commission or paid out of any funds of the commission which shall be available for such purpose.

(b) Special assessments made against land certified to be in class 2 shall be paid to the commission, immediately upon delivery of an assessment bill to the State Treasurer from the Hackensack Meadowland Revolving Fund.

(c) There is hereby established a Hackensack Meadowland Revolving Fund which shall be administered by the State Treasurer. The Legislature may appropriate from time to time amounts to such fund. All money appropriated or otherwise made available to this fund, including the repayment of expenditures made under the provisions of subsection (b), shall be held for the purpose of paying special assessments made against class 2 property pursuant to this article. Pending use, moneys in the Hackensack Meadowland Revolving Fund may be invested and reinvested as other trust funds in the custody of the State Treasurer in the manner provided by law. All earnings received from the investment or deposit of such moneys shall be paid into and become a part of such fund.

(d) A statement of the amount of the special assessment against class 2 property paid for out of the fund shall be filed with the appropriate agency having title to the property and shall be included in the purchase price fixed for lands and made part of the payment for the grant or sale. The full amount of such assessment shall be repaid and deposited in the fund established by subsection

(c). In the case said lands are leased for a term of years, there shall be included in the annual rental, a charge for the assessment levied on the property. Such payments up to the full amount of such assessment shall be paid to and deposited in said fund.

(e) The assessment against land in class 3 shall be payable immediately upon delivery to the collecting officer of the commission.

When any assessment shall not be paid within 2 months after the date of confirmation thereof, interest thereon from the date of confirmation shall be imposed at the rate of 6%.

C. 13:17-53 Assessment as a first lien on property.

52. Every assessment for any improvement together with interest thereon and all costs and charges connected therewith shall be upon confirmation by the commission, or by the court, a first lien on the land described in the assessment, paramount to all prior or subsequent alienations and descents of such land or encumbrances thereon, shall constitute a lien in the same manner as taxes and assessments for State purposes notwithstanding any mistake in the name or names of any owner or owners, or any omission to name any owner or owners who are unknown, and notwithstanding any lack of form therein, or in any proceeding which does not impair the substantial rights of the owner or owners or person or persons having a lien upon or interest in any such land. All assessments for improvements shall be presumed to have been regularly assessed and confirmed and every assessment or proceeding preliminary thereto shall be presumed to have been regularly made or conducted until the contrary be shown.

C. 13:17-54 Revision of assessment.

53. In all cases in which any assessment incident to any improvement has been set aside by a court of competent jurisdiction, and the improvement shall have been actually made in the manner provided by law, the officer charged with the duty of making assessments for benefits for improvements shall make a new assessment of benefits upon the property benefited by the improvement, in the manner and by the proceeding herein provided. All such new assessments shall become a lien upon the land so assessed in the same manner and with like effect and be enforceable in the same way as an original assessment for like improvements.

C. 13:17-55 Court action on assessment.

54. When any court of competent jurisdiction shall decide that any assessment has been illegally made, the commission shall re-

fund the amount thereof, if the same has been paid, and if a new assessment of less amount is to be made, then the difference between the new assessment and the amount paid shall be refunded.

C. 13:17-56 Payment of assessment by installments.

55. The commission may by resolution provide that the owner of any land upon which any assessments for any improvement shall have been made may pay such assessments in such equal yearly installments, for such number of years as may be provided by rules and regulations of the commission, with legal interest thereon, and at such time and in each year as the commission shall determine under the requirements and conditions for local improvements pursuant to Revised Statutes 40:56–35, provided that any person assessed may pay the whole of any assessment, or any balance of installments, with accrued interest thereon, at one time. If any such installment becomes due and is not paid the whole assessment or balance due thereon shall become and be immediately due, shall draw interest at the rate of 6% and be collected in the same manner as is provided in this act for other past due assessments.

C. 13:17-57 Enforcement of assessment lien.

56. When any unpaid assessment, interest thereon or other charges for collection thereof, remains in arrears on July 1 of the calendar year following the calendar year when the same became in arrears, the appropriate officer of the commission shall enforce the lien by selling the property in the manner set forth in sections 54:5–19 to 54:5–129 of the Revised Statutes.

C. 13:17-58 Creation of Improvement Assessment Account.

57. All assessments as collected shall be immediately placed in an account to be known as "improvement assessment account." Such moneys shall be used only to pay the cost of such improvements or indebtedness incurred for such improvements or interest or premium, if any thereon.

C. 13:17-59 Appeal to Superior Court.

58. The owner of any property assessed for benefits or awarded damages incident to any improvement under this act may, within 30 days after confirmation of such assessment or award, appeal from the same to the Appellate Division of the Superior Court by serving written notice of such appeal upon the tax collector and a duplicate upon the appropriate officer of the commission, either personally or by leaving the same at his office or place of abode.

The court shall determine whether or not the record contains substantial evidence that the assessment or award appealed from is just and fair, and if not shall make an order correcting the same, or, if the assessment or award is sustained shall so order. The determination shall be by order or judgment for the amount determined and shall be enforced in an appropriate manner pursuant to procedures set forth in Revised Statutes 40:56–57, as amended. The commission may proceed with the prosecution and completion of the improvement and the issuing of bonds and other indebtedness in connection with said improvements notwithstanding any such appeal.

ARTICLE 9. INTERMUNICIPAL TAX-SHARING

C. 13:17-60 Legislature's findings.

59. (a) The Legislature hereby finds and declares that a vital component of any comprehensive plan for the development of the meadowland district, is a program whereby the financial benefits and liabilities of each constituent municipality, are clearly established and equitably distributed. Article 9 of this act provides for such a program, by the creation of an intermunicipal account, and specifically provides that each constituent municipality will be guaranteed, in perpetuity, its present existing tax ratable values within the meadowland district and will equitably share in the new financial benefits and new costs resulting from the development of the meadowland district as a whole. This article further provides that the Hackensack Meadowlands Development Commission shall not be able to receive any funds from the intermunicipal account or its reserve fund, for any purpose except that the commission shall be reimbursed for the cost of administering said account.

(b) The Hackensack Meadowlands Development Commission shall, in 1972, and every year thereafter, submit a report to the Meadowlands Municipal Committee and the Legislature, relating to the operation of the intermunicipal account in the prior year, and shall recommend, when it deems necessary, such amendments to this article as it may deem necessary, to carry out the legislative intent herein stated.

C. 13:17-61 Definitions.

59.1. As used in this article, unless the context indicates another meaning or intent:

(a) "Adjustment year" means the year in which the respective obligations of the intermunicipal account and the constituent municipalities of the district are due and payable.

(b) "Intermunicipal account" means the administrative device established and administered by the commission to record all the transactions made pursuant to this article for the purpose of calculating the meadowlands adjustment payment for each constituent municipality, and to act as the clearing-house for the transfer of the meadowlands adjustment payments among the constituent municipalities as required by this article.

(c) "Meadowlands adjustment payment" means the amount that is payable by each constituent municipality to the intermunicipal account, or the amount that is payable by the intermunicipal account to each municipality, as the commission shall determine the case to be pursuant to the provisions of this article.

(d) "Resident enrollment" means the number of full-time pupils who are residents of the school district and who are enrolled in day schools on the last day of September during the school year in which calculation of aid is made and are attending the public school of the school district or a school district or State teachers college demonstration school in which the school district of residence pays tuition; school district may count in its enrollment any pupil regularly attending on a full-time basis a county vocational school in the same county for which the school district pays tuition.

(e) "Unimproved lands" means lands which are vacant and on which there are no buildings or structures and which are not classified as land undergoing construction in the year as defined in subsection (f) below, as shall be determined by a survey by the commission.

(f) "Land undergoing construction" means land so designated by the commission. Land shall be designated by the commission as land undergoing construction if on or before the final adoption of the full master plan for the development of the district and final approval of same by the U. S. Army Corps of Engineers, but in no event later than January 1, 1971, the governing body of a constituent municipality files with the commission, a description of any building or structure, undergoing construction as of the effective date of this act within said municipality and the commission is satisfied that the plans, specifications and actual construction work thereon warrants that the property not be conclusive as unimproved land.

(g) "Redeveloped lands" means lands other than unimproved lands, the use of which has been substantially changed pursuant to the master plan or any redevelopment plan, as defined in this act.

C. 13:17-62 Application of assessment and taxation law.

60. The laws relating to the assessment and taxation of real and personal property shall apply to all constituent municipalities unless otherwise specifically provided in this act.

C. 13:17-63 Survey of taxable property.

61. (a) In preparing the list of owners of taxable property pursuant to Revised Statutes 54:4–24, the assessor of each constituent municipality shall indicate in the list for each parcel of property whether or not it is located within the district boundaries, in accordance with regulations prescribed by the Director of the Division of Taxation.

(b) When the boundary of the district divides a lot of land, the entire lot shall be included within the district.

C. 13:17-64 Survey of land and population and employment census.

62. (a) The commission shall prepare a survey in 1969 showing the area of the unimproved lands and redeveloped lands in each municipality located within the district. The results of the survey shall be published upon completion, and shall serve as the basis for payments to be made pursuant to section 70 and 71 of this act. A survey of redeveloped lands shall be prepared annually thereafter.

(b) The commission shall also cause a census of population to be taken showing the total number of inhabitants of each constituent municipality in 1969 residing within the district. A similar census, using comparable techniques and procedures, shall be taken annually thereafter.

(c) The Division of Employment Security in the Department of of Labor and Industry shall certify to the commission the amount of employment, as defined in section 43:21–19 of the Revised Statutes, in that part of each constituent municipality which is located within the district in 1969. A similar certification shall be made annually thereafter.

C. 13:17-65 Certificate of number of students.

63. On or before November 15, 1969, and on or before November 15 of each year thereafter, the secretary, superintendent or a person designated by the school board of each school district of each constituent municipality shall certify to the commission the resident enrollment as of September 30 of that year. The certification shall show the number of such pupils who reside within the district and the number who reside outside, in a manner to be prescribed by the Commissioner of the Department of Education.

C. 13:17-66 Intermunicipal account.

64. In the adjustment year 1971, and in each adjustment year thereafter, the commission shall establish an intermunicipal account and shall compute the amount payable to said account by each of the constituent municipalities and the amount due to each constituent municipality from said account for that year pursuant to this article.

C. 13:17-67 Payments by municipalities into the intermunicipal account.

65. (a) As used in this section, except as otherwise specifically provided:

(1) The increase or decrease in aggregate true value of taxable real property for any adjustment year shall be the difference between

(I) The aggregate true value of that portion of taxable real property, exclusive of Class II railroad property, in the municipality located within the district as of October 1 of the year preceding the adjustment year, less

(II) The aggregate true value of said property as of October 1, 1969 plus a true value of the real estate designated by the commission as land undergoing construction as defined by this act. The true value of said land undergoing construction as determined annually shall be used as a true value until a certificate of occupancy is issued and then the value shall be fixed as of the date of said certificate.

(2) Aggregate true value of all taxable real property shall be determined by aggregating the assessed value of all real property within the district boundaries in each constituent municipality, as the same may be modified by the county board of taxation upon appeal, and dividing said total by the average assessment ratio as promulgated by the Director of the Division of Taxation in the Department of the Treasury for State school aid purposes on October 1 of the respective years for which aggregate true value is to be determined, pursuant to P. L. 1954, chapter 86, as amended, as the same may have been modified by the Division of Tax Appeals.

(3) The apportionment rate for any adjustment year shall be determined, as follows:

(I) The total property taxes levied for local, school, county, veteran and senior citizens purposes, on which the general tax rates are computed, as certified pursuant to Revised Statutes 54:4–52, of all constituent municipalities, in the year preceding the adjustment year, divided by

(II) The aggregate true value of all taxable real property, exclusive of Class II railroad property, located in all constituent municipalities, both within and without the district, in the year preceding the adjustment year, as determined by the Director of the Division of Taxation on October 1 of the year preceding the adjustment year, pursuant to P. L. 1954, chapter 86, as amended, as the same may have been modified by the Division of Tax Appeals.

(b) The amount payable to the intermunicipal account by each constituent municipality in any adjustment year shall be determined in the following manner: the apportionment rate shall be multiplied by the increase, if any, in aggregate true value of taxable real property.

(c) The amount payable to the intermunicipal account by any constituent municipality in any adjustment year shall also include any payments made to any such constituent municipality in the year preceding the adjustment year in lieu of real estate taxes located within the district.

C. 13:17-68 Guarantee payments.

66. The guarantee payment payable by the intermunicipal account to each constituent municipality in any adjustment year shall be computed as follows: if there is a decrease in the aggregate true value of taxable real property as determined pursuant to subsection (a) (1) of section 65 of this act, there shall be payable as a guarantee payment from the intermunicipal account to such municipality, an amount to be calculated by multiplying such decrease by the apportionment rate, as defined in subsection (a) (3) of section 65 of this act.

C. 13:17-69 Service payments for municipal and county services.

67. The service payments payable to any constituent municipality from the intermunicipal account in any year for municipal and county services shall be found by dividing the sum of—

(a) Total municipal appropriations, less

(1) State aid revenues anticipated and

(2) Type I school debt service, plus

(b) County taxes and special district taxes, all as certified in the budget for the year preceding the adjustment year to the Division of Local Finance in the Department of Community Affairs.

by the sum of:

(a) The most recent estimate of the total resident population of the municipality, as certified by the Department of Conservation and Economic Development to the commission, plus

(b) The total of employment as defined in section 43:21–19 of the Revised Statutes certified by the Division of Employment Security in the Department of Labor and Industry to the commission,

and multiplying the result by the aggregate increase, if any, in resident population and covered employment of that portion of the municipality lying within the district boundaries, as shown by the initial census and the most recent census conducted by the commission, and the initial and most recent counts of said employment.

C. 13:17-70 Service payments for school services.

68. For school district services, the service payment payable by the intermunicipal account to any constituent municipality in any adjustment year shall be found by dividing:

(a) The total local school tax levy, as shown on the Table of Aggregates pursuant to Revised Statutes 54:4–52 for the year preceding the adjustment year, by the

(b) School resident enrollment on September 30 of such year preceding the adjustment year, as certified pursuant to section 63 of this act, and multiplying the result by the increase, if any, in resident enrollment within the district boundaries of that constituent municipality between September 30, 1969, and September 30 of the year preceding the adjustment year.

C. 13:17-71 Project payments.

69. When the development of the district requires a municipal capital improvement for which the municipality would not be sufficiently reimbursed by service payments as provided by this article, the commission, in its discretion, if it finds that such improvement is consistent with its master plan and provides for a desirable community or regional benefit, may reimburse the municipality by means of a project payment from the intermunicipal account in an amount equivalent to the cost of the project determined in accordance with the rules and regulations of the commission. If requested by the governing body of a constituent municipality, the commission may also reimburse said municipality by means of a project payment from the intermunicipal account an apportioned amount of any capital construction project instituted by said

municipality, or an agency or instrumentality thereof, before the effective date of this act which is consistent with the master plan and provides essential services to properties which are subject to the tax sharing provisions of this article, to the extent that said services are not paid for by the individual users.

C. 13:17-72 Apportionment payments—creation of reserve fund.

70. (a) If, in any adjustment year, the amount payable to the constituent municipalities by the intermunicipal account for guarantee payments, service payments, and project payments, plus any payment to the reserve fund as provided in subsection (b) and the payment for the cost of administration of the intermunicipal account as provided by subsection (c) is less than the amount payable to the intermunicipal account pursuant to section 65 of this act, the balance, if any, shall be apportioned among the constituent municipalities in the same ratio as the area of their unimproved and redeveloped lands within the district of each constituent municipality bears to the total of such unimproved and redeveloped lands in the district, and shall be known as an apportionment payment.

(b) The commission shall establish a reserve fund and in the event that in any adjustment year, the amount payable by the constituent municipalities to the intermunicipal account, pursuant to section 65 of this act less the cost of administering the account, exceeds the amount payable to the constituent municipalities for guarantee payments, service payments and project payment from the account, an amount equal to ½ of 1% of such excess shall be set aside and placed in the reserve fund until there is $5 million in said fund; thereafter, no further payments shall be made into said fund unless the balance is less than $5 million.

(c) The commission shall not be able to receive any funds from the intermunicipal account or the reserve fund provided for in subsection (b) of this section for any purpose except that the commission shall be reimbursed annually from the intermunicipal account the cost of administering and determining the payments due to or payable from account. The cost of administering the intermunicipal account shall be transferred from said account to the commission and shall be shown on the operating budget of the commission as a line item.

C. 13:17-73 Payments of any deficiency.

71. If, in any adjustment year, the amount payable to the constituent municipalities by the intermunicipal account for guarantee

payments, service payments, and project payments, plus the cost of administering the intermunicipal account exceeds the amount payable to said account pursuant to section 65 of this act, the reserve fund shall be drawn upon to make up the deficit. In the event there is an insufficient amount in the reserve fund, the total service payments payable to all constituent municipalities shall be reduced by the amount of the deficit and the service payment payable to each constituent municipality shall be reduced by the same ratio as the total service payment to all constituent municipalities was reduced.

C. 13:17-74 Certification of meadowland adjustment payments.

72. (a) On or before February 1 of 1971 and on or before February 1 of each year thereafter, the commission shall certify to the chief financial officer of each constituent municipality an amount, known as the meadowlands adjustment payment. The meadowlands adjustment payment for each constituent municipality shall be determined by adding all the payments payable to that municipality from the intermunicipal account for service payments, guarantee payments, project payments, and apportionment payments, if any, and by subtracting therefrom the obligations of that municipality to the intermunicipal account, as calculated pursuant to sections 65 and 71 of this act.

(b) If the meadowlands adjustment payment for any constituent municipality in any adjustment year is payable to the constituent municipality, the amount of said payment shall be identified in the municipal budget of that municipality for that year as "meadowlands adjustment" within the category "miscellaneous revenues anticipated," and shall be due and payable in 3 equal installments to be made by the intermunicipal account to that municipality on May 15, August 15, and November 15 of that year.

(c) If the meadowlands adjustment payment for any constituent municipality in any adjustment year is payable to the intermunicipal account, the amount of said payment shall be entered as a special line item appropriation in the budget of the municipality for that year and shall be payable in 3 equal installments to be made by the municipality to the account on May 15, August 15, and November 15 of that year. No transfers may be made from said appropriation except as is herein provided.

C. 13:17-75 Withholding of payments.

73. (a) Services provided in the district shall be comparable to those provided elsewhere in each constituent municipality.

(b) If, after public hearing, the commission shall determine that a constituent municipality or its school district is not complying with this section, it shall have the authority to withhold all payments made pursuant to this article until such time as the commission is satisfied that the municipality and its school district are performing such services in accordance with this section.

C. 13:17-76 Appeal.

74. An appeal or review may be taken by any constituent municipality regarding any alleged arithmetical or typographical error in the calculation and payment of the meadowlands adjustment payment.

Article 10. General Provisions

C. 13:17-77 Budget of the commission.

75. On or before February 25 of each year the commission shall adopt an annual budget for the year, which shall include the following items of expenditure:

(a) An operating budget covering administrative operating and maintenance expenses of each office, activity or project of the commission, plus contingent expenses of up to 5% of the amount stated;

(b) Capital budget, including deposits in any capital improvement fund or capital reserve fund, down payments or expenditures for capital projects, and interest payments, sinking fund deposits, principal maturities, and redemption premiums payable in such year on bond and notes of the commission;

(c) Deferred charges and estimates of the following revenues:

(1) Cash balances and surplus;

(2) Federal, State and other grants-in-aid;

(3) Revenues from charges and fees for the use of the commission's facilities;

(4) Receipts from special assessments; but not in excess of the amount budgeted in such year for interest, principal maturities, sinking fund deposits and redemption premiums on bonds secured by such assessments, until all bonds so secured are paid in full;

(5) Payments by municipalities or other governmental bodies pursuant to contracts for services performed by the commission; and

(6) Miscellaneous other revenues and receipts.

C. 13:17-78 Annual audit.

76. The commission 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 commission within 4 months after the close of the fiscal year of the commission and a certified duplicate copy thereof shall be filed in the office of the Division of Local Finance in the Department of Community Affairs and in the office of the Division of Budget and Accounting in the Department of the Treasury in the office of the treasurer of the county of Bergen and in the office of the treasurer of the county of Hudson within 5 days after the original audit is filed with the commission.

C. 13:17-79 Aid to commission by public bodies.

77. For the purpose of aiding and co-operating with the commission, the planning, undertaking construction or operation of its activities, any public body may upon such terms, with or without consideration, as it may determine:

(a) Dedicate, sell, convey or lease any of its property to the commission or the Federal Government;

(b) Cause parks, playgrounds, recreational, community, educational, water, sewer or any other works which it is otherwise empowered to undertake, to be furnished adjacent to or in connection with projects of the commission;

(c) Furnish, dedicate, close, pave, install, grade, regrade, plan or replan streets, roads, roadways, alleys, sidewalks or other places which it is otherwise empowered to undertake;

(d) Plan or replan, zone or rezone any part of such public body; make exceptions from building regulations and ordinances and change its map;

(e) Enter into agreements (which may extend over any period, notwithstanding any provision or rule of law to the contrary) with the commission or the Federal Government respecting action to be taken by such public body pursuant to any of the powers granted by this act;

(f) Do any and all things necessary or convenient to aid and co-operate in planning undertakings, construction, or operations of the commission;

(g) Cause services to be furnished to the commission of the character which such public body is otherwise empowered to furnish;

(h) Purchase or legally invest in any of the bonds of the commission and exercise all of the rights of any holder of such bonds;

(i) In connection with any public improvements made by a public body in exercising the powers herein granted, such public body may incur the entire expense thereof. Any law or statute to the contrary notwithstanding, any grant, sale, conveyance, lease, or agreement provided for in this section, may be made by a public body without appraisal, public notice, advertisement or public bidding;

(j) Upon such terms as it may deem advisable, with or without consideration, grant, sell, convey or lease any of its property, including real property already devoted to a public use, whether held in a proprietary or governmental capacity to the commission, provided, that the public body making the grant or lease determines that the premises are no longer required for the public purposes to which the property is devoted, and that it is in the public interest so to grant, sell, convey or lease said property.

C. 13:17-80 Contracts with municipalities.

78. (a) The commission may enter into, from time to time, contract with one or more municipalities, counties or other public agencies for the operation of public improvements, works, facilities, services, or undertakings of such municipalities, counties, or agencies, or of the commission.

(b) Such contracts shall specifically provide for the services or improvements to be undertaken, the fee or fees to be charged for such services or facilities, the method of apportionment of such fees among the contracting parties, persons or officers or agencies responsible for the performance of the contract and other appropriate terms and conditions of participation.

(c) Such contracts shall be subject to approval by resolution of the commission and of the governing body of each participating municipality, county or other participating agency.

(d) The apportionment of costs and expenses may be based upon property valuations, population, area, and of such other factors as may be provided in the contract.

C. 13:17-81 Inspection of commission's books.

79. The State Auditor and his legally authorized representatives are hereby authorized and empowered from time to time to examine the accounts and books of the commission, including its receipts, disbursements, contracts, sinking funds, investments and any other matters relating to its financial standing.

C. 13:17-82 Assistance of State employees.

80. The commission shall be entitled to call to its assistance and avail itself of the services of such employees of any State department or agency as it may require and as may be available to it for said purpose.

C. 13:17-83 Supplemental to other powers.

81. The foregoing sections of this act shall be deemed to provide an additional and alternative method for the doing of the things authorized thereby, and shall be regarded as supplemental and additional to powers conferred by other laws, and shall not be regarded as in derogation of any powers now existing; provided, however, that the issuance of bonds or refunding bonds under the provisions of this act need not comply with the requirements of any other law applicable to the issuance of bonds.

C. 13:17-84 Liberal construction.

82. This act, being necessary for the welfare of the State and its inhabitants, shall be liberally construed to effect the purpose thereof.

C. 13:17-85 Severability of provisions.

83. If the provisions of any article, section or clause of this act or the application thereof to any person shall be judged invalid by a court of competent jurisdiction, such order or judgment shall be confined in its operation to the controversy in which it was rendered, and shall not affect or invalidate the remainder of any provision of any article, section or clause of this act or the application of any part thereof to any other person or circumstance and to this end, the provisions of each title, section and clause of this act are hereby declared to be severable.

C. 13:17-86 Limitation of liability.

84. All expenses incurred in carrying out the provisions of this act shall be payable from funds provided the commission therefor, and no liability or obligation shall be incurred by the commission hereunder beyond the extent to which moneys shall have been provided therefor.

85. There is hereby appropriated to the Hackensack Meadowlands Development Commission an initial sum of $250,000.00 to carry out the purposes of this act and to the Hackensack Meadowlands Municipal Committee a sum of $50,000.00 for office and staff expenses necessary to carry out the provisions of this act.

B. Meadowland Riparian Instruments

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

C. 13:1B-13 Approval of riparian grants.

13. No riparian leases or grants shall hereafter be allowed except when approved by at least a majority of the Resource Development Council and signed by the chairman of the council; and no such leases or grants shall hereafter in any case be allowed except when approved and signed by the Governor and the Commissioner of Conservation and Economic Development.

C. 13:1B-13.1 Definitions.

87. As used in sections 86 through 102, inclusive, of this act.

(a) "Meadowlands" means those lands, now or formerly consisting chiefly of salt water swamps, meadows, or marshes.

(b) "Improved meadowlands" means such meadowlands as have been reclaimed by fill or other material thereon, and may include the erection of structure.

(c) "Virgin meadowlands" means such meadowlands that are still in their natural state and upon which no diking, fill or structures have been placed.

(d) "Council" means the Resource Development Council of the Department of Conservation and Economic Development.

C. 13:1B-13.2 Title studies and surveys.

88. The council is hereby directed to undertake title studies and surveys of meadowlands throughout the State and to determine and certify those lands which it finds are State-owned lands.

In undertaking its studies and surveys the council shall divide its work into such a number of surveys as it shall determine is advisable and it shall establish the priority in which such surveys shall be undertaken. As its first survey, and within 6 months of the effective date of this act, the council shall undertake, and complete, a study of the Hackensack meadowlands. During the period of time between the initiation of a project and the publication of the map and study delineating the State-owned lands within the survey area, the council shall make no conveyances, leases or transfers of any riparian land within the survey area.

These studies and surveys shall be performed on behalf of the council by the Navigation Bureau of the Department of Conservation and Economic Development.

C. 13:1B-13.3 Portent factors to be considered.

89. In making a thorough study of all such lands to determine which are State-owned lands and in making its determination the council shall take into account the mean high water line as established by the United States Coast and Geodetic Survey, the nature of the vegetation thereon, artificial changes in land or water elevation, and such other historical or scientific data which, in the opinion of the council, are relevant in determining whether a parcel of land is now or was formerly flowed by mean high tide.

C. 13:1B-13.4 Publication of studies and surveys.

90. Upon completion of each separate study and survey, the council shall publish a map portraying the results of its study and clearly indicating those lands designated by the council as State-owned lands. Copies of each such map and study shall be filed with the Secretary of State and sent to the clerk of each county and to the governing body of each municipality whose political boundaries include lands shown on the map. Such maps and studies shall be available for public inspection.

The council shall also cause to be published at least once in a newspaper circulating in each county whose political boundaries include lands designated as State-owned lands a list of those parcels designated in whole or in part as State-owned lands.

C. 13:1B-13.5 Appeal.

91. (a) Any person aggrieved by a designation by the council that certain parcels are State-owned lands may file with the council pertinent information, maps, studies or other matters documenting his claim of title. Within 90 days the council shall either issue a statement indicating that the State has no interest in the property or shall reaffirm that said property is State-owned.

(b) Any person aggrieved by a designation by the council that certain parcels are State-owned may, either initially or after requesting the review as provided by subsection (a), commence an action in the Superior Court to adjudicate the title dispute.

C. 13:1B-13.6 Reports.

92. The council shall make progress reports to the Governor and Legislature at least annually and shall complete its studies and

title surveys and make its determinations as to interest of the State in meadowlands throughout the State on or before December 31, 1974.

C. 13:1B-13.7 Applications for conveyances and leases.

93. (a) Any claimant of the meadowlands who shall desire to obtain a conveyance or lease of the State's interest in such land may apply to the council submitting with his application, a survey of the property showing its metes and bounds, an affidavit of title, a copy of the instrument of title under which he claims the land, a statement of the purpose for, and the manner in which, the claimant proposes to use or further improve the property and such other information as the council shall require.

(b) Any department, agency or instrumentality of the State, county, municipality, or any person, not a claimant, may apply to the council for a conveyance or lease of the State's interest in the meadowlands, said application shall contain a survey of the property showing its metes and bounds, a copy of the latest purported title which has been duly recorded in the county recording office in which the land is located, a statement of the purpose for, and the manner in which the applicant proposes to utilize or further improve the property, an affidavit of the applicant that he has sent notification of his application to the person or persons named in such instrument of title and to the person named as the owners in the tax records of the municipality in which the lands are located, and such other information as the council may require. No title or lease shall be issued pursuant to this subsection until any claimant to all, or part of, the property applied for has been given notice of the application and 3 months thereafter, in which to apply for a conveyance or lease of said lands.

C. 13:1B-13.8 Prior investigation and recommendations.

94. (a) Within 10 days of receipt of any application for a conveyance or lease, or any extension thereof, council shall send a copy of the application and all material submitted therewith to the Hackensack Meadowlands Development Commission, if said application pertains to lands within the district; the Department of Transportation; the Department of Community Affairs; and the Department of Conservation and Economic Development. The council shall take no action on such application until receipt of the recommendations of said commission and departments regarding the application or for 45 days, whichever occurs first. Any such

recommendation shall be considered by the council in determining the terms, conditions and consideration for the conveyance or lease, and a copy thereof shall be forwarded to the Governor.

(b) There is hereby established a Hackensack Meadowland Negotiation Board, consisting of 3 members, appointed as follows: one member appointed by the commission, one member appointed by the council, and a third member appointed by said 2 appointees. Each member of said board shall serve at the pleasure of the appointing authority and any vacancies shall be filled in the same manner as the original appointment. Members of said board shall receive no compensation.

(c) A copy of each application for conveyances or leases in the district shall be submitted to the Hackensack Meadowland Negotiation Board, which shall fix the consideration to be charged for said instruments. Said board shall certify to the council the consideration fixed by the board within 45 days of receipt of each application. Said certified consideration shall in all cases be binding upon the council.

C. 13:1B-13.9 Approval of conveyances.

95. The council shall approve an application for conveyance, if after investigation and a review of the recommendations submitted to it pursuant to section 94, it is satisfied that the conveyance will be in the public interest. The council shall futher determine the fair market value of the property in its unimproved state at the time of the conveyance and shall fix the consideration to be charged for the conveyance, except as provided in section 94 of this act. Upon receipt of the payment of the consideration, the council shall convey the premises by deed of bargain and sale under the seal of the council. The council shall require such terms and conditions in the conveyance instrument as may be necessary or appropriate for the uniform development of the meadowlands.

C. 13:1B-13.10 Approval of leases.

96. The council shall investigate any application for a lease in the meadowlands and if the council is satisfied that such a lease will be in the public interest, or if the council approves the giving of a lease in lieu of the conveyance applied for, the annual rental for the leasehold interest shall be fixed based upon the fair market value of the land in its unimproved state at the time of the lease,

except as provided in section 94 of this act. The annual rental shall be payable to the council in yearly installments in advance. The term for any lease of virgin meadowlands may not exceed 10 years in duration. The term for any lease of improved meadowlands may not exceed 50 years or the depreciated life of the building or improvement on the property, whichever is longer in duration. The term for any lease of improved meadowlands held by a claimant under color of title which has been held by him or his predecessors in title since July 1, 1891, and which for the last 20 years immediately preceding has been assessed for taxes or owned by a municipality may not exceed 99 years or the depreciated life of the building or improvement on the property plus ½ of such depreciated life, whichever is shorter in duration; provided, however, the lessee in any case renew his lease for such additional years as may be approved by the council and that such leasehold interest shall not be assignable without the approval of the council. Any lease which extends for a period in excess of 25 years shall contain a provision requiring the review and readjustment of the rental charge at the lapse of the first 25 years based on the market value of the land in its unimproved state at that time.

The council shall require in said lease agreement such terms and conditions as it shall deem necessary for the uniform development of the meadowlands.

The lessee shall have the option of acquiring, if the council approves, a conveyance of the State's interest at any time during the term of the lease or any extension. In fixing the consideration for said conveyance, the council shall determine the fair market value of the property in its unimproved state at the start of the lease and shall give a reasonable credit for the rental paid by the lessee during the term of the lease or any extension thereof.

C. 13:1B-13.11 Effect of application.

97. The application for or acceptance of a lease shall not be deemed a recognition of the State's claim of paramount title by the claimant, nor shall the claimant be deemed to have waived his right to apply for an adjudication of title to the Superior Court. An application for any conveyance may also be made after the claimant has failed to establish the primacy of his title before the Superior Court.

C. 13:1B-13.12 Payment at lapse of lease.

98. Upon the expiration of the lease, or any renewal thereof, the lessee shall cease his activity and vacate the parcel; provided,

however, that he shall be entitled to be reimbursed by the council for the provable original cost of any reclamation performed on the parcel prior to the effective date of this act or with the approval of the council, and also for the value of any permanent structures erected on the parcel prior to the effective date of this act or with the approval of the council. The amount of reimbursement for permanent structures shall be based on the provable original cost, unamortized, at the time of expiration of the lease.

C. 13:1B-13.13 Payment to School Fund and Hackensack Meadowland Development Commission.

99. The net proceeds from the sale, lease or transfer of the State's interest in the meadowlands shall be paid to the Fund for the Support of Free Public Schools established by the Constitution, Article VIII, Section IV, after deducting from the net proceeds any expenditures of the Hackensack Meadowlands Development Commission for reclaiming land within the district. The amount of said deduction for reclamation shall be paid to the Hackensack Meadowland Development Commission.

C. 13:1B-13.14 Effect on prior conveyances.

100. Except as provided by this act, the council shall execute conveyances, leases and transfer for meadowlands in the same manner and subject to the same provisions and conditions as presently applicable to all riparian instruments. Any instrument conveying or releasing the State's interest in the meadowlands executed by the council prior to this act is valid and binding notwithstanding any inconsistency with the provisions of this act.

C. 13:1B-13.15 Virgin meadowland affidavit of noninterest.

101. Where a claimant of virgin meadowlands outside of the Hackensack meadowland alleges that because of natural accretion the State no longer has a riparian interest in said land, the claimant may apply to the council for an affidavit of noninterest. Attached to said application shall be a topographic survey by a licensed professional engineer or land surveyor based on the U. S. Coast and Geodetic Survey Monumentation as to current elevation of said property and such other information and data as the council shall require.

Upon receipt of said application, the council shall compare said survey with the records and maps of the State. If the council determines that because of natural accretion and the present elevation of the property, the State no longer has any interest in such

parcel of virgin meadowlands outside of the Hackensack meadowlands, the council shall execute an affidavit of noninterest. Said affidavit of noninterest shall be recordable in the office of the county recording officer of the county in which the lands are located. The council may charge a reasonable fee for the review and issuance of an affidavit of noninterest.

102. There is hereby appropriated to the Department of Conservation and Economic Development for the use of the Resource Development Council in the performance of its powers and duties pursuant to this act the sum of $100,000.00.

C. Effective Date

103. This act shall take effect on July 1, 1968.

Approved January 13, 1969.

CHAPTER 405

An Act concerning a system of public broadcasting and public broadcasting telecommunications for the State of New Jersey and establishing the New Jersey Public Broadcasting Authority.

Be it enacted *by the Senate and General Assembly of the State of New Jersey:*

C. 48:23-1 Short title.

1. This act shall be known and may be cited as the "New Jersey Public Broadcasting Authority Act of 1968."

C. 48:23-2 Definitions.

2. For the purposes of this act, unless otherwise indicated by the context:

"Authority" means the New Jersey Public Broadcasting Authority.

"Commission" means the New Jersey Public Broadcasting Commission.

"Public broadcasting" includes all aspects of noncommercial radio and television, open and closed circuit, including the pro-

duction and dissemination of public and community affairs, educational, cultural and instructional information to the public at large within the State. For purposes of this act, public broadcasting does not include radio and television transmissions for internal communications, as presently used by public and private agencies in fields such as law enforcement, safety, transportation, traffic control, civil defense and the like.

"Public broadcasting telecommunications" includes all public broadcasting services relating to public broadcasting including intercommunications, closed circuit Instructional Television Fixed Service (ITFS) and other services requiring Federal Communications Commission spectrum allocations for transmission of electrical impulses that specifically and integrally relate to New Jersey public broadcasting. Facilities typical for application of these services would encompass micro-wave interconnection, aural and video TV transmission, multiplexing, laser beam utilization, satellite interconnection systems and other appropriate technological devices.

C. 48:23-3 New Jersey Public Broadcasting Authority established.

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

C. 48:23-4 Commission established; membership; appointment, terms, vacancies, compensation, meetings, officers.

4. a. The authority shall consist of the New Jersey Public Broadcasting Commission, which shall be the head of the authority, an executive director, who shall be the principal executive officer of the authority and such other officers and employees authorized to be appointed and employed by this act.

b. The commission shall be composed of 15 members, 5 of whom shall be ex-officio members, viz., the Commissioner of Education, the Chancellor of Higher Education, the Commissioner of Community Affairs, the Attorney General and the State Treasurer, or when so designated by them, their deputies, and 10 residents of the State.

c. The citizen members of the commission shall be appointed by the Governor with the advice and consent of the Senate and shall be selected without regard to political belief or affiliation. The term of office of appointed members, except for first appointments, shall be for 5 years. Each member shall serve until his successor shall have been appointed and qualified and vacancies shall be filled in the same manner as the original appointments for the remainder of the unexpired term. The terms of the members initially appointed shall be designated by the Governor so that 2 of such terms shall expire on June 30 in each successive year ensuing after such appointments.

d. The members of the commission shall receive no compensation for their services, but may be reimbursed for their expenses in performing their duties.

e. The commission shall hold public meetings at such places within the State as it shall designate at least once quarterly and at such other times as in its judgment may be necessary.

f. The commission shall organize annually in July of each year by the election of a chairman, vice-chairman and such other officers as the commission shall determine, except that the first chairman shall be designated by the Governor. Officers shall serve until the following July meeting and until their successors are elected and qualified. Vacancies in such offices shall be filled in the same manner for the unexpired term only.

g. The executive director shall be the secretary of the commission and shall have custody of its official seal. With the approval of the commission, he may designate an employee of the authority to perform such duties of the secretary and such other services as the commission shall designate.

C. 48:23-5 Executive director; appointment, salary, removal.

5. The commission shall, subject to the approval of the Governor, appoint an executive director. The executive director shall receive such salary as shall be provided by law. He shall devote his entire time to performance of his duties and shall, unless and until removed by the Governor, hold office at the will of the commission. Appointment of the executive director shall not be restricted to residents of this State. The executive director may be removed from office by the Governor, upon notice and opportunity to be heard.

C. 48:23-6 Other personnel; appointment, powers and duties, compensation.

6. The executive director shall, subject to the approval of the commission, appoint such assistants and employees as the com-

mission shall deem necessary and prescribe their powers and duties. Such assistants and employees of the commission shall be chosen without reference to party affiliations, solely on grounds of fitness to perform their duties and their employment shall be in the unclassified service of the State, except that employees performing stenographic, clerical or other duties not directly related to public broadcasting shall be appointed pursuant to Title 11 (Civil Service) of the Revised Statutes. With the exception of employees having civil service status, the employees of the commission shall receive such compensation as shall from time to time be fixed by the commission within the limits of available appropriations therefor.

C. 48:23-7 Authority's powers.

7. The authority shall have the power to:

a. Adopt and from time to time amend and repeal suitable by-laws for the management of its affairs;

b. Adopt and use the official seal and alter the same at its pleasure;

c. Maintain an office at such place or places within the State as it may designate;

d. Establish, own, and operate noncommercial educational television or radio broadcasting stations, one or more public broadcasting and public broadcasting telecommunications networks or systems, and interconnection and program production facilities;

e. Apply for, receive, and hold such authorizations and licenses and assignments and reassignments of channels from the Federal Communications Commission (FCC) as may be necessary to conduct its operations and prepare, and file and prosecute before the FCC all applications, reports, or other documents or requests for authorization of any type necessary or appropriate to achieve the authorized purposes of the authority;

f. Provide co-ordination and information on matters relating to public broadcasting telecommunications among the agencies of the State Government, all facets of New Jersey public education and individuals, associations, and institutions working in these fields both within and without the State;

g. Establish State-wide equipment compatibility policies and determine the method of interconnection to be employed within the State's public broadcasting system;

h. Assume responsibility for the character, diversity, quality, and excellence of programming which is released via its licensed

facilities, provided that programs or series of programs of a controversial nature shall be presented with balance, fairness and equity;

i. Provide appropriate advisory assistance to other agencies of the State and local and regional groups regarding public broadcasting techniques, planning, budgeting, and related issues;

j. Make to the Governor and the Legislature such recommendations as the authority deems necessary with regard to appropriations relative to public broadcasting and public broadcasting telecommunications equipment and facilities;

k. Subject to the approval of the Governor, receive and administer gifts, contributions, and funds from public and private sources to be expended for public broadcasting and public broadcasting telecommunications operations, facilities, and programming consistent with furthering the purposes of the authority;

l. Co-operate with Federal agencies, for the purpose of obtaining matching and other Federal funds and providing public broadcasting and public broadcasting telecommunications facilities throughout the State and to make such reports as may be required of the State. The authority shall likewise provide appropriate advisory assistance to local school districts and others on such matters;

m. Contract with program production organizations, individuals, and noncommercial educational television and radio stations within and without the State to produce, or otherwise to procure, educational television or radio programs for use by noncommercial stations within the State;

n. Establish and maintain a library and archives of educational television and radio programs and related materials, disseminate information about such programs and make suitable arrangements for the use of such programs and materials by colleges, universities, schools and noncommercial television and radio stations;

o. Conduct explorations, research, demonstrations, or training in matters related to public broadcasting and public broadcasting telecommunications in the State, directly; or through contracts with appropriate agencies, organizations or individuals; or by grants to nonprofit, noncommercial organizations such as colleges, universities, schools and noncommercial television and radio stations;

p. Acquire, subject to the provisions of P. L. 1954, chapter 48, through lease, purchase, or otherwise real and other property and

to hold and use this property for public broadcasting and public broadcasting telecommunications purposes;

q. Contract, subject to the provisions of P. L. 1954, chapter 48, for the construction, repair, maintenance, and operations of public broadcasting and public broadcasting telecommunications facilities including program production center, stations, and interconnection facilities;

r. Make arrangements, where appropriate, with companies or other agencies and institutions operating suitable interconnection facilities (e. g., landlines or satellites); and

s. Make reasonable rules and regulations to carry out the provisions of this act.

C. 48:23-8 Limitations of authority's powers.

8. The authority shall have no power to issue bonds, notes or other obligations, or to mortgage, pledge or otherwise encumber the assets of the authority or any of its income; and no part of the income or the assets of the authority shall inure to the benefit of any director, officer, employee or any other individual, except as may be provided as salary or reasonable compensation for services.

C. 48:23-9 Limitations of authority's activities.

9. The authority shall be prohibited from supporting or opposing any political party or candidate for public office, elective or otherwise, and from attempting to influence the enactment of legislation. The authority shall not, however, be precluded from promoting full discussions of public issues.

C. 48:23-10 Instructional television activities.

10. Nothing in this act concerning the authority's activities in the field of instructional television shall be deemed to supersede the responsibilities of the Commissioner of Education, the Chancellor of Higher Education and local school governing bodies with respect to the determination of educational policies or curriculum content.

11. There is hereby appropriated to the authority such sums as shall be included in any annual or special appropriations act.

12. This act shall take effect immediately.

Approved January 13, 1969.

CHAPTER 406

AN ACT concerning temporary disability benefits and amending sections 22 and 25 of 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 22 of P. L. 1948, chapter 110 (C. 43:21–46) is amended to read as follows:

C. 43:21-46 State disability benefits fund.

22. State disability benefits fund. (a) The State disability benefits fund, hereinafter referred to as the fund, is hereby established. The fund shall remain in the custody of the State Treasurer, and to the extent of its cash requirements shall be deposited in authorized public depositories in the State of New Jersey. There shall be deposited in and credited to the fund the amount of worker and employer contributions provided under subsections (d) and (e) of section 43:21–7 of the Revised Statutes, less refunds authorized by the chapter (R. S. 43:21–1 et seq.) to which this act is a supplement, and the entire amount of interest and earnings from investments of the fund, and all assessments, fines and penalties collected under this act. The fund shall be held in trust for the payment of disability benefits pursuant to this act, for the payment of benefits pursuant to subsection (f) of section 43:21–4 of the Revised Statutes, and for the payment of any authorized refunds of contributions. All warrants for the payment of benefits shall be issued by and bear only the signature of the Director of the Division of Employment Security or his duly authorized agent for that purpose. All other moneys withdrawn from the fund shall be upon warrant signed by the State Treasurer and countersigned by the Director of the Division of Employment Security of the Department of Labor and Industry of the State of New Jersey. The Treasurer shall maintain books, records and accounts for the fund, appoint personnel and fix their compensation within the limits of available appropriations. The expenses of the treasurer in administering the fund and its accounts shall be charged against the administration account, as hereinafter established. A separate account, to be known as the administration account, shall be maintained in the

fund, and there shall be credited to such account an amount determined to be sufficient for proper administration, not to exceed, however, 8/100 of 1% of the wages with respect to which current contributions are payable into the fund, and the entire amount of any assessments against covered employers, as hereinafter provided, for costs of administration prorated among approved private plans. The costs of administration of this act including section 43:21–4(f) of the Revised Statutes shall be charged to the administration account.

(b) A further separate account, to be known as the unemployment disability account, shall be maintained in the fund. Such account shall be charged with all benefit payments under section 43:21–4(f) of the Revised Statutes.

Prior to July 1 of each calendar year, commencing with the calendar year 1949, the Division of Employment Security of the Department of Labor and Industry of the State of New Jersey shall determine the average rate of interest and other earnings on all investments of the State disability benefits fund for the preceding calendar year. An amount equal to the sum of the amounts withdrawn from the unemployment trust fund pursuant to section 23 hereof multiplied by such average rate shall be determined by the division and credited to the unemployment disability account as of the end of the preceding calendar year.

If the unemployment disability account shall show an accumulated deficit in excess of $200,000.00 at the end of any calendar year after interest and other earnings have been credited as provided hereinabove, the division shall determine the ratio of such deficit to the total of all taxable wages paid during that year. Prior to July 1 of the calendar year following each calendar year when the unemployment disability account shows such a deficit, the division shall make an assessment against the respective employers in an amount equal to the taxable wages paid by them during such preceding calendar year to employees while covered under private plans, multiplied by such ratio, but in no event shall any such assessment exceed 2/100 of 1% of such wages. Such amounts shall be collectible by the division in the same manner as provided for the collection of employer contributions under the chapter (R. S. 43:21–1 et seq.) to which this act is a supplement. In making this assessment, the division shall furnish to each affected employer a brief summary of the determination thereof. The amount of such assessments collected by the division shall be credited to the unemployment disability account.

At the same time as an assessment is made as hereinabove provided, the division shall determine an amount equal to the taxable wages paid during the preceding calendar year to employees while covered under the State plan, multiplied by the aforementioned ratio, but in no event shall such amount exceed 2/100 of 1% of such wages. The amount so determined shall be credited to the unemployment disability account.

As used in this section, "taxable wages" shall mean wages with respect to which employer contributions have been paid or are payable pursuant to subsections (a), (b) and (c) of section 43:21–7 of the Revised Statutes.

(c) A board of trustees, consisting of the State Treasurer, the Secretary of State, the Commissioner of Labor and Industry, the director of the division, and the State Comptroller, is hereby created. The board shall invest and reinvest all moneys in the fund in excess of its cash requirements, and such investments shall be made in obligations legal for savings banks; provided, however, that the provisions of this subsection shall in all respects be subject to the provisions of chapter 270 of the laws of 1950.

(d) There is hereby appropriated, to be paid out of the fund, such amounts as may from time to time be required for the payment of disability benefits, and such amounts as may be required each year, as contained in the annual appropriation act, for the administration of this act including section 43:21–4 (f) of the Revised Statutes.

2. Section 25 of P. L. 1948, chapter 110 (C. 43:21–49) is amended to read as follows:

C. 43:21-49 Notice and proof of claim.

25. (a) In the event of the disability of any individual covered under the State plan, the employer shall on the ninth day of disability issue to the individual and to the division printed notices on division forms containing the name, address, and Social Security number of the individual, such wage information as the division may require to determine the individual's eligibility for benefits, and the name, address, and division identity number of the employer, together with a printed copy of benefit instructions of the division. Not later than 30 days after the commencement of the period of disability for which such notice is furnished, the individual shall furnish to the division a notice and claim for disability benefits under the State plan or for disability during

unemployment. Upon the submission of such notices by the employer and the individual, the division may issue benefit payments for periods not exceeding 3 weeks pending the receipt of medical proof. When requested by the division, such notice and proof shall include certification of total disability by the attending physician, or a record of hospital confinement. Failure to furnish notice and proof within the time or in the manner above provided shall not invalidate or reduce any claim if it shall be shown to the satisfaction of the division not to have been reasonably possible to furnish such notice and proof and that such notice and proof was furnished as soon as reasonably possible.

(b) A person claiming benefits under the State plan or for disability during unemployment shall, when requested by the division, submit himself at intervals, but not more often than once a week, for examination by a legally licensed physician, dentist, chiropodist, or public health nurse designated by the division. In all cases of physical examination of a female claimant, the examination shall be made by a female designee of the division, if the claimant so requests. All such examinations by physicians, dentists, chiropodists, or nurses designated by the division shall be without cost to the claimant and shall be held at a reasonable time and place. Refusal to submit to such a requested examination shall disqualify the claimant from all benefits for the period of disability in question, except as to benefits already paid.

(c) All medical records of the division, except to the extent necessary for the proper administration of this act, shall be confidential and shall not be published or be open to public inspection (other than to public employees in the performance of their public duties) in any manner revealing the identity of the claimant, or the nature or cause of his disability nor admissible in evidence in any action or special proceeding other than one arising under this act.

3. This act shall take effect immediately.

Approved January 13, 1969.

CHAPTER 407

A SUPPLEMENT to the "Farmland Assessment Act of 1964," approved May 11, 1964 (P. L. 1964, c. 48).

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

1. In any municipality in which a program of revaluation of all property in the municipality was undertaken and completed in time to be reflected in the assessments for the tax year 1968 but not in sufficient time to permit taxpayers to make applications prior to October 1, 1967, for the valuation, assessment and taxation of their lands for the tax year 1968 on the basis of being actively devoted to agricultural or horticultural use, any such application filed with the assessor since October 1, 1967, and prior to the sixtieth day following the effective date of this act, shall be deemed to have been timely made for the tax year 1968, notwithstanding any provision to the contrary of the act to which this act is a supplement or of any other law, and the taxes of any applicant whose lands qualify for valuation, assessment and taxation as lands actively devoted to agricultural or horticultural use shall be adjusted accordingly for the tax year 1968 and credited or debited, as the case may be, against any taxes due or to become due on such lands.

2. This act shall take effect immediately.

Approved January 13, 1969.

CHAPTER 408

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, 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:*

1. The following sums are hereby appropriated out of the General State Fund, or such other sources of funds specifically in-

dicated or as may be applicable, for the respective public officers and for the several purposes herein specified:

CLAIMS

DEPARTMENT OF LAW AND PUBLIC SAFETY

140-100. DIVISION OF MOTOR VEHICLES

William W. Whelan, Agent, 329 North Broad street, Elizabeth, New Jersey, for attorneys services rendered and disbursements made in suit instituted against claimant as a Motor Vehicle Agent, to be paid from funds appropriated to the Division of Motor Vehicles, $810.00.

DEPARTMENT OF THE TREASURY

230-100. DIVISION OF PURCHASE AND PROPERTY

John McShain, Inc., Stewart Iron Works, Inc., and Charles Shaid of New Jersey, Inc., c/o Albert M. Stark, Stark and Stark, Trenton, New Jersey, for losses incurred in the construction of the Youth Reception and Correction Center, Yardville, New Jersey:

John McShain, Inc.	$922,212 12	
Stewart Iron Works, Inc.	112,718 19	
Charles Shaid of New Jersey, Inc.	23,863 03	
		$1,058,793 34

240-100. DIVISION OF TAXATION

County of Middlesex, New Jersey, for refund of State gasoline taxes paid by the county on gasoline purchased during May, 1965, to be paid from funds appropriated to the department, $1,790.58.

DEPARTMENT OF CONSERVATION AND ECONOMIC DEVELOPMENT

420-100. DIVISION OF RESOURCE DEVELOPMENT

Harry Abbott, 785 North drive, Metedeconk, Brick, New Jersey, for damage to his Eastern Marine Command Bridge Skiff, "Surrey," used in marine police work by the Bureau of Navigation $3,323 31

450-100. Division of Fish and Game

Noxin Corporation, c/o Justin P. Walder, Esquire, Schapira, Steiner & Walder, 17 Academy street, Newark, New Jersey, for expenditure of funds for the construction of sewage treatment and disposal plant in accordance with the provisions of chapter 53, laws of 1957, from funds appropriated to the department, $27,802.12.

Department of Transportation

610-100. Division of Maintenance and Equipment

Henry Schoener, Bridgeton pike, R. F. D. No. 2, Sewell, New Jersey, for damage to 1964 Cadillac, sustained when the vehicle struck a concrete block raised 10 inches above the ground, completely covered with snow, to be paid from funds appropriated to the department, $170.38.

Stanley Tumis, c/o Arnold B. Levin, Pappa, Yaccarino & Wildman, 603 Mattison avenue, Asbury Park, New Jersey, for damage to vehicle due to faulty action of barrier gate on Route 70, Manasquan River Bridge, Brielle, New Jersey, to be paid from funds appropriated to the department, $491.78.

612-100. Construction of State Highway System

Brookfield Construction Company, 521 Fifth avenue, New York, New York, c/o Thomas C. Mitchell, 11 Patton drive, East Brunswick, New Jersey, for losses incurred in the construction of Route 80, Section 5-S, Bergen county, New Jersey, to be paid from funds appropriated for the construction of State highway system, $207,760.45.

State Paving and Construction Company, c/o J. Charles Popkin, Esquire, Broad Street Bank Building, Trenton, New Jersey, for Rickert Nurseries, Landscape Division, c/o George H. Bohlinger, Esquire, 28 West State street, Trenton, New Jersey, for losses incurred by Rickert Nurseries, Landscape Division in landscaping Route No. 29 (Freeway), Trenton, New Jersey, to be paid from funds appropriated for the construction of State highway system, $13,495.19.

DEPARTMENT OF INSTITUTIONS AND AGENCIES

716-100. COMMISSION FOR THE BLIND

American Legion Tri-County Memorial Hospital, 741 Broadway, Newark, New Jersey, for hospital services rendered to Donald Berg, a client of the Commission for the Blind, to be paid from funds appropriated to the department, $644.00.

732-100. STATE PRISON FARM, RAHWAY

James Williams, c/o State Prison Farm, Rahway, New Jersey, for injury to lower back while on work detail, payable after discharge from the institution, from funds appropriated to the department, $135.00.

732-300. REGIONAL LAUNDRY

William H. Carmon, 100 DeKalb avenue, Perth Amboy, New Jersey, for injury to his back while on work detail at the Rahway Prison Farm, regional laundry, to be paid from funds appropriated for the regional laundry, $150.00.

Sherman L. Ivery, c/o State Prison Farm, Rahway, New Jersey, 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, $345.00.

Marvin Eugene Ledford, 217 Garden street, Mount Holly, New Jersey, for injury to his back and head while on work detail at the Rahway Prison Farm, regional laundry, to be paid from funds appropriated for the regional laundry, $200.00.

738-100. STATE REFORMATORY, ANNANDALE

Barry B. Clark, 340 Liberty road, Englewood, New Jersey, for injury to left eye, while on work detail at the State Reformatory, Annandale, to be paid from funds appropriated to the department, $1,700.00.

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 00	
Borough of Englewood Cliffs	19,000 00	
Borough of Fort Lee	14,700 00	
		$46,000 00

970-150. THE JUDICIARY

Herbert T. Heisel, Jr., Esquire, R. D. No. 2, Milford, New Jersey, to reimburse for expenses incurred in defense of suit instituted in United States District Court	$2,978 95
Total Claims	$1,111,095 60
Total Supplemental Appropriation	$1,111,095 60

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 except as to items set forth in the statement appended hereto dated January 14, 1969.

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

January 14, 1969.

STATEMENT ON SENATE BILL No. 892

Pursuant to Article V, Section I, paragraph 15 of the Constitution, I am appending to Senate Bill No. 892 at the time of signing it, this statement of the items, or parts thereof, to which I object

so that such items, or parts thereof, so objected to shall not take effect.

On page 1:

"230-100. Division of Purchase and Property

"John McShain, Inc., Stewart Iron Works, Inc., and Charles Shaid of New Jersey, Inc., c/o Albert M. Stark, Stark and Stark, Trenton, New Jersey, for losses incurred in the construction of the Youth Reception and Correction Center, Yardville, New Jersey:

John McShain, Inc.	$922,212 12
Stewart Iron Works, Inc.	112,718 19
Charles Shaid of New Jersey, Inc.	23,863 03
	$1,058,793 34"

This item is deleted in its entirety.

On page 2-3:

"612-100. Construction of State Highway System

"Brookfield Construction Company, 521 Fifth Avenue, New York, New York, c/o Thomas C. Mitchell, 11 Patton Drive, East Brunswick, New Jersey, for losses incurred in the construction of Route 80, Section 5-S, Bergen County, New Jersey, to be paid from funds appropriated for the construction of State highway system, $207,760.45."

"State Paving and Construction Company, c/o J. Charles Popkin, Esquire, Broad Street Bank Building, Trenton, New Jersey, for Rickert Nurseries, Landscape Division, c/o George H. Bohlinger, Esquire, 28 West State Street, Trenton, New Jersey, for losses incurred by Rickert Nurseries, Landscape Division in landscaping Route No. 29 (Freeway), Trenton, New Jersey, to be paid from funds appropriated for the construction of State highway system, $13,495.19."

These items are deleted in their entirety.

Respectfully,

Richard J. Hughes,
Governor.

[seal]

Attest:

Alan J. Karcher,
Acting Secretary to the Governor.

CHAPTER 409

AN ACT concerning the interception of wire and oral communications, authorizing interception in certain cases under court order and prescribing procedures therefor, prohibiting unauthorized interception, use or disclosure of wire and oral communications, prescribing penalties for violations and repealing N. J. S. 2A:146–1.

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

C. 2A:156A-1 Short title.

1. This act shall be known and may be cited as the "New Jersey Wiretapping and Electronic Surveillance Control Act."

C. 2A:156A-2 Definitions.

2. As used in this act:

a. "Wire communication" means any communication made in whole or in part through the use of facilities for the transmission of communications by wire, cable or other like connection between the point of origin and the point of reception furnished or operated by a telephone, telegraph or radio company for hire as a communication common carrier;

b. "Oral communication" means any oral communication uttered by a person exhibiting an expectation that such communication is not subject to interception under circumstances justifying such expectation;

c. "Intercept" means the aural acquisition of the contents of any wire or oral communication through the use of any electronic, mechanical, or other device;

d. "Intercepting device" means any device or apparatus that can be used to intercept a wire or oral communication other than

(1) Any telephone or telegraph instrument, equipment or facility, or any component thereof, furnished to the subscriber or user by a communication common carrier in the ordinary course of its business and being used by the subscriber or user in the ordinary course of its business; or being used by a communication common carrier in the ordinary course of its business, or by an investigative or law enforcement officer in the ordinary course of his duties; or

(2) A hearing aid or similar device being used to correct subnormal hearing to not better than normal;

e. "Person" means that term as defined in R. S. 1:1–2 and includes any officer or employee of the State or of a political subdivision thereof;

f. "Investigative or law enforcement officer" means any officer of the State of New Jersey or of a political subdivision thereof who is empowered by law to conduct investigations of, or to make arrests for, any offense enumerated in section 8 of this act and any attorney authorized by law to prosecute or participate in the prosecution of any such offense;

g. "Contents," when used with respect to any wire or oral communication, includes any information concerning the identity of the parties to such communication or the existence, substance, purport, or meaning of that communication;

h. "Court of competent jurisdiction" means the Superior Court;

i. "Judge," when referring to a judge authorized to receive applications for, and to enter, orders authorizing interceptions of wire or oral communications, means one of the several judges of the Superior Court to be designated from time to time by the Chief Justice of the Supreme Court to receive applications for, and to enter, orders authorizing interceptions of wire or oral communications pursuant to this act;

j. "Communication common carrier" means any person engaged as a common carrier for hire, in intrastate, interstate or foreign communication by wire or radio or in intrastate, interstate or foreign radio transmission of energy; but a person engaged in radio broadcasting shall not, while so engaged, be deemed a common carrier;

k. "Aggrieved person" means a person who was a party to any intercepted wire or oral communication or a person against whom the interception was directed.

