ACTS

OF THE

First Annual Session

OF THE

One Hundred and Ninety-fourth Legislature

OF THE

STATE OF NEW JERSEY

AND

Twenty-third Under the New Constitution

New Jersey State Library

1970

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

First Annual Session

OF THE

One Hundred and Ninety-fourth Legislature

CHAPTER 1

AN ACT concerning the numbering and printing of the laws by the Secretary of State and supplementing chapter 3 of Title 1 of the Revised Statutes.

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

C. 1:3-3.1 Numbering and printing of laws.

1. Every bill and joint resolution enacted into law during the first annual session of a Legislature shall be numbered and printed as a public law of that legislative year. Every bill and joint resolution introduced in the first annual session of a Legislature and enacted into law after the convening of the second annual session of the same Legislature shall be numbered and printed as a public law of the legislative year of the second annual session.

2. This act shall take effect immediately.

Approved January 26, 1970.

CHAPTER 2

AN ACT relating to the qualifications of the State Commissioner of Health and amending P. L. 1947, chapter 177, s. 3.

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

1. Section 3 of P. L. 1947, chapter 177 (C. 26:1A–3) is amended to read as follows:

C. 26:1A-3 State Commissioner of Health.

3. The head and chief administrative officer of the department shall be the State Commissioner of Health, who shall be a duly

licensed physician, a graduate of a regularly chartered and legally constituted medical school or college, with skill in sanitary science, and with at least 5 years of full time experience in an administrative or executive capacity in a public health agency or with experience in the field of community health facilities planning and at least 10 years of full time experience in community medical service. He shall be appointed by the Governor, with the advice and consent of the Senate, and shall serve at the pleasure of the Governor during the Governor's term of office and until the appointment and qualification of the commissioner's successor.

He shall devote his entire time and attention to the duties of his office and shall receive such salary as shall be provided by law.

2. This act shall take effect immediately.

Approved January 26, 1970.

CHAPTER 3

AN ACT concerning education and amending sections 18A:10–3 and 18A:12–17 of the New Jersey Statutes.

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

1. Section 18A:10–3 of the New Jersey Statutes is amended to read as follows:

First regular meeting of board.

18A:10–3. Each board of education shall organize annually at a regular meeting held not later than at 8 p.m.

a. In Type I districts on March 1, or on the following day, if that day be Sunday;

b. In Type II districts on the first Monday following the annual school election, except that in districts having an appointed board of education the meeting shall be held on March 1 or on the following day, if March 1 be Sunday.

If the organization meeting cannot take place on that day by reason of lack of a quorum or for any other reason, said meeting shall be held within 3 days thereafter.

2. Section 18A:12–17 of the New Jersey Statutes is amended to read as follows:

Appointments; terms; vacancies.

18A:12–17. The mayor or other chief executive officer of the municipality shall, between January 2 and January 15 in each year, appoint one member of the board to serve for a term of 5 years beginning on March 1 next succeeding his appointment, to take the place of the member whose term shall expire in that year, and any vacancy occurring in the membership of the board shall be reported forthwith by the secretary of the board to the mayor or other chief executive officer of the municipality, who shall within 30 days thereafter appoint a qualified person to fill the vacancy for the unexpired term.

3. This act shall take effect immediately.

Approved February 4, 1970.

CHAPTER 4

AN ACT to validate certain proceedings at 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 New Jersey:*

Validating act.

1. All proceedings heretofore had or taken by any school district or at any school district election for the authorization or issuance of bonds of the school district, and any bonds or other obligations of the school district issued or to be issued in pursuance of a proposal adopted by the legal voters at such election, are hereby ratified, validated and confirmed, notwithstanding that the supplemental debt statement required by section 18A:24–16 of the New Jersey Statutes was not prepared and filed as required by section 18A:24–17 of the New Jersey Statutes or notwithstanding that notice of such election was not published in accordance with section 18A:14–19 of the New Jersey Statutes, provided however that a supplemental debt statement has heretofore been made, sworn to and filed in the places required by said section 18A:24–17; and provided further that notice of such election was published prior

to the election; and provided further 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. This act shall take effect immediately.

Approved February 5, 1970.

CHAPTER 5

AN ACT to amend "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," approved June 13, 1968 (P. L. 1968, c. 60).

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

1. Section 22 of P. L. 1968, chapter 60 (C. 12:11A–22) is amended to read as follows:

C. 12:11A-22 Annual report; audit; annual list of employees; public inspection of books; conflict of interest.

22. a. On or before April 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.

2. This act shall take effect immediately.

Approved February 5, 1970.

CHAPTER 6

AN ACT concerning county prosecutors and assistant county prosecutors of certain counties and supplementing chapter 158 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:158-1.1 County prosecutors in certain counties; full-time duties.

1. Any person appointed on or after January 20, 1970 to the office of county prosecutor of any of the following counties shall devote his entire time to the duties of his office and shall not engage in the practice of law or other gainful employment:

a. Counties of the first class;

b. Counties of the second class having a population in excess of 265,000 under the 1960 Federal census; and

c. Counties of the fifth class having a population in excess of 265,000 under the 1960 Federal census.

Any county prosecutor of any of the aforementioned counties in office on the effective date of this act who shall elect to devote his entire time to the duties of such office for the remainder of his term may elect so to do by filing a written election with the Governor, the Attorney General, the Secretary of State and the clerk of the board of chosen freeholders.

C. 2A:158-1.2 Salaries of certain prosecutors.

2. Notwithstanding the provisions of N. J. S. 2A:158–10 any county prosecutor who is required or elects to devote his entire time to the duties of his office pursuant to this act shall receive an annual salary in the same amount as that payable to a full time judge of the county court.

C. 2A:158-15.1 Assistant prosecutors in certain counties; full-time duties.

3. In any county in which the county prosecutor is required or elects to devote his entire time to the duties of his office, assistant prosecutors shall devote their entire time to the duties of such office and shall not engage in the practice of law or other gainful employment.

C. 2A:158-15.2 Salaries of certain assistant prosecutors.

4. Notwithstanding the provisions of N. J. S. 2A:158–16 assistant prosecutors required to devote their entire time to the

duties of their office shall receive annual salaries, to be fixed by the board of chosen freeholders on recommendation of the county prosecutor, as follows:

a. The first assistant prosecutor or the assistant prosecutor serving as the county prosecutor's principal assistant, not less than 50% nor more than 90% of the amount of the annual salary of the county prosecutor; and

b. Other assistant prosecutors, not less than 40% nor more than 80% of the amount of the annual salary of the county prosecutor.

5. This act shall take effect immediately.

Approved February 9, 1970.

CHAPTER 7

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

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

1. Section 3 of P. L. 1966, chapter 30 (C. 54:32B–3) is amended to read as follows:

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

3. Imposition of sales tax. On and after July 1, 1966 and continuing through February 28, 1970 there is hereby imposed and there shall be paid a tax of 3%, and on and after March 1, 1970 there is hereby imposed and there shall be paid a tax of 5% upon:

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

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

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

(2) Installing tangible personal property, or maintaining, servicing, repairing tangible personal property not held for sale in the regular course of business, whether or not the services are performed directly or by means of coin-operated equipment or by any other means, and whether or not any tangible personal prop-

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

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

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

(5) Advertising services except advertising services for use directly and primarily for publication in newspapers and magazines.

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

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

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

(2) In those instances where the vendor or any person whose services are arranged for by the vendor, after the delivery of the food or drink by or on behalf of the vendor for consumption off the premises of the vendor, serves or assists in serving, cooks, heats or provides other services with respect to the food or drink; and

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

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

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

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

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

2. Section 4 of P. L. 1966, chapter 30 (C. 54:32B–4) is amended to read as follows:

C. 54:32B-4 Tax bracket schedule.

4. Tax bracket schedule. For the purpose of adding and collecting the tax imposed by this act, or an amount equal as nearly as

possible or practicable to the average equivalent thereof, to be reimbursed to the vendor by the purchaser, the following formulas shall be in force and effect:

(a) For the period July 1, 1966 through February 28, 1970 inclusive:

Amount of Sale	Amount of Tax
$0.01 to $0.16	No Tax
0.17 to 0.40	$0.01
0.41 to 0.70	0.02
0.71 to 1.16	0.03

In addition to a tax of $0.03 on each full dollar, a tax shall be collected on each part of a dollar in excess of a full dollar in accordance with the above formula.

(b) For the period on and after March 1, 1970:

Amount of Sale	Amount of Tax
$0.01 to $0.10	No Tax
0.11 to 0.25	$0.01
0.26 to 0.46	0.02
0.47 to 0.67	0.03
0.68 to 0.88	0.04
0.89 to 1.10	0.05

In addition to a tax of $0.05 on each full dollar, a tax shall be collected on each part of a dollar in excess of a full dollar in accordance with the above formula.

3. Section 5 of P. L. 1966, chapter 30 (C. 54:32B–5) is amended to read as follows:

C. 54:32B-5 Transitional provisions.

5. Transitional provisions. (a) (1) The taxes imposed under subsections (a), (b) and (c) of section 3 shall be paid upon receipts received on or after July 1, 1966 from all sales made and services rendered although made on or rendered under a contract entered into prior to said date, except that in the case of payment for a delivery or transfer of possession of tangible personal property made after July 1, 1966 pursuant to an agreement for the sale of said property made before May 9, 1966 such receipts shall not be subject to tax if; (A) such agreement for the sale of said property was made in writing, (B) the particular item or items of property so sold or agreed to be sold were segregated, before May 9, 1966, from any other similar property in the possession of the vendor and identified as having been appropriated to such sale

or agreement of sale, and (C) the purchaser, before July 1, 1966 shall have paid to the vendor not less than 10% of the sale price of said property. Upon written application, made in accordance with applicable rules and regulations, the director may waive the requirement for segregation where it is demonstrated to the satisfaction of the director that in view of the nature of the transaction such segregation would have been impossible.

(2) Except as otherwise provided in this act, receipts received from all sales made and services rendered on and after July 1, 1966 but prior to March 1, 1970, are subject to the taxes imposed under subsections (a), (b), and (c) of section 3 of this act at the rate of 3%, except where the property so sold is delivered or the services so sold are rendered on or after March 1, 1970, in which case the tax shall be computed and paid at the rate of 5%, provided, however, that where a service or maintenance agreement taxable under this act covers any period commencing on or after July 1, 1966 and ending after February 28, 1970, the receipts from such agreement are subject to tax at the rate applicable to each period as set forth hereinabove and shall be apportioned on the basis of the ratio of the number of days falling within each of the said periods to the total number of days covered thereby.

(b) The tax imposed under subsection (d) of section 3 shall be paid at the rate of 5% upon any occupancy on and after March 1, 1970 although such occupancy is pursuant to a prior contract, lease or other arrangement. Where an occupancy, taxable under this act, covers any period on or after July 1, 1966 but prior to March 1, 1970 the rent for the period of occupancy prior to March 1, 1970 shall be taxed at the rate of 3%. Where rent is paid on a weekly, monthly or other term basis, the rent applicable to each period as set forth hereinabove shall be apportioned on the basis of the ratio of the number of days falling within each of the said periods to the total number of days covered thereby.

(c) Except as otherwise hereinafter provided, the tax imposed under subsection (e) of section 3 shall be applicable at the rate of 5% to any admission to or for the use of facilities of a place of amusement occurring on or after March 1, 1970, whether or not the admission charge has been paid prior to such date unless the tickets were actually sold and delivered (other than for resale) prior to March 1, 1970 and the tax imposed under this act during the period July 1, 1966 through February 28, 1970 shall have been paid.

(d) (1) Sales made to contractors, subcontractors or repairmen of materials, supplies, or services for use in erecting structures

for others, or building on, or otherwise improving, altering or repairing real property of others shall be exempt from the taxes imposed by subsections (a) and (b) of section 3 and section 6 hereof, provided such structure, building, improvement, alteration or repair is the subject of a written bid or contract duly tendered or entered into by such contractor, subcontractor, or repairman before May 9, 1966.

(2) Sales made to contractors, subcontractors or repairmen of materials, supplies, or services for use in erecting structures for others, or building on, or otherwise improving, altering or repairing real property of others shall be subject to the taxes imposed by subsections (a) and (b) of section 3 and section 6 hereof at the rate of 5%; provided, however, that when such sales are made for use in performance of a contract which is, either at a fixed price not subject to change or modification, or entered into pursuant to the obligation of a formal written bid which cannot be altered or withdrawn, and, in either case, such contract was entered into or such bid was made on or after May 9, 1966 but prior to March 1, 1970, such sales shall be subject to tax at the rate of 3%, but the vendor shall charge and collect from the purchaser a tax on such sales at the rate of 5% which tax shall be reduced to the rate of 3% only by a claim for refund filed by the purchaser with the director pursuant to the provisions of section 20 of this act.

(e) (1) No tax shall be imposed under subsections (a), (b) and (c) of section 3 upon receipts received on or after July 1, 1966 in the case of sales made or services rendered, where delivery of the property which was the subject matter of the sale has been completed or such services have been entirely rendered, prior to July 1, 1966.

(2) The taxes imposed under subsections (a), (b) and (c) of section 3 upon receipts received on or after March 1, 1970 shall be at the rate of 3% in the case of sales made or services rendered, where delivery of the property which was the subject matter of the sale has been completed or such services have been entirely rendered, prior to March 1, 1970.

(f) The director shall be empowered to promulgate rules and regulations to implement the provisions of this section.

4. Section 6 of P. L. 1966, chapter 30 (C. 54:32B–6) is amended to read as follows:

C. 54:32B-6 Imposition of compensating use tax.

6. Imposition of compensating use tax. Unless property or services have already been or will be subject to the sales tax under

this act, there is hereby imposed on and there shall be paid by every person a use tax for the use within this State of 3% on and after July 1, 1966 and continuing through February 28, 1970 and of 5% on and after March 1, 1970, except as otherwise exempted under this act, (A) of any tangible personal property purchased at retail, (B) of any tangible personal property manufactured, processed or assembled by the user, if items of the same kind of tangible personal property are offered for sale by him in the regular course of business, and (C) of any tangible personal property, however acquired, where not acquired for purposes of resale, upon which any taxable services described in subsections (b) (1) and (2) of section 3 have been performed. For purposes of clause (A) of this section, the tax shall be at the applicable rate, as set forth hereinabove, of the consideration given or contracted to be given for such property or for the use of such property, but excluding any credit for property of the same kind accepted in part payment and intended for resale, plus the cost of transportation except where such cost is separately stated in the written contract, if any, and on the bill rendered to the purchaser. For the purposes of clause (B) of this section, the tax shall be at the applicable rate, as set forth hereinabove, of the price at which items of the same kind of tangible personal property are offered for sale by the user, and the mere storage, keeping, retention or withdrawal from storage of tangible personal property by the person who manufactured, processed or assembled such property shall not be deemed a taxable use by him. For purposes of clause (C) of this section, the tax shall be at the applicable rate, as set forth hereinabove, of the consideration given or contracted to be given for the service, including the consideration for any tangible personal property transferred in conjunction with the performance of the service, plus the cost of transportation except where such cost is separately stated in the written contract, if any, and on the bill rendered to the purchaser.

5. Section 8 of P. L. 1966, chapter 30 (C. 54:32B–8) is amended to read as follows:

C. 54:32B-8 Exempt sales.

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

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

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

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

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

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

(e) Sales of newspapers, magazines and periodicals;

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

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

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

(i) Tangible personal property sold through coin-operated vending machines at $0.10 or less, provided the retailer is primarily

engaged in making such sales and maintains records satisfactory to the director;

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

(k) The transportation of persons or property;

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

(m) (1) (Deleted by amendment.)

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

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

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

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

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

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

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

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

(r) Sales of films, records, tapes or any type of visual or sound transcriptions to, or produced for exhibition in or use through the medium of, theatres and radio and television broadcasting stations or networks, and not used for advertising purposes;

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

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

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

(v) (Deleted by amendment.)

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

(x) The renting, leasing, licensing or interchanging of trucks, tractors, trailers or semitrailers by persons not engaged in a reg-

ular trade or business offering such renting, leasing, licensing or interchanging to the public, provided, that such renting, leasing, licensing or interchanging is carried on with persons engaged in a regular trade or business involving carriage of freight by such vehicles, and further provided, that in the case of any such motor vehicle acquired by the owner or first used by the owner in this State on or after July 1, 1966, any tax presumptively imposed by this act on such acquisition or use shall have been paid at the time of such acquisition or use without claim for exemption;

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

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

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

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

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

(dd) (Deleted by amendment.)

(ee) The sale of advertising to be published in a newspaper.

6. Section 19 of P. L. 1966, chapter 30 (C. 54:32B–19) is amended to read as follows:

C. 54:32B-19 Determination of tax.

19. Determination of tax. If a return required by this act is not filed, or if a return when filed is incorrect or insufficient, the amount of tax due shall be determined by the director from such information as may be available. If necessary, the tax may be estimated on the basis of external indices, such as stock on hand, purchases, rental paid, number of rooms, location, scale of rents

or charges, comparable rents or charges, type of accommodations and service, number of employees or other factors. Notice of such determination shall be given to the person liable for the collection or payment of the tax. Such determination shall finally and irrevocably fix the tax unless the person against whom it is assessed, within 30 days after giving of notice of such determination, shall apply to the director for a hearing, or unless the director of his own motion shall redetermine the same. After such hearing the director shall give notice of his determination to the person against whom the tax is assessed.

7. Section 26 of P. L. 1966, chapter 30 (C. 54:32B–26) is amended to read as follows:

C. 54:32B-26 Penalties and interest.

26. Penalties and interest. (a) Any person failing to file a return or to pay or pay over any tax to the director within the time required by this act shall be subject to a penalty of 5% of the amount of tax due; plus interest at the rate of 1% of such tax for each month of delay excepting the first month after such return was required to be filed or such tax became due; but the director if satisfied that the delay was excusable, may remit all or any part of such penalty, but not interest at the rate of 6% per year. Unpaid penalties and interest may be determined, assessed, collected and enforced in the same manner as the tax imposed by this act.

(b) Any person failing to file a return or failing to pay or pay over any tax required by this act, or filing or causing to be filed, or making or causing to be made, or giving or causing to be given any return, certificate, affidavit, representation, information, testimony or statement required or authorized by this act, which is willfully false, or willfully failing to file a bond required by this act, or failing to file a registration certificate and such data in connection therewith as the director by regulation or otherwise may require, or to display or surrender a certificate of authority as required by this act, or assigning or transferring such certificate of authority, or willfully failing to charge separately the tax herein imposed or to state such tax separately on any bill, statement, memorandum or receipt issued or employed by him upon which the tax is required to be stated separately as provided in subsection (a) of section 12, or willfully failing to collect the tax from a customer, or referring or causing reference to be made to this tax in a form or manner other than that required by this act, or failing to keep any records required by this act, shall, in addition to any other

penalties herein or elsewhere prescribed, be a disorderly person.

(c) The certificate of the director to the effect that a tax has not been paid, that a return, bond or registration certificate has not been filed, or that information has not been supplied pursuant to the provisions of this act shall be presumptive evidence thereof.

8. Nothing in this act shall affect or defeat any claim, assessment, appeal, suit, right or cause of action for taxes due or accrued under P. L. 1966, chapter 30, as amended, prior to the date on which this act becomes effective, whether such assessments, appeals, suits, claims, or actions shall have been begun before the date on which this act becomes effective, or shall thereafter be begun; and the provisions of the aforesaid statute are expressly continued in full force, effect and operation for the purpose of the assessment and collection of any taxes due or accrued thereunder prior to the date on which this act becomes effective, and for the imposition of any penalties, forfeitures or claims for a failure to comply therewith.

9. This act shall take effect March 1, 1970, except that the Division of Taxation shall be empowered to take whatever action in advance thereof as is necessary to implement this act.

Approved February 9, 1970.

CHAPTER 8

AN ACT relating to the taxation of the capital stock of banks, national banks and trust companies, increasing the rate of taxation thereon, and amending sections 54:9–2, 54:9–4, 54:9–5, 54:9–7, 54:9–9, 54:9–10, 54:9–11, 54:9–12, 54:9–13, 54:9–14 and 54:9–15 of the Revised Statutes, and supplementing chapter 9 of Title 54 of the Revised Statutes.

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

1. Section 54:9–2 of the Revised Statutes is amended to read as follows:

Taxation of bank and trust company stock.

54:9–2. The shares of capital stock of banks, as defined in section 54:9–1 of this Title, shall be assessed and taxed according to their

value, to be determined in accordance with the provisions of sections 54:9–4 and 54:9–9 of this Title. Such assessment and taxation shall not be at a greater rate than is made or assessed upon other moneyed capital in the hands of individual citizens of this State.

2. Section 54:9–4 of the Revised Statutes is amended to read as follows:

Value of each share ascertained; certain stock exempt.

54:9–4. The value of each share of common stock of each bank shall be ascertained and determined by adding the amount of its capital, surplus and undivided profits and deducting therefrom the assessed value of its real property, including in such deduction the assessed value of all real property owned by a corporation all the stock of which corporation is owned by such bank, and also deducting therefrom an amount equal to the aggregate sum of the par value of all classes of the issued and outstanding preferred stock of such bank and such additional sum in excess of par value as the holders of such preferred stock are entitled to receive upon the retirement of such preferred stock (irrespective of whether the bank has created a reserve for the retirement of such preferred stock or any class thereof, or the amount of any such reserve), and by dividing the result by the number of its shares of common stock outstanding. The value of each share of each class of preferred stock of each bank shall be ascertained and determined by aggregating the sum of the par value of each class of the issued and outstanding preferred stock of such bank and such additional sum in excess of such par value as the holders of such preferred stock are entitled to receive upon the retirement of such preferred stock (irrespective of whether the bank has created a reserve for the retirement of such preferred stock or any class thereof, or the amount of any such reserve), and by dividing the result by the number of shares in each class. There shall not be assessed or taxed any stock issued to former unpaid depositors of the bank while held to evidence their right to repayment under any plan of reopening or rehabilitation approved by the Commissioner of Banking and Insurance or any preferred stock held by the United States or any agency thereof. No deduction or exemption shall be allowed or made from the value determined as provided in this section.

3. Section 54:9–5 of the Revised Statutes is amended to read as follows:

Filing of certain statements; contents; confidential; assessment date.

54:9–5. (1) For the purposes of assessment, the chief fiscal officer of every such bank shall annually, on or before January 10, file with the secretary of the board of taxation of the county within which its principal office is located, and with the secretary of the board of taxation of every other county within which it has a branch office, and with the Director of the Division of Taxation of the State Department of the Treasury, a true statement under the oath of its president, cashier, or treasurer, setting forth the following as of the close of business on the assessment date as herein defined:

a. Its name, the location of its principal office and of each branch office maintained by it, including the name of the county in which each such office is located; the total deposit balances at each of its offices and the total deposit balances of such bank as of the close of business on the assessment date;

b. The amount of its capital, surplus and undivided profits;

c. The number of shares of its issued and outstanding preferred stock of all classes, separately itemizing the amount held by the United States, or any agency thereof, and the aggregate par value of each class thereof, and the amount required, in addition to the par value of the preferred stock, for the redemption and retirement of such preferred stock;

d. The number of shares of its issued and outstanding common stock;

e. The assessed value of its real property, including the assessed value of all real property owned by a corporation all the stock of which is owned by such bank.

The statements so filed shall be confidential and shall not be available to the public. The Director of the Division of Taxation of the State Department of the Treasury may require a profit and loss statement, balance sheet, and any additional information, which in his opinion, may be necessary for a reasonable determination or verification of any of the facts required to be set forth in any statements so filed.

(2) For the purposes of this subtitle, "assessment date" means the December 31 next preceding the month during which the statement described in subsection (1) of this section is required to be filed, and "office," when not otherwise designated includes principal office and branch office.

4. Section 54:9–7 of the Revised Statutes is amended to read as follows:

Tax rate; tax in lieu of other taxes.

54:9–7. The rate of tax upon the shares of stock of banks shall be, throughout the State, 1½% upon the value thereof, as ascertained and fixed in the manner provided in section 54:9–4 of this Title and the owners of such stock shall be entitled to no deduction from the taxable value of their shares because of their personal indebtedness or for any other reason. The tax shall be in lieu of all other State, county or local taxation upon such shares or upon any personal property held or owned by banks, the value of which enters into the taxing value of the shares of stock.

5. Section 54:9–9 of the Revised Statutes is amended to read as follows:

Facts to be ascertained by county board.

54:9–9. Each county board of a county in which a bank has its principal office or a branch office or offices shall annually, on or before March 1, ascertain from an inspection of the statements filed, and from any other sources of information which may be open to it:

a. The names and locations of all banks which have their principal office or a branch office or offices in such county;

b. The number of shares of common and preferred capital stock of each issued and outstanding;

c. The aggregate amount of the capital, surplus and undivided profits of each;

d. The number of shares of its issued and outstanding preferred stock of all classes and the aggregate par value of each class thereof, and the amount required, in addition to the par value of the preferred stock, for the retirement of such preferred stock, separately stating such preferred stock and the value thereof as determined hereunder as is held by the United States or any agency thereof;

e. The number of shares of its issued and outstanding common stock;

f. The assessed value of its real property, and the assessed value of all real property owned by a corporation all the stock of which is owned by such bank;

g. The value of all the capital stock of each issued and outstanding as determined pursuant to section 54:9–4 of this Title;

h. The value of a single share of each, determined in accordance with the provisions of section 54:9–4 of this Title;

i. The amount of tax levied upon the capital stock of each at the uniform rate;

j. The total deposit balances of each such bank as of the close of business on the reporting date as specified in section 54:9–5 of this Title, and the total deposit balances at each office of such bank in such county as of the close of business on the assessment date; and

k. The amount of the tax payable to such county by each bank as provided by section 54:9–13 of this Title.

6. Section 54:9–10 of the Revised Statutes is amended to read as follows:

Amount of tax; distribution between county and districts.

54:9–10. The amount ascertained as provided in section 54:9–9 of this Title to be due upon the shares of the stock of each bank, shall be the tax levied and to be paid in accordance with the provisions of this subtitle, subject to review, correction and equalization, as hereinbefore provided. The county board of taxation shall also estimate the amounts of such taxes which will be payable to the county and to any taxing district therein under the provisions of this subtitle, and in fixing the respective tax rates for the current year these sums shall be deducted from the amounts to be raised by taxation.

7. Section 54:9–11 of the Revised Statutes is amended to read as follows:

Tabulation of taxes attached to table of aggregates.

54:9–11. Each county board of taxation shall attach to the table of aggregates required to be transmitted to the county treasurer a tabulation of the taxes so assessed and levied in its county. This tabulation shall not be included among the ratables of the county or any taxing district for any purpose other than the collection of the taxes imposed according to the provisions of this subtitle. Each treasurer of a county in which a bank maintains an office shall collect from such bank the portion of the tax imposed against the capital stock of the bank as provided in section 54:9–13 of this Title. The tax so imposed shall be payable ½ thereof on June 1, 1970 and on June 1 of each year thereafter and ½ thereof on December 1, 1970, and on December 1 of each year thereafter.

8. Section 54:9–12 of the Revised Statutes is amended to read as follows:

Stock assessed against stockholders; payment by bank; lien.

54:9–12. The shares of stock of every bank shall be assessed against the stockholders in the taxing district or districts within which the bank has an office or offices and the tax assessed against such stockholders shall be a lien upon their stock from January 1 in each year. The stock may be levied upon and sold by the county treasurer on default of payment. Each bank shall pay the tax assessed against its shareholders on demand, and shall have a lien upon the shares of stock for the payment and may retain the amount so paid out of the dividends that may be declared on those shares.

9. Section 54:9–13 of the Revised Statutes is amended to read as follows:

Tax apportioned between State, county and taxing districts.

54:9–13. When a bank has offices in only one county, the entire tax imposed against the capital stock of such bank shall be collected by the treasurer of such county. When a bank maintains an office in more than one county, the treasurer of each county in which the bank maintains an office or offices shall collect from such bank that proportion of the total tax payable by such bank pursuant to this Title which the total deposit balances at all offices of such bank in such county at the close of business on the assessment date bear to the total deposit balances of such bank as of the close of business on the assessment date. The tax collected by the treasurer of each county shall be apportioned by such treasurer ½ to the State, ¼ to such county, and ¼ to the taxing districts in which such bank has an office or offices, each such taxing district being entitled to that proportion of ¼ of the tax collected by the county treasurer, as the deposit balances at all offices of such bank in such taxing district as of the close of business on the assessment date bears to the total deposit balances at all offices of such bank in such county as of the close of business on such assessment date. The amount so due to the State and each taxing district shall be paid forthwith by the disbursing officer of the county, setting forth, in detail, the amount of the tax received, the banks by which it was paid, the aggregate amount thereof, and the basis of apportionment. The amount payable to the State shall be payable to the State Treasurer.

10. Section 54:9–14 of the Revised Statutes is amended to read as follows:

Bank may assume and pay tax; resolution.

54:9–14. If a bank shall, by resolution of its board of directors filed as provided in section 54:9–15 of this Title, request the county board of taxation of each county in which it maintains an office to assess to and in the name of the bank the entire taxable value of all the shares of stock therein, instead of assessing them to and in the name of the individual shareholders owning them, and shall agree that it will pay when due and payable, to the treasurer of such county, that proportionate share of the total taxes levied against the bank's shares which such treasurer is directed to collect pursuant to section 54:9–13 of this Title, the total amount of capital, surplus and undivided profits less the deductions therefrom provided for in section 54:9–4 of this Title shall be assessed to and in the name of the bank, and no list of shareholders shall be required. All other provisions of this section shall apply, and the tax shall be a lien against the property and assets of the bank and collectible as other taxes are collected. Nothing herein contained shall be construed as a taxation of property as distinguished from capital stock.

11. Section 54:9–15 of the Revised Statutes is amended to read as follows:

Filing of copies of resolution; revocation.

54:9–15. A certified copy of the resolution shall be filed with the county board of taxation of each county in which the bank maintains an office at least 30 days before January 1 in any year and an additional copy shall be filed at the same time with the Commissioner of Banking and Insurance. Any unrevoked resolution heretofore filed shall apply to the assessment of the tax upon the stock of such bank and any resolution properly filed shall be binding and in force until revoked. Notice of revocation to be valid must be similarly filed at least 30 days before the assessment date in any year.

12. In order to implement the provisions of this act during the year 1970, the chief fiscal officer of every bank shall, on or before February 15, 1970 or 10 days after the effective date of this act, whichever occurs later, file with the secretary of the board of taxation of the county within which its principal office is located and with the secretary of the board of taxation of any other county within which it has branch offices, and with the Director of the Division of Taxation of the State Department of the Treasury, a true statement under the oath of its president, cashier or treasurer,

setting forth as of the close of business on December 31, 1969 the total number of shares of its issued and outstanding preferred stock of all classes separately stating such preferred stock and the value thereof as is held by the United States or any agency thereof. Such chief fiscal officer shall, on or before February 15, 1970 or 10 days after the effective date of this act, whichever occurs later, file with the Director of the Division of Taxation of the State Department of the Treasury, a true copy of all statements heretofore required to be prepared as of December 31, 1969 and to be filed on or before January 10, 1970 pursuant to section 54:9–5 of the Revised Statutes.

A resolution pursuant to sections 54:9–14 and 54:9–15 of the Revised Statutes that the taxes imposed by this act on preferred stock may be assessed in the name of the bank, if said bank shall so elect, shall be filed with the county board of taxation on or before February 15, 1970, or 10 days after the effective date of this act, whichever is later, and on the date specified by R. S. 54:9–15 in every year thereafter.

C. 54:9-19 Administration, collection and enforcement of tax.

13. The administration, collection and enforcement of the tax imposed by the act to which this act is a supplement shall be subject to the provisions of the State Tax Uniform Procedure Law as therein provided (subtitle 9 of Title 54 of the Revised Statutes).

14. This act shall take effect immediately and shall be applicable to taxes due and payable in the year 1970 and in each year thereafter.

Approved February 9, 1970.

CHAPTER 9

AN ACT to increase the rate of taxation upon financial businesses and amending "An act to impose an excise tax upon certain financial businesses," approved April 26, 1946 (P. L. 1946, c. 174).

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

1. Section 2 of P. L. 1946, chapter 174 (C. 54:10B–2) is amended to read as follows:

C. 54:10B-2 Definitions.

2. Definitions. For the purposes of this act, unless the context otherwise requires:

(a) "Director" shall mean the Director of the Division of Taxation of the State Department of the Treasury.

(b) "Financial business" shall mean all business enterprise which is (1) in substantial competition with the business of national banks and which (2) employs moneyed capital with the object of making profit by its use as money, through discounting and negotiating promissory notes, drafts, bills of exchange and other evidences of debt; buying and selling exchange; making of or dealing in secured or unsecured loans and discounts; dealing in securities and shares of corporate stock by purchasing and selling such securities and stock without recourse, solely upon the order and for the account of customers; or investing and reinvesting in marketable obligations evidencing indebtedness of any person, copartnership, association or corporation in the form of bonds, notes or debentures commonly known as investment securities; or dealing in or underwriting obligations of the United States, any State or any political subdivision thereof, or of a corporate instrumentality of any of them. This shall include, without limitation of the foregoing businesses commonly known as industrial banks, dealers in commercial paper and acceptances, sales finance, personal finance, small loan and mortgage financing businesses, as well as any other enterprise employing moneyed capital coming into competition with the business of national banks; provided, that the holding of bonds, notes, or other evidences of indebtedness by individual persons not employed or engaged in the banking or investment business and representing merely personal investments not made in competition with the business of national banks, shall not be deemed financial business. Nor shall "financial business" include national banks, production credit associations organized under the Farm Credit Act of 1933, stock and mutual insurance companies duly authorized to transact business in this State, security brokers or dealers or investment companies or bankers not employing moneyed capital coming into competition with the business of national banks, or any of the following entities organized under the laws of this State: credit unions, savings banks, savings and loan and building and loan associations, pawnbrokers, and State banks and trust companies.

(c) "Net worth" shall mean:

(1) In the case of a corporation—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 equita-

ble shares, excluding reasonable valuation reserves 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 tax year.

(2) In the case of a partnership, individual proprietorship, joint venture or any other unincorporated association—the aggregate of the values disclosed by the books of the taxpayer for capital and undivided profits; provided, that there shall be no deduction from assets of debts owing to partners, proprietors or members, as of the close of a tax year.

(d) "Tax year" shall mean the calendar year with respect to which a tax is measured pursuant to this act.

(e) "Taxpayer" shall mean any person, copartnership, association or corporation subject to taxation under this act.

2. Section 3 of P. L. 1946, chapter 174 (C. 54:10B–3) is amended to read as follows:

C. 54:10B-3 Excise tax imposed.

3. There is hereby imposed upon every person, copartnership, association and corporation doing a financial business in this State, an annual excise tax, payable in the year 1970 and in each year thereafter, at the rate of 1½% upon its net worth, less the deductions hereinafter allowed, as of the close of the preceding calendar year, but in no event less than $25.00. Such tax shall also be in lieu of any State franchise tax or of any State or local taxation of, upon or measured by personal property entering into the determination of net worth.

3. Section 5 of P. L. 1946, chapter 174 (C. 54:10B–5) is amended to read as follows:

C. 54:10B-5 Additional information to determine fair value of assets.

5. If in the opinion of the director, the taxpayer's books do not disclose fair valuations the director may require any additional information which may be necessary for a reasonable determination of the net worth which, in his opinion, would reflect the fair value of the assets carried on the books of the taxpayer, in accordance with sound accounting principles, and such determination shall be used as net worth for the purpose of this act.

4. Section 10 of P. L. 1946, chapter 174 (C. 54:10B–10) is amended to read as follows:

C. 54:10B-10 Evading tax; director's power to determine tax.

10. Whenever it shall appear to the director that any taxpayer maintains a place of business outside this State, or that any agree-

ment, understanding or arrangement exists between a taxpayer and any corporation, person or firm, for the purpose of evading tax under this act, or whereby the activity, business, receipts or net worth of the taxpayer is distorted for such purpose, the director may in his discretion and in such manner as he may determine, adjust items of net worth, gross business within and without the State and the allocation of net worth, or make such other adjustments in any tax report or tax return as may be necessary for a true and correct determination of the tax pursuant to this act. The director may require any person or corporation to submit information under oath, or to permit examination of its books, papers and documents, as may be necessary to enable him to determine the existence, nature or extent of an agreement, understanding or arrangement to which this section relates, whether or not such person or corporation is subject to the tax imposed by this act.

5. Section 13 of P. L. 1946, chapter 174 (C. 54:10B–13) is amended to read as follows:

C. 54:10B-13 Copies of income tax returns or statements of securities for director.

13. The director may by general rule or by special notice require any taxpayer to submit copies or pertinent extracts of its Federal income tax returns, or of any other tax return made to any agency of the Federal Government, or of this or any other State, or of any statement or registration made pursuant to any State or Federal law pertaining to securities or securities exchange regulation, or to the regulation of the business of the taxpayer.

6. Section 14 of P. L. 1946, chapter 174 (C. 54:10B–14) is amended to read as follows:

C. 54:10B-14 Payment of tax; filing returns.

14. The tax hereby imposed shall be due and payable to the director on or before April 15 in each year. Each taxpayer shall together with the payment due hereunder duly execute and file a tax return with the director, in such form and containing such information as he may prescribe, which return shall truly and accurately set forth its liability under this act.