C. 2A:156A-3 Unlawful activities; penalty; exception.

3. Except as otherwise specifically provided in this act, any person who:

a. Willfully intercepts, endeavors to intercept, or procures any other person to intercept or endeavor to intercept any wire or oral communication; or

b. Willfully discloses or endeavors to disclose to any other person the contents of any wire or oral communication, or evidence derived therefrom, knowing or having reason to know

that the information was obtained through the interception of a wire or oral communication; or

c. Willfully uses or endeavors to use the contents of any wire or oral communication, or evidence derived therefrom, knowing or having reason to know, that the information was obtained through the interception of a wire or oral communication;

shall be guilty of a misdemeanor and shall be fined not more than $10,000.00 or imprisoned not more than 5 years, or both. Subsections b. and c. of this section shall not apply to the contents of any wire or oral communication, or evidence derived therefrom, that has become common knowledge or public information.

C. 2A:156A-4 Lawful activities; exception.

4. It shall not be unlawful under this act for:

a. An operator of a switchboard, or an officer, agent or employee of a communication common carrier, whose facilities are used in the transmission of a wire communication, to intercept, disclose or use that communication in the normal course of his employment while engaged in any activity which is a necessary incident to the rendition of his service or to the protection of the rights or property of the carrier of such communication. No communication common carrier shall utilize service observing or random monitoring except for mechanical or service quality control checks;

b. A person acting under color of law to intercept a wire or oral communication, where such person is a party to the communication or one of the parties to the communication has given prior consent to such interception; or

c. A person not acting under color of law to intercept a wire or oral communication, where such person is a party to the communication or one of the parties to the communication has given prior consent to such interception unless such communication is intercepted for the purpose of committing any criminal or tortious act in violation of the Constitution or laws of the United States or of this State or for the purpose of committing any other injurious act.

C. 2A:156A-5 Additional unlawful activities; penalty.

5. Except as otherwise specifically provided in section 6 of this act, any person who:

a. Willfully possesses an intercepting device, the design of which renders it primarily useful for the purpose of the surreptitious interception of a wire or oral communication;

b. Willfully sells an intercepting device, the design of which renders it primarily useful for the purpose of the surreptitious interception of a wire or oral communication;

c. Willfully distributes an intercepting device, the design of which renders it primarily useful for the purpose of the surreptitious interception of a wire or oral communication;

d. Willfully manufactures or assembles an intercepting device, the design of which renders it primarily useful for the purpose of the surreptitious interception of a wire or oral communication; or

e. Willfully places in any newspaper, magazine, handbill, or other publication any advertisement of any intercepting device, the design of which renders it primarily useful for the purpose of the surreptitious interception of a wire or oral communication or of any intercepting device where such advertisement promotes the use of such device for the purpose of the surreptitious interception of a wire or oral communication;

shall be guilty of a misdemeanor and shall be fined not more than $10,000.00 or imprisoned not more than 5 years, or both.

C. 2A:156A-6 Additional lawful activities.

6. It shall not be unlawful under this act for:

a. A communication common carrier or an officer, agent or employee of, or a person under contract with a communication common carrier, in the usual course of the communication common carrier's business; or

b. A person under contract with the United States, a state or a political subdivision thereof, or an officer, agent, or employee of a state or a political subdivision thereof;

to possess, sell, distribute, manufacture or assemble, or advertise any intercepting device, while acting in furtherance of the appropriate activities of the United States, a state or a political subdivision thereof or a communication common carrier.

C. 2A:156A-7 Seizure of intercepting devices authorized.

7. Any intercepting device possessed, used, sent, distributed, manufactured, or assembled in violation of this act is hereby declared to be a nuisance and may be seized and forfeited to the State.

C. 2A:156A-8 Authorization for an application for an order to intercept communications.

8. The Attorney General, a county prosecutor or the chairman of the State Commission of Investigation when authorized by a majority of the members of that commission or a person designated to act for such an official and to perform his duties in and during

his actual absence or disability may authorize, in writing, an ex parte application to a judge designated to receive the same for an order authorizing the interception of a wire or oral communication by the investigative or law enforcement officers or agency having responsibility for an investigation when such interception may provide evidence of the commission of the offense of murder, kidnapping, gambling, robbery, bribery, extortion, loan sharking, dealing in narcotic drugs, marijuana or other dangerous drugs, arson, burglary, embezzlement, forgery, receiving stolen property, escape, alteration of motor vehicle identification numbers or larceny punishable by imprisonment for more than one year, or any conspiracy to commit any of the foregoing offenses or which may provide evidence aiding in the apprehension of the perpetrator of any of the foregoing offenses.

C. 2A:156A-9 Contents and form of application for order to intercept communications.

9. Each application for an order of authorization to intercept a wire or oral communication shall be made in writing upon oath or affirmation and shall state:

a. The authority of the applicant to make such application;

b. The identity and qualifications of the investigative or law enforcement officers or agency for whom the authority to intercept a wire or oral communication is sought and the identity of whoever authorized the application;

c. A particular statement of the facts relied upon by the applicant, including:

(1) The identity of the particular person, if known, committing the offense and whose communications are to be intercepted;

(2) The details as to the particular offense that has been, is being, or is about to be committed;

(3) The particular type of communication to be intercepted;

(4) The character and location of the particular wire communication facilities involved or the particular place where the oral communication is to be intercepted;

(5) A statement of the period of time for which the interception is required to be maintained; if the character of the investigation is such that the authorization for interception should not automatically terminate when the described type of communication has been first obtained, a particular statement of facts establishing probable cause to believe that additional communications of the same type will occur thereafter;

(6) A particular statement of facts showing that other normal investigative procedures with respect to the offense have been tried and have failed or reasonably appear to be unlikely to succeed if tried or to be too dangerous to employ;

d. Where the application is for the renewal or extension of an order, a particular statement of facts showing the results thus far obtained from the interception, or a reasonable explanation of the failure to obtain such results;

e. A complete statement of the facts concerning all previous applications, known to the individual authorizing and to the individual making the application, made to any court for authorization to intercept a wire or oral communication involving any of the same facilities or places specified in the application or involving any person whose communication is to be intercepted, and the action taken by the court on each such application; and

f. Such additional testimony or documentary evidence in support of the application as the judge may require.

C. 2A:156A-10 Bases for order authorizing interception of communications.

10. Upon consideration of an application, the judge may enter an ex parte order, as requested or as modified, authorizing the interception of a wire or oral communication, if the court determines on the basis of the facts submitted by the applicant that there is or was probable cause for belief that:

a. The person whose communication is to be intercepted is engaging or was engaged over a period of time as a part of a continuing criminal activity or is committing, has or had committed or is about to commit an offense as provided in section 8 of this act;

b. Particular communications concerning such offense may be obtained through such interception;

c. Normal investigative procedures with respect to such offense have been tried and have failed or reasonably appear to be unlikely to succeed if tried or to be too dangerous to employ;

d. The facilities from which, or the place where, the wire or oral communications are to be intercepted, are or have been used, or are about to be used, in connection with the commission of such offense, or are leased to, listed in the name of, or commonly used by, such individual; and

e. The investigative or law enforcement officers or agency to be authorized to intercept the wire or oral communication are qualified by training and experience to execute the interception sought.

C. 2A:156A-11 Orders affecting public and certain private communication facilities; privileged communications.

11. If the facilities from which a wire communication is to be intercepted are public, no order shall be issued unless the court, in addition to the matters provided in section 10 above, determines that there is a special need to intercept wire communications over such facilities.

If the facilities from which, or the place where, the wire or oral communications are to be intercepted are being used, or are about to be used, or are leased to, listed in the name of, or commonly used by, a licensed physician, an attorney-at-law, or practicing clergyman, or is a place used primarily for habitation by a husband and wife, no order shall be issued unless the court, in addition to the matters provided in section 10 above, determines that there is a special need to intercept wire or oral communications over such facilities or in such places. No otherwise privileged wire or oral communication intercepted in accordance with, or in violation of, the provisions of this act, shall lose its privileged character.

C. 2A:156A-12 Contents of order authorizing interception of communications.

12. Each order authorizing the interception of any wire or oral communication shall state:

a. The judge is authorized to issue the order;

b. The identity of, or a particular description of, the person, if known, whose communications are to be intercepted;

c. The character and location of the particular communication facilities as to which, or the particular place of the communication as to which, authority to intercept is granted;

d. A particular description of the type of the communication to be intercepted and a statement of the particular offense to which it relates;

e. The identity of the investigative or law enforcement officers or agency to whom the authority to intercept a wire or oral communication is given and the identity of whoever authorized the application; and

f. The period of time during which such interception is authorized, including a statement as to whether or not the interception shall automatically terminate when the described communication has been first obtained.

No order entered under this section shall authorize the interception of any wire or oral communication for a period of time in excess of that necessary under the circumstances. Every order entered under this section shall require that such interception begin

and terminate as soon as practicable and be conducted in such a manner as to minimize or eliminate the interception of such communications not otherwise subject to interception under this act. In no case shall an order entered under this section authorize the interception of wire or oral communications for any period exceeding 30 days. Extensions or renewals of such an order may be granted for periods of not more than 30 days. No extension or renewal shall be granted unless an application for it is made in accordance with this section, and the court makes the findings required by sections 10, 11 and this section.

Whenever an order authorizing an interception is entered, the order may require reports to be made to the judge who issued the order showing what progress has been made toward achievement of the authorized objective and the need for continued interception. Such reports shall be made at such intervals as the court may require.

C. 2A:156A-13 Verbal authorization to intercept communications; disposition of recording of information obtained under certain circumstances.

13. Whenever, upon informal application by an authorized applicant, a judge determines there are grounds upon which an order could be issued pursuant to this act, and that an emergency situation exists with respect to the investigation of conspiratorial activities of organized crime, related to an offense designated in section 8 of this act, dictating authorization for immediate interception of wire or oral communication before an application for an order could with due diligence be submitted to him and acted upon, the judge may grant verbal approval for such interception without an order, conditioned upon the filing with him, within 48 hours thereafter, of an application for an order which, if granted, shall recite the verbal approval and be retroactive to the time of such verbal approval. Such interception shall immediately terminate when the communication sought is obtained or when the application for an order is denied. In the event no application for an order is made, the content of any wire or oral communication intercepted shall be treated as having been obtained in violation of this act.

In the event no application is made or an application made pursuant to this section is denied, the court shall require the wire, tape or other recording of the intercepted communication to be delivered to, and sealed by, the court and such evidence shall be retained by the court in accordance with section 14 and the same shall not be used or disclosed in any legal proceeding except in a

civil action brought by an aggrieved person pursuant to section 24 or as otherwise authorized by court order. Failure to effect delivery of any such wire, tape or other recording shall be punishable as contempt by the court directing such delivery. Evidence of verbal authorization to intercept an oral or wire communication shall be a defense to any charge against the investigating or law enforcement officer for engaging in unlawful interception.

C. 2A:156A-14 Recording of intercepted communications; custody.

14. Any wire or oral communication intercepted in accordance with this act shall, if practicable, be recorded by tape, wire or other comparable method. The recording shall be done in such a way as will protect it from editing or other alteration. Immediately upon the expiration of the order or extensions or renewals thereof, the tapes, wires or other recordings shall be transferred to the judge issuing the order and sealed under his direction. Custody of the tapes, wires or other recordings shall be maintained wherever the court directs. They shall not be destroyed except upon an order of such court and in any event shall be kept for 10 years. Duplicate tapes, wires or other recordings may be made for disclosure or use pursuant to subsection a. of section 17 of this act. The presence of the seal provided by this section, or a satisfactory explanation for its absence, shall be a prerequisite for the disclosure of the contents of any wire or oral communication, or evidence derived therefrom, under subsection b. of section 17 of this act.

C. 2A:156A-15 Custody of applications and orders.

15. Applications made and orders granted pursuant to this act and supporting papers shall be sealed by the court and shall be held in custody as the court shall direct and shall not be destroyed except on order of the court and in any event shall be kept for 10 years. They may be disclosed only upon a showing of good cause before a court of competent jurisdiction.

Any violation of the provisions of this section may be punished as contempt of the issuing or denying court.

C. 2A:156A-16 Service and contents of inventory.

16. Within a reasonable time but not later than 90 days after the termination of the period of the order or of extensions or renewals thereof, or the date of the denial of an order applied for under section 13, the issuing or denying judge shall cause to be served on the person named in the order or application, and such other parties to the intercepted communications as the judge may in his discre-

tion determine to be in the interest of justice, an inventory which shall include:

a. Notice of the entry of the order or the application for an order denied under section 13;

b. The date of the entry of the order or the denial of an order applied for under section 13;

c. The period of authorized or disapproved interception; and

d. The fact that during the period wire or oral communications were or were not intercepted.

The court, upon the filing of a motion, may in its discretion make available to such person or his attorney for inspection such portions of the intercepted communications, applications and orders as the court determines to be in the interest of justice. On an ex parte showing of good cause to the court the serving of the inventory required by this section may be postponed.

C. 2A:156A-17 Disclosure of certain information to other law enforcement officers or agencies.

17. a. Any investigative or law enforcement officer who, by any means authorized by this act, has obtained knowledge of the contents of any wire or oral communication, or evidence derived therefrom, may disclose or use such contents or evidence to another investigative or law enforcement officer to the extent that such disclosure or use is appropriate to the proper performance of his official duties.

b. Any person who, by any means authorized by this act, has obtained any information concerning any wire or oral communication or evidence derived therefrom intercepted in accordance with the provisions of this act, may disclose the contents of such communication or derivative evidence while giving testimony under oath or affirmation in any criminal proceeding in any court of this or another State or of the United States or before any Federal or State grand jury.

c. The contents of any intercepted wire or oral communication, or evidence derived therefrom, may otherwise be disclosed or used only upon a showing of good cause before a court of competent jurisdiction.

C. 2A:156A-18 Disclosure of certain information relating to other offenses.

18. When an investigative or law enforcement officer, while engaged in intercepting wire or oral communications in the manner authorized herein, intercepts wire or oral communications relating to offenses other than those specified in the order of authorization, the contents thereof, and evidence derived therefrom, may be dis-

closed or used as provided in subsection a. of section 17. Such contents and any evidence derived therefrom may be used under subsection b. of section 17 when authorized or approved by a judge of competent jurisdiction where such judge finds on subsequent application that the contents were otherwise intercepted in accordance with the provisions of this act. Such application shall be made as soon as practicable.

C. 2A:156A-19 Unlawful disclosure of certain information; penalty.

19. Except as specifically authorized pursuant to this act any person who uses or discloses the existence of an order authorizing interception of a wire or oral communication or the contents of, or information concerning, an intercepted wire or oral communication or evidence derived therefrom, is guilty of a misdemeanor.

C. 2A:156A-20 Conditions for disclosure of certain information.

20. The contents of any wire or oral communication intercepted in accordance with the provisions of this act, or evidence derived therefrom, shall not be disclosed in any trial, hearing, or proceeding before any court of this State unless not less than 10 days before the trial, hearing, or proceeding the parties to the action have been served with a copy of the order and accompanying application under which the interception was authorized.

The service of inventory, order, and application required by this section may be waived by the court where it finds that the service is not practicable and that the parties will not be prejudiced by the failure to make the service.

C. 2A:156A-21 Action to suppress contents of intercepted communications.

21. Any aggrieved person in any trial, hearing, or proceeding in or before any court or other authority of this State may move to suppress the contents of any intercepted wire or oral communication, or evidence derived therefrom, on the grounds that:

a. The communication was unlawfully intercepted;

b. The order of authorization is insufficient on its face;

c. The interception was not made in conformity with the order of authorization.

The motion shall be made at least 10 days before the trial, hearing, or proceeding unless there was no opportunity to make the motion or the moving party was not aware of the grounds for the motion. The court, upon the filing of such motion by the aggrieved person, may in his discretion make available to the aggrieved person or his counsel for inspection such portions of the intercepted com-

munication, or evidence derived therefrom, as the court determines to be in the interests of justice. If the motion is granted, the contents of the intercepted wire or oral communication, or evidence derived therefrom, shall not be received in evidence in the trial, hearing or proceeding.

In addition to any other right to appeal, the State shall have the right to appeal from an order granting a motion to suppress if the official to whom the order authorizing the intercept was granted shall certify to the court that the appeal is not taken for purposes of delay. The appeal shall be taken within the time specified by the Rules of Court and shall be diligently prosecuted.

C. 2A:156A-22 Judge's report; contents.

22. Within 30 days after the expiration of an order or an extension or renewal thereof entered under this act or the denial of an order confirming verbal approval of interception, the issuing or denying judge shall make a report to the Administrative Director of the courts stating that:

a. An order, extension or renewal was applied for;

b. The kind of order applied for;

c. The order was granted as applied for, was modified, or was denied;

d. The period of the interceptions authorized by the order, and the number and duration of any extensions or renewals of the order;

e. The offense specified in the order, or extension or renewal of an order;

f. The identity of the person authorizing the application and of the investigative or law enforcement officer and agency for whom it was made; and

g. The character of the facilities from which or the place where the communications were to be intercepted.

C. 2A:156A-23 Judges' annual reports; contents.

23. In addition to reports required to be made by applicants pursuant to Federal law, all judges of the Superior Court authorized to issue orders pursuant to this act shall make annual reports on the operation of this act to the Administrative Director of the Courts. The reports by the judges shall contain (1) the number of applications made; (2) the number of orders issued; (3) the effective periods of such orders; (4) the number and duration of any renewals thereof; (5) the crimes in connection with which the conversations were sought; (6) the names of the applicants; and (7) such other and further particulars as the Administrative Director of the Courts may require.

The Chief Justice of the Supreme Court shall annually report to the Governor and the Legislature on such aspects of the operation of this act as he deems appropriate including any recommendations he may care to make as to legislative changes or improvements to effectuate the purposes of this act and to assure and protect individual rights.

C. 2A:156A-24 Civil action; recovery.

24. Any person whose wire or oral communication is intercepted, disclosed or used in violation of this act shall have a civil cause of action against any person who intercepts, discloses or uses or procures any other person to intercept, disclose or use, such communication; and shall be entitled to recover from any such person:

a. Actual damages, but not less than liquidated damages computed at the rate of $100.00 a day for each day of violation, or $1,000.00, whichever is higher;

b. Punitive damages; and

c. A reasonable attorney's fee and other litigation costs reasonably incurred.

C. 2A:156A-25 Defense to actions or proceedings.

25. A good faith reliance on a court order authorizing the interception shall constitute a complete defense to a civil or criminal action brought under this act or to administrative proceedings brought against a law enforcement officer.

C. 2A:156A-26 Severability of act.

26. If any section, subsection or portion or provision of any section or sections of this act or the application thereof by or to any person or circumstances is declared invalid, the remainder of the section or sections or subsection of this act and the application thereof by or to other persons or circumstances shall not be affected thereby.

Repealer.

27. Section 2A:146–1 of the New Jersey Statutes is repealed.

28. This act shall take effect January 1, 1969, and remain in effect until December 31, 1974.

Approved January 14, 1969.

CHAPTER 410

AN ACT concerning practice and procedure of administrative agencies of the State.

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

C. 52:14B-1 Short title.

1. This act shall be known and may be cited as the "Administrative Procedure Act."

C. 52:14B-2 Definitions.

2. As used in this act:

(a) "State agency" or "agency" shall include each of the principal departments in the executive branch of the State Government, and all boards, divisions, commissions, agencies, departments, councils, authorities, offices or officers within any such departments now existing or hereafter established and authorized by statute to make, adopt or promulgate rules or adjudicate contested cases, except the office of the Governor, the Division of Workmen's Compensation in the Department of Labor and Industry, the Department of Defense, and any boards, divisions, commissions, councils, agencies, departments, authorities, offices or officers therein, and all agencies the primary responsibility of which is the management or operation of a State educational, medical, mental, rehabilitative, custodial, penal or correctional institution or program, insofar as the acts of such agency relate to the internal affairs of such institution or program.

(b) "Contested case" means a proceeding, including any licensing proceeding, in which the legal rights, duties, obligations, privileges, benefits or other legal relations of specific parties are required by constitutional right or by statute to be determined by an agency by decisions, determinations, or orders, addressed to them or disposing of their interests, after opportunity for an agency hearing.

(c) "Administrative adjudication" or "adjudication" includes any and every final determination, decision or order made or rendered in any contested case.

(d) "The head of the agency" means and includes the individual or group of individuals constituting the highest authority within any agency authorized or required by law to render an adjudication in a contested case.

(e) "Administrative rule" or "rule," when not otherwise modified, means each agency statement of general applicability and continuing effect that implements or interprets law or policy, or describes the organization, procedure or practice requirements of any agency. The term includes the amendment or repeal of any rule, but does not include: (1) statements concerning the internal management or discipline of any agency; (2) intraagency and interagency statements; and (3) agency decisions and findings in contested cases.

(f) "License" includes the whole or part of any agency license, permit, certificate, approval, chapter, registration or other form of permission required by law.

(g) "Secretary" means the Secretary of State.

(h) "Director" shall mean the Director of the Division of Administrative Procedure, unless otherwise indicated by context.

C. 52:14B-3 Additional responsibilities of each State agency.

3. In addition to other rule-making requirements imposed by law, each agency shall:

(1) adopt as a rule a description of its organization, stating the general course and method of its operations and the methods whereby the public may obtain information or make submissions or requests;

(2) adopt rules of practice setting forth the nature and requirements of all formal and informal procedures available, including a description of all forms and instructions used by the agency;

(3) make available for public inspection all final orders, decisions, and opinions, in accordance with the provisions of chapter 73 of the laws of 1963 as amended and supplemented (C. 47:1A–1 et seq.).

C. 52:14B-4 Adoption, amendment or repeal of agency rules.

4. (a) Prior to the adoption, amendment, or repeal of any rule, except as may be otherwise provided, the agency shall:

(1) Give at least 20 days' notice of its intended action. The notice shall include a statement of either the terms or substance of the intended action or a description of the subjects and issues involved, and the time when, the place where, and the manner

in which interested persons may present their views thereon. The notice shall be mailed to all persons who have made timely request of the agency for advance notice of its rule-making proceedings and in addition to other public notice required by law shall be published in the New Jersey Register;

(2) Afford all interested persons reasonable opportunity to submit data, views, or arguments, orally or in writing. The agency shall consider fully all written and oral submissions respecting the proposed rule.

(b) A rule prescribing the organization or procedure of an agency may be adopted at any time without prior notice or hearing. Such rule shall be effective upon filing in accordance with section 5 of this act or upon any later date specified by the agency.

(c) If an agency finds that an imminent peril to the public health, safety, or welfare requires adoption of a rule upon fewer than 20 days' notice and states in writing its reasons for that finding, it may proceed without prior notice or hearing or upon any abbreviated notice and hearing that it finds practicable, to adopt the rule.

(d) No rule hereafter adopted is valid unless adopted in substantial compliance with this section. A proceeding to contest any rule on the ground of noncompliance with the procedural requirements of this section must be commenced within 1 year from the effective date of the rule.

C. 52:14B-5 Filing and publication of rules.

5. (a) Each agency shall file in the office of the Secretary of State a certified copy of each rule adopted by it.

(b) Each rule hereafter adopted is effective upon filing with the Secretary of State.

(c) The Secretary of State shall: (1) accept for filing or publication any rule duly adopted and submitted by any agency pursuant to this act; (2) endorse upon the certified copy of each rule accepted for filing pursuant to this act the date and time upon which such rule was filed; and (3) maintain the certified copy of each rule so filed in a permanent register open to public inspection.

(d) The filing of a certified copy of any rule shall be deemed to establish the rebuttable presumptions that: (1) it was duly adopted; (2) it was duly submitted for prepublication and made available for public inspection at the hour and date endorsed upon it; (3) all requirements of this act and of interagency rules of the Secretary of State relative to such rule have been complied with;

(4) its text is the text of the rule as adopted. Judicial notice shall be taken of the text of each rule, duly filed.

(e) The publication of a rule in the New Jersey Administrative Code or the New Jersey Register shall be deemed to establish the rebuttable presumption that the rule was duly filed and that the text of the rule as so published is the text of the rule adopted. Judicial notice shall be taken of the text of each rule published in the New Jersey Administrative Code or the New Jersey Register.

C. 52:14B-6 Division of Administrative Procedure; creation, personnel; appointment and duties of director.

6. (a) There is hereby created in the Department of State a Division of Administrative Procedure.

(b) The secretary shall employ and assign to the division such personnel as shall enable the division to discharge its responsibilities effectively and efficiently. The Department of State shall furnish such funds, equipment, and personnel as is necessary to implement the work of the division within the limits of appropriations for the purpose.

(c) The division 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 secretary without regard to the provisions of the Civil Service Law, Title 11, New Jersey Statutes, and shall serve at the pleasure of the secretary and until the director's successor is appointed and has qualified. He shall receive such salary as is provided by law. The director: (1) shall administer the work of the division under the direction and supervision of the secretary; (2) shall perform such functions, in addition to the work of the division, as the secretary may prescribe; (3) shall organize and reorganize the division; (4) shall assign and reassign personnel to employment within the division; (5) shall perform or cause to be performed the work of the division in such manner and pursuant to such program as he may deem necessary and appropriate; (6) shall employ as necessary the services of the several departments and agencies of State Government and of the employees of such departments and agencies, in such manner and to such extent as may be agreed upon by the chief executive officer of such department or agency and the secretary.

(d) The secretary shall oversee the implementation of this act by each agency and is empowered to do all things necessary and appropriate to that end. The secretary shall delegate to the director his responsibility and authority pursuant to this act, or such of

that responsibility and authority as he may deem desirable, which shall be exercised under his supervision and direction.

(e) The division: (1) shall advise agencies concerning their obligations under this act, subject to the provisions of section 4(b) and 4(e) of chapter 20, laws of 1944, as amended and supplemented (C. 52:17A–4b and 4e); (2) shall advise agencies in connection with the preparation, consideration, publication and interpretation of rules required or appropriate pursuant to this act; (3) shall, to the extent and in such manner as the director may deem appropriate, assist agencies in the preparation of rules to the end that such rules be uniform and consistent to the extent practicable; (4) shall secure, compile, and maintain as reference material rules and supporting information appropriate to the exercise of its responsibilities; (5) shall effect and maintain liaison with agencies to assure compliance with this act; (6) shall formulate interdepartmental rules for the prompt, proper and co-ordinated promulgation of all rules required or appropriate pursuant to this act; (7) shall have access to information concerning each agency to assure the proper promulgation of all rules required by law; (8) shall advise each agency and, to such extent as the director may deem appropriate, shall establish standards regarding the conduct of hearings.

C. 52:14B-7 New Jersey Administrative Code; New Jersey Register; publication; contents; standards for form; director's authority.

7. (a) The director shall compile, index, and publish a publication to be known as the "New Jersey Administrative Code," containing all effective rules adopted by each agency. The code shall be periodically supplemented or revised.

(b) The director shall publish a monthly bulletin to be known as the "New Jersey Register" setting forth: (1) the text of all rules filed during the preceding month, and (2) such notices as shall have been submitted pursuant to this act.

(c) The director may omit from the New Jersey Register or compilation any rule the publication of which would be unduly cumbersome, expensive, or otherwise inexpedient, if the rule in printed or processed form is made available by the adopting agency on application thereto, and if the register or code contains a notice stating the general subject matter of the omitted rule and stating the manner in which a copy thereof may be obtained. He may include within the New Jersey Register and the New Jersey Administrative Code any document, material or information which he in his discretion may deem appropriate and convenient.

(d) Copies of the New Jersey Register and compilations shall be made available upon request to agencies and officials of this State and such other public officials as the director may designate free of charge and to other persons at prices fixed by the director to cover mailing and publication costs.

(e) To facilitate uniformity in the compilation and indexing of all agency rules, the director, in collaboration with the Director of the Division of the State Library, Archives and History, shall formulate and distribute to all agencies standards for the form, arrangement, numbering and indexing of agency rules and shall consult with each agency in the preparation of compilations of its rules.

(f) The director may determine the order in which such rules or any parts thereof are to be presented in the New Jersey Register and the New Jersey Administrative Code; he may number or renumber the parts, paragraphs and sections into which such rules may be divided; he may further divide or combine existing parts, paragraphs and sections and he may provide for appropriate digests, indices and other related material. He shall not, however, change the language of any existing rule excepting a title or explanatory caption; but he shall recommend any such changes as he may deem advisable to the administrative agency authorized to adopt such rule.

(g) The director is hereby authorized and empowered to promulgate and enforce interagency rules for the implementation and administration of this act.

C. 52:14B-8 Declaratory rulings of agencies.

8. Declaratory rulings. Subject to the provisions of section 4(b) and 4(e) of chapter 20, laws of 1944, as amended and supplemented (C. 52:17A–4b and 4e), an agency upon the request of any interested person may in its discretion make a declaratory ruling with respect to the applicability to any person, property or state of facts of any statute or rule enforced or administered by that agency. A declaratory ruling shall bind the agency and all parties to the proceedings on the state of facts alleged. Full opportunity for hearing shall be afforded to the interested parties. Such ruling shall be deemed a final decision or action subject to review in the Appellate Division of the Superior Court. Nothing herein shall affect the right or practice of every agency in its sole discretion to render advisory opinions.

C. 52:14B-9 Notice and conduct of hearings.

9. (a) In a contested case, all parties shall be afforded an opportunity for hearing after reasonable notice.

(b) The notice shall include in addition to such other information as may be deemed appropriate:

(1) A statement of the time, place, and nature of the hearing;

(2) A statement of the legal authority and jurisdiction under which the hearing is to be held;

(3) A reference to the particular sections of the statutes and rules involved;

(4) A short and plain statement of the matters asserted. If the agency or other party is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved. Thereafter upon application a more definite and detailed statement shall be furnished.

(c) Opportunity shall be afforded all parties to respond, appear and present evidence and argument on all issues involved.

(d) Unless precluded by law, informal disposition may be made of any contested case by stipulation, agreed settlement, or consent order.

(e) Oral proceedings or any part thereof shall be transcribed on request of any party at the expense of such party.

(f) Findings of fact shall be based exclusively on the evidence and on matters officially noticed.

(g) Unless otherwise provided by any law, agencies may place on any party the responsibility of requesting a hearing if the agency notifies him in writing of his right to a hearing and of his responsibility to request the hearing.

C. 52:14B-10 Admissible evidence; certain notice authorized; presiding officer's report; form, contents and effective date of final decision.

10. In contested cases:

(a) The parties shall not be bound by rules of evidence whether statutory, common law, or adopted by the Rules of Court. All relevant evidence is admissible, except as otherwise provided herein. The presiding officer may in his discretion exclude any evidence if he finds that its probative value is substantially outweighed by the risk that its admission will either (i) necessitate undue consumption of time or (ii) create substantial danger of undue prejudice or confusion. The presiding officer shall give effect to the rules of privilege recognized by law. Every party shall have the right to present his case or defense by oral and documentary evidence, to submit rebuttal evidence and to conduct such cross-examination as may be required for a full and true disclosure of the facts.

(b) Notice may be taken of judicially noticeable facts. In addition, notice may be taken of generally recognized technical or scientific facts within the agency's specialized knowledge. Parties shall be notified either before or during the hearing, or by reference in preliminary reports or otherwise, of the material notice, including any staff memoranda or data, and they shall be afforded an opportunity to contest the material so noticed. The agency's experience, technical competence, and specialized knowledge may be utilized in the evaluation of the evidence.

(c) When a person not empowered to render an administrative adjudication is designated by the head of the agency as the presiding officer, his recommended report and decision containing recommended findings of fact and conclusions of law shall be filed with the agency and delivered or mailed to the parties of record; and an opportunity shall be afforded each party of record to file exceptions, objections and replies thereto, and to present argument to the head of the agency or a majority thereof, either orally or in writing, as the agency may order. The head of the agency shall adopt, reject or modify the recommended report and decision. The recommended report and decision shall be a part of the record in the case.

(d) A final decision or order adverse to a party in a contested case shall be in writing or stated in the record. A final decision shall include findings of fact and conclusions of law, separately stated. Findings of fact, if set forth in statutory language, shall be accompanied by a concise and explicit statement of the underlying facts supporting the findings. If, in accordance with agency rules, a party submitted proposed findings of fact, the decision shall include a ruling upon each proposed finding. Parties shall be notified either personally or by mail of any decision or order. Upon request a copy of the decision or order shall be delivered or mailed forthwith by registered or certified mail to each party and to his attorney of record.

(e) Except where otherwise provided by law, the administrative adjudication of the agency shall be effective on the date of delivery or on the date of mailing, of the final decision to the parties of record, whichever shall occur first, or shall be effective on any date after the date of delivery or mailing, as the agency may provide by general rule or by order in the case. The date of delivery or mailing shall be stamped on the face of the decision.

C. 52:14B-11 Hearings authorized for certain licensees.

11. No agency shall revoke or refuse to renew any license unless it has first afforded the licensee an opportunity for hearing in conformity with the provisions of this act applicable to contested cases. If a licensee has, in accordance with law and agency rules, made timely and sufficient application for a renewal, his license shall not expire until his application has been finally determined by the agency. Any agency that has authority to suspend a license without first holding a hearing shall promptly upon exercising such authority afford the licensee an opportunity for hearing in conformity with the provisions of this act.

This section shall not apply (1) where a statute provides that an agency is not required to grant a hearing in regard to revocation, suspension or refusal to renew a license, as the case may be; or (2) where the agency is required by any law to revoke, suspend or refuse to renew a license, as the case may be, without exercising any discretion in the matter, on the basis of a judgment of a court of competent jurisdiction; or (3) where the suspension or refusal to renew is based solely upon failure of the licensee to maintain insurance coverage as required by any law or regulation.

C. 52:14B-12 Administrative or judicial review.

12. Whenever under statute or agency rule there is a mode of administrative review within an agency, such review shall remain unimpaired and any judicial review shall be from the final action of the agency. The administrative review within the agency need not comply with the requirements for the conduct of contested cases.

C. 52:14B-13 Affect of act on prior proceedings.

13. Nothing in this act shall be deemed to affect any agency proceeding initiated prior to the effective date hereof.

C. 52:14B-14 Severability of act.

14. 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.

C. 52:14B-15 Repealer.

15. All acts and parts of acts which are inconsistent with the provisions of this act are, to the extent of such inconsistency, hereby repealed; but such repeal shall not affect pending proceedings.

16. There is hereby appropriated out of the General Treasury the sum of $300,000.00 to the Department of State for use to the extent and in the manner that the secretary may deem necessary in connection with the action authorized by section 17 of this act for the fiscal year ending June 30, 1969.

17. This act shall take effect September 1, 1969; provided, however, that any agency upon which responsibility or duty is imposed by this act may immediately take such action as may be necessary in preparation for the discharge of such responsibility or duty.

Approved January 14, 1969.

CHAPTER 411

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, 1969, and regulating the disbursement thereof," approved June 25, 1968 (P. L. 1968, c. 119).

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

1. The following sums are appropriated out of the General State Fund, for the purpose herein specified:

080-100. CHIEF EXECUTIVE'S OFFICE

Extraordinary:

For the expenses of the New Jersey 1969 Presidential Inauguration Committee to consist of the Governor, the Chairman of the State Committee of the party of the President-elect and one additional member to be appointed jointly by the other 2 members of the committee	$10,000 00

2. This act shall take effect immediately.

Approved January 14, 1969.

CHAPTER 412

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, 1969 and regulating the disbursement thereof," approved June 25, 1968 (P. L. 1968, c. 119).

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 Treasury for the purposes hereinafter specified:

DEPARTMENT OF LAW AND PUBLIC SAFETY

DIVISION OF STATE POLICE

120-100. GENERAL

For salaries, cash in lieu of maintenance, materials and supplies for and in support of 50 additional troopers $250,000 00

2. This act shall take effect immediately.

Approved January 15, 1969.

CHAPTER 413

AN ACT providing for the establishment of a medical assistance program for eligible persons and providing for the administration thereof.

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

C. 30:4D-1 Short title.

1. Short title. This act shall be known and may be cited as the "New Jersey Medical Assistance and Health Services Act."

C. 30:4D-2 Declaration of purpose.

2. Declaration of purpose. It is the intent of the Legislature to make statutory provision which will enable the State of New Jersey to provide medical assistance, insofar as practicable, on behalf of persons whose resources are determined to be inadequate to enable them to secure quality medical care at their own expense, and to enable the State, within the limits of funds available for any fiscal year for such purposes, to obtain all benefits for medical assistance provided by the Federal Social Security Act as it now reads or as it may hereafter be amended, or by any other Federal act now in effect or which may hereafter be enacted.

C. 30:4D-3 Definitions.

3. Definitions. As used in this act, and unless the context otherwise requires:

a. "Applicant" means any person who has applied for medical assistance under this act.

b. "Commissioner" means the Commissioner of the Department of Institutions and Agencies.

c. "Department" means the Department of Institutions and Agencies, which is herein designated as the single State agency to administer the provisions of this act.

d. "Medical assistance" means payments on behalf of recipients to providers for medical care and services.

e. "Provider" means any person, public or private institution, agency or business concern lawfully providing medical care, services, goods and supplies authorized under this act, holding, where applicable, a current valid license to provide such services or to dispense such goods or supplies.

f. "Qualified applicant" means a person who is a resident of this State and is determined to need medical care and services as provided under this act, and who:

(1) Is a recipient of old age assistance, assistance for the permanently and totally disabled, assistance for the blind or assistance for dependent children; or

(2) Would be eligible to receive public assistance under the State categorical assistance programs except for failure to meet an eligibility condition or requirement imposed under such State program which is prohibited under Title XIX of the Federal Social Security Act such as a durational residence requirement, relative responsibility, consent to imposition of a lien; or

(3) Is a child between 18 and 21 years of age who would be eligible for assistance for dependent children living in the family

group except for lack of school attendance or pursuit of formalized vocational or technical training; or

(4) Is a spouse of a recipient of old age assistance, assistance for the permanently and totally disabled, or assistance for the blind who is living with such recipient and whose needs are taken into account in determining the amount of cash payment made to the recipient; or

(5) Is a child eligible under Title IV of the Federal Social Security Act, in foster placement under supervision of the Bureau of Children's Services; or

(6) Meets the standard of need applicable to his circumstances under a categorical assistance program but who is not receiving such assistance and elects not to receive it.

g. "Recipient" means any person who is determined to be eligible to receive medical assistance under this act.

h. "Resident" means a person living, other than temporarily, within the State. Temporary absences from the State shall not cause a person to lose his status of a resident of this State.

i. "State Medicaid Commission" means the Governor, the Commissioner of Institutions and Agencies, the President of the Senate and the Speaker of the General Assembly, hereby constituted a commission to approve and direct the means and method for the payment of claims pursuant to this act.

C. 30:4D-4 Division of Medical Assistance and Health Services created.

4. There is hereby created in the Department of Institutions and Agencies a Division of Medical Assistance and Health Services. The division shall perform those administrative and operational functions vested in the department pursuant to the provisions of this act and any other functions that the State Board of Control may, from time to time, elect to assign to such division. The division shall consult with and co-ordinate programs related to medical assistance and health care services being furnished by other State agencies to avoid duplication of effort.

C. 30:4D-5 Medical assistance program.

5. Medical assistance program. The department, which is hereby designated the single State agency to administer the provisions of this act, through the Division of Medical Assistance and Health Services, by rules and regulations, shall implement and administer the program of medical assistance to provide necessary medical care and services for qualified applicants as provided by this act.

C. 30:4D-6 Basic medical care and services.

6. Basic medical care and services.

a. Subject to the requirements of Title XIX of the Federal Social Security Act, the limitations imposed by this act and by the rules and regulations promulgated pursuant thereto, the medical assistance program shall include authorized services within each of the following classifications:

(1) Inpatient hospital services (other than services in an institution for tuberculosis or mental diseases);

(2) Outpatient hospital services;

(3) Other laboratory and X-ray services;

(4) (a) Skilled nursing home services (other than services in an institution for tuberculosis or mental diseases) for persons 21 years of age or older;

(b) Such early and periodic screening and diagnosis of individuals who are eligible under the program and are under age 21 to ascertain their physical or mental defects and such health care, treatment, and other measures to correct or ameliorate defects and chronic conditions discovered thereby, as may be provided in regulations of the Secretary of the Federal Department of Health, Education and Welfare and approved by the commissioner;

(5) Physicians' services furnished in the office, the patient's home, a hospital, skilled nursing home or elsewhere;

b. Subject to the limitations imposed by Federal law, by this act, and by the rules and regulations promulgated pursuant thereto, the medical assistance program may be expanded to include authorized services within each of the following classifications:

(1) Medical care not included in subsection a. (5) above, or any other type of remedial care recognized under State law, furnished by licensed practitioners within the scope of their practice as defined by State law; provided, however, at the program's inception such practitioners shall be limited to podiatrists and optometrists;

(2) Home health care services;

(3) Clinic services;

(4) Dental services;

(5) Physical therapy and related services;

(6) Prescribed drugs, dentures, and prosthetic devices; and eyeglasses prescribed by a physician skilled in diseases of the eye or by an optometrist, whichever the individual may select;

(7) Other diagnostic, screening, preventive, and rehabilitative services, and other remedial care;

(8) Inpatient hospital services and skilled nursing home services for individuals 65 years of age or over in an institution for tuberculosis or mental diseases;

(9) Any other medical care and any other type of remedial care recognized under State law, specified by the Secretary of the Federal Department of Health, Education and Welfare, and approved by the commissioner.

c. Payments for the foregoing services, goods and supplies furnished pursuant to this act shall be made to the extent authorized by this act, the rules and regulations promulgated pursuant thereto and, where applicable, subject to the agreement of insurance provided for under this act. Every provider making a claim for payment pursuant to this act shall certify in writing that no additional amount will be charged to the recipient for the services, goods and supplies furnished.

d. Any individual eligible for medical assistance (including drugs) may obtain such assistance from any institution, agency, community pharmacy, or person, qualified to perform the service or services required (including an organization which provides such services, or arranges for their availability on a prepayment basis), who undertakes to provide him such services.

e. Anything in this act to the contrary notwithstanding, no payments for medical assistance shall be made under this act with respect to care or services for any individual who

(1) Is an inmate of a public institution (except as a patient in a medical institution), or

(2) Has not attained 65 years of age and who is a patient in an institution for tuberculosis or mental diseases.

C. 30:4D-7 Duties of commissioner.

7. Duties of commissioner. Under general policies established by the State Board of Control, the commissioner is authorized and empowered to issue, or to cause to be issued through the Division of Medical Assistance and Health Services all necessary rules and regulations and administrative orders, and to do or cause to be done all other acts and things necessary to secure for the State of New Jersey the maximum Federal participation that is available with respect to a program of medical assistance, consistent with fiscal responsibility and within the limits of funds available for any fiscal year, and to the extent authorized by the medical assistance program plan; to adopt fee schedules with regard to medical

assistance benefits and otherwise to accomplish the purposes of this act, including specifically the following:

a. Subject to the limits imposed by this act, to submit a plan for medical assistance, as required by Title XIX of the Federal Social Security Act, to the Federal Department of Health, Education and Welfare for approval pursuant to the provisions of such laws; to act for the State in making negotiations relative to the submission and approval of such plan, to make such arrangements, not inconsistent with the law, as may be required by or pursuant to Federal law to obtain and retain such approval and to secure for the State the benefits of the provisions of such law;

b. Subject to the limits imposed by this act, to determine the amount and scope of services to be covered, that the amounts to be paid are reasonable, and the duration of medical assistance to be furnished; provided, however, that the department shall provide medical assistance on behalf of all recipients of categorical assistance and such other related groups as are mandatory under Federal laws and rules and regulations, as they now are or as they may be hereafter amended, in order to obtain Federal matching funds for such purposes and, in addition, provide medical assistance for the foster children specified in section 3.f.(5) of this act. The medical assistance provided for these groups shall not be less in scope, duration, or amount than is currently furnished such groups, and in addition, shall include at least the minimum services required under Federal laws and rules and regulations to obtain Federal matching funds for such purposes.

The commissioner is authorized and empowered, at such times as he may determine feasible, within the limits of appropriated funds for any fiscal year, to extend the scope, duration, and amount of medical assistance on behalf of these groups of categorical assistance recipients, related groups as are mandatory, and foster children authorized pursuant to section 3.f.(5) of this act, so as to include, in whole or in part, the optional medical services authorized under Federal laws and rules and regulations, and the commissioner shall have the authority to establish and maintain the priorities given such optional medical services; provided, however, that medical assistance shall be provided to at least such groups and in such scope, duration, and amount as are required to obtain Federal matching funds, but in no event shall medical assistance be furnished under this act on behalf of any individuals or groups not enumerated in section 3. f. for whom Federal matching funds

cannot be obtained, nor in any scope, duration or amount in excess of those for which Federal matching funds can be obtained;

c. To administer the provisions of this act;

d. To make reports to the Federal Department of Health, Education and Welfare as from time to time may be required by such Federal department and to the New Jersey Legislature as hereinafter provided;

e. To assure that any applicant for medical assistance shall be afforded the opportunity for a fair hearing by the department should his claim for medical assistance be denied or not acted upon with reasonable promptness;

f. To provide that either the recipient or the provider shall be afforded the opportunity for a fair hearing within a reasonable time on any valid complaint;

g. To provide safeguards to restrict the use or disclosure of information concerning applicants and recipients to purposes directly connected with administration of this act.

h. To recover any and all payments incorrectly or illegally made to a recipient or provider from such provider, the recipient or his estate;

i. To recover any and all benefits incorrectly paid to a provider on behalf of a recipient from such recipient or from his estate except that no lien may be imposed against property of the recipient prior to his death except pursuant to the judgment of a court;

j. To take all reasonable measures to ascertain the legal liability of third parties to pay for care and services (available under the plan) arising out of injury, disease, or disability; where it is known that a third party has a legal liability, to treat such legal liability as a resource of the individual on whose behalf the care and services are made available for purposes of determining eligibility; and in any case where such a legal liability is found to exist after medical assistance has been made available on behalf of the individual, to seek reimbursement for such assistance to the extent of such legal liability. In any case where such a legal liability is found the department shall be subrogated to the rights of the individual for whom medical assistance was made available.

k. To solicit, receive and review bids pursuant to the provisions of P. L. 1954, chapter 48 (C. 52:34–6 et seq.) and all amendments and supplements thereto, by authorized insurance companies and nonprofit hospital service corporations or medical service corporations, incorporated in New Jersey, and authorized to do business pursuant to P. L. 1938, chapter 366 (C. 17:48–1 et seq.) or P. L.

1940, chapter 74 (C. 17:48A–1 et seq.), and to make recommendations in connection therewith to the State Medicaid Commission.

l. To contract, or otherwise provide as in this act provided, for the payment of claims in the manner approved by the State Medicaid Commission.

m. Where necessary, to advance funds to the underwriter or fiscal agent to enable such underwriter or fiscal agent, in accordance with terms of its contract, to make payments to providers;

n. To contract with and to pay the appropriate county welfare boards for investigating and determining whether applicants for benefits under this act are eligible therefor under the standards prescribed by the department;

o. To assure that the nature and quality of the medical assistance provided for under this act shall be uniform and equitable to all recipients.

C. 30:4D-8 Method of providing payment of claims.

8. The determination of the method of providing payment of claims under this act shall be made by the State Medicaid Commission on recommendation of the commissioner which method may be:

a. By contract with insurance companies incorporated and licensed to do business in the State of New Jersey or with nonprofit hospital service corporations or medical service corporations, incorporated in New Jersey, and authorized to do business pursuant to P. L. 1938, c. 366 (C. 17:48–1 et seq.) or P. L. 1940, c. 74 (C. 17:48A–1 et seq.), to underwrite, but not for profit, on an insured premium approach, that portion of the program covering all cash grant beneficiaries plus all other State certified recipients of medical assistance within the classes set forth in section 3. f. (1) through (6) of this act, with the exception of those persons who are confined in institutions for tuberculosis and mental care or who are required by medical necessity to be confined on a presumably permanent basis in other medical care institutions by reason of disease or injury, which contract executed pursuant to section 8a shall provide that for those persons included in the program but not covered on an underwritten basis, the same carrier selected under 8a shall act as fiscal agent for the department, but not for profit, for such medical assistance benefits as may be available, and any carrier selected pursuant to the provisions of this act is hereby expressly authorized and empowered to undertake the performance of the requirements of such contract.

b. By contract with an insurance company incorporated and licensed to do business in the State of New Jersey or with non-profit organizations, incorporated in New Jersey, and authorized to do business pursuant to P. L. 1938, c. 366 (C. 17:48–1 et seq.) or P. L. 1940, c. 74 (C. 17:48A–1 et seq.), to act as fiscal agent.

c. By direct administration by the Department of Institutions and Agencies.

C. 30:4D-9 Contents of bid or contract.

9. Any bid solicited and any contract awarded by the commissioner in accordance with 8a, above shall contain:

(1) The method of payment subject to an audit of cash needs as determined by the underwriter with approval of the Director of Budget and Accounting and the State Treasurer and by such means as shall be directed by the Director of Budget and Accounting;

(2) That the initial contract term shall be for a period of 2 years commencing January 1, 1970, renewable for a period of 3 years and thereafter renewable for subsequent contract terms of 1 year each of the option of the parties; provided, however, at intervals of 6 months during any contract term, under conditions specified in subparagraph (4) and (5) below, the amount of the premium rate shall be subject to adjustment for the next 6 month interval of the then current contract term or the ensuing contract term, whichever is applicable;

(3) That provision shall be made for the establishment and maintenance, in the custody of the underwriter on behalf of the State, of a rate stabilization reserve to which the State, on the effective date of the contract, shall make an initial contribution of $2,000,000.00. Thereafter, it shall be the intent, from premium contributions and interest earnings, to increase said reserve to an amount equal to approximately 2 months' average premium payments and, to the extent feasible, to maintain it at that figure; and, to assure compliance with such intent, all premium rates for said contract shall include a factor which is projected to accumulate to and maintain said reserve at the level herein specified. Funds in said reserve shall be available for use by the underwriter to cover liabilities under the contract during any contract term in which the incurred liabilities of the underwriter for claims payments and operating expenses exceed premiums paid;

(4) That for any rating period should the incurred premiums payable exceed the sum of (a) liabilities for paid and incurred claims, and (b) liabilities for paid and incurred operating expenses of the underwriter, such excess and any interest thereon shall

accrue to the benefit of the State and shall be credited to the rate stabilization reserve. Any such funds held on behalf of the State shall be invested by the Director of the Division of Investments in the Department of the Treasury or invested in a manner prescribed by such director. If at the end of any rating period, the amount in said reserve exceeds the level specified in subparagraph (3) above, this fact, along with the relevant factors specified in subparagraph (6) below, shall be taken into consideration in determining whether or not an adjustment in premium rate will be required for the ensuing rating period;

(5) That should premiums paid, for a 6 month rating period in any contract term, be insufficient to cover liabilities for paid and incurred claims and operating expenses of the underwriter and to maintain the rate stabilization reserve at the level specified in section 9 (3), there shall be an adjustment in the premium rate for the ensuing rating period. The new premium shall provide for the recoupment of such insufficiency;

(6) That all premium rates for the contract shall be calculated giving due consideration to all relevant factors including the experience derived during the current and prior rating periods, future cost trends, and maintenance of the rate stabilization reserve. The amount of the premium rate for each 6 months' rating period shall be subject to approval of the Commissioner of Banking and Insurance. Should such approval be given after the beginning of the rating period to which the new premium rate is applicable, the new rate, nevertheless, shall be effective as of the beginning of said rating period and an appropriate retroactive adjustment in premium payments shall be made;

(7) That either party may cancel such contract upon reasonable notice to the other, but not less than 6 months notice, subject to full final accounting and settlement of liabilities;

(8) That the State shall have the right to audit the financial records of the carrier and shall have the right to conduct a performance review of the carrier, continuously or in such manner as it may deem fit, and shall have the right to audit the financial records of providers, insofar as those records deal with patients who have been treated under the provisions of this act;

(9) That the underwriter and fiscal agent shall quarterly and at such other times as the State Treasurer may require and in such form as he prescribes, render an account of the expenditures of money advanced pursuant to this act.

C. 30:4D-10 Commissioner's report and recommendations.

10. Upon the opening of sealed bids submitted in accordance with sections 8. a. and 9, the commissioner shall review the same and make a report and recommendation for acceptance or rejection of a bid to the State Medicaid Commission which shall be convened to receive, consider and act upon the commissioner's recommendation. The State Medicaid Commission shall in reviewing the bids and the recommendations of the commissioner be guided by such considerations as:

a. The amount of the bids.

b. The ability of the underwriter and fiscal agent in carrying out the scope of medical assistance benefits with providers which ability the underwriter already has or is in a position to secure, whereby payments are made on behalf of subscribers or policyholders directly to various providers of medical services under cost reimbursement formulas or in accordance with fee schedules agreed upon in advance.

c. The demonstrated effectiveness of control mechanisms to assure quality of care, appropriate utilization of service and claims cost control.

C. 30:4D-11 Commission's action.

11. The State Medicaid Commission by majority vote of all its members shall (a) approve or disapprove the lowest responsible bid submitted under 8. a. and should the bid be disapproved (b) direct that payment of claims under this act be made by the Department of Institutions and Agencies in the manner provided in section 8. b. or 8. c. as shall be determined by the State Medicaid Commission.

C. 30:4D-12 Department's responsibilities.

12. Subject to the limitations provided in sections 7, 8 and 9 of this act, the department shall (a) develop and employ such methods and procedures relating to the utilization of and the payment for medical care and services available under the plan as may be necessary to safeguard against unnecessary utilization of such care and services;

(b) Assure that payments (including payments for any drugs provided under the plan) are not in excess of reasonable charges (reasonable costs in the instance of inpatient hospital services) consistent with efficiency, economy and quality of care; and

(c) Prescribe standards that participating providers must meet.

C. 30:4D-13 Certain fees prohibited.

13. Subject to the limitations set forth in sections 7, 8 and 9 of this act, the department shall assure that no enrollment fee, premium or similar charge is imposed on an applicant as a condition of eligibility for medical assistance under ths act.

C. 30:4D-14 Comprehensive medical plan; preparation; annual re-evaluation.

14. Pursuant to the limitations provided in this act and the Federal Social Security Act, the department shall prepare a comprehensive medical plan whereby the benefits of this program will be extended in accordance with the mandatory schedule for providing benefits required by the Federal legislation. This plan shall include alternative means of expanding the medical care benefits and coverage provided in this act. Such plan shall be reevaluated from time to time but no less than annually and shall be based upon a documented review of medical needs of low income families in New Jersey, a detailed analysis of priorities of service, coverage, program costs and an evaluation of progress.

C. 30:4D-15 Eligibility determination.

15. Eligibility determination. The department shall assure:

(a) That all individuals wishing to make application for medical assistance shall have the opportunity to do so;

(b) That the processing of applications shall be simplified to the end that medical benefits shall be furnished to recipients as soon as possible.

C. 30:4D-16 State's share of costs.

16. The State shall provide such funds as may be necessary to meet its share of the costs incurred under this act.

C. 30:4D-17 Penalty.

17. Penalty. (a) It shall be unlawful for any person to willfully obtain benefits under this act to which he is not entitled, or in a greater amount than to which he is entitled, and, further, it shall be unlawful for any provider to receive medical assistance payments to which he is not entitled, or in a greater amount than to which he is entitled, or to falsify any report required under this act.

(b) Any person who violates the provisions of subsection (a) of this section shall be guilty of a misdemeanor.

C. 30:4D-18 Reporting and oversight.

18. Reporting and oversight. The commissioner shall report to the Governor and the Legislature, at least once each year, which

report shall include a summary of its activities for the preceding year and any recommendations or suggestions for legislative consideration.

The commissioner shall meet at least once a year with representatives of the statewide recognized professional societies of each of the providers of all of the medical services for the purpose of hearing suggestions on a continuing basis for the improvement of the administration and operation of this act, the commissioner shall report these suggestions to the Governor and the Legislature.

The Legislature through the Senate and Assembly Standing Committees on Institutions and Welfare shall review, on a continuous basis, the development, administration and operation of the program provided for in this act. To facilitate this review and oversight, the commissioner shall submit to the committees the report provided for above, the report of the department's program for the progressive implementation of Medicaid in New Jersey and such other reports as shall be called for by the committees from time to time.

Periodically during a fiscal year and at least 30 days prior to announcing any modification of eligibility requirements under a categorical program, the Commissioner of Institutions and Agencies shall specially report to the Senate and Assembly Standing Committees on Institutions and Welfare, outlining in detail the proposed modifications, including estimates of the impact on the case loads and costs as to the program directly affected and on other categorical programs.

C. 30:4D-19 Severability of act.

19. Severability clause. 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.

20. Effective date. This act shall take effect January 1, 1970, but all arrangements necessary or appropriate to enable this act to become fully effective on said date shall be made as promptly as possible as though this act were effective immediately.

Approved January 15, 1969.

CHAPTER 414

AN ACT concerning the use of toll roads and other toll facilities by members of the reserve components of the Armed Forces of the United States, and supplementing Title 38 of the Revised Statutes.

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

C. 38A:4-14 Use of facilities without charge.

1. Any member of a reserve component of any of the Armed Forces of the United States while going to, or returning from, any parade, encampment, drill, meeting or active duty for training which he may be required to attend or undertake under the laws and regulations for such reserve component, shall, together with his conveyance and the military property of the United States in his charge, be allowed to pass free of charge through all toll gates and over all toll roads, bridges and ferries within this State, if he is in uniform or if he presents an order for duty or a certificate from his commanding officer that he is a member of such reserve component.

2. This act shall take effect immediately.

Passed January 14, 1969.

CHAPTER 415

AN ACT to amend and supplement "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:*

1. Section 19 of the act of which this act is amendatory (C. 17:9A–19) is amended to read as follows:

C. 17:9A-19 Branch offices; locations; capital requirements.

19. Branch offices; locations; capital requirements.

A. Any bank or savings bank may, pursuant to a resolution of its board of directors or board of managers, establish and maintain branch offices, subject to the conditions and limitations of this article.

B. No bank or savings bank shall establish or maintain a branch office which is located outside the municipality in which it maintains its principal office; except that a bank or savings bank may establish and maintain a branch office or offices anywhere in the same banking district as that in which it maintains its principal office:

(1) when such bank is a receiving bank as defined in section 132 or a receiving savings bank as defined in section 205, and each proposed branch will be established at a location occupied by the principal office or a branch office of a merging bank, as defined in section 132; or a merging savings bank, as defined in section 205; or

(2) when each proposed branch will be established at a location occupied by the principal office or a branch office of a banking institution in liquidation or in contemplation of liquidation; or

(3) when each proposed branch will be established in a municipality in which no banking institution has its principal office or a branch office; except that, when a municipality has a population of 7,500 or more, and no banking institution has its principal office therein, a bank or savings bank may establish and maintain a branch office or offices in such municipality notwithstanding the presence therein of one or more branch offices of one or more banking institutions.

C. No bank shall hereafter establish a branch office unless its capital stock and surplus shall at least equal the minimum capital stock and surplus required by section 4 on the organization of a bank to transact business at the location occupied by the principal office of the bank proposing to establish such branch office, plus at least $100,000.00 of capital stock for each branch office maintained or proposed to be established by such bank.

D. No savings bank shall hereafter establish a branch office unless its surplus shall at least equal the minimum capital deposits required by section 8 on the organization of a savings bank to transact business at the location occupied by the principal office of the savings bank proposing to establish such branch office, plus at least $100,000.00 of surplus for each branch office maintained or proposed to be established by such savings bank.

E. Nothing in this section shall affect the continued maintenance of any branch office lawfully in operation on the effective date of this act.

F. For the purposes of this article and of articles 21 and 31, 3 banking districts are hereby established in this State, to be known respectively as the first banking district, the second banking district and the third banking district. The first banking district shall

consist of the counties of Bergen, Essex, Hudson, Morris, Passaic, Sussex and Warren. The second banking district shall consist of the counties of Hunterdon, Mercer, Middlesex, Monmouth, Somerset and Union. The third banking district shall consist of the counties of Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Ocean and Salem.