7. Section 15 of P. L. 1946, chapter 174 (C. 54:10B–15) is amended to read as follows:

C. 54:10B-15 Extension of time for filing returns or payment of tax; interest.

15. The director may grant a reasonable extension of time for the filing of returns or the payment of tax, or both, under such conditions, rules and regulations as he shall prescribe, but no such extension shall be granted beyond December 1 of the year in which

the tax is due. If the time for filing the return shall be extended, the payment of the tax shall be postponed to the date fixed by the extension of the time for the filing of the return, but in every such case the taxpayer shall pay, in addition to the tax, interest thereon at the rate of 6% per annum from the time when the return originally was required to be filed to the time of payment under the extension.

8. Section 17 of P. L. 1946, chapter 174 (C. 54:10B–17) is amended to read as follows:

C. 54:10B-17 Form of return.

17. The director shall design a form of return and forms for such additional statements or schedules as he may require to be filed therewith. Such forms shall provide for the setting forth of such facts as the director may deem necessary for the proper enforcement of this act. He shall cause a supply thereof to be printed and shall furnish appropriate blank forms to each taxpayer upon application or otherwise as he may deem necessary. Failure to receive a form shall not relieve any taxpayer from the obligation to file a return under the provisions of this act. Each such return shall be made upon the oath or affirmation of the president, vice-president, or secretary or treasurer of a corporation, or of a partner or proprietor in the case of other taxpayers, and in the case of a taxpayer in liquidation or in the hands of a receiver or trustee, shall be made on the oath or affirmation of the person responsible for the conduct of the affairs of such taxpayer.

9. Section 20 of P. L. 1946, chapter 174 (C. 54:10B–20) is amended to read as follows:

C. 54:10B-20 Failure to pay tax; revocation of certificate of authority to do business.

20. In the event of failure or neglect of any taxpayer which is a foreign corporation to pay the tax imposed by this act, on or before December 1 in each year, immediate notice thereof may be given by the director to the Secretary of State who shall immediately revoke the certificate of authority of said corporation to do business in the State of New Jersey and notice of such revocation shall be given by the Secretary of State to the corporation affected and thereafter such corporation, so far as the further transaction of business in the State of New Jersey is concerned, shall be in the same condition as if no certificate of authority had ever been issued to it by the Secretary of State, but remedies provided by this act for the collection of the tax and interest and penalties shall remain unimpaired. After the revocation of any such certificate of authority, no new certificate shall be issued by the Secretary of State to such default-

ing corporation until the payment of all assessments imposed hereunder and remaining unpaid with penalties and interest and any costs that may have accrued, such payment to be evidenced by a certificate of the director.

10. Section 22 of P. L. 1946, chapter 174 (C. 54:10B–22) is amended to read as follows:

C. 54:10B-22 Rules and regulations.

22. The director shall prescribe and issue such rules and regulations, not inconsistent herewith, for the administration, interpretation and application of the provisions of this act, as he may deem necessary.

11. Section 24 of P. L. 1946, chapter 174 (C. 54:10B–24) is amended to read as follows:

C. 54:10B-24 Distribution of tax collected.

24. The aggregate amount of tax, interest and penalties payable pursuant to this act shall upon payment be distributed among the State and the various taxing districts and counties in which taxpayers hereunder have maintained places of business at any time during the tax year. On or before November 1 in each year, the director shall determine from net worth allocations contained in tax returns filed in the same year the aggregate amount of tax, interest and penalties attributable to places of business located in each of the various taxing districts of this State during the tax year. He shall apportion ¼ of the amount so determined to each taxing district, respectively, ¼ thereof to the county in which the taxing district is located and ½ thereof to the State. The director shall forthwith certify such apportionment to the State Treasurer, who shall upon proper audit transmit to each county treasurer a certificate showing the amounts allotted to the taxing districts therein, and shall, on or before November 10 of the year in which the taxes are payable, draw and transmit his warrant upon the State Treasury, in favor of the several county treasurers, for the amounts allotted to their several counties. Each county treasurer shall forthwith, and not later than December 15, pay to the collector or other proper officer of each taxing district the amount allotted thereto, deducting, however, the amount due for county taxes from the taxing district. The amount thus paid to the county and taxing district shall be at the disposal of the proper authorities for public purposes.

12. This act shall take effect immediately and shall be applicable to taxes due and payable in the year 1970 and in each year thereafter.

Approved February 9, 1970.

CHAPTER 10

AN ACT to change the name of the Commission on Interstate Co-operation to the Intergovernmental Relations Commission, amending Revised Statutes 52:9B–1 through 52:9B–5, and supplementing chapter 9B of Title 52, of the Revised Statutes.

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

1. Section 52:9B–1 of the Revised Statutes is amended to read as follows:

Commission established; functions.

52:9B–1. There is hereby established the New Jersey Intergovernmental Relations Commission, whose function it shall be to carry forward the participation of this State as a member of the Council of State Governments, both regionally and nationally, to confer with officials of other States and of Federal Government, to formulate proposals for co-operation between this State and the other States, and with the Federal Government, to maintain liaison with the Advisory Commission on Intergovernmental Relations established by Federal law, and to organize and maintain governmental machinery for such purposes.

The commission shall annually appoint, from among its entire membership, a delegate as a member of the Governing Board of the Council of State Governments for this State, who shall serve for the legislative year in which he is appointed as a delegate and until his successor shall be appointed and shall qualify. Whenever the commission shall fail to so appoint a delegate, or the duly appointed delegate becomes unavailable or unable to serve for any reason whatever, the chairman of the commission shall serve as the delegate until such time as a delegate has been appointed and has qualified.

2. Section 52:9B–2 of the Revised Statutes is amended to read as follows:

Standing committee of Senate; membership.

52:9B–2. There is hereby established a standing committee on intergovernmental relations, of the Senate, to consist of five Senators. The members and chairman of this committee shall be designated in the same manner as are the members and chairmen

of other standing committees of the Senate. The president of the Senate may serve as one of the five members of this committee.

3. Section 52:9B–3 of the Revised Statutes is amended to read as follows:

Standing committee of General Assembly; membership.

52:9B–3. There is hereby established a similar standing committee on intergovernmental relations, of the General Assembly, also to consist of five members, and the members and chairman of this committee shall be designated in the same manner as are the members and chairmen of other standing committees of the General Assembly. The Speaker of the General Assembly may serve as one of the five members of the committee.

4. Section 52:9B–4 of the Revised Statutes is amended to read as follows:

Membership of commission.

52:9B–4. The New Jersey Intergovernmental Relations Commission shall be composed of 15 members, namely:

The five members of the committee on intergovernmental relations of the Senate.

The five members of the committee on intergovernmental relations of the General Assembly, and

Five officials of the State named by the Governor, who shall hold office during the pleasure of the Governor.

The Governor shall be an honorary member of the commission.

5. Section 52:9B–5 of the Revised Statutes is amended to read as follows:

Organization of commission; committees and advisory boards; membership; appointment; rules.

52:9B–5. The commission shall meet annually in the month of January at the call of the Governor for the purpose of organization by the selection from among its members of a chairman and the appointment of a secretary and such other officers of the commission as it deems advisable who need not be members thereof. The commission may establish such committees and advisory boards as it deems advisable, to conduct conferences and to formulate proposals concerning subjects of intergovernmental co-operation. Subject to the approval of the commission, the members of every such committee and advisory board shall be appointed by the chairman of the commission. State officials who are not members of the commission may be appointed as members of any such committee or

advisory board, and private citizens may serve on such board, but at least one member of the commission shall be a member of every such committee and board. The commission may establish such rules as it considers appropriate concerning the membership and the functioning of any committee or board which it establishes.

6. The members of the Commission on Interstate Co-operation in office upon the effective date of this act shall constitute the members of the Intergovernmental Relations Commission for the remainder of the current legislative year and until their successors are appointed and the commission shall meet at the call of the Governor within 30 days of the effective date of this act for the purpose of reorganization as herein provided. Funds heretofore appropriated to the Interstate Co-operation Commission are transferred and appropriated to the Intergovernmental Relations Commission.

7. This act shall take effect immediately.

Approved February 11, 1970.

CHAPTER 11

AN ACT continuing the Department of Banking and Insurance as a principal department in the Executive Branch of the State Government to be known and designated as the Department of Banking.

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

C. 17:1B-1 Department of Banking and office of Commissioner designated.

1. The Department of Banking and Insurance heretofore established as a principal department in the Executive Branch of the State Government is hereby continued and designated as the Department of Banking and the office of Commissioner of Banking and Insurance is hereby continued and designated as the office of Commissioner of Banking.

C. 17:1B-2 Certain functions, powers and duties continued.

2. All the functions, powers and duties of the existing Department of Banking and Insurance and the commissioner thereof not transferred to the Department of Insurance by the "Department

of Insurance Act of 1970,'' now pending before the Legislature, are continued in the Department of Banking as hereby designated and in the office of the Commissioner thereof.

C. 17:1B-3 Meaning of certain references.

3. With respect to the functions, powers and duties hereby continued in the Department of Banking, whenever in any law, rule, regulation, judicial or administrative proceeding or otherwise, reference is made to the Department of Banking and Insurance or to the Commissioner of Banking and Insurance, the same shall mean and refer to the Department of Banking and the Commissioner of Banking, respectively.

4. The provisions of this act shall become operative at the beginning of the biweekly pay period next following enactment. Anticipatory action to effect the establishment of the department may be taken in advance thereof including the making of authorized appointments, and confirmation or approval thereof, and, within the limits of appropriations to the department, the expenditure of funds for payment of salaries and expenses incident thereto.

5. This act shall take effect immediately, but shall remain inoperative until the enactment of the ''Department of Insurance Act of 1970'' now pending before the Legislature.

Approved February 16, 1970.

CHAPTER 12

AN ACT establishing and concerning a Department of Insurance as a principal Department in the Executive Branch of the State Government, and making an appropriation.

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

C. 17:1C-1 Short title.

1. This act shall be known and may be cited as the ''Department of Insurance Act of 1970.''

C. 17:1C-2 Department of Insurance established; "department" defined.

2. There is hereby established in the Executive Branch of the State Government a principal department which shall be known as the Department of Insurance.

As used in this act, unless the context clearly indicates otherwise, ''department'' means the Department of Insurance.

C. 17:1C-3 Commissioner; appointment, term, salary.

3. The head and chief executive officer of the department shall be a commissioner, who shall be known as the Commissioner of Insurance. The commissioner shall be appointed by the Governor, with the advice and consent of the Senate, and shall serve at the pleasure of the Governor during the Governor's term of office and until the appointment and qualification of his successor. The commissioner shall receive such salary as shall be provided by law.

C. 17:1C-4 Deputy commissioner; appointment, powers and duties; administrative division authorized.

4. (a) The commissioner may appoint a deputy commissioner to serve at the pleasure of the commissioner and who shall be authorized to exercise the powers and duties of the commissioner in his absence or disability and shall perform such other duties as the commissioner shall prescribe.

(b) The commissioner shall have the authority to establish, organize and maintain in his offices an administrative division to perform all necessary personnel, budget and finance, facilities and equipment services for the department and to assign such personnel thereto as may be required.

C. 17:1C-5 Conflict of interest; exception; penalty.

5. Neither the commissioner nor any officer or employee of the department shall have any interest in or any dealings or transactions in any capacity with, any insurance company or other licensee under the jurisdiction of the department save in the strict performance of his duties; except that nothing in this section shall preclude dealing or transacting business with any such insurance company or licensee in connection with insurance or claims involving the person or property of the commissioner or such officer or employee.

Any violation of this section shall be cause for the dismissal of the violator by the appointing authority having the power to remove the person involved.

C. 17:1C-6 Commissioner's powers and duties.

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

(a) Administer the work of the department;

(b) Appoint and remove officers and other personnel employed within the department, subject to the provisions of Title 11 of the Revised Statutes, Civil Service, and other applicable statutes, except as herein otherwise specifically provided;

(c) Perform, exercise and discharge the functions, powers and duties of the department through such divisions as may be established by this act or otherwise by law;

(d) Organize the work of the department in such divisions, not inconsistent with the provisions of this act, and in such bureaus and other organizational units as he may determine to be necessary for efficient and effective operation;

(e) Adopt, issue and promulgate, in the name of the department, such rules and regulations as may be authorized by law;

(f) Formulate and adopt rules and regulations for the efficient conduct of the work and general administration of the department, its officers and employees;

(g) Institute or cause to be instituted such legal proceedings or processes as may be necessary to enforce properly and give effect to any of his powers or duties;

(h) Make a report in each year to the Governor and to the Legislature of the department's operations for the preceding calendar year, and render such other reports as the Governor shall from time to time request or as may be required by law;

(i) Appoint such advisory committees as may be desirable to advise and assist the department or a division in carrying out its functions and duties;

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

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

C. 17:1C-7 Seal of office.

7. The commissioner shall establish a seal of office of the commissioner and file same with the Secretary of State.

Every certificate, assignment, conveyance or other official paper executed by the commissioner under authority of law and sealed with the seal, shall be received as evidence and may be recorded in proper recording offices in the same manner and with the same effect as a deed duly acknowledged or proved before an officer authorized by law to take proof or acknowledgment of deeds. All copies of papers in the office of the commissioner, certified by him and authenticated by the seal, shall be accepted as evidence equally and in like manner as the original. An impression of the seal directly on paper shall be as valid as if made on wax or wafer.

C. 17:1C-8 Transfer of certain functions, powers and duties.

8. All the functions, powers and duties of the existing Department of Banking and Insurance, the commissioner thereof and the actuarial bureau and the bureau of insurance of such department relative to the execution of the insurance laws of this State are hereby transferred to the Department of Insurance established hereunder; provided, however, that the grant of such functions, powers and duties as are inconsistent with the specific provisions of this act are hereby repealed.

C. 17:1C-9 Transfer of Real Estate Commission.

9. The New Jersey Real Estate Commission, constituting the Division of New Jersey Real Estate Commission in the Department of Banking and Insurance, together with all of its functions, powers and duties, is continued and transferred as the New Jersey Real Estate Commission in the Department of Insurance. This act shall not affect the terms of office of the present members of the commission. The commission shall continue to be constituted and the members thereof shall continue to be appointed as provided by existing law.

C. 17:1C-10 Transfer of certain appropriations and moneys.

10. All appropriations and other moneys available and to become available to any department, division, bureau, board, commission or other agency, the functions, powers and duties of which have been herein assigned or transferred to the Department of Insurance, are hereby transferred to the Department of Insurance established hereunder, and shall be available for the objects and purposes for which appropriated, subject to any terms, restrictions, limitations or other requirements imposed by State or Federal law.

C. 17:1C-11 Transfer of certain employees.

11. Such employees of any department, division, bureau, board, commission or other agency, the functions, powers and duties of which have been herein assigned or transferred to the Department of Insurance or to any agency designated, continued or constituted therein, as the Commissioner of Insurance may determine are needed for the proper performance of the functions and duties imposed upon the Department of Insurance, or agency therein, are hereby transferred to the department or agency to which such functions, powers and duties have been herein assigned or transferred.

C. 17:1C-12 Tenure and retirement rights.

12. Nothing in this act shall be construed to deprive any person of any tenure rights or of any right or protection provided him by Title 11 of the Revised Statutes, Civil Service, or under any pension law or retirement system.

C. 17:1C-13 Transfer of certain records and equipment.

13. All files, books, papers, records, equipment and other property of any department, division, bureau, board, commission or other agency, the functions, powers and duties of which have been herein assigned or transferred to the Department of Insurance or to any agency designated, continued or constituted hereunder, shall upon the effective date of this act be transferred to the department or agency to which such assignment or transfer has been made hereunder.

C. 17:1C-14 Continuance of certain orders, rules and regulations.

14. This act shall not affect the orders, rules and regulations heretofore made or promulgated by any department, division, bureau, board, commission or other agency, the functions, powers and duties of which have been herein assigned or transferred to the Department of Insurance or to any agency designated, continued or constituted hereunder; but such orders, rules and regulations shall continue with full force and effect until amended or repealed pursuant to law.

C. 17:1C-15 Certain pending actions or proceedings not affected.

15. This act shall not affect actions or proceedings, civil or criminal, brought by or against any department, division, bureau, board, commission or other agency, the functions, powers and duties of which have been herein assigned or transferred to the Department of Insurance or to any agency designated, continued or constituted hereunder, and pending on the effective date of this act, but such actions or proceedings may be prosecuted or defended in the same manner and to the same effect by the department or agency to which such assignment or transfer has been made hereunder, as if the foregoing provisions had not taken effect; nor shall any of the foregoing provisions affect any order or recommendation made by, or other matters or proceedings before, any department, division, bureau, board, commission or other agency, the functions, powers and duties of which have been herein assigned or transferred to the Department of Insurance or to any agency designated, continued or constituted hereunder, and all such matters or proceedings pending before such department, division, bureau, board, commission or other agency on the

effective date of this act shall be continued by the department or agency to which such assignment or transfer has been made hereunder, as if the foregoing provisions had not taken effect.

C. 17:1C-16 Filing of certain reports and certifications.

16. Unless specifically otherwise provided in this act or by any operative law, whenever, pursuant to existing law, reports, certifications, applications or requests are required or permitted to be made to the department, division, bureau, board, commission or other agency, whose powers and duties are herein assigned or transferred, such reports and certifications shall hereafter be required to be filed with, and such applications or requests shall hereafter be made to, the department or agency to which such assignment or transfer has been made hereunder.

C. 17:1C-17 References in laws, rules or regulations.

17. With respect to the functions, powers and duties hereby transferred to the Department of Insurance, whenever in any law, rule, regulation, judicial or administrative proceeding or otherwise, reference is made to the Department of Banking and Insurance or to the Commissioner of Banking and Insurance, the same shall mean and refer to the Department of Insurance and the Commissioner of Insurance, respectively.

18. The salary of the commissioner which by the provisions of this act is to be fixed by law, for the fiscal year ending June 30, 1970 or such portion thereof remaining following the appointment and qualification of the appointee, shall be based pro rata on an annual rate of $38,000.00.

19. There is hereby appropriated to the Department of Insurance the sum of $60,000.00 for the purposes of this act.

C. 17:1C-18 Repeal of inconsistent acts.

20. All acts and parts of acts inconsistent with any of the provisions of this act are, to the extent of such inconsistency, superseded and repealed.

21. The provisions of this act shall become operative at the beginning of the biweekly pay period next following enactment. Anticipatory action to effect the establishment of the department may be taken in advance thereof including the making of authorized appointments, and confirmation or approval thereof, and, within the limits of appropriations to the department, the expenditure of funds for payment of salaries and expenses incident thereto.

22. This act shall take effect immediately.

Approved February 16, 1970.

CHAPTER 13

AN ACT concerning the establishment and operation of a State lottery, creating the Division of the State Lottery in the Department of the Treasury, prescribing its functions, powers and duties, and providing for an appropriation therefor.

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

C. 5:9-1 Short title.

1. This act shall be known and may be cited as the "State Lottery Law."

C. 5:9-2 Purpose of act.

2. This act is enacted to implement the amendment of Article IV, Section VII, paragraph 2, of the Constitution of New Jersey, approved by the people in the general election of November, 1969, and to carry out the mandate thereof by establishing a lottery to be operated by the State, the entire net proceeds of which are to be used for State institutions and State aid for education.

C. 5:9-3 Definitions.

3. For the purposes of this act:

a. "Commission" shall mean the State Lottery Commission established by this act.

b. "Division" shall mean the Division of the State Lottery created by this act.

c. "Lottery" or "State lottery" shall mean the lottery established and operated pursuant to this act.

d. "Director" shall mean the Director of the Division of the State Lottery.

C. 5:9-4 Division of State Lottery established.

4. There is hereby established in the Department of the Treasury a Division of the State Lottery, which shall include a State Lottery Commission and a director.

C. 5:9-5 Commission; membership, appointment, terms, chairman, vacancies, removal, reimbursement for expenses.

5. The commission shall consist of five members, all of whom shall be citizens and residents of this State and all of whom shall be appointed by the Governor by and with the advice and consent of the Senate. No more than three of the five members shall be

members of the same political party. The members shall be appointed for terms of 5 years, except that of the members first appointed, one shall be appointed 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 one for a term of 5 years, commencing as of the date of their appointment by the Governor. The term of each of the members first appointed shall be designated by the Governor. The members shall, annually, elect one of them as chairman of the commission.

Any vacancy in the commission occurring for any reason other than the expiration of term, shall be filled for the unexpired term in the same manner as the original appointment.

Any member of the commission may be removed from office by the Governor, for cause, upon notice and opportunity to be heard at a public hearing.

The members of the commission shall receive no salaries but shall be allowed reasonable expenses incurred in the performance of their official duties in an amount not exceeding $5,000.00 per annum in the case of the chairman, and $3,500.00 in the case of each of the other commissioners.

C. 5:9-6 Division director; appointment, vacancy, full-time duties, salary.

6. The division shall be under the immediate supervision and direction 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 Governor, by and with the advice and consent of the Senate, and shall serve at the pleasure of the Governor.

Any vacancy occurring in the office of the director shall be filled in the same manner as the original appointment.

The director of said division shall devote his entire time and attention to the duties of his office and shall not be engaged in any other profession or occupation. He shall receive such salary as shall be provided by law.

C. 5:9-7 Commission's powers and duties.

7. The commission shall have the power, and it shall be its duty:

a. After full and thorough study of the report and recommendations of the State Lottery Planning Commission established pursuant to Joint Resolution Number 11, approved November 20, 1969, and such other pertinent information as may be available, to promulgate such rules and regulations governing the establishment and operation of a State lottery as it deems necessary and desirable in order that the mandate of the people expressed in their approval of

the amendment to Article IV, Section VII, paragraph 2, of the Constitution in the general election of November, 1969, may be fully implemented, in order that such a lottery shall be initiated at the earliest feasible and practicable time, and in order that such lottery shall produce the maximum amount of net revenues for State institutions and State aid for education consonant with the dignity of the State and the general welfare of the people. Such rules and regulations may include, but shall not be limited to, the following:

(1) The type of lottery to be conducted.

(2) The price, or prices, of tickets or shares in the lottery.

(3) The numbers and sizes of the prizes on the winning tickets or shares.

(4) The manner of selecting the winning tickets or shares.

(5) The manner of payment of prizes to the holders of winning tickets or shares.

(6) The frequency of the drawings or selections of winning tickets or shares, without limitation.

(7) Without limit as to number, the type or types of locations at which tickets or shares may be sold.

(8) The method to be used in selling tickets or shares.

(9) The licensing of agents to sell tickets or shares, provided that no person under the age of 21 shall be licensed as an agent.

(10) The manner and amount of compensation, if any, to be paid licensed sales agents necessary to provide for the adequate availability of tickets or shares to prospective buyers and for the convenience of the public.

(11) The apportionment of the total revenues accruing from the sale of lottery tickets or shares and from all other sources among (a) the payment of prizes to the holders of winning tickets or shares, (b) the payment of costs incurred in the operation and administration of the lottery, including the expenses of the division and the costs resulting from any contract or contracts entered into for promotional, advertising or operational services or for the purchase or lease of lottery equipment and materials, (c) for the repayment of the moneys appropriated to the State Lottery Fund pursuant to section 23 of this act, and (d) for transfer to the general fund for State institutions and State aid for education; provided, however, that no less than 30% of the total revenues accruing from the sale of lottery tickets or shares shall be dedicated to (d), above.

(12) Such other matters necessary or desirable for the efficient and economical operation and administration of the lottery and for the convenience of the purchasers of tickets or shares and the holders of winning tickets or shares.

b. To amend, repeal, or supplement any such rules and regulations from time to time as it deems necessary or desirable.

c. To advise and make recommendations to the director regarding the operation and administration of the lottery.

d. To report monthly to the Governor and the Legislature the total lottery revenues, prize disbursements and other expenses for the preceding month, and to make an annual report, which shall include a full and complete statement of lottery revenues, prize disbursements and other expenses, to the Governor and the Legislature, and including such recommendations for changes in this act as it deems necessary or desirable.

e. To report immediately to the Governor and the Legislature any matters which shall require immediate changes in the laws of this State in order to prevent abuses and evasions of this act or rules and regulations promulgated thereunder or to rectify undesirable conditions in connection with the administration or operation of the lottery.

f. To carry on a continuous study and investigation of the lottery throughout the State (1) for the purpose of ascertaining any defects in this act or in the rules and regulations issued thereunder by reason whereof any abuses in the administration and operation of the lottery or any evasion of this act or the rules and regulations may arise or be practiced, (2) for the purpose of formulating recommendations for changes in this act and the rules and regulations promulgated thereunder to prevent such abuses and evasions, (3) to guard against the use of this act and the rules and regulations issued thereunder as a cloak for the carrying on of organized gambling and crime, and (4) to insure that said law and rules and regulations shall be in such form and be so administered as to serve the true purposes of this act.

g. To make a continuous study and investigation of (1) the operation and the administration of similar laws which may be in effect in other states or countries, (2) any literature on the subject which from time to time may be published or available, (3) any Federal laws which may affect the operation of the lottery, and (4) the reaction of New Jersey citizens to existing and potential features of the lottery with a view to recommending or effecting changes that will tend to serve the purposes of this act.

C. 5:9-8 Director's powers and duties.

8. The director shall have the power, and it shall be his duty to:

a. Supervise and administer the operation of the lottery in accordance with the provisions of this act and with the rules and regulations of the commission.

b. Subject to the approval of the commission, appoint such deputy directors as may be required to carry out the functions and duties of the division, which deputy directors shall be in the unclassified service of the civil service.

c. Subject to the approval of the commission and Title 11 of the Revised Statutes, Civil Service, appoint such professional, technical and clerical assistants and employees as may be necessary to perform the duties imposed upon the division by this act.

d. Act as secretary and executive officer of the commission.

e. In accordance with the provisions of this act and the rules and regulations of the commission, to license as agents to sell lottery tickets such persons as in his opinion will best serve the public convenience and promote the sale of tickets or shares. The director may require a bond from every licensed agent, in such amount as provided in the rules and regulations of the commission. Every licensed agent shall prominently display his license, or a copy thereof, as provided in the rules and regulations of the commission.

f. Shall confer regularly as necessary or desirable and not less than once every month with the commission on the operation and administration of the lottery; shall make available for inspection by the commission, upon request, all books, records, files, and other information and documents of the division; shall advise the commission and recommend such matters as he deems necessary and advisable to improve the operation and administration of the lottery.

g. Suspend or revoke any license issued pursuant to this act or the rules and regulations promulgated thereunder.

h. Subject to the approval of the commission and the applicable laws relating to public contracts, to enter into contracts for the operation of the lottery, or any part thereof, and into contracts for the promotion of the lottery. No contract awarded or entered into by the director may be assigned by the holder thereof except by specific approval of the commission.

i. To certify monthly to the State Treasurer and the commission a full and complete statement of lottery revenues, prize disbursements and other expenses for the preceding month.

C. 5:9-9 Commission meetings; quorum, transmission of minutes to Governor; action by Governor.

9. No action of the commission shall be binding unless taken at a meeting at which at least three of the five members are present and shall vote in favor thereof. The minutes of every meeting of the commission, including any rules and regulations promulgated by the commission or any amendments, revisions, supplements or repeal thereof, shall be forthwith transmitted, by and under the certification of the secretary thereof, to the Governor at the Executive Chamber, State House, Trenton. The Governor shall, within 10 days after said minutes shall have been so delivered, cause the same to be returned to the commission either with or without his veto on any action therein recited as having been taken by the commission. If the Governor shall not return the minutes within said 10 days, any action recited therein shall have force and effect according to the wording thereof.

C. 5:9-10 Additional powers of commission.

10. The commission shall have the power to issue subpœnas to compel the attendance of witnesses and the production of documents, papers, books, records and other evidence before it in any matter over which it has jurisdiction, control or supervision. The commission shall have the power to administer oaths and affirmations to persons whose testimony is required. If a person subpœnaed to attend in any such proceeding or hearing fails to obey the command of the subpœna without reasonable cause, or if a person in attendance in any such proceeding or hearing refuses, without lawful cause, to be examined or to answer a legal or pertinent question or to exhibit any book, account, record or other document when ordered so to do by the commission, the commission may apply to any judge of the Superior Court, upon proof by affidavit of the facts, for an order returnable in not less than 2 nor more than 10 days, or as the court shall prescribe, directing such person to show cause before the court why he should not comply with such subpœna or such order.

Upon return of the order, the court before whom the matter shall come on for hearing shall examine such person under oath, and if the court shall determine, after giving such person an opportunity to be heard, that he refused without legal excuse to comply with such subpœna or such order of the director, the court may order such person to comply therewith forthwith and any failure to obey the order of the court may be punished as a contempt of the Superior Court.

C. 5:9-11 License to sell tickets or shares; conditions; "person" defined.

11. No license as an agent to sell lottery tickets or shares shall be issued to any person to engage in business exclusively as a lottery sales agent. Before issuing such license the director shall consider such factors as (a) the financial responsibility and security of the person and his business or activity, (b) the accessibility of his place of business or activity to the public, (c) the sufficiency of existing licenses to serve the public convenience, and (d) the volume of expected sales.

For the purposes of this section, the term "person" shall be construed to mean and include an individual, association, corporation, club, trust, estate, society, company, joint stock company, receiver, trustee, assignee, referee, or any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, and any combination of individuals. "Person" shall also be construed to mean and include all departments, commissions, agencies and instrumentalities of the State, including counties and municipalities and agencies and instrumentalities thereof.

C. 5:9-12 Authority to act as sales agent.

12. Notwithstanding any other provision of law, any person licensed as provided in this act is hereby authorized and empowered to act as a lottery sales agent.

C. 5:9-13 Right to prize not assignable; exceptions.

13. No right of any person to a prize drawn shall be assignable, except that payment of any prize drawn may be paid to the estate of a deceased prize winner, and except that any person pursuant to an appropriate judicial order may be paid the prize to which the winner is entitled. The director shall be discharged of all further liability upon payment of a prize pursuant to this section.

C. 5:9-14 Sale at unauthorized price or by unauthorized persons; penalty.

14. No person shall sell a ticket or share at a price greater than that fixed by rule or regulation of the commission. No person other than a licensed lottery sales agent shall sell lottery tickets or shares, except that nothing in this section shall be construed to prevent any person from giving lottery tickets or shares to another as a gift.

Any person convicted of violating this section shall be guilty of a misdemeanor.

C. 5:9-15 Sale to person under 18; penalty.

15. No ticket or share shall be sold to any person under the age of 18, but this shall not be deemed to prohibit the purchase of a

ticket or share for the purpose of making a gift by a person 18 years of age or older to a person less than that age. Any licensee who knowingly sells or offers to sell a lottery ticket or share to any person under the age of 18 is a disorderly person.

C. 5:9-16 Purchase of tickets and receipt of prizes by certain persons prohibited.

16. No ticket or share shall be purchased by, and no prize shall be paid to any of the following persons: any officer or employee of the division or to any spouse, child, brother, sister or parent residing as a member of the same household in the principal place of abode of any of the foregoing persons.

C. 5:9-17 Disposition of unclaimed prize money.

17. Unclaimed prize money for the prize on a winning ticket or share shall be retained by the director for the person entitled thereto for 1 year after the drawing in which the prize was won. If no claim is made for said money within such year, the prize money shall be allocated to State institutions and State aid for education in the same manner as lottery revenues are allocated for such purposes under this act.

C. 5:9-18 Authority to require deposits.

18. The director may, in his discretion, require any or all lottery sales agents to deposit to the credit of the State Lottery Fund in banks, designated by the State Treasurer all moneys received by such agents from the sale of lottery tickets or shares, less the amount, if any, retained as compensation for the sale of the tickets or shares, and to file with the director or his designated agents reports of their receipts and transactions in the sale of lottery tickets in such form and containing such information as he may require. The director may make such arrangements for any person, including a bank, to perform such functions, activities or services in connection with the operation of the lottery as he may deem advisable pursuant to this act and the rules and regulations of the commission, and such functions, activities or services shall constitute lawful functions, activities and services of such person.

C. 5:9-19 Certain laws not applicable.

19. No other law providing any penalty or disability for the sale of lottery tickets or any acts done in connection with a lottery shall apply to the sale of tickets or shares performed pursuant to this act.

C. 5:9-20 Award of prize to person under 18; conditions.

20. If the person entitled to a prize or any winning ticket is under the age of 18 years, and such prize is less than $5,000.00, the

director may direct payment of the prize by delivery to an adult member of the minor's family or a guardian of the minor of a check or draft payable to the order of such minor. If the person entitled to a prize or any winning ticket is under the age of 18 years, and such prize is $5,000.00 or more, the director may direct payment to such minor by depositing the amount of the prize in any bank to the credit of an adult member of the minor's family or a guardian of the minor as custodian for such minor. The person so named as custodian shall have the same duties and powers as a person designated as a custodian in a manner prescribed by the "New Jersey Uniform Gifts to Minors Act," P. L. 1963, chapter 177 (C. 46:38–13 et seq.) and for the purposes of this section the terms "adult member of a minor's family," "guardian of a minor" and "bank" shall have the same meaning as in said act. The director shall be discharged of all further liability upon payment of a prize to a minor pursuant to this section.

C. 5:9-21 State Lottery Fund established.

21. There is hereby created and established in the Department of the Treasury a separate fund, to be known as the "State Lottery Fund," to be deposited in such depositories as the State Treasurer may select. Such fund shall consist of all revenues received from the sale of lottery tickets or shares, and all other moneys credited or transferred thereto from any other fund or source pursuant to law.

C. 5:9-22 Use of moneys in State Lottery Fund.

22. The moneys in said State Lottery Fund shall be appropriated only (a) for the payment of prizes to the holders of winning lottery tickets or shares, (b) for the expenses of the division in its operation of the lottery, (c) for State institutions and State aid for education as shall be provided by law, and (d) for the repayment to the general treasury of the amount appropriated to the fund pursuant to section 23 of this act.

23. There is hereby appropriated to the State Lottery Fund from the general fund the sum of $1,500,000.00 and such other moneys as shall be appropriated by the general or any supplemental appropriations act, or so much thereof as may be necessary, in the first instance, for the purposes of the division in carrying out its functions and duties pursuant to this act. Such appropriation shall be repaid to the general fund as soon as practicable from the net revenues accruing in the State Lottery Fund after the payment of prizes to holders of winning tickets or shares and expenses of the division.

C. 5:9-23 Tax exemption of prizes.

24. The prizes received pursuant to the provisions of this act shall be exempt from the "Emergency Transportation Tax Act" (P. L. 1961, c. 32).

C. 5:9-24 Audit of accounts.

25. The State Auditor shall conduct an annual post-audit of all accounts and transactions of the division and such other special post-audits as he may be directed to conduct pursuant to chapter 24 of Title 52 of the Revised Statutes.

C. 5:9-25 Partial invalidity of act.

26. If any clause, sentence, paragraph, subdivision, section, provision or other portion of this act or the application thereof to any person or circumstances is held to be invalid, such holding shall not affect, impair or invalidate the remainder of this act or the application of such portion held invalid to any other person or circumstances, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, provision or other portion thereof directly involved in such holding or to the person and circumstances therein involved. If any provision of this act is inconsistent with, in conflict with, or contrary to any other provision of law, such provision of this act shall prevail over such other provision and such other provision shall be deemed to have been amended, superseded or repealed to the extent of such inconsistency, conflict and contrariety.

27. This act shall take effect immediately.

Approved February 16, 1970.

CHAPTER 14

AN ACT to amend "An act concerning regional transportation planning providing for an interstate compact between the States of New Jersey, New York and Connecticut, creating the Tri-State Transportation Commission, prescribing the functions, powers and duties of the same and providing for the selection of New Jersey representatives," approved April 8, 1965 (P. L. 1965, c. 12).

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

1. Article V, Section 3, of the compact (C. 32:22B–15) of which this act is amendatory, is amended to read as follows:

C. 32:22B-15 Duration of commission.

3. The commission shall continue in existence until June 30, 1970. Thereafter it shall continue only upon the adoption of concurrent legislation by the party States.

2. This act shall take effect upon the enactment by each of the States of Connecticut and New York of legislation having like effect as this act, but if each of such States shall have already enacted such legislation, this act shall take effect immediately.

Approved February 20, 1970.

CHAPTER 15

AN ACT to amend and supplement the "New Jersey Turnpike Authority Act of 1948," and repealing P. L. 1969, chapter 262.

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

1. Section 3 of P. L. 1948, chapter 454 (C. 27:23–3) is amended to read as follows:

C. 27:23-3 New Jersey Turnpike Authority.

3. New Jersey Turnpike Authority. (A) There is hereby established in the State Highway Department a body corporate and politic, with corporate succession, to be known as the "New Jersey Turnpike Authority." The authority is hereby constituted an instrumentality exercising public and essential governmental functions, and the exercise by the authority of the powers conferred by this act in the construction, operation and maintenance of turnpike projects shall be deemed and held to be an essential governmental function of the State.