2. Section 132 of the act of which this act is amendatory (C. 17:9A–132) is amended to read as follows:

C. 17:9A-132 Definitions.

132. Definitions.

As used in this article:

(1) "merging bank" means a bank which is merged, or which is in process of being merged, into another bank; and, in a case where a national banking association is merged into or consolidated with, or is in process of being merged into or consolidated with, a bank under the charter of such bank, "merging bank" also means such national banking association;

(2) "receiving bank" means a bank into which one or more other banks are merged, or are in process of being merged; and, in a case where a national banking association is merged into or consolidated with, or is in process of being merged into or consolidated with, a bank under the charter of such bank, "receiving bank" also means the bank into which such national banking association is merged or consolidated, or is in process of being merged or consolidated;

(3) "banking district" means a banking district as established by section 19.

3. Section 133 of the act of which this act is amendatory (C. 17:9A–133) is amended to read as follows:

C. 17:9A-133 What banks may merge.

133. What banks may merge.

Any 2 or more banks, all of which have their principal offices in the same banking district may, with the approval of the commissioner, merge one or more of them into another of them as provided in this article.

4. Section 199 of the act of which this act is amendatory (C. 17:9A–199) is amended to read as follows:

C. 17:9A-199 What savings banks may merge.

199. What savings banks may merge.

Any 2 or more savings banks, all of which have their principal offices in the same banking district may, with the approval of the

commissioner, merge one or more of them into another of them, as provided herein.

5. Section 148 of the act of which this act is amendatory (C. 17:9A–148) is amended to read as follows:

C. 17:9A-148 Merger or consolidation of banks and national banking associations; definition of "applicable Federal law."

148. Merger or consolidation of banks and national banking associations; definition of "applicable Federal law."

A. As used in subsection B of this section, "applicable Federal law" means the laws of the United States, as presently enacted and as hereafter from time to time supplemented or amended, governing the merger or consolidation of a bank organized under State laws into a national banking association, under the charter of such association; and, as used in subsection C of this section, "applicable Federal law" means the laws of the United States, as presently enacted and as hereafter from time to time supplemented or amended, governing the merger or consolidation of a national banking association into a bank organized under State laws, under the charter of such bank.

B. One or more banks may, without the approval of the commissioner or of any other officer, department, board or agency of this State, merge into or consolidate with a national banking association under the charter of such association, with the approval of the holders of at least ⅔ of the capital stock of each such bank entitled to vote. A majority of the directors of each such bank shall, within 10 days after such approval has been given, file in the department a certificate over their signatures that such approval has been given, and that the bank intends to act in pursuance thereof. Except as otherwise provided in subsection D of this section, a merger or consolidation authorized by this subsection shall be effected solely in the manner and with the effect provided by applicable Federal law, and no such merger or consolidation shall be subject to sections 132 through 147 or to any other law of this State; but a copy of the agreement or merger or consolidation certified by the comptroller of the currency shall be evidence, and may be recorded, as provided by sections 138. Upon the taking effect of the merger or consolidation, the bank shall be deemed to have surrendered its charter.

C. One or more national banking associations, or one or more national banking associations together with one or more banks

may, with the approval of the commissioner as provided by section 136, merge into a bank, or may consolidate with a bank under the charter of such bank. Each bank which is a party to such a merger or consolidation as a merging bank or as the receiving bank shall, in all respects, comply with and be subject to the provisions of sections 134 through 147, in the same manner and with the same effect as if all the parties to such merger or consolidation were banks; the rights, duties, obligations, powers and privileges of each such bank, whether such bank is a merging bank or the receiving bank, and of its or their depositors, other creditors, stockholders and all other persons in interest, shall be as prescribed and defined by sections 134 through 137; and except as in this subsection otherwise provided in respect to national banking associations, every provision contained in sections 134 through 137 shall be applicable to a merger or consolidation effected pursuant to this subsection, notwithstanding that a national banking association is a party to such a merger or consolidation. Each national banking association which is a party to a merger or consolidation authorized by this subsection shall comply with and be subject to the provisions of applicable Federal law, and the rights, duties, obligations, powers and privileges of such national banking association, and of its depositors, other creditors, stockholders and all other persons in interest, shall be as prescribed and defined by such applicable Federal law.

D. No merger or consolidation shall be effected pursuant to subsection B or subsection C of this section unless

(1) all the parties thereto have their principal offices in the same banking district; and

(2) national banking associations may, under the laws of the United States, merge into or consolidate with a bank organized under State laws, without approval by any United States authority other than an authority empowered by United States law to approve or disapprove of a merger between, or a consolidation of, State-chartered banks.

C. 17:9A-3.1 Activities of officers or employees; limitation.

6. No officer, director or employee of any bank may be, directly or indirectly, an incorporator of another bank.

C. 17:9A-26.1 Deposits or purchase of debentures; limitation.

7. No savings bank incorporated in this State or under the laws of another state or jurisdiction may be directly or indirectly a

capital depositor in, or the purchaser of capital debentures of, another savings bank in this State.

8. This act shall take effect 6 months from the date of its approval.

Approved January 17, 1969.

CHAPTER 416

AN ACT to amend "An act concerning the ownership of bank stock in certain cases, defining certain terms in relation thereto, imposing certain restrictions on such ownership, providing for the enforcement of the act and for punishment for violations thereof," approved June 5, 1957 (P. L. 1957, c. 70).

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 (C. 17:9A–345) is amended to read as follows:

C. 17:9A-345 Prohibited acquisitions; ownership by subsidiary and parent company.

2. Except as otherwise provided by sections 3 and 4 of this act,

(a) No company which owns more than 25% of the stock of any bank shall acquire ownership of more than 10% of the stock of another bank if, at the time of such acquisition, or if, as a result of such acquisition, the company owns, or would own, more than 10% of the stock of each of 2 or more banks whose aggregate average deposits exceed 20% of the aggregate average deposits of all banks other than savings banks transacting business in this State as of the 2 call dates for which published figures are available next preceding such acquisition; and

(b) No company which owns more than 25% of the stock of any bank located outside of this State shall own or acquire ownership of more than 5% of the stock of a bank located in this State.

Acquisition of ownership of more than a stated percentage of the stock of a bank shall include any acquisition of one or more shares after which the company owns more than the stated percentage.

In applying this section to a company, all bank stock owned by a subsidiary of such company and by the parent company of such company, shall be deemed to be owned by such company.

2. Section 3 of the act of which this act is amendatory (C. 17:9A–346) is amended to read as follows:

C. 17:9A-346 Stock acquired other than through investment, and as incident of discharge of duties; exemption.

3. Nothing in this act shall apply to bank stock which a company, lawfully acting in fiduciary capacity, acquires otherwise than through investment by such company, as an incident of the discharge of its duties as (a) guardian or coguardian of the estate of any person; (b) administrator or coadministrator, with or without the will annexed, of a decedent's estate; (c) executor or coexecutor of a will; (d) original, substituted or successor trustee or cotrustee of a testamentary trust; (e) original, substituted or successor trustee or cotrustee of an irrevocable nontestamentary trust created by one settlor and consisting solely of the settlor's property; (f) receiver or coreceiver; or (g) as assignee or coassignee for the benefit of creditors; nor shall anything in this act apply (h) to bank stock invested in by such company in administering a testamentary trust, or in administering a nontestamentary trust of the nature described in subdivision (e) above set forth in this section, if the instrument creating either such type of trust expressly authorizes investment in the bank stock so invested in; or (i) to bank stock acquired by a company in the regular course of securing a debt previously contracted in good faith, but any shares so acquired shall be disposed of within 2 years after the date of such acquisition; or (j) additional stock acquired by a company in a bank a majority of whose stock was owned by such company prior to such acquisition. A company acquiring bank stock in a manner expressed in this section shall be exempt from all the provisions of this act in respect to all such stock so acquired, and such stock shall not be deemed to be owned by such company within the meaning of this act. Nothing in this section shall be construed as authorizing any fiduciary to make any investment not otherwise authorized by law.

3. This act shall take effect immediately.

Approved January 17, 1969.

New Jersey State Library

CHAPTER 417

AN ACT to amend "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:*

1. Section 103 of the act of which this act is amendatory (C. 17:9A–103), is amended to read as follows:

C. 17:9A-103 Directors; stock ownership; oath.

103. Directors; stock ownership; oath.

A. Each director shall own in good faith and hold in his own name not less than $500.00 par value unpledged shares of the capital stock of the bank, or of a company as such term is defined in section 1 of chapter 70 of the laws of 1957 (C. 17:9A–344) owning more than 80% of the capital stock of such bank, or if the shares of any such company shall be without par value, capital stock having an aggregate book value of at least $500.00.

B. Each director shall, following his election or appointment and before assumption of any duties as a director, take an oath that he will, so far as the duty devolves upon him, diligently and honestly administer the affairs of the bank, and that he will not knowingly violate, or knowingly permit to be violated, any provision of this act, and that he owns in good faith and holds in his own name, not less than $500.00 par value unpledged shares of the capital stock of the bank, or of a company as such term is defined in section 1 of chapter 70 of the laws of 1957 (C. 17:9A–344) owning more than 80% of the capital stock of such bank, or if the shares of any such company shall be without par value, capital stock having an aggregate book value of at least $500.00. Such oath, subscribed by the director and certified by the officer before whom it is taken, shall be transmitted to the commissioner and filed in the department.

2. This act shall take effect immediately.

Approved January 17, 1969.

CHAPTER 418

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 26 of the act of which this act is amendatory (C. 17:12B–26) is amended to read as follows:

C. 17:12B-26 Establishment and operation of section 25 branch offices; notice of application; decision of commissioner.

26. 1. Subject to the other limitations of this act, an association may establish and operate one or more section 25 branch offices as follows:

(a) in the same municipality in which it operates its principal office, or

(b) in any other municipality in the same savings and loan district in which it operates its principal office where there is no principal office or branch office of any other association in operation at the time it is proposed to establish such branch office, or

(c) in any other municipality, having a population of 7,500 or more, in the same savings and loan district in which it operates its principal office where, at date of application, there is no principal office of any other association in operation at the time it is proposed to establish such branch office. The presence of one or more branch offices of one or more associations in such municipality shall not prevent the establishment of a section 25 branch office under this subdivision, or

(d) in a municipality in which the association is operating a section 25 or 27 branch office where there is no principal office or branch office of another association.

(e) for the purposes of this article and of Article XIII, 3 savings and loan districts are hereby established in this State, to be known respectively as the first savings and loan district, the second savings and loan district and the third savings and loan district. The first savings and loan district shall consist of the counties of Bergen, Essex, Hudson, Morris, Passaic, Sussex and Warren. The second savings and loan district shall consist of the counties of Hunterdon, Mercer, Middlesex, Monmouth, Somerset and Union.

The third savings and loan district shall consist of the counties of Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Ocean and Salem.

(f) nothing in this subsection shall affect the operation of any branch office legally established under prior law.

2. Section 27 of the act of which this act is amendatory (C. 17:12B–27) is amended to read as follows:

C. 17:12B-27 Section 27 branch office; application for authority to operate; terms and conditions; decision of commissioner.

27. Any State association, into which another association has been merged or which has acquired by purchase, reorganization or in any other manner, all or a substantial portion of the assets of another association, may make application to the commissioner for authority to operate the office previously operated by such other association, or a suitable substitute therefor, as a section 27 branch office. The commissioner may grant authority for the operation of such section 27 branch office under such terms and conditions as he shall prescribe, and such authority may be inclusive of authorized branch offices operated by the selling or merging association; provided, however, that no branch office or offices shall be established under this section, unless the offices of the associations are in the same savings and loan district and that the commissioner shall first determine that the operation of such branch office or offices is in the public interest and will be of benefit to the area served by such branch office or offices and to the members of the association.

Within 30 days after the filing of the merger or asset sale agreement with the commissioner or the holding of a hearing, whichever last occurs, the commissioner shall announce his decision upon such application and file in his office, a written memorandum stating the reasons therefor, which shall be open to public inspection; and he shall forthwith thereafter give written notice thereof to the applicant.

3. Section 198 of the act of which this act is amendatory (C. 17:12B–198) is amended to read as follows:

C. 17:12B-198 Authority.

198. Any 2 or more State associations located in the same savings and loan district may merge into a single State association, under the terms and procedure hereinafter set forth.

4. This act shall take effect 6 months after date of enactment.

Approved January 17, 1969.

CHAPTER 419

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, 1969, and regulating the disbursement thereof," approved June 25, 1968 (P. L. 1968, c. 119).

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

1. The following sum is hereby appropriated out of the General Treasury, for the purpose specified:

970-100. THE JUDICIARY

For the cost of convening a State-wide grand jury pursuant to laws of 1968, chapter 361 for the purpose of investigating allegations of organized crime activities in this State	$110,287 00

2. This act shall take effect immediately.

Approved January 16, 1969.

CHAPTER 420

AN ACT authorizing and providing for the issuance of gasoline jobbers' licenses to certain gasoline wholesale dealers, amending sections 54:39–18 through 54:39–21, 54:39–24 through 54:39–27, 54:39–35 and 54:39–37, and supplementing chapter 39 of Title 54, of the Revised Statutes.

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

C. 54:39-6.1 "Gasoline jobber" defined.

1. As used in this act "gasoline jobber" means a motor fuels wholesale dealer who regularly makes 95% or more of his gasoline sales to not less than 25 retail dealers, fleet operators or other large

consumers, including farm accounts and who maintains fixed gasoline storage facilities having a capacity of 50,000 gallons or more either owned or rented under a lease for a term of not less than 1 year.

C. 54:39-31.1 Gasoline jobber's license; application, fee, bond.

2. Any gasoline jobber, in lieu of or in addition to obtaining a wholesale license pursuant to Revised Statutes 54:39–31, may apply for and obtain a gasoline jobber's license on forms to be prescribed by the commissioner, by payment of an annual license fee of $50.00 and the filing of a bond in such form and amount as provided by law. A gasoline jobber's license shall not be assignable, and shall be valid only for the gasoline jobber in whose name issued. A gasoline jobber licensed pursuant to this section shall also be required to be licensed as a wholesale dealer to engage in the sale at wholesale of motor fuels other than gasoline.

3. Section 54:39–18 of the Revised Statutes is amended to read as follows:

Bond of distributor, gasoline jobber or importer.

54:39–18. Before granting a license authorizing any person to engage in business as a distributor, gasoline jobber or as an importer required by section 54:39–64 of the Revised Statutes to obtain a special license A, the commissioner shall require such person to file with him, in such form as he shall prescribe, a bond duly executed by such person as principal, and by a corporation approved by the commissioner and duly authorized to engage in business as a surety company by the Commissioner of Banking and Insurance of this State, as surety, payable to the State of New Jersey, conditioned upon faithful performance of all the requirements of this chapter and expressly providing for the payment of all taxes, penalties, and other obligations of such person arising out of this chapter.

4. Section 54:39–19 of the Revised Statutes is amended to read as follows:

Amount of bond.

54:39–19. The total amount of the bond or bonds required to be filed shall be fixed by the commissioner and may be increased or reduced by the commissioner at any time subject to the limitations herein provided. In fixing the total amount of the bond or bonds required to be filed by any distributor or gasoline jobber, the commissioner must require a bond or bonds equivalent in total amount

to 3 times the greatest monthly tax in such manner as the commissioner may deem proper. Where application is made by any person who has theretofore never engaged in business in this State as a distributor or gasoline jobber, prior to the filing of such application, the commissioner, after investigation, shall fix the total amount of such bond or bonds from such information as he may obtain after such investigation. The total amount of the bond or bonds required to be filed by any distributor or gasoline jobber shall never be less than $5,000.00 nor more than $25,000.00. No recoveries on any bond or any execution of any new bond shall invalidate any bond and no revocation of any license shall affect the validity of any bond.

5. Section 54:39–20 of the Revised Statutes is amended to read as follows:

Bond; term; release of surety; license canceled when bond not renewed.

54:39–20. Every bond hereafter filed with and approved by the commissioner shall, without the necessity of periodic renewal, remain in force and effect until such time as the distributor's license, or gasoline jobber's license or special license A of which it is a part is revoked for cause or otherwise canceled, or in the case of a gasoline jobber's license, has expired. No action on a bond shall be begun after 2 years from the date of revocation or cancellation of the license of which it is a part or from the date of expiration on nonrenewal of a gasoline jobber's license. The surety on a bond, as provided herein, shall be released and discharged from all liability to the State accruing on such bond after the expiration of 60 days from the date upon which such surety shall have lodged with the commissioner a written request to be released and discharged, but this provision shall not operate to relieve, release, or discharge the surety from any liability already accrued or which shall accrue before the expiration of the 60-day period. The commissioner shall promptly, upon receiving any such request, notify the principal who furnished the bond; and unless the principal shall, on or before the expiration of the 60-day period, file a new bond, the commissioner shall forthwith cancel the principal's license.

6. Section 54:39–21 of the Revised Statutes is amended to read as follows:

Deposit in lieu of bond.

54:39–21. In lieu of any such bond or bonds in total amount as fixed hereunder, any distributor or gasoline jobber may deposit

with the State Treasurer, under such terms and conditions as the commissioner may prescribe, a like amount of lawful money of the United States, or bonds or other obligations of the United States, or the State of New Jersey, of an actual market value not less than the amount fixed by the commissioner.

7. Section 54:39–24 of the Revised Statutes is amended to read as follows:

Acting as distributor or gasoline jobber without license; misdemeanor.

54:39–24. No person shall be a distributor or gasoline jobber without first securing a license from the commissioner. Any person who shall violate this provision shall be deemed guilty of a misdemeanor.

8. Section 54:39–25 of the Revised Statutes is amended to read as follows:

Keeping and preservation of records and statements.

54:39–25. Every distributor and gasoline jobber shall keep a record of all fuels sold or used which shall include the name of the purchaser, the number of gallons used or sold and the date of the sale or use. Every distributor and gasoline jobber shall also deliver with every consignment of such fuel to a purchaser within this State a written statement containing the date and number of gallons delivered and the names of the purchaser and seller, and such statement shall show a separate charge for the tax on every gallon; provided, however, that such statement shall not be required to be delivered by such distributor or gasoline jobber where sales of fuels are made at a service station and said fuels are delivered directly into the tank of a vehicle from which said fuels are directly supplied for the propulsion of said vehicles. The records and written statements shall be preserved by said distributor, gasoline jobber and said purchaser respectively, for a period of 1 year and shall be offered for inspection upon the verbal or written demand of the commissioner or any of his duly authorized assistants.

9. Section 54:39–26 of the Revised Statutes is amended to read as follows:

Monthly inventory; statement when required.

54:39–26. Every distributor and gasoline jobber shall take a physical inventory of fuels on hand on the first or last day of every calendar month and shall have the record of such inventory and of all other matters mentioned in this article available at all times

for the inspection of the commissioner or his assistants. Upon demand by the commissioner or his assistants every distributor and gasoline jobber shall furnish a statement under oath reflecting the contents of any records to be kept under this article.

10. Section 54:39–27 of the Revised Statutes is amended to read as follows:

Monthly report of fuels sold or used; tax levied; sales between distributors and between jobbers; penalty.

54:39–27. Every distributor and gasoline jobber shall, on or before the next to the last business day of each month, render a report to the commissioner, stating the number of gallons of fuel sold or used in this State by him during the preceding calendar month. A tax of $0.07 per gallon on each gallon so reported shall be paid by each distributor and gasoline jobber, such payment to accompany the filing of the report. Such report shall contain such further information as the commissioner may require. Under such regulations as the commissioner may prescribe, sales of fuel may be made by one licensed distributor or gasoline jobber to another licensed distributor or gasoline jobber free of such tax. If any distributor or gasoline jobber shall fail, neglect or refuse to file the report within the time prescribed by this section, the commissioner shall note such failure, neglect or refusal upon his records, and shall estimate the sales, distribution and use of said distributor or gasoline jobber, assessing the tax thereon, adding to said tax a penalty of 20% thereof for failure, neglect or refusal to report, and such estimate shall be prima facie evidence of the true amount of tax due to the commissioner from such distributor or gasoline jobber; provided, that if a good and sufficient cause or reason is shown for such delinquency, the commissioner may remit or waive the payment of the whole or any part of the penalty. Reports required by this section, exclusive of schedules, itemized statements and other supporting evidence annexed thereto, shall at all reasonable times be open to the public, anything contained in section 54:50–8 to the contrary notwithstanding.

11. Section 54:39–35 of the Revised Statutes is amended to read as follows:

Definition of terms with relation to corporations.

54:39–35. The terms "distributor," "gasoline jobber," "retail dealer," "wholesale dealer," and "person," as used in this chapter, shall include an officer, director, stockholder or employee of a corporation, or a member of a partnership, who as such officer,

director, stockholder, employee or member is under the duty to perform the act in respect of which the violation occurs.

12. Section 54:39–37 of the Revised Statutes is amended to read as follows:

License withheld where officers previously convicted of violations.

54:39–37. No corporation shall be entitled to hold a license as a distributor, gasoline jobber, wholesale dealer, retail dealer or special licensee, when it shall appear that any officer, director or employee of such corporation has heretofore been convicted of violating any of the provisions of this chapter, or where a license issued pursuant to the provisions of this chapter and held by such officer, director, or employee has been heretofore revoked by the commissioner for cause.

13. This act shall take effect 30 days after enactment.

Approved January 17, 1969.

CHAPTER 421

AN ACT to amend "An act authorizing cities of the second class of the State of New Jersey to lease lands," approved April 15, 1930 (P. L. 1930, c. 143).

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 (R. S. 40:176–12) is amended to read as follows:

Lease of municipal lands or buildings; term.

1. Every city of the second class of this State may lease to any person, partnership, corporation or association any land or building of the municipality not needed for public use for a fixed term not exceeding 99 years.

2. This act shall take effect immediately.

Approved January 17, 1969.

CHAPTER 422

AN ACT authorizing joint agreements between school districts, municipalities and counties for the purchase of materials and supplies, and amending chapter 228 of P. L. 1967, and chapter 245 of P. L. 1964, and chapter 18 of Title 18A of the New Jersey Statutes.

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

1. Section 1 of P. L. 1967, chapter 228 (C. 40:23–6.34) is amended to read as follows:

C. 40:23-6.34 Contracts with municipalities or school districts 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, school district or school districts located in such county to provide for the purchasing by the county of materials and supplies for use by the municipality or municipalities, school district or school districts.

2. Section 2 of P. L. 1967, chapter 228 (C. 40:23–6.35) is amended to read as follows:

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, school district or school districts and shall specify the manner in which payment therefor and for the costs incidental thereto shall be made by the municipality or municipalities, school district or school districts to the county.

3. Section 3 of P. L. 1967, chapter 228 (C. 40:23–6.36) is amended to read as follows:

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, school district or school districts shall be performed in accordance with chapter 25 of Title 40 of the Revised Statutes.

4. Section 4 of P. L. 1967, chapter 228 (C. 40:23–6.37) is amended to read as follows:

C. 40:23-6.37 Contract authorized by municipal ordinance or resolution of board of education; appropriation required.

4. a. 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.

b. The entering into any such contract by the school district or districts shall be authorized by resolution adopted by the board or boards of education of the school district or districts, 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 school district.

5. Section 1 of P. L. 1964, chapter 245 (C. 40:50–7.1) is amended to read as follows:

C. 40:50-7.1 Joint purchase of materials and supplies by municipalities and school districts; agreement.

1. The governing bodies of 2 or more municipalities within the same county or adjoining counties or a municipal governing body and the board of education of a school district wholly or partly within such municipality may provide jointly by agreement for the purchase of materials and supplies for use by their respective municipalities and school district or districts.

6. Section 2 of P. L. 1964, chapter 245 (C. 40:50–7.2) is amended to read as follows:

C. 40:50-7.2 Adoption of agreement by ordinance or resolution; contents.

2. Such agreement shall be adopted by ordinance of each of the participating governing bodies and, when a school district is a party, by resolution of the board of education for said school district, which shall set forth the categories of materials and supplies to be purchased, the manner in which the advertising for bids and the awarding of contracts pursuant to the chapter hereby supplemented shall be handled, the method of payment by each participating party, and other matters deemed necessary to carry out the purposes of the agreement.

7. Section 3 of P. L. 1964, chapter 245 (C. 40:50–7.3) is amended to read as follows:

C. 40:50-7.3 Appropriation and payment of share of expenditures.

3. Each municipality's or school district's share of expenditures for purchases pursuant to this act and any agreement entered into thereunder shall be appropriated and paid in the manner set forth in the agreement and in the same manner as for other expenses of the municipality or school district respectively.

8. Section 18A:18–1.1 of the New Jersey Statutes is amended to read as follows:

Joint purchase of supplies by municipality, county, or other districts; agreement.

18A:18–1.1. The boards of education of 2 or more districts may provide jointly by agreement for the purchasing of supplies for their respective districts or may provide for such purchases by joint agreement with the governing body of the municipality or county within whose boundaries such district is wholly or partly located.

9. Section 18A:18–1.5 of the New Jersey Statutes is amended to read as follows:

Controversies or disputes; determination; appeal.

18A:18–1.5. In the event that any controversy or dispute shall arise among the parties (except a municipality or county) to any such agreement, the same shall be referred to the county superintendent of the county in which the districts are situate for determination and his determination thereon shall be binding, subject to appeal to the commissioner and the State board pursuant to law. In the event that the districts are in more than one county, the controversy or dispute shall be referred to the county superintendents of the counties for joint determination, and if they shall be unable to agree upon a joint determination within 30 days, the controversy or dispute shall be referred to the commissioner for determination.

10. This act shall take effect immediately.

Approved January 20, 1969.

CHAPTER 423

AN ACT to authorize the township of Bedminster in the county of Somerset to make permanent the appointment of Robert L. Cramer and Robert I. Morris to the police department of the township of Bedminster.

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

Private act.

1. Pursuant to the provisions of chapter 199 of the laws of 1948, under which a petition for a special law has been filed with the Legislature, the township of Bedminster in the county of Somerset is authorized to make permanent the appointment of Robert L. Cramer and Robert I. Morris to the police department of Bedminster notwithstanding their ages are 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 contribution deemed due and payable from the date of original appointment.

3. This act shall take effect upon due adoption of a resolution of the township of Bedminster for the purpose of adopting same.

Approved January 20, 1969.

CHAPTER 424

AN ACT relating to the public transportation system of the State and making appropriations for the improvement of State highways and the improvement of mass transportation facilities.

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

1. There is hereby appropriated from the State Transportation Fund the sum of $215 million, or so much thereof as may be necessary, for State highways and for the improvement of State highways, on the following highway projects for the purposes indicated:

A. CONSTRUCTION PROJECTS

ROUTE	ROUTE DESCRIPTION	COUNTY
1 & 9	Communipaw Avenue	Hudson
3	Berry's Creek to Rt. 20	Bergen
3	Orient Way to Berry's Creek	Bergen
4	Erie R. R. to Rt. 208—Fair Lawn	Bergen
13	Hollywood Blvd. to Bay Ave. (Lovelandtown Bridge)	Ocean
15	Main St., Sparta	Sussex
17	Rt. 3 to Ann St.	Bergen
17	Prospect Ave., Sheridan Ave. Intg.	Bergen
17	Allendale Ave. Intg.	Bergen
21 Fwy.	Lafayette Ave. to Monroe St.	Passaic
24 Fwy.	Erie Lack. R. R. to Passaic River	Union
27	Millstone Riv. Bridge Relocation (Princeton-Kingston)	Mercer-Middlesex

ROUTE	ROUTE DESCRIPTION	COUNTY	
27	Willow Ave. to Wood Ave., Edison-Woodbridge	Middlesex	
28	Terrill Ave. to Spring St., Fanwood-Westfield	Union	
30	Intersection Revision (Stratford)	Camden	
33	N. J. Turnpike to Iron Ore Rd.	Monmouth	
35	Sylvania Ave. to Shark River	Monmouth	
35 Fwy.	South of Eatontown	Monmouth	
37	Barnegat Bay (Bridge)	Ocean	
37	Garden State Pkwy. to Lillie Ave.	Ocean	
40–322	Inside thrfe., to Jonathan's thrfe.	Atlantic	
42	Intersection Revision @ Rt. 322	Gloucester	
44	Clonmell Creek Culvert	Gloucester	
45	Rt. 8 to Redwood Ave.	Gloucester	$110,000,000
47	Oak Rd. to Chestnut Ave.	Cumberland	
47	Heston Rd. and Main St.	Gloucester	
71	Stockton Blvd., Blakey Ave.	Monmouth	
73	Rt. 30 to Atlantic City Expressway	Camden	
87	Brigantine Bridge	Atlantic	
94	Erie Lack. R. R. Bridge Widen. and Approaches (Lafayette Twp.)	Sussex	
162	Cape May Canal Br. and Approaches (Seashore Road, Lower Twp.)	Cape May	
174	Whitehead Rd. to Rt. 1	Mercer	
202	Delaware Riv. Bridge to Rt. 29	Hunterdon	
206	Rt. 130 and 206 to White Horse Circle	Burlington	
208	Goffle Rd. to Oakland Ave.	Bergen	

ROUTE	ROUTE DESCRIPTION	COUNTY
322	Scotland Run (Stream Bridge)	Gloucester
440 Fwy.	Garden State Pkwy. Interchange	Middlesex
440 Fwy.	Crow's Mill Rd. to Outerbridge	Middlesex
440 Fwy.	State St. Viaduct, Perth Amboy	Middlesex
440 Fwy.	51st St. to Mina Dr. and Ave. C. to Jersey City	Hudson
Statewide	Miscellaneous, Contract Adjustments, Utilities, Engineering.	

B. Right of Way Projects

ROUTE	ROUTE DESCRIPTION	COUNTY
1	Route 1 and 130 Circle	Middlesex
1	Pierson Ave. to Garden State Pkwy.	Middlesex
1	Garden State Pkwy. to Green St. Viaduct	Middlesex
1	Green St. to Rt. 9	Middlesex
1 & 9	Rt. 35 to Union County Line	Middlesex
9W	Clinton Ave. to George Washington Bridge	Bergen
13	Bay Ave. to Bridge St.	Ocean
15 Fwy.	Lake Forrest Dr. to Blue Heron Rd.	Morris
15 Fwy.	Blue Heron Rd. to N. Y. S. & W. R. R.	Sussex
18 Fwy.	Sutphen Rd. to New St.	Middlesex
18 Fwy.	South of Route 9	Middlesex & Monmouth
20	Rt. 3 to Paterson Plank Rd.	Bergen
20 Fwy.	Valley Rd. to Oliver St.	Passaic
20 Fwy.	Oliver St. to Erie R. R.	Passaic
21 Fwy.	Penn Plaza Project	Essex

ROUTE	ROUTE DESCRIPTION	COUNTY	
21 Fwy.	Monroe St. to Clifton Ave.	Passaic	
21 Fwy.	Passaic River Bridge	Passaic	
22	Viaducts over Waverly Yards	Essex	
23	Rt. 23 at New York Ave.	Passaic	
23	Cedar Grove, Verona	Passaic	
29 Fwy.	Lalor St. to Rt. 295	Mercer	
29 Fwy.	Federal St. to Lalor St.	Mercer	
33	Manalapan Brook to Fairfield Ave.	Monmouth	
33	Rt. 35 to Rt. 71	Monmouth	
35	Eatontown to Sylvania Ave.	Monmouth	
38	Rt. 34 to Rt. 35	Monmouth	
31 Fwy.	Pennington Cir. to Rt. U. S. 1	Mercer	
40	Buena Vista Twp. at Wheat Rd.	Atlantic	
46	Baldwin Rd.	Morris	
46	Midland Ave., Intg., River Rd. Intg.	Bergen	$70,000,000
49	So. Laurel St. to So. Pearl St.	Cumberland	
51	Main St. to Fairview St.	Camden	
55 Fwy.	Rt. 47 to Landis Ave.	Cumberland	
55 Fwy.	Landis Ave. to Garden Rd.	Cumberland	
55 Fwy.	Garden Rd. to Rt. 40	Cumberland	
55 Fwy.	Rt. 40 to Rt. 47	Gloucester	
66	Rt. 33 to Asbury Ave.	Monmouth	
70	Garden State Pkwy. to Herbertsville Rd.	Ocean	
75 Fwy.	West Runyon to 13th Ave.	Essex	
87	Brigantine Bridge	Atlantic	
92 Fwy.	Rt. 33 to Rt. 130 Intersection	Middlesex	
92 Fwy.	Rt. 130 Inter. to Cranbury Neck Rd.	Middlesex	
92 Fwy.	Cranbury Neck Rd., Penn. R. R.	Middlesex	

ROUTE	ROUTE DESCRIPTION	COUNTY
92 Fwy.	Penn. R. R. to Carter's Brook	Middlesex
174	Whitehead Rd. to Rt. 1	Mercer
178	Rt. 24 Fwy. to Rt. 10	Morris
202	Rt. 29 to Mount Airy	Hunterdon
206	Belle Mead Area	Somerset
440 Fwy.	51st St. to 27th St., Bayonne	Hudson
Statewide	Miscellaneous, Relocation Expense, Contract Adjustment.	

C. Design Projects

ROUTE	ROUTE DESCRIPTION	COUNTY
1	College Bridge and Approaches	Middlesex
1	Middlesex County Line to Rt. 278	Union
1	Tonnelle Ave. Relocation	Hudson
3	Rt. 46 to Orient Way	Bergen and Passaic
4	Rt. 208 Intersection	Bergen
9	Adelphia to Lakewood	Monmouth and Ocean
9	Rt. 9 and 35 Interchange Revision	Middlesex
10	Ledgewood Circle to Livingston	Morris and Essex
17	Rt. 46—4	Bergen
17	Linwood Ave. to New York State Line	Bergen
20	Rt. 3 to Paterson Plank Rd.	Bergen
23	New York Ave. to Kiel Ave.	Morris and Passaic
24	Rt. 24-46 Connector—Hackettstown	Warren

ROUTE	ROUTE DESCRIPTION	COUNTY	
27	Metuchen	Middlesex	
31	Brunswick Ave. to Pennington Circle	Mercer	
37	Rt. 70 to Garden State Parkway	Ocean	
38	Rt. 95 to Mount Holly	Burlington	
46	Rt. 3 to Rt. 21 Freeway	Passaic	
46	Rt. 53 to Passaic River	Morris	
55 Fwy.	Millville to Rt. 9	Cape May & Cumberland	
74 Fwy.	Rt. 18 to Rt. 35	Middlesex	
81 Fwy.	Elizabeth Bypass	Union	
92	Hightstown to Rt. 206	Middlesex, Mercer and Somerset	
130	Bridgeboro (Rancocas Creek Bridge)	Burlington	
130	Airport Circle to Collingswood Circle	Camden	$12,000,000
174	Trenton Fwy. Extension	Mercer	
202	Ringoes to New Hope-Lambertville Bridge	Hunterdon	
202	Somerville Circle Interchange	Somerset	
206	Mount Holly to Hammonton	Burlington and Atlantic	
322	Rt. 130 to Rt. 295	Gloucester	
..	Dorset Ave. Connector (Black Horse Pike to Ventnor City)	Atlantic	
..	Longport Bridge and Approaches	Atlantic	
Statewide	Miscellaneous, Contract Adjustment, Professional Services.		

D. Planning Projects

ROUTE	ROUTE DESCRIPTION	COUNTY	
4	Rt. 17 to I-95	Bergen	
15 Fwy.	Rt. 517 to Ross' Corner	Sussex	
31 Fwy.	Buttsville to Foothills Freeway	Warren	
38 Fwy.	Rt. I-295 to Rt. I-195	Burlington and Ocean	
40 Fwy.	Woodstown Bypass	Salem	
206 Fwy.	Hammonton Bypass	Atlantic	
206 Fwy.	Newton Bypass	Sussex	
807 Fwy.	Rt. I-95 to Rt. I-287	Middlesex, Somerset, Union, Morris and Essex	$3,000,000
Foothills Freeway	Rt. 31 Fwy. to Rt. 23 Fwy.	Sussex	
Statewide	Miscellaneous, Contract Adjustment, Professional Services.		

E. Reimbursement to Department of Transportation of Departmental appropriations deposited in the State Transportation Fund pursuant to Section 13 of the New Jersey Transportation Bond Act of 1968 ..... $20,000,000

Total $215,000,000

2. There is hereby appropriated from the State Transportation Fund the sum of $27 million, or so much thereof as may be necessary, for mass transportation facilities and for the improvement of mass transportation facilities, as indicated:

A. New Equipment

Penn Central	$16,600,000
New York and Long Branch	
Erie-Lackawanna	

B. General Suburban Rail Improvements	
Station Improvements	
Penn Central	
Trenton Station	
Metro Park	
Metuchen	
New York and Long Branch	
South Amboy	
Matawan - Hazlet	
Middletown	
Red Bank	
Improved Connections	
Erie-Lackawanna—Penn Central at Harrison	
Central Railroad of New Jersey	
Aldene Connections	$10,400,000
Erie-Lackawanna—Montclair Branch	
Boonton Line at Montclair	
Electrification	
New York and Long Branch	
South Amboy to Bay Head	
Erie-Lackawanna	
Morris and Essex Division	
Central Railroad of New Jersey	
Main Line	
Grade Separations and Improvements	
New York and Long Branch	
Penn Central	
Miscellaneous, Contract Adjustments,	
Professional Services	
Total	$27,000,000

3. There is also appropriated from the proceeds of the sale of the bonds hereinafter mentioned such sums as may be necessary to meet any expense incurred by the issuing officials under the act hereinafter mentioned for advertising, engraving, printing, clerical, legal or other services necessary to carry out the duties imposed upon them by the provisions of said act.

4. It is the declared purpose of this act that the funds from which said appropriations shall be met shall be those funds which shall be derived from the sale of the State Transportation Bonds the issuance of which is provided for in chapter 126 of the laws of

1968, which said act was submitted to the people and approved by the people at the general election held on November 5, 1968.

5. The State Treasurer is hereby authorized, empowered, and directed and it shall be his duty to set up and maintain the aforementioned appropriations in the State Transportation Fund, established heretofore pursuant to the act hereinabove mentioned. The funds herein appropriated may be requisitioned by the Department of Transportation for the uses and purposes specifically enumerated herein, subject to the same restrictions and control as are exercised over all other appropriated State funds, but not inconsistent with the provisions of said act.

6. The Commissioner of Transportation is hereby empowered to enter into negotiations with the Federal Government for the purpose of securing any available financial grants and to receive any such grants and thereafter the State Treasurer may cause them to be established and maintained in the aforementioned State Transportation Fund. Any such funds so established and maintained may be requisitioned by the Department of Transportation for the uses and purposes specifically enumerated herein, subject to the same restrictions and control as are exercised over all other appropriated State funds, but not inconsistent with the provisions of the act hereinabove mentioned.

7. The Director of the Division of Budget and Accounting in the Department of the Treasury is hereby authorized, empowered and directed and it shall be his duty to make such correction of the title or text, or both, of any item in this act contained necessary to make such appropriation available for the purpose or purposes of its intention. Such correction shall be by written ruling reciting any appropriate details, the fact thereof and the reason therefor, attested by the signature of the director and filed by him in his office as an official record, and any action thereunder, including disbursements, and the audit thereof, shall be legally binding and of full force and effect.

8. The amount appropriated herein for the cost of State highways and improvement of State highways shall be set forth in one or more construction programs by route numbers by the Commissioner of Transportation. The amount appropriated herein for the cost of mass transportation facilities and improvement of mass transportation facilities shall be also set forth in one or more construction programs by project or facility by the commissioner. No funds shall be expended pursuant to such construction programs without the approval of the Governor.

From the amount provided herein for the improvement of the State highway system and mass transportation facilities, there may be allocated such amounts as the commissioner may determine for personal service by contract or, in lieu thereof, by State employees for planning, engineering, design, research, construction, right-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 9 of this act. The commissioner is authorized and directed to take such steps as shall be necessary to implement and carry out the program authorized by the New Jersey Transportation Bond Act of 1968 and may establish, subject to the approval of the Civil Service Commission, such positions as shall be necessary to achieve this purpose within the limits of funds appropriated herein and approved for this purpose.

In order that all costs, whether direct or indirect, of implementing the New Jersey Transportation Bond Act of 1968 shall be paid from the State Transportation Fund established in section 12 thereof, the Director of the Division of Budget and Accounting, where appropriate and practicable, shall charge the State Transportation Fund and credit to the General State Fund or expenditure source such sums as may have been expended from other State appropriations for direct or indirect costs related to the programs herein authorized.

9. In order that some degree of flexibility in administering the provisions of this act may be had, the Commissioner of Transportation may apply to the Director of the Division of Budget and Accounting for permission to transfer a part of any item to any other item, but no funds appropriated for the improvement of State highways shall be transferred to any item for the improvement of mass transportation facilities, nor shall mass transportation funds be transferred to any State highway item. Upon the approval of such application by said director and by the Legislative Budget and Finance Director, in writing, said director shall make such transfer as provided by law.

10. Not less than 15 days prior to advertising for bids on contracts for any of the items herein specified, the commissioner shall report in writing to the special joint legislative committee created pursuant to Assembly Concurrent Resolution No. 66 of the 1968 Legislature enumerating the item or items to be so advertised.

11. Except as the context may otherwise require:

(a) "Public transportation system" shall mean and include State highways, mass transportation facilities and all other methods of ground or surface transportation for the movement of people and goods on rights-of-way available to the public.

(b) "State highways" shall mean and include any public highway, road, street, expressway, freeway, parkway or motorway constructed or maintained by the State.

(c) "Improvement of State highways" shall mean but shall not be limited to the construction, reconstruction, improvement or rebuilding of State highways, including all necessary bridges, tunnels, overpasses, underpasses, interchanges, express bus roadways, traffic circles, grade separations, traffic control devices and the elimination of railroad crossings of State highways at road grade, or the improvement of any such existing grade crossing elimination, and shall include the acquisition of all property, rights-of-way, easements and interests therein as shall be necessary to the construction and improvement of State highways and the maintenance thereof.

(d) "Mass transportation facilities" shall mean all facilities and equipment necessary for the mass transportation of persons by public means, whether by rail, motor bus, high speed ground or surface transportation systems, or portions thereof, including, but not limited to, passenger stations, terminals and appurtenances, automobile parking facilities, track connections and interfaces between transportation modes, signal systems, power systems, roadbeds and other rights-of-way; all necessary equipment, including, but not limited to, railroad and subway passenger cars, locomotives and air cushion vehicles; the buildings and facilities necessary for storing, maintaining, servicing, developing or testing of passenger equipment and supporting system facilities.

(e) "Improvement of mass transportation facilities" shall mean but shall not be limited to the development, acquisition by purchase, lease or otherwise, the construction, reconstruction, improvement, rebuilding, relocation, renewal, establishment or rehabilitation of mass transportation facilities and shall include also the elimination of railroad crossings of roads other than State highways at road grade, or the improvement of any such existing grade crossing elimination, and shall include the acquisition of all property rights-of-way, easements and interests therein as shall be necessary for the improvement of mass transportation facilities.

(f) "Cost" shall mean but shall not be limited to costs and expenses in the acquisition of facilities and equipment and all other property, real and personal, tangible and intangible; costs and expenses incurred in the study, planning, research and development of methods, facilities or equipment for improving the State's public transportation system; costs and expenses incurred in the preparation of plans, the design, the construction or improvement of State highways and mass transportation facilities.

(g) "Department of Transportation" shall mean the Department of Transportation established by the Transportation Act of 1966 or any agency or department successor to its powers.

(h) "Commissioner" shall mean the Commissioner of Transportation.

(i) "State Transportation Fund" or "fund" shall mean the fund established in section 12 of the New Jersey Transportation Bond Act of 1968.

12. This act shall take effect immediately.

Approved January 23, 1969.

CHAPTER 425

AN ACT creating and establishing in the Division of Parks, Forestry and Recreation a Natural Lands Trust, prescribing its functions, powers and duties, and making an appropriation.

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

C. 13:1B-15.119 Natural Lands Trust; creation and establishment as corporate body.

1. 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 Natural Lands Trust. The trust is hereby constituted an instrumentality exercising public and essential government functions and the exercise by the trust of the powers conferred by this act shall be deemed and held to be an essential government function of the State.

C. 13:1B-15.120 Board of trustees; membership, appointment, terms, chairman; concurrence of 7 members.

2. The powers and duties of the trust shall vest in and be exercised by a board of 11 trustees comprised initially of the 6 members of the Natural Areas Council, who shall serve for terms coextensive with their respective terms on the council, and shall be succeeded by trustees appointed by the Governor from a list of candidates nominated by a nominating committee provided by a group of nonprofit New Jersey corporations having open space preservation or environmental education as their corporate purpose, such as North Jersey Conservation Foundation, New Jersey Audubon Society, Rutgers, the State University, New Jersey Federation of Women's Clubs, Conservation and Garden Department, New Jersey Federation of Garden Clubs, and Watershed Associations incorporated in the State of New Jersey. Organizations must apply to the trustees in order to provide one member to the nominating committee. The trustees thus appointed will serve for 3-year terms, each of whom will continue to serve until succeeded. The trustees may select other organizations if for some reason one or more of the above-named groups become nonfunctional. The remaining trustees shall be: 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, and the Chief of the Natural Areas Section.

The Chairman of the Board of Trustees of the Natural Lands Trust shall be elected by the trustees.

The concurrence of 7 members of the board shall be necessary to the validity of all acts of the board. At least one member of this majority must be an official of the State Government represented on the board.

C. 13:1B-15.121 Compensation.

3. The trustees shall serve without compensation.

C. 13:1B-15.122 General powers.

4. The New Jersey Natural Lands Trust shall have the power:

(a) To sue and be sued in its own name, but the trustees shall be held harmless for acts performed in good faith;

(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 a 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 provision of Title 11, Civil Service, of the Revised Statutes;

(f) To acquire in the name of the trust, hold and dispose of personal property and lands 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 the Department of Conservation and Economic Development, which might be or may become available for programs relating to natural areas preservation, research, or interpretation, and to subscribe to and comply with any rule or regulation made by the Federal Government with respect to the application of such a grant, and to enter into and perform any contract or agreement with respect to the application of such a grant;

(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;

(j) To hold and use all lands in said trust for educational and research purposes.

C. 13:1B-15.123 Particular powers.

5. 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 a gift, legacy, bequest and endowment of money in furtherance of the trust, to invest the same in whole or in part in general obligations of the State of New Jersey;

(b) To acquire and hold real and personal property and lands significant as natural areas by gift, purchase, devise, bequest or by any other means and to preserve, interpret and administer such properties; in the acquisition of such properties, to acquire properties deemed necessary for the proper use and administration of natural areas 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 purposes of the trust;

(e) To give any moneys or property held by the trust to the Commissioner of the Department of Conservation and Economic Development on behalf of the State, for the purpose of administering, operating or maintaining the natural areas programs of the State of New Jersey.

C. 13:1B-15.124 Annual reports.

6. The trust shall report annually to the Governor and the Legislature of the State of New Jersey as to their activities during the preceding year, together with any recommendations or requests the trustees deem appropriate to further the purposes of the trust.

C. 13:1B-15.125 Incurrence of financial obligations.

7. The trust may not 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, without express approval of the Commissioner of the Department of Conservation and Economic Development or the Legislature.

C. 13:1B-15.126 Legal counsel.

8. The trustees may request, and upon such request shall receive from the Attorney General of the State of New Jersey, all legal counsel and services necessary to carry out the purposes of the trust.

C. 13:1B-15.127 Severability of act.

9. 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.

10. 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.

11. This act shall take effect immediately.

Approved January 23, 1969.

CHAPTER 426

AN ACT to supplement and amend "An act concerning the ownership of bank stock in certain cases, defining certain terms in relation thereto, imposing certain restrictions on such ownership, providing for the enforcement of the act and for punishment for violations thereof," approved June 5, 1957 (P. L. 1957, c. 70).

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 (C. 17:9A–344) is amended to read as follows:

C. 17:9A-344 Definitions.

1. As used in this act,

(a) "bank" means a corporation authorized to transact the business of banking in this State pursuant to the laws of this State or of the United States;

(b) "company" means a corporation, joint stock company, business trust, investment trust, general or limited partnership, voting trust, association, and any similar organized group of persons, whether incorporated or not, other than a corporation all the capital stock of which is owned by the United States; "company" includes subsidiary and parent companies;

(c) "stock" means every interest or right in or against a corporation, however evidenced and however designated, which confers upon the holder the right to vote at any meeting of the corporation;

(d) "bank stock" means a stock issued by a bank;

(e) "subsidiary" of a company means (1) a corporation more than 50% of whose stock is owned by such company, and (2) an unincorporated company in which such company directly or indirectly owns more than a 50% share or interest;

(f) "parent company" means a company of which another company is a subsidiary;

(g) "own," "owner," "owned" and "ownership," when applied to stock, mean direct and indirect ownership of such stock, and includes stock not owned, but directly or indirectly controlled with power to vote.

C. 17:9A-345.2 Determination of percentage of stock owned.

2. In determining whether a company owns a greater percentage of the stock of a bank than that authorized by this act, or would own more than the authorized percentage after acquiring stock of such bank, all stock of such bank owned as follows shall be deemed to be owned by such company:

(a) the stock of such bank owned by each individual who is a general or a limited partner in such company, when such company is a general or a limited partnership;

(b) the stock of such bank owned by each individual who is a participant in or beneficiary of any joint stock company, business trust, voting trust, association or similar organized group of persons when such company is a joint stock company, business trust, voting trust, association or similar organized group of persons;

(c) the stock of such bank owned by any other company or companies whose limited or general partners, beneficiaries or participants are substantially the same as those of such company.

C. 17:9A-345.1 Percentage of stock owned; limitation.

3. No company which owns more than 25% of the stock of any bank located outside of this State shall own or acquire ownership of more than 5% of the stock of a bank located in this State.

Acquisition of ownership of more than a stated percentage of the stock of a bank shall include any acquisition of one or more shares after which the company owns more than the stated percentage.

4. This act shall take effect immediately.

Approved January 24, 1969.

CHAPTER 427

AN ACT authorizing State correction officers to exercise police powers and supplementing chapter 154 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:154-4 State correction officers as peace officers.

1. All correction officers of the State of New Jersey who have been or who may hereafter be appointed, shall, by virtue of such

appointment and in addition to any other power or authority, be empowered to act as officers for the detection, apprehension, arrest and conviction of offenders against the law.

2. This act shall take effect immediately.

Approved January 27, 1969.

CHAPTER 428

AN ACT concerning the packaging of certain fresh and frozen meat and meat products, and supplementing chapter 15 of Title 24 of the Revised Statutes.

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

C. 24:15A-3 Prepackaged meat; package specifications.

1. No prepackaged unprocessed or untreated fresh or frozen meat shall be sold or exposed for sale at retail on the same premises where packaged, unless such package is colorless and transparent on at least one of the sides with the largest exposed surface area, exclusive of labeling which shall not occupy more than 10% of such side or 5 square inches, whichever is greater.

C. 24:15A-4 Applicability and enforcement of act.

2. The provisions of this act shall be applicable throughout the State and shall be enforced by the State Department of Health and local boards of health.

3. This act shall take effect immediately.

Approved February 4, 1969.

CHAPTER 429

AN ACT concerning higher education, providing for the creation, award and administration of State tuition aid grants for use by qualified students in accredited institutions of collegiate grade, and authorizing appropriations therefor.

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

C. 18A:71-41 Short title.

1. This act shall be known and may be cited as the "New Jersey Higher Education Tuition Aid Act."

C. 18A:71-42 State tuition aid grants created.

2. There are hereby created State tuition aid grants which shall be maintained by the State, awarded and administered pursuant to this act, and used by the holders thereof for undergraduate study in accredited institutions of higher education in New Jersey.

C. 18A:71-43 Administration of act.

3. It shall be the duty of the State Scholarship Commission in the State Department of Higher Education to administer the provisions of this act.

C. 18A:71-44 Number of grants.

4. State tuition aid grants shall be awarded by the State Scholarship Commission to all eligible applicants without any limitation on the number to be awarded in any year other than the amount of appropriations available therefor.

C. 18A:71-45 Award of grant; prohibited considerations.

5. State tuition aid grants shall be awarded without regard to race, religion, creed, or sex.

C. 18A:71-46 Award of grant; required considerations.

6. No person shall be awarded a State tuition aid grant 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 tuition aid.

(b) He has demonstrated financial need for such tuition aid as determined by paragraph 7b of this act and in accordance with procedures to be established by the State Scholarship Commission.

(c) He has demonstrated high moral character, good citizenship, and dedication to American ideals.

(d) He has applied for State tuition aid and has been determined to be eligible for such tuition aid.

(e) He has complied with all the rules and regulations adopted pursuant to this act by the State Scholarship Commission for the award, regulation, and administration of State college tuition aid.

C. 18A:71-47 Award of grant; eligibility; amount; effective income.

7. A college tuition aid grant shall be awarded annually to each eligible, qualified full-time student enrolled in a curriculum leading to a degree in an institution of collegiate grade in New Jersey approved or accredited by the State Board of Higher Education in accordance with the following:

(a) Eligibility. To each full-time resident student registered as a freshman after September 1, 1968, as a freshman or sophomore after September 1, 1969, as a freshman, sophomore or junior after September 1, 1970, and as a freshman, sophomore, junior or senior student after September 1971, the State shall grant an amount as provided in paragraph (b) of this section 7. No student shall be eligible for grants in more than the equivalent of 8 semesters of undergraduate education. No student shall be eligible for grants unless he maintains such minimum standards of academic performance as are required by the institution in which he is enrolled. No student shall be eligible for a tuition aid grant who is enrolled in a course of study leading to a degree in theology, divinity or religious education.

In the event a student for any reason ceases to continue to be enrolled during the course of an academic year, he shall cease to be eligible for tuition aid.

(b) Amount of grant. The amount of tuition aid grant to any student under this act for any semester shall not exceed the amount of tuition normally charged a student at the institution of attendance less $225.00. The maximum tuition aid grant to any one student in 1 academic year shall not exceed $1,000.00.

No recipient of a State competitive scholarship shall receive any tuition aid grant for any academic period for which he has been awarded a State competitive scholarship.

The amount of grant to be paid for each semester or equivalent shall be based on the figure represented by the effective income of the eligible student together with the effective income of the parent or parents providing a majority of the eligible student's support.

"Effective income" of the eligible students and his parents shall be defined as total income subject to Federal income tax less personal dependent exemptions and standard or itemized deductions as eligible under Federal income tax regulations pursuant to the United States Internal Revenue Code as amended with a further allowance of $400.00 for each dependent.

The following schedule shall be used for determining grants:

Effective Income	Amount of Grant Each Semester
-0- - $5,000.00	$500.00
$5,001.00 - $6,000.00	$400.00
$6,001.00 - $7,000.00	$300.00
$7,001.00 - $8,000.00	$200.00
$8,001.00 - $9,000.00	$100.00
Over - $9,000.00	-0-

C. 18A:71-48 Rules and regulations.

8. The State Scholarship Commission may adopt rules and regulations, prescribe and provide appropriate forms for application, and employ such persons, contract for such services and make such additional expenditures as may be necessary or appropriate for effectuating the provisions of this act.

C. 18A:71-49 Construction of act.

9. This act shall not be construed as granting any authority to control or influence the policies of any educational institution because it accepts students receiving tuition aid grants, nor to require any such institution to admit or once admitted to continue in such institution any tuition aid recipient.

10. There is appropriated to the State Department of Higher Education to be expended by the State Scholarship Commission for the purposes of this act the sum of $400,000.00 and such sums as shall be included in any annual or supplemental appropriation act.

11. This act shall take effect immediately.

Approved February 11, 1969.

CHAPTER 430

AN ACT concerning education, relating to classes and facilities for handicapped children, and amending section 18A:46–14 of the New Jersey Statutes.

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

1. Section 18A:46–14 of the New Jersey Statutes is amended to read as follows:

Enumeration of facilities and programs.

18A:46–14. The facilities and programs of education required under this chapter shall be provided by one or more of the following:

a. A special class or classes in the district, including a class or classes in hospitals, convalescent homes, or other institutions;

b. A special class in the public schools of another district in this State or an adjoining or nearby State;

c. Joint facilities including a class or classes in hospitals, convalescent homes or other institutions to be provided by agreement between one or more school districts;

d. A jointure commission program;

e. A State of New Jersey operated program;

f. Instruction at school supplementary to the other programs in the school, whenever, in the judgment of the board of education with the consent of the commissioner, the handicapped pupil will be best served thereby;

g. Sending children capable of benefiting from a day school instructional program to privately operated nonprofit day classes, in New Jersey or an adjoining State or a nearby State and within 400 miles of Trenton, the services of which are nonsectarian whenever in the judgment of the board of education with the consent of the commissioner it is impractical to provide services pursuant to subsections a, b, c, d, e, or f otherwise;

h. Individual instruction at home or in school whenever in the judgment of the board of education with the consent of the commissioner it is impracticable to provide a suitable special education

program for a child pursuant to subsections a, b, c, d, e, f, or g otherwise.

Whenever any child shall be confined to a hospital, convalescent home, or other institution in New Jersey or an adjoining or nearby State and is enrolled in an education program approved under this article, the board of education of the district in which the child is domiciled shall pay the tuition of said child in the special education program upon determination, that it is advisable for the child to be so confined.

The board of education may also furnish: (a) the facilities or programs provided in this article to any person over the age of 20 who does not hold a diploma of a high school approved in this State or in any other State in the United States, (b) suitable approved facilities and programs for children under the age of 5.

2. This act shall take effect immediately.

Approved February 11, 1969.

CHAPTER 431

A SUPPLEMENT to the "State Police Retirement System Act," approved June 9, 1965 (P. L. 1965, c. 89).

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

C. 53:5A-14.1 Continuance of death benefits for certain survivors.

1. The surviving child or children of any former member of the New Jersey State Police who were receiving pension benefits under former section 53:5–5 of the Revised Statutes, repealed by the act to which this act is a supplement, and whose pension benefits have been discontinued by reason of the remarriage of their mother occurring after January 1, 1966, shall be entitled to receive benefits calculated in accordance with section 14 b. of the act to which this act is a supplement.

2. This act shall take effect immediately and shall be retroactive to January 1, 1966.

Approved February 11, 1969.

CHAPTER 432

AN ACT concerning traffic regulation, and amending section 39:4–88 of the Revised Statutes.

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

1. Section 39:4–88 of the Revised Statutes is amended to read as follows:

Traffic in marked lanes.

39:4–88. When a roadway has been divided into clearly marked lanes for traffic, drivers of vehicles shall obey the following regulations:

a. A vehicle shall normally be driven in the lane nearest the right-hand edge or curb of the roadway when that lane is available for travel, except when overtaking another vehicle or in preparation for a left turn.

b. A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from that lane until the driver has first ascertained that the movement can be made with safety.

c. Upon a highway which is divided into 3 lanes, a vehicle shall not be driven in the center lane except when overtaking or passing another vehicle or in preparation for a left turn or unless the center lane is at the time allocated for traffic moving in the direction the vehicle is proceeding and is signposted to give notice of that allocation.

d. The State Highway Commissioner may by regulation or local authorities may by resolution or ordinance with respect to highways under their jurisdiction designate right-hand lanes for slow moving traffic and inside lanes for traffic moving at the speed designated for the district as provided under this chapter, and when the lanes are signposted or marked to give notice of the designation a vehicle may be driven in any lane allocated to traffic moving in the direction in which it is proceeding, but when traveling within the inside lanes the vehicle shall be driven at approximately the speed authorized in such lanes and speed shall not be decreased unnecessarily so as to block, hinder or retard traffic.

e. When such roadway has been divided in such a manner that there are 3 or more lanes for traffic in any one direction, no truck of 10,000 pounds registered gross weight or over shall be driven in the farthest left-hand lane, except when and to the extent necessary to prepare for a left turn, or when necessary to enter or leave such roadway by entrance or exit to or from the left lane or when reasonably necessary in response to emergency conditions.

2. This act shall take effect immediately.

Approved February 11, 1969.

CHAPTER 433

AN ACT authorizing municipalities to regulate traffic and parking in certain parking yards and parking places and supplementing article 1 of chapter 48 of Title 40 of the Revised Statutes.

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

C. 40:48:2.46 Additional authority to regulate parking yards.

1. In addition to the powers conferred to a municipality under section 39:4–197 of the Revised Statutes concerning the adoption of ordinances for the regulation of entrances to and exits from parking yards, the governing body of every municipality may make, amend, repeal and enforce ordinances to regulate vehicular and pedestrian traffic and the parking of vehicles in parking yards and parking places, which are open to the public or to which the public is invited, whether maintained or operated separately or in conjunction with any business or enterprise. The municipality may: a. establish requirements for placement and types of lighting and signs; b. regulate and control noisy or boisterous persons or things; c. require installation and maintenance of internal traffic directional lines; d. take such other action as may reasonably be required to preserve and safeguard public health, safety, morals, and welfare.