(B) The New Jersey Turnpike Authority shall consist of five members, each of whom shall be a resident of the State who shall have been a qualified elector therein for a period of at least 1 year next preceding his appointment. Each member of the authority shall be appointed by the Governor, 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, one shall be for a term of 2 years and one for a term of 3 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 authority may be removed from office by the Governor, for cause, after a public hearing. Each member of the authority 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. Any vacancies in the membership of the authority occurring other than by expiration of term shall be filled in the same manner as the original appointment, but for the unexpired term only.

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

(D) Each member of the authority 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.

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

(F) No resolution or other action of the authority providing for the issuance of bonds, refunding bonds or other obligations or for

the fixing, revising or adjusting of tolls for the use of any turnpike project or parts or sections thereof shall be adopted or otherwise made effective by the authority without the prior approval in writing of the Governor and at least one of the following: the State Treasurer and the Comptroller of the Treasury. A true copy of the minutes of every meeting of the authority shall be forthwith delivered by and under the certification of the secretary thereof, to the Governor. No action taken at such meeting by the authority shall have force or effect until 10 days after such copy of the minutes shall have been so delivered. If, in said 10 day period, the Governor returns such copy of the minutes with veto of any action taken by the authority or any member thereof at such meeting, such action shall be null and of no effect. The powers conferred in this paragraph (F) upon the Governor, the State Treasurer and the Comptroller of the Treasury shall be exercised with due regard for the rights of the holders of bonds of the authority at any time outstanding, and nothing in, or done pursuant to, this paragraph (F) shall in any way limit, restrict or alter the obligation or powers of the authority or any representative or officer of the authority to carry out and perform in every detail each and every covenant, agreement or contract at any time made or entered into by or on behalf of the authority with respect to its bonds or for the benefit, protection or security of the holders thereof.

2. Of the two additional members of the authority first to be appointed pursuant to this act, one shall be appointed for a term ending February 14, 1973 and one for a term ending February 14, 1975, as designated by the Governor.

Repealer.

3. "An act concerning the New Jersey Turnpike Authority and Supplementing the 'New Jersey Turnpike Authority Act of 1948,' approved October 27, 1948 (P. L. 1948, c. 454)", approved January 9, 1970 (P. L. 1969, c. 262), is repealed.

4. This act shall take effect immediately, except that sections 1 and 2 shall remain inoperative until February 14, 1970. Anticipatory action may be taken in advance thereof, including the making of authorized appointments.

Approved February 20, 1970.

CHAPTER 16

A SUPPLEMENT to "An act making appropriations for the support of the State Government and the several public purposes for the fiscal year ending June 30, 1970, and regulating the disbursement thereof," approved June 4, 1969 (P. L. 1969, c. 71).

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

1. The following sum is hereby appropriated from the General Treasury to the commission created by 1969 Joint Resolution No. 8 to study, evaluate and make recommendations concerning the regulation and licensing of professions and occupations:

For expenses of commission $20,000.00

2. This act shall take effect immediately.

Approved March 2, 1970.

CHAPTER 17

A SUPPLEMENT to "An act concerning the annual salaries of the Governor and certain members of the Governor's cabinet and the establishment of salary ranges for certain other administrative and professional positions in the Executive Branch and supplementing 'An act making appropriations for the support of the State Government and the several public purposes for the fiscal year ending June 30, 1970, and regulating the disbursement thereof,' approved June 4, 1969 (P. L. 1969, c. 71)," approved November 26, 1969 (P. L. 1969, c. 194).

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

1. The salary rate for the fiscal year ending June 30, 1970 for any position which has been assigned to a salary range by the act to which this act is a supplement shall be the salary step in such range next above the salary currently being paid; provided, however, that any sums appropriated 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.

2. Nothing in the act to which this act is a supplement shall reduce the salary for any position below that being paid on the effective date of the act to which this act is a supplement.

3. This act shall take effect immediately and shall be retroactive to the commencement of the term of office of the governor inaugurated in January of 1970.

Approved March 2, 1970.

CHAPTER 18

AN ACT providing for the transfer of the Division of the New Jersey Racing Commission from the Department of the Treasury to the Department of Law and Public Safety and repealing and superseding portions of the "Department of the Treasury Act of 1948" (P. L. 1948, c. 92, C. 52:18A–1 et seq.).

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

C. 52:17B-95 Transfer of the Division of the New Jersey Racing Commission.

1. The New Jersey Racing Commission, transferred to and constituted as the Division of the New Jersey Racing Commission in the Department of the Treasury by P. L. 1948, chapter 92, section 29 (C. 52:18A–29), together with all its functions, powers and duties, is continued and transferred and constituted the Division of the New Jersey Racing Commission in the Department of Law and Public Safety. This act shall not affect the terms of office of the present members of the commission. The commission shall continue to be constituted and the members thereof shall continue to be appointed as provided by existing law.

C. 52:17B-96 Repealer.

2. Section 29 of the "Department of the Treasury Act of 1948" (P. L. 1948, c. 92) is repealed and the remaining parts of said act, or of any other act, inconsistent with this act are superseded.

3. The provisions of this act shall become operative at the beginning of the biweekly pay period next following enactment.

4. This act shall take effect immediately.

Approved March 2, 1970.

CHAPTER 19

AN ACT increasing the membership of the board of trustees of certain institutions of learning, and amending section 15:11–13 of the Revised Statutes.

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

1. Section 15:11–13 of the Revised Statutes is amended to read as follows:

Business conducted by trustees; number; bylaws.

15:11–13. The business of the association shall be conducted by a board of not less than five nor more than 25 trustees, subject to the bylaws, which bylaws shall be adopted by the incorporators.

2. This act shall take effect 90 days after enactment.

Approved March 19, 1970.

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, 1970, and regulating the disbursement thereof," approved June 4, 1969 (P. L. 1969, c. 71).

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 INSTITUTIONS AND AGENCIES

709-100. OFFICE OF THE PUBLIC DEFENDER

Extraordinary:

For additional operating expenses $518,000

2. This act shall take effect immediately.

Approved March 19, 1970.

CHAPTER 21

AN ACT to amend the title of "An act temporarily suspending the statutory maximum rate of interest limitations applicable to borrowings by counties, municipalities, school districts, State agencies and other public authorities and agencies," approved July 3, 1969 (P. L. 1969, c. 137), so that the same shall read "An act temporarily suspending the statutory maximum rate of interest limitations applicable to borrowings by counties, municipalities, school districts, fire districts in townships, State agencies and other public authorities and agencies," 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 P. L. 1969, chapter 137 is amended to read as follows: An act temporarily suspending the statutory maximum rate of interest limitations applicable to borrowings by counties, municipalities, school districts, fire districts in townships, State agencies and other public authorities and agencies.

2. Section 1 of P. L. 1969, chapter 137 (C. 31: 1–7) is amended to read as follows:

C. 31:1-7 Interest rate payable by governmental agencies.

1. Notwithstanding the provisions of section 31:1–1 of the Revised Statutes or of regulations issued thereunder, or of any other law, statute or regulation applicable to or constituting any limitation on the maximum rate of interest per annum payable on bonds, notes or other obligations, or as to annual interest cost to maturity of money borrowed or received upon issuance of bonds, notes or other obligations, every county, municipality, school district, fire district in a township, body corporate and politic or public authority, agency, commission, bond bank, or other public institution heretofore or hereafter created by the State, any county, or municipality or by one or more counties or municipalities, is hereby authorized and empowered for the period from the effective date of this act through June 30, 1970, to contract to pay interest on or an interest cost per annum for money borrowed and evidenced by bonds, notes

or other obligations issued during said period without limit as to the rate of interest per annum payable thereon or as to the annual interest cost to maturity of the money borrowed.

3. Section 2 of P. L. 1969, chapter 137 (C. 31:1–8) is amended to read as follows:

C. 31:1-8 Construction of act.

2. This act shall be liberally construed to effect its legislative purpose of suspending for the aforesaid period any existing statutory limitation as to rate of interest or cost of money borrowed or provision of law with respect thereto and applicable to any county, municipality, school district, fire district in a township, body corporate and politic or public authority, agency, commission, bond bank or other public institution heretofore or hereafter created by the State, or any one or more counties or municipalities, but nothing herein contained shall be held or deemed in any way to effect or to impair existing contract limitations with bondholders or others as to rate of interest or cost of money borrowed without the consent of such bondholders or others given as provided in any such contract.

4. This act shall take effect immediately but shall be retroactive to July 3, 1969.

Approved March 19, 1970.

CHAPTER 22

AN ACT to supplement Title 17 of the Revised Statutes by adding thereto a new chapter entitled "Insurance Holding Company Systems."

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

C. 17:27A-1 Definitions.

1. Definitions.

As used in this chapter, the following terms shall have the respective meanings hereinafter set forth, unless the context shall otherwise require:

a. An "affiliate" of, or person "affiliated" with, a specific person, is a person that directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, the person specified.

b. The term "commissioner" shall mean the Commissioner of Insurance or his deputies.

c. The term "control" (including the terms "controlling," "controlled by" and "under common control with") means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting securities, by contract other than a commercial contract for goods or nonmanagement services, or otherwise, unless the power is the result of an official position with or corporate office held by the person. Control shall be presumed to exist if any person, directly or indirectly, owns, controls, holds with the power to vote, or holds proxies representing, 10% or more of the voting securities of any other person, provided that no such presumption of control shall of itself relieve any person so presumed to have control from any requirement of this chapter. This presumption may be rebutted by a showing made in the manner provided by section 3(i) that control does not exist in fact. The commissioner may determine, after furnishing all persons in interest notice and opportunity to be heard and making specific findings of fact to support such determination, that control exists in fact, notwithstanding the absence of a presumption to that effect.

d. An "insurance holding company system" consists of two or more affiliated persons, one or more of which is an insurer.

e. The term "insurer" means any person or persons, corporation, partnership or company authorized by the laws of this State to transact the business of insurance in this State, except that it shall not include agencies, authorities or instrumentalities of the United States, its possessions and territories, the Commonwealth of Puerto Rico, the District of Columbia, or a state or political subdivision of a state.

f. A "person" is an individual, a corporation, a partnership, an association, a joint stock company, a trust, an unincorporated organization, any similar entity or any combination of the foregoing acting in concert, but shall not include any securities broker performing no more than the usual and customary broker's function.

g. A "securityholder" of a specified person is one who owns any security of such person, including common stock, preferred stock, debt obligations, and any other security convertible into or evidencing the right to acquire any of the foregoing.

h. A "subsidiary" of a specified person is an affiliate controlled by such person directly, or indirectly through one or more intermediaries.

i. The term "voting security" shall include any security convertible into or evidencing a right to acquire a voting security.

C. 17:27A-2 Acquisition of control of or merger with domestic insurer.

2. Acquisition of control of or merger with domestic insurer.

a. Filing requirements. No person other than the issuer shall make a tender offer for or a request or invitation for tenders of, or enter into any agreement to exchange securities for, seek to acquire, or acquire, in the open market or otherwise, any voting security of a domestic insurer if, after the consummation thereof, such person would, directly or indirectly (or by conversion or by exercise of any right to acquire) be in control of such insurer, and no person shall enter into an agreement to merge with or otherwise to acquire control of a domestic insurer unless, at the time any such offer, request, or invitation is made or any such agreement is entered into, or prior to the acquisition of such securities if no offer or agreement is involved, such person has filed with the commissioner and has sent to such insurer, and, to the extent permitted by applicable Federal laws, rules and regulations, such insurer has sent to its shareholders, a statement containing the information required by this section and such offer, request, invitation, agreement or acquisition has been approved by the commissioner in the manner hereinafter prescribed.

(1) For purposes of this section: a domestic insurer shall include any other person controlling a domestic insurer unless such other person is either directly or through its affiliates primarily engaged in business other than the business of insurance.

b. Content of statement. The statement to be filed with the commissioner hereunder shall be made under oath or affirmation and shall contain the following information:

(1) The name and address of each person by whom or on whose behalf the merger or other acquisition of control referred to in subsection a. is to be effected (hereinafter called "acquiring party"), and

(i) If such person is an individual, his principal occupation and all offices and positions held during the past 5 years, and any conviction of crimes other than minor traffic violations during the past 10 years;

(ii) If such person is not an individual, a report of the nature of its business operations during the past 5 years or for such lesser period as such person and any predecessors thereof shall have been in existence; an informative description of the business

intended to be done by such person and such person's subsidiaries; and a list of all individuals who are or who have been selected to become directors or executive officers of such person, or who perform or will perform functions appropriate to such positions. Such list shall include for each such individual the information required by paragraph (i) of this subsection.

(2) The source, nature and amount of the consideration used or to be used in effecting the merger or other acquisition of control, a description of any transaction wherein funds were or are to be obtained for any such purpose, and the identity of persons furnishing such consideration, provided, however, that where a source of such consideration is a loan made in the lender's ordinary course of business, the identity of the lender shall remain confidential, if the person filing such statement so requests.

(3) Fully audited financial information as to the earnings and financial condition of each acquiring party for the preceding 5 fiscal years of each such acquiring party (or for such lesser period as such acquiring party and any predecessors thereof shall have been in existence), and similar unaudited information as of a date not earlier than 90 days prior to the filing of the statement.

(4) Any plans or proposals which each acquiring party may have to liquidate such insurer, to sell its assets or merge or consolidate it with any person, or to make any other material change in its business or corporate structure or management.

(5) The number of shares of any security referred to in subsection a. which each acquiring party proposes to acquire, and the terms of the offer, request, invitation, agreement, or acquisition referred to in subsection a., and a statement as to the method by which the fairness of the proposal was arrived at.

(6) The amount of each class of any security referred to in subsection a. which is beneficially owned or concerning which there is a right to acquire beneficial ownership by each acquiring party.

(7) A full description of any contracts, arrangements or understandings with respect to any security referred to in subsection a. in which any acquiring party is involved, including but not limited to transfer of any of the securities, joint ventures, loan or option arrangements, puts or calls, guarantees of loans, guarantees against loss or guarantees of profits, division of losses or profits, or the giving or withholding of proxies. Such description shall identify the persons with whom such contracts, arrangements or understandings have been entered into.

(8) A description of the purchase of any security referred to in subsection a. during the 12 calendar months preceding the filing of the statement, by any acquiring party, including the dates of purchase, names of the purchasers, and consideration paid or agreed to be paid therefor.

(9) A description of any recommendations to purchase any security referred to in subsection a. made during the 12 calendar months preceding the filing of the statement, by any acquiring party, or by anyone based upon interviews or at the suggestion of such acquiring party.

(10) Copies of all tender offers for, requests or invitations for tenders of, exchange offers for, and agreements to acquire or exchange any securities referred to in subsection a., and (if distributed) of additional soliciting material relating thereto.

(11) The terms of any agreement, contract or understanding made with any broker-dealer as to solicitation of securities referred to in subsection a. for tender, and the amount of any fees, commissions or other compensation to be paid to broker-dealers with regard thereto.

(12) Such additional information as the commissioner may by rule or regulation prescribe as necessary or appropriate for the protection of policyholders and securityholders of the insurer or in the public interest.

If the person required to file the statement referred to in subsection a. is a partnership, limited partnership, syndicate or other group, the commissioner may require that the information called for by clauses (1) through (12) shall be given with respect to each partner of such partnership or limited partnership, each member of such syndicate or group, and each person who controls such partner or member. If any such partner, member or person is a corporation or the person required to file the statement referred to in subsection a. is a corporation, the commissioner may require that the information called for by clauses (1) through (12) shall be given with respect to such corporation, each officer and director of such corporation, and each person who is directly or indirectly the beneficial owner of more than 10% of the outstanding voting securities of such corporation.

If any material change occurs in the facts set forth in the statement filed with the commissioner and sent to such insurer pursuant to this section, an amendment setting forth such change, together with copies of all documents and other material relevant to such change, shall be filed with the commissioner and sent to such insurer

within 2 business days after the person learns of such change. Such insurer shall send such amendment to its shareholders.

c. Alternative filing materials. If any offer, request, invitation, agreement or acquisition referred to in subsection a. is proposed to be made by means of a registration statement under the Securities Act of 1933 or in circumstances requiring the disclosure of similar information under the Securities Exchange Act of 1934, or under a State law requiring similar registration or disclosure, the person required to file the statement referred to in subsection a. may utilize such documents in furnishing the information called for by that statement.

d. Approval by commissioner; hearings.

(1) The commissioner shall approve any merger or other acquisition of control referred to in subsection a. unless, after a public hearing thereon, he finds that:

(i) After the change of control the domestic insurer referred to in subsection a. would not be able to satisfy the requirements for the issuance of a license to write the line or lines of insurance for which it is presently licensed;

(ii) The effect of the merger or other acquisition of control would be substantially to lessen competition in insurance in this State or tend to create a monopoly therein;

(iii) The financial condition of any acquiring party is such as might jeopardize the financial stability of the insurer, or prejudice the interest of its policyholders or the interests of any remaining securityholders who are unaffiliated with such acquiring party;

(iv) The terms of the offer, request, invitation, agreement or acquisition referred to in subsection a. are unfair and unreasonable to the securityholders of the insurer;

(v) The plans or proposals which the acquiring party has to liquidate the insurer, sell its assets or consolidate or merge it with any person, or to make any other material change in its business or corporate structure or management, are unfair and unreasonable to policyholders of the insurer and not in the public interest; or

(vi) The competence, experience and integrity of those persons who would control the operation of the insurer are such that it would not be in the interest of policyholders of the insurer and of the public to permit the merger or other acquisition of control.

(2) The public hearing referred to in clause (1) shall be held within 30 days after the statement required by subsection a. is filed, and at least 20 days' notice thereof shall be given by the commis-

sioner to the person filing the statement and the insurer. Not less than 7 days' notice of such public hearing shall be given by the person filing the statement to such other persons as may be designated by the commissioner. The insurer shall give such notice to its securityholders. The commissioner shall make a determination within 30 days after the conclusion of such hearing. At such hearing, the person filing the statement, the insurer, any person to whom notice of hearing was sent, and any other person whose interests may be affected thereby shall have the right to present evidence, examine and cross-examine witnesses, and offer oral and written arguments and in connection therewith shall be entitled to conduct discovery proceedings in the same manner as is presently allowed in the Superior Court of this State. All discovery proceedings shall be concluded not later than 3 days prior to the commencement of the public hearings.

e. Mailings to shareholders; payment of expenses. To the extent permitted by applicable Federal laws, rules and regulations, all statements, amendments, or other material filed pursuant to subsection a. or b., and all notices of public hearings held pursuant to subsection d., shall be mailed by the insurer to its shareholders within 5 business days after the insurer has received such statements, amendments, other material, or notices. The expenses of mailing shall be borne by the person making the filing. As security for the payment of such expenses, such person shall file with the commissioner an acceptable bond or other deposit in an amount to be determined by the commissioner.

f. Exemptions. The provisions of this section shall not apply to:

(1) Any acquisitions by the person, other than the issuer, referred to in subsection a. of any newly issued voting securities referred to in subsection a. which, immediately prior to such acquisition, were not issued and outstanding;

(2) Any offer, request, invitation, agreement or acquisition which the commissioner by order shall exempt therefrom as (a) not having been made or entered into for the purpose and not having the effect of changing or influencing the control of a domestic insurer, or (b) as otherwise not comprehended within the purposes of this section; and

(3) Any transaction which is subject to the provisions of section four of P. L. 1967, chapter 201 (C. 17:24–20).

g. Violations. The following shall be violations of this section:

(1) The failure to file any statement, amendment, or other material required to be filed pursuant to subsection a. or b.; or

(2) Subject to subsection f., the effectuation of an acquisition of control of, or merger with, a domestic insurer unless the commissioner has given his approval thereto.

h. Jurisdiction; consent to service of process. The courts of this State are hereby vested with jurisdiction over every person not resident, domiciled, or authorized to do business in this State who files a statement with the commissioner under this section, and over all actions involving such person arising out of violations of this section, and each such person shall be deemed to have performed acts equivalent to and constituting an appointment by such a person of the commissioner to be his true and lawful attorney upon whom may be served all lawful process in any action, suit or proceeding arising out of violations of this section. Copies of all such lawful process shall be served on the commissioner and transmitted by registered or certified mail by the commissioner to such person at his last known address.

C. 17:27A-3 Registration of insurers.

3. Registration of insurers.

a. Registration. Every insurer which is authorized to do business in this State and which is a member of an insurance holding company system shall register with the commissioner, except a foreign insurer subject to disclosure requirements and standards adopted by statute or regulation in the jurisdiction of its domicile which are substantially similar to those contained in this section. Any insurer which is subject to registration under this section shall register within 60 days after the effective date of this act or 15 days after it becomes subject to registration, whichever is later, unless the commissioner for good cause shown extends the time for registration, and then within such extended time. The commissioner may require any authorized insurer which is a member of a holding company system which is not subject to registration under this section to furnish a copy of the registration statement or other information filed by such insurance company with the insurance regulatory authority of domiciliary jurisdiction.

b. Information and form required. Every insurer subject to registration shall file a registration statement on a form provided by the commissioner, which shall contain current information about:

(1) The capital structure, general financial condition, ownership and management of the insurer and any person controlling the insurer;

(2) The identity of every member of the insurance holding company system;

(3) The following agreements in force, relationships subsisting, and transactions currently outstanding between such insurer and its affiliates:

(a) Loans, other investment, or purchases, sales or exchanges of securities of the affiliates by the insurer or of the insurer by its affiliates;

(b) Purchases, sales, or exchanges of assets;

(c) Transactions not in the ordinary course of business;

(d) Guarantees or undertakings for the benefit of an affiliate which result in an actual contingent exposure of the insurer's assets to liability, other than insurance contracts entered into in the ordinary course of the insurer's business;

(e) All management and service contracts and all cost-sharing arrangements, other than cost allocation arrangements based upon generally accepted accounting principles; and

(f) Reinsurance agreements covering all or substantially all of one or more lines of insurance of the ceding company.

(4) Other matters concerning transactions between registered insurers and any affiliates as may be included from time to time in any registration forms adopted or approved by the commissioner.

c. Materiality. No information need be disclosed on the registration statement filed pursuant to section 3b. if such information is not material for the purposes of this section. Unless the commissioner by rule, regulation or order provides otherwise, sales, purchases, exchanges, loans or extensions of credit, or investments, involving ½ of 1% or less of an insurer's admitted assets as of December 31 next preceding shall not be deemed material for purposes of this section.

d. Amendments to registration statements. Each registered insurer shall keep current the information required to be disclosed in its registration statement by reporting all material changes or additions on amendment forms provided by the commissioner within 15 days after the end of the month in which it learns of each such change or addition, provided, however, that subject to subsection c. of section 4, each registered insurer shall so report all such dividends and other distributions to shareholders within 2 business days following the declaration thereof.

e. Termination of registration. The commissioner shall terminate the registration of any insurer which demonstrates that it no longer is a member of an insurance holding company system.

f. Consolidated filing. The commissioner may require or allow 2 or more affiliated insurers subject to registration hereunder to file a consolidated registration statement or consolidated reports amending their consolidated registration statement or their individual registration statements.

g. Alternative registration. The commissioner may allow an insurer which is authorized to do business in this State and which is part of an insurance holding company system to register on behalf of any affiliated insurer which is required to register under subsection a. and to file all information and material required to be filed under this section.

h. Exemptions. The provisions of this section shall not apply to any insurer, information or transaction if and to the extent that the commissioner by rule, regulation, or order shall exempt the same from the provisions of this section.

i. Disclaimer. Any person may file with the commissioner a disclaimer of affiliation with any authorized insurer or such a disclaimer may be filed by such insurer or any member of an insurance holding company system. The disclaimer shall fully disclose all material relationships and bases for affiliation between such person and such insurer as well as the basis for disclaiming such affiliation. After a disclaimer has been filed, the insurer shall be relieved of any duty to register or report under this section which may arise out of the insurer's relationship with such person unless and until the commissioner disallows such a disclaimer. The commissioner shall disallow such a disclaimer only after furnishing all parties in interest with notice and opportunity to be heard and after making specific findings of fact to support such disallowance.

j. Violations. The failure to file a registration statement or any amendment thereto required by this section within the time specified for such filing shall be a violation of this section.

C. 17:27A-4 Standards.

4. Standards.

a. Transactions with affiliates. Material transactions by registered insurers with their affiliates shall be subject to the following standards:

(1) The terms shall be fair and reasonable;

(2) The books, accounts and records of each party shall be so maintained as to clearly and accurately disclose the precise nature and details of the transactions; and

(3) The insurer's surplus as regards policyholders following any dividends or distributions to shareholder affiliates shall be

reasonable in relation to the insurer's outstanding liabilities and adequate to its financial needs.

b. Adequacy of surplus. For purposes of this chapter, in determining whether an insurer's surplus as regards policyholders is reasonable in relation to the insurer's outstanding liabilities and adequate to its financial needs, the following factors, among others, shall be considered:

(1) The size of the insurer as measured by its assets, capital and surplus, reserves, premium writings, insurance in force and other appropriate criteria;

(2) The extent to which the insurer's business is diversified among the several lines of insurance;

(3) The number and size of risks insured in each line of business;

(4) The extent of the geographical dispersion of the insurer's insured risks;

(5) The nature and extent of the insurer's reinsurance program;

(6) The quality, diversification, and liquidity of the insurer's investment portfolio;

(7) The recent past and projected future trend in the size of the insurer's surplus as regards policyholders;

(8) The surplus as regards policyholders maintained by other comparable insurers;

(9) The adequacy of the insurer's reserves; and

(10) The quality and liquidity of investments in subsidiaries. The commissioner may treat any such investment as a disallowed asset for purposes of determining the adequacy of surplus as regards policyholders whenever in his judgment such investment so warrants.

c. Dividends and other distributions. No domestic insurer subject to registration under section 3 shall pay any extraordinary dividend or make any other extraordinary distribution to its shareholders until (1) 30 days after the commissioner has received notice of the declaration thereof and has not within such period disapproved such payment, or (2) the commissioner shall have approved such payment within such 30-day period.

For purposes of this section, an extraordinary dividend or distribution includes any dividend or distribution of cash or other property, whose fair market value together with that of other dividends or distributions made within the preceding 12 months exceeds the greater of (1) 10% of such insurer's surplus as regards policyholders as of December 31 next preceding, or (2) the net

gain from operations of such insurer, if such insurer is a life insurer, or the net investment income, if such insurer is not a life insurer, for the 12 month period ending December 31 next preceding, but shall not include pro rata distributions of any class of the insurer's own securities.

Notwithstanding any other provision of law, a domestic insurer may declare an extraordinary dividend or distribution which is conditional upon the commissioner's approval thereof, and such a declaration shall confer no rights upon policyholders until (i) 30 days after the commissioner has received notice of the declaration thereof and has not within such period disapproved such payment, or (ii) the commissioner shall have approved such payment within such 30-day period.

C. 17:27A-5 Examination.

5. Examination.

a. Power of commissioner. Subject to the limitation contained in this section and in addition to the powers which the commissioner has under other sections of this Title relating to the examination of insurers, the commissioner shall also have the power to order any insurer registered under section 3 to produce such records, books, or other information papers in the possession of the insurer or its affiliates as shall be necessary to ascertain the financial condition or legality of conduct of such insurer. In the event such insurer fails to comply with such order, the commissioner shall have the power to examine such affiliates to obtain such information.

b. Purpose and limitation of examination. The commissioner shall exercise his power under subsection a. above only if the examination of the insurer under other sections of this Title is inadequate or the interests of the policyholders of such insurer may be adversely affected.

c. Use of consultants. The commissioner may retain at the registered insurer's expense such attorneys, actuaries, accountants and other experts not otherwise a part of the commissioner's staff as shall be reasonably necessary to assist in the conduct of the examination under subsection a. above. Any persons so retained shall be under the direction and control of the commissioner and shall act in a purely advisory capacity.

d. Expenses. The reasonable expenses of the examination pursuant to subsection a. above shall be fixed and determined by the commissioner, and he shall collect them from the insurer examined, which shall pay them on presentation of a detailed account of the expenses.

C. 17:27A-6 Confidential treatment.

6. Confidential treatment.

All information, documents and copies thereof obtained by or disclosed to the commissioner or any other person in the course of an examination or investigation made pursuant to section 5 and all information reported pursuant to section 3 shall be given confidential treatment and shall not be subject to subpœna and shall not be made public by the commissioner or any other person, except to insurance departments of other states, without the prior written consent of the insurer to which it pertains unless the commissioner, after giving the insurer and its affiliates who would be affected thereby, notice and opportunity to be heard, determines that the interests of policyholders, shareholders or the public will be served by the publication thereof, in which event he may publish all or any part thereof in such manner as he may deem appropriate.

C. 17:27A-7 Rules and regulations.

7. Rules and regulations.

The commissioner may, upon notice and opportunity for all interested persons to be heard, issue such rules, regulations, and orders as shall be necessary to carry out the provisions of this chapter.

C. 17:27A-8 Injunctions; prohibitions against voting securities; sequestration of voting securities.

8. Injunctions; prohibitions against voting securities; sequestration of voting securities.

a. Injunctions. Whenever it appears to the commissioner that any person or any director, officer, employee or agent thereof has committed or is about to commit a violation of this chapter or of any rule, regulation, or order issued by the commissioner hereunder, the commissioner may apply to the Superior Court for an order enjoining such person or such director, officer, employee or agent thereof from violating or continuing to violate this chapter or any such rule, regulation or order, and for such other equitable relief as the nature of the case and the interests of the insurer's policyholders, creditors and shareholders or the public may require.

b. Voting of securities; when prohibited. No security which is the subject of any agreement or arrangement regarding acquisition, or which is acquired or to be acquired, in contravention of the provisions of this chapter or of any rule, regulation or order issued by the commissioner hereunder may be voted at any shareholders' meeting, or may be counted for quorum purposes, and any action of shareholders requiring the affirmative vote of a percentage of

shares may be taken as though such securities were not issued and outstanding; but no action taken at any such meeting shall be invalidated by the voting of such securities, unless the action would materially affect control of the insurer or unless the courts of this State have so ordered. If an insurer or the commissioner has reason to believe that any security of the insurer has been or is about to be acquired in contravention of the provisions of this chapter or of any rule, regulation or order issued by the commissioner hereunder the insurer or the commissioner may apply to the Superior Court to enjoin any offer, request, invitation, agreement or acquisition made in contravention of section 4 or any rule, regulation, or order issued by the commissioner thereunder to enjoin the voting of any security so acquired, to void any vote of such security already cast at any meeting of shareholders, and for such other equitable relief as the nature of the case and the interests of the insurer's policyholders, creditors and shareholders or the public may require.

c. Sequestration of voting securities. In any case where a person has acquired or is proposing to acquire any voting securities in violation of this chapter or any rule, regulation or order issued by the commissioner hereunder, the Superior Court may, on such notice as the court deems appropriate, upon the application of the insurer or the commissioner seize or sequester any voting securities of the insurer owned directly or indirectly by such person, and issue such orders with respect thereto as may be appropriate to effectuate the provisions of this chapter. Notwithstanding any other provisions of law, for the purposes of this chapter the situs of the ownership of the securities of domestic insurers shall be deemed to be in this State.

C. 17:27A-9 Criminal proceedings.

9. Criminal proceedings.

Whenever it appears to the commissioner that any person or any director, officer, employee or agent thereof has committed a willful violation of this chapter, the commissioner may cause criminal proceedings to be instituted in the Superior Court against such person or the responsible director, officer, employee or agent thereof. Any person willfully violating this chapter may be fined not more than $1,000.00. Any individual who willfully violates this chapter may, if such willful violation involves the deliberate perpetration of a fraud upon the commissioner, be imprisoned not more than 2 years.

C. 17:27A-10 Receivership.

10. Receivership.

Whenever it appears to the commissioner that any person has committed a violation of this chapter which so impairs the financial condition of a domestic insurer as to threaten insolvency or make the further transaction of business by it hazardous to its policyholders, creditors, shareholders or the public, then the commissioner may proceed as provided in chapter 30 of this Title to take possession of the property of such domestic insurer and to conduct the business thereof.

C. 17:27A-11 Revocation, suspension, or nonrenewal of insurer's license.

11. Revocation, suspension, or nonrenewal of insurer's license.

Whenever it appears to the commissioner that any person has committed a violation of this chapter which makes the continued operation of an insurer contrary to the interests of policyholders or the public, the commissioner may, after giving notice and an opportunity to be heard, determine to suspend, revoke or refuse to renew such insurer's license or authority to do business in this State for such period as he finds is required for the protection of policyholders or the public. Any such determination shall be accompanied by specific findings of fact and conclusions of law.

C. 17:27A-12 Judicial review; order in lieu of prerogative writ.

12. Judicial review; order in lieu of prerogative writ.

a. Any person aggrieved by any act, determination, rule, regulation, or order or any other action of the commissioner pursuant to this chapter may appeal therefrom to the Superior Court. The court shall conduct its review without a jury and by trial de novo, except that if all parties, including the commissioner, so stipulate, the review shall be confined to the record. Portions of the record may be introduced by stipulation into evidence in a trial de novo as to those parties so stipulating.

b. The filing of an appeal pursuant to this section shall stay the application of any such rule, regulation, order or other action of the commissioner to the appealing party unless the court, after giving such party notice and an opportunity to be heard, determines that such a stay would be detrimental to the interests of policyholders, shareholders, creditors or to the public.

c. Any person aggrieved by any failure of the commissioner to act or to make determination required by this chapter may commence an action in the Superior Court for an order in lieu of a prerogative writ directing the commissioner to act or make such determination forthwith.

C. 17:27A-13 Conflict with other laws.

13. Conflict with other laws.

All laws and parts of laws of this State inconsistent with this chapter are hereby superseded with respect to matters covered by this chapter.

C. 17:27A-14 Separability of provisions.

14. Separability of provisions.

If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this chapter which can be given effect without the invalid provision or application, and for this purpose the provisions of this chapter are separable.

15. This act shall take effect immediately.

Approved April 3, 1970.

CHAPTER 23

AN ACT to amend and supplement the "Local Emergency Aid Act of 1969," approved June 20, 1969 (P. L. 1969, c. 94).

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

C. 40:47A-1.1 "Emergency" defined; authority to determine.

1. As used in this act and in the act of which this act is amendatory and supplementary, "emergency" means any unusual conditions caused by civil disturbance whereby the safety of the public is endangered or imperiled. The occurrence of such an emergency shall be determined within the sole discretion of the officer, board or official having charge of the police or fire department in any municipality.

2. Section 4 of P. L. 1969, chapter 94 (C. 40:47A–4) is amended to read as follows:

C. 40:47A-4 Basis for payment.

4. The State House Commission may authorize payments to any municipality out of the Local Emergency Aid Fund for reimbursement to such municipality of any sums expended by emergency appropriation for an emergency as defined in this act.

3. Section 5 of P. L. 1969, chapter 94 (C. 40:47A–5) is amended to read as follows:

C. 40:47A-5 Application for payment; review.

5. Any municipality may make application to the State House Commission, in such form and manner as the commission shall prescribe, for payments to be made to such municipality out of the Local Emergency Aid Fund. Such application shall be made within 2 months from the effective date of the emergency appropriation for which reimbursement is sought or from the date specified by the State House Commission for formal receipt of such applications, whichever is later. The State House Commission shall review every such application and may cause further investigation or inquiry to be made to verify the accuracy of statements made therein and to establish the eligibility of the municipality to receive payment pursuant to the provisions of this act.

C. 40:47A-5.1 Amount of reimbursement.

4. The State House Commission, having verified the accuracy of statements made in the application for reimbursement and established the eligibility of the municipality to receive payment pursuant to the provisions of this act, shall:

(a) Award reimbursement in an amount equal to 75% of the actual expenditures made by a municipality, pursuant to emergency appropriations adopted in dealing with an emergency within its borders, or

(b) Award reimbursement equal to 100% of the expenditures incurred by a sending municipality and provided for by an emergency appropriation, in instances where said municipality is asked to provide and render assistance to a neighboring municipality in an emergency by supplying fire and police aid, or both, and does provide such assistance.

(c) In the event that the total of eligible requests for reimbursement exceeds the total amount of the fund, the State House Commission shall prorate and distribute the fund on the basis of the total of all eligible requests received.

C. 40:47A-7 Rules and regulations.

5. The State House Commission shall issue rules and regulations necessary to implement the administration of the Local Emergency Aid Fund.

6. Section 8 of P. L. 1969, chapter 94 is amended to read as follows:

8. This act shall take effect immediately and may be applied to emergencies occurring on or after January 1, 1969 and prior to January 1, 1970.

Approved April 3, 1970.

CHAPTER 24

AN ACT concerning certain county bridge commissions with relation to insurance contracts providing health benefits to employees and retired employees of the commission and their dependents and supplementing article 2 of chapter 19 of Title 27 of the Revised Statutes.

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

C. 27:19-34.1 Health benefits for employees.

1. Notwithstanding the provisions of any other law, any county bridge commission created under the article to which this act is a supplement and owning or controlling any bridge or bridges extending within the limits of another state may enter into contracts of insurance with carriers licensed to operate in this State providing hospital, surgical, obstetrical, medical and major medical expense benefits covering employees of the commission and their dependents, including retired employees of the commission and their dependents.

Payments heretofore made by such a county bridge commission under contracts providing any of the benefits in this act authorized are validated and confirmed.

2. This act shall take effect immediately.

Approved April 3, 1970.