2. This act shall take effect immediately.

Approved February 11, 1969.

CHAPTER 434

AN ACT to provide for the payment of certain pension benefits to former State Trooper Chester J. Matecki, of the township of Hamilton, Mercer county.

WHEREAS, Chester J. Matecki, of the township of Hamilton, Mercer county, enlisted in the New Jersey State Police on November 26, 1952 and continued to be a member of the State Police until June 7, 1960, when he was separated for medical reasons;

WHEREAS, During his period of service with the State Police Chester Matecki became seriously ill, which illness has required amputation of both his legs;

WHEREAS, At the time of his discharge from the State Police, former Trooper Matecki's disability was classified as nonservice-connected and because of the then existing service requirement for pension entitlement, he was discharged without pension;

WHEREAS, Subsequent to Mr. Matecki's discharge, the service requirement was reduced from 10 years to 4 years by P. L. 1965, chapter 89, which change did not alter Mr. Matecki's entitlement to pension;

WHEREAS, Mr. Matecki would be entitled to a pension under the service requirements now considered appropriate except for his discharge prior to the statutory change and in view of his meritorious service and circumstances of his disability it is considered appropriate that he be granted a pension; now, therefore,

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

Private act.

1. The State Treasurer is authorized and directed to pay from the Treasury of this State a pension to Chester J. Matecki of Hamilton township, Mercer county. Subject to the provisions of section 2 of this act, the annual amount payable shall be 40% of his final compensation as a member of the State Police.

2. The pension payable to Chester Matecki under this act shall be reduced by the amount that his annual income will exceed the income limitations established for his continued entitlement to a nonservice-connected disability pension from the United States Veterans Administration so that his pension income under this act, when combined with his income from other sources, will not cause him to lose any pension payable under Title 38 of the United States Code.

3. The State Treasurer shall make payments under this act in equal monthly installments on the first day of each month commencing with the month following approval of this act, which payments shall continue until Chester Matecki's death.

4. Upon receipt of proof of the death of Mr. Matecki, the State Treasurer shall pay a pension to his widow. Such pension shall be in an annual amount equal to 25% of Chester Matecki's final compensation as a member of the State Police, subject to the offset provided in section 5 of this act.

5. The pension payable to the widow under this act shall be reduced by the amount that her annual income will exceed the income limitations for her entitlement to a nonservice-connected death pension from the United States Veterans Administration so that her pension income under this act, when combined with her income from other sources, will not cause her to lose or be rejected for a pension under Title 38 of the United States Code.

6. Payments to the widow pursuant to this act shall be made in equal monthly installments and shall be terminated upon the death or remarriage of the widow.

7. This act shall take effect immediately.

Approved February 11, 1969.

CHAPTER 435

AN ACT to amend "An act for the establishment of a police and firemen's retirement system for the police and firemen of a municipality, county or political subdivision thereof," approved May 23, 1944 (P. L. 1944, c. 255).

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

1. Section 1 (C. 43:16A–1) of the act of which this act is amendatory 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, mechanical repairman, automotive mechanic, supervisor of automotive mechanics 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 recom-

mended 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 ½ 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 ½ 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. This act shall take effect immediately.

Approved February 17, 1969.

CHAPTER 436

AN ACT to amend "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:*

1. Section 53 of the act of which this act is amendatory is amended to read as follows:

C. 17:9A-53 Scope of article; definitions; taking interest in advance.

53. Scope of article; definitions; taking interest in advance.

A. A bank may make installment loans upon the terms and conditions prescribed by this article. A loan so made is referred to in this article as "a loan to which this article applies."

B. As used in this article,

(1) "bank" includes a national banking association having its principal office in this State;

(2) "installment loan" means a loan which is required by its terms to be repaid in installments;

(3) "payment-period" means the period of time scheduled, by the terms of a loan to which this article applies, to elapse between the days upon which installment payments are required to be made on such loan; except that, in a case where installment payments are omitted pursuant to paragraph (1) of section 54, "payment-period" means the period of time scheduled to elapse between the days upon which installment payments are required to be made during that portion of the term of such loan in which no installment payment may be omitted;

(4) "net proceeds" means the difference between the full amount of a loan to which this article applies, and the amount of interest taken in advance upon such loan pursuant to this article;

(5) "person" means an individual, a corporation, a partnership and an association;

(6) "Class I loan" means a loan to which this article applies, which is not a property improvement loan;

(7) "Class II loan" means a loan to which this article applies, which is a property improvement loan;

(8) "property improvement loan" means a loan to which this article applies, the purpose of which, as represented to the bank by the borrower, is to enable the borrower to pay the cost, in whole or in part, of modernizing, rehabilitating, altering, repairing or improving real property in which the borrower has an interest, and in connection with which the borrower files with the bank, at the time when the loan is made, either (1) a copy of the contract pursuant to which such modernizing, rehabilitating, altering, repairing or improving has been done or is to be done; or, if the borrower represents there is no such contract, (2) a statement, sworn to by the borrower, that the proceeds of the loan will be used to pay the cost, in whole or in part, of modernizing, rehabilitating, altering, repairing or improving such real property, as the case may be.

C. Except as in this section otherwise provided, a bank may make an installment loan and may take interest in advance upon the full amount of such loan for the period from the making of the loan to the date of maturity of the final installment, in an amount not exceeding the amount determined by the application of the formula $I = .11784A(P+1) \div 2N + .11784(P+1)$, in which "I" represents the maximum amount of interest which may be taken in advance; "A" represents the full amount of the loan; "P" represents the number of payment-periods contained in the period from the date of the making of the loan to and including the date of maturity of the final installment; and "N" represents, to the nearest whole number, the number of payment-periods contained in a calendar year.

D. Except as in this section otherwise provided, a bank may make an installment loan in such an amount that the net proceeds thereof shall equal a predetermined sum, and may take interest in advance upon the full amount of such loan for the period specified in subsection C of this section. The full amount of such loan shall not exceed the aggregate of the net proceeds and the amount of interest which may be taken in advance, as determined by the application of the formula $I = .11784A(P+1) \div 2N$, in which "A" represents the amount of the predetermined net proceeds and "P," "I" and "N" have the same meanings as "P," "I" and "N" in subsection C of this section.

E. When, pursuant to this article, the final installment of a loan to which this article applies is due and payable more than 3 years and 1 month subsequent to the making of such loan, a bank may take interest in advance upon the full amount of such loan for the period from the making of the loan to the date of maturity of the final installment, in an amount not exceeding the amount determined by

the application of the formula I= .097166A(P+1)÷2N + .097166(P+1), in which "I," "A," "P" and "N" have the same meanings as "I," "A," "P" and "N" in subsection C of this section.

F. When, pursuant to this article, the final installment of a loan to which this article applies is due and payable more than 3 years and 1 month subsequent to the making of such loan, the bank may make such loan in such amount that the net proceeds thereof shall equal a predetermined sum, and may take interest in advance upon the full amount of such loan for the period from the making of the loan to the date of maturity of the final installment. The full amount of such loan shall not exceed the aggregate of the net proceeds and the amount of interest which may be taken in advance, as determined by the application of the formula I= .097166A(P+1)÷2N, in which "A" represents the amount of the predetermined net proceeds and "P," "I" and "N" have the same meanings as "P," "I" and "N" in subsection C of this section.

G. The commissioner may prepare and distribute to such banks as shall make a request therefor, a schedule or schedules based upon the formulas contained in this section, or he may approve a subsisting schedule or schedules based upon said formulas, and interest taken in advance pursuant to such schedule or schedules shall constitute a complete compliance with this section. A copy of such schedule or schedules, certified by the commissioner, shall be evidence in all courts and places.

2. Section 58 of the act of which this act is amendatory is amended to read as follows:

C. 17:9A-58 Exempt transactions.

58. Exempt transactions.

Nothing in this article applies to

(1) any loan otherwise authorized or not prohibited by law, or otherwise enforceable at law;

(2) any loan which bears interest at a rate not in excess of 6% per annum upon its unpaid balances; or

(3) any instrument or obligation, lawful upon its face, which is purchased or discounted by a bank pursuant to paragraph (1) of section 25, and which represents, evidences, or secures an existing indebtedness having its inception in a transaction to which the bank is not a party; regardless whether such instrument or obligation is acquired by the bank with or without rights of recourse against the person from whom the bank obtains such instrument through such

purchase or discount. A bank shall not be deemed to be a party to a transaction within the meaning of this paragraph, because prior to the inception of rights in any instrument, obligation or indebtedness purchased or discounted by it, the bank approves the credit of any person liable for the payment of such instrument, obligation or indebtedness at the request of the person who supplies the consideration which supports the liability of any person to pay such instrument, obligation or indebtedness.

3. This act shall take effect immediately.

Approved February 19, 1969.

CHAPTER 437

AN ACT concerning leaves of absence without pay for certain county officers and employees and supplementing Title 11 of the Revised Statutes.

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

C. 11:26C-5 Rights of certain county officers and employees on leave of absence.

1. When any person, who on or after July 1, 1967, holds office, position or employment under the government of any county in this State and has tenure, or is protected, in such office, position or employment, by virtue of any law or any order, rule or regulation of the Civil Service Commission, shall be appointed to any other office, position or employment by the Governor, such person shall be entitled to leave of absence, without pay, from the said office, position or employment, in which he has tenure or is so protected, for such length of time as he shall hold the office, position or employment to which he is so appointed by the Governor and he shall continue to hold the said office, position or employment in which he has tenure or is so protected and shall retain all of the rights, privileges and benefits, including his rating and status in the civil service, incident to his continued holding of said office, position or employment, except the right to receive pay by reason of his holding thereof, despite the fact that he accepts the office, position or employment to which he has been appointed by the Governor.

2. This act shall take effect immediately.

Approved February 19, 1969.

CHAPTER 438

AN ACT concerning construction and maintenance of roads, parking areas and driveways on land owned by the State and amending sections 27:7–53, and 27:7–54 of the Revised Statutes.

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

1. Section 27:7–53 of the Revised Statutes is amended to read as follows:

Roads, parking areas and driveways on State property; supervision by commissioner.

27:7–53. All roads, parking areas and driveways on land owned by the State shall be constructed under the supervision of the commissioner, and all improvements to roads, parking areas and driveways already constructed on land owned by the State shall be made under the supervision of the commissioner, who shall prepare all necessary plans and specifications and advertise for bids for the work.

2. Section 27:7–54 of the Revised Statutes is amended to read as follows:

Payment for work.

27:7–54. All payments for such roads, parking areas and driveways, and improvements to existing roads, parking areas and driveways on lands owned by the State, shall be paid out of appropriations made to the commissioner for that purpose. Nothing in this section or section 27:7–53 of this Title shall be construed to prevent the inmates and employees of any public institution from being employed on repairs and improvements of roads, parking areas and driveways used in connection with the institution.

3. This act shall take effect immediately.

Approved February 19, 1969.

CHAPTER 439

AN ACT concerning the definition and licensing of "non-commercial trucks" and amending section 39:1–1 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 marking 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 combustive 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 nonresilient 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.

"Non-commercial truck" means every motor vehicle designed primarily for transportation of property, and which is not a "commercial vehicle."

"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.

C. 39:3-8.1 License of noncommercial trucks; limitations.

2. The director may license noncommercial trucks at the same weight fees set forth in Revised Statutes 39:3–20. Application for such registration shall be made on a form to be furnished by the division and the application shall contain a statement to the effect that the vehicle so registered will not be used for the commercial transportation of goods, wares and merchandise, or for hire, and that vehicles so registered will not contain any advertising, signs, lettering, names or addresses on its exterior, excepting trademarks and labels of the manufacturer and dealer.

3. This act shall take effect 30 days after enactment.

Approved February 19, 1969.

CHAPTER 440

AN ACT concerning juvenile and domestic relations courts in certain counties, amending chapter 129 of the laws of 1958, and supplementing 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:*

1. Section 1 of P. L. 1958, chapter 129 (C. 2A:4–4.3) is amended to read as follows:

C. 2A:4-4.3 Appointment of judge in county of second class with less than 265,000 population; salary.

1. The Governor, with the advice and consent of the Senate, may appoint in each county of the second class having a population of less than 265,000 an attorney-at-law to be a judge of the juvenile

and domestic relations court of the county. The judge's salary shall be paid by the board of chosen freeholders of the county in such amount as the board shall determine. The provisions of the chapter to which this act is a supplement in respect to a referendum on appointing a special juvenile court judge shall be inapplicable to any such county. Except as otherwise provided herein, the provisions of the chapter to which this act is a supplement shall be applicable to the judge of the juvenile and domestic relations court of the county appointed pursuant to this supplementary act.

C. 2A:4-4.3a Incumbent judge; election to devote entire time to judicial duties; salary.

2. Each judge of the juvenile and domestic relations courts in counties of the second class having a population of less than 265,000, in office on the effective date of this act and who is not then required to devote his full time to his judicial duties, shall elect either to continue until the expiration of his term at the same salary as he shall be 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 his said term devote his entire time to his judicial duties and shall not engage in the practice of law and, thereupon, his annual salary shall be in the same amount as that provided by law for judges of the juvenile and domestic relations courts required by law to devote their entire time to their judicial duties and prohibited from the practice of law. Any such election to devote his entire time to his judicial duties and to accept such salary shall be evidenced by a notice in writing to that effect, filed with the administrative director of the courts and with the board of chosen freeholders of the county.

C. 2A:4-4.3b Judges appointed after effective date of act; devotion of entire time to judicial duties; salary.

3. Each judge of the juvenile and domestic relations courts in counties of the second class having a population of less than 265,000, hereafter appointed, shall devote his entire time to his judicial duties and shall not while in office engage in the practice of law and the annual salary of each such judge shall be in the same amount as that provided by law for judges of the juvenile and domestic relations courts required by law to devote their entire time to their judicial duties and prohibited from the practice of law.

4. This act shall take effect immediately.

Approved February 19, 1969.

CHAPTER 441

AN ACT to amend "An act to amend and supplement 'The New Jersey Highway Authority Act,' approved April 14, 1952 (P. L. 1952, c. 16)," passed November 18, 1968 (P. L. 1968, c. 348).

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. 27:12B-5.1 Engaging in certain activities prohibited; exception.

2. The authority shall not engage in construction or operation of any facility or activity not directly related to the use of a highway project except as may be specially authorized by law. The continued operation of existing facilities or activities by the authority shall not be affected by the provisions of this act.

2. This act shall take effect immediately.

Approved February 19, 1969.

CHAPTER 442

AN ACT to repeal "An act concerning education, supplementing chapter 24 of Title 18A of the New Jersey Statutes and amending section 18A:24–20 of the New Jersey Statutes," approved July 16, 1968 (P. L. 1968, c. 163).

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

C. 18A:24-19.1 Repealer.

1. "An act concerning education, supplementing chapter 24 of Title 18A of the New Jersey Statutes and amending section 18A:24–20 of the New Jersey Statutes," approved July 16, 1968, is repealed.

2. This act shall take effect immediately.

Approved February 19, 1969.

CHAPTER 443

AN ACT concerning mortgages and supplementing Title 46 of the Revised Statutes.

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

C. 46:15-12 Recording of mortgages.

1. No mortgage or defeasible deed or conveyance in the nature of a mortgage may be recorded or registered in the office of the county recording officer of the county in which the affected real estate is situate, unless there is contained at the heading thereof printed, typed or stamped prominently and in 10-point, or larger, capital letters or bold type the word "mortgage" and the execution of the same shall have been acknowledged or proved and certified in the manner prescribed by law.

2. This act shall take effect immediately and shall apply to mortgages executed after enactment.

Approved February 19, 1969.

CHAPTER 444

AN ACT concerning the estates of certain minors, and amending section 3A:6–31 of the New Jersey Statutes.

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

1. Section 3A:6–31 of the New Jersey Statutes is amended to read as follows:

Appointment as guardian not required under certain circumstances.

3A:6–31. Where the value of the real and personal estate of any minor does not exceed $3,000.00, either parent of the minor or a person standing in loco parentis to the minor shall be entitled to receive the same for the benefit of the minor without being appointed guardian or entering into bond, upon the execution of the affidavit herein provided for, before the surrogate of the county where the minor resides or if nonresident in this State, where any of the assets are located, or before the Superior Court. The

affidavit shall set forth that the value of the minor's real and personal estate will not exceed $3,000.00, and shall state the residence of the minor and specifically the nature, location and value of said assets, and that

a. affiant is the minor's parent and that the other parent has consented to such receipt, or is dead, or has absconded, or has absented himself leaving the minor without sufficient provisions for maintenance and education, or is in the Armed Forces of the United States, or is not present in the continental United States, or

b. affiant is a person standing in loco parentis to the minor, and that the minor's parents have consented to such receipt, or are dead, or have absconded or have absented themselves leaving the minor without sufficient provision for maintenance and education, or are in such armed forces, or are not present in the continental United States, as the case may be.

2. This act shall take effect immediately.

Approved February 19, 1969.

CHAPTER 445

AN ACT concerning the Uniform Commercial Code, and supplementing chapter 1 of Title 12A of the New Jersey Statutes.

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

1. The Uniform Commercial Code (P. L. 1961, c. 120) is hereby supplemented by adding to chapter 1 thereof a section, to be designated as section 12A:1–209, reading as follows:

Subordination of payment.

12A:1–209. An obligation may be issued as subordinated to payment of another obligation of the person obligated, or a creditor may subordinate his right to payment of an obligation by agreement with either the person obligated or another creditor of the person obligated. Such a subordination does not create a security interest as against either the common debtor or a subordinated creditor. This section shall be construed as declaring the law as it existed prior to the enactment of this section and not as modifying it.

2. This act shall take effect immediately.

Approved February 19, 1969.

CHAPTER 446

AN ACT concerning responsibility of relatives for the support of needy persons, and amending sections 44:1–140 and 44:4–101 of Title 44 of the Revised Statutes.

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

1. Section 44:1–140 of the Revised Statutes is amended to read as follows:

Relatives chargeable; exception.

44:1–140. a. The father, grandfather, mother, grandmother, children, and husband or wife, severally and respectively, of a poor, old, blind, lame or impotent person or other poor person or child not able to work, shall, if of sufficient ability, at his or their charge and expense, relieve and maintain the poor person or child in such manner as shall be ordered, after due notice and opportunity to be heard, by any county or municipal director of welfare, or by any court of competent jurisdiction upon its own initiative or the information of any person.

b. The provisions of this section shall apply to the minor children of a mother whose husband shall fail properly to support and maintain such children when by reason thereof they are likely to become a public charge.

c. The provisions of this section shall not apply to any person 55 years of age or over except with regard to his or her spouse, or his or her natural or adopted child under the age of 21 years.

2. Section 44:4–101 of the Revised Statutes is amended to read as follows:

Relatives chargeable; exception.

44:4–101. a. The father, grandfather, mother, grandmother, children, and husband or wife, severally and respectively, of a poor, old, blind, lame or impotent person or other poor person or child not able to work, shall, if of sufficient ability, at his or their charge and expense, relieve and maintain the poor person or child in such manner as shall be ordered, after due notice and opportunity to be heard, by any county director of welfare, or by any court of competent jurisdiction upon its own initiative or the information of any person.

b. The provisions of this section shall apply to the minor children of a mother whose husband shall fail properly to support and maintain such minor children when by reason thereof they are likely to become a public charge.

c. The provisions of this section shall not apply to any person 55 years of age or over except with regard to his or her spouse, or his or her natural or adopted child under the age of 21 years.

3. This act shall take effect immediately.

Approved February 19, 1969.

CHAPTER 447

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 2 (C. 40:55–1.2) of the act of which this act is amendatory is amended to read as follows:

C. 40:55-1.2 Definitions.

2. As used in this act:

"Municipality" means any city, borough, town, township or village.

"Mayor" means the elected official who serves as the chief executive of the municipality, whatever his official designation may be.

"Governing body" means the chief legislative body of the municipality. In cities having a board of public works "governing body" means such board.

"Plat" means the map of a subdivision.

"Subdivision" means the division of a lot, tract, or parcel of land into 2 or more lots, sites or other divisions of land for the purpose, whether immediate or future, of sale or building development; except that the following divisions shall not be considered subdivisions within the meaning of this act; provided, however, that no new streets or roads are involved: divisions of land for agricultural purposes where the resulting parcels are three acres or larger in size, divisions of property by testamentary or intestate provisions, or divisions of property upon court order. Subdivision also in-

cludes resubdivision, and where appropriate to the context, relates to the process of subdividing or to the lands or territory divided.

"Performance guarantee" means any security which may be accepted under section 22 of this act in lieu of a requirement that certain improvements be made before the planning board or other approving body approves a plat, including performance bonds, escrow agreements, and other similar collateral or surety agreements.

"Street" means any street, avenue, boulevard, road, lane, parkway, viaduct, alley or other way which is an existing State, county, or municipal roadway, or a street or way shown upon a plat heretofore approved pursuant to law or approved by official action as provided in section seventeen of this act or a street or way on a plat duly filed and recorded in the office of the county recording officer prior to the appointment of a planning board and the grant to such board of the power to review plats, and includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, sidewalks, parking areas and other areas within the street lines.

"Official map" means a map adopted in accordance with the Official Map and Building Permit Act (1953) (C. 40:55–1.30). Such a map shall be deemed to be conclusive with respect to the location and width of the streets, drainage rights-of-way and flood control basins and the location and extent of public parks, playgrounds, scenic and historic sites, drainage rights-of-way and flood control basins shown thereon.

"Master plan" means a composite of the mapped and written proposals recommending the physical development of the municipality which shall have been duly adopted by the planning board under section ten of this act.

"Drainage right-of-way" means the lands required for the installation of storm water sewers or drainage ditches, or required along a natural stream or watercourse for preserving the channel and providing for the flow of water therein to safeguard the public against flood damage in accordance with chapter one of Title 58 of the Revised Statutes.

"Circulation" means provision for the movement of people, goods, water, sewage, or power by means of streets, highways, railways, waterways, airways, pipes, conduits, or other means, and including facilities for transit, transportation and communication.

2. This act shall take effect immediately.

Approved February 19, 1969.

CHAPTER 448

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. 56:8-2.1 Misrepresentation of association with governmental agencies.

1. It shall be an unlawful practice for any person to operate under a name or in a manner which wrongfully implies that such person is a branch of or associated with any department or agency of the Federal Government or of this State or any of its political subdivisions, or use any seal, insignia, envelope or other format which simulates that of any governmental department or agency.

2. This act shall take effect immediately.

Approved February 19, 1969.

CHAPTER 449

AN ACT to amend "An act authorizing and directing the Commissioner of Conservation and Economic Development to acquire certain property in the name of the State for water supply and other public purposes and making an appropriation therefor," approved June 1, 1956 (P. L. 1956, c. 60), and amending the "New Jersey Water Supply Law, 1958," approved May 12, 1958 (P. L. 1958, c. 34).

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

1. Section 1 of P. L. 1956, chapter 60 (C. 58:20–1) is amended to read as follows:

C. 58:20-1 Acquisition of property; pumping from south branch of Raritan river; release of water from reservoirs.

1. The Commissioner of Conservation and Economic Development is authorized and directed to acquire, in the name of the

State on or before December 31, 1958, such part of the area commonly known as Round Valley, located in Hunterdon county, which in the judgment of the commissioner is appropriate and useful for the future establishment of a water supply system the source of which shall be either the Delaware river, exclusive of its tributaries, or the south branch of the Raritan river or both.

No water shall be pumped from the south branch of the Raritan river into a reservoir constructed in said area whenever the flow in said river is less than 40 million gallons daily at the United States Geological Survey stream gauging station at Stanton, or less than 70 million gallons daily at the United States Geological Survey Stream gauging station at Manville or less than 90 million gallons daily at the United States Geological Survey stream gauging station at Bound Brook.

Whenever the flow of water in the south branch of the Raritan river is less than 40 million gallons daily at the United States Geological Survey stream gauging station at Stanton, or less than 70 million gallons daily at the United States Geological Survey stream gauging station at Manville, or less than 90 million gallons daily at the United States Geological Survey stream gauging station at Bound Brook, a sufficient amount of water shall be released from such reservoir or from such other reservoir or reservoirs as may be constucted on the south branch of the Raitan river or its tributaries in such amounts as will maintain not less than the said flows of 40 million gallons daily at Stanton and 70 million gallons daily at Manville and 90 million gallons daily at Bound Brook, and such released water shall be returned to the south branch of the Raritan river at the point of diversion or pumping into such reservoir or at some point upstream thereof.

Upon the completion and placing in operation of such reservoir in the Round Valley area, not less than 830,000 gallons of water daily shall be released at all times into Prescott brook from such reservoir and at all times not less than 170,000 gallons of water daily shall be released into the south branch of the Rockaway creek from such reservoir.

2. Section 7 of P. L. 1958, chapter 34 (C. 58:22–7) is amended to read as follows:

C. 58:22-7 Pumping from south branch of Raritan river; release of water into Prescott brook and Rockaway creek.

7. No water shall be pumped from the south branch of the Raritan river into the Round Valley reservoir whenever the flow in said river is less than 40 million gallons daily at the United

States Geological Survey stream gauging station at Stanton, or less than 70 million gallons daily at the United States Geological Survey stream gauging station at Manville or less than 90 million gallons daily at the United States Geological Survey stream gauging station at Bound Brook.

Upon the completion and placing in operation of the Round Valley reservoir, not less than 830,000 gallons of water daily shall be released at all times into Prescott brook from such reservoir and at all times not less than 170,000 gallons of water daily shall be released into the south branch of the Rockaway creek from such reservoir.

3. This act shall take effect immediately.

Approved February 19, 1969.

CHAPTER 450

AN ACT regulating the sale of soil amendments, imposing certain licensing fees, and supplementing Title 51 of the Revised Statutes.

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

C. 51:11-1 Definitions.

1. As used in this act:

"Consumer" means any person who purchases soil amendments for home use, for resale, for manufacturing or for landscaping purposes.

"Dealer" means "equipped dealer" or "unequipped dealer."

"Deputy superintendent" means the deputy superintendent of the Division of Weights and Measures.

"Delivery," except as otherwise in this act specifically provided, means transportation of soil amendments for sale or use in this State by a person in vehicles owned, leased or rented by him.

"Division" means the State Division of Weights and Measures.

"Engaging in business" or "engaged in business" shall include any single transaction, act or sale.

"Equipped dealer" means any person who is regularly engaged in the business of producing, selling and delivering soil amendments

in this State and who maintains loading or unloading, storage, transportation, communication, sales, services or other facilities therefor, with an office accessible to the public with a competent person on duty, commensurate with the nature and other requirements of the business and an "unequipped dealer" means any person engaged in the business of selling, offering or exposing for sale or the canvassing or soliciting in any manner directly from a vehicle of any kind soil amendments and who does not maintain or operate the facilities used by an "equipped dealer."

"In package form" means any soil amendment put up or packaged in any manner in advance of sale so as to constitute a unit quantity of a commodity for either wholesale or retail sale, exclusive, however, of an auxiliary shipping container enclosing the packages which individually conform to the requirements of this act.

"Labeling" means all labels and other written, printed, branded, or other graphic matter placed upon any soil amendments or accompanying such commodity.

"Mislabeled" or "misbranded" shall be deemed to mean the labeling is misleading, deceiving, or tends to be misleading or deceiving in any particular, and there shall also be taken into account, among other things, not only the representations made or suggested by any statement, word, design, or any combination thereof, but also the extent to which such labeling fails to reveal facts material in the light of such representations or material with respect to consequences which may result from the use of the commodity, to which such labeling relates under the conditions of use prescribed in the labeling thereof or under such conditions of use as are customary or usual.

"Misrepresentation" means any manifestation by words or other conduct by one person to another that, under the circumstances, amounts to an assertion not in accordance with the facts.

"Net" means free of anything extraneous or deduction and without the inclusion of any tare or tret.

"Offered for sale" or "exposed for sale" shall be construed to include the use of any advertising media or means.

"Person" includes corporation, companies, associations, societies, firms, partnerships and joint stock companies as well as individuals.

The words "sell" and "sale" shall be construed to include barter and exchange.

"Sell" in any of its variant forms, includes barter, exchange, trade, keep for sale, offer for sale, attempt to sell, expose for sale,

assist in the sale of, permit to be sold or offered for sale or delivery, or offer for delivery, trade, barter, in any of their variant forms.

"Soil amendment" means any substance or mixture of substances imported, manufactured, prepared or sold for manurial, soil enriching or soil corrective purposes or intended to be used for promoting or stimulating the growth of plants, increasing the productivity of plants, improving the quality of crops or producing any chemical or physical change in the soil, except commercial fertilizers, agricultural lime, animal manures or economic poisons as defined in the New Jersey Statutes.

"Superintendent" means the State Superintendent of the Division of Weights and Measures.

"Vehicle" means any truck, wagon, cart, rig or other conveying device.

"Weights and measures officials" mean any State or local weights and measures official.

C. 51:11-2 Method of selling soil amendments.

2. All soil amendments shall be sold, offered or exposed for sale by standard dry measure or by avoirdupois net weight except in cases of liquid, gaseous or solid, soil amendments which may be sold or offered for sale by avoirdupois net weight or by liquid measure based upon the standard United States gallon of 231 cubic inches in cases of liquid soil amendments, or by cubic feet based upon the standard cubic foot of 1,728 cubic inches in case of gaseous or solid soil amendments.

C. 51:11-3 Compliance with rules and regulations; labeling.

3. No person shall distribute, sell, offer or expose for sale or have in his possession with intent to distribute or sell any soil amendment in package form unless he complies with the provisions of this act and the regulations and rules promulgated thereunder, and, in addition, the package or tag firmly affixed shall be plainly and conspicuously marked as to the net contents in the package form and the identity of the soil amendment and the name and address of the packer.

C. 51:11-4 Delivery in bulk lots; delivery ticket.

4. No person shall deliver, start out for delivery or cause to be delivered soil amendments in bulk lots exceeding 100 pounds and not in package form unless he complies with the provisions of sections 51:1–82 and 51:1–83 of the Revised Statutes.

Where soil amendments are sold in either liquid or gaseous form, the delivery ticket shall contain the number of gallons or cubic feet as the case may be, and the unit avoirdupois weight of the gallon or cubic foot measurement.

C. 51:11-5 Receipt for bulk sales; exception.

5. No person shall sell soil amendments in bulk in amounts of 100 pounds or less unless such sale is accompanied by a receipt containing the net weight of the soil amendment, the type or kind of soil amendment, the name and address of the dealer, the unit price of the soil amendment and the total amount of the sale. This section shall not apply to soil amendments when sold at the seller's retail establishment and weighed or measured in the consumer's presence.

C. 51:11-6 Misrepresentation of quantity; permissible tolerances.

6. Any person who sells, exposes or offers for sale, or delivers, either in bulk or package form, less than the quantity he represents of any soil amendment subject to the provisions of this act shall be liable to the penalty provisions of this act; provided, however, that the superintendent shall establish and promulgate by rule, regulation, or order permissible deviations and tolerances to be used by weights and measures officials in reweighing or remeasuring such commodity.

C. 51:11-7 License for direct sale from vehicle.

7. No person shall canvass or solicit for the sale of, or sell, offer or expose for sale, directly from a vehicle of any kind, soil amendments for use on lawns, gardens or landscaping of any kind, unless he is licensed to do so by the superintendent who shall require a separate license for each vehicle so used.

C. 51:11-8 License or renewal of license; application.

8. Applications for a license or for renewal of a license shall be in writing, under oath, on forms prescribed and furnished by the superintendent and shall be accompanied by the prescribed fee.

C. 51:11-9 License fee.

9. Every person required to be licensed according to the provisions of this act shall for such license pay a fee of $50.00 per annum which fee shall be paid to the superintendent and by him turned over to the State Treasurer. The said fee shall entitle the licensee to one vehicle certificate and a license plate to be placed on the left side of the vehicle from which the business is conducted together with an identification card to be carried by the licensee.

C. 51:11-10 License; term, contents.

10. Licenses shall be issued for a term of 1 year from the date of issue and shall be renewable at the expiration thereof. Each license issued shall state the name and business address of the person to whom it is issued and whatever other information as required by the superintendent.

C. 51:11-11 License tags and identification cards; display.

11. The superintendent shall issue license tags and identification cards to every licensee. The license tags shall be plainly and conspicuously exhibited on and shall be firmly attached to the left side of any vehicle used by the licensee to transport soil amendments. The identification cards shall be carried on the person of the licensee at all times and shall be exhibited upon request to any weights and measures official. The superintendent may, in addition, require any other identification or credentials he deems necessary.

C. 51:11-12 Written estimate required prior to sale and delivery; contents, execution, retention.

12. The licensee shall, before every sale and delivery of soil amendment, execute in duplicate a written estimate of the total amount of soil amendment required by the consumer, the estimated total price of the sale and the type and kind of the soil amendment. One copy shall be given to the consumer and the other copy shall be retained by the licensee for a period of 1 year from the date of execution.

The superintendent shall, by regulation or rule, prescribe the form, contents and manner of execution and retention of said estimates, and he may, by regulation or rule, prescribe allowable ranges, variations or exemptions concerning said estimates.

C. 51:11-13 Numbered receipt; contents, retention, inspection.

13. After every sale each licensee shall execute in duplicate a serially numbered receipt showing the quantity of soil amendment delivered, the type delivered, the date of the sale and delivery, the name and address of the seller, the name and address of the buyer and the total amount of the sale. Receipts shall be kept by the licensee, void copies included, in a manner acceptable to the superintendent, for a period of 3 years and shall be subject to inspection by any weights and measures official within that time.

C. 51:11-14 Sign required on vehicle.

14. No licensee shall use any vehicle for transporting any soil amendments unless the vehicle displays a sign stating the type or

kind of soil amendment in such manner as the superintendent shall by regulation or rule prescribe.

C. 51:11-15 Disposition of license fees.

15. 30% of each vendor and canvasser licensee fee shall be returned to the county or municipality from which said licensing fee originated. The counties and municipalities shall appropriate the moneys so received to the sole and exclusive use of their respective departments of weights and measures. The place of business of the licensee shall determine the origin of the license fee.

C. 51:11-16 Enforcement of act.

16. In addition to their powers and duties as prescribed by Title 51 of the Revised Statutes, all weights and measures officials in this State shall have the duty of enforcing the provisions of this act.

C. 51:11-17 Rules and regulations.

17. The superintendent is authorized to establish and promulgate such rules, regulations or orders as he may deem necessary to implement the administration or the enforcement of this act.

C. 51:11-18 Supervision of enforcement of act; powers of weights and measures officials.

18. The superintendent shall have general supervision of the administration and enforcement of this act. All weights and measures officials shall have full power and authority to:

(a) Inspect and reweigh or remeasure any soil amendment while in transit from the dealer to the consumer in vehicles owned, leased or rented by the dealer, or after the soil amendment has been delivered to the consumer. They shall also have full power and authority to inspect the delivery slips issued and the estimates furnished to the consumer in connection with any sale, delivery or attempted sale or delivery and all the pertinent records of the person selling, delivering, or offering or exposing for sale soil amendments in connection with any such sale, delivery or attempted sale or delivery.

(b) Issue stop-use, stop-removal, removal, condemnation, confiscation orders with reference to soil amendments, which he finds being sold, offered, exposed for sale, kept or in the process of delivery by a dealer in vehicles owned, leased or rented by him in violation of any of the provisions of this act, or any rule, regulation, or order promulgated by the superintendent.

(c) Seize for use as evidence, any soil amendments, which he finds used, kept, offered or exposed for sale or in the process of

delivery by a dealer in vehicles owned, leased or rented by him in violation of any of the provisions of this act or any rule, regulation, or order promulgated by the superintendent. No person shall use, remove from the premises specified, or fail to remove from the premises specified any soil amendments contrary to the terms of a stop-use order, stop-removal order, or a removal order issued under the authority of this section.

C. 51:11-19 Revocation or suspension of license; refusal to issue or renew.

19. The superintendent may, after proper notice and hearing revoke, suspend, restrict, or otherwise limit, or refuse to issue or renew any license issued or granted pursuant to the provisions of this act for any of the following reasons:

(a) Fraud or misrepresentation in the application for or in the procuring of a license;

(b) The violation of any rule, regulation, or order promulgated by the superintendent;

(c) Any dishonest, deceptive, or any fraudulent practice, conduct or transaction; and

(d) The loaning or the giving of any license.

C. 51:11-20 Legal proceedings.

20. The superintendent is empowered to institute, or cause to be instituted such legal proceedings or processes as may be necessary to enforce and give effect to any of his powers and duties as prescribed by this act.

C. 51:11-21 Issuance of subpoenas; taking testimony; failure to obey subpoena.

21. The superintendent shall have the power to issue subpœnas to compel production of any pertinent records, books, or documents or the attendance of witnesses in any matter pertaining to his duties and shall have the power to administer oaths in taking testimony. Subpœnas shall be issued under the seal of the superintendent and shall be served in the same manner as subpœnas issued out of a county court of the State.

Upon the failure of any person to obey a subpœna as aforesaid, the superintendent may apply to the Superior Court for appropriate relief.

C. 51:11-22 Penalties.

22. Any person who violates any of the provisions of this act for which a specific penalty is not otherwise provided, shall be liable to a penalty of $25.00 to $50.00 for the first offense; not less than $50.00 nor more than $100.00 for the second offense, and not less than $100.00 nor more than $200.00 for each subsequent offense.

C. 51:11-23 Penalties for certain violations.

23. Any person who knowingly violates sections 2, 3, 4, 5, 7, 8, 11, 13, 14 shall be liable to twice the penalties as stated in section 22 of this act and any person who knowingly violates the requirements of sections 6, 12 and 18 of this act shall be guilty of a misdemeanor.

C. 51:11-24 Violations deemed separate.

24. Violations of any of the provisions of this act or rules or regulations promulgated thereunder shall be deemed a separate violation for each different day on which they have occurred and a separate violation for each different place at which they occurred on the same day and each illegal selling, offering or exposing for sale, or the delivery of each separate unit or package form shall be deemed a separate violation.

C. 51:11-25 Jurisdiction of courts; collection and enforcement of penalties; service of process; arrest without warrant.

25. Every county district court and municipal court shall have jurisdiction of proceedings for the enforcement and collection 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 the superintendent or any other weights and measures official; provided, however, that any weights and measures official on the violation of any of the provisions of this act within this view may without warrant arrest the offender and conduct him before the court having jurisdiction in the municipality where the arrest is made or the offense committed. Such court on the filing of written verified complaint setting forth the nature of the offense shall hear and determine in a summary manner, the guilt or innocence of the defendant and inflict the penalties provided by law.

C. 51:11-26 Application of act.

26. Nothing in this chapter shall be construed to repeal, amend, or alter in any way the provisions concerning horse manure contained in chapter 43 of the laws of 1944.

C. 51:11-27 Prosecutions declared valid.

27. Prosecutions for any violations of this act are declared to be valid and proper notwithstanding the existence of any other

valid general or specific act of this State dealing with matters that may be the same as or similar to those covered by this act.

C. 51:11-28 Severability of act.

28. If any section of this act or any provision thereof, shall be declared to be unconstitutional, invalid or inoperative, such section or provision shall to the extent 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 or sections of this act.

29. This act shall take effect 90 days after its enactment.

Approved February 19, 1969.

CHAPTER 451

AN ACT concerning education providing for notice and representation at certain meetings and interviews and supplementing Title 18A of the New Jersey Statutes.

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

C. 18A:25-7 Appearance of teacher before board of education; notice; right to representation.

1. Whenever any teaching staff member is required to appear before the board of education or any committee or member thereof concerning any matter which could adversely affect the continuation of that teaching staff member in his office, position or employment or the salary or any increments pertaining thereto, then he shall be given prior written notice of the reasons for such meeting or interview and shall be entitled to have a person of his own choosing present to advise and represent him during such meeting or interview.

2. This act shall take effect immediately.

Approved February 20, 1969.

CHAPTER 452

AN ACT to amend "An act for the establishment of a police and firemen's retirement system for the police and firemen of a municipality, county or political subdivision thereof," approved May 23, 1944 (P. L. 1944, c. 255).

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

1. Section 8 of chapter 255 of the laws of 1944 is amended to read as follows:

C. 43:16A-8 Medical examination; report; reduction of pension; restoration 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) 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 board of trustees shall be given a medical examination and he shall submit to an examination by a physician or physicians designated by the medical board at such place to be mutually agreed upon, twice a year for a period of 3 years and once a year thereafter 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 within 10 days. 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.

(3) If such beneficiary is engaged in an occupation paying more than the difference between (a) his retirement allowance and (b) the salary now attributable to his former position in the police or fire department plus 25% in excess of such salary, 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 and fire department plus 25% in excess of such salary. Should his earnings be later changed, the amount of his pension shall be further modified; provided, that the new position shall not exceed the amount of the pension originally granted.

(4) A beneficiary restored to active service at a salary not less than the salary he received at the time he was retired shall become a member of the retirement system and shall be entitled to his previous total service credit, but on his subsequent retirement, he shall not receive a greater pension on account of his service rendered before his previous retirement than he was entitled to receive at the time of his restoration, anything to the contrary notwithstanding.

2. This act shall take effect immediately.

Approved February 21, 1969.

CHAPTER 453

AN ACT to amend "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, at the time of the enactment of this act, a population in excess of 400,000 inhabitants; and merging and superseding the provisions of pension funds established pursuant to article 2 of chapter 13, chapters 18 and 19, of Title 43 of the Revised Statutes, in said cities," approved November 22, 1954 (P. L. 1954, c. 218), and repealing section 25 of said act.

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

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

C. 43:13-22.15 Members and conditions of membership in retirement system.

13. The members and conditions of membership in the retirement system created by this act shall be as follows:

(a) All persons who shall hereafter become employees of the city prior to attaining the age of 45 years, shall, upon satisfactory completion of 3 months' service, become members of the retirement system herein created, as a condition of their employment; provided that all such persons shall submit to and pass the physical and mental examination required by the commission and shall furnish such evidence of good health, at said time, as the commission shall require; provided further, however, that the failure to pass the said physical and mental examination or failure to furnish satisfactory evidence of good health at such time shall not deprive the employee of his employment.

The failure of any employee-member to comply with the rules and regulations prescribed by the commission, pursuant to this act, shall result in the suspension or termination of membership in, or benefits of, this retirement system as may be provided from time to time by the commission.

(b) All present employees of the city, as herein defined, who had not attained the age of 45 years at the time of their permanent appointment and are found physically and mentally fit, and are not members of any retirement system supported wholly or in part by the city, may become members of the retirement system created by this act, upon written application made to the commission within 2 months after the establishment of the commission, under one of the following 2 plans:

(1) To receive credit for all the time served as a permanent employee with the city prior to joining the retirement system. Such employee shall pay into the fund a sum of money equal to an amount based upon the percentage hereinafter stated that would have been deducted from his salary from June 1, 1928, or from the date of his permanent employment, whichever is the lesser period; provided, however, that if the employee desires to receive credit for only a portion of the time served as a permanent employee he shall make payments accordingly and shall receive credit for that portion of the said prior service as is covered by these payments. Said sum of money may be paid in one lump sum or by regular payroll period deductions from the salary, together with the regular deductions provided by this act, until completed; and the financial officer of the city is authorized to deduct the said amounts from the salary of said employee. Upon such payment or payments being made, the city shall annually pay into the retirement system, herein provided for, a sum of money equal

in amount to the employee's total principal payment without interest. All payments aforesaid by the employee shall be made together with 3% interest on the total amount of such payments. The maximum length of time for the payment of all employee's arrears and interest shall be 10 years from the date of membership in the fund.

(2) By regular deductions from the salary of any employee electing to become a member of the fund, without the benefit of prior service, if any, and credit therefor hereunder. Said deductions shall commence upon membership in the fund; and such employee shall not receive credit for any prior services rendered theretofore in his municipal office or position.

(c) All employees who at the time of the adoption and approval of this act are members of any of the following retirement systems in effect in said city, under and by virtue of article 2, chapter 13, Title 43 of the Revised Statutes; and of chapter 18, Title 43 of the Revised Statutes; and of chapter 19, Title 43 of the Revised Statutes, shall, upon the effective date of this act, automatically become members of the city employees' retirement system provided for by this act; and every such employee shall be deemed to agree and consent to such transfer of his membership.

(d) All present and future members of this employment retirement system may purchase, in addition to their permanent employment credits, temporary service credits for all time of temporary service which was continuous and immediately preceded their permanent employment, at the percentage rate and salary prevailing at date of application.

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

C. 43:13-22.20 Pension to dependents of employee or pensioner after death.

18. Subject to the other provisions of this act, upon and after the death of such employee or pensioner, said retirement pension shall be paid to the surviving widow, so long as she remains unmarried; surviving dependent widower, as herein defined, so long as he remains unmarried; minor children or dependent parents, as the case may be; provided, however, that in no instance shall a pension payment to such widow, dependent widower, minor children or dependent parent exceed $3,000.00 per annum.

3. Section 19 of the act of which this act is amendatory is amended to read as follows:

C. 43:13-22.21 Disability not arising out of employment; retirement pension; pension to dependents after death.

19. Subject to the other provisions of this act, any member employee who shall have served or who shall hereafter have served in the employ of such city continuously for a period of 1 year and shall become permanently and totally disabled as the result of injury or illness not arising out of and in the course of his employment, shall, upon his application and approval thereof by the commissioners be retired on a pension equal to 2½% of the salary received by him at the time of his retirement; and for each additional year of aggregate service, but not more than 20 years of service in the aggregate, the amount of said pension shall be increased to the extent of 2½% of said salary for each year, not exceeding in any event 50% of said salary; provided, however, that for each year of service over 30 years there shall be an increase of disability pension of 2½% of the salary received by the employee at the time of said retirement; provided further, however, that no such pension, regardless of service or disability, shall exceed ¾ of the annual salary of said employee at the time of retirement; nor shall any such pension be in excess of $9,000.00 per annum. Upon and after the death of such retired member or upon and after the death of any member who died as a result of injury or illness not arising out of and in the course of his employment, the said pension or a pension based upon the services of said member as the case may be, shall be paid to the surviving widow, so long as she remains unmarried, surviving dependent widower, so long as he remains unmarried, minor children or dependent parent, as the case may be; provided, however, that in no instance shall said pension exceed the sum of $3,000.00 per annum.

4. Section 20 of the act of which this act is amendatory is amended to read as follows:

C. 43:13-22.22 Disability arising out of employment; retirement pension; pension to dependents after death.

20. Subject to the other provisions of this act, any city employee who shall become permanently or totally disabled as a result of injury or illness arising out of and in the course of his employment shall, upon his application and approval thereof by the commission, be retired on a pension equal to ½ of the annual salary received by him at the time of his retirement; provided, however, that in

no instance shall the pension exceed $9,000.00 per annum; and provided further, however, that where an employee has served more than 30 years he shall be entitled to 2½% of his annual salary for each additional year of service over 30 years, but not exceeding 40 years, and in no event shall such pension exceed $9,000.00 annually. Upon and after the death of such retired member or upon and after the death of any member who dies as a result of any injury or illness arising out of and in the course of his employment, the said pension or a pension of ½ of the said annual salary of such member shall be paid as hereinafter provided to the surviving widow, so long as she remains unmarried; surviving dependent widower, so long as he remains unmarried; minor children or dependent parent, as the case may be; provided, however, that in no instance shall the pension exceed $3,000.00 per annum.

5. Section 23 of the act of which this act is amendatory is amended to read as follows:

C. 43:13-22.25 Death benefits to widow or dependents.

23. Subject to the other provisions of this act, upon the death of any member who shall have served or who shall hereafter have served in the employ of the city continuously for a period of at least 5 years, there shall be paid to the surviving widow, so long as she remains unmarried; surviving dependent widower, so long as he remains unmarried; minor children or dependent parent, as the case may be, an amount equal to 2½% of the salary received by such employee at the time of his death and 2½% of said yearly salary for each additional year of service more than 1 year, but not exceeding in any event 50% of said salary received at the time of death, and in no instance shall such pension exceed $3,000.00; provided, however, that wherever the provisions of any of the 3 pension funds which have been merged into the fund, provide for greater benefits for the present members thereof, their widows, widowers, minor children or dependent parent, then and in that event the said widow, widower, minor children or dependent parent shall be entitled to said greater benefits as therein provided; and provided, further, that after 5 years' membership in the retirement system, the pension payment to widow or widower shall not be less than $1,000.00.

6. Section 24 of the act of which this act is amendatory is amended to read as follows:

C. 43:13-22.26 Manner of priority of payments to survivors.

24. Subject to the other provisions of this act, upon and after the death of any member pensioner or beneficiary the benefits

herein provided for the surviving widow, surviving dependent widower, minor children, including adopted children, and dependent parent shall be paid in the following manner of priority:

(1) To the surviving widow, so long as she remains unmarried, or to the dependent widower, so long as he remains unmarried;

(2) If no widow or dependent widower, or upon the death of such widow or dependent widower, then the pension shall be paid to the guardian of the minor children, for the exclusive use of said children, in the following amounts, $50.00 per month for each minor child, provided further that in no event shall the funds paid to minor children exceed in the aggregate the sum of $3,000.00 annually.

(3) In the event there be no surviving widow, dependent widower or minor children, then the pension shall be paid to the dependent parent or parents in equal shares.

7. Section 30 of the act of which this act is amendatory is amended to read as follows:

C. 43:13-22.32 Separation from service for more than one year; refund; re-entry into service.

30. When a member of the retirement system is separated from service or is absent on leave for a period in excess of 1 year, and said separation or leave of absence is for a cause other than illness or other employment within the municipality covered by the retirement system, then and in such event the commission may remove such member from the membership rolls of the system, whereupon the said member shall be entitled to receive a refund of his contributions to the system in accordance with section 29 of this act. Whenever a member of the retirement system shall be on leave of absence or becomes separated from the municipal service for any reason other than retirement or entry into the armed forces and subsequently re-enters the service of the municipality within 5 years after such separation and shall submit to and pass the physical and mental examination required by the commission as provided under section 13 (a) of this act, then all the rights and benefits hereunder enjoyed by such member prior to such separation shall be restored to him upon payment of any refunds given to him at the time of his separation from the service; provided, however, that such member shall not be entitled to receive credit for pension purposes for the time elapsing during such separation period; and provided further, however, that such member or his dependents or beneficiaries shall not be entitled to receive any pension benefits during such separation period. Such repayment

of refunds may be made either (1) in one sum or (2) the total amount together with 3% interest on said total amount by regular payroll deductions over a period of not more than 10 years, but in no event to extend beyond the date upon which such employee attains the age of 60 years, such installments to be deducted in addition to the other deductions made from his salary for the retirement system. The municipality shall not be required to make a matching contribution for such repayment.

C. 43:13-22.27 Repealed.

8. Section 25 of chapter 218 of the laws of 1954 is repealed.

9. This act shall take effect immediately.

Approved February 21, 1969.

CHAPTER 454

AN ACT concerning the Superior Court and amending section 2A:2–1 of the New Jersey Statutes.

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

1. Section 2A:2–1 of the New Jersey Statutes is amended to read as follows:

Number of judges; compensation.

2A:2–1. The Superior Court shall consist of not less than 78 judges and may be increased to not more than 84 judges, upon certification by the Chief Justice of the Supreme Court to the Governor of the need therefor because of litigation involving meadowland title disputes. Each judge shall receive an annual salary of $27,000.00.

Approved February 21, 1969.

CHAPTER 455

A SUPPLEMENT to the "Farmland Assessment Act of 1964," approved May 11, 1964 (P. L. 1964, c. 48).

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

C. 54:4-23.13a Applications for valuation, assessment and taxation deemed timely made under certain circumstances.

1. In any municipality in which a program of revaluation of all property in the municipality has been or shall be undertaken and completed in time to be reflected in the assessments for the next succeeding tax year but not in sufficient time to permit taxpayers to make applications prior to October 1 of the pretax year for the valuation, assessment and taxation of their lands for the ensuing tax year on the basis of being actively devoted to agricultural or horticultural use, any such application which has been or shall be filed with the assessor after October 1, and prior to December 31 of the pretax year, shall be deemed to have been timely made for the tax year next succeeding completion of the revaluation program, notwithstanding any provision to the contrary of the act to which this act is a supplement or of any other law, and the taxes of any applicant whose lands qualify for valuation, assessment and taxation as lands actively devoted to agricultural or horticultural use shall be adjusted accordingly for the tax year commencing January 1 next succeeding completion of the revaluation program and credited or debited, as the case may be, against any taxes due or to become due on such lands.

2. This act shall take effect immediately.

Approved February 21, 1969.

CHAPTER 456

AN ACT to validate certain sales of land by municipalities in certain cases.

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

Validating act.

1. No sale of any lands or buildings or any right or interest therein, not needed for public use, which was made after January 1, 1966 and on or before January 15, 1968 by the governing body of any municipality, pursuant to section 40:60–26 of the Revised Statutes, 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 be invalid because the public advertisement of the sale in a newspaper was not made by 2 insertions at least once a week during 2 consecutive weeks, as required by said statutory provision, if publication was made at least once and not more than 16 days prior to the sale, provided the said governing body of the municipality, by resolution, has or shall have confirmed said sale and the conveyance or conveyances made by the municipality to effectuate the sale to the purchaser or purchasers thereof and that the said purchaser or purchasers shall have paid the municipality the full purchase price for the said land or buildings or any right or interest therein.

2. This act shall take effect immediately.

Approved February 21, 1969.

CHAPTER 457

AN ACT concerning eradication of rats and other harmful rodents on the public highways, and supplementing the "Transportation Act of 1966," approved December 12, 1966 (P. L. 1966, c. 301).

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

C. 27:7-21.8 Eradication of harmful rodents from public highways.

1. The Commissioner of Transportation is directed to devise and put into effect such programs as shall be necessary to provide

for the eradication of rats and other harmful rodents from the public highways, giving special attention to highways, or sections thereof, adjacent to residential areas; and to enter into an agreement with, or otherwise secure the co-operation of, the New Jersey Turnpike Authority, the New Jersey Expressway Authority, and the New Jersey Highway Authority, in the formulation and implementation of programs designed to accomplish such purposes.

2. This act shall take effect immediately.

Approved February 21, 1969.

CHAPTER 458

AN ACT concerning the recording of deeds and other instruments and supplementing chapter 15 of Title 46 of the Revised Statutes.

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

C. 46:15-13 Recording certain instruments.

1. No deed or instrument of the nature or description set forth in section 46:16–1 of the Revised Statutes shall be recorded in the office of any county recording officer unless it shall contain the words "prepared by" followed by the name of the person who prepared or drafted the instrument. Such words and the name of the person who prepared or drafted the instrument shall be entered on the instrument backer or following the acknowledgment or the proof and certification of the execution thereof.

2. This act shall take effect immediately.

Approved February 21, 1969.

CHAPTER 459

A SUPPLEMENT to "The New Jersey Highway Authority Act," approved April 14, 1952 (P. L. 1952, c. 16).

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

C. 27:12B-5.2 Entering into certain contracts; advertising for bids; exceptions.

1. The New Jersey Highway Authority, in the exercise of its authority to make and enter into contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers, shall adopt standing operating rules and procedures providing that, except as hereinafter provided, no contract on behalf of the authority shall be entered into for the doing of any work, or for the hiring of equipment or vehicles, where the sum to be expended exceeds the sum of $2,500.00 unless the authority shall first publicly advertise for bids therefor, and shall award the contract to the lowest responsible bidder; provided, however, that such advertising shall not be required where the contract to be entered into is one for the furnishing or performing services of a professional nature or for the supplying of any product or the rendering of any service by a public utility subject to the jurisdiction of the Board of Public Utility Commissioners of this State and tariffs and schedules of the charges, made, charged, or exacted by the public utility for any such products to be supplied or services to be rendered are filed with the said board.

This section shall not prevent the authority from having any work done by its own employees, nor shall it apply to repairs, or to the furnishing of materials, supplies or labor, or the hiring of equipment or vehicles, when the safety or protection of its or other public property or the public convenience require, or the exigency of the authority's service will not admit of such advertisement. In such case the authority shall, by resolution, passed by the affirmative vote of a majority of its members, declare the exigency or emergency to exist, and set forth in the resolution the nature thereof and the approximate amount to be so expended.

2. This act shall take effect immediately.

Approved February 21, 1969.

CHAPTER 460

AN ACT authorizing the docketing of municipal court judgments in the County and Superior Courts, and supplementing chapter 8 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:8-42 Docketing of certain judgments authorized.

1. Any judgment assessing a penalty and any final judgment of a municipal court, when not less than $10.00, including costs, remains due thereon, may be docketed by the municipality or party recovering the same, his executors, administrators or assigns, either in the County Court of any county or directly in the Superior Court, in the manner and with the effect hereinafter provided.

C. 2A:8-43 Docketing during pendency of motion.

2. During the pendency of a motion for a new trial, or an appeal, a judgment of a municipal court may be docketed unless otherwise ordered by the trial or appellate court.

C. 2A:8-44 Filing of statement; contents; action by court clerk.

3. The clerk of each County Court or the clerk of the Superior Court, as the case may be, shall require that there be filed in his office a statement, signed by the clerk of the municipal court in which the judgment was entered and sealed with the seal of the municipal court, containing:

a. The name of the court,

b. The names of the parties to the action in which the judgment was rendered,

c. The name of the attorney, if any, of the party in whose favor the judgment was rendered,

d. The amount and date of the judgment and

e. The date of issue and return of execution, if any,

f. Which statement shall be accompanied by an affidavit of the party, his attorney or agent, in whose favor the judgment was rendered that, at the time of the filing of the statement a certain stated amount, not less than $10.00, was due on the judgment.

Upon the filing of such statement, the clerk of the County Court or Superior Court, as the case may be, shall enter in his docket

a transcript of the judgment in words at length, containing the name of the municipal court in which the judgment was rendered, the style of the action, the names in full of the parties to the action, the name of the attorney, if any, of the party in whose favor the judgment was rendered, the amount recovered with costs, the substance of the return of the officer serving the process, and the amount stated to be due in the affidavit.

C. 2A:8-45 Issue of execution out of and return into municipal court.

4. It shall not be necessary, before obtaining the statement mentioned in section 3 of this act, that execution issue out of and be returned into the municipal court. The statement may be made and filed at any time after judgment entered in the municipal court, with the same effect as if execution had been issued and returned. If, however, execution has issued, the statement shall not be made before a return has been made to the execution.

C. 2A:8-46 Provision and keeping of docket.

5. The clerk of each County Court and the clerk of the Superior Court shall provide and keep a docket, in which shall be entered, upon compliance with the provisions of this act, the judgments to be docketed pursuant to this act. The docket of the clerk of the Superior Court may be that one in which judgments of other courts are docketed.

C. 2A:8-47 Index of dockets; public records.

6. The clerk of the County Court and the clerk of the Superior Court shall each make and keep a complete alphabetical index to the dockets required by them to be kept by this act.

The dockets and the indexes thereto shall be public records, to which all persons desiring to examine the same shall have access.

C. 2A:8-48 Operation of docketing as judgment.

7. A judgment docketing in a County Court or in the Superior Court in the manner herein provided shall, for the time of its docketing, operate as though it were a judgment obtained in an action originally commenced in the court wherein it has been docketed.

C. 2A:8-49 Entry of satisfaction of judgment.

8. Satisfaction of a judgment docketed as herein provided may be entered in the same manner and upon the same evidence in which satisfaction of an original judgment of either a county or Superior Court is entered.

C. 2A:8-50 Issue of execution on docketed judgment.

9. Execution may issue on a judgment docketed as herein provided out of either a County Court or the Superior Court, with

the same effect as if issued on a judgment originally obtained in the court wherein the judgment has been docketed.

C. 2A:8-51 No issue of execution after docketing of judgment; exceptions.

10. After a judgment has been docketed as herein provided, no execution shall issue nor shall any other proceeding be had thereon in the municipal court except the granting of a new trial, or the taking of an appeal.

C. 2A:8-52 No issue of execution pending certain final determinations.

11. If a judgment has been docketed before the grant of a new trial or an appeal taken, no execution shall issue thereon out of a County Court or the Superior Court pending the final determination of such proceedings.

C. 2A:8-53 Granting of new trial; affect on issue of execution.

12. If a judgment has been docketed and execution issued thereon out of a County Court or the Superior Court before the grant of a new trial by the municipal court, the municipal court may nevertheless grant a new trial, and, if granted, no further proceedings shall be had on the execution pending the determination of a new trial.

C. 2A:8-54 Revival of docketed judgment.

13. A judgment docketed as provided in this article may be revived by proceedings in the County Court or in the Superior Court in the same manner, in the like cases and with the like effect as if such judgment had been obtained in an action commenced in such court.