CHAPTER 25

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

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

1. Section 5 of P. L. 1966, chapter 30 (C. 54:32B–5) is amended to read as follows:

C. 54:32B-5 Transitional provisions.

5. Transitional provisions. (a) (1) The taxes imposed under subsections (a), (b) and (c) of section 3 shall be paid upon re-

ceipts received on or after July 1, 1966 from all sales made and services rendered although made on or rendered under a contract entered into prior to said date, except that in the case of payment for a delivery or transfer of possession of tangible personal property made after July 1, 1966 pursuant to an agreement for the sale of said property made before May 9, 1966 such receipts shall not be subject to tax if; (A) such agreement for the sale of said property was made in writing, (B) the particular item or items of property so sold or agreed to be sold were segregated, before May 9, 1966, from any other similar property in the possession of the vendor and identified as having been appropriated to such sale or agreement of sale, and (C) the purchaser, before July 1, 1966 shall have paid to the vendor not less than 10% of the sale price of said property. Upon written application, made in accordance with applicable rules and regulations, the director may waive the requirement for segregation where it is demonstrated to the satisfaction of the director that in view of the nature of the transaction such segregation would have been impossible.

(2) Except as otherwise provided in this act, receipts received from all sales made and services rendered on and after July 1, 1966 but prior to March 1, 1970, are subject to the taxes imposed under subsections (a), (b), and (c) of section 3 of this act at the rate of 3%, except where the property so sold is delivered or the services so sold are rendered on or after March 1, 1970, in which case the tax shall be computed and paid at the rate of 5%, provided, however, that where a service or maintenance agreement taxable under this act covers any period commencing on or after July 1, 1966 and ending after February 28, 1970, the receipts from such agreement are subject to tax at the rate applicable to each period as set forth hereinabove and shall be apportioned on the basis of the ratio of the number of days falling within each of the said periods to the total number of days covered thereby.

(b) The tax imposed under subsection (d) of section 3 shall be paid at the rate of 5% upon any occupancy on and after March 1, 1970 although such occupancy is pursuant to a prior contract, lease or other arrangement. Where an occupancy, taxable under this act, covers any period on or after July 1, 1966 but prior to March 1, 1970 the rent for the period of occupancy prior to March 1, 1970 shall be taxed at the rate of 3%. Where rent is paid on a weekly, monthly or other term basis, the rent applicable to each

period as set forth hereinabove shall be apportioned on the basis of the ratio of the number of days falling within each of the said periods to the total number of days covered thereby.

(c) Except as otherwise hereinafter provided, the tax imposed under subsection (e) of section 3 shall be applicable at the rate of 5% to any admission to or for the use of facilities of a place of amusement occurring on or after March 1, 1970, whether or not the admission charge has been paid prior to such date unless the tickets were actually sold and delivered (other than for resale) prior to March 1, 1970 and the tax imposed under this act during the period July 1, 1966 through February 28, 1970 shall have been paid.

(d) (1) Sales made to contractors, subcontractors or repairmen of materials, supplies, or services for use in erecting structures for others, or building on, or otherwise improving, altering or repairing real property of others shall be exempt from the taxes imposed by subsections (a) and (b) of section 3 and section 6 hereof, provided such structure, building, improvement, alteration or repair is the subject of a written bid or contract duly tendered or entered into by such contractor, subcontractor, or repairman before May 9, 1966.

(2) Sales made to contractors, subcontractors or repairmen of materials, supplies, or services for use in erecting structures for others, or building on, or otherwise improving, altering or repairing real property of others shall be subject to the taxes imposed by subsections (a) and (b) of section 3 and section 6 hereof at the rate of 5%; provided, however, that when such sales are made for use in performance of a contract which is, either at a fixed price not subject to change or modification, or entered into pursuant to the obligation of a formal written bid which cannot be altered or withdrawn, and, in either case, such contract was entered into or such bid was made on or after May 9, 1966 but prior to March 1, 1970, such sales shall be subject to tax at the rate of 3%, but the vendor shall charge and collect from the purchaser a tax on such sales at the rate of 5% which tax shall be reduced to the rate of 3% only by a claim for refund filed by the purchaser with the director pursuant to the provisions of section 20 of this act.

(3) As to sales other than those referred to in (2) above, the taxes imposed under subsections (a) and (b) of section 3 and section 6 hereof upon receipts received on or after March 1, 1970 and

on or before December 31, 1970 shall be at the rate in effect on February 9, 1970 in case of sales made or services rendered pursuant to a written contract entered into on or after May 9, 1966 but prior to February 9, 1970 and accompanied by a deposit or partial payment of the contract price, except in the case of a contract which, in the usage of trade, is not customarily accompanied by a deposit or partial payment of the contract price, but the vendor shall charge and collect from the purchaser a tax on such sales at the rate of 5% which tax shall be refunded, if such receipts were not subject to tax on February 9, 1970, or reduced to the rate of 3%, as the case may be, only by a claim for refund filed by the purchaser with the director within 90 days after receipt of said receipts and otherwise pursuant to the provisions of section 20 of this act. A claim for refund where there has been no deposit or partial payment of the contract price shall not be allowed unless the claimant shall establish by clear and convincing evidence that, in the usage of trade, such contracts are not customarily accompanied by a deposit or partial payment of the contract price.

(e) (1) No tax shall be imposed under subsections (a), (b) and (c) of section 3 upon receipts received on or after July 1, 1966 in the case of sales made or services rendered, where delivery of the property which was the subject matter of the sale has been completed or such services have been entirely rendered, prior to July 1, 1966.

(2) The taxes imposed under subsections (a), (b) and (c) of section 3 upon receipts received on or after March 1, 1970 shall be at the rate of 3% in the case of sales made or services rendered, where delivery of the property which was the subject matter of the sale has been completed or such services have been entirely rendered, prior to March 1, 1970.

(f) The director shall be empowered to promulgate rules and regulations to implement the provisions of this section.

2. This act shall take effect March 1, 1970.

Approved April 3, 1970.

CHAPTER 26

AN ACT appropriating certain funds from the Water Conservation Fund for loans and grants for the planning and construction of sewerage treatment facilities by local governmental units and authorizing offers of grants from such fund subject to future appropriation upon ascertainment of construction costs.

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

1. There is hereby appropriated to the Division of Clean Air and Water in the State Department of Health from the Water Conservation Fund created pursuant to the Water Conservation Bond Act (P. L. 1969, c. 127) the sum of $11,000,000.00 for the purpose of making loans to local governmental units pursuant to the "State Public Sanitary Sewerage Facilities Assistance Act of 1965," P. L. 1965, chapter 121 (C. 26:2E–1 et seq.).

2. There is hereby appropriated from the proceeds of the Water Conservation Fund to the Division of Clean Air and Water in the State Department of Health a sum not to exceed $4,747,790.00 for the purpose of providing grants, which together with all grants heretofore made by the State shall not exceed 25% of the cost of that portion of approved sewerage projects which qualify for Federal assistance, pursuant to the provisions of the "State Public Sanitary Sewerage Facilities Assistance Act of 1965," P. L. 1965, chapter 121 (C. 26:2E–1 et seq.), for approved sewerage projects to the following municipalities and authorities:

Allentown borough
Plainfield, city of
Warren township
Clinton, town of
Middlesex County Sewerage Authority
Hamilton township, Mercer county
Fair Lawn borough
Caldwell borough
Northwest Bergen County Sewer Authority

All of the said sum of $4,747,790.00 may be paid over to said municipalities and authorities during the calendar year 1970.

3. There is hereby appropriated from the proceeds of the Water Conservation Fund to the Division of Clean Air and Water in the State Department of Health a sum not to exceed $5,140,697.00 for

the purpose of providing grants, which together with all grants heretofore made by the State shall not exceed 25% of the cost of that portion of approved sewerage projects which qualify for Federal assistance, pursuant to the provisions of the "State Public Sanitary Sewerage Facilities Assistance Act of 1965," P. L. 1965, chapter 121 (C. 26:2E–1 et seq.), for approved sewerage projects to the following municipalities and authorities:

Pompton Lakes Municipal Utilities Authority
Roxbury township
Madison Chatham Joint Meeting
Bridgewater Township Sewerage Authority
Northeast Monmouth County Regional Sewerage Authority
Montville Township Municipal Utilities Authority
Bergen County Sewer Authority
East Windsor township
Ewing-Lawrence Sewerage Authority
Bergen County Sewer Authority

All of the said sum of $5,140,697.00 may be paid over to said municipalities and authorities during the calendar year 1970.

4. There is hereby appropriated from the proceeds of the Water Conservation Fund to the Division of Clean Air and Water in the State Department of Health a sum not to exceed $44,589,306.00 for the purpose of providing grants, not exceeding 25% of the cost of that portion of approved sewerage projects which qualify for Federal assistance, pursuant to the provisions of the "State Public Sanitary Sewerage Facilities Assistance Act of 1965," P. L. 1965, chapter 121 (C. 26:2E–1 et seq.), for approved sewerage projects to the following municipalities and authorities:

Municipality or Authority	State I.D. Project Number
Allendale borough	49
Bergen County Sewer Authority	44
Bergen County Sewer Authority	41
Bergen County Sewer Authority	61
Bridgewater Sewerage Authority	45
Caldwell borough	56
Carlstadt borough	46
Dover Township Sewerage Authority	47
Phase I	
Phase II	
Phase III	

Municipality or Authority	State I.D. Project Number
Fair Lawn borough	17
Hackettstown Municipal Utilities Authority	26
Lower Township Municipal Utilities Authority	68
Middletown Township Sewerage Authority	27
Millville, city of	25
Montgomery township	59
Passaic Valley Sewerage Commission	..
Rahway Valley Sewerage Authority	22
Raritan Township Municipal Utilities Authority	14
Parsippany–Troy Hills	57
Somerset—Raritan Sewerage Authority	55
Summit, city of	13
Sussex County Service Center	58
East Rutherford	70
Passaic township	60
Sea Bright borough	74
Union City	62
Weehawken-Union City	63
Trunk Sewer Board Woodcliff Lakes	23
Bergen County Sewer Authority	66
Linden-Roselle Sewerage Authority	73
Madison township	65
Bergen County Sewer Authority	67
Bergen County Sewer Authority	64
Bloomfield, town of	72
Demarest borough	24
Gloucester County Sewerage Authority	52
New Shrewsbury borough	76
Rumson borough	77
Bergen County Sewer Authority	78
Bergen County Sewer Authority	79
Bergen County Sewer Authority	80
Mt. Laurel Township Municipal Utilities Authority	..
Neptune township	..
Roxbury township	82

Of the said sum of $44,589,306.00 there may be paid over to said municipalities and authorities during the calendar year 1970 the sum of $19,481,923.00.

5. This act shall take effect immediately.

Approved April 6, 1970.

CHAPTER 27

AN ACT authorizing the closing and abolition of county tuberculosis hospitals in certain cases.

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

C. 30:9-48.1 Authority to close certain hospitals.

1. The board of chosen freeholders of any county in which a county tuberculosis hospital is operated pursuant to R. S. 30:9–48 et seq., upon a determination that continued operation of the hospital is no longer necessary, may by resolution provide for the closing of such hospital and its abolition. No such resolution shall be adopted until publication of notice of its introduction and of the time and place of a public hearing thereon which shall be held not earlier than 10 days after such publication.

2. This act shall take effect immediately.

Approved April 9, 1970.

CHAPTER 28

AN ACT to amend and supplement "The New Jersey Highway Authority Act," and repealing P. L. 1969, chapter 263.

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

1. Section 4 of P. L. 1952, chapter 16 (C. 27:12B–4) is amended to read as follows:

C. 27:12B-4 New Jersey Highway Authority established; membership, removal, oath, vacancies, officers, quorum, bond, compensation.

4. There is hereby established in the State Highway Department a body corporate and politic, with corporate succession, to be known as the "New Jersey Highway Authority." The authority is hereby constituted an instrumentality exercising public and essential governmental functions, and the exercise by the authority of the powers conferred by this act in the construction, operation and maintenance of projects shall be deemed and held to be an essential governmental function of the State.

The New Jersey Highway Authority shall consist of five members, each of whom shall be a resident of the State, who shall

have been a qualified elector therein for a period of at least 1 year next preceding his appointment. Each member of the authority shall be appointed by the Governor, 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, one shall be for a term of 3 years and one for a term of 6 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 authority may be removed from office by the Governor, for cause, after a public hearing. Each member of the authority 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.

Any vacancies in the membership of the authority occurring other than by expiration of term shall be filled in the same manner as the original appointment, but for the unexpired term only.

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

Before the issuance of any bonds or notes under the provisions of this act, each member of the authority 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.

The members of the authority shall not receive compensation for their services as members of the authority. Each member shall

be reimbursed by the authority for his actual expenses necessarily incurred in the performance of his duties.

C. 27:12B-4.2 Terms of members.

2. Of the two additional members of the authority first to be appointed pursuant to this act, one shall be appointed for a term ending June 26, 1974 and one for a term ending June 26, 1975, as designated by the Governor. The incumbent members as of the effective date of this act shall continue to serve for the terms for which they were appointed.

C. 27:12B-4.1 Repealed.

3. "An act concerning the New Jersey Highway Authority and supplementing 'The New Jersey Highway Authority Act,' approved April 14, 1952 (P. L. 1952, c. 16)," approved January 9, 1970 (P. L. 1969, c. 263), is repealed.

4. This act shall take effect immediately, except that sections 1 and 2 shall remain inoperative until June 26, 1970. Anticipatory action may be taken in advance thereof, including the making of authorized appointments.

Approved April 9, 1970.

CHAPTER 29

A SUPPLEMENT to "An act making appropriations for the support of the State Government and the several public purposes for the fiscal year ending June 30, 1970, and regulating the disbursement thereof, approved June 4, 1969 (P. L. 1969, c. 71).

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

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

GENERAL STATE OPERATIONS
DEPARTMENT OF PUBLIC UTILITIES

352-100. NEW JERSEY PUBLIC BROADCASTING AUTHORITY

For the operating expenses of the authority for the period February 1 through June 30, 1970 ..... $400,000 00

2. This act shall take effect immediately.

Approved April 13, 1970.

CHAPTER 30

AN ACT to designate April 17 of each year as New Jersey Day, and providing for the issuance by the Governor of the State of New Jersey of an annual proclamation thereof.

WHEREAS, On April 17, 1702, at the Court of St. James in England, Queen Anne accepted a deed of surrender of their power of government from the Proprietors of East Jersey and West Jersey, and said date is regarded as marking the beginning of unified government in the Province of New Jersey;

WHEREAS, New Jersey, as one of the original thirteen states of the United States, as the third state to ratify the Constitution of the United States, as the State deservedly known as the Pathway of the Revolution, is a State with a rich treasury of history of meaningful significance to the everyday lives of its citizens and inhabitants and of all citizens and residents of the United States;

WHEREAS, This rich heritage of our forebears of the past three centuries can, and should, serve both as a guide and inspiration to realizing the hopes and aspirations of past and present citizens and residents enunciated in the motto of the State of New Jersey: "Liberty and Prosperity" for all; and

WHEREAS, It is reasonable and desirable that the Legislature and Governor shall set aside a day each year for the commemoration of the beginning of unified government in New Jersey and for reflection upon the heritage with which we have been endowed and for guidance and inspiration in our continuing pursuit of liberty, prosperity and happiness; now, therefore,

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

C. 36:2-3 New Jersey Day.

1. The Governor of the State of New Jersey is requested to issue annually an appropriate proclamation designating April 17 as New Jersey Day and calling upon all citizens and residents of this State to commemorate and observe said day as the anniversary of the beginning of unified government in New Jersey by directing, and participating in, programs recalling our heritage and its meaning to New Jersey today and in the future.

2. This act shall take effect immediately.

Approved April 17, 1970.

CHAPTER 31

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. 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 fifth anniversary of the date of the original notes provided, however, that no such notes shall be renewed beyond the third anniversary date of the original notes unless an amount of such notes, at least equal to the first legally payable installment of the bonds in anticipation of which said notes are issued, is paid and retired on or before said third anniversary date and, if such notes are renewed beyond the fourth anniversary date of the original notes, a like amount is paid or retired on or before said fourth anniversary date from funds other than the proceeds of obligations, 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 fifth fiscal year next following the date of the original notes, provided that, in addition to amounts paid and retired pursuant to paragraph a. above, 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 fifth 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.

c. The local finance board shall issue, in the manner prescribed by law, such rules and regulations as are necessary to the implementation and execution of this act.

2. This act shall take effect immediately.

Approved April 20, 1970.

CHAPTER 32

AN ACT to amend the "New Jersey Housing Finance Agency Law of 1967," approved May 31, 1967 (P. L. 1967, c. 81).

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

1. Section 3 of P. L. 1967, chapter 81 (C. 55:14J–3) is amended to read as follows:

C. 55:14J-3 Definitions.

3. The following terms wherever used or referred to in this act shall have the following meanings, unless a different meaning clearly appears from the context:

(a) "Act" means this act and the rules and regulations adopted by the agency hereunder.

(b) "Agency" means the New Jersey Housing Finance Agency created by section 4 of this act, or, if said agency shall be abolished by law, the person, board, body or commission succeeding to the powers and duties thereof or to whom such powers and duties shall be given by law.

(c) "Bonds, bond anticipation notes and other obligations," or "bonds, bond anticipation notes or other obligations" means any

bonds, notes, debentures or other evidences of financial indebtedness issued by the agency.

(d) "Family" means two or more persons related by blood, marriage or adoption who live or expect to live together as a single household in the same dwelling unit; provided, however, that any individual who (1) has attained retirement age as defined in section 216a of the Federal Social Security Act, or (2) is under a disability as defined in section 223 of that act, or (3) such other individuals as the agency by rule or regulation shall include, shall be considered as a family for the purpose of this act; and provided further, that the surviving member of a family whose other members died during occupancy of a housing project shall be considered as a family for purposes of permitting continued occupancy of the dwelling unit occupied by such family.

(e) "Family of moderate income" means a family (1) whose income is too low to compete successfully in the normal rental or mutual housing market, and (2) whose gross aggregate family income does not exceed the limits established under section 10 of this act.

(f) "Gross aggregate family income" means the total annual income of all members of a family, from whatever source derived, including but not limited to, pension, annuity, retirement and social security benefits, provided, however, that there may be excluded from income (1) such reasonable allowances for dependents, (2) such reasonable allowances for medical expenses, (3) all or any proportionate part of the earnings of gainfully employed minors or family members other than the chief wage earner, or (4) such income as is not received regularly, as the agency by rule or regulation may determine.

(g) "Housing project" or "project" means any work or undertaking, whether new construction or rehabilitation, which is designed for the primary purpose of providing decent, safe and sanitary dwelling units for families of moderate income in need of housing; such undertaking may include any buildings, land, equipment, facilities, or other real or personal properties which are necessary, convenient, or desirable appurtenances, such as, but not limited to streets, sewers, utilities, parks, site preparation, landscaping, and such stores, offices, and other nonhousing facilities such as administrative, community, health, recreational, educational and welfare facilities as the agency determines to be necessary, convenient or desirable appurtenances.