C. 2A:8-55 Review of docketed judgment; action by court clerk.

14. If a judgment docketed as provided in this article is reviewed upon appeal, and a duly certified transcript of the judgment of the court upon the appeal shall be delivered to the clerk of the court wherein the judgment is docketed, such clerk shall file the transcript in his office, and enter, in short form, in the margin of the docket, opposite the entry of the judgment the substance of the determination upon the appeal.

15. This act shall take effect immediately.

Approved February 21, 1969.

CHAPTER 461

A SUPPLEMENT to "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," approved October 27, 1948 (P. L. 1948, c. 454), as said title was amended by chapter 150 of the laws of 1967.

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

C. 27:23-6.1 Entering into certain contracts; advertising for bids; exceptions.

1. The New Jersey Turnpike Authority, in the exercise of its authority to make and enter into contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers, shall adopt standing operating rules and procedures providing that, except as hereinafter provided, no contract on behalf of the authority shall be entered into for the doing of any work, or for the hiring of equipment or vehicles, where the sum to be expended exceeds the sum of $2,500.00 unless the authority shall first publicly advertise for bids therefor, and shall award the contract to the lowest responsible bidder; provided, however, that such advertising shall not be required where the contract to be entered into is one for the furnishing or performing services of a professional nature or for the supplying of any product or the rendering of any service by a public utility subject to the jurisdiction of the Board of Public Utility Commissioners of this State and tariffs and schedules of the charges, made, charged, or exacted by the public utility for any such products to be supplied or services to be rendered are filed with the said board.

This section shall not prevent the authority from having any work done by its own employees, nor shall it apply to repairs, or

to the furnishing of materials, supplies or labor, or the hiring of equipment or vehicles, when the safety or protection of its or other public property or the public convenience require, or the exigency of the authority's service will not admit of such advertisement. In such case the authority shall, by resolution, passed by the affirmative vote of a majority of its members, declare the exigency or emergency to exist, and set forth in the resolution the nature thereof and the approximate amount to be so expended.

2. This act shall take effect immediately.

Approved February 21, 1969.

CHAPTER 462

A SUPPLEMENT to the "New Jersey Expressway Authority Act," approved February 19, 1962 (P. L. 1962, c. 10).

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

C. 27:12C-11.1 Entering into certain contracts; advertising for bids; exceptions.

1. The New Jersey Expressway Authority, in the exercise of its authority to make and enter into contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers, shall adopt standing operating rules and procedures providing that, except as hereinafter provided, no contract on behalf of the authority shall be entered into for the doing of any work, or for the hiring of equipment or vehicles, where the sum to be expended exceeds the sum of $2,500.00 unless the authority shall first publicly advertise for bids therefor, and shall award the contract to the lowest responsible bidder; provided, however, that such advertising shall not be required where the contract to be entered into is one for the furnishing or performing services of a professional nature or for the supplying of any product or the rendering of any service by a public utility subject to the jurisdiction of the Board of Public Utility Commissioners of this State and tariffs and schedules of the charges, made, charged, or exacted by the public utility for any such products to be supplied or services to be rendered are filed with the said board.

This section shall not prevent the authority from having any work done by its own employees, nor shall it apply to repairs, or

to the furnishing of materials, supplies or labor, or the hiring of equipment or vehicles, when the safety or protection of its or other public property or the public convenience require, or the exigency of the authority's service will not admit of such advertisement. In such case the authority shall, by resolution, passed by the affirmative vote of a majority of its members, declare the exigency or emergency to exist, and set forth in the resolution the nature thereof and the approximate amount to be so expended.

2. This act shall take effect immediately.

Approved February 21, 1969.

CHAPTER 463

AN ACT to amend "An act requiring taxpayers to pay an expense fee as a condition precedent to filing petitions of appeal with the county board of taxation, and supplementing Title 54 of the Revised Statutes," approved May 1, 1947 (P. L. 1947, c. 93), as said Title was amended by chapter 140 of the laws of 1948.

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. 54:3-21.3 Fees upon filing petition of appeal.

1. Upon the filing of a petition of appeal by any taxpayer with the county board of taxation in any county pursuant to section 54:3–21 of the Revised Statutes, such taxpayer or the person acting on his behalf shall pay to the secretary of such county board a fee for each such petition according to the following schedule:

(a) If the valuation involved is:

Less than $5,000.0, the fee shall be	$1 00
$5,000.00 or more but less than $20,000.00, the fee shall be	$2 00
$20,000.00 or more but less than $50,000.00, the fee shall be	$3 00
$50,000.00 or more but less than $100,000.00, the fee shall be	$5 00
$100,000.00 or more, the fee shall be	$10 00

(b) When the appeal shall involve only the classification of property, for each parcel of property sought to be reclassified the fee shall be $10.00.

(c) When the appeal shall involve both the assessed valuation of property and the classification of property, the fees shall be according to the provisions of (a) and (b) of this section.

(d) When the appeal shall involve a matter not covered by (a), (b) or (c), the full fee to be paid shall be $10.00.

Each such secretary shall be liable for all such fees paid into his hands and he shall pay over all such fees to the treasurer of the county, who shall receive, account and dispose of such fees as revenues of the county.

2. This act shall take effect immediately.

Approved February 21, 1969.

CHAPTER 464

AN ACT to amend "The In Rem Tax Foreclosure Act (1948)," approved May 28, 1948 (P. L. 1948, c. 96).

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

1. Section 6 of chapter 96 of the laws of 1948 is amended to read as follows:

C. 54:5-104.34 Time for institution of action.

6. No action may be instituted under this act on any tax sale certificate unless:

a. More than 2 years have expired from the date of the tax sale out of which any such certificate arose, and

b. All or any portion of the general land taxes levied and assessed against the land for 48 months next preceding the commencement of the action, other than those subject to payment by installments authorized by a resolution adopted pursuant to Revised Statutes 54:5–65, remains unpaid.

2. This act shall take effect immediately.

Approved February 21, 1969.

CHAPTER 465

AN ACT to amend "Destruction of Public Records Law (1953)," approved September 18, 1953 (P. L. 1953, c. 410).

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

1. Section 15 of chapter 410 of the laws of 1953 (C. 47:3–29) is amended to read as follows:

C. 47:3-29 Unauthorized removal or alteration of public records; alteration or destruction with malicious intent.

15. Any person who, without the consent of the person authorized to have custody thereof, removes an official record or paper from the files of any public agency or body, or who alters any map, plat, or other paper signed and approved by a public official without permission, or who alters, defaces, mutilates or destroys with malicious intent any public record shall be guilty of a high misdemeanor.

2. This act shall take effect immediately.

Approved February 21, 1969.

CHAPTER 466

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 held prior to December 31, 1967, for or with respect to 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 a notice of special school district meeting or election was not published or

properly posted as prescribed by law; provided, however, that all other proceedings, actions and other things required to be done, had or taken in connection with any such school district meeting or election were duly had and taken in accordance with law; and provided further, that no action, suit or proceeding 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.

2. This act shall take effect immediately.

Approved February 21, 1969.

CHAPTER 467

AN ACT concerning taxation, and amending section 54:4–5 of the Revised Statutes.

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

1. Section 54:4–5 of the Revised Statutes is amended to read as follows:

Taxes remitted in certain cases; districts in certain first-class counties.

54:4–5. A taxing district in a county of the first class having in excess of 800,000 population in which there has been located a State or county institution other than a park commission or lands owned or occupied by a park commission occupying more than 200 acres and not in excess of 400 acres of land, in the aggregate, shall have remitted or rebated by the county treasurer a sum equal to ½ of the county tax rate applied to the entire amount of ratables remaining subject to taxation. A taxing district in such a county of the first class in which there has been located a State or county institution other than a park commission or lands owned or occupied by a park commission occupying in excess of 400 acres of land, in the aggregate, shall have remitted or rebated by the county treasurer a sum equal to ¾ of the county tax rate applied to the entire amount of ratables remaining subject to taxation.

2. This act shall take effect immediately.

Approved February 21, 1969.

CHAPTER 468

AN ACT relating to the financing, detailed planning and construction of a legislative building as a part of the State Capitol Development Program, amending P. L. 1960, chapter 44 and supplementing P. L. 1959, chapter 5 (C. 52:31A–1 et seq.).

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

1. Section 2 of P. L. 1960, chapter 44 (C. 43:15A–33.2) is amended to read as follows:

C. 43:15A-33.2 Total authorized investment.

2. The total investment authorized pursuant to this act shall not exceed 5% of the book value of the total investments of such fund at the time of the making of the investment.

2. Section 4 of P. L. 1960, chapter 44 (C. 43:15A–33.4) is amended to read as follows:

C. 43:15A-33.4 Rental or lease terms; purpose of section.

4. If the property is rented or leased to the State, it shall be on terms calling for level periodic rental payments, not more than 1 year apart, in such amounts as will amortize the total actual cost of the investment, including cost of land, construction, improvement and supervision of construction, over a period of 20 years from the beginning of the term of its first rental, together with income to be derived therefrom for the benefit of the fund at such rate not in excess of 6% per annum, as shall be fixed by the Director of the Division of Investment and approved by the board of trustees, on the depreciated value of the asset which shall be its total actual cost to the fund less a depreciation allowance equal in amount to the aggregate sums received toward amortization of the investment. Such portion of the rentals as shall exceed the amounts received toward amortization shall be treated as investment income.

It is the purpose of this section to provide for the accounting basis upon which the real property investment shall be carried and depreciated and for the treatment, as between capital and income, of the amounts received for the use of the property by way of rental, in order to maintain the integrity and actuarial soundness of the

funds established by the "Public Employees' Retirement-Social Security Integration Act" (P. L. 1954, c. 84).

3. Subject to the approval and acceptance by the board of trustees of the Public Employees' Retirement System, the additional investment authorized by section 1 of this act shall be used for the purpose of erecting a building pursuant to P. L. 1959, chapter 5, as a part of the State Capitol Development Program, for the use of the Legislative Branch of the State Government.

4. The President of the Senate, the Speaker of the General Assembly, the majority and minority leaders of the Senate and General Assembly and the Chairman and Vice-Chairman of the Law Revision and Legislative Services Commission are authorized and directed to confer with the State Capitol Development Commission, the State Treasurer and the Director of the Division of Purchase and Property for the following purposes in connection with the planning and construction of a building for the use of the Legislative Branch of the State Government as part of the State Capitol Development Program:

a. To review the preliminary plans and concept for the building as recommended by the State Capitol Development Commission;

b. To formulate such changes, refinements and adjustments in such plans and concept for inclusion in an architectural contract as may appear desirable; and

c. To represent the Legislature in the review of detailed plans and specifications for the building.

5. This act shall take effect immediately.

Approved March 4, 1969.

CHAPTER 469

AN ACT concerning unemployment compensation and amending section 43:21–19 of the Revised Statutes.

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

1. 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 sub-

section (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 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 employ-

ing 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 employing 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 enforcible means or otherwise), directly or indirectly by the same interests, or which owns or controls one or more other employing units (by legally enforcible 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 Government, 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, hospital, 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 em-

ployee 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. Gratuities, received regularly in the course of employment from other than the employer, shall be included in determining the wages but only in those cases where the employer or employee has kept a regular daily or weekly record of the amount of gratuities so received. In such cases the average weekly amount of gratuities over a period of 6 months, or for the entire time of employment, whichever period is less, shall be added to the fixed weekly wage to determine the employee's total weekly wage.

"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 Revised Statutes 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 Revised Statutes 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.

2. This act shall take effect immediately.

Approved March 6, 1969.

CHAPTER 470

AN ACT concerning the office of county superintendents of schools and amending section 18A:7–6 of the New Jersey Statutes.

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

1. Section 18A:7–6 of the New Jersey Statutes is amended to read as follows:

Office; school records.

18A:7–6. The county superintendent shall maintain an office at a suitable location within the county which shall be open to the public as are other county offices and which shall be supplied to him, and shall be suitably furnished and equipped, by the board of chosen freeholders of the county, and the school records of the county for the use of the county and State Departments of Education, the United States Office of Education and the United States Commissioner of Education shall be kept at such office.

2. This act shall take effect immediately.

Approved March 6, 1969.

JOINT RESOLUTIONS

Joint Resolutions

JOINT RESOLUTION No. 1

A JOINT RESOLUTION to declare the week March 3-9, 1968, as "Save Your Vision Week" and providing for a proclamation thereof by the Governor.

WHEREAS, Effective vision is one of the most vital of all human necessities; and

WHEREAS, Good vision is a fundamental requirement for the maintenance and development of self-sufficiency of all the citizens of the State of New Jersey; and

WHEREAS, It is essential to the intellectual, social and emotional growth of our children and youth, and to the productivity of all adults; and

WHEREAS, Each citizen should be encouraged to recognize the importance of good vision and its care and to be aware of its significance, not only this week, but throughout the year;

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

1. The week of March 3 through 9, 1968, is declared "Save Your Vision Week" in the State of New Jersey.

2. That the Governor, by appropriate proclamation, so proclaim the said week of March 3 through 9, 1968, as "Save Your Vision Week."

3. This joint resolution shall take effect immediately.

Approved March 4, 1968.

JOINT RESOLUTION No. 2

A JOINT RESOLUTION to declare the month of April, 1968, 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 the only voluntary health organization fighting cancer on 3 fronts: research, service and education; and

WHEREAS, The New Jersey Division of the American Cancer Society, through volunteers in its 21 county chapters in the State, is carrying on a year-round effort to alert the public to cancer's 7 warning signals and the necessity of regular health check-ups, and is continually assisting those already stricken with cancer; and

WHEREAS, It is estimated that 100,000 Americans will die needlessly of cancer in 1968 who might have been saved by earlier and better treatment; and

WHEREAS, More funds are needed to support vital cancer research in New Jersey and throughout the country; now, therefore,

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

1. The month of April, 1968, shall be known in New Jersey as "Cancer Control Month" and the residents of the State are urged to support 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 April 2, 1968.

JOINT RESOLUTION No. 3

A JOINT RESOLUTION requesting the Governor to issue a proclamation designating May 1, 1968, 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, 1968, as "Law Day USA" in the State of New Jersey.

2. This joint resolution shall take effect immediately.

Approved May 2, 1968.

JOINT RESOLUTION No. 4

A JOINT RESOLUTION directing a proclamation designating the 26th day of May, 1968, as "Assembly Day," in New Jersey.

WHEREAS, The first Assembly to meet in New Jersey was held on May 26, 1668, in Elizabethtown which is now Elizabeth, and

WHEREAS, The Assembly was represented by "Burgesses" from Bergen, Elizabethtown, Newark, Woodbridge, Middletown, and Shrewsbury; and

WHEREAS, May 26, 1968 will mark the Tercentennial Anniversary of that first meeting; 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 26, 1968 as "Assembly Day" in the State of New Jersey.

2. This joint resolution shall take effect immediately.

Approved May 6, 1968.

JOINT RESOLUTION No. 5

A JOINT RESOLUTION directing a proclamation designating May 24, 1968 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 24, 1968 as "Civil Service Day" in the State of New Jersey.

2. This joint resolution shall take effect immediately.

Approved May 22, 1968.

JOINT RESOLUTION No. 6

A JOINT RESOLUTION commemorating the golden anniversary of the establishment of the State Department of Institutions and Agencies.

WHEREAS, The act reorganizing the New Jersey State Board of Control and the establishment of the Department of Institutions and Agencies was enacted February 28, 1918; and

WHEREAS, For 50 years the Department of Institutions and Agencies has maintained a constant vigilance to provide and expand needed services to New Jersey citizens in welfare, mental health, mental retardation, correction and parole; has ever been aware of the dignity of the individual in administering its programs; has displayed its concern for the people it serves through continuous evaluation of its programs and facilities to meet changing economic and sociological conditions, and is achieving the purposes envisioned by its founders; and

WHEREAS, The golden anniversary of the Department of Institutions and Agencies merits recognition by our State of its dedicated employees and the many citizen board members who have given of themselves in the service of their fellow man; now, therefore,

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

1. The golden anniversary of the State Department of Institutions and Agencies shall be commemorated and the citizens of this State are urged to participate in appropriate programs and ceremonies recognizing the achievements of the State Department of Institutions and Agencies.

2. The Governor is hereby requested to issue an appropriate proclamation commemorating the golden anniversary of the State Department of Institutions and Agencies.

3. This joint resolution shall take effect immediately.

Approved June 21, 1968.

JOINT RESOLUTION No. 7

A JOINT RESOLUTION to declare the week of June 9 through June 14, 1968, 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 June 9, 1968, through June 14, 1968, 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 June 21, 1968.

JOINT RESOLUTION No. 8

A JOINT RESOLUTION directing the Department of Transportation to study the advisability and practicability of constructing a railroad link from Staten Island through Bayonne and Jersey City to Manhattan.

WHEREAS, New Jersey, as the most highly urbanized and industrialized State in the nation, faces many problems in assuring adequate and efficient transportation; and,

WHEREAS, The increasing population in Northern New Jersey can be expected to result in increasing congestion of the highways of this area which will make travel in the metropolitan area, even more difficult than it is at present; and,

WHEREAS, The value of improved railroad service and the feasibility of rapid transit facilities have already been demonstrated in many urban areas of the United States; and,

WHEREAS, Any proposal that promises both to relieve already over-burdened highways and increase the convenience of travel merits serious study and consideration by the Department of Transportation; now, therefore,

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

1. The Department of Transportation is hereby directed to study the advisability and practicability of constructing a railroad link from Staten Island in the State of New York, through the cities of Bayonne and Jersey City in the county of Hudson to the Island of Manhattan in the State of New York.

2. In the course of its study the Department of Transportation may consult with any department, agency or instrumentality of the government of New York State or the State of New Jersey, any department, agency or instrumentality created jointly by the governments of New York and New Jersey, or any committee, council, agency, or group of New Jersey citizens or New York and New Jersey citizens, which may, in the discretion of the Department of Transportation, be of assistance in its study.

3. The department shall consider the feasibility of utilizing existing railroad tracks and shall estimate the costs of any construction or reconstruction necessary to complete the railroad link described in section 1 of this resolution.

4. The department shall report to the Governor and the Legislature on or before December 1, 1969, as to its finding and recommendations as to whether such a railroad link is desirable, feasible and practicable and as to what additional legislation, if any, would be necessary to provide for construction of such a railroad link in New York and New Jersey.

5. This joint resolution shall take effect immediately.

Approved July 19, 1968.

JOINT RESOLUTION No. 9

A JOINT RESOLUTION to memorialize Congress to repeal section 208 of Public Law 90-248, Social Security Amendments of 1967, which limits Federal assistance to the States under the aid to dependent children program.

WHEREAS, The Congress of the United States enacted an amendment to the Social Security Act in 1967 which limits the number of children with respect to whom Federal payments may be made to a State under the aid to dependent children program;

WHEREAS, This limitation of Federal assistance will force State and local governments, whose financial resources are extremely limited and budgets are already severely strained by the requirements of public welfare, to shoulder an even greater proportion of the financial burden for the rapidly increasing number of dependent children;

WHEREAS, This amendment will not bring about any reduction in the number of dependent children but will merely curtail the amount of assistance available to them;

WHEREAS, This restriction is contrary to the basic philosophy of the AFDC program as originally conceived and inconsistent with our national policy and efforts to combat poverty;

WHEREAS, This amendment represents a step backward in the fight against poverty at a time when the needs of this Nation's poor have become increasingly apparent and have received considerable attention and concern at all levels of government;

WHEREAS, Numerous public officials at all levels of government have spoken out against this amendment; now, therefore,

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

1. The Congress of the United States is hereby memorialized to repeal section 208 of Public Laws 90-248, Social Security Amendments of 1967.

2. The Secretary of State shall transmit forthwith a duly attested copy of this resolution to the Secretary of the Senate of the United States, the Clerk of the House of Representatives of the United States, the Senators from New Jersey and to each member of the House of Representatives of the United States elected from New Jersey.

3. This joint resolution shall take effect immediately.

Approved July 19, 1968.

JOINT RESOLUTION No. 10

A JOINT RESOLUTION requesting the Commission on State Tax Policy to study the problem and practices of the State in making payments in lieu of taxes and for services as to publicly-owned real property.

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

1. The Commission on State Tax Policy is requested to study the problems involved in the loss of tax revenue to municipalities resulting from State, county and other public ownership of real property and of the provision of municipal services to such public property, to evaluate the various statutory and other practices for State payments in lieu of taxes or for services rendered as to such tax exempt property, and to make recommendations in connection therewith.

2. The commission shall report to the Governor and the Legislature on or before December 31, 1968 as to its findings and recommendations.

3. This joint resolution shall take effect immediately.

Approved July 19, 1968.

JOINT RESOLUTION No. 11

A JOINT RESOLUTION creating a commission to study the laws governing investment in this State insofar as they affect the retention for investment within the State of wealth generated by commercial and industrial activity within the State.

WHEREAS, The continued economic growth of this State, the revitalization of its urban centers and the assurance of its future prosperity depend upon the availability of funds for investment in industry, housing and community facilities; and,

WHEREAS, In the free flow of commerce among the various States, investment funds continually migrate across State lines, seeking the most advantageous conditions for investment; and,

WHEREAS, New Jersey, a State highly developed in industry, commerce and transportation, and heavily urbanized, is a major generator of wealth that may become available for such investments; and,

WHEREAS, It is desirable to assure that a sufficient proportion of the wealth developed within this State be retained for investment in the future growth and prosperity of the State; and to that end the regulations and procedures established by law in this State should be well adapted, both in themselves and in comparison with conditions prevailing in other States, to encourage the retention of such funds for such purposes; 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 9 members, 3 to be appointed from the membership of the Senate by the President thereof, no more than 2 of whom shall be of the same political party; 3 to be appointed from the membership of the General Assembly by the Speaker thereof, no more than 2 of whom shall be members of the same political party, and 3 to be appointed by the Governor, no more than 2 of whom shall be of the same political party. 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 may not be a member of the commission.

3. It shall be the duty of the commission to make a thorough survey of the rules and procedures established by law in this State, for the regulation of investment; to ascertain what adverse or favorable effects such regulations and procedures may have on the retention for investment in this State of funds generated by business and industrial activity in this State, and to recommend such changes in the said rules and procedures as it may deem advisable in the interests of assuring the availability of sufficient investment capital for the economic needs of the State.

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 September 4, 1968.

JOINT RESOLUTION No. 12

A Joint Resolution creating a commission to study and review the statutes and court decisions relating to the problem of establishing a family court and providing for reports and recommendations to the Governor and the Legislature concerning the said matter.

WHEREAS, The future of this State and nation depends upon youth and requires that young people be kept from crime if they are to develop and realize their full potential; and,

WHEREAS, The FBI's Uniform Crime Reports revealed that in 1965, a majority of all arrests for major crimes against property were of people under 21, as were a substantial minority of arrests for major crimes against the person; and,

WHEREAS, The recidivism rates for young offenders are higher than those for any other age group; and,

WHEREAS, The Children's Bureau of the United States Department of Health, Education, and Welfare estimates that one in every 6 male youths will be referred to juvenile court in connection with a delinquent act before his eighteenth birthday; and,

WHEREAS, Between 1960 and 1965, arrests of persons under 18 years of age jumped 52% for willful homicide, rape robbery, aggravated assault, larceny, burglary and motor vehicle theft; and,

WHEREAS, The President's Commission on Law Enforcement and Administration of Justice reported that these trends and the increase in the total volume of crime that they appear to foretell are testimony enough that programs for the prevention and control of delinquency deserve our full attention; and,

WHEREAS, The numerous reports, studies and statements concerning the nature of delinquency and the dimensions of the problem have provided much necessary statistical information and have offered many suggestions among which one of the most valuable advises the creation of family courts and the implementation of educational, social and cultural programs for juveniles before they become delinquents; now, therefore,

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

1. There is hereby created a Family Court Study Commission to consist of 12 members, 3 to be appointed by the President of the Senate, 3 to be appointed by the Speaker of the General Assembly, 3 to be appointed by the Chief Justice of the Supreme Court of the State of New Jersey, and 3 to be appointed by the Governor, without regard to political affiliation. Vacancies in the member-

ship 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 the advisability of the establishment of a family court in New Jersey on a State-wide basis with particular reference to its incorporation into the New Jersey Superior Court and a transfer to the family court of jurisdiction covering all the incidence of family life, domestic relations and the treatment of juvenile offenders.

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 Governor and the Legislature, accompanying the same with any legislative bills which it may desire to recommend for adoption by the Legislature at its present or next session.

6. This joint resolution shall take effect immediately.

Approved September 4, 1968.

JOINT RESOLUTION No. 13

A JOINT RESOLUTION providing for a commission to study the child labor laws of this State as they relate to the school laws and the education of our youth and to propose changes thereto.

WHEREAS, The commission established pursuant to Joint Resolution Number 11 of 1955 to study the laws of this State relating

to child labor and to make recommendations thereof did not file a final report of its findings and recommendations with the Governor and the Legislature;

WHEREAS, This commission, in its interim report of March 10, 1958, pointed to several areas of our child labor laws, particularly those sections of the labor laws affecting our public school laws and school programs, that are in need of careful reappraisal both to safeguard the welfare and interests of our children and to promote their education and preparation for adulthood;

WHEREAS, This commission recommended further careful study of these aspects of the child labor problem;

WHEREAS, Various organizations and individuals directly concerned with the welfare and education of our youth have called for a reexamination of our child labor laws, substantially unchanged since 1940, especially as they relate to our school program, our attempts to combat juvenile delinquency and our attempt to overcome the problem of the school dropouts; and

WHEREAS, A number of bills introduced during past years to amend various sections of the child labor laws have been considered a piecemeal attack of the problem; now, therefore,

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

1. There is created a commission of 15 members, 3 to be appointed from the members of the Senate by the President thereof, 3 to be appointed from the members of the General Assembly by the Speaker thereof, 5 citizens of the State to be appointed by the Governor, who shall serve without compensation, and the Commissioners of Education, Institutions and Agencies, Labor and Industry and the Secretary of Agriculture, or their respective designated representatives. Of the members to be appointed by the Governor, there shall be one chosen to represent organized labor, one to represent industry management, one to represent agriculture, one to represent the child welfare organizations and one to represent education.

2. The commission shall organize as soon as may be after the appointment of its members and shall elect a chairman and secretary from among its members.

3. It shall be the duty of the commission to study the child labor laws of this State as they relate to our school laws and our school

and vocational training programs and to make such recommendations for change in those laws that it deems advisable and practicable to the end that the welfare and interests of our youth may be adequately protected and, at the same time, that their education and training for adulthood may be properly promoted.

4. The commission shall be entitled to call to its assistance and avail itself of such employees of any State department, board, commission or agency as it may require.

5. The commission shall meet during the recesses of the Legislature and shall report its findings and recommendations to the Governor and to this or the next Legislature.

6. This joint resolution shall take effect immediately.

Approved September 4, 1968.

JOINT RESOLUTION No. 14

A JOINT RESOLUTION creating a commission to be known as the North Jersey Commuter Railroad and Transportation Study Commission to study the feasibility of establishing a commuter terminal complex in the North Bergen-Secaucus area, and providing for reports and recommendations by the said commission to the Governor and the Legislature.

WHEREAS, The increases in population and urbanization of the New Jersey-New York metropolitan area which have taken place in recent years, and which have been predicted for the future, have created ever greater congestion on the highways in northern New Jersey and placed ever greater burdens on commuter rail facilities in the area; and,

WHEREAS, The need already exists for a centralized commuter transportation hub which would link major railroads with the most heavily traveled highways in northern New Jersey, and this need will become greater as development in northern New Jersey proceeds; and,

WHEREAS, A terminal complex which will provide rail, bus and automobile commuter facilities combined with cultural, shopping, sports, recreation and commercial facilities will fulfill a well-established need and will have a favorable impact on the future

growth and development of northern New Jersey and the entire State; now, therefore,

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

1. There is hereby created the North Jersey Commuter Railroad and Transportation Study Commission. The commission shall consist of 7 members as follows:

(a) The Commissioner of the State Department of Transportation, ex officio, who shall be chairman;

(b) 2 citizens of the State appointed by the Governor;

(c) 2 Senators to be named by the President of the Senate;

(d) 2 Assemblymen to be named by the Speaker of the General Assembly.

Any vacancy in the membership of the commission shall be filled in the same manner as the original appointments were made. The legislative members of the commission shall serve only so long as they are members of the house from which they were appointed.

2. The commission shall organize as soon as may be after the appointment of its members and shall select a secretary who shall be a member of the commission.

3. It shall be the duty of said commission to study the feasibility of establishing a commuter terminal complex in the North Bergen-Secaucus area which will serve as a major commuter transportation hub with facilities to service rail, bus and automobile commuters with a high speed rail shuttle connection to New York City, and which may include cultural, shopping, sports, recreation and commercial facilities on the same site. In making its study the commission shall consider the cost of such a complex, the benefit to the area in which it is located and the entire State, and the economic impact it will have on the future growth and development of the Hackensack meadowlands.

4. The commission may consult and coordinate its activity with any other public or private agency, group or association concerned with commuter transportation in the northern New Jersey-New York area. 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 to the Governor and the Legislature, setting forth the result of its studies and its recommendations concerning the commuter terminal complex which is the purpose of this joint resolution.

6. This joint resolution shall take effect immediately.

Approved September 9, 1968.

JOINT RESOLUTION No. 15

A JOINT RESOLUTION creating a Sports and Athletic Facilities Study Commission.

WHEREAS, Sports and athletic events of all varieties have become spectator attractions constituting major leisure time activities for a large majority of our citizens; and,

WHEREAS, The continuing expansion of competitive sports, particularly amongst our major professional leagues, has pointed up the need to provide additional facilities adequate to attract and accommodate sports and athletic events and attractions of the highest caliber; and,

WHEREAS, The establishment of such facilities will satisfy a public need and constitute a public purpose; now, therefore,

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

1. There is hereby created a Sports and Athletic Facilities Study Commission to consist of 9 members to serve without compensation, 3 to be appointed by the President of the Senate, one of whom shall be a member of the Senate, 3 to be appointed by the Speaker of the General Assembly, one of whom shall be a member of the General Assembly, and 3 to be appointed by the Governor. In appointing members of the general public, first consideration shall be given to those who are knowledgeable in the sporting world as well as the business world. 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 at the call of the Governor by the election from among its members of a chairman and vice-chairman and selection of a secretary who need not be a member of the commission.

3. It shall be the duty of the commission to study and determine possibilities and means for attracting new and additional sports and athletic events to the State, including professional league franchises and other organized sports, the kinds and types of facilities necessary to attract and accommodate such franchises and sporting events, the advisability of establishing multipurpose sports centers, the methods and manner of establishing, financing and administering such facilities, whether through a State authority or other State agency, county or municipal agencies, private enterprise, or any combination thereof, the advisability or necessity of ascertaining public sentiment or public approval through referenda, and to study and determine such other relevant matters as the commission shall deem necessary or advisable.

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, on or before February 1, 1969, 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 September 9, 1968.

JOINT RESOLUTION No. 16

A JOINT RESOLUTION creating a Senior Citizens Tax Study Commission to review and evaluate existing laws, proposed legislation and other alternative programs and policies concerning the taxation of citizens of this State of the age of 65 or more years, and to make recommendations for a practicable and equitable tax policy for such citizens.

WHEREAS, There are more than 650,000 citizens of New Jersey of the age of 65 or more years, according to the Federal Bureau of the Census; and,

WHEREAS, The vast majority of these senior citizens are finding it increasingly difficult to maintain living standards enjoyed in previous years as a result of increases in the cost-of-living and the diminishing ability of pensions and other benefits to meet these increases; and,

WHEREAS, The Legislature and people of New Jersey recognized and accepted their responsibilities to senior citizens, in 1960, through the amendment of Article VIII of the State Constitution to provide an exemption from real property taxation for certain senior citizens owning homes; and,

WHEREAS, Since 1960, numerous proposals have been made, and several are pending in the Legislature, to increase the tax exemption already granted and to provide additional benefits and grant exemptions from other types of taxation; and,

WHEREAS, In recognition of the great contributions made to New Jersey society by our senior citizens in the past and in the present, and with a knowledge of the seriousness of the economic problems facing these citizens today and in the future, a comprehensive review and evaluation of existing laws, proposed legislation and alternative solutions to these problems is necessary at this time; now, therefore,

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

1. There is hereby created a Senior Citizens Tax Study Commission to consist of 15 members, to be appointed as follows:

(a) One citizen of the age of 65 or more years and 4 members of the Senate, by the President thereof;

(b) One citizen of the age of 65 or more years and 4 members of the General Assembly, by the Speaker thereof;

(c) One citizen of the age of 65 or more years and 4 other citizens, by the Governor.

The members of the commission 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 the commission to review and evaluate existing laws, proposed legislation and other alternative programs and policies concerning the taxation of citizens of this State of the age of 65 or more years, and to make recommendations for a practicable and equitable tax policy for such citizens. The commission, in addition to any area of study it deems relevant, shall give particular attention to the practicability and feasibility of instituting a "tax-freeze," whereby senior citizens shall pay taxes, or any particular tax, based upon the amount of tax paid in a given year.

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 technical, 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 Governor and the Legislature, as soon as may be, 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 January 10, 1969.

PROCLAMATIONS

Proclamations by the Governor

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 assessment 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 8th day of January, A. D. 1968.

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 8th day of January, one thousand nine hundred and sixty-eight, 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:

American Bancredit Company,
Sico Factors, Inc.,
Market Securities, Inc.,
Jersey Credit Corp.,
A A Lexington Moving & Storage Co., Inc.,
A. Aragona, Inc.,
Abadean Exterminating Co.,
A. Barone, Inc.,
Abates Tavern, Inc.,
Abbett Homes, Inc.,

Abbey Laboratories, Inc.,
Abbey Uniform Co., Inc.,
Abbot Enterprises, Inc.,
Abern, Inc.,
Abe Strauss, Inc.,
A & B Floor Waxing Service,
Abigail Salons, Inc.,
A B J Carpenters, Inc.,
Able Aluminum Products, Inc.,
Able Construction Corp.,
Able Investigating Agency,
Able Messenger Service, Inc.,
Aborn Development Co.,
Abraham Isaac & Sons, Co.,
Academy Arena, Inc.,
Acceptance, Inc.,
Accurate Packaging Corporation,
Ace Burglar Alarm System, Inc.,
Ace Drug of Mendham,
Ace Paper & Paper Bag Co.,
Acetogen Cutting Gas Co.,
A C Juke Box Corporation,
A C K Equipment Co.,
A C Marina Fuel Company, Inc.,
Acme School Supply Mfg. Corp.,
Acme Sheet Metal Products,
Acmo Barber Shops, Inc.,
A & C Plumbing Co.,
Acre Home Improvement Co.,
Act Electric and Supply Co., Inc.,
Action Plus, Inc.,
Active Paint Corporation,
Adac, Inc.,
Adam Schmidt Construction Company, Inc.,
Adams Fun Pack Corp.,
Ad Card, Inc.,
Adco Leasing System,
Adept Leasing Corporation,
Adequate Protection Service Corp.,
Ades Realty Corp.,
Adirondack Estates, Inc.,
Admiration Mirror Corp.,

Adriannette Knitting Mills, Inc.,
Advance Advertising & Products, Inc.,
Advance Asphalt Co., Inc.,
Advanced Materials for Electronics, Inc.,
Advance, Incorporated,
Advance Vending Co., Inc.,
Advance Waste Handling Equipment Company of New Jersey,
Advertisers Mart, Inc.,
Aero Fil Manufacturing Corporation,
Aerosol Packing Service Corp.,
Afco Associates, Inc.,
A F Doll, Inc.,
Agency Management Corporation,
A. G. Hanak, Inc.,
Agora, Inc.,
A & G Trucking Corp.,
A. H. Lamme, Jr., Building Maintenance Co., Inc.,
Aiello and Graziano Realty and Construction Company,
Ainjil Corp.,
Airborne Industries Corporation,
Airport Plaza Bakery, Inc.,
Airvap Industries Incorporated,
Ajax Equipment Co., Inc.,
Ajax Home Builders,
A. J. Lewis Trucking Corp.,
A J M Realty Co.,
A & J Painting Contractors, Inc.,
A & J Warehousing, Inc.,
Aksrit Corporation,
Aladdin Home Remodelers, Inc.,
Al Bainbridge Farms, Inc.,
Albert Cecchi General Trucking, Inc.,
Alcar Builders, Inc.,
Alco Paper Co., Inc.,
A. L. Davis Company, Inc.,
Alden Industries, Inc.,
Al Dor, Inc.,
Alert Diving & Salvage Co.,
Alexander Shoes, Inc.,
Alex Belonsoff Landscaping, Inc.,
Alex M. Taylor & Son, Inc.,
Alice & Max Grossman Travel Service,

Alice Wonderland, Inc.,
All Boro Asphalt Company, Inc.,
All Brands Watch Hospital, Inc.,
Allentown Market, Inc.,
Allied Associates, Ltd.,
Allied Industries Incorporated,
Allied Marble Corporation,
Allied Materials Co., Inc.,
Allied Parcel Delivery, Inc.,
Allied Piping Products Co., Inc.,
Allied Roll Leaf Corp.,
Allie Strong Construction Co.,
All Media Agency,
All Nations Trading Co.,
All Nations Travel Agency, Inc.,
All News Publishing Co., Inc.,
All Star Investment Co., Inc.,
Allstate Business Machine Corporation,
Allstate Millwork & Building Supply Co.,
Allstate Plumbing Corp.,
All States Leasing,
All Weather Insulation Co., Inc.,
Alpak Manufacturing Corp.,
Alpha Auto Rentals, Inc.,
Alphatrig Industries, Inc.,
Alphea Corporation,
Alpine Inn,
Alps Leasing Corp.,
Alrose Construction Co., Inc.,
Alsmor Maintenance Co., Inc.,
Alsico, Inc.,
Alterations, Inc.,
Altman Associates, Inc.,
Alway Ornamental Iron Co., Inc.,
A & M Bar & Grill, Inc.,
Ambassador Looms, Inc.,
Ambassador Sterling Mfg., Inc.,
Amboy Properties, Inc.,
A M D Corp.,
American Abstracting Incorporated,
American Association of Nursing Homes of New Jersey Incorporated,

American Equities Fund Management Corp.,
American Fire Extinguisher Corp.,
American Home Credit Company,
American House Cleaning Contractors, Inc.,
American International Sales Corp.,
American Investigating Bureau, Inc.,
American Mobile Canteen Corporation,
American and Overseas Marine Company, Inc.,
American Pool Company, Inc.,
American Prestige Pools, Inc.,
American Printed Circuits Company, Incorporated,
American Swimming Pool Industries, Inc.,
American Yam Exchange, Inc.,
Amex Development Corp.,
A and M Furniture & Appliance Company,
Amherst Medical Group,
A M H Realty Company,
Amity Realty Co., Inc.,
Amity Trucking Co., Inc.,
A M K, Inc.,
A M M Advertising, Inc.,
A M & M Construction, Inc.,
Amos Rambler, Inc.,
A M T Realty Co.,
Amwell Associates, Inc.,
Amy Joy New Jersey, Inc.,
Anaport International,
Anbar Erectors, Inc.,
Anbo Realty Co.,
Anco Warehousing Corporation,
Andale, Inc.,
Anderson Realty Corp.,
Andersons Commercial Laundry Corp.,
Andolino Brothers, Inc.,
Andrea Fashions, Inc.,
Andrew Construction Co., Inc.,
Andrew Paige Associates,
Anfreann Land & Building Development Co., Inc.,
Anjo Construction Company, Inc.,
Anjon Restaurant Corp.,
An Mar Builders, Inc.,
Annapolis Company, Inc.,

Annid Trucking Co., Inc.,
Annmark Realty Corp.,
Annmor Corp.,
Ann Murray Enterprises, Inc.,
A N Precision Products Corp.,
Anron Construction Corp.,
A. N. Stollwerck, Inc.,
Anthony Bottling Company,
Anthony & Maria Sindoni, Co.,
Anthony Saggese, Inc.,
Antoine Bake Shop, Inc.,
Anvel Holding Corporation,
Anzac Realty, Inc.,
Aoe Taxi, Inc.,
A I Builders, Inc.,
A P Corporation,
Apex Automotive & Body Shop, Inc.,
Apex Auto Sales & Service, Inc.,
Apgar White Associates, Inc.,
Apis Realty Company,
Apkon, Inc.,
Appliance Warehouse Co., Inc.,
Applied Systems Incorporated,
A P S Contracting, Inc.,
A C L Corporation,
Arab Casino, Inc.,
Arber Feed Co.,
Arber Feed Corp.,
Arcade Propane Gas, Inc.,
Archer Building Company, Inc.,
Archer Drilling Company, Inc.,
Architectural Interiors, Inc.,
Arco Refrigeration Service, Inc.,
The Arcouet Corporation,
Ardura Corp.,
Area Aluminum Products, Inc.,
Area Transportation Company, Inc.,
Arenberg Plotkin of Paterson, Inc.,
Argonne Cleaners, Inc.,
Argus Investment Co., Inc.,
A. R. Kornberger Company,
A & R Laundercenter, Inc.,

Arlen Construction Co., Inc.,
Arlington Agency, Inc.,
Arlington Arms, Inc.,
Arlington Cocktail Lounge, Inc.,
The Arlyn Realty Corporation,
Armanco, Inc.,
Armco Auto Center,
Armco Investments, Inc.,
A R M Corp.,
Armil Corp.,
Armorcraft Reconstruction Corporation,
Ar Mort S of New Jersey, Inc.,
Armory, Inc.,
Arms Construction Co.,
Arnick Construction Company, Inc.,
Arnold Embroidery Co., Inc.,
Arnold Leone, Inc.,
Arn Realty Co.,
Arnym Press,
Aroma Coffee Company,
A R Realty Co.,
The Arro Real Estate Organization, Inc.,
Arrowhead Chemical Company, Inc.,
Arrowhead Farm Service, Inc.,
A & R's Construction Co.,
Arsee Salvage Corporation,
Artcraft Auto Body Company,
Artcraft Stores Company,
Arthur Balas Investments,
Arthur and Martin Pinnas, Inc.,
Arthur McManus, Inc.,
Arthur M. Zorn, Inc.,
Artic Refrigeration Co., Inc.,
Articulate, Inc.,
Artistic Award Letters & Emblems, Inc.,
Artistic Cake Decorations Corp.,
Artistic Dry Cleaners, Inc.,
Artsal Realty Corp.,
Art and Science, Inc.,
Artvern Corporation,
Artwit Holding Corp.,
Arvid Corp., Inc.,

Asbestos Research & Development Co., Inc.,
Ascoprad, Inc.,
Asco Products Corporation,
A S G Realty Co.,
Ashland Builders, Inc.,
Associated Profit Counsellors,
Associated Reptile Tannery, Inc.,
Associated Security, Inc.,
Associated Supply Corp.,
Astarte Realty Corporation,
Astor Realty Co.,
Astral Radio and Television Service Company, Inc.,
Astra Metals & Research, Inc.,
Astrometals Corporation of America,
Astro Phoenix Corporation,
Atcheson Associates, Inc.,
Athens Development Co., Inc.,
Athletic Plans Agency, Inc.,
Atlantic Adjusters Middlesex, Inc.,
Atlantic Auto Sales and Service Co.,
Atlantic City Dredging & Construction Co.,
Atlantic Coast Aluminum Contractors,
Atlantic Excavating Company,
Atlantic Foreign Cars, Inc.,
Atlantic Hartford Company, Inc.,
Atlantic and Pacific Offset Publishers, Inc.,
Atlantic Recreation Centers, Inc.,
Atlantic Seabroad Warehouse Co.,
Atlantic Surplus Diesel Sales & Service, Inc.,
Atlantic Tub Enclosure Co., Inc.,
Atlas Carpets, Inc.,
Atlas Crane, Inc. of N. J.,
Atlas Credit Company,
Atlas Development Corp.,
Atlas Trailer Manufacturing Company,
A T Masters, Inc.,
Atomic Motor Co., Inc.,
Atomic Trophies, Inc.,
Atomite Corporation of America,
Atom Plumbing & Heating Corp.,
A. Troianello Florists, Inc.,
Attilio Enterprises, Inc.,

Au Be, Inc.,
Auction Outlet, Inc.,
Audio Image, Inc.,
August Contracting Co.,
Auriemma and Miller Construction Company, Inc.,
Aurora Fashion, Inc.,
Authorized Cars For Rent, Inc.,
Authorized Echool of Driving,
Auto Dealers Service, Inc.,
Auto Life Tire Center, Inc.,
Auto Marine Development, Inc.,
Automated Accounting Services, Inc.,
Automatic Beer Line Cleaners, Inc.,
Automatic Coating, Inc.,
Automotive Alignment Equipment, Inc.,
Auto Rite Service, Inc.,
Auto Terminal Corp.,
Auto Travel, Inc.,
Avanti Knitwear Corp.,
Avenue Apartments, Inc.,
Avenue Billiardrama, Inc.,
A V M, Inc.,
Axis Construction Corp.,
Aztec Cabinets, Inc.,

The Bachreed Company,
Bada, Inc.,
Bagz, Inc.,
Bailey Builders, Inc.,
The Baisely Corporation,
Baltic Construction Co.,
Baltimore Wire and Iron Works, Inc.,
Bangel & Fine Enterprises, Inc.,
Banner Glass Corp.,
Banner Printing Corp.,
Banola Corporation A,
Barbara Lynn, Inc.,
Barbato Builders, Inc.,
Bardon Embroidery Corp.,
Bar F Construction Co., Inc., of New Jersey,
Bargain Land,
Bargel Realty Co., Inc.,

Barind Construction Company, Inc.,
Barneys Bar, Inc.,
Baron Leather Co.,
Bar Pat, Inc.,
Barrington & White Radio and Electronic Service, Inc.,
Barsam Homes, Inc.,
Bartling Enterprises,
Barton Transfer & Storage Co.,
Basco Realty Co., Inc.,
Base Automotive Supply, Inc.,
Basking Ridge Estates, Inc.,
Bathurst Realty Corp.,
Battaglia & Son,
Bauer & Coates Realty,
Bauer Racz Construction Co., Inc.,
Bay Marina, Inc.,
Bayonne Better Homes, Inc.,
Bayonne Condenser and Boiler Corp.,
Bay Shore Drug, Inc.,
Bazaar II Coiffures, Inc.,
B & B Beverage Service Corporation,
B B C Advertising Agency, Inc.,
B & B Diner,
B & B Screw Manufacturing Co., Inc.,
B B S Kosher Meats, Inc.,
B & D Auto Repair Corp.,
B & D Bar & Grill, Inc.,
B Delivery Service, Inc.,
B & D Refreshment Enterprises, Inc.,
Beachcomber Publishing Co., Inc.,
Beach and Country Shop,
Beachwood Tavern, Inc.,
Beacon Precision, Inc.,
Beam Construction Co.,
Bear Cleaning Corp.,
Bedmar, Inc.,
Beef N Bun, Inc.,
Beirn Bus Service,
Bel Air Land & Investment Co., Inc.,
Belair Rainwear Corp.,
Beldor Corp.,
Bellaire House, Inc.,

Bella Vista Estates, Inc.,
Belle Maison, Inc.,
Belle Park Realty Corp.,
Belleville Brake & Clutch Exchange, Inc.,
Belleza Construction Company, Inc.,
Belmart Mills Company,
Belmont Sheet Metal Works,
Belric, Inc.,
Belvidere Trading Corporation,
B & E Mower Shop, Inc.,
Benjac Realty Corp.,
Benjamin Craig, Inc.,
Benjamin Mens Shop, Inc.,
Benjamin Schwartz, Inc.,
Ben Mar Motors,
Benowitz & Layton, Inc.,
Bentley Sportswear, Inc.,
Ben Wan, Inc.,
Bergen County House of Music,
Bergen Drywall, Inc.,
Bergenfield Hardware & Painting Co.,
Bergen Rental Service, Inc.,
Bergen Rigging Co.,
Bergen Tire, Inc.,
Bergen Valley Builders, Inc.,
Bergenwood Construction Co.,
Berkeley Grill, Inc.,
Berkeley Yacht Basin,
Berkshire Equipment Rental, Inc.,
Berkshire Excavating Company, Inc.,
Bernan Realty Co., Inc.,
Bernau & Co., Inc.,
Bershak, Inc.,
Bertor Construction Co., Inc.,
Bertrex, Inc.,
Berts Furniture Co.,
Bes Motors, Inc.,
Best Take Out Foods, Inc.,
Best View, Inc.,
Beth Textiles, Inc.,
Better Communities, Inc.,
Better Woods, Inc.,

Bett Guy, Inc.,
Betts Displays, Inc.,
Betts Plastics Co., Inc.,
Bevin Electronics, Inc.,
Bevin Scientific Co., Inc.,
B & G Oyster Company,
B & H Trading Corporation,
Bib & Tuck, Inc.,
Bicol Corp.,
Bienfait Embroidery Corp.,
Big D Packing Co.,
Big Shield Enterprises, Inc.,
Bihlers Flower Shop, Inc.,
Bill Brandt & Sons,
Billhardt Mesco Realty Co., Inc.,
Billingham Brass, Inc.,
Bill & Lucys Confectionery, Inc.,
Billy Boy Restaurant, Inc.,
Biltmore Agency,
Bilt Well, Inc., of Northern New Jersey,
Bim, Inc.,
Bi Mor Realty Co.,
Bings Auto Sales, Inc.,
Biorganic Laboratories, Inc.,
Birardis Plumbing & Heating, Inc.,
Birch Haven Homes, Inc.,
Birchwood Field Club, Inc.,
Birchwood Realty Co.,
Birdhaven, Inc.,
Biscayne Estates,
Biscayne Leasehold Corp.,
Bi State Brick and Supply Company,
Bit Con, Inc.,
B K C Company,
Blaebern, Inc.,
Black Diamond Grit Company, Inc.,
Blackshear Transportation Co., Inc.,
Black & White Construction Co., Inc.,
Black & White Super Service,
Blackwood Equipment Rental, Inc.,
Blaire Construction, Inc.,
Blanchard Provision Corporation,

New Jersey State Library

Blanmar Realty Incorporated,
B & L Cleaners,
Bleecker Associates, Inc.,
The B & L Electric Company, Inc.,
Block Brothers Chair Rental Service, Inc.,
Block Motors, Inc.,
Bloom Dip Importers, Inc.,
Bloomer Gardner Agency, Inc.,
Blozen Bros., Inc.,
Blu Crest Transit Corporation,
Blue Lantern, Inc.,
Blue Lantern, Inc.,
Blue Mountain Construction Corp.,
Blue Tower System,
B & M Automotive Co., Inc.,
Boardwalk Capital Company,
Boat Equipment Unlimited,
Boat Traders Publications, Inc.,
Bobby Palumbo, Inc.,
Bob Mulhall, Inc.,
Bobo Enterprises, Inc.,
Bob Owen Truck Service Garage, Inc.,
Bobs Auto Body Shop,
Bob Win Company,
Bodar Sales Co., Inc.,
Boiler Maker Enterprises,
Bo Int Maintenance Corporation, Inc.,
Bomon Construction Corp.,
Bond Associates Corp.,
Bonhams Truck Leasing Corp.,
Bon Jon Products, Inc.,
Bonjs,
Bonnie Shawls Co.,
Book Pax, Inc.,
Boonton Auto & Truck Rentals,
Borden Apartments, Inc.,
Bosim, Inc.,
Boulevard Garage, Inc.,
Boulevard Oasis, Inc.,
Boulevard Texaco Incorporated,
Bound Brook Business Machines Service Co.,
Bourland Agency,

Bovino and Bovino Enterprises, Inc.,
B P E Improvement Co., Inc.,
B and P Stable,
B O Luncheonette, Inc.,
Bradel, Inc.,
Brad Lee Homes Corp.,
Bradley Mortgage Co., Inc.,
Bradmont Company,
Braemar Industries,
Bragaw, Inc.,
Bragg Shoes, Inc.,
Braks Farms, Inc.,
Brands, Inc.,
Branford Brake System, Inc.,
B & R Automotive, Inc.,
Breezy Point Realty Co.,
Breg, Inc.,
Brentwood at South River, Inc.,
Breton Court Realty Company, Inc.,
Brian Ross Corp.,
Brick Oven Country Kitchen, Inc.,
Bridge Service Co., Inc.,
Bridgeville Garage, Inc.,
Bridgewater Holding Co.,
Brielle Marine & Industrial Equipment Co.,
Brigadoon Village Section One,
Brigadoon Village Section Two,
Brigadoon Village Section Three,
Brigantine Cab, Inc.,
Brigham Extruders, Inc.,
The Bright Spot,
Brino Brothers, Inc.,
Bristol Constructors, Inc.,
Bristol Financial Corporation,
Brite Wipe,
Brito Construction Co., Inc.,
Brittons Foods, Inc.,
Brittwood Gates, Inc.,
B & R Mechanical Contractors, Inc.,
Broad Market Realty Corp.,
Broadon Realty Company,
Broad View Acres,

Broadway Cafe, Inc.,
Broadway Camera Shop, Inc.,
Broadway & Elm Apartments, Inc.,
Broadway Linen Company, Inc.,
Broadway Motors, Inc.,
Broadway Music Co., Inc.,
Bro Mau, Inc.,
Bronsted, Inc.,
Brook Road Corporation,
Brooks Chamberlain Company, Inc.,
Brookside Builders, Inc.,
Brooktree Holding Corporation,
Brookview Apartments, Inc.,
Broward Auto Rental,
Brown Brothers, Inc.,
Brunch N Lunch Caterers, Inc.,
Bruno Electric, Inc.,
Brunswick Paper Corporation,
Bryant Associates, Inc.,
B & S Metals, Inc.,
B & S Theatre Corp.,
B. T. Shuman, Inc.,
Budan Furniture, Inc.,
Budds Decorator Shop, Inc.,
Budget Motors,
Budget Service Corp.,
Builders Investments, Inc.,
Builders Lumber & Supply Company,
Builders Specialty Wholesalers, Inc.,
Built Rite Furniture Co.,
Bulk Weighers & Samplers, Inc.,
Buono Construction Co., Inc.,
Bureau For Advanced Housing,
Bureau Agency of New Jersey, Inc.,
Burger Bowl,
Burger Towne, Inc.,
Burgo Construction Co., Inc.,
Burgues Manufacturing Export & Import Co., Inc.,
Burgundy Homes, Inc.,
Burney Associates, Inc.,
Bursher, Inc.,
Butcher Tire Service,

Butler Town and Dress Shop, Inc.,
Buy Rite Appliance Center,
Buy Rite Liquor Co.,
B V M Builders, Inc.,
Byington Corp.,
Byram Associates, Inc.,
B. Zuck & Son Eviscerated Poultry, Inc.,

Cabex Corp.,
C A B, Inc.,
Cabrealty, Inc.,
Caddie Homes Camden, Inc.,
Cadico Corporation,
Cal Construction Corp.,
Caldwells of Margate, Inc.,
Caldwell Taxi Company, Inc.,
Caledonia Corporation,
Caljo Associates, Inc.,
Call A Car, Inc.,
Call On Realty Company,
Calvert Adjustment & Inspection Co., Inc.,
Cambridge Homes, Inc.,
Camcar, Inc.,
Camden Bullets Basketball, Inc.,
Camden Concrete Co.,
Camden County Multiple Listing Systems, Inc.,
Camden County Wildcats, Inc.,
Camden Industrial Sites,
Camden Terminals Realty Co.,
Camelia Candies, Inc.,
Camflo Builders, Inc.,
Cam Lit, Inc.,
Cam Mart Corporation,
Campaign Keys, Inc.,
Campbell Electrical Supply Corporation,
Camp Randi, Inc.,
The Campus Corner, Inc.,
Campus Fabrics,
Canadas Construction Company,
Canal Investors, Inc.,
Cannon Point North, Inc.,
Canterbury Sales Co.,

Capco Stainless Products, Inc.,
Cape May Coal and Ice Company,
Capital Container and Drum Co.,
Capital Investment Planning Corp.,
Capitol Sales, Inc.,
Captain Lent Enterprises, Inc.,
Caraloo Builders, Inc.,
Caral Realty Corp.,
Carbon Film Resistor Co., Inc.,
Car Care Corporation,
Cardelfe Trucking Co., Inc.,
Cardinal Industries, Inc.,
The Card and Party Shop, Inc.,
The Card Shopper, Inc.,
The Carel Corporation,
Carella Construction Co., Inc.,
Cargo Gear Certification, Inc.,
Caribe Hilton Lounge, Inc.,
Carik, Inc.,
Car Land, Inc.,
Carl Bolger Corporation,
Carleton House, Inc.,
Carlson Ferguson & Company,
Carlstadt Terminal Corporation,
Carlton Coat Co., Inc.,
Carltonian Mens Shop, Inc.,
Carmac, Inc.,
Carmer Industries, Inc.,
Carmick Lounge, Inc.,
Carneys Point Fuel Oil Supply, Inc.,
Carnor Holding Co., Inc.,
Carol Ann Apparel,
Carol Land Development Corp.,
Carolyn Gorris, Inc.,
Carolyn Properties Corp.,
Carpentry Construction Corp.,
Carrier Case Corp. of N. J.,
Car Ro, Inc.,
Carshel, Inc.,
Carter Lumber Sales Co.,
Casaco, Inc.,
Casas Construction Co., Inc.,

Cascolor Laboratories Incorporated,
Cashen Realty Co., Inc.,
Cash Enterprises, Inc.,
Cassese Bros. Trucking, Inc.,
Castle Estates, Inc.,
Catalpa Products, Inc.,
Caterers Three, Inc.,
Caufield & Co.,
C & B Builders, Inc.,
C B C Distributors, Inc.,
C B J Maintenance Corp.,
C B Land Development Co.,
C. Boyd Realty Co., Inc.,
C & C Industries, Inc.,
C. Clayton, Inc.,
C. C. O'Connor, Inc.,
C. C. W. Holding, Co.,
C D F Associates, Inc.,
C and D Property Maintenance Company, Inc.,
Ceco, Inc.,
Cedar Park Village, Inc.,
Cedar Steam Cleaning, Inc.,
Cedar View Heights, Inc.,
Cedarville Bldg. Supplies, Inc.,
Ce De Ge Holding Co., Inc.,
Cellucrete of New Jersey,
Center Cab Company,
Center Coast Estates, Inc.,
Center Meat Market, Inc.,
Center Wine & Liquor, Ltd.,
Central Construction Company, Inc.,
Central Hardwood Floor, Inc.,
Central Home Products Corp.,
Central Homes, Inc.,
Central Jersey Collection Agency, Inc.,
Central Jersey Garage, Inc.,
Central Jersey Wholesalers, Inc.,
Central Lathing & Plastering Corporation,
Central Neckwear Company, Inc.,
Central Oaks Park Development Corp.,
Central Pastry Shoppe, Inc.,
Central Resilient Floors, Inc.,

Central State, Inc.,
Central Viveres,
Centrex Industries,
Century Finance Co., Inc.,
Century Supreme Associates, Inc.,
Certified Construction Company,
Certified Mortgage Associates,
Cervone Brothers, Inc.,
C F C Investment Co., Inc.,
C & F Farms, Inc.,
C G M and Company, Inc.,
C & G Productions, Inc.,
Chabu Constracting, Co.,
Chadwick Court Apartments, Inc.,
Chadwick Marina, Inc.,
Chal Mann Builders, Inc.,
Chalto Luncheonette, Inc.,
Chamberlin & Robst, Inc.,
Chambers and Locust Company,
Chamboro Liquors, Inc.,
Chamor Realty Corp.,
Camp Auto Supply Co., Inc.,
Chancellor Theatre Corp.,
The Channels Marina Corp.,
Chapman Hill Corporation,
Charcol Pit, Inc.,
Char Del Construction Co.,
Chardell Enterprises, Inc.,
Charkay Freehold Corporation,
Charkay Parsippany Corporation,
Charkay Sea Girt Corporation,
The Charles Duerr Company, Inc.,
Chas. H. Friganza and Richard B. Frotton Company, Inc.,
Charles J. Helmstetter Co.,
Charles J. Praskac, Jr., Inc.,
Charles Moccia, Inc.,
Chas. Shaffer Plumbing & Heating, Inc.,
Charles Tavern,
Charles T. Roemer & Son, Inc.,
Charles of West New York, Inc.,
Charlies Surplus Stores, Inc.,

Charm Bag Shoppe, Inc.,
Charmer Corp.,
The Charru Corporation,
Charter Bonding Co., Inc.,
Charter Service, Inc.,
Chasalant, Inc., State Fair of Caldwell,
Chateau Lounge,
Chatterbox Club, Inc.,
Ched Co., Incorporated,
Chefs Bucket, Inc.,
Chek in Food, Inc.,
Chelsea Trading Company,
Chemical Wholesalers Company,
Chem Tech Corp.,
The Chem Trol Corporation,
Chestnut Avenue Apartments, Inc.,
Chila Bros. Builders, Inc.,
China Fair, Inc.,
China Kitchen, Inc.,
Chinsky Enterprises, Inc.,
Choapi, Inc.,
Chow Hound, Inc.,
Chris Ahr Construction, Inc.,
Chrislyn, Inc.,
Christie Supply Co., Inc.,
Chris Toys, Inc.,
Christy & Brooks, Ltd.,
Chrysler Inn, Inc.,
C H Sales Company,
C H S Realty Co.,
Chucks Corner, Inc.,
Chukser, Inc.,
Cicerello Tulsa Service, Inc.,
Cindi Michaels Productions, Inc.,
Cineplastic All Purpose Artificial Arms Company,
Cin Na Key Club, Inc.,
Circle Ceramics, Inc.,
Circle Cosmetics,
Circle Food Services Corporation of New Jersey,
Circle K Enterprises, Inc.,
Circle Masons, Inc.,

Circular Checkers, Inc.,
City Millwork & Cabinet Co., Inc.,
City Vu, Inc.,
Civil Engineering Associates, Inc.,
C J J Realty & Investment Corp.,
C & J Tire Company, Inc.,
C K Carting Co.,
Cla Cal Corp.,
The Claire Fox Art Gallery, Ltd.,
Clairs of Hackensack, Inc.,
Clark & Eig, Inc.,
Clark & O'Donnell, Inc.,
Classic Products, Inc.,
Claudia Construction Corp.,
Claudias Closet, Inc.,
Clearys Bar, Inc.,
Cleaver Pharmacy, Inc.,
Clementon Enterprises,
Cleveland Building Company,
Clifford Transporters, Inc.,
Cliffwood Construction Corp.,
Clim Amusement Corp.,
Clinton Construction Co., Inc.,
Clinton Discount Co.,
Clintonial, Inc.,
Clinton Point Corp.,
Clinvue Realty Corp.,
Cloud Nine, Inc.,
Cloverdale Realty Co., Inc.,
Clover Farms, Inc.,
Club Donna,
Club Hatem,
Club Helene, Inc.,
Club Rio,
Club 62, Inc.,
Cluster Corporation,
Coach Light Corporation,
Coastal Exterminators, Inc.,
Coastal Land Corp.,
Coastal Services, Inc.,
Coast Lanes, Inc.,
Coastline Country Farms Bakery,

Coast Lounge, Inc.,
Coast Sales & Service, Inc.,
Coating Specialties, Inc.,
Codas Market, Inc.,
Codhill, Inc.,
Cofax Electronics Corp.,
Coffee Service of Teaneck, Inc.,
Coha Building Company, Inc.,
Cohansey Finance Company, Inc.,
Cohansey Motor Hotel,
Colacurcio Contracting Corporation,
Colaner, Inc.,
Colapinto Bus Co., Inc.,
Colavita Travel Bureau, Inc.,
Colburn Enterprises Corp.,
Cole Carpets, Inc.,
Collard Corporation,
College Valet Shop, Inc.,
Colmac Sales Corp.,
Colonia Associates Incorporated,
Colonial Aluminum Products, Inc.,
Colonial Builders, Inc.,
Colonial Inn, Inc.,
Colonial Reproductions, Inc.,
Colonial Ridge Realty Corp.,
Colonial Stages, Inc.,
Colonna Freight Lines, Inc.,
Colon Realty Co.,
Colorcraft Screening Co.,
Colucci Realty, Inc.,
Columbia Music Corporation,
Comar Construction Corp.,
Comar Interstate Sales, Inc.,
Comar Trucking Co., Inc.,
Combined Enterprises, Inc.,
Combined Food Candy Cigar Stores, Inc.,
Comet Agency, Inc.,
Comic Vending Corporation,
Commercial Adjustment Corp.,
Commercial Auto Rental Service, Inc.,
Commercial Film Distributors, Inc.,
Commercial Office Supplies, Inc.,

Commodity Trading Corporation,
Commonwealth Associates,
Commonwealth Essex Abstractors, Inc.,
Commonwealth Mortgage Company,
Communication Systems Corporation,
Community Enterprises, Inc.,
Community Heating & Air Conditioning, Inc.,
Community Service Agency, Inc.,
Commuter Systems Incorporated,
Como Realty Co.,
Comparetto & Kenny Professional Association,
Complete Printing and Mailing Service,
Compressed Concrete Construction Corp. of N. J.,
Conards, Inc.,
Conbow Realty Co., Inc.,
Concrete Brickface, Inc.,
Concrete Pipe Carriers Co.,
Conditionair Corporation,
Condo Construction Corp.,
Conover Corporation,
Consolidated Aircraft Sales, Inc.,
Consolidated Automobiles International, Inc.,
Consolidated Credit Corp.,
Consolidated Financing Corp.,
Consolidated Structures, Inc.,
Consolidated Tanning Corp.,
Cons Tavern, Inc.,
Construction Specialties, Ltd.,
Consumers Bond and Mortgage Company Incorporated,
Consumers Ice Cream Company, Inc.,
Contact International, Inc.,
Contain A Blaz, Inc.,
Container Service and Maintenance Company, Inc.,
Contes Flower Shop, Inc.,
Continental Bowling Corporation,
The Continental Coiffeurers,
Continental Delivery Service, Inc.,
Continental Merchandisers, Inc.,
Continental Mortgage & Investment Co.,
Continental Wigs, Inc.,
Contis Contracting Equipment, Inc.,
Contractors Bottled Gas Corp.,

Contractors Mutual Corp.,
Contract Sales Associates,
Controlaire, Inc.,
Control Contamination, Inc.,
Controlled Temperature,
The Convent Corporation,
Cool Pools, Inc.,
Co Op Car Club Plan, Inc.,
Cooperative Marketing Associates,
Cooper and Company, Inc.,
Co Op Rent A Car System, East Orange Division, Inc.,
Coppens Company, Inc.,
Corad, Inc.,
Cora Realty, Inc.,
Corbin Properties, Inc.,
Corbo Builders, Inc.,
Corby Lewis Corp.,
Corner Bar, Inc.,
Corner Supermarket,
Corning Sportswear, Inc.,
Coronet Wigs, Inc.,
Corrigan Agency, Inc.,
Corrigan & Field, Inc.,
Cosmetique Coquet,
Cosmic Raymond Productions, Inc.,
Cosmos Coffee Shop, Inc.,
Costa Motor Sales, Inc.,
Costanza and Schott Realty Company,
Costapher Corp.,
Co Tu Spra, Inc.,
Coughlins,
Country Developers, Inc.,
County Farm Stores, Inc.,
The Country House, Inc.,
Country Lakes Building Corp.,
Country Lakes Land Co.,
Country Lane Development Corp.,
Country Meats, Inc.,
Country Products, Inc.,
Country Squire Mens Wear, Inc.,
The Country Stile, Inc.,
The Country Store, Inc.,

Country Style Donuts of Five Daughters, Inc.,
Country Style Donuts of New York, Inc.,
Country and Town Finance Corp.,
County Tire Co., Inc.,
Courtesy Associates, Inc.,
Court House Recreation,
Court Tavern, Inc.,
Cousins Trucking Co., Inc.,
Cowe Realty Corp.,
Cox Kitchens Corporation,
Coytes Corporation,
Craig Steel Equipment Co., Inc.,
C. Rainear,
Cranberry Lake Quarry Co., Inc.,
Cranbury Construction Company,
Cranford Hall Nursing Home, Inc.,
Cran Lin Laundromat, Inc.,
Cranstate, Inc.,
Crawford Builders, Inc.,
Crawford Investments, Inc.,
Crawford Metal Products Corp.,
C R C Corp.,
Cream Dip, Inc.,
Creative Planning Organization, Inc.,
Creative Promotions, Inc.,
Creative Sales Service, Inc.,
Credelco, Inc.,
Crescent Dyeing Corp.,
Crest Caterers, Inc.,
Crest Coating Corp.,
Crest Engineering, Inc.,
Cresthaven Investors, Inc.,
Crews Auto Center, Inc.,
Criterion Tool Manufacturing and Machine Co., Inc.,
Croat Bros., Inc.,
Crohack Holding Company, Inc.,
Crooms Construction Co., Inc.,
Cross Bar, Inc.,
Crossing Inn, Inc.,
Cross Keys Airport, Inc.,
Croton Realty Corp.,
Crouse Holding Co.,

Crowley Manufacturing Company, Inc.,
Crown International Corp.,
Crown Photographers, Inc.,
Crown Realty Co.,
Crown Service, Inc.,
Crown Warp Dyeing, Inc.,
Cryco, Inc.,
Crystal Candy Apple Co.,
Crystal Homes, Inc.,
Crystal and Okun,
C & S B, Inc.,
C. Serbe Storage Co., Inc.,
Cue Land, Inc.,
Cue O Rama, Inc.,
Cullen Homes,
Cultural Travel Center, Inc.,
Culver Development Corp.,
Cunningham Electric Construction Co., Inc.,
Cuppee Corp.,
Cupsaw Upper Lake Land Co.,
Curl & Dye, Inc.,
Curley Homes, Inc.,
Curtis Scott Corporation,
Curtis Turner Associates, Inc.,
Custom Audio Advertising, Inc.,
Customcraft Installations, Inc.,
Custom Cruises, Inc.,
The Custom Gentleman,
Custom Installers, Inc.,
Custom Plastics Corporation,
Customs, Inc.,
Cutrufello & Co.,
Cutrupi & Co., Inc.,
C. V. Poulos Food Products, Inc.,
C. Wolber Company,
Cyclone Enterprises, Inc.,
Cynthia Embroidery Corp.,

D A B Supply Co., Inc.,
Daco Industries, Inc.,
Dacy Realty Corp.,
Dado Corp.,

D & A Electric Contracting Corp.,
Dairy Fair, Inc.,
Dairy Farm Stores,
Dairyland Ice Cream, Inc.,
Da Ja Corporation,
Dajero, Inc.,
Dajobe Incorporated,
Dallas Agency, Inc.,
Damber Luncheonette,
Damist Corp.,
D. Amore Jewelers, Inc.,
Dana Press,
Danbar Apparel Manufacturing Company, Inc.,
Dan Blazier Acres, Inc.,
Dances Lounge, Inc.,
Dan Cris, Inc.,
Dandee Outerwear, Inc.,
Danforth Motor Sales, Inc.,
D. Angelo, Inc.,
D'Angelo, Inc.,
Danhec, Inc.,
Daniel Roxem Co.,
Dannys Automotive Repairs, Inc.,
Danser, Inc.,
Dans Home Improvement Corporation,
Danstan Development Company,
Dans Tavern, Inc.,
Dante Golf Aids, Inc.,
Daphna, Inc.,
Dapper Discount Sales,
Dar Ed, Inc.,
Dare, Inc.,
Daria, Inc.,
Darlington Investors Corporation,
Darlington Woods, Inc.,
Darmar Builders, Inc.,
Darsey, Inc.,
Dart Construction Co., Inc.,
D A S Agency, Inc.,
Data Services Incorporated,
Dauson, Inc.,
Dave Gall Associates, Inc.,

Dav El Poultry Farms, Inc.,
Davern Equipment Corp.,
Daves Liquor Store, Inc.,
David Bell Produce Co., Inc.,
David Building Corp.,
David Jaye, Inc.,
David Merchandising Co., Inc.,
David Ramsey Associates, Inc.,
David Walters, Inc.,
Davis Bus Service, Inc.,
Davis Contracting Corp.,
Davis & Richardson Corp.,
Daward Homes, Inc.,
Dawn Patrol Hotel,
Dawn Realty Co., Inc.,
Day Street Building Corporation,
D B G Construction Corp.,
D. B. Lens Company, Inc.,
Decor Trucking Corp.,
D. C. Satterfield, Inc.,
Dean Laboratories, Inc.,
Dean Motors, Inc.,
Dean Trading Company Incorporated,
Debolis Corporation,
Debra Sportswear Co., Inc.,
Decagon, Inc.,
Deco Glass Co., Inc.,
Decorative Fixtures, Ltd.,
Decor Foods, Inc.,
De Developing Co., Inc.,
Dee Cal, Inc.,
Dee & Dee Enterprises, Inc.,
Deer Drift Park, Inc.,
Deerfield Park Harbor, Inc.,
Deer Meadows, Inc.,
De Franco Livery Service, Inc.,
De Hart Construction Co., Inc.,
The D E H Corporation,
Dejay Const., Inc.,
De Jon Salon,
Del Aire Builders & Contractors, Inc.,
Delavalley, Inc.,

Delaware Bulk Terminal Corporation,
Delaware Development Corp.,
Delaware Valley Construction Co.,
Delaware Valley Hardware, Inc.,
Delaware Valley Laundromats, Inc.,
Delaware Valley Mortgage and Finance Co.,
Delci Co.,
Delco Developers, Inc.,
Delco Drywall, Inc.,
Del Contracting Company,
Deli Associates, Inc.,
Deli Masters, Inc.,
Deli Rama Foods, Inc.,
Delivery Service Incorporated,
Dellso Corporation,
Del Nero Bros., Inc.,
Delsmar Equipment & Service Co., Inc.,
Del Val Associates, Inc.,
Del Val Bench Company,
Delvest, Inc.,
Del Vue Homes in Edgewater Park Corporation,
Del Vue Homes, Inc.,
Delwick, Inc.,
Delwick Manufacturing Corporation,
Dema Music Corporation,
De Massi Music Corporation,
Demblings of Plainfield, Inc.,
Demco Associates, Inc.,
Demerson Building Associates, Inc.,
Demilio, Inc.,
De Milo Footwear, Inc.,
De Mola Construction Co., Inc.,
Dempsey Associates, Inc.,
Denia Corporation,
Denise Construction Co., Inc.,
Denison Health Club,
Dennis H. Casey Maintenance Enterprises,
Denville Auto Repair Mart, Inc.,
Denville Delunch, Inc.,
Department Excess of New Jersey, Inc.,
De Phillips Realty,
Depova & Robertson,

Deptford Tavern Corporation,
Designed for Living of the Lakeland Area, Inc.,
Designers Outlet of New Jersey, Inc.,
Designs by Da Costa, Inc.,
Designs for Interiors,
Desimone Trucking Company,
Dettorres Auto Service,
Devilaz, Inc.,
The Devon Court Company,
D & F Construction Co., Inc.,
D & G Auto Body Shop,
D G S Realty Company,
D & H Precision Tool Co.,
Dial A Maid Service, Inc.,
Diamond Acceptance Corporation,
Diamond Bar & Grill, Inc.,
Diamond Business and Social Club,
Diamond Casino, Inc.,
Diamond Fair, Inc.,
Diamond House, Inc.,
Diane Lingerie, Inc.,
Diaper Maid of America,
Dickerman & Cohen Sportswear, Inc.,
Dickson & Rhodes, Inc.,
Dick Walsh, Inc.,
Dicris, Inc.,
Dietl & Kraft, Inc.,
Di Jop Sportswear,
The Dill Pickle,
Dinos Enterprises,
Di Pet Distributors, Inc.,
Dips Welding Service,
Direct Mail Advertising Associates, Inc.,
Discount Foods, Inc.,
Discount Foods of Pompton Lakes, Inc.,
Discount Medicine Shelf Corp.,
Discount Rent a Car, Corp.,
Di Silveria Construction and Maintenance Co., Inc.,
Displays Unlimited,
The Diversified Loyalty Investment Corporation,
Diwhit Development Co.,
Dixie Truck Stop, Inc.,

D Jais Bar and Grill, Inc.,
D L M Corporation,
D. Matteo Construction, Inc.,
D & M, Inc.,
D. Neri, Inc.,
Dobar Mfg., Co.,
Dobil Corporation,
The Dobson Corporation,
Docs Pizzeria, Inc.,
Doem Realty Co., Inc.,
Dollar Car Rental System, Inc.,
Dollard, Inc.,
Doll Promotions, Inc.,
Dolly Manufacturing Corp.,
Dollyn Realty Co., Inc.,
The Dolores Company, Inc.,
Dolsen, Inc.,
Dome Pizza Corp.,
Dominion Realty Co.,
Do More Insulation Company, Inc.,
The Donalan Corporation,
Donamy Corp.,
Donbar Estates New Jersey Corp.,
Don Builders, Inc.,
Don and Dot Corporation,
Donel Corp.,
Dongail Realty Corp.,
Donlin Electrical Construction Co.,
Donmarc Builders, Inc.,
Donnas Wine & Liquor Co., Inc.,
Don Newcombes Wines & Liquors, Inc.,
Dono Corporation,
Donsen Construction Co.,
Donson, Inc.,
Don Stilo, Inc.,
Donwal Homes, Inc.,
Donz Enterprises, Inc.,
Donzi Corp.,
Doo Dee Pins, Inc.,
Dorado Apartments, Inc.,
Dorans Troop Sheet Metal Corporation,
Dore Cosmetic Bars,

Doren Carton Corporation,
Dorfman Bar & Grill, Inc.,
Dorfred Corp.,
Dorma Realty Co.,
Dorohas, Inc.,
Dorrys, Inc.,
Dorson, Inc.,
Dotchet Agency, Inc.,
Dot Ida Realty Company,
Dottys Coiffures, Inc.,
Doucette Products Corporation,
Doughten Seed Company,
Douglas Cleaners, Inc.,
Douguas Finance Co., Inc.,
Dover Realty Corporation,
Downtowner,
D & P Cleaners, Inc.,
Draftmeister of N. J., Inc.,
Drake Homes, Inc.,
Drakes Food Service,
Drakestown Sewer Company,
Drake Terrace Corporation,
Dranco Development Company,
D & R Boat Rentals, Inc.,
D & R Cab Co.,
Dreamland Distributors,
Dream Way, Inc.,
Drew School of Beauty, Inc.,
Drexel Ceramics Corporation,
Dry Cleaning Village of Maywood, Inc.,
D & S Contracting Company,
D & S Erectors,
D & T Auto Body Corp.,
Dublate Realty Co.,
Dudnick Brothers, Inc.,
Dudnick Seyton Construction Co.,
Du Ette, Inc.,
Dufalt, Inc.,
Duke Auto Sales, Inc.,
Duke Realty Company, Inc.,
Dukes International, Inc.,
Du Lane Jewelry & Camera Company, Inc.,

Dulls Bar & Tavern, Inc.,
Dumay Construction Company, Inc.,
Dumont Demolition Co., Inc.,
Dumping, Inc.,
Dunbro Incorporated,
Duncan, Inc.,
Dun Rite Steel Treating Co., Inc.,
Dupegan Distributing Transporting & Consulting Co., Inc.,
Durabilt Precast Concrete Step Co., Inc.,
Duradeck Corp.,
The Dutchess Corporation,
Dutch Hut System, Eatontown, Inc.,
Dutch Mill Products Co.,
Dwight C. Lang Advertising Marketing, Inc.,
D & W Painting,
Dynamic Sound of New Jersey, Inc.,
Dynamic Sound Sales Corporation,
Dyna Mist Chemical Co., Inc.,

Eagle Contracting Incorporated,
Eagle Design, Inc.,
E & A Masonry Contractors, Inc.,
Earls Construction Company,
Early American Cabinet Company, Inc.,
Easi Cook Corporation,
Easi Electronic Accounting Systems, Inc.,
East Coast Food Specialties, Inc.,
East Coast Surplus Realty Corp.,
Eastern Detective Agency, Inc.,
Eastern Film Labs,
Eastern Fur Meat, Inc.,
Eastern Model Railroad Company,
Eastern Packing Company,
Eastern Sand and Gravel Co.,
Eastern Seaboard Machinery Co.,
Eastern Shore Pipe & Construction Co.,
Eastern State Investment Corp.,
Eastern States Builders, Inc.,
Eastern Supermarkets,
Eastern Towing Corp.,
Eastern Yarn Processing Corp.,
East Gate at Ewing, Inc.,

East Jersey Service Stations, Inc.,
East Newark Cab Company, Inc.,
Eastport Realty Corp.,
East Side Cafe, Inc.,
Eastside Service Center, Inc.,
East State Auto Body, Inc.,
East View, Inc.,
Eastwind Corporation,
Easy Does It Laundromat, Inc.,
Easy Method Auto Driving School of Morris County,
Eat N Donuts, Raritan, Inc.,
Eaton Hardware Company,
Eatontown Riding Stable, Inc.,
Ebb Tide Motel, Inc.,
E. B. Loomis, Inc.,
E C A Corporation,
Ecana, Inc.,
ECC Auto Rentals,
Echols Enterprises, Inc.,
Echo Ridge Homes Incorporated,
Eckhoff Supply Co., Inc.,
Econolier Corp.,
Econometrics,
Economic Consultants Incorporated,
Economy Motors, Inc.,
Economy Printing Services, Inc.,
Economy Processing Corporation,
Econo Shine Corp.,
Econotruck,
Eda Holding Co.,
Eddie Carrolls Enterprises, Inc.,
Eden Roc Fashions,
Ed Finns Cocktail Bar,
Edgeworth Company, Inc.,
Edglad Corporation,
Edison Auto Body, Inc.,
Edison Business Forms, Inc.,
Edison Plumbing & Heating Co., Inc.,
Edison Professional Building,
Edisons, Inc.,
Edmo Realty, Inc.,

The Edon Roc Coiffures,
Edpe, Inc.,
Edrowin Co., Inc.,
Edrowin Realty Corporation,
Eds Tavern,
Educaid, Inc.,
Educational Guild of New Jersey,
E. E. Peter, Inc.,
E. F. Endicott and Son, Inc.,
Efenei Confectionery and Luncheonette,
E & G Express & Trucking Co., Inc.,
E. G. Mason Construction Co., Inc.,
E G Wholesalers, Inc.,
E. Harry Kuntz Co.,
8th Ave. Realty Co., Inc.,
879 Broad St., Inc.,
813 Realty Corporation,
8 Meter Corporation,
8 10 French Street, Inc.,
The 88 Drive In, Inc.,
Eileen Motel, Inc.,
Eimers, Inc.,
E. Kurnos Realty Company,
Elaines Bake Shop, Inc.,
Elba Construction Co., Inc.,
El Caporal,
Elco Film Laboratory, Inc.,
The E & L Corporation,
The Elden Company,
Elder Enterprises, Inc.,
Electrical Machining Specialists, Inc.,
Electric Process Company,
Electro Cleen Corp., Inc.,
Electrocoils Incorporated,
Electro Fire Extinguisher Corporation,
Electronic Development Corporation,
Electronic Directory Processing Corporation,
Electronic Generator & Equipment Corporation,
Electronic Realty & Equipment Company,
Electronic Servant, Inc.,
Electronic Tube Coil Company,
Electron Industries, Inc.,

1105 Broad Street, Inc.,
1145 Corporation,
1177, Inc.,
11 No. Beverwyck, Inc.,
Elgail Realty Co.,
Elgate Enterprises, Inc.,
Elmco,
Elia Masci, Inc.,
Elians Service Station, Inc.,
Elizabeth Ave. Storck Boys, Inc.,
Elizabeth Bootery, Inc.,
Elizabeth Corr, Inc.,
Elizabeth Novelties & Supplies, Inc.,
Elizabethport Farmers Market,
Elizabeth Seaplane Base, Inc.,
Elizabeth Terminals Company,
El Jay Dee Oil Corp.,
El Kop Leasing Co.,
Ellcraft Industries, Inc.,
Ellery Auto Body, Inc.,
Elliott Motors, Inc.,
Elmer Smith, Inc.,
Elmora Gardens, Inc.,
Elmwood Construction Co.,
Elmwood Green, Inc.,
Elmwood Park, Inc.,
Elmworth Realty Co., Inc.,
Elro Company,
Elsco,
Elsie, Inc.,
Elton Cleaners, Inc.,
Elul Investment Corp.,
Elvira Investment Company,
Emarkay Laboratories, Inc.,
Embassy Fashions, Inc.,
Embassy Shoe Corp.,
Embers of South Brunswick, Inc.,
Emblem Finishing Company,
Embossed Metal Products, Inc.,
Embroidery Products Corporation,
E & M Constructors, Inc.,
Emdeepee Corporation,

Emenar, Inc.,
Emerson Laundry, Inc.,
Emil Freddy Coat & Suit Co.,
Emilios, Inc.,
Emma Graubard Gift Shoppe, Inc.,
Emma Sportswear, Inc.,
Emmott Productions, Inc.,
Empire Agency, Inc.,
Empire Button Manufacturing Co.,
Empire Diner, Inc.,
Empire Lathing and Plastering Corporation,
Empire Modernization, Inc.,
Emporium for the Unusual, Inc.,
Empress Bake Shop, Inc.,
Empress House Apartments, Inc.,
Empress House Building Corp.,
E & M Trucking Company,
Enco, Inc., No. 1,
Engle Cliff Properties,
Englewood Building Maintenance Co., Inc.,
Englewood Desk, Inc.,
Englishtown Industries, Inc.,
Enro Corp.,
Enrose Corp.,
Entek, Inc.,
Enterprize Management & Credit Service, Inc.,
E P C Realty, Inc.,
Eppes Essen, Inc.,
Eppolito Florist, Inc.,
Equity Mortgage, Inc.,
Erdo Enterprises, Inc.,
Eric Donald Builders, Inc.,
Erli Realty Company, Inc.,
Ernest Melchnior Cutlery, Inc.,
Ernst Baking Company.,
Erwarik, Inc.,
Esart Contracting Co., Inc.,
E S P Corp.,
Espin R. Riggins, Inc.,
E & S Plumbing and Heating Supply Company,
Esselle Company, Inc.,
Essex County Warehouse, Inc.,

Essex Data Processing,
Essex Discount Company,
Essex Enterprises, Inc.,
Essex Flooring Contractors,
The Essex Gym & Health Club, Inc.,
Essex Industries, Inc.,
Essex Metal Box Corp.,
Essex Packaging,
Essex Power & Light Supply Co., Inc.,
Essex Shake and Panel Co.,
Esskay Leasing Corporation,
Estate Holding Co.,
Estimates, Inc.,
Estlee, Inc.,
Etcetera, Inc.,
Etin Realty Corporation,
Etlo Auto Supply of Rockaway, Inc.,
Etta Wald, Inc.,
Eugene W. Mesco, Inc.,
Eumar Homes, Inc.,
The Europeans,
Evangail Sharpening Service, Inc.,
Evan Gomez, Inc.,
Evans Flambe Corporation,
Eve Lynn Realty Company, Inc.,
Everett and Carbin, Inc.,
Evergreen Village, Inc.,
Everlast Improvement Co.,
Everlast Paving & Construction Co., Inc.,
Ever Tempting Products Corporation,
Evesborough West Corporation,
Ev Mar Corporation,
E. V. Wilson, Inc.,
Ewed Corp.,
Ewell & Harris, Inc.,
E. William Rosenfeld and Sons, Inc.,
Ewing Diner, Inc.,
Ewing Italian Bakery Co.,
Ewing Office Building, Inc.,
Excelsior Service Corporation,
Exchange Parking, Inc.,
Executive Health Club, Inc.,

Executive House,
Executive Investment Corporation,
Exit Seven Real Estate Company,
Exotic Incorporated,

F A B Corporation, Inc.,
Fabers Interboro Laundry, Inc.,
Fabio Seabold Realty Co.,
Fab Rite Laminating Corp.,
Fabtex, Inc.,
Fabulous Butcher Boys of Wayne, Inc.,
Fabulous Fabrics, Inc.,
Facades, Inc.,
Factor Motor Co., Inc.,
Fadamark Construction, Inc.,
The Faherty Agency,
Fairfield Motors, Inc.,
Fairfield Stone & Gravel Co., Inc.,
Fairfield View Estates,
The Fair Gift Shops of New Jersey, Inc.,
Fair Lady Dress Co., Inc.,
Fairlane Cedar Knoll Building Corp.,
Fairmount Diner, Inc.,
Fairplay Auto Sales, Inc.,
Fair Ridge Clean & Wash Center, Inc.,
Fair Ridge Service Station,
Fair Textile Corp.,
Fair Vending Corporation,
Fairview Liquors, Inc.,
Fairways Construction Co., Inc.,
Fairway Seed Company,
Falcon Realty,
Falcon Uniform Co., Inc.,
Faley Bar & Grill, Inc.,
Fallon Construction Company,
Family Color T V,
Family Department Stores, Inc.,
The Famous Chef Deli, Inc.,
Fanscot Electrical Service, Inc.,
Fanwood Independent,
Faraday Technical Corporation,
Farber Investments Corp.,
Far Hills Heights Land Development Corporation,

Farley & Danieli, Inc.,
Farm A Cy, Inc.,
Far Mar Corporation,
Farmer Associates, Inc.,
Faro Associates, Inc.,
Facination Paintings, Inc.,
The Fashion Comb, Inc.,
Fashions by Ansonia, Inc.,
Fas Pac Electronics,
F A S Realty Corp., Inc.,
Fast Filter Corporation,
F. Autullo Trucking Service, Inc.,
F & B Grotto, Inc.,
F and C Foods, Inc.,
F & D, Inc.,
Fedele Enterprises, Inc.,
Federated Industries, Inc.,
Federicis Hideaway, Inc.,
Fender Ful, Inc.,
Ferraro Cabinet Co.,
Ferrin Construction Corp.,
Feta Enterprises, Inc.,
F & F Investment Enterprises, Inc.,
F G Tire Corporation,
F. H. Schaefer & Co., Inc.,
Fiat Investment Corp.,
Fiberaids, Inc.,
Fidelity Capital Corporation,
Fidelity Printing Co., Inc.,
Fields Wearing Apparel,
Fiesta Embroidery Co., Inc.,
1529 Springfield Ave. Corp.,
15 Midland Avenue, Inc.,
5th and A Realty Company,
5th Ave. Body Works, Inc.,
Fifth Avenue & Railroad Realty Co.,
Fifth Realty Corp.,
The Fifty Nine Edgar Corporation,
Filbru, Inc.,
Fills, Inc.,
Filtex Finishing Co., Inc.,
Financial Institution Contractors Corporation,

Finderne Beer Garden, Inc.,
Fiore Realty Co.,
Fiore Realty & Mortgage Corp.,
First Company,
First Embroidery Corp.,
First Equipment Leasing Corporation,
First Fairlawn Mortgage Co.,
First Fidelity Construction Co., Inc.,
First Middlesex, Inc.,
The First New Jersey Realty Corp.,
1st Street Car Hop, Inc.,
Fishca Corp.,
Fisher & Norris, Inc.,
Fisk and Waters Restaurant Co.,
Fit Rite Bloomfield, Inc.,
Fit Rite Ridgewood, Inc.,
Fitz Embroidery, Inc.,
The Five Gs, Inc.,
549 Company, Inc.,
The 514 Corp.,
595 Broadway Bayonne, N. J., Inc.,
594 600 Main Street, Inc.,
596 Taxi Corp.,
578 580 15th Ave. Realty Co., Inc.,
574 Realty Co., Inc.,
570 Jackson Avenue Corp.,
516 Clinton Avenue, Inc.,
562 Harrison Ave. Corp.,
562 Taxi Corporation,
529 27 St. Corp.,
The Five Rs, Inc.,
Five Star Construction Company,
F. J. Engel, Inc.,
F. J. Gaffney Co., Inc.,
Flaire Pool Corp.,
Flamingo Boats, Inc.,
Flamingo Pastry Shoppe,
Flatiron Holding Corporation,
Flava Bake, Inc.,
F L Bowling Lounge, Inc.,
F & L Corporation,
Flem Car Realty Corp.,

Flemington Dairy Queen, Inc.,
Flemington Domestic, Inc.,
Fletcher Construction Co., Inc.,
Fleurette Corporation,
Flexo Chem. Industries, Inc.,
F L F Corporation,
F L F Corporation of Bordentown, Inc.,
F L F Corporation of North Bergen,
F L F Corporation of Watchung,
F L F Corporation of Woodbridge,
Flodor, Inc.,
Florida Grove Apartments, Inc.,
Florida Smith Corp.,
Florister Park, Inc.,
Flower Service, Inc.,
F & L Plumbing & Heating Corporation,
Fluorescent Lamp Corporation of America,
Flying Pizza, Inc.,
F. Maybaum Associates, Inc.,
F & M Corporation,
F & M Enterprises,
F & M Motor Sales, Inc.,
F & N Building Contractors,
F O A Home Food Service Incorporated,
Foam Interiors,
Folanson, Inc.,
Food Concessions, Inc.,
Food Film, Inc.,
Food Service Shop 1099,
Foodways, Inc.,
Forcliff Realty Co.,
Fords Jewelers of Toms River, Inc.,
Fords Playhouse, Inc.,
Foreign Fruit Terminal Corporation,
Fore Jersey Corp.,
Forest Electronic Company, Inc.,
Forest King Farms,
Form All Mfg. Co., Inc.,
Formal Shirt Rental Co., Inc.,
Forrest Lake Homes, Inc.,
Forthwith Corp.,
Fortuna Holding Company, Inc.,

Fortune Weavers, Inc.,
44 58 Ogden St., Inc.,
49 53 Waverly Corporation,
Forty Spring St. Corp.,
Forum Food Corporation,
Fossett Bus Service, Inc.,
Foto Disk Corporation,
Foundation Consultants,
Fountain Restaurant, Inc.,
Fountains of Long Branch Corporation,
Four Colfax Ave. Corp.,
Four Cs, Inc.,
Four Dee Corp.,
Four Hundred East Nashville, Inc.,
480 Central Avenue Corp.,
489 Hunterdon Street Corporation,
440 Dock, Inc.,
401 38 Associates, Inc.,
416 Main Street, Inc.,
436 Mantua Avenue, Inc.,
421 Lincoln Avenue Corp.,
420 Warren Street Corporation,
4 Kings, Inc.,
4 Mason Construction Co.,
Four Nine One William, Inc.,
Four Plating Co.,
The Four Seasons Enterprises, Inc.,
Four Sons, Inc.,
Four Star Photo Engraving, Ltd.,
14 Davis Corp.,
The 1455 Main Street Corporation,
Fourth Realty Corp.,
Foxcroft Realty Corp.,
The Foxridge Company,
Fox Run Construction Co., Inc.,
Francis X. Leadem Medical Xray Service Company,
Frandor Luncheonette, Inc.,
Frank Automotive Center, Inc.,
The Frank Cochran Corporation,
Frank E. Vereen, Inc.,
Frankie & Johnnies Tavern, Inc.,
Frank J. Crupi Building Corporation,

Franklin Bookbinding Co., Inc.,
Franklin Foreign Cars, Inc.,
Franklin Rambler, Inc.,
Franklin Somerset Agency, Inc.,
Frank Lupo, Inc.,
Frankmond Realty Co.,
Frank & Pats Tavern,
Frank Perera Construction Co., Inc.,
Frank Russo, Inc.,
Franks and Bernies, Inc.,
Franks Bros., Inc.,
Frank Scales Construction Co.,
Franks Food Stores, Inc.,
Franks Hot Comb, Inc.,
Franks Pizzeria,
Franmar Construction Co., Inc.,
Frans Liquors, Inc.,
Frantad Investment and Realty Co.,
Fraternal Retirement Facilities, Inc.,
F & R Automatic Laundries, Inc.,
Frazee Sea Food Restaurant,
Fredan, Inc.,
Fred Astaire Dance Studios of Trenton, New Jersey, Inc.,
Fredbo Manufacturing, Inc.,
Frederick Ward Associates, Inc.,
Fred Horns & Son,
Fredray, Inc.,
Frederic George, Inc.,
Fredson Building Corp.,
Fred Von Dolhn, Inc.,
Free Enterprises, Inc.,
Freehold Electric Co., Inc.,
Free Lance Enterprises, Inc.,
Freeway Construction Co., Inc.,
Freeway Construction Mortgage & Realty Corp.,
Frejac Co., Inc.,
Frelin Construction Company,
French Farm, Inc.,
Frenchys & Als, Inc.,
Frezu Co., Inc.,
Fri Bot, Inc.,
Fridmont Builders, Inc.,

Friedman & Kober, Inc.,
Fried of Newark, Inc.,
Friends Investment Association,
Fritz Dietl Ice Skating Studio, Inc.,
Fritzs Chalet,
Frontier Financial Service Co.,
F R S Realty Co., Inc.,
Fruit Bowl, Inc.,
Fruit Rich Farms, Inc.,
F S T Corp.,
Full Value Homes,
Fulton Bar & Grill, Inc.,
Funtime Stores, Inc.,
Future Designs, Inc.,

Gabains Restaurant,
Gadon Realty Co.,
Gaiety Textile Corp.,
Galasso Realty Co., Inc.,
Galco, Inc.,
Gallo Transport, Inc.,
The Galyin Corporation,
Grantzell Agency, Inc.,
Garaway, Ltd.,
Gardena Builders, Inc.,
Garden Agency, Inc.,
Garden Bronze Memorials, Inc.,
Garden Cleaners, Inc.,
Garden Estates, Inc.,
Garden Realty, Inc.,
Garden State Collection Assn., Inc.,
Garden State Communications, Inc.,
Garden State Drywall, Inc.,
Garden State Floor Covering,
Garden State Homes, Inc.,
Garden State Maintenance Co.,
Garden State Mechanical Corporation,
Garden State Memorial Center,
Garden State Parachute Center, Inc.,
The Garden State Players, Inc.,
Garden State Processing Corp.,
Garden State Sandblasting Co.,
Garden State Service Station,

Garden State Tanning Corp.,
Gardner Mfg. Co., Inc.,
Gard Products Incorporated,
Garfield Construction Co.,
Garfield Skyline Apartments, Inc.,
Garfo Company, Inc.,
Garol, Inc.,
Garrett Associates,
Gars Coffee Shop, Inc.,
Gatti Leasing Corp.,
Gatti Motors, Inc.,
Gatti Pontiac, Inc.,
Gatti Realty Corp.,
Gavin Enterprises, Inc.,
Gayline Paper Co., Inc.,
The Gayn Corp.,
G & B Corporation, Inc.,
G. C. Chapman & Company,
G. Cervesi Enterprises,
G C G Associates,
G & D Builders, Inc.,
G E Builders,
Geller Laboratories,
Gem Baking Co., Inc.,
Gem Home Industries, Inc.,
Gemmer Murphy Rottini, Inc.,
Gem Stretchwear Company,
Genas, Ltd.,
General Armory,
General Flange & Fitting Company,
General Hat Corporation,
General Piping, Inc.,
General Properties, Inc.,
General Public Construction Co.,
General Reserve Note Co., Inc.,
General Teaching Machine Corporation,
General Water Systems, Inc.,
General Wholesale Grocers, Inc.,
Genesee & Dayton Corp., Inc.,
Genes French Cleaners, Inc.,
Gene Steel Fabricators, Inc.,
Gen Mar Pastry Shoppee,

Genna Construction Co., Inc.,
Gennaro Corporation,
George Egan & Son, Inc.,
George F. Nechwort, Inc.,
George & Hattie, Inc.,
George, Inc.,
George L. Olson, Inc.,
George L. Schrade, Inc.,
Gerald Enterprises, Inc.,
Geraldine Ziegler, Inc.,
Gerber Wrecking Co.,
G & E Realty Co., Inc.,
Gerisch Construction Corp.,
The Geri Vending Company, Inc.,
Gerlyn Corporation,
Germ X National, Inc.,
Geronimo Enterprises,
Gerrys Billiards, Inc.,
Ger San Corp.,
Geters, Inc.,
G & F Builders, Inc.,
G. Fred Bixler Corp.,
G & G Coiffures, Inc.,
G & G Plumbing & Heating, Inc.,
G & H Construction Co.,
G. H. Miller Sales Corporation,
Giant Automotive Centers,
Giantview General Television Network of N. J., Inc.,
The Gibbons Hotel Corporation,
Giehl and Williams Automobile Dealers, Inc.,
Gilbert & Renza Music Stores, Inc.,
Gilberts, Inc.,
Gillar, Inc.,
Gillette Associates, Inc.,
Ginann Realty Co., Inc.,
Ginetto Music Co.,
Ginny Skrwons La Boheme Coiffure, Inc.,
Gira Home Development Company, Inc.,
Giummule Mason Contractors, Inc.,
G & J Meats, Inc.,
G J Restaurant Co.,
G K Construction Corp.,

Glad Ed Tavern, Inc.,
Glamour Homes, Inc.,
Glasco Realty Corp.,
Glasser News Service,
Glass & Wohl, Inc.,
Glazed Flooring Company of N. J., Inc.,
Glenan Associates, Inc.,
Glen Art Co., Inc.,
Glenaura Farms, Inc.,
Glendale Display and Advertising Co.,
Glendale Nursing Home,
Glendale World Fair Enterprises, Inc.,
Glenery, Inc.,
Glen Holly Homes, Inc.,
Glen Sales,
Glenn Industries, Inc.,
Glenside Trucking, Inc.,
Glenway Homes, Inc.,
G. L. Kimmerle & Bro., Inc.,
G L M Corporation,
Gloann Estates, Inc.,
Globe Auto Body Co.,
Globe Loan Corporation of Atlantic City,
Glomar Builders, Inc.,
Gloucester County Multiple Listing Systems, Inc.,
Glove Specialty Shops, Inc.,
Glow Gems, Inc.,
Glo White Janitorial Service Company,
G & M Associates, Inc.,
G M Hobby Specialties, Inc.,
G & M Home Freezer Service, Inc.,
G & N Corporation,
G N T, Inc.,
Goodard & Donnelly Bros.,
Gofor Development Corp.,
Gold Crest Real Estate, Inc.,
Golden Cupn Saucer, Inc.,
Golden Gate Motors Incorporated,
The Golden Q of Hackensack,
Golden Slipper, Inc.,
Golden Valley Development Co., of N. J.,
Gold Star Fabrics, Inc.,

Goli Corporation,
Goma Builders, Inc.,
Gomesa, Inc.,
Goodfellow Realty, Inc.,
Good Foods, Inc.,
Good Food Travelers, Inc.,
Good Friend Laundry Enterprises, Inc.,
Goodies, Inc.,
Goodran Enterprises, Inc.,
Goodrich Industries,
Gordon Aircraft, Inc.,
Gordon Electrical Service Company,
Gothic Engineering, Inc.,
Gourmet Kitchens & Remodeling Co., Inc.,
Governor Morris Studios, Inc.,
Grabers Meats, Inc.,
Graceline Handbag Company, Inc.,
Gracious Living, Inc.,
Gra Leen Builders, Inc.,
Grammeter Mills, Inc.,
Grand Bedding and Furniture, Inc.,
Grand Furniture Stores, Inc.,
Grand National Kosher Provision Company, Inc.,
Grand Pacific Station, Inc.,
Grand View Dairy,
Grand Weld, Inc.,
Granit Construction Corp.,
Grand Corp.,
Grant Lee Builders, Inc.,
Grantwood Homes, Inc.,
Graphic Nine Associates,
Graphic Realty Corp.,
Gratia Sales, Inc.,
Gray and Massei Incorporated,
Graymore Park Corporation,
Grayson Builders,
Gray Way, Inc.,
Great Atlantic Development Co.,
Great Belt Line Trucking Corp.,
Great Eastern Stationary, Inc.,
Greater American Realty & Development Corp.,
Greater Camden Realty Company,

Greater Freehold Development Corporation,
Greater Freehold Realty, Inc.,
Greater Princeton Land Corporation,
Greater Rainbow, Inc.,
Great Wayne Realty Corp.,
Greb Plumbing and Heating, Inc.,
Green Acre Stables,
Greenbrier Development Co., Inc.,
Greenbrook Hills,
Greenbrook Water Supply Co.,
Greenhaven, Inc.,
Green & Healy, Inc.,
Green Hill Furniture Company,
Greenhouse Suppliers, Ltd., Inc.,
Green Packaging Industries, Inc.,
Greenwood Lake Golf Center,
Gregory Management Corp.,
Gregory Ruffa Advertising,
Gregory Ruffa Advertising Art,
Gregway Realty Corp.,
Grenadier Investment Corporation,
Greystone Marine Center, Inc.,
Gridiron Holding Company,
Grinnelli Servicenter, Inc.,
Gristara Associates,
Groco Aluminum Sales, Inc.,
Grodner Engineering Co.,
Groler Development Corp.,
Grosch and Woehrel Builders, Inc.,
The Group Aiders, Inc.,
Grove Dry Wall Co., Inc.,
Grove Plumbing and Heating Co.,
Grubes Diner,
Grulen Associates, Inc.,
G S C, Inc.,
G. T. Doyle Incorporated,
Guaranty Inspection Service,
Guardian Building & Maintenance Service, Inc.,
Guardian Leasing, Inc.,
Guarino Food Products, Inc.,
Guenther Associates,
Guida Truck Leasing & Repairs, Inc.,

Guide Stitch Corp.,
Guildcraft Construction, Inc.,
Guildford Corporation,
Gulf Key Restaurant,
Gull Agency, Inc.,
Guttenberg Roofing Co.,
Guy and Lee Associates, Inc.,
Guy Lili Taxi Co., Inc.,
Gwen Fashions, Inc.,

Hackettstown Development Corporation,
Haddon Factors, Inc.,
Haddonfield Motor Lodge, Inc.,
Haddon Industrial Sales, Inc.,
Haddon Investment & Development Corporation,
Hafners Motor Sales, Inc.,
Hafnia Co., Inc.,
Hagen Homes & Development Co., Inc.,
Haggerty Golf,
Haggies, Inc.,
Hahns Enterprises,
Hair Flair, Inc.,
H A J E, Inc.,
Hal King Motors, Inc.,
Halo Appliances, Inc.,
Haloro, Inc.,
Halropp, Inc.,
Hal Shaw, Inc.,
Hals Record Shop, Inc.,
Halu Construction Co.,
Hamburger Train, Inc.,
Hamburger Train of Irvington, Inc.,
Hamburger Train of Millburn, Inc.,
Hamilton Alexander Co., Inc.,
Hamilton Clinton Associates, Inc.,
Hamilton Photo Engraving Co.,
Hamilton Woods,
Hamma Builders, Inc.,
Hampshire House One Hour Cleaners,
Hampton Development Company,
Hampton Enterprises, Inc.,
Hampton Manufacturing Co.,

Handerkerchief Corp. of America,
Handprints By Zakims, Inc.,
Handy Artwin Wire Forms, Inc.,
Hanleys Recreation Center, Inc.,
Hanno Photo Silk Screen Process Company, Inc.,
Hans Cafe, Inc.,
The Happiness Store,
Happy Boys Diner,
Harab, Inc.,
Harbert Associates,
Harbor Haven Apartment House, Inc.,
Harbor House, Inc.,
Harbor Inn, Inc., of Newark,
Harbor Light Day Camp,
Harbor Point Investment Corp.,
Harbor Terrace, Inc.,
Harbour Castle Apartments, Inc.,
Harcraft of California,
Hardeu Builders, Inc.,
Harding Construction Company,
Harding Morgan Enterprises,
Hardys Rendevous, Inc.,
Hargel Investment Company,
Harjohn Realty Company,
Harker Avenue Corporation,
Harlen Sales, Inc.,
Harmon Sales, Inc.,
Harnat Realty Co., Inc.,
Harold F. Benner, Inc.,
Harold J. Miller Associates,
Harpers Bar, Inc.,
Harrison Development Corporation,
Harrison Dew Drop Corporation,
Harrison Supreme Fuel Company,
Harris Welding and Fabricating Co., Inc.,
Harry C. Movroydis, Inc.,
Harry Fromer, Inc.,
Harry Zeno Construction Co., Inc.,
Hart New Jersey, Inc.,
Harvey Farms, Inc.,
Hastco, Inc.,
Hastie Transportation Co., Inc.,

Hasty Help, Inc., of Camden,
Hauser Restaurant, Inc.,
Hausman Flour Brokerage, Inc.,
Haven Associates, Inc.,
Hawthorne Lamps, Inc.,
Hawthorne Wines & Liquors, Inc.,
Hayes & Dunn, Inc.,
Hayjack Mfg., Inc.,
Hazlet Properties, Inc.,
H Bar J Ranch, Inc.,
H B & D Home Builders, Inc.,
H & B Distribution Corp.,
H. Bruce Hartgers Contractors, Inc.,
The H C Manufacturing Company, Inc.,
Health House, Inc.,
Health Patterns, Inc.,
Health Services, Inc.,
Hearing Aid Center, Inc.,
Hearth Company, Inc.,
Heather Homes, Inc.,
Heathermede Corp.,
Heatherwood, Inc.,
Heat Trol Corporation,
Hebe, Inc.,
Hector Transformer Corp.,
Heddys, Inc.,
H E E D Enterprises, Inc.,
Heed Sales and Service Corp.,
Heider Contracting Company, Inc.,
Heir Apparel,
H. E. & J. Hubatka Realty, Inc.,
Heldor Electronic Mfg. Corp.,
Helene Rippon, Inc.,
Helen Holladay, Inc.,
Helio Instrument Co., Inc.,
Hellas Laboratories, Inc.,
Helmar, Inc.,
Hemlocks Land Development, Inc.,
The Henger Corporation,
Henke Agency, Inc.,
Henkell, Inc.,
Hen Lee Enterprises, Inc.,

Hennessy Associates, Inc.,
Henry B. Katz Industries, Inc.,
Henry May Building Corp.,
H E P Controls, Inc.,
Herbert A. Mardany, Inc.,
Herbert Colton Realty Co., Inc.,
Herbert Phillips Restaurants Incorporated,
Herbert S. Richland & Company,
Herbert W. Bruda, Inc.,
Hercules Packing Machinery Corp. of N. J.,
Heritage Builders, Inc.,
Heritage Hills, Inc.,
Hermal Contracting Co.,
Hermel Bench Advertising, Inc.,
The Hersid Corporation,
H. H. Edwards & Co., Inc.,
H & H Manufacturers Representatives, Inc.,
H. I. Baer & Sons, Inc.,
Hickory Hill Stables,
Hickory Homes, Inc.,
Hido Construction, Inc.,
High Field Farms,
Highgate Gallery, Inc.,
High Gate Homes, Inc.,
Highland Falls, Inc.,
Highland Lincoln Corp.,
Highlands of Morris County No. 4, Inc.,
High Point of Westfield, Inc.,
Highside Inn, Inc.,
Highwood, Inc.,
Hilbru, Inc.,
Hillcrest Investment Co.,
Hilldale Country Club, Inc.,
Hill Dredging Corp.,
Hillsboro Bakery,
Hillsboro Liquors, Inc.,
Hillsdale Enterprises, Inc.,
Hillsdale Heights, Inc.,
Hillside Construction Corporation,
Hillside Radio Cab, Inc.,
Hi Lo Food Store, Inc.,
Hilvis Corporation,

Hinchman Hills Corp.,
Hi Way Music Center,
H. J. Swap, Inc.,
H & J Trucking Company, Inc.,
H L A Company, Inc.,
H. L. D. M. Hudson Corp.,
H. Lehmann Auto Body, Inc.,
H L G Investments,
H. M. Bailey Company,
H. M. Freeman, Inc.,
H & M Hardware Wholesalers, Inc.,
H M S, Inc.,
H & N General Contractors, Inc.,
Hobby House, Inc.,
Hoboken River Edge, Inc.,
Hoffman Quinlan Transportation Company,
Holland Furnace Sales Company,
Hollywood Manor of Herbertsville, Inc.,
Holmberg Construction Company,
Holmdell Auto Body Shop, Inc.,
Holmdel Sewerage Co.,
Home Builders Corp. of U. S.,
Home Insulation Co.,
Home Service T V & Hi Fi Electronics Corp.,
Homestead Estates, Inc.,
Home Treasures, Inc.,
Homian Realty, Inc.,
Hom Mart, Inc.,
Hooker Sportswear Co.,
Hoop, Inc.,
Horican Investment Corporation,
Horse Hamlet, Inc.,
Hospital Relations Associates,
Hospital Vending Co., Inc.,
Host Ways Motels of America, Inc.,
Hotel Holiday,
House of Anza,
House O Weenies, Inc.,
House of Splendora, Inc.,
House of Yarns, Inc.,
Howard Park Homes, Inc.,
Howard Trucking Co., Inc.,

Howell Distributing System,
Howell Service, Inc.,
H. P. Wesley, Inc.,
H & R Investment Corp.,
H & S Auto Body Supply Co.,
H. Smart Holding Co.,
Hub Industries, Inc.,
Huck Realty Co., Inc.,
Hudson Agency, Inc.,
Hudson Carpet Service, Inc.,
Hudson County Supermarkets, Inc.,
Hudson River Warehouse & Trucking Corp.,
Hudson Waste Paper Co., Inc.,
Hughes Fawcett, Inc.,
Hughes Silver Mist Inn, Inc.,
Hurricane Bar, Inc.,
Hursh Builders, Inc.,
Huyler Corporation,
Hyde Park Iron Works Co., Inc.,
Hydro Ductive Products Co., Inc.,
Hy Golodner, Inc.,
Hy Incorporated,
Hylan Industries, Inc.,
Hys Auto Sales,
Hys Liquors,
Hy Way Bar & Grill,

Iacona & Catello Construction Corp.,
I Beauty Magic By Inga, Inc.,
I C R Concrete Company,
Ideal Creations, Inc.,
Ideal Motors, Inc.,
Ideal Securities Company, Inc.,
I & E Enterprises, Inc.,
I L I Corporation,
Imperial Construction Co.,
Imperial Ridge Incorporated,
Imported Automotive Parts, Ltd.,
Incode, Inc.,
Independent Quilting Company, Inc.,
Industrial Appliance & Television Supply Co., Inc.,
Industrial Brazing & Heat Treating Co.,

Industrial Fats, Inc.,
Industrial Fitting Corporation,
The Industrial Journal,
Industrial Parts of N. J., Inc.,
Industrial Tape Cord Company,
Ingram & Sons, Inc.,
Innkeepers, Inc.,
Inspection Standards Foundation, Inc.,
Instant Housing, Inc.,
Instant Lawn Corporation,
Instant Roof Systems, Inc.,
Inter American Development Corp.,
Interchange Industrial Park, Inc.,
Inter Flight Transport, Inc.,
Interior Floor Fashions, Inc.,
International Billiard Manufacturing Co.,
International Camera Corp.,
International Cue Corporation,
International Finance Corp.,
International Graphic Society,
International Haulage Co., Inc.,
International Health Processes, Inc.,
International Hot Dogs of New Jersey, Inc.,
International Import Export Incorporated,
International Machined Products, Inc.,
International Vacations, Inc.,
Interstate Anodizing Corp.,
Interstate Credit Corp.,
Interstate Trading, Inc.,
Intrastate Realty, Inc.,
I P B Co., Inc.,
Irenes Shops, Inc.,
Irmal, Inc.,
Ironbeer Bottling Company, Inc., of N. J.,
I S & A Realty Company, Inc.,
Iselin Health Club, Inc.,
Ivy Linda, Inc.,

Jack Kochmans Worlds Fair Hell Drivers, Inc.,
Jacklou Corporation,
Jack Rack, Inc.,
Jackson Avenue Service, Inc.,
Jackson Clinton Holding Co.,

Jackson Toone Trucking, Inc.,
Jadfre Service Co., Inc.,
J A D Investment Company,
Jadoma Realty Company,
J A J C, Inc.,
J. Alcina Sportswear, Inc.,
Jalo Corporation,
Jamaica Pork Packers, Inc.,
Jamar Enterprises, Inc.,
Jambert Corporation,
James A. Verga, Inc.,
James B. Corey Consultants,
James Grundy Stables,
James H. Oeste, Inc.,
James & Parsonage Associates,
Jane Lee Stores of New Jersey, Inc.,
Janm Construction Co., Inc.,
Jan Motors, Inc.,
Janney Outdoor. Inc.,
Janroe Candy Shops, Inc.,
Jansus Trucking Co., Inc.,
Jaraco, Inc.,
Jari Studios,
Jasma Realty Corporation,
Jason Associates, Inc.,
Jaybac Contractors, Inc.,
Jaybee Development Co., Inc.,
Jay Bee Drug Co., Inc.,
Jay Dee Carpet Service, Inc.,
Jayfar, Inc.,
Jayhen Construction Company,
Jay & H, Inc.,
Jaymonn Properties, Inc.,
Jay Nor, Inc.,
J & B Fisheria, Inc.,
J & Bs Crystal Spar,
J & C Masonry Co.,
J. Costa Paving,
J & C Painting & Decorating Co., Inc.,
J. C. Reiss,
J & C Service Station, Inc.,
J C Trucking Service, Inc.,

J D B Realty Co., Inc.,
J & D Dock, Inc.,
J D Realty Corporation,
Jeb Enterprises, Inc.,
J & E Contractors, Inc.,
Jeddo Corporation,
Jeff Holding Co., Inc.,
Jen Fran, Inc.,
Jeric Industries, Inc.,
Jerome Properties, Inc.,
Jerry Hammes Construction Corp.,
Jerrys Service Center, Inc.,
Jersey Carpentry, Inc.,
Jersey Carscrappers, Inc.,
Jersey Check Inn Operating Corp.,
Jersey Clothing & Jewelry Co., Inc.,
Jersey Cutter Corp.,
Jersey Discount Sales Co., Inc.,
Jersey Feed & Supply Co., Inc.,
Jersey Investment Corporation,
Jersey Logging Co.,
Jersey Penn Land Development Co., Inc.,
Jersey State Waste Transfer Corp.,
Jersey Summit Corp.,
Jet Cab Corporation,
Jet Developers, Inc.,
J F Equipment Company,
J. George Ivler Associates,
J G M Builders, Inc.,
J H & L Realty Co., Inc.,
Jimbo, Inc.,
Jimed Corp.,
J. Inzano Produce Co.,
J J Holding Corp.,
J & Jil Corporation,
J & J Phillips 66, Inc.,
J J R, Inc.,
J K Plumbing & Heating Co.,
J & K Sales Corporation,
J L C Corporation,
J & L Food Market, Inc.,
J L J Corp.,
J L T Construction Co.,

J. L. Ward & Co., Inc.,
J M J Realty Co.,
J M W Holding Co., Inc.,
J N E Co., Inc.,
Jo Al, Inc.,
Joe Berman, Inc.,
Joe & Petes Pizzeria, Inc.,
Joe Rabin, Inc.,
Joes Corp., Inc.,
Joes Pizzerama,
Jo Ga, Inc.,
Jogo, Inc.,
Johein, Inc.,
John Anthony Associates,
John B. Coleman & Co., Inc.,
John C. Aldridge, Inc.,
John C. Figini Agency, Inc.,
John Contractors, Inc.,
John Dirkmaat Company, Inc.,
John Donohue & Son, Inc.,
John E. Walker Construction Corp.,
John H. Mathis Company,
John Ingallinera Tile Contractor, Inc.,
John Loring Construction Co., Inc.,
Johnnie Ray Club, Inc.,
Johnny Reb, Inc.,
John Rizsak Incorporated,
John Ruffino, Inc.,
Johns Montclair Taxi, Inc.,
John V. Phillips, Inc.,
Jolie Femme Coiffure,
Joli Lounge,
Jo Ma Builders, Inc.,
Jomann Corp.,
Jo May Realty Corp.,
Jonal, Inc.,
Jonap Realty Co., Inc.,
Jonathan & Associates, Inc.,
Jondo Operating Company, Inc.,
Jones Safety Service Enterprises, Inc.,
Jonick Corporation,
Jopac, Inc.,
Joppa Equipment Corp.,

Jorap Distributing Company, Inc.,
Jordan Manor, Inc.,
The Jorene Lounge,
Joresko, Inc.,
Josa, Inc.,
Joseph Bevacqua Plumbing & Heating, Inc.,
Joseph O. Bonacci, Inc.,
Joseph Farrell Masonry Contractor, Inc.,
Joseph G. Fischman, Inc.,
Joseph Lista Construction Co.,
Joseph Makos, Inc.,
Joseph Sahulcik Contracting Co., Inc.,
Josephs Pet Shop, Inc.,
Jos. Urso Sons, Inc.,
Jot Construction Co., Inc.,
Jowate Enterprises,
Joyce Reedy School of Dance,
Joy Conditioning Co., Inc.,
Joy Sportswear Corp., Inc.,
Joyville, Inc.,
J P Motors,
J R C Realty Corp.,
J & R Shoe Box, Inc.,
J & R Tool & Die Corp.,
J & S Apparel Co., Inc.,
J. S. Daw Realty Co.,
J S Homes, Inc.,
J S Investment Corporation,
Juall Corp.,
Judo Center of the Oranges, Inc.,
Jules Bear Service, Inc.,
Julia Construction, Inc.,
Jump Centers, Inc.,
Jumping Brook Bake Shop, Inc.,
Juniors, Inc.,
Jupiter Gardens,
Justan Productions, Inc.,
Justin Converting & Mfg. Corp.,
J & V Applicators, Inc.,
J V Construction Co.,
J & V Industries, Inc.,
J & W Steamship Co., Inc.,

Kadeemah Plumbing & Heating Co., Inc.,
Kammco,
Kammel Calzar Company, Inc.,
Kane Enterprises, Inc.,
Kaplan Wainwright Corporation,
Kapman, Inc.,
Kappys Lounge and Restaurant,
Karamar Motel Associates, Inc.,
Karljan, Inc.,
Karls Specialty Shop, Inc.,
Kay Ko Associates, Inc.,
Kay Mann Realty Co., Inc.,
Kay Motors, Inc.,
Kaynick, Inc.,
Kazmer & Glassman, Inc.,
K & B Importing Co., Inc.,
Kearney Warehouses, Inc.,
Kearny Motors, Inc.,
Keiths Used Car Corral, Inc.,
Kellys Price Busters Construction Co.,
Keltys Mountain Garage, Inc.,
Ken Allen Products,
Ken Butler Crash Drivers, Inc.,
Kendon, Inc.,
Kenilworth Kabs, Inc.,
Kennedy Arms, Inc.,
Kennedys Tavern, Inc.,
Kenneth Corporation,
Kensington Realty Corp.,
Kent Bedding & Furniture Co., Inc.,
Kep Lamp Shade, Inc.,
Kerman Carpet Mart, Inc.,
Kesap, Inc.,
Kesdor Realty Co.,
The Keyboard Lounge,
Key Car Leasing Co., Inc.,
Keyport Electric Distributors, Inc.,
Keyport Matawan Raritan Transportation Corporation,
Key Promotions, Inc.,
Keystone Mortgage Co.,
Keywal Builders & Supply, Inc.,
K & F Metal Products Corporation,

Kiddie Center, Inc.,
Kidsville, Inc.,
Kieb Company,
Kimberly Electronics Co., Inc.,
Kimberly Furniture, Inc.,
Kinderkin Productions,
King Aluminum Supply Co.,
King Arthur Catering Service, Inc.,
King Donut,
King George Realty Co., Inc.,
King Hoagie,
Kingies Diner,
Kings Lair, Inc.,
Kings Sleep Shops, Inc.,
Kingston Realty, Inc.,
Kingsway Films, Inc.,
Kinney Coal, Inc.,
Kinnwood Inn,
Kirk Homes Incorporated,
Kitty Cunningham, Inc.,
R & K Motors, Inc.,
K K & W Construction Co.,
K L D Development Corp.,
Kleins 34th St.,
Kless Diners, Inc.,
Klinson Realty Corp.,
Knit A Bit,
Knitweave Industries, Inc.,
The Knoll Country Club,
Known Brands Discounts, Inc.,
Koch Publications, Inc.,
Koeck Homes, Inc.,
Kolma Corp.,
Komet Aviation Company,
Kopp Construction Co.,
Kopps Colony Inn,
Korba Coal & Trucking, Inc.,
Kosa Tours, Inc.,
Kosilo Realty Co.,
K R C Investment Co., Inc.,
Kreitner Realty Co.,
Kreiger Mintz Schwalb Realty Corp., Inc.,

K S T Co.,
Kuhl Builders Corp.,
Kuhl Tower Construction Corp.,
Kumpf Hardware Company,
Kute N Pretty Shops of Perth Amboy, Inc.,
K & Z Alloy Products, Inc.,

Labelle Ami Products, Inc.,
La Belle Coiffure,
Laboratory Animals Corporation,
Labpower, Inc.,
La Coe Builders, Inc.,
Laco Steel Service, Inc.,
Lady Fingers, Ltd.,
Lagoon Homes Construction Co.,
The Lagoon, Inc.,
Lahn Transportation,
Lake Avenue Holding Co., Inc.,
Lakeland Gypsum Installation Supply Co., Inc.,
Lake La Will Vacation Land, Inc.,
Lake Park, Inc.,
Lake Refrigerated Service, Inc.,
Lake & Risley Lumber Co.,
Lakes Bay Dredging & Construction Co.,
Lake Shore Motel & Apartments, Inc.,
Lakeside Estates, Inc.,
Lakeside Park Realty Company, Inc.,
Lakewood Appetizing & United Produce, Inc.,
Lakewood Realty Corp.,
La Lechonera Bar & Restaurant, Inc.,
L & A Market, Inc.,
L & A Masons, Inc.,
Laminated Mica Products, Inc.,
Lamington Trucking Corp.,
La Monts Pizza Kitchen,
Lampley Bros. Co.,
Lampost Homes, Inc.,
Lana, Inc.,
Lancer Construction Company, Inc.,
Lancer Holding Inc.,
Landair Company, Inc.,
Landau Equipment Corp.,

Land Empire, Inc.,
Land Redevelopment Corporation of Essex County,
Lane Heights Realty Co.,
Lanser Holding Co., Inc.,
Lapco, Inc.,
Lar Associates Corp.,
Larco Laboratories, Inc.,
Lark Estates,
Larkview Cleaners, Inc.,
Larrys Heating & Air Conditioning Center of New Jersey,
Larsen Construction Co., Inc.,
La Sue E Sanitary Napkin Holder Mfg. Co., Inc.,
Lateral Sewer Company,
Launder Ease, Inc.,
Laurelton Arcade, Inc.,
Laurenton Construction Company, Inc.,
Laury Contractors, Inc.,
Lava Music Publishing Co.,
Law Printers, Inc.,
Lawrence Container Corporation,
Lawson Corporation,
Lawson Fuel Transport, Inc.,
LB Textile Products, Inc.,
L & C Motors Co., Inc.,
Leadem Realty Corp.,
Le Car Realty Corp.,
Leclair, Inc.,
Lee Ann Sportswear, Inc.,
Leebartons Holding Co., Inc.,
Lee Builders, Inc.,
Lee Club,
Leeds of Englewood, Inc.,
Lee Homes, Inc.,
Leemcarl Corp.,
The Lee Mortgage Company,
Lee Ron Holding Corp.,
Legal Investigating Service, Inc.,
Lehigh Window Cleaning Company,
Leinwand Holding Company,
Leisure Time Institute, Inc.,
Lekar, Inc.,
Lewrein Holding Co., Inc.,

Lelinn Realty Co., Inc.,
Lemar Trading Corp.,
Lencheck Incorporated,
Lemery, Inc.,
Lem, Inc.,
Lenben, Inc.,
Lenet Realty Co.,
Len Fanelli Custom Builder, Inc.,
Lenher Company,
Lenick Builders, Inc.,
Lens Auto Mart, Inc.,
Lens Coffee Shoppe, Inc.,
Leo Daniele Plumbing, Inc.,
Leonard J. Larkey, Inc.,
Leonard Realty Co., Inc.,
Lepore Bros., Inc.,
Leslee Lingerie, Inc.,
Leslie Lagoon Homes, Inc.,
Les Lorch Hairdressers, Inc.,
Lesquire Realty, Inc.,
Les Simon, Inc.,
L E V Corporation,
Levine Christian Agency,
Levittown Life, Inc.,
Levittown Plaza Bowling, Inc.,
Levittown TV Service, Inc.,
Lewis Landscape Service,
L & H Enterprises,
L & H Jewelers, Inc.,
L & H Paint Center,
Liberty Arms Co., Inc.,
Liberty Avenue Garage, Inc.,
Liberty Coat Co., Inc., 2,
Liberty Homes, Inc.,
Liberty Lathing Co., Inc.,
Liberty Marine Company, Inc.,
L I D Construction & Equipment Corp.,
Lido Bar & Grill, Inc.,
Liebco Realty Company, Inc.,
Lieff Auto Radiators, Inc.,
Life Aid Corporation,
Lighthouse Tavern, Inc.,

Lil Hisae,
Lillian Cragg, Inc.,
Lilyan Lodge,
Lincoln Bureau of Investigations,
Lincoln Mold & Die Corp.,
Lincoln Park Arms, Inc.,
Lincoln Park Sales & Services, Inc.,
Lincroft Associates,
Linden Acceptance Corp.,
Linden City Laundry Co.,
Lindeneau Esso Service, Inc.,
Linden Lane Stable, Inc.,
Lin Lor Realty, Inc.,
Linwood Gardens, Inc.,
Liparis Lounge,
Lipmans Army and Navy Store,
L J & E Corp.,
L & L Turret Shop,
L M Realty, Inc.,
Lo Bar Corp.,
Local Construction Corp.,
Locust Textiles, Inc.,
The Log Cabin of West New York,
Logues Homecrest Linen Supply,
Lois, Inc.,
Lollypop Enterprises, Inc.,
Lombardos Grill, Inc.,
London Developers,
Longford, Inc.,
Lopardo Welding, Inc.,
Lordhill Corp. of New Jersey,
Lords Department Store, Inc.,
Lorence Company,
Lorenzo Beemer Plumbing and Heating Supply Co.,
Lori Drug, Inc.,
Lorraine Oil Corporation,
Lorraine Sportswear,
Lory Lee, Inc.,
Lou Ann Washing Machine Co., Inc.,
Lou De Realty Co., Inc.,
Louiss Cleaners,
Lou Moresi, Inc.,

Lounett, Inc.,
Lou Vin Bar,
Lovell Homes, Inc.,
Lovill Mechanical Contractors, Inc.,
Lowenstein Holding Co.,
Lowe Realty Company,
Loyalty Financing Corp.,
L P C C, Inc.,
L P C C Realty, Inc.,
L and R, Inc.,
L R V Corp.,
L T L Overseas, Inc.,
L. T. Scalzo, Inc.,
Lucas Crystal Laundry, Inc.,
Luisi Bros. Construction Co.,
Luna Construction Co., Inc.,
Luso American Bar & Grill, Inc.,
Lutz Launderama,
L. & V. Di Matteo, Inc.,
L & V Plumbing & Heating Co., Inc.,
L W H Associates, Inc.,
L & W Holding Company,
Lydons Stationers,
Lynbrook Sales, Inc.,
Lynda Joy Mfg. Co., Inc.,
Lynda Realty Co.,
Lyndhurst Trucking, Inc.,
Lyn Di Corporation,
Lyndon Wells Associates, Inc.,
Lynmar Beauty Supply Co., Inc.,
Lynnewood Gardens,
Lynn Ford, Inc.,
Lynn, Holding Company, Inc.,
Lynn Novelty Company, Inc.,
Lynn Realty Co.,

Mabrink Holding Co., Inc.,
Macapan Manufacturing Co., Inc.,
Mac D., Inc.,
Macevoy, Inc.,
Mac Jewelers, Inc.,
Mackbar, Inc.,

Mack Home Appliances, Inc.,
Mack, Inc.,
Mack Realty Co.,
Maclane Holding Corp.,
Maco Asbestos and Refractories, Inc.,
Maco Communications, Inc.,
Mac Vee Construction Co.,
Madison Grove Swim Club, Inc.,
Madison Maternities, Inc.,
Madison Sportswear Co., Inc.,
Madison Township Weekly Trends,
Magic Broiler Manufacturing Corporation,
Magic Palm Products Corp.,
Magic Quartz Corporation,
Magic Starting Service, Inc. of Sayre Woods South,
Magi Kleen, Inc.,
Magna Cook Corp. of America,
Magna Management Corp.,
Magniflood Sales Co., Inc.,
Magnolia Apartments, Inc.,
Magnolia Court Apartments, Inc.,
Magnolia Investment Corporation,
Maher Properties, Inc.,
Mahney Concrete Company,
Mahwah Auto Parts, Inc.,
Maiden Lane Inn, Inc.,
Maid For A Day Corp.,
Maiella Holding Company, Inc.,
Mail It,
Mainland Construction Co., Inc.,
Main Locust, Inc.,
Main Wellington Realty Corp.,
Mairro, Inc.,
Majar Leasing, Inc.,
Maj Electronics, Inc.,
Majestic Candle Co., Inc.,
Majestic Laundry Co., Inc. of New Jersey,
Major Brand Oil Co., Inc.,
Major Brand Tube Co., Inc.,
Majo Realty Co.,
Major & Temple, Inc.,
M A J Trimming Corp.,

Malbar, Inc.,
Males Book Shop,
Mall Investments Corp.,
Malnor Land Development Co., Inc.,
Mals Tavern, Inc.,
Malvern Warehouse and Transportation Co., Inc.,
Mama Lus, Inc.,
Mammoth Construction Company,
Manahawkin Investment Corp.,
Manalapan Development Corp.,
Manalapan Electric Service Co., Inc.,
Manantico Development Corp., Inc.,
Manasquan River Fishery, Inc.,
Manchester Country Estates, Inc.,
Manchester Park, Inc.,
Manco, Inc.,
Manda Corp.,
Mandel Extruders, Inc.,
Mando Construction Co., Inc.,
Manirest, Inc.,
The Manleigh Building, Inc.,
Manning Livery Co.,
Mannys Appliance & Hardware Centre, Inc.,
Manny Vorrius, Inc.,
The Manor House Construction Corporation,
Manor Sportswear, Inc.,
Manroe Builders, Inc.,
The Mansion House, Inc.,
Manufacturers Shoe Outlet,
Manufacturers Warehouse Corp.,
Manutronics Company, A Corporation of New Jersey,
Manville Realty Holding Co., Inc.,
Maplecrest Radio & Appliance Co.,
Maple Gardens, Inc.,
Maple Homes, Inc.,
Maple Leaf Construction Co.,
Maple Leaf Homes, Inc.,
Maple Sports Car Products, Ltd.,
Mar Bal, Inc.,
Marbeth Fabrics Co., Inc.,
The Marbro Company, Inc.,
Marc Edwards Company, Inc.,

Marcia Development Company, Inc.,
Marconi Hotel, Inc.,
Marcy Cheri Realty Co., Inc.,
Mardel Construction Company,
Marder Holding Co.,
Mar Dol Creations, Inc.,
Mardu Company,
Marenco, Inc.,
Marfair Realty Company,
Margekay, Inc.,
Marges Cozy Circle, Inc.,
Margur Realty Company,
Marinas Ladies Shoppe, Inc.,
Marino Textile Printing Corporation,
Mario Genzano Home Improvement, Inc.,
Marios Pizza Stop and Restaurant, Inc.,
Marjar Corporation,
Marjost Realty Corp.,
Markal Meat Market, Inc.,
Markal Realty Corporation,
Mark Equipment Co., Inc.,
Market Fashions, Inc.,
Mark M. Advertising Agency, Inc.,
Mark & Michaels Studio,
Marks Bakery, Inc.,
Mark Technical Publications, Inc.,
Mark III Productions,
Markwin Corporation,
Marmon Realty Co.,
Marnis, Incorporated,
Marotta Brothers, Inc.,
Marra Realty Const. Co., Inc.,
Marrin Motors, Inc.,
Marrit Construction Co., Inc.,
Marsan Industries Incorporated,
Marshall Manufacturing Co., Inc.,
Marshall Shepherd Construction Company,
Marshalls Spirit Shop,
Marstone Realty Corporation,
Martcarl, Inc.,
Mart Hel Corp.,
Martin Dry Cleaners, Inc.,

Martin George Corp.,
Martinho and Son, Inc.,
Martins Creek Airport, Inc.,
Martin S. Tieger Associates,
Martinsville Quarry Company,
Martmarc, Inc.,
Martom Realty Corp., Inc.,
Marval Packing Co., Inc.,
Marvel Realty Co.,
Marwood Homes, Inc.,
Marxs Department Store, Inc.,
Mary Nick Realty Co.,
Mary Phillips, Inc.,
Masbuilt Corporation,
Mason Douglass Co., Inc.,
Masonet Cleaners, Inc.,
Massachusetts Electro Plating Co.,
Master Supply Company of Asbury Park,
Master Supply Co. of Washington,
Matchaponix Industrial Corporation,
Matey Corp. of Pennsauken,
Matthew Motors, Inc.,
Mattthew Salon De Beaute,
Matthew Samsel Associates,
Matthews Associates, Inc.,
Mattioli Bakers, Inc.,
Matt J. Maurer, Inc.,
Mattox, Inc.,
Matty Matthews, Inc.,
Maurice River Processing Co.,
Maurys Discount Center, Inc.,
Mavin Chemical Corp.,
Mavin Holding Co., Inc.,
Max L. Simon, Inc.,
Max Rogel Associates, Inc.,
Maxs Colonial Restaurant, Inc.,
Maxstel, Inc.,
Maxwell Warehouse Corp.,
May Craft Manufacturing Co., Inc.,
May Craft Sales, Inc.,
Mayfair Development Corp.,
Mayfair Esso Service Center, Inc.,

Mayfair Radio, Inc.,
Mayfair Truck Rental, Inc.,
Mayflower Paint & Hardware Co., Inc.,
Mazzas Service, Inc.,
M B Coatings, Inc.,
M B R Realty Corp.,
McAlister Agency, Inc.,
McCormack Holding Company, Inc.,
McCullough Warehouse, Inc.,
Mc Elroy Plumbing & Heating Co., Inc.,
McFadden Construction Co.,
M C Freightways, Inc.,
McGees, Inc.,
McGuire Travel Agency, Inc.,
McKays Drain Eze Co.,
Mc Kelvies Bar & Grill,
Mc Kinley Building Corp.,
Mc Lean Billiards Corp.,
McMahon Organ Sales Company,
McManus & Murray, Inc.,
Mc Pherson Hotel Corporation,
Mc Roberts Furniture Mart, Inc.,
M & D Investment Co., Inc.,
M D P, Inc.,
Meadow Contracting Co., Inc.,
Meadow View Homes, Inc.,
Medical Supply Service, Inc.,
Medicenters, Inc.,
Medispense Company,
Mediterranean Marble, Inc.,
Meersand, Inc.,
M E F Corporation,
Meg Enterprises, Inc.,
Mehring, Inc.,
Mel De, Inc.,
Melini Laboratories, Inc.,
Melray Industries, Inc.,
Melrose Village, Inc.,
Melton & Melton Construction Co., Inc.,
Memos Incorporated,
Menlo Hardware Corp.,
Menorah Kosher Meat & Poultry Markets Corp.,

Mercer County Econo Car, Inc.,
Mercury Mechanical Maintenance, Inc.,
Merit Investment Corporation,
Merrill Manor, Inc.,
Merritt Export & Import, Inc.,
Merxaton, Inc.,
Metal Design, Inc.,
Metco Electronics, Inc.,
Metro Equipment, Inc.,
Metro Industrial & Paper Supplies Corp.,
Metropolitan Contracting Co., Inc.,
Metropolitan School of Mechanical Dentistry, Inc.,
Metropolitan Vending Plans, Inc.,
Metrotex, Inc.,
Metro Video, Inc.,
Metuchen Realty & Investment Co.,
Mew Realty Co.,
M F Equipment Co.,
M G H G Holding Corp.,
M. G. Lewis, Inc.,
M G Merchandising Co.,
M & H Enterprises Co.,
M. Horn & Son, Inc.,
Mibyr, Inc.,
Mica, Inc.,
Micastella Corporation,
Miceli Cabinet Company, Inc.,
Micelli, Inc.,
Michael and Michele, Inc.,
Michaels Trading Company,
Michele Arms, Inc.,
Michele Drug Company,
Michele Fashions, Inc.,
Michelle Gardens, Inc.,
Micro Associate Corporation,
Micropan, Inc.,
Mid Atlantic Development Corp.,
Mid Atlantic Revaluations, Inc.,
Mid Atlantic Sheet Metal Co., Inc.,
Mid City Amusement Co., Inc.,
Middlebush Estates, Inc.,
Middlesex Bindery,

Middlesex Engineers Co.,
Middlesex Plastic Finishing Corporation,
Mid Eastern Constr. Co.,
Mid Jersey Dispatch Corp.,
Mid Jersey Heating & Cooling Co., Inc.,
Midland Appliances, Inc.,
Midland Construction Corporation,
Midland Development Co.,
Midland Industries, Inc.,
Mid State Water Proofers, Inc.,
Midtown Plumbing Co., Inc.,
Midtown Tavern of Matawan, Inc.,
Mid Town Trucking, Inc.,
Midwood Manor, Inc.,
Mihm Charters, Inc.,
Mikruss, Inc.,
Milars Construction Company,
Milberg Building Co.,
Miles Shoes Meldisco, Cherry Hill, N. J., Inc.,
Milgold, Inc.,
Millbrook Country Club,
Millbrook Golf & Yacht Club,
Mill Creek Builders, Inc.,
Millers Taxi Service, Inc.,
Mill Steel Products, Inc.,
Milltown Book Co., Inc.,
Millville Corp.,
Millwork Supply Company,
Milor Construction Co., Inc.,
Milton Garfunkel Electric Supply Co.,
Milton H. Wilson, Jr., Inc.,
Mimi Lynne, Inc.,
Minatron Corporation,
The Mini Crib Company,
Minimax Investment Corporation,
Miracle Iron Heating Co., Inc.,
Mirodan Steel Export, Inc.,
Mister E Furs,
Mister Lumber, Inc.,
Mr. Wong Restaurant Corp.,
Mitchell Enterprises, Inc.,
Mitchell Holding Corporation,

Mitchell & Horace Mason Construction Co., Inc.,
Mitchells Paramus, Inc.,
Mitchels Youth Center, Inc.,
Mitsukaye Trading Corp.,
Mizpah Hotel,
M. & J. Bloomfield, Inc.,
M & J Drywalls Co.,
M & J Trucking, Inc.,
M. K. Ansell, Inc.,
M & K Drywalls, Inc.,
M & L Co., Inc.,
M L G Corporation,
M & M Catering, Inc.,
M & M Distributors, Inc.,
M & M Formica Co.,
M & M Plastics, Inc.,
Mo Dav Meat Market, Inc.,
Model Home Construction Co.,
Modern Accessories, Inc.,
Modern Associated Properties, Inc.,
Modern Designers, Incorporated,
Modern Distributors, Inc.,
Modern Doors, Inc.,
Modern Furniture and Appliance Co.,
Modernline Kitchen Cabinets, Inc.,
Modern Section Furniture Company, Inc.,
Modern Security, Inc.,
Modern Surgical Equipment Co., Inc.,
Modern Surgical Supply Co., Inc.,
Modern Water Equipment Company, Inc.,
Modern Woodcraft of Lyndhurst, Inc.,
Modern Woodworking Company, Inc.,
Modular Cabinet Corp.,
Moed Properties, Inc.,
Mohawk Chemical Co., Inc.,
Mohawk Inn, Inc.,
Mojac, Inc.,
Moklein, Ltd.,
Molten Metal Systems, Inc.,
Monarch Television, Inc.,
Monarch Television Servicing, Inc.,
Mon Del Development Corp.,

Monetti Construction Company,
Monmouth County Industrail Park,
Monmouth Cue Lounge, Inc.,
Monmouth Eagle Publishing Company,
Monmouth Microwave, Inc.,
Monocrown,
Monroe Garden Lake, Inc.,
Montana, Wyoming & Southern Railroad Company,
Montclair Appliance & Vacuum Co.,
Montclair Brown & White Leasing Company,
Montclair Stables, Inc.,
Monteiro Realty Company,
Monterey Motor Courts, Inc.,
Monticello Theatre Corp.,
Monument Laundro Center, Inc.,
Moosh Music, Inc.,
Morgan Aquarium Co.,
Morgan Motors,
Morgan Travel Service, Inc.,
Morr Investment Co., Inc.,
Morris and Essex Landscaping, Inc.,
Morris and Essex Tree Co., Inc.,
Morris Holding Co., Inc.,
Morris Mortgage Corporation,
Morris Technical Institute,
Morse Laboratories, Inc.,
Morstan Corporation,
Mortgage Services, Inc.,
Mosiac Tile Company of New Jersey,
Moslers Pharmacy,
Mosselle Thomas and Associates, Incorporated,
Moss Motel Co.,
Most Acres Hotel, Inc.,
Motor City, Inc.,
Motor Lodge Development Corp.,
Mountain Gardens, Inc.,
Mountain Sunrise Construction Company,
The Mountain Tap Room,
Mt. Lake Distributors,
Mount Laurel Beach Club, Inc.,
Mt. Prospect Ave., Inc.,
Mt. Rascal Corp.,

Mount Vernon Village,
Mt. View Auction Mart., Inc.,
M P G, Incorporated,
M & P Tocco, Inc.,
Mra Associates, Inc.,
M R M Games, Inc.,
M & S G M C Truck Sales and Service, Inc.,
M & S Vending Company,
Mulberry Food Center, Inc.,
Multiphase Corp.,
Multitec Industries, Inc.,
Municipal Vending Company,
Munoz, Ltd.,
Munterna Corp.,
Murmac, Inc.,
Murphy Grimes, Inc.,
Murray Goodman Associates, Inc.,
Murrays of Newton, Inc.,
Mursun Developers, Inc.,
Music by Mail, International, Inc.,
Mustang Lodge, Inc.,
Mutterperl Caterers, Inc.,
M. Weiser Corporation,
M W J Realty Corp.,
Myrtie H. Scull, Inc.,
Myrtle Wood Apartments, Inc.,
M. Zimmerman and Sons, Inc.,

Nadeen, Inc.,
Nadelle Contractors, Inc.,
Nalorac Packaging Corporation,
Namler Construction Corporation,
Namron Corporation,
Namut Associates,
Nani Randelli, Incorporated,
Nanmar Corp.,
Nanstan Corp.,
Napoleon Hill Academy Franchise Institute, Inc.,
Nashua Realty, Inc.,
Nassau Associates, Inc.,
Nassau Motor Co.,
Nassau School of Dance,

Nate Kates, Inc.,
National Aircraft Standards, Inc.,
National Automatic Cafeterias, Inc.,
National Booklets, Inc.,
National Burns Motor Inn, Inc.,
National Calldex Shoppers Guide, Inc.,
National Caterers, Inc.,
National Econo Wash Corporation,
National Exteriors, Inc.,
National Garofalo Motor Inn, Inc.,
National Gregg Motor Inn, Inc.,
National Homecraft, Inc.,
National Kolinsky Motor Inn, Inc.,
National Lepine Motor Inn, Inc.,
National Mainelli Lapham Motor Inn, Inc.,
National Medical Pumps, Inc.,
National Pork Packers, Inc.,
National Precision Sales Co.,
National Rahway Motor Inn, Inc.,
National Research Products Co., Inc.,
National Safety Realty Co.,
National Ventilator Co.,
Nation Wide Advertising Corporation,
Nation Wide Aluminum Distributors, Inc.,
Nationwide Demolition Corp.,
Nationwide Properties, Inc.,
Nationwide Services, Inc.,
Naugle Motors, Inc.,
Navesink Construction Co., Inc.,
N A Y C, Inc.,
N E Builders, Inc.,
The Neff Company, Inc.,
Negev Construction Company,
Nelsons Inman Avenue Pharmacy, Inc.,
Nep Jewelers, Inc.,
Nepsa Corp.,
Neptune Cab Company,
Neptune Marine Supply Corp.,
Nesco Sales Corp.,
Neslo Construction Co., Inc.,
Nettie Industries,
Net Worth, Incorporated,

Nevins Taxi Co.,
Newark Bargain Store, Inc.,
Newark Bay Projects, Inc.,
Newark Broad Raymond Corp.,
Newark Budget Sales Company, Inc.,
Newark Furniture, Inc.,
Newark Motor Car Co.,
New Birdland Lounge, Inc.,
New Brunswick Food & Vegetable Company,
New Brunswick Foreign Cars, Inc.,
New Brunswick Urban Renewal Corp.,
New Center For Group Therapy, Inc.,
New Concord Lounge, Inc.,
The New Concord Motor Inn, Inc.,
New Dewitt Restaurant and Confectionery,
New Gong Chinese American Restaurant, Inc.,
New Jersey Bedspring Co., Inc.,
New Jersey Chronicle,
The New Jersey Education Research and Lecture Bureau,
New Jersey Entertainment Guide, Inc.,
New Jersey Foot So Port Shoe Stores, Inc.,
New Jersey Homefinders, Inc.,
New Jersey Hydro Matic Corporation,
New Jersey Land Development Corporation,
New Jersey Mirror & Paint Co., Inc.,
New Jersey Realty & Finance Corporation,
N. J. Regal Sportswear, Inc.,
N. J. Shore Divers, Inc.,
The New Jersey Stallion Station,
New Jersey Ultrasonic Corporation,
Newken Realty Co.,
New Luso American Bar & Grill, Inc.,
New Parkway Constructors, Inc.,
New Penn Construction Co.,
New Peppermint Lounge, Inc.,
Newport Auto Body, Inc.,
Newport Equipment Corporation,
Newport Lathing & Plastering Co.,
New Red Robin Lounge, Inc.,
New Shrewsbury Materials Corporation,
New Street Corp.,
New Styles Garment Corp.,

Newton Lafayette Village Corporation,
Newton 206 Corporation,
N H G Associates, Ltd.,
Niagara Pool & Filter Co., Inc.,
Nicholas Visco, Inc.,
Nicholsons Beverages,
Nickitas & Adolph Drive In, Inc.,
Nicklan Corp.,
Nick Peet, Inc.,
Nilos, Incorporated,
Nilsen Realty Corp.,
Ninajo,
982 Broadway Corporation, Inc.,
The 949 Broad Manor Corp.,
916 Elm Ave. Corporation,
921 Clinton Street Realty Corp.,
Nine Twenty Corp.,
90 Broad Street Realty Corp.,
Niros Associates, Inc.,
Nitti Plumbing & Heating Co., Inc.,
N & J Holding Co.,
N J S Corporation,
Noels,
Nomis Construction Co., Inc.,
Non Food Items, Inc.,
Noras Store, Inc.,
Norberk Homes Corp.,
Norche, Inc.,
Nordite Corporation,
Noreen Knitting Mills, Inc.,
Norfolk Electrical and Radio Co., Inc.,
Norfolk Gardens, Inc.,
Norleys,
Norma Hay Corporation,
Norman G. Mac Cauley, Inc.,
Norman H. Robson, Inc.,
Norms Restaurant,
North American Automobile Club Incorporated,
North American Auto Transport, Inc.,
North American Frame Co.,
North American Land and Home Development Corp.,
North Arlington Apartments, Inc.,

North Avenue Flying A, Inc.,
Northeastern Underwriters Exchange,
Northeast Pharmacal, Inc.,
Northeast Tank Lines, Inc.,
Northern Fibre Glass Pool Mfg. Corp.,
Northern Precision Machine Products Co., Inc.,
Northface, Inc.,
Northfield Restaurant, Inc.,
North Glen Homes, Inc.,
North Haledan Construction Co., Inc.,
North Jersey Attic and Basement, Inc.,
North Jersey Corp.,
North Jersey Mortgage and Management Co., Inc.,
North Jersey Motors, Inc.,
North Jersey Plastics, Inc.,
North Jersey Plaza, Inc.,
North River Corp.,
Norwood Inn, Inc.,
Norwood Park Estates, Inc.,
Novellos Beach, Inc.,
Novelty Rivoli, Inc.,
Novelty Woven Label Co.,
N P Laboratories, Inc.,
N S B T Corp.,
N T G Holding Co.,
Nu Cote Corp.,
Nulton Construction Company,
No. 4 Holding Corporation,
1 Park Avenue Hotel Corp.,
No. 10 Corey Drive Corp.,
Nuse Motors,
Nutritional Food Industries, Inc.,
Nutroilator Corporation of America,
Nutting Estates, Inc.,
Nu Way Cleaners & Dyers,
Nuzzi Construction Company,
N & W Realty Corporation,
Nye Construction, Inc.,
Nymco Agency, Inc., of New Jersey,

Oakeys Brook Estates, Inc.,
Oak Homes, Inc.,
The Oaklane Realty Company,
Oaklyn Mechanical Contractors, Inc.,
Oakmont Publishers, Inc.,
Oak Shade Transportation Company,
Oakwood Manor, Inc.,
Oakwyn Corp.,
O'Briens Tavern, Inc.,
Ocean Candy & Tobacco Co., Inc.,
Ocean County Search Company,
Ocean Park Motors, Inc.,
Oceanview Realty Corporation,
Ocean View Restaurant, Inc.,
Odell Simpson Exterminator, Inc.,
O'Donnell & Rieger, Inc.,
Ogdensburg Senior Land, Inc.,
Oilfield International, Inc.,
Oil Heat Realty, Inc.,
O K Enterprises, Inc.,
Okun Bros., Inc.,
Old Bridge Coal Company,
Old Colony Realty Corporation,
Old Dutch Dairy,
Olde Buttonwood Manor, Inc.,
Olde Coach Restaurant, Inc.,
Olde Lenape Constructors, Inc.,
Old Mill Farms, Inc.,
Old Short Hills Realty Corp.,
Olympic Associates, Inc.,
Olympic General Contracting Co., Inc.,
Omnisole Co., Inc.,
Omont, Inc.,
150 Johnston Corp.,
156 Grove Street Corporation,
191 Moonachie Road, Inc.,
196 195 Taxi Corporation,
193 Hoffman Boulevard Corporation,
179 Third Street Corp.,
177 Broad St. Corp.,
172 Corporation,
106 West Palisade Avenue, Inc.,

110-114 Mt. Vernon Avenue Corp.,
135 Corporation,
O'Neill for Painting, Inc.,
One Nine One, Inc.,
One Thirty Corporation 2,
One Western Avenue,
O N I, Inc.,
On Screen,
The Onyx Room, Inc.,
Orange Furniture Company of Plainfield,
Orange Main Liquor Store, Inc.,
Orbito Dynamics, Inc.,
Orchard Valley Center,
Orchid Bar, Inc.,
Origents Co., Inc.,
Original Casa Capri, Inc.,
Original Design Company, Inc.,
Oritani Leasing Corp.,
Oritani Luncheonette, Inc.,
Oritani Motors, Inc.,
Orville Enterprises Incorporated,
Orwell Stores, Inc.,
O & S Mobile Home Estates, Inc.,
Otis Owens,
Otto Brebdeck & Costa, Inc.,
Our Place, Inc.,
Outboard Paradise,
Outdoor Originals, Inc.,
Outlook Realty Co., Inc.,
Out O Jersey Charter & Marine Sales Corp.,
Overbrook Arms Apts.,
Overhead Door Sales Co., Inc.,
Overknight Printing, Inc.,
Overland Trucking Corp.,
Over Night Oasis, Inc.,
Ox'02 Additive Company, Inc.,

Pacemaker Metal Products Corp.,
Pacific House, Inc.,
Packaged Environment Corporation,
Packaging Development Corp.,
Padcraft Corporation,
Paddock Swimming Pools of N. J.,
Page Apartments, Inc.,
Paige Contractors, Inc.,
Palmar Finance Co.,
Paint Bucket, Inc.,
Paint & Chemical Corporation of New Jersey,
Painting Contractors, Inc.,
Palace Beverages, Inc.,
Paland Holding Corp.,
Palazzo and Sylvester Landscape Gardeners,
Pal Discount Shops, Inc.,
Palisade Limousine Service, Inc.,
Palisades Cabinets, Inc.,
Palisades Stone & Marble Crafts, Inc.,
Palisade Stables, Inc.,
Paljon Construction Co.,
Pal Provision Corp.,
Pal Sports Center, Inc.,
Pam Associates, Inc.,
Pam Ross Products, Inc.,
Pan Am Electronics, Inc.,
Pan American Associates, Inc.,
Pancake Hollow Club,
Panel Bilt, Inc.,
Pangart Company, Inc.,
Pann Incorporated,
Pan Texdye Corp.,
The Pantry Pancake House, Inc.,
Papco Construction Company,
P A P Construction Co.,
Paper Back Book Club, Inc.,
Paperboard Specialties, Inc.,
Pappas News Service, Inc.,
Paquin Designing Company, Inc.,
Paradis Industries, Inc.,
Paradossis Diner, Inc.,
Par Agency, Inc.,

Paragon Transportation Corp.,
Paramount Home Improvement Corp.,
Paramount Transportation, Inc.,
Paramus Bagel Baking Corp.,
Par Auto Repair, Inc.,
Pardi, Inc.,
Parets Apparel Shops, Inc.,
Pari Mutual Sign Co.,
Par, Inc.,
Park Brook Adjustment Associates, Inc.,
Park Electronic Corp.,
Parkers Dress Shoppe, Inc.,
Park Lane Advertising Associates, Inc.,
Park Lane Apartments, Inc.,
Park Management Co., Inc.,
Park Ridge Associates, Inc.,
Parks Denville Corp.,
Park Shops, Inc.,
Park Terrace Gardens, Inc.,
Parkview Food Center, Inc.,
Parkview Gardens, Inc.,
Parkway Research & Chemical Corporation,
Park Wolf Construction Co.,
Parluck Realty Corp.,
Parmellis Hotel & Tavern, Inc.,
Parmor Holding Co.,
Parsippany Management Co., Inc.,
Partake Bergen, Inc.,
Parthenon Building Corporation,
Partition Enclosures Corp.,
Partners In Prosperity Incorp.,
Party Bar, Inc.,
Party Liquors, Inc.,
Passaic Auto Parts, Inc.,
Passaic Indians Flying, Inc.,
Passaic Medical Telephone Exchange, Inc.,
Passaic Service Center, Inc.,
Passaic Valley Motor Hotel, Inc.,
Passaic Valley Motors, Inc.,
Passaic Warehouse, Inc.,
Pastime Enterprises, Inc.,
The Pastry House of Paterson,

Pastry Puff, Inc.,
Patent Firearms Mfg. Co., Inc.,
Paterson Auditorium, Inc.,
Paterson District Telegraph Co.,
Paterson Gardens, Inc.,
Paterson Instruments Co., Inc.,
Paterson Plank Park, Inc.,
Paterson Taxi Co.,
Paterson Upholstery Co.,
Patkan Enterprises, Inc.,
Pat Kay Corp.,
Patricia Foods,
Patterson Builders, Inc.,
Patti Ann Corporation,
Patullos Tavern, Inc.,
The Patzin Corp.,
Paul G. Kelly & Co., Inc.,
Paulina Maintenance Corp.,
Pauline Fashions, Inc.,
Pauline Keenan, Inc.,
Paul Scott Advertising, Inc.,
Pauls Five and Ten, Inc.,
Paul Taylor Corporation,
Payne Motors, Inc.,
P B Associates, Inc.,
P. Bick Associates, Inc.,
P and C Construction Co.,
P D Company, Inc.,
Pearl Investment Co.,
Peeks, Inc.,
Peeps, Inc.,
Peer, Inc.,
Pegagus Swimming Club, Inc.,
Peggy Donners Town & Country, Inc.,
Peggy Lee Candies, Inc.,
Peggymar Realty Corp.,
Pejo Realty Corp.,
Pelp Enterprises, Inc.,
Pemaquid Enterprises, Inc.,
Pembroke Realty Corp.,
Penco Holding Co.,
Peninsula Land Co.,

Penn Ice & Coal Co., Inc.,
Penn Jersey Lumber & Millwork Company,
Penn Oaks Development Co.,
Penn Town Shopping Center, Inc.,
Pen Odell, Jr., Incorporated,
Peoples Furniture,
Peoples Investment Co., Inc.,
Pepco Realty Corp.,
Pepinos Pizza Pick Up, Inc.,
Peppermint Lounge, Inc.,
Percolo Land Co., Inc.,
Percy Cleaners, Inc.,
Perillos Diner, Inc.,
Permart Corporation,
Personal Planning, Inc.,
Personette Estates, Inc.,
Perth Amboy Field Caterers, Inc.,
Peted Construction Co.,
Pete Minardi Excavating Co.,
Peter Leone & Son, Inc.,
Peter & Paul Construction Co., Inc.,
Petes, Inc.,
Pet Flair, Inc.,
Petland of Radburn,
Petmark Realty Corp.,
Petrones, Inc.,
Pettys,
P G Mill Supplies,
Phanet, Inc.,
Pharma Products, Inc.,
Pharm Kem Industries, Inc.,
P and H Distributing Co., Inc.,
Phelps Engineering Co., Inc.,
Phelps Manor Hardware, Inc.,
Philadelphia Bird Food Co., Inc.,
Phil Daniels, Inc.,
Philip A. Singer, Inc.,
Philip La Bruto & Son, Inc.,
Phillips, John, Inc.,
Phillips Inn, Inc.,
Phillips Investment Co., Inc.,
Philou, Inc.,

Philron Corporation,
Phoenix Oil Products Corporation,
Phono Genic, Inc.,
P and H Sand and Stone Company,
P H S Corporation of Amsterdam,
P H S Corporation of Bridgeton,
P H S Corporation of Elmira,
P H S Corporation of Flemington,
P H S Corporation of Massapequa,
P H S Corporation of Pittsfield,
P H S Corporation of Sayreville,
PHS Corporation of Schenctady,
P H S Corporation of Staten Island,
Physicians Drug & Supply Company, Inc.,
Piccolos Pharmacy, Inc.,
Pichirallo Auto Drive Agency,
Picture Pal, Inc.,
Picturesque Promotions, Inc.,
Pied Piper, Inc.,
Pied Piper Super Market of Elizabeth, N. J., Inc.,
Pierce Construction Company, Inc.,
Pieron Factory Equipment Corp.,
Piggy Back Freight Co., Inc.,
Pike Brook Construction, Inc.,
Pike Brook, Inc.,
Pike View Corporation,
Pine Brook Auto Body, Inc.,
Pinedale Developers, Inc.,
Pine Hill Country Club, Inc.,
Pineland Poultry Processors, Inc.,
Pine Oaks Estates,
Pine Tree Hotel, Inc.,
Pink Lounge, Inc.,
Pink Tower, Inc.,
Pioneer Financial Service Co.,
Piper Electric Heat Co.,
Pittstown Associates, Inc.,
P J M Builders, Inc.,
P J S Pizza Restaurant,
P J T, Inc.,
Placon, Inc.,
Plain and Fancy Catering Co., Inc.,

The Plainfield Corporation,
Plainfield Palace, Inc.,
Plains Securities Corporation,
Planker Builders, Inc.,
Plasterco, Inc.,
Playpen, Inc.,
Plaza Interiors, Inc.,
Plaza Window Cleaning Co., Inc.,
P L B Incorporated,
Pleasant Gardens, Inc.,
Pli, Inc.,
P L M Development Co.,
Plymouth Appliance & Furniture Co. of Paterson, Inc.,
Plymouth Shops, Inc.,
P M A, Inc.,
PMC Marketing and Development Corp.,
P M Investments, Inc.,
P & M Liquor Corp.,
P & M Plumbing and Heating, Inc.,
Poce Dawson Luncheonette & Catering Service,
Poidomani Salvage Co., Inc.,
Poland Corp.,
Pol Tater Co., Inc.,
Polychem, Inc.,
Poly Chrome Decorations, Inc.,
Polycolor Plastics, Inc.,
The Pompeii Inn, Inc.,
Pompton Lakes Realty Co., Inc.,
Pomsort Portview, Inc.,
Pomsort Windsor, Inc.,
Ponton Packing and Shipping Co., Inc.,
Pony Boy Stables, Inc.,
P O P Drawer Systems Corp.,
Popkin Produce Co., Inc.,
Popular Maintenance Co., Inc.,
Portable Display Exhibits, Inc.,
Portable Dredging Corporation,
Portable Oxygen Corp.,
Port Terminal Operating Co., Inc.,
Post & Rail, Inc.,
Potato Products, Inc.,
Power Hydraulics, Inc.,

Power Steering, Inc.,
Pozner Plumbing Co.,
Pram To Prom, Incorporated,
Pratts Bar & Grill, Inc.,
Precision Metalwrights, Incorporated,
Prefab Erectors, Inc.,
Preferred Builders, Incorporated,
Preferred Quality Meat Selectors, Inc.,
Preine Construction Company, Inc.,
Premier Color & Chemical Co.,
Premium Investment Corporation,
Prepared Batters, Inc.,
President Packing Company,
Press Dial, Inc.,
P R F Incorporated,
Price City Toiletries, Inc.,
Pridax, Inc.,
Pride Contracting Co., Inc.,
Pride Truck Renters, Inc.,
Prima Quality Italian Kitchens,
Prime Development Corp.,
Princenter Dispensing Co.,
Princess Swimming Pools of Bergen County,
Princess Wigs, Inc.,
Princeton Engineering Incorporated,
Private Ambulances, Inc.,
Prodesco Corporation,
Producers Limited,
Productions Associates, Inc.,
Products Classic, Inc.,
Professional Buying & Leasing Service, Inc.,
Professional Car Lease Co.,
Professional Tele Answer and Message Service,
Progressive Building Services Company, Inc.,
Progressive Family Circle, Inc.,
Progressive Paving Co.,
Prospect House Foundation, Inc.,
Prospect Park, Inc.,
Prospect Printing Co., Inc.,
Proton Associates,
Providence Builders, Inc.,
Provincetown Apartments, Inc.,

P R Promotions, Inc.,
P R T, Inc.,
Pru Delicatessen, Inc.,
P S & D Holding Corp.,
P & S Office Supply Co.,
P T M Holding Company, Inc.,
Public Enterprises, Inc.,
Public Service Research, Inc.,
Purchasers Advertising Corp.,
The Puritan Security Company,
Pur Water Export Co.,
P X, Inc.,
Pylon Funding Corporation,
Pylon Trikote Distributors, Inc.,
Pyramid Aquarium Co.,
Pyramid Electrical Contractors, Inc.,
Pyramid Investment Corporation,
Pyramid Petroleum Products Company,
Pyramid Recreational Center, Inc.,

Quackenbush Enterprises, Inc.,
Quadronics International, Inc.,
Quali Tone Professional Photo Service, Inc.,
Quality Backery,
Quality Brand Nut Co.,
Quality Food Company, Inc.,
Quality Machine & Die Works, Inc.,
Quality Painters and Builders, Inc.,
Quality Supplies, Inc.,
Quco, Inc.,
Queen Bee, Inc.,
Queens Knitting Mills, Inc.,

Raal Realty Corporation,
Rab Corporation,
Rabsco, Inc.,
Racs Hut, Inc.,
Radec, Inc.,
Radiant Builders, Inc.,
Radiation Affiliates, Inc.,
Radigan Trucking Co., Inc.,
Radio Productions, Inc.,

R. A. Faber Construction Company,
Ragland Realty Co., Inc.,
Rahway Commercial Plating Company, Inc.,
Railroad Properties Incorporated,
Rainbo Center, Inc.,
Rainbow, Inc.,
Ralph L. Schaffer Co., Inc.,
R. A. Mac Plum Industries, Inc.,
Ram Embroidery Corp.,
Ramonelli Products, Inc.,
Ramorin, Inc.,
Ramsey Cinema Corp.,
Ramsey Farmers Market,
Ranch Mecca, Inc.,
Randel Homes, Inc.,
Random Equipment Leasing Co., Inc.,
Random Woods,
Randy Homes, Inc.,
Rantone Corporation,
Rare Art, Inc.,
Raritan Bay Associates, Inc.,
Raritan Boat Shop,
Raritan Char Burger, Inc.,
Raritan Printing Company, Inc.,
Ratom Corporation,
Rauoly, Inc.,
Rax, Inc.,
Rayandy Restaurant Corporation,
Raybern, Inc.,
Ray Brent Construction Co., Inc.,
Rayes, Inc.,
Rayme Realty Corp.,
Raynes Distributing Corporation,
Raynes Distributing Corp. of Paterson, N. J.,
Raynor and Kane, Inc.,
Rays Value Shops of Bayonne, Inc.,
Rays Value Shops of Bergenline Avenue, Inc.,
Rays Value Shops of Hoboken, Inc.,
Rays Value Shops, Inc.,
Rays Value Shops of Newark Avenue, Inc.,
Rays Value Shops of Union City, Inc.,
Rayton Construction Corp.,

Raytor Corporation,
R & B Construction Corp.,
R & B Liquors, Inc.,
R B M Realty Corp.,
R. Burnstin Manufacturing Corporation,
R & C Auto Parts Co.,
R C L Mfg. Company,
R C M Container Corporation,
R. Colabella & Company, Inc.,
R & D Airconditioning & Refrigeration Products, Inc.,
R & D Auto Sales,
R. Dennys Corporation,
Read Company, Inc.,
Ready Roll Corporation,
Reagles, Inc.,
Real Estate Finance Company,
Real Estate Remodeling Co., Inc.,
Re Al Hearing Consultants, Inc.,
Realty Associates, Inc.,
Rebella Builders, Inc.,
Reco Business Associates, Inc.,
Recreation Centers, Inc.,
Recreation Pier Realty Co., Inc.,
Red Beech, Inc.,
Red & Black Construction Co.,
Red and Blue Star Construction Company, Inc.,
Red C Corp.,
Redi Electronics Company, Inc.,
Redloh, Inc.,
Redmer Plastic Products Corp.,
Reducing Control Engineering Co., Inc.,
Redwood Plumbing & Heating Corp.,
Reed Associates, Incorporated,
Reed Drug Co.,
Refial Realty Company,
Regal Crown Cap & Gown, Inc.,
Regal Machinery Corp.,
Regal Managers,
Regency Beauty Culture School of New Jersey, Incorporated,
Regina Holding Company,
Regina Plastics, Inc.,
Regional Plumbing Co., Inc.,

Region Plastics, Inc.,
Regis Institutional Programs, Inc.,
Register Properties, Inc.,
Reilly Construction Co., Inc.,
Reilly Leasing Corp.,
Reinforced Plastic Industries,
Reliable Equipment Co., Inc.,
Reliance Auto Corporation,
Reliance Chart Paper Corporation,
Reliance Maintenance Co., Inc.,
Remarc Coiffeurs, Inc.,
Remi Realty Co.,
Removeables, Incorporated,
Renaissance Artcraft, Inc.,
Renal Building Supply Corporation,
Renaults,
Rene Construction Corp.,
R E N Enterprises, Inc.,
Renrut Corporation,
Rens Corp.,
Rent A Maid Elizabeth, Inc.,
Rent A Prinz,
Rent A Sport Cycle, Ltd.,
Republic Associates, Inc.,
Research Gardening, Inc.,
Resnick Shoes, Inc.,
Resolute Credit Corp.,
Resonant Electronics, Inc.,
Reson, Inc.,
Retail Operating Corporation,
Retail Trade Advisory Service, Inc.,
Revere Homes, Inc.,
Rex Anodizing Corp.,
R. Gordon Caterers, Inc.,
R. Gregory Construction Co., Inc.,
R & H Embroidery Corp.,
R & H Homes, Inc.,
R H R Discount Stores, Inc.,
R H R Realty Corp.,
Rical Rental Corp.,
Richard Builders, Inc.,
Richard M. Barrett, Inc.,

Richard Novelty Company, Inc.,
Richard R. Ferry, Inc.,
Richards Brake & Front End Service,
Richards Department Store,
Richards Leasing, Inc.,
Richards and Worth, Inc.,
Richard Vogedes, Inc.,
Rich Cliff Builders, Inc.,
Richlee Paint Products, Inc.,
Richmon, Inc.,
Richmor New Brunswick, Inc.,
Richmor Rockland County, Inc.,
Richs Camden, Inc.,
Richy Martin,
Rickarby Development Corp.,
Rickoo Investment Corp.,
Ricos Auto Service, Inc.,
Ridge Development Corp.,
Ridgefield Gardens, Inc.,
Ridgefield Gardens, Inc., Section 2,
Ridgefield Lodge, Inc.,
Ridgefield Nurseries, Inc.,
Ridge Markets, Inc.,
Ridge Properties, Inc.,
Ridgeway Homes, Inc.,
Rieder Hardwood Flooring, Inc.,
Riese Associates, Inc.,
Rij Textiles, Inc.,
Rimsky Wright Automotive Enterprises, Inc.,
Rin Debar Mason Contractors, Inc.,
Ring Bar, Inc.,
Ringler Corporation,
Ringo Hauling, Inc.,
Rinker & Dimeglio Rentals, Inc.,
Rinzler Newman Creative Group,
Ripadry, Inc.,
Ripco Construction Co., Inc.,
Rips Construction, Inc.,
Rin Van Winkle Sleep Shops, Inc.,
Risley Dorraine Co.,
Risley Investment Company,
Risleys Laundry,

Rite Chemical Corp.,
Rite Construction Co.,
Rite Stop Markets, Inc.,
Rittenhouse Mason Hotel, Inc.,
Rivaco, Inc.,
River Edge Cleaners, Inc.,
Riveredge, Inc.,
River Mount, Inc.,
Riverside Auto Body, Inc.,
Riverside Dye Works, Inc.,
Riverside Homes, Inc.,
Riverside Memorial Chapels, Inc.,
Rivertide, Incorporated,
Riverton Casting Services, Inc.,
Riverview Trucking & Leasing Co.,
Rivoli Decorators, Inc.,
Rivoli Dry Goods Co., Inc.,
R J & A Construction Co., Inc.,
R. Kline, Inc.,
R & L Holding Corp.,
R L P Taxi, Inc.,
R M H Realty Co., Inc.,
R & M Lounge, Inc.,
R M S Sales Corp.,
R M T Corporation,
R & N Club, Inc.,
Roach Bar & Grill,
Roadway Paving Co., Inc.,
Roal, Inc.,
Roamin Acres, Inc.,
Robanwo Corp.,
Robbins Finery,
Robbinsville Acceptance Corp.,
Robert Carroll Packaging Co., Inc.,
The Robert Clare Corporation,
Robert McClorry Co., Inc.,
Robert M. Rafter, Inc.,
Robert Novelty Company, Inc.,
Robertos Colony Restaurant,
Robert Properties, Inc.,
Robert Treat Parking Corporation,
Robert Wayne, Inc.,

Robert Wilson,
Ro Betta Enterprises, Inc.,
Robine, Inc.,
Robinson Fesi Painting Contractors,
Robtodd Health Club,
Rochelle Development Corporation,
Rockaway Ridge, Inc.,
Rockaway Street Shoppe, Inc.,
Rocket Realty, Inc.,
Rockshore Estates,
Rockview Building Corporation,
Rockview Masons, Inc.,
Rockwood Realty Corporation,
Rocky Marciano Billard Centers, Inc.,
Rocky Marciano Development Company, Inc.,
Roclanic Enterprises, Inc.,
Roc Manufacturing Company,
Rodd Associates, Inc.,
Rodd Construction Co.,
Roger Dealaman, Inc.,
Ro Jo Bar & Grill,
Ro Ko Corp.,
Rolas Products Corp.,
Roller Builders, Inc.,
Rolling Hills Construction Co., Inc.,
Rolling, Inc.,
Roman Numeral 11 Investment Corporation,
Romarc Properties, Inc.,
Romar Youth Fashions, Inc.,
Romaxx Industries,
Romco, Inc.,
Romco Rambler Corporation,
Romi Consultants, Inc.,
Romik Realty, Inc.,
Rom Kon Corp. of America,
Romla, Inc.,
Romo Construction Company,
Romonte Apartments, Inc.,
Ronalds Boys Shop of Cherry Hill, Inc.,
Ronel Realty Co.,
Roni Monell Fabric Corporation,
Rosa Investments, Inc.,

Rosalie Shops, Inc.,
Rosalie Sportswear Co.,
Rosalyn Arms, Inc.,
Rosan Fashions, Inc.,
Roscon Corp.,
Roseart Realty Co.,
Rose & Georges,
Rose Girl Coat Co., Inc.,
Rose Gold, Inc.,
Rose Marie Hat Shoppe,
Rose Mary, Inc.,
Rosemont Builders, Inc.,
Rosenblatt Welt Theatres Corp.,
Rosenblum Catering,
Roseville Bakery, Inc.,
Rosewood Restaurant, Inc.,
Ro Sil Realty Co., Inc.,
Roslev Corporation,
Roslyn Bus Co.,
Rossi Construction Co., Inc.,
Rossi Painting and Decorating Co.,
Ross & Olsen, Inc.,
Ro Tacts, Inc.,
Rotary Baseball Pitching Machine Corp.,
Roth Harris Construction Co., Inc.,
Route Diner, Inc.,
Route 4, Inc.,
Route Sixty Nine Realty, Inc.,
Route 22 Meat Center,
Roving Construction Co., Inc.,
Roxy Cocktail Lounge, Inc.,
Roxys Family Center, Inc.,
Royal Acceptance Corporation,
Royal Crest Corporation,
Royal Foods, Inc.,
Royal Optical Company, Inc.,
Royal Province Company,
Royal Rambler, Inc.,
Roy Danziger Associates,
R P L Industries, Inc.,
RPM Building and Construction Co., Inc.,
R P Property Associates, Inc.,

R & P Trucking Corp.,
R R B Corp.,
R & R Cleaning Service,
R R L Imperial Design, Inc.,
R & R Meats & Deli, Inc.,
R & S Dry Cleaners, Inc.,
R S & J, Inc.,
R & S Plastic Corp.,
R. Thompson, Inc.,
Rube Mercer Realty Co.,
Rubnat Holding Corp., Inc.,
Ruby Processes, Inc.,
Rudis Dress Co., Inc.,
Rudolph Schmidt, Inc.,
Rudzik Realty,
Ruggles Coles Engineering Company,
Rum Point Island Corporation,
Runyon Provision Co., Inc.,
Ruocco Construction Corp.,
Rus Len Rest Home, Inc.,
Ruson, Inc.,
Russ Scott, Ltd.,
Ruta Millwork and Stairs Co.,
Rutgers Construction Co.,
Rutgers Industrial Center,
Ruthen Laundromats, Inc.,
Rutview Realty Co., Inc.,
R & V Enterprises, Inc.,
R & V Trucking, Inc.,
R & W G Corp.,
R. W. Hutchinson, Inc.,
R W Service, Inc.,
R. W. Smith Painting Co., Inc.,
RX Dental Laboratories, Inc.,
Ryan Equipment Company, Inc.,
Ryson Laboratories, Inc.,
R Z R, Inc.,
R & Z Sheet Metal Co.,

Saba Electrontic Corporation,
S A Belgian Textile Printing Company,
Sabena Jewelers, Ltd.,
Saber Construction Corp.,
Safran Construction Company, Inc.,
Saf Tee Button Holder, Inc.,
S & A, Inc.,
St. James Apartment Motel,
St. John's Dry Cleaners & Shirt Launderers,
St. John Terrell, Inc.,
St. Joseph's Wood Products Co.,
St. Raphael Productions, Incorporated,
Sak Motor Trucking and Truck Leasing Company, Inc.,
Salagaj and Sons Construction Company, Inc.,
Sales Service Industries, Inc.,
Salges Stores, Inc.,
Salick Refrigerator Company, Inc.,
Sal Land Company,
Sallys House of Fashion,
Salon 35, Inc.,
Salon Thirty One,
Sal Simonelli, Inc.,
Sals Pizzeria, Inc.,
Samar Realty Co.,
Samba, Inc.,
Samda Realty Co.,
Sam Dee Mason Contractors, Inc.,
Samphil Corporation,
Sam Realty Co.,
Sams Auto Body & Glass Works, Inc.,
Samson Equipment Company,
Samson Homes, Inc.,
Sams Swinging Bar, Inc.,
Samter, Inc.,
Sam Toy, Inc.,
Samuel August & Co., Inc.,
Samuels, Inc.,
Samuel Stangle, Inc.,
Sanateen Corporation,
Sand Cap Valley Country Club,
Sand Hill Equipment Company, Inc.,
Sandmar Construction Co., Inc.,

Sandy Park Beach, Inc.,
Sanford Holding Co.,
Sangreto, Inc.,
San Hawk, Inc.,
Sani Ice Corp.,
San Lorenzo Sugar Company,
Sano Builders, Inc.,
Sano Vend Mfg. Corp.,
Santa Marta Wine, Inc.,
Santefe Pac Corp.,
Saran Realty Corporation,
Saratoga Realty Co.,
Sarcru, Inc.,
Sargon Knitwear Corporation,
Sarnoff & Co., Inc.,
S A S Enterprises, Inc.,
Satinsoft Cosmetics, Inc.,
Savonica Corporation,
Savoyard, Inc.,
Savree Pak Food System of N. J., Inc.,
S & A Window Cleaning Co., Inc.,
Saw Mill Estates,
Sawood Corp.,
Sayreville Properties, Inc.,
S. Blaurock, Inc.,
S. Busichio & Sons, Inc.,
Scala Builders,
Scala & Chaske Construction Corp.,
S C A Realty Co.,
Scarfi Construction Corp.,
Scazafave Home Improvement Co., Inc.,
Scenic Development Co., Inc.,
Schachtel Bakery,
Schelka Corporation,
Schlossmans, Inc.,
Schoemer Equipment Co., Inc.,
Schoolview Estates, Inc.,
Schorr Variety, Inc.,
Schweibros, Inc.,
Sciarappa, Inc.,
Scientific Educational Aids Corporation,
Scientific Exterminating Co., Inc.,

Scotch Gardens, Inc.,
Scotch Plains Times,
Scotchwood Realty,
Scott Management Corp.,
Scottwood Auto Sales, Inc.,
Screenmobile, Inc.,
Scuderia Bonagura, Inc.,
Scullin Homes,
S D K Investments, Inc.,
Sea Appliances, Inc.,
Seaboard Chemical Corporation,
Seaboard Games and Amusements, Inc.,
Seaboard Mill Supply Co.,
Seaboard Recreation Corporation,
Sea Breeze Estates,
Seabright Realty Co.,
Sea Bright Surf Club, Inc.,
Sea Coast Candy Company, Inc.,
Seacoast Paint and Varnish Corporation,
Seal Fluff, Inc.,
Seaman Sea Skiffs, Inc.,
Sea Meadow Development Corporation,
Sea N Surf Distributors, Inc.,
Searchmaster, Inc.,
Seat Reservation Marker, Inc.,
Seaview Electric Co.,
Secaucus Industrial Center, Inc.,
Second Commercial Realty Investment, Inc.,
Second Inslee Realty Corp.,
Secure Construction Corp.,
Security Aluminum Window Mfg. Corp.,
S & E Distributors, Inc.,
Seejay, Inc.,
See Mar Jac Company,
Seguine Bogert Company, Inc.,
Seideman Corporation,
Seiden Furniture Corporation,
Seifert Realty, Inc.,
Se Ko Industries, Inc.,
Selcar Corp.,
Selective Development Corp.,
Select Real Estate Corporation,

Sel Ed,
Self Clean It, Inc.,
Self Defense, Inc.,
Selma Sportswear Co., Inc.,
Senator Hotel Corporation,
Senrich, Inc.,
Serudi Realty Co., Inc.,
Serve Ur Self, Inc.,
Service Commercial Body Works, Inc.,
Service Diner, Inc.,
Servicemaster of Bernardsville, Inc.,
Service Quadrant Company,
Services International, Inc.,
Service Textile Company, Inc.,
7 Hillside Place, Inc.,
Seven Hundred Associates,
705 South Centre Street Corp.,
717 Realty Co., Inc.,
775 Bergen Ave. Corporation,
775 Springfield Avenue, Inc.,
770 South Orange Avenue, Inc.,
730 Cookman Avenue, Inc.,
Seven O Corporation,
Seven Seas Cafe, Inc.,
1743 St. Georges Ave., Inc.,
1776 Realty, Inc.,
1703 New York Avenue Corp.,
78 Corp.,
75 Corp.,
74 Corp.,
74 Wolcott Terrace Corporation,
79 Corp.,
7921, Inc.,
71 Corporation,
77 Corp.,
76 Corp.,
70 69, Inc.,
73 West 22nd Street, Inc.,
72 Corp.,
Seway Metal Products, Inc.,
S & F Superette, Inc.,
S & G Construction, Inc.,

The Shadybrook Club, Inc.,
Shadybrook Park, Inc.,
Shakru, Inc.,
Shalesco Construction, Inc.,
Shanghai Burlington,
Shangri La Restaurant, Inc.,
Sharpe & Heller,
Shawangunk Minerals Co.,
Sheffco Corporation,
Sheffield Warehousing & Trucking Co., Inc.,
Sheila Renee Realty Co.,
Shellee Industries, Inc.,
Shel Lor Plastering,
Shelly Sue Corporation,
Shelo Contractors, Inc.,
Shelton & Son,
Sheneil Corporation,
Shenrock Manufacturing Corp.,
Shepard Communications, Inc.,
Sherban Corp.,
Sherbern, Inc.,
Sheridan Apartments Annex, Inc.,
Sheridan Apartments, Inc.,
Sherman Bar, Inc.,
Sherman Bros., Inc.,
Sherman Kozan Associates, Inc.,
Sherrer Plastering Corp.,
Sherry Const. Corp. of N. J.,
Sher Tel Products, Inc.,
Shiff Bros., Inc..
Shine Brite Maintenance Service, Inc.,
Shingle Slate Roofs by D. Coletta, Inc.,
Ship A Pac,
Ship Bottom Building Center,
The Ship, Inc.,
Shipshape, Incorporated,
Shirdan Corporation,
Shirlbee Childrens Shop, Inc.,
Shirleys Realty Co., Inc.,
Shmohawk Restaurant, Inc.,
The Shoe Horn, Inc.,
Shoe World, Inc.,

Shoe World of N. J., Inc.,
Shore Club,
Shore Fun Rentals, Inc.,
Shore Line Paving and Construction Corp.,
Shore Pharmacy, Inc.,
Shortening Corporation of America, Inc.,
Short Hills Estates,
Short Hills Gardens, Inc.,
Short Hills Hotel Corporation,
Shrewsbury Paint & Supply Company,
Shrewsbury River Motel and Apartments, Inc.,
Shrink Pack, Inc.,
The Shultise Agency, Inc.,
Shultise Real Estate, Inc.,
S I A Company,
Sica Skiffs, Inc.,
Sidney Dimmerman, Inc.,
Sidneys, Inc.,
Sigler Builders, Incorporated,
Sigma Corporation,
Silbar Manufacturing Co., Inc.,
Silinsky Realty Co., Inc.,
Silk City Sales, Inc.,
Silver Beach Realty Co., Inc.,
Silver Park Records, Inc.,
Silver Spring Bottling Co., Inc.,
Silverton Realty Corp.,
Siman & Hanlon Millwork Corp.,
Simon Du Bow Corporation,
Simonelli Electric Co., Inc.,
Simon Lake Drive Corporation,
Simonsen Enterprises, Inc.,
Sinclair Service Center, Inc.,
Sindia Company,
Singing Wheels Arena, Inc.,
The Single Plus Corporation,
Sirco Products, Inc.,
Si Tex, Inc.,
682 Passaic Corp.,
655 Mc Carter Highway, Inc.,
600 Taxi, Inc.,
Six Month Brand Wax, Inc.,

Six Ocean Lane Corp.,
Six Steps Down, Inc.,
Sixth Avenue Novelty Company, Inc.,
The 68 Clinton Avenue, Inc.,
The 65 East Corporation,
65 Honeck Corp.,
Sixty Roseland Avenue, Inc.,
63 Corp.,
6 Webster Corp.,
S & J Construction Co., Inc.,
The Ski, Inc.,
Skips Fish Market, Inc.,
S K O, Inc.,
Skole Estates,
S K S Corporation,
Skyline Industrial Park,
Skyline View Inn,
Slanrac, Inc.,
Sla Turn Development Corporation,
S. Leonard Enterprises, Inc.,
S. Levy Co.,
Sligo, Inc.,
The Sloan School of Art,
Sloop Creek Estates,
Smico Corp.,
Smileys Tavern, Inc.,
S & M, Inc.,
The Smith Corbin Corporation,
Smith Plumbing Service, Inc.,
S M K Corp.,
Smoke King Meats, Inc.,
Smorgasburgers of New Jersey, Inc.,
S M & P Realty, Inc.,
S M Robinson, Inc.,
S M S Corporation,
S & M Washing Machine Co., Inc.,
Snack N Shop, Inc.,
Sneaker & Rubber Sales Corp.,
S N J Agency, Inc.,
Snow Removal Experts, Inc.,
Snow White Diaper Service, Inc.,
Snyder and Roberts Title Company,

Soban, Inc.,
Sobert Products, Inc.,
Society Club Beverage Corporation,
Sokrist Restaurant Corp.,
Solar Industries, Inc.,
Solitare Contracting Company,
Solmar Corporation,
Solowey Farms, Inc.,
Somara Construction Corporation,
Somerset Color & Chemical Company, Inc.,
Somerset General Investors, Inc.,
Somerset Home Abstract Company,
Somerset Morris Automobile Clearing House, Inc.,
Somerset Plumbing & Heating Co., Inc.,
Somerset Steel Products Company,
Somerset Watchung Realty Co., Inc.,
Somerville Flight, Inc.,
Somerville Gardens, Inc.,
Somunn Corporation,
Sonocolor, Inc.,
Sophisticates, Inc.,
Sophmor Enterprises,
Sost & Iurato Contracting Co., Inc.,
Soulis Realty Co.,
Soundfax, Inc.,
Southard Enterprises, Inc.,
South Broad Manufacturing Co., Inc.,
South Burnet Company,
South Corporation,
Southern Counties Abstract Service, Inc.,
So. Harrison Bldg. Co.,
South Jersey Electric Heating Company, Inc.,
South Jersey Enterprises,
South Jersey Horse & Livestock Auction Co.,
South Jersey Machine & Tool Co., Inc.,
South Jersey Plumbing and Supply, Inc.,
South Jersey Security Systems, Inc.,
South Maple Realty, Inc.,
South Ocean Realty, Inc.,
South Pacific Bar, Inc.,
South Street Holding Company,
South Vineland News Agency and Office Equipment, Inc.,

South Winds Trading Corporation,
Sowa Home Modernizers, Inc.,
Space Associates, Inc.,
Spacemaker, Inc.,
Space White Industries Incorporated,
Spanex Products Corporation,
Spark Screw Machine Company, Inc.,
Sparta Building Supply Co.,
S & P Auto Supply Corp.,
S P C Corporation,
The Specialty House, Inc.,
Specialty Plastic Processors, Inc.,
The Speechphone Corporation,
Speed Clean Laundramat, Inc.,
Speedometer Service Co., Inc.,
Speedway Automatic Laundery Corp.,
Spencer Advertising Services, Inc.,
Spinetti Music Publishing Co.,
Spinn Eckert Associates, Inc.,
Spiralon, Inc.,
Spitfire Mfg. Co.,
S & P Land Investment Co.,
Spongee Corporation,
Sponsored Sales, Inc.,
Sport Bowling, Inc.,
Sportsmen Bar and Restaurant, Inc.,
Sports Raritan, Inc.,
Sports Unlimited, Inc.,
Spotts Realty Co., Inc.,
The Spot U G L Recreation, Inc.,
Spray Trol Manufacturing, Inc.,
Springdale Enterprises,
Springfield Homes, Inc.,
Spring Lake Sand and Sea,
Spring Motel Corp.,
Spring Sales Corp.,
Spring Street Properties, Inc.,
Springville Development Company,
Springwood Dairy, Inc.,
Spruce Hill, Inc.,
Spuhler Dyestuffs, Inc.,
Spuhler Industries, Inc.,

Square Food Market,
Square Printing Co., Inc.,
Squire Corporation of New Jersey,
The Squire Shop of Bergen, Ltd.,
Sram, Inc.,
S & R Construction Corp.,
Sretep Corporation,
S & R Wood Working Co., Inc.,
S S Mortgage Co.,
S. S. Robert, Inc.,
S. Stahl Embroidery Corp.,
Staff Accordian Studios,
Stahl Plaza Washo Mat, Inc.,
Stainless Food Equipment Company,
Standard Handbags, Inc.,
Standard Home Improvement Co.,
Standard Repair Service, Inc.,
Standard Universal Equipment Company,
Stanger Electric, Inc.,
Stanley Aragona, Inc.,
Stanley Bakery, Inc.,
Stanley Construction Co.,
Stanley Lucas, Inc.,
Stanley Plumbing and Heating Co., Inc.,
Starcross Chicks of N. J., Inc.,
Starling Realty and Investment Company,
Starlite Dairy Bar, Inc.,
Starlite Restaurant, Inc.,
Star Models, Inc.,
Starmond Press, Inc.,
State Engineering Soil Testing Company,
State Fayette Gardens, Inc.,
State Investors, Inc.,
Statewide Craftsmen, Inc.,
State Wide Holding Co., Inc.,
Statewide Modernizers, Inc.,
Statewide Mortgage & Realty Corp.,
State Wide Printing Corp.,
State Wide Supply Corp.,
Stearns Constructors, Inc.,
Stebb Realty Corp.,
Stee Van Corporation,

Stefanic Bilt Homes, Inc.,
Stefjak Corporation,
Stellar National Products, Inc.,
Stengel Associates, Inc.,
Stephen Edelstein, Inc.,
Stephen M. Sametz, Inc.,
Steril Aire Industries, Inc.,
Steven Brown Corporation,
Stewarts Gillette,
S T F Construction Corporation,
Stillman Rubber Company, N. J.,
Stitzer Hotels, Inc.,
Stomar Paint Corporation,
Stone Brook Realty, Inc.,
Strathmore Cleaners, Inc.,
Strauss Floor Covering Co.,
Strawbridge Convalescent Home, Inc.,
Strawbridge Convalescent Realty, Inc.,
Strong Building Company, Inc.,
Strykers Auto Body, Inc.,
Studio Mobile, Inc.,
Studio 3, Incorporated,
Stuell, Inc.,
Su Al Realty Co.,
Suburban Blood Service,
Surburban Driving School, Inc.,
Suburban Enterprises, Inc.,
Suburban Hills Builders, Inc.,
Suburban Ladies Salon,
Suburban Paper Company, Inc.,
Suburban Power Equipment, Inc.,
Suburban Products Co., Inc.,
Success Brands, Inc.,
Sugar Hollow, Ltd.,
Summit Diner,
Summit Equities, Inc.,
Summit Factoring Company,
Summit International,
Summit Tire Co., Inc.,
Sunbeam Supermarkets, Inc.,
Sunburst Hills Swim Club, Inc.,
Sun Development Corp.,

Sundries Outlet Corp.,
Sunflower Restaurant,
Sun Lac, Inc.,
Sunlighting, Inc.,
Sunny Hunny of New Brunswick, Inc.,
Sun Ray Farms, Inc.,
Sunrise Maintenance Co., Inc.,
Sunset Atlantic Truck Terminal,
Sunset Bay Motel, Inc.,
Sunset Motors,
Sunset Tavern, Inc.,
Sunshine Fashions, Inc.,
Sun Valley Estates,
Superior Car Co., Inc.,
Superior Heating & Air Conditioning, Inc.,
Superior Paper Products, Inc.,
Superior Ship Repair & Engineering Corporation,
Superior Sink Top Co., Inc.,
Supreme Products, Inc.,
Sure Pack, Inc.,
Surfcrete, Inc.,
Surf & Sand Variety Shop, Inc.,
Surfside Greesn Co., Inc.,
Surveys, Inc.,
The Survival Co.,
Survival Equipment Corporation,
Sussex Improvement Co.,
Sussex Nursing Home,
Sussex Park Homes, Inc.,
S & V Trucking, Inc.,
Swartswood, Inc.,
Sweet Sue Candy Co., Inc.,
Swim Rite Corp.,
Sylvan Builders, Inc.,
Synditrux, Inc.,
Syntex Chemical Company, Inc.,
Syrena Trading House, Inc.,

Tabatchnicks South Orange, Inc.,
Taca Corporation, Inc.,
Tacmer, Inc.,
T & A Company,

Taff Construction Corp.,
Tag Motor Corp.,
Taled Realty Co.,
Talent Management, Inc.,
Tall Oaks Corporation,
T A M Associates, Inc.,
Tana Realty Co.,
Tanglewood Associates, Inc.,
Tanner Realty Co.,
Tara Bay Club,
Tarrants Log Cabin, Inc.,
Tartan Construction Co.,
Tartan Knitting Co., Inc.,
Ta Ta Enterprises, Inc.,
Tatele Corporation,
Tatra Music Corporation,
Tavern Restaurant of N. J., Inc.,
Taxes Incorporated,
Taylor Associates, Inc.,
Teaneck Properties, Inc.,
Technic Glass, Inc.,
The Technidyne Corporation,
Technomatic Cleaning Corp.,
Ted Bauer, Inc.,
Ted Minkel Land Holding Corp.,
Ted and Ruth Bar and Bowling Corp.,
Teds Fireside Inn, Inc.,
Teed Corporation,
Tefa, Inc.,
Teitelman Danziger, Inc.,
Television City,
Televisual Associates,
Temp Disc Laboratories,
Temper Tantrum Products, Incorporated,
Templeflex Optical Company,
Temple Gardens, Inc.,
Temple Sheba, Inc.,
Tempo Building Corporation,
Tempting Retail Stores,
Tenaco Realty Co.,
1050 Broad Street Operating Corp.,
1048 Broad Street Corp.,

Terhune Wood Products,
Teri Publishing Corp.,
Terlaine, Inc.,
Termar, Inc.,
Terminal Storage, Inc.,
Terrace Lumber & Demolition Co., Inc.,
Terri Boats, Inc.,
Terrilo Corp.,
Terri Pet Corporation,
Terry Lee, Inc.,
Terry Lee Roselle, Inc.,
Terry Shops, Inc.,
Terzano Agency, Inc.,
Terzan Realty Co., Inc.,
Teshkoyan Frasco & Nicoletti, Inc.,
Teshkoyan & Nicoletti, Inc.,
Tes Lynn, Inc.,
Testron Corporation,
The Texim Corporation,
Texs Auto Parts, Inc.,
Texture Sales Corp.,
T F S Engineering Co., Inc.,
T F S Leasing Corp.,
T & G Contractors, Inc.,
Thaddeus Publications, Inc.,
Theodore J. Langan Co., Inc.,
Thermo Dyne Corporation,
Third and Clinton Corp.,
13 15 Corporation,
35 Kensington Avenue Corp.,
34 Pine Street Corporation,
39 Tallman Corporation,
31 Brunswick St., Inc.,
Thirty Third Corp.,
Thomas Brackin, Inc.,
Thomas E. Nora & Co., Inc.,
Thomas Pagan, Inc.,
Thomas Restaurant, Inc.,
Thomas T. Graham & Company,
Thom Kelly Builders, Inc.,
Thompson Manufacturing Company, Inc.,
Thoro Clean Auto Laundry Co., Inc.,

Three Dimensional Displays, Inc.,
315 Eleventh Corp.,
356 York St. Corp.,
343 45 South 9th Street Corp.,
300 Market Street Corporation,
319 Finishing Corp.,
397 Park Avenue Corporation,
317 Central Avenue, Inc.,
336 Woodside Company,
332 Company, Inc.,
Three Palm Club,
3 R Building Corp.,
Thrift Kleen, Inc.,
T H Y Construction Co., Inc.,
Tidewater Development Company, Inc.,
Tifft Layer and Company,
Tiger Tank Lines, Inc.,
Tiletexters, Inc.,
Timalyn Corp.,
Timbar Enterprises, Inc.,
Timlin Distributors, Inc.,
Tina Louise Hairdressers,
Tippy Farms, Inc.,
Tip Top Launderette, Inc.,
Tivoli Gardens, Inc.,
T. J. Alm Co.,
T. Joy & F. Tartini, Inc.,
T L Gardens, Inc.,
T & L Sales Corp.,
T M & A Holding Co.,
T M A, Inc.,
T M T Corporation,
T N B Inc.,
Tobar Foods, Inc.,
Tomlon Corporation,
Tommies Hideaway, Inc.,
Toms Hideaway, Inc.,
Toms Modern Kitchens, Inc.,
Toms River Country Estates, Inc.,
Tom Sullivan & Associates,
Toni Frozen Foods, Inc.,
Tonnelle Corp.,

Tontis, Inc.,
Tony Degaetano Mason Contractor, Inc.,
Tony & Rab, Inc.,
Tooies Tavern,
The Tool Crib, Inc.,
Top Hat Bar, Inc.,
Toplad Realty Corp.,
Topmount Corporation,
Topps Cleaners of Teaneck, Inc.,
Top Variety, Inc.,
Toran Homes, Inc.,
Toreador Land Co., Inc.,
Tote Rite Carton Company,
Tovan Corporation,
Tove Cue Lounge, Inc.,
Towal Builders, Inc.,
Tower Motor Club,
Town and Country Agency, Inc.,
Town and Country Drywall, Inc.,
Town & Country Group, Inc.,
Town & Country Hair Stylists,
Town and Country Properties, Inc.,
Town & Country Services, Inc.,
Towne Cab,
Towne & Country Stables, Inc.,
Town Enterprises, Inc.,
Towne Sportswear Co.,
Town House Decorators, Inc.,
Town N Country Beauty Salon,
The Town Shop of Caldwell, Inc.,
Tozzoli Construction Co.,
T P Trucking Co., Inc.,
Trace Contractors, Inc.,
Tracorn Associates,
Trade Fasteners, Inc.,
Trade In Realty Co.,
Trade Line Builders, Inc.,
Trade Master, Inc.,
Trade Shelters, Inc.,
Trading Corp.,
Trailer Haulers, Inc.,
Trailer Transport, Inc.,

Trans American Machinery & Equipment Corp.,
Trans Bridge Realty & Contracting Co., Inc.,
Transcontinental Associates, Inc.,
Trans Continental Industries, Inc.,
Transportation Accessories, Inc.,
Transportation Service, Inc.,
Trans Royal Electric, Inc.,
Travel Rite, Inc.,
Trawin Associates,
Treet Corp.,
Tremont Court Development Co., Inc.,
Trent Construction Company,
Trent Diner, Inc.,
Trenton Sports Bag Company,
Trenton White Truck Co.,
Triangle Heating Service,
Triangle Meat Brokers,
The Triangle Mortgage Corporation,
Triangle Sales Company,
Triangle Tavern, Inc.,
Tri Boro Builders, Inc.,
Trico Policy Matic,
Trico Realty Co.,
Tri County Armored Service,
Tri County Gardens Corp.,
Tri County Investment Corp.,
Tri County Plastics and Packaging, Inc.,
Tri County Roofing, Inc.,
Tri D Production Corporation,
Trieste Beauty Salon,
Trilan Corporation,
Tri Maintenance & Contractors, Inc.,
Tri Motors, Inc.,
Trio Building Corporation,
Trio Sales Corp.,
Trio Wash Corporation,
Tripar Auto Center, Inc.,
Tri Paul Construction Co., Inc.,
Triple J Builders, Inc.,
Triple K Meat Market, Inc.,
Tri State Operation of N. J., Inc.,
Tri Town Motors, Inc.,

Trombetta Enterprises,
Tropical Bar,
Tropical Night Club,
The Troyden Co.,
Troy Industrial & Marine Supplies, Inc.,
Troy Manufacturing Company,
Tru Ade Corporation of Camden,
Trubek Contracting Corporation,
Tru Bore Manufacturing Co., Inc.,
Truck Dispatchers,
Tru Color Foundation, Inc.,
Trugard Construction Co., Inc.,
Tru Val Construction Corporation,
Tryon Cleaners and Launderers, Inc.,
Tryus Catering, Inc.,
TTW, Inc.,
Tube Concourse Properties, Incorporated,
Tube Knit Stretcher, Inc.,
Tuch, Inc.,
Tuckahoe Estates,
Tucker & Sons,
Tuff Bungalow Sales, Inc.,
Tumens Department Store, Inc.,
Turnerville Country Club,
Turnpike Industrial Park, Inc.,
Tuscan Investment Corporation,
T V A, Inc.,
T V Consumers of N. J.,
Twelve Eighteen Corlies Avenue, Inc.,
1248 Broad St.,
1230 Adriatic Corp.,
Twelve Men Control,
25 Terhune Ave. Corp.,
The 24 Hour Wash and Dry of Atlantic City, N. J., Inc.,
2128 Hudson Boulevard Corp.,
21 Mt. Kemble Corporation,
27 287, Inc.,
The Twenty Two Central Avenue Corporation,
Twenty Two Journal Square Corp.,
Twinbrook Excavating Enterprises, Inc.,
Twin City, Inc.,
Twin Garden Realty Corporation,

Twin Hull Boat Company,
Twin Lakes Lodge, Inc.,
2 Gals Discount Store,
Two G Builders, Inc.,
208 Seventh Corporation,
249 Company, Inc.,
240 242 Randolph Corporation,
219 Corporation,
219 Fifth Street Jersey City Corporation,
217 Palisade Avenue Corporation,
213 215 217 Park Avenue Realty Corp.,
234 N New Hampshire, Inc.,
224 226 Third Street, Inc.,
220 River Street, Inc.,
223 Wainwright Corp.,
200 281 Taxi Corp.,
Two Little JS, Inc.,
Ty Air Distributors, Inc.,

Uncle Louies Pony Track, Inc.,
Unesco T V Service & Sales Co.,
Unico, Inc.,
Union Apartments, Inc.,
Union Casting & Coated Sand Products Co.,
Union Catering, Inc.,
Union Conle Holding Co.,
Union County Farms, Inc.,
Union County Mortgage Company,
Union Essex Institute, Inc.,
Union Essex Service Co., Inc.,
Union Hodor Corp.,
Union Mountainside Estates, Inc.,
Union Products Sales Co., Inc.,
Union Roofing,
Union Sun Publishing Co.,
Union Technical Materials Co., Inc.,
Unique Beverages,
Unique Painting Co., Inc.,
Uni RCC Fire Safe Animal Structures, Inc.,
Uni Roc Fire Safe Animal Structures, Inc.,
United Clearance Bureau, Inc.,
United Evergreens, Inc.,

United Floors, Inc.,
United Geriatrics, Inc.,
United Hydraulics Corp.,
United Movie Technicians, Inc.,
United Nations Financial Corp.,
United New Jersey Investing & Industrial Corp.,
United Service Laundry Co.,
United States Holding Corporation,
United Synthetics Corporation,
United Uniform Company,
United Wrecking & Demolition Co., Inc.,
Universal Dry Cleaning and Sales Company, Inc.,
Universal Education Enterprises,
Universal Fiberseal of New Jersey, Inc.,
Universal Gear & Mfg. Co., Inc.,
Universal Imprint Corporation,
Universal Machinery Distributors, Inc.,
Universal Sales Company,
Universal Wines & Liquors, Inc.,
University Industry Associates, Inc.,
Unlimited Painting Company,
Up County Development Co.,
Upland Terminal Co., Inc.,
Upper Valley Holding Co.,
Urami Industries, Inc.,
Urban Brickwork Corp. of New Jersey,
Urban Structures, Inc.,
Urethane Industries International, Inc.,
U & R Painting, Inc.,
Urscheler, Inc.,
Urso Homes, Inc.,
U S A Homes, Inc.,

Vacation Package Plans, Inc.,
Vaccner Corporation,
The Vacston Co., Inc.,
Vacu Maid of New Jersey,
Vacum Electric Products, Inc.,
Vagabond Club, Inc.,
Valentino Equipment Corporation,
Valiant Paper Company, Inc.,
Valkure, Inc.,

Valleaus Community Store,
Valley Awning Co., Inc.,
Valley Brook,
Valley Cake Box,
Valley Electric Service, Inc.,
Valley Equipment Company,
Valley Precast Company,
Valley Servicenter, Inc.,
Valley Taxi, Incorporated,
Valli, Inc.,
Val U Agency, Inc.,
Value Control Associates,
Van Agency, Inc.,
Van Arden Furniture Company,
Van Associates, Inc.,
Vance Realty Co., Inc.,
Van Deventer Company,
Van Greenhouse Construction, Inc.,
Vanguard Brake Systems, Inc.,
Vanguard Distributors, Incorporated,
Vanguard Pharmaceutical Corporation,
Vanity Electric Co.,
Van Osborne Corporation,
Variety Tire Co.,
Vari Pac Corporation,
Varley Ford,
Varsity Pharmacy of Atco,
Vel Terr, Inc.,
Vendola Plumbing & Heating, Inc.,
Venice Embroidery Company, Inc.,
Venino Agency, Inc.,
Venizea Corporation,
Ventura Fabrics, Inc.,
Vera and Company,
Ve Ray, Inc.,
The Verdict Lounge,
Veritas Corporation,
Vermont North Country Store, Inc.,
Versakote, Inc.,
Vertes Corp.,
Verybest Construction Corp.,
Veterans Auto and Truck Repair, Inc.,

V & G Driving School, Inc.,
V & H Associates, Inc.,
Vic N Boys, Inc.,
Vics Auto Service,
Victor J. Leonardis Home for Funerals, Inc.,
Victor & Joseph Hair Stylists, Inc.,
Victors of Hackensack, Inc.,
Victors Liquor Store,
Victory Builders and Contractors, Inc.,
Vidaver & Company, Inc.,
Vinking Cash Register Co.,
Viking Metal Products Corp.,
Vikki Realty Corp.,
Village Green Shopping Center, Inc.,
Village Management Corp.,
Village Parking Center,
Village Service Communications, Inc.,
Village Squire Liquors, Inc.,
Villia Lucia,
Vimarann Corp.,
Vima Realty Corp.,
Vim Metal Products Company, Inc.,
Vincents Hair Fashions,
Vincent T. Oliver Enterprises, Inc.,
Vincent W. Rospond, Inc.,
Vin Lee Realty Corp.,
Vinyarn, Inc.,
Vinyl Lite, Inc.,
Vinyl Textile Corp. of N. J.,
V I P Advertising and Public Relations, Ltd.,
Virginia Alan Coat Company, Inc.,
Vista Gardens, Inc.,
Vista Land Corp.,
Vito and Joies Three Star Bar and Grill,
Vittoria Sportswear, Inc.,
Viune Holding Co., Inc.,
Vivians Beauty Salon,
Viviens Kiddy Shop,
V J Builders, Inc.,
Vogue Bowling Corp.,
Vogue Studios,
Volks City,

Voltar, Inc.,
Vons Realty Corp.,
Voorhees Service, Inc.,
Voss Electric Service, Inc.,
V. Stamato Carting Co., Inc.,
Vulcan Protection, Incorporated,
Vulpis Bros. Waste Removers, Inc.,
The V W C Corporation,

Wagon Wheel Playhouse Productions, Inc.,
W & A Awning & Shade Co., Inc.,
Wawelee Hills, Inc.,
Walchak Diner Corporation,
Walder, Inc.,
Waldo Electronic Company, Inc.,
Waldos Tavern Cocktail Lounge & Restaurant, Inc.,
Waldron Associates, Inc.,
Waldron, Inc.,
Waldwick Bootery, Inc.,
Walker Mason Co., Inc.,
Wallson Manufacturing Corp.,
Wall St. on Hudson Corp.,
Wall Structures, Inc.,
Walter Frattin, Inc.,
Walter R. Monus, Inc.,
Walters,
Walter Sheehan,
Walton & Burns Associates, Inc.,
Walt Whitman Hotel, Inc.,
Ward Builders, Inc.,
Wards Motel Corporation,
Warehouse Cafeteria, Inc.,
Warehouse Rivet & Metal Products Co., Inc.,
Warren Hanover, Inc.,
Warren Manor, Inc.,
Warren Sales Company,
Warren S. Potter Contracting Co., Inc.,
Warren Supply Company,
Warrenville Holding Corporation,
Warren Whitney & Wales Publishing Co., Inc.,
Warwick Construction Co.,
Warwick East, Inc.,

Washington Dance Studios,
Washington Fish Market, Inc.,
Washington Poultry Farm, Inc.,
Washington Shoe Box, Inc.,
Washmobile Wash N Wax Servicenter, Inc., 1,
Wash O Magic, Inc.,
Wassner Realty Company,
Watchung Sawmill, Inc.,
Water Clinic International,
The Water Conservation Company of N. J.,
Waterloo Village Antiques,
Waverly Supermarkets of Rockaway, N. J., Inc.,
Wayne Investments, Inc.,
Wayne Park, Inc.,
Wayne Processing Corp.,
Wayne Truck Rental Corp.,
Wayne Village, Inc.,
W. A. Young & Company, Inc.,
Wayside Mart and Motel, Inc.,
W. B. Brandt & Co., Inc. of New Jersey,
W. B. Creet Agency, Inc.,
Weather Tite Products, Inc.,
Weavers Pharmacy,
Web Controls Corporation,
Webshire, Inc.,
Webster Auto Sales, Inc.,
The Wedgewood,
Wedgewood Acres Sec. 3, Inc.,
Wedgewood Country Club, Inc.,
Wedgewood Estates, Inc.,
Weitzman & Co., Inc.,
Weldnor Corporation,
Weldone Improvement Company,
Weldor Erection Company, Inc.,
Well Built Homes of Jersey Shore,
Wendlo Incorporated,
Wendy Drew Childrens World, Inc.,
Wengay, Inc.,
Wengryn Recreation, Inc.,
Wesley, Inc.,
West Avenue Building Co.,
Westbranch Woods, Inc.,

Westbrook Heating Company,
West Creek Auto Parts, Inc.,
West End Contractors Stevedores & Coopers, Inc.,
West End Hardware, Inc.,
West Enterprises, Inc.,
Western Air Freight Forwarders, Inc.,
Western Forest Products Company,
Westervelt Construction Company Incorporated,
Westfield Avenue Corporation,
Westfield Builders & Contractors, Inc.,
Westfield Building Supplies,
Westfield Decorators, Inc.,
Westfield Pharmacy, Inc.,
Westgate Realty Corp.,
West Jersey Investment Co., Inc.,
West Jersey Motors, Inc.,
West Liquor Stores, Inc.,
West Mill Realty, Inc.,
Westminister Hotel & Realty Co.,
West Morris Land and Development Co.,
Weston Trucking and Forwarding Company,
West Orange Self Service Laundry, Inc.,
West Peddie Syrup Co., Inc.,
Westphal, Inc.,
Westside Servicecenter, Inc.,
Westville Apartments, Inc.,
Westwinds, Inc.,
Westwood Concrete Corp.,
Westwood Realty, Inc.,
Westwood Trucking Co.,
Wexford, Inc.,
Wezrever Trucking Corporation,
Whaley Associates, Inc.,
W. H. Dean Company,
Whippany Coal Feed & Supply Co.,
Whirlpool Wundabath, Inc.,
White Cross, Inc.,
White Horse Pike Apartments, Inc.,
White Horse Pine,
White Meadow Stores, Inc.,
White Rock Lake, Inc.,
White Rose Equities, Inc.,

Whitestone Investment Corporation,
Whitman Paper Converters, Inc.,
Whitney Holding Corporation,
Whitney Oil & Tallow Corp.,
The Whole In One Donut Corporation,
Whorlco, Inc.,
Wicksbury Homes, Inc.,
Wico Laundromat, Inc.,
Wilana Corporation,
Wilbur W. Whitney Packing Co.,
Wilco Floor Service, Inc.,
Wilcox Pharmacy,
Wild West Concessions, Inc.,
Willard Ivins, Inc.,
Willbar Equipment Company,
Willbe Holding Co., Inc.,
The Willella Corporation,
Willete Associates,
Wm. Altmans Department Store, Inc.,
William B. Alagia Construction Co., Inc.,
William Barnett Real Estate, Inc.,
Wm. Carnevale & Sons, Inc.,
William C. Campana, Inc.,
William Chelnik Associates, Inc.,
William D. Camburn, Inc.,
Wm. Gottel, Inc.,
William Gough, Inc.,
W. J. Gordon Realty Incorporated,
William Manturi Plumbing & Heating Corp.,
William P. Cheadle, Jr., Inc.,
William Pels, Inc.,
William Sellman Motors, Inc.,
Williams General Cleaning,
Williamson Management Service, Inc.,
Williamstown Bottling Works, Inc.,
Wm. S. Warner Realty Co., Inc.,
William Szott, Inc.,
Willmart Corporation,
Willner and Bertha Construction Corp.,
Willow Bar, Inc.,
Willowcreek, Inc.,
Willow Electrical Contracting Co.,

Willow Properties,
Willow Tavern, Inc.,
Willow Wood Estates,
Willrich Chemical Co., Inc.,
Wills, Inc. No. 2,
Wills Mt. Olive Tavern, Inc.,
Wilmat Realty Corporation,
Wilpark Corp.,
Wilshire Corp.,
Wilson Park, Inc.,
Winall Construction Company, Inc.,
Winbro Constuction Co., Inc.,
Winchester, Ltd.,
Window Erecting Service, Inc.,
Windsor Crown Corp.,
Windsor Home Builders, Inc.,
Windsor Plastic Cards, Inc.,
Windsor Properties, Inc.,
Windsor Road Realty Corporation,
The Windward Corporation,
Winfield Flying Club., Inc.,
Winfield Scott Company,
Winkler Textile Print Works, Inc.,
Winnwood Holding Co., Inc.,
Winston Arms, Inc.,
Winston Excavating Corp.,
Winston Screw Products Corporation,
Wi R Et,
W. I. Wingate Associates, Inc.,
W. J. Gordon Realty Incorporated,
W. J. Hagerty Construction Co.,
W. J. Scott Company, Inc.,
W. J. Sutcliffe Co., Inc.,
Wolbert Realty Co.,
Wolff Bros. Corp.,
Wolf Motors, Inc.,
Womac Construction Co., Inc.,
Wondercolor, Inc.,
Wonderland Enterprises, Inc.,
Wonder Wash, Inc.,
Wood Art, Inc.,
Woodbridge Billiards, Inc.,

Woodbridge Home Center, Inc.,
Woodfield Construction Corp.,
Woodland Construction Company, Inc., No. 2,
Woodland Lakes Development Corp.,
Woodland Manor, Inc.,
Woodlawn Discount Corp.,
Woodlynne Avenue Corp.,
Woodlynne Publishing Company,
Woodrow Ryans Trucking Co., Inc.,
Woodruff Dairy Store of Harrison, Inc.,
Woodruff Dairy Store of Irvington, Inc.,
Woodruff Dairy Store of Pulaski, Inc.,
Woodruff Dairy Store of Woodside, Inc.,
Woodshield Sales Corp.,
Woodside Farms, Inc.,
Woring Corporation,
Worldwide Manufacturers,
World Wide Realty Associates, Inc.,
Worldwide Realty, Inc.,
World Wide Recreations, Inc.,
The Wright Coffee Company, Inc.,
Wright Village Pharmacy, Inc.,
Wright Villa, Inc.,
W. S. Ponton of New Jersey, Inc.,
W S & S Realty Company,
Wurben, Inc.,
Wychwood Developers, Inc.,

Xpando Barricade, Inc.,

Y A, Inc.,
Yale Builders, Inc.,
Yale Marine Electric, Inc.,
Yank, Inc.,
Yardley & Company, Ltd.,
Yardville Hotel, Inc.,
Yates Painters, Inc.,
Ye Olde Cedar Inn,
Ye Olde Cheese Shoppe,
Ye Olde Ratskeller of Cranford,
York Door Manufacturing Corp.,
York Leasing Corp.,

York Rental Corporation,
Yorktown Homes, Inc.,
Yorktwo, Inc.,
Youff, Inc.,
Young American Furniture, Inc.,
Young Modern Furniture Corp.,

Zack Rogers Associates, Inc.,
Zampella, Inc.,
Zandon Corporation,
Zarro Decorators, Inc.,
Zarth Construction,
Zeckler Investors,
Z F K Realty, Inc.,
Zigmans Wholesale Fur Storage,
Zimco, Inc.,
Zimcon, Inc.,
Zip Construction Co., Inc.,

are repealed, and that all powers conferred by law upon such corporations and each of them, shall hereafter be inoperative and void.

[SEAL] Given under my hand and the Great Seal of the State of New Jersey, this seventeenth day of January, A. D. one thousand nine hundred and sixty-eight, and in the Independence of the United States, the one hundred and ninety-second.

RICHARD J. HUGHES,
Governor.

By the Governor,
ROBERT J. BURKHARDT,
Secretary of State.

AMENDMENTS TO THE 1947 CONSTITUTION

(1697)

Amendments to the 1947 Constitution

PROPOSED AMENDMENT ADOPTED

Amend Article IV, Section I, paragraph 3, to read as follows:

3. Each Legislature shall be constituted for a term of 2 years beginning at noon on the second Tuesday in January in each even numbered year, at which time the Senate and General Assembly shall meet and organize separately and the first annual session of the Legislature shall commence. Said first annual session shall terminate at noon on the second Tuesday in January next following, at which time the second annual session shall commence and it shall terminate at noon on the second Tuesday in January then next following but either session may be sooner terminated by adjournment sine die. All business before either House or any of the committees thereof at the end of the first annual session may be resumed in the second annual session. The legislative year shall commence at noon on the second Tuesday in January of each year.

(Applicable to the 1970 Legislature and thereafter.)

Adopted November 5, 1968.

PROPOSED AMENDMENT ADOPTED

Amend Article V, Section I, paragraph 14, to read as follows:

14. (a) Every bill which shall have passed both houses shall be presented to the Governor. If he approves he shall sign it, but if not he shall return it, with his objections, to the house in which it shall have originated, which shall enter the objections at large on its journal and proceed to reconsider it. If upon reconsideration, on or after the third day following the return of the bill, two-thirds of all the members of the house of origin shall agree to pass the bill, it shall be sent, together with the objections of the Governor, to the other house, by which it shall be reconsidered and if approved by two-thirds of all the members of that house, it shall become a law; and in all such cases the

votes of each house shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively. If a bill shall not be returned by the Governor within 10 days, Sundays excepted, after it shall have been presented to him, the same shall become a law on the tenth day, unless the house of origin shall on that day be in adjournment. If on the tenth day the house of origin shall be in temporary adjournment in the course of a regular or special session, the bill shall become a law on the day on which the house of origin shall reconvene, unless the Governor shall on that day return the bill to that house.

(b) If on the tenth day the Legislature is in adjournment sine die, the bill shall become a law if the Governor shall sign it within 45 days, Sundays excepted, after such adjournment. On the said forty-fifth day the bill shall become a law, notwithstanding the failure of the Governor to sign it within the period last stated, unless at or before noon he shall return it with his objections to the house of origin:

(1) on said forty-fifth day, if the house shall have again convened in regular or special session of the same 2-year Legislature and shall be meeting on said day, or

(2) on the day upon which the house shall reconvene, if it is in temporary adjournment in the course of a regular or special session of the same 2-year Legislature on said forty-fifth day, or

(3) on said forty-fifth day, if the house is in adjournment sine die on said day, at a special session of the Legislature which shall convene on that day, without petition or call, for the sole purpose of acting pursuant to this paragraph upon bills returned by the Governor. At such special session a bill may be reconsidered on or after the first day following return of the bill, in the manner provided in this paragraph for the reconsideration of bills, and if approved upon reconsideration by two-thirds of all the members of each house, it shall become a law. The Governor, in returning with his objections a bill for reconsideration at any general or special session of the Legislature, may recommend that an amendment or amendments specified by him be made in the bill, and in such case the Legislature may amend and re-enact the bill. If a bill be so amended and re-enacted, it shall be presented again to the Governor, but shall become a law only if he shall sign it within 10 days after

presentation; and no bill shall be returned by the Governor a second time. A special session of the Legislature shall not be convened pursuant to this paragraph whenever the forty-fifth day, Sundays excepted, after adjournment sine die of a regular or special session shall fall on or after the last day of the legislative year in which the second annual session was held; in which event any bill not signed by the Governor within such 45-day period shall not become a law.

(Applicable to the 1970 Legislature and thereafter.)

Adopted November 5, 1968.

EXECUTIVE ORDERS

Executive Orders

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 39

WHEREAS, The Congress of the United States has provided for a coordinated National Highway Safety Program through financial assistance to the States to accelerate highway safety programs; and

WHEREAS, The State of New Jersey has long been committed to a policy of seeking ways of fostering and promoting highway safety; and

WHEREAS, Certain State departments have functions relating directly to highway safety as follows: Department of Education; Department of Health; Department of Transportation; Division of Motor Vehicles; Division of State Police; and

WHEREAS, The National Highway Safety Act of 1966, Public Law 89-564, makes it the responsibility of the Governor of the State to administer the Highway Safety Program;

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:

1. The Assistant Commissioner of Transportation for Highways is hereby appointed as Governor's Representative to the National Highway Safety Bureau, he shall serve as chairman of a State Interdepartmental Highway Safety Program Committee, and he shall be responsible for the administration of the National High-

way Safety Act in the State of New Jersey. Within the limits of funds provided therefor, he shall establish and staff a Highway Safety Program Liaison Office with such personnel as may be necessary to carry out the purposes of this Order and the National Highway Safety Act of 1966.

2. There is hereby created an Interdepartmental Highway Safety Program Committee to be composed of the following: the Governor's Representative to the National Highway Safety Bureau, the Commissioner of Education, the Commissioner of Health, the Commissioner of Transportation, the Director of Motor Vehicles, the Superintendent of State Police or their designated representatives.

3. The Interdepartmental Highway Safety Program Committee shall develop over-all policy and guidance for a comprehensive New Jersey highway safety program in accordance with the Highway Safety Act of 1966 and shall coordinate the highway safety program in accordance with the Highway Safety Act of 1966 and shall coordinate the highway safety activities of State and local agencies.

[SEAL] Given, under my hand and seal this 15th day of March, 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. 40

WHEREAS, Mental retardation is a complex health, education, social and economic problem which affects 180,000 New Jerseyans of all ages and their families; and

WHEREAS, The retarded person needs medical, educational, rehabilitative and social services of various specialized types at different stages of his life and according to the degree of handicap with which he is afflicted; and

WHEREAS, To meet these needs, avoid duplication, and deliver quality services, public and private agencies must work together in an effective, continuous and coordinated campaign against mental retardation; and

WHEREAS, The need for coordinated action and cooperative planning was strongly and urgently stressed in 1962 by the President's Panel on Mental Retardation in its *Program for National Action to Combat Mental Retardation* and subsequently by President John F. Kennedy in his special message to Congress on Mental Illness and Mental Retardation, by President Lyndon B. Johnson's Committee on Mental Retardation, and by numerous State associations for retarded children and other private and professional organizations; and

WHEREAS, *The New Jersey Comprehensive Plan to Combat Mental Retardation,* published in 1966 by the Interdepartmental Committee on Lifetime Disability in consultation with the Governor's Advisory Council on Lifetime Disability, stated as its first and key recommendation the establishment of a permanent advisory body in State Government to insure a continuing and coordinated attack on problems of retardation;

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:

1. (a) There is hereby created within the Department of Institutions and Agencies the "New Jersey Mental Retardation Planning Board," which shall consist of 16 members, 10 of whom shall be public members appointed by the State Board of Control of the Department of Institutions and Agencies, and 6 of whom shall be designated from within each of the following Departments by the Commissioner of that Department: Community Affairs, Education, Health, Higher Education, Institutions and Agencies and Labor and Industry. The 10 public members of the Planning Board shall be appointed so that, at any time, the membership of the Board includes not less than 1 resident of each of the 4 regions identified in the New Jersey Comprehensive Plan to Combat

Mental Retardation. Each public member of the Board shall serve for a term of 3 years and until his successor is appointed and qualifies. Terms shall commence on July 1 and vacancies shall be filled for the unexpired term only.

(b) The present members of the Advisory Council on Construction of Mental Retardation Facilities organized by the State Board of Control pursuant to Public Law 88-164 (1963) are hereby continued as the first members of the New Jersey Mental Retardation Planning Board for the unexpired portion of their terms on said Advisory Council. The members of the Planning Board remaining to be appointed shall be appointed no later than July 1, 1968. The terms of service of the first full members of the Planning Board created hereby shall be staggered or otherwise arranged so that 4 of such members shall serve for terms expiring June 30, 1971, 3 of such members shall serve terms expiring June 30, 1970, and 3 of such members shall serve terms expiring June 30, 1969. Thereafter, public members of the Board shall serve terms as provided in subsection (a) of this section.

(c) Any vacancy occurring in the membership of the Board shall be filled in the manner in which the original appointment was made. Any public member of the Board may be removed from the Board, for cause, by the State Board of Control of the Department of Institutions and Agencies and any member of the Board designated by the Commissioner of any Department may be removed, for cause, by said Commissioner.

(d) The members of the Board shall serve without compensation, but shall be entitled to reimbursement for any expenses reasonably incurred in the discharge of their duties.

2. It shall be the duty of the New Jersey Mental Retardation Planning Board to:

(a) foster cooperation and communication between and among State, county, municipal, voluntary and private agencies in the provision of services to the mentally retarded;

(b) study and review the nature and extent of State services for the mentally retarded, and to recommend program and construction priorities to assure that crucial and pressing problems of the mentally retarded receive proper and adequate attention;

(c) call to the attention of both private and public agencies within this State Federal programs in or related to mental retardation, in order to assure the most effective use of available Federal resources;

(d) study, review and comment upon plans and applications for the construction of mental retardation facilities submitted pursuant to Public Law 88-164 (1963) and to focus public attention on long-term capital and program needs and their related budgetary implications;

(e) encourage and support pertinent research efforts and preventive measures, stimulate planning at the community level, and to review laws and practices relating to the mentally retarded;

(f) propose training and scholarship programs to prepare professionals to work with the mentally retarded; and

(g) promote public awareness of the needs and problems of the mentally retarded.

3. (a) The New Jersey Mental Retardation Planning Board shall meet at the call of its chairman, but not less than 4 times per year, and shall report annually in writing to the Governor not later than January 1 of each year.

(b) Within the limits of appropriations made available to it, the Planning Board is hereby authorized to employ such staff as it may deem necessary to carry out the duties assigned to it.

(c) The Planning Board shall be entitled to call upon any department or agency of the State of New Jersey for such documents, materials and information as it may deem necessary, and shall be entitled to the cooperation of every department and agency of the State of New Jersey.

4. The Advisory Council on Construction of Mental Retardation Facilities, the Interdepartmental Committee on Lifetime Disability and the Governor's Advisory Council on Lifetime Disability are hereby abolished.

5. This Executive Order shall take effect immediately, provided that section 4 of this Executive Order shall not take effect until the members of the Planning Board have been appointed.

Given, under my hand and seal this 2nd day of May,
[SEAL] in the year of Our Lord, one thousand nine hundred and sixty-eight, 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. 41

TO: THE HEADS OF ALL STATE DEPARTMENTS, BUREAUS, DIVISIONS, ETC.

I, RICHARD J. HUGHES, Governor, ORDER and DIRECT that beginning Monday, June 17, 1968, and continuing through Friday, September 6, 1968, 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 11th day of June, in the year of Our Lord, one thousand nine hundred and sixty-eight, and 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. 42

TO: THE HEADS OF ALL STATE DEPARTMENTS, BUREAUS, DIVISIONS, ETC.

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, July 5, 1968 (the day following Independence Day) be declared an extra holiday for State employees.

Given, under my hand and seal this 12th day of
[SEAL] June, in the year of Our Lord, one thousand nine hundred and sixty-eight, and 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. 43

WHEREAS, Portions of the counties of Bergen, Essex, Middlesex, Morris, Passaic, Union and Somerset were severely struck by floods resulting in loss of life and causing millions of dollars of damage to property, both public and private; and

WHEREAS, A request has been made that the President of the United States declare that same area to be a disaster area within the meaning of Public Law 875, which request is presently under consideration; and

WHEREAS, The affected portions of these counties has been declared a disaster area by the Administrator of the Small Business Administration; and

WHEREAS, The rehabilitation of the affected area requires the full cooperation of government at all levels and of private agencies and citizens;

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 laws of the State of New Jersey, do hereby issue the following Executive Order:

1. The Commissioner of Conservation and Economic Development is hereby designated as the State coordinator of rehabilita-

tion efforts in the affected area and shall be empowered to take such lawful action as may be necessary to assist in the rehabilitation of the area and to maximize the extent of Federal participation in rehabilitation efforts.

2. All State officials and agencies shall cooperate fully with the Commissioner of Conservation and Economic Development.

3. To the extent that the full cooperation of any State agency is dependent upon a declaration of emergency by the Governor, this Executive Order shall be construed to constitute such a declaration of emergency.

Given, under my hand and seal this 12th day of
[SEAL] June, in the year of Our Lord, one thousand nine hundred and sixty-eight, and 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. 44

WHEREAS, The New Jersey Department of Labor and Industry has continuing responsibilities in cooperating in the maintenance and operation of the Federal-State employment service and rehabilitation programs; and

WHEREAS, It appears that the Department of Community Affairs, presently administers a rural manpower development program for unemployed or underemployed disadvantaged people from rural areas; and

WHEREAS, In the interest of efficiency and economy, it appears desirable that the Department of Labor and Industry should ad-

minister a comprehensive program for unemployed and underemployed residents in the rural areas of this State:

NOW, THEREFORE, I, RICHARD J. HUGHES, Governor of the State of New Jersey, do hereby ORDER and DIRECT:

1. That all functions, powers, duties and appropriations in connection with the Rural Manpower Program within the Department of Community Affairs be and the same are hereby transferred to the Department of Labor and Industry.

2. That the Commissioner of Labor and Industry be responsible for this program and he is hereby directed to establish the necessary procedures for the implementation of this Order within the existing structure of the Department of Labor and Industry.

Given, under my hand and seal this 1st day of
[SEAL] August, in the year of Our Lord, one thousand nine hundred and sixty-eight, and of the Independence of the United States, the one hundred and ninety-third.

/s/ RICHARD J. HUGHES,
Governor.

Attest:
ALAN J. KARCHER,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 45

WHEREAS, The 90th Congress of the United States has enacted, and on June 19, 1968, the President has signed into law, legislation popularly referred to as the "Omnibus Crime Control and Safe Streets Act of 1968"; and

WHEREAS, Title I of the "Omnibus Crime Control and Safe Streets Act of 1968" authorizes grants to the States for creation of comprehensive Statewide plans for improvement of law enforcement and the administration of criminal justice, and upon Federal approval of such plans authorizes implementation grants to carry out their provisions; and

WHEREAS, Modern, efficient, and fair law enforcement and criminal justice are of vital importance to the citizens of New Jersey; and

WHEREAS, The public interest of the citizens of New Jersey requires that the State fully implement the provisions of Title I of the "Omnibus Crime Control and Safe Streets Act of 1968" to strengthen local and State law enforcement procedures, facilities, personnel and techniques; and

WHEREAS, The "Omnibus Crime Control and Safe Streets Act of 1968" requires the Governor to designate a State agency having a specific composition of representatives empowered to apply for, receive, and administer Federal grants thereunder;

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 Law Enforcement Planning Agency, in the Executive Office of the Governor, and subject to the jurisdiction of the Governor.

(b) The New Jersey State Law Enforcement Planning Agency (hereinafter referred to as the "Agency") shall consist of two parts, to wit, a Governing Board, and a staff under the supervision of an Executive Director (who shall also be the Administrator).

(c) The Governing Board shall consist of members chosen by the Governor to be representative of the police, prosecutive, corrections, and court functions on the State level; the police, prosecutive, corrections, and general government functions on the local level; and the public other than law enforcement personnel. Members of the Board shall serve without compensation, but within the limits of funds available therefor, shall be entitled to reasonable reimbursement for all necessary expenses incurred in the discharge of their duties.

(d) The Attorney General of New Jersey shall be Chairman of the Governing Board.

2. (a) The Agency shall be responsible to the Governor for the implementation of Title I of the "Omnibus Crime Control and Safe Streets Act of 1968" in the State of New Jersey.

(b) The Agency shall, at regular intervals, inform the Governor and the Legislature in writing as to developments regarding im-

plementation of Title I of the "Omnibus Crime Control and Safe Streets Act of 1968" in the State of New Jersey.

(c) The Agency shall twice during each year summarize progress made in implementation of Title I of the "Omnibus Crime Control and Safe Streets Act of 1968" in a written progress report to the Governor, the Legislature, the Courts, and the chief executives of local government units within the State of New Jersey.

(d) The Governing Board shall maintain general oversight, review, evaluation, and approval of the law enforcement improvement activities of the Executive Director and staff pursuant to Title I of the "Omnibus Crime Control and Safe Streets Act of 1968," including development and revision of the State law enforcement plan, establishment of priorities for law enforcement improvement in the State, correlation with units of local government and law enforcement, and implementation of subgrants or allocations thereto.

(e) The Governor shall appoint the Executive Director, who shall serve at the pleasure of the Governor. Between meetings of the Governing Board, the Executive Director shall be available to the Governor for consultations or information relating to any matters concerning the work of the Agency.

(f) The Executive Director is hereby authorized, on behalf of the Agency, to call upon any department, office, division or agency of the State to supply such data, information, or assistance as shall be necessary to the discharge of the responsibilities of the Agency under this Order. Each department, office, division or agency of the State is hereby authorized and directed, to the extent not inconsistent with law, to provide such data, information or assistance to the Agency.

(g) The Executive Director may attend Cabinet conferences at the pleasure of the Governor.

(h) The Agency shall, relative to the subject matter of this Order, have the power to promulgate all necessary rules, regulations, and guidelines for local law enforcement planning applications, and for the administration of grants to local law enforcement agencies.

3. The New Jersey Council Against Crime, created under Executive Order No. 37, January 4, 1968, shall act in an advisory, a consulting, and a fact-finding capacity to the Agency, and shall, immediately after each of the Agency's said progress reports, be consulted for the advice and sense of the broader community repre-

sented by the Council Against Crime as to the prospective work of the Agency during the next ensuing report period.

4. This Order shall take effect immediately.

[SEAL] Given, under my hand and seal this 13th day of August, in the year of Our Lord, one thousand nine hundred and sixty-eight, and of the Independence of the United States, the one hundred and ninety-third.

/s/ RICHARD J. HUGHES,
Governor.

Attest:
ALAN J. KARCHER,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 46

WHEREAS, The Division of Purchase and Property in the Department of the Treasury is charged by law with responsibility for the maintenance, management and security of State-owned, leased or occupied buildings; and

WHEREAS, There has been established in the Department of Institutions and Agencies the Office of State Fire Marshal; and

WHEREAS, In the interest of economy and efficiency and safety, it appears desirable that the Department of the Treasury should undertake the responsibilities for fire prevention and safety in such buildings;

NOW, THEREFORE, I, RICHARD J. HUGHES, Governor of the State of New Jersey, do hereby ORDER and DIRECT:

1. The State Treasurer, acting under the authority of this Executive Order and the statutory powers conferred on him, shall establish in the Bureau of Special Services within the Division of Purchase and Property in the Department of the Treasury an Office of State Fire Marshal; shall assign to the Office such employees of the Department of the Treasury as may be appropriately

assigned thereto; and shall from time to time assign or appoint to the said Office such other employees as may be required.

2. The Office of State Fire Marshal shall supervise fire prevention and safety procedures in all State-owned, leased or occupied buildings and shall foster, promote and develop ways and means of protecting life and property therein.

3. All functions, powers, duties, personnel and appropriations in connection with the Office of State Fire Marshal in the Department of Institutions and Agencies shall be and the same are hereby transferred to the Department of the Treasury.

Given, under my hand and seal this 23rd day of
[SEAL] September, in the year of Our Lord, one thousand nine hundred and sixty-eight, and of the Independence of the United States, the one hundred and ninety-third.

/s/ RICHARD J. HUGHES,
Governor.

Attest:
ALAN J. KARCHER,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 47

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 29, 1968 (the day following Thanksgiving Day) be declared an extra holiday for State employees.

Given, under my hand and seal this 28th day of
[SEAL] October, in the year of Our Lord, one thousand nine hundred and sixty-eight, and of the Independence of the United States, the one hundred and ninety-third.

/s/ RICHARD J. HUGHES,
Governor.

Attest:
ALAN J. KARCHER,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 48

WHEREAS, Certain persons have suggested that investigative files in the possession of the New Jersey State Police should be made available for inspection contrary to long-standing and well-established policy against such inspection; and

WHEREAS, Recognition of the necessity for the protection of such files in the public interest is clearly established, having, inter alia, been set forth in Supreme Court Rule R.R. 3:5–11 (i), in view of the following objectives:

> "protection of witnesses and others from physical harm, threats of harm, bribes, economic reprisals and other intimidation; maintenance of such secrecy regarding informants as is required for effective investigation of criminal activity; protection of confidential relationships and privileges recognized by law; and other relevant considerations";

WHEREAS, I also deem it to be contrary to the public interest to permit an indiscriminate searching of these investigative files due to the probable adverse effect that such disclosure would have upon successful criminal prosecutions; because of the potential threat to the lives and physical well-being of witnesses, informants and undercover agents whose names are likely to appear in such investigative files; and further, because of the disastrous effect which such action would have on the cooperative information-sharing arrangements among law enforcement agencies, including the Federal Bureau of Investigation;

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 laws of the State of New Jersey, do hereby issue the following Executive Order:

1. No person having custody of State Police investigative files shall turn over the same to any other person who is not a member of a duly recognized law enforcement agency unless ordered to do so by a court of competent jurisdiction or by the Governor of the State of New Jersey.

2. No person shall divulge the contents of those files to any other person who is not a member of a duly recognized law enforcement agency unless ordered to do so by a court of competent jurisdiction or by the Governor of the State of New Jersey, where the release of such information is likely to subject witnesses or other persons to physical harm, threats of harm, bribes, economic reprisals and other intimidation. No information shall be divulged where the maintenance of secrecy regarding informants is required for effective investigation of criminal activity or the protection of confidential relationships and privileges recognized by law.

Given, under my hand and seal this 18th day of
[SEAL] December, in the year of Our Lord, one thousand nine hundred and sixty-eight, and of the Independence of the United States, the one hundred and ninety-third.

/s/ RICHARD J. HUGHES,
Governor.

Attest:
ALAN J. KARCHER,
Acting Secretary to the Governor.

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