(h) "Municipality" means any political subdivision of the State other than a county or a school district.

(i) "Mutual housing" means a housing project operated or to be operated upon completion of construction or rehabilitation exclusively for the benefit of the families of moderate income who are entitled to occupancy by reason of ownership of stock in the qualified housing sponsor, or by reason of coownership of premises in a horizontal property regime pursuant to chapter 168 of the laws of 1963, provided, however, the agency may adopt rules and regulations permitting a reasonable percentage of space in such project to be rented for residential or for commercial use.

(j) "Project cost" means the sum total of all costs incurred in the development of a housing project, which are approved by the agency as reasonable and necessary, which costs shall include, but are not necessarily limited to, (1) cost of land acquisition and any buildings thereon, (2) cost of site preparation, demolition and development, (3) architect, engineer, legal, agency and other fees paid or payable in connection with the planning, execution and financing of the project, (4) cost of necessary studies, surveys, plans and permits, (5) insurance, interest, financing, tax and assessment costs and other operating and carrying costs during construction, (6) cost of construction, reconstruction, fixtures, and equipment related to the real property, (7) cost of land improvements, (8) necessary expenses in connection with initial occupancy of the project, (9) a reasonable profit or fee to the builder and developer, (10) an allowance established by the agency for working capital and contingency reserves, and reserves for any anticipated operating deficits during the first 2 years of occupancy, (11) the cost of such other items, including tenant relocation, as the agency shall determine to be reasonable and necessary for the development of the project, less any and all net rents and other net revenues received from the operation of the real and personal property on the project site during construction.

All costs shall be subject to approval and audit by the agency. The agency may adopt rules and regulations specifying in detail the types and categories of cost which shall be allowable if actually incurred in the construction or reconstruction of a housing project.

(k) "Qualified housing sponsor" means (1) any housing corporation qualified under the provisions of the "Limited-Dividend Nonprofit Housing Corporations or Associations Law," P. L. 1949, chapter 184 (C. 55:16–1 et seq.), (2) any urban renewal corporation or association qualified under the provisions of the "Urban

Renewal Corporation and Association Law of 1961," P. L. 1961, chapter 40 (C. 40:55C–40 et seq.) which has as one of its purposes the construction, rehabilitation or operation of housing projects, (3) any general corporation formed under the provisions of Title 14 or Title 14A of the Revised Statutes which has as one of its purposes the construction, rehabilitation or operation of housing projects, (4) any corporation or association organized not for profit under the provisions of Title 15 of the Revised Statutes or any other law of this State which has as one of its purposes the construction, rehabilitation or operation of housing projects, (5) any horizontal property regime formed under the "Horizontal Property Act," P. L. 1963, chapter 168 (C. 46:8A–1 et seq.) or any condominium formed under the "Condominium Act" P. L. 1969, chapter 257 (C. 46:8B–1), which has as one of its purposes the construction, rehabilitation or operation of housing projects, and (6) any individual or association approved by the agency as qualified to own, construct, rehabilitate, operate, manage and maintain a housing project.

(l) "Required minimum capital reserve" means the reserve amount required to be maintained in the Housing Finance Fund under the provisions of section 20 of this act.

2. This act shall take effect immediately.

Approved April 21, 1970.

CHAPTER 33

AN ACT relating to the organization and reorganization of the Executive Branch of the State Government, continuing the Department of Conservation and Economic Development as a principal department in the Executive Branch of the State Government to be known and designated as the Department of Environmental Protection, and revising parts of the statutory law.

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

C. 13:1D-1 Department reorganized and designated.

1. The Department of Conservation and Economic Development heretofore established as a principal department in the Executive

Branch of the State Government is hereby reorganized, continued and designated as the Department of Environmental Protection, and the office of Commissioner of Conservation and Economic Development is hereby continued and designated as the office of the Commissioner of Environmental Protection.

C. 13:1D-2 Powers and duties continued.

2. Except as otherwise provided by this act, all the functions, powers and duties of the existing Department of Conservation and Economic Development and the commissioner thereof are continued in the Department of Environmental Protection as hereby designated and in the office of the commissioner thereof.

3. Section 5 of P. L. 1948, chapter 448 (C. 13:1B–5) is amended to read as follows:

C. 13:1B-5 Divisions in department; assistants in Administrative Division; absence or disability of Commissioner.

5. a. There is hereby established in the Department of Environmental Protection, a Division of Environmental Quality, a division of Natural Resources, a Division of Fish, Game and Shell Fisheries, a Division of Water Policy and Supply and a Division of Parks, Forestry and Recreation.

The commissioner shall have authority to organize and maintain in his offices an administrative division and to assign to employment therein such secretarial, clerical and other assistants in the department as his office and the internal operations of the department shall require, and the commissioner shall have authority to direct and coordinate the uses of all public lands under the jurisdiction of the department.

In addition, the commissioner shall have the authority to reorganize the department and the several divisions established therein, into such offices, bureaus and agencies which he deems to be necessary and desirable.

b. The commissioner may designate any officer or employee in the department to perform all of the powers, functions and duties of the commissioner during the absence or disability of the commissioner. Such designation shall be subject to the approval of the Governor, and shall be in writing and filed with the Secretary of State. In the event that the commissioner shall die, resign or be removed from office or become disqualified to execute the duties of his office or a vacancy shall occur in the office of the commissioner for any cause whatever, the person designated as aforesaid shall have and exercise the powers and perform the functions, powers

and duties of the commissioner until the successor of the commissioner is appointed and shall qualify.

C. 13:1D-3 Division of Natural Resources; Natural Resource Council.

4. a. The Division of Resource Development, together with all of its functions, powers and duties is continued as the Division of Natural Resources in the Department of Environmental Protection.

b. The Resource Development Council, together with all of its functions, powers and duties, is continued as the Natural Resource Council in the Department of Environmental Protection. This act shall not affect the terms of office of the present members of the council. The members of the council shall continue to be appointed as provided by existing law.

5. Section 9 of chapter 448 of the laws of 1948 (C. 13:1B–9) is amended to read as follows:

C. 13:1B-9 Powers and duties performed through Division of Natural Resources.

9. In addition to other functions, powers and duties vested in it by this act or by any other law, the department shall, through the Division of Natural Resources:

a. Except as otherwise provided by law, act as the exclusive agency and instrumentality of the State for the acquisition of lands for recreation and conservation purposes.

b. Give due consideration to coordination with the plans of other departments of State Government with respect to land conservation, use or acquisition. For this purpose, the department is authorized to use the facilities of any interdepartmental committee or other agency suitable to assist in such coordination.

c. Conduct or encourage research designed to further new and more extensive uses of the natural resources of the State.

d. Cooperate with other State agencies and departments and with interstate and Federal departments and agencies, and with interested individuals and groups in the promotion and development of plans, policies and programs for the study, beneficial use, conservation and protection of natural resources within the State.

6. Section 11 of chapter 448 of the laws of 1948 (C. 13:1B–11) is amended to read as follows:

C. 13:1B-11 Formulation of policies.

11. The Natural Resource Council shall, subject to the approval of the commissioner:

a. Advise on comprehensive policies with respect to land conservation, use or acquisition in cooperation with the Division of Environmental Quality.

b. Formulate comprehensive policies for the prevention and control of beach erosion.

C. 13:1D-4 Division of Fish, Game and Shell Fisheries; powers and duties transferred to; transfer of certain councils.

7. a. All the functions, powers and duties of the Division of Fish and Game of the existing Department of Conservation and Economic Development, of the Fish and Game Council therein, and of the Division of Shell Fisheries of the existing Department of Conservation and Economic Development, and of the Shell Fisheries Council therein, and of the Commissioner of Conservation and Economic Development relating to, or administered through said divisions, are transferred to and vested in the Division of Fish, Game and Shell Fisheries established hereunder.

b. The Fish and Game Council, together with all of its functions, powers and duties, is continued as the Fish and Game Council in the Division of Fish, Game and Shell Fisheries in the Department of Environmental Protection. This act shall not affect the terms of office of the present members of the council. The members of the council shall continue to be appointed as provided by existing law.

c. The Shell Fisheries Council, together with all of its functions, powers, and duties, is continued as the Shell Fisheries Council in the Division of Fish, Game and Shell Fisheries in the Department of Environmental Protection. This act shall not affect the terms of office of the present members of the council. The members of the council shall continue to be appointed as provided by existing law.

C. 13:1D-5 Division of Environmental Quality; powers and duties transferred to.

8. The Division of Clean Air and Water established by Executive Notice No. 109, dated February 16, 1967, and Executive Notice No. 132 dated July 1, 1968 of the State Commissioner of Health pursuant to P. L. 1947, chapter 177, section 5 (C. 26:1A–5) together with all of its functions, powers and duties, is transferred to and constituted the Division of Environmental Quality in the Department of Environmental Protection. Such division, by and through its director, shall continue to have all of the powers and shall exercise all of the functions and duties vested in it or imposed upon it by said executive notices or by this or any other law.

C. 13:1D-6 Division Director; appointment, salary, duties.

9. The Director of the Division of Environmental Quality shall be appointed by the commissioner, subject to the approval of the Governor, and shall serve at the pleasure of the commissioner. The director shall receive such salary as shall be provided by law. The

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

C. 13:1D-7 Division of Environmental Quality; powers and duties transferred to; transfer of certain councils.

10. a. All the functions, powers and duties heretofore exercised by the Department of Health, the commissioner thereof, and of the Public Health Council relating to air pollution, water pollution, radiation protection, waters of this State, sewage, sewerage facilities, refuse disposal, and potable water supplies, including the licensing of water and sewerage treatment plant operators, are hereby transferred to, and vested in The Division of Environmental Quality and the Commissioner of the Department of Environmental Protection, and including without limitation, those functions, powers and duties derived from the "Air Pollution Control Act (1954)," P. L. 1954, chapter 212, P. L. 1967, chapter 106, P. L. 1966, chapter 16, P. L. 1962, chapter 215 (C. 26:2C–1 to 26:2C–25), the "Air Pollution Emergency Control Act (1967)," P. L. 1967, chapter 108 (C. 26:2C–26 to 26:2C–36), the "Radiation Protection Act," P. L. 1958, chapter 116, P. L. 1961, chapter 124 (C. 26:2D–1 et seq.), the "State Public Sanitary Sewerage Facilities Act (1965)," P. L. 1965, chapter 121 and P. L. 1967, chapter 109 (C. 26:2E–1 et seq.), P. L. 1942, chapter 308 (C. 58:11–9.1 to 58:11–9.11), P. L. 1938, chapter 206 (C. 58:11–18.1 to 58:11–18.5), P. L. 1941, chapter 234 (C. 58:11–18.7 to 58:11–18.9), P. L. 1946, chapter 295 (C. 58:11–18.10 to 58:11–18.22), the "Realty Improvement Sewerage Facilities Act (1954)," P. L. 1954, chapter 199 (C. 58:11–23 to 58:11–42), chapter 14 of Title 24 of the Revised Statutes (Oysters, Clams and other Shellfish), chapter 10 of Title 58 of the Revised Statutes (Pollution of Waters), chapter 11 of Title 58 of the Revised Statutes (Water and Sewerage Plants and Systems in General), chapter 12 of Title 58 of the Revised Statutes (Sewerage Districts and Sewerage District Boards), the "Water Conservation Bond Act," P. L. 1969, chapter 127, P. L. 1966, chapter 15 (C. 39:3–70.1, 39:3–70.2), P. L. 1966, chapter 127, and P. L. 1967, chapter 104 (C. 54:4–3.56 to 54:4–3.58), and all amendments and supplements to said acts and statutes.

b. The Clean Air Council, together with all of its functions, powers and duties, is continued, transferred and constituted the Clean Air Council in the Department of Environmental Protection. This act shall not affect the terms of office of the present members

of the council. The members of the council shall continue to be appointed as provided by existing law.

c. The Clean Water Council, together with all of its functions, powers and duties, is continued, transferred and constituted the Clean Water Council in the Department of Environmental Protection. This act shall not affect the terms of office of the present members of the council. The members of the council shall continue to be appointed as provided by existing law.

d. The Commission on Radiation Protection, together with all of its functions, powers and duties, is continued, transferred and constituted the Commission on Radiation Protection in the Department of Environmental Protection. This act shall not affect the terms of office of the present members of the commission. The members of the commission shall continue to be appointed as provided by existing law.

C. 13:1D-8 Division of Environmental Quality; powers and duties transferred to.

11. All the functions, powers and duties heretofore exercised by the Department of Agriculture, the Secretary thereof, and the State Chemist therein, pursuant to the "Economic Poison Act of 1951," P. L. 1951, chapter 316 and P. L. 1969, chapter 116 (C. 4:8A–1, et seq.), and all amendments and supplements to said acts, are hereby transferred to and vested in the Division of Environmental Quality established hereunder.

C. 13:1D-9 Department's additional powers and duties.

12. The department shall formulate comprehensive policies for the conservation of the natural resources of the State, the promotion of environmental protection and the prevention of pollution of the environment of the State. The department shall in addition to the powers and duties vested in it by this act or by any other law have the power to:

a. Conduct and supervise research programs for the purpose of determining the causes, effects and hazards to the environment and its ecology;

b. Conduct and supervise State-wide programs of education including the preparation and distribution of information relating to conservation, environmental protection and ecology;

c. Require the registration of persons engaged in operations which may result in pollution of the environment and the filing of reports by them containing such information as the department may prescribe to be filed relative to pollution of the environment, all in accordance with applicable codes, rules or regulations established by the department;

d. Enter and inspect any building or place for the purpose of investigating an actual or suspected source of pollution of the environment and ascertaining compliance or noncompliance with any code, rules and regulations of the department. Any information relating to secret processes concerning methods of manufacture or production obtained in the course of such inspection, investigation or determination, shall be kept confidential and shall not be admissible in evidence in any court or in any other proceeding except before the department as herein defined. If samples are taken for analysis, a duplicate of the analytical report shall be furnished promptly to the person suspected of causing pollution of the environment;

e. Receive or initiate complaints of pollution of the environment, including thermal pollution, hold hearings in connection therewith and institute legal proceedings for the prevention of pollution of the environment and abatement of nuisances in connection therewith and shall have the authority to seek and obtain injunctive relief and the recovery of fines and penalties in summary proceedings in the Superior Court;

f. Prepare, administer and supervise State-wide, regional and local programs of conservation and environmental protection, giving due regard for the ecology of the varied areas of the State and the relationship thereof to the environment, and in connection therewith prepare and make available to appropriate agencies in the State technical information concerning conservation and environmental protection, cooperate with the Commissioner of Health in the preparation and distribution of environmental protection and health bulletins for the purpose of educating the public, and cooperate with the Commissioner of Health in the preparation of a program of environmental protection;

g. Encourage, direct and aid in coordinating State, regional and local plans and programs concerning conservation and environmental protection in accordance with a unified State-wide plan which shall be formulated, approved and supervised by the department. In reviewing such plans and programs and in determining conditions under which such plans may be approved, the department shall give due consideration to the development of a comprehensive ecological and environmental plan in order to be assured insofar as is practicable that all proposed plans and programs shall conform to reasonably contemplated conservation and environmental protection plans for the State and the varied areas thereof;

h. Administer or supervise programs of conservation and environmental protection, prescribe the minimum qualifications of all persons engaged in official environmental protection work, and encourage and aid in coordinating local environmental protection services;

i. Establish and maintain adequate bacteriological, radiological and chemical laboratories with such expert assistance and such facilities as are necessary for routine examinations and analyses, and for orginal investigations and research in matters affecting the environment and ecology;

j. Administer or supervise a program of industrial planning for environmental protection; encourage industrial plants in the State to undertake environmental and ecological engineering programs, and cooperate with the State Departments of Health and Labor and Industry in formulating rules and regulations concerning industrial sanitary conditions;

k. Supervise sanitary engineering facilities and projects within the State, authority for which is now or may hereafter be vested by law in the department, and shall, in the exercise of such supervision, make and enforce rules and regulations concerning plans and specifications, or either, for the construction, improvement, alteration or operation of all public water supplies, all public bathing places, land fill operations and of sewerage systems and disposal plants for treatment of sewage, wastes and other deleterious matter, liquid, solid or gaseous, require all such plans or specifications, or either, to be first approved by it before any work thereunder shall be commenced, inspect all such projects during the progress thereof and enforce compliance with such approved plans and specifications;

l. Undertake programs of research and development for the purpose of determining the most efficient, sanitary and economical ways of collecting, disposing or utilizing of solid waste;

m. Construct and operate, on an experimental basis, incinerators or other facilities for the disposal of solid waste, provide the various municipalities and counties of this State, the Public Utilities Commission, and the Division of Local Finance in the Department of Community Affairs with statistical data on costs and methods of solid waste collection, disposal and utilization;

n. Enforce the State air pollution, water pollution, conservation, environmental protection, waste and refuse disposal laws, rules and regulations;

o. Acquire by purchase, grant, contract or condemnation, title to real property, for the purpose of demonstrating new methods and techniques for the collection or disposal of solid waste;

p. Purchase, operate and maintain, pursuant to the provisions of this act, any facility, site, laboratory, equipment or machinery necessary to the performance of its duties pursuant to this act;

q. Contract with any other public agency or corporation incorporated under the laws of this or any other State for the performance of any function under this act;

r. With the approval of the Governor, cooperate with, apply for, receive and expend funds from, the Federal Government, the State Government, or any county or municipal government or from any public or private sources for any of the objects of this act;

s. Make annual and such other reports as it may deem proper to the Governor and the Legislature evaluating the demonstrations conducted during each calendar year;

t. Keep complete and accurate minutes of all hearings held before the commissioner or any member of the department pursuant to the provisions of this act. All such minutes shall be retained in a permanent record, and shall be available for public inspection at all times during the office hours of the department.

C. 13:1D-10 Division of Economic Development; Division of Veterans' Services; certain councils; transfer of.

13. a. The Division of Economic Development, together with all of its functions, powers and duties, is continued, transferred and constituted the Division of Economic Development in the Department of Labor and Industry.

The Economic Development Council, together with all of its functions, powers and duties, is continued, transferred and constituted the Economic Development Council in the Department of Labor and Industry. This act shall not affect the terms of office of the present members of the council. The members of the council shall continue to be appointed as provided by existing law.

b. The New Jersey Area Redevelopment Authority, established pursuant to the laws of 1962, chapter 204, as amended and supplemented (C. 13:1B–15.13 et seq.), together with all of its functions, powers and duties, is continued and transferred to the Department of Labor and Industry. This act shall not affect the terms of office of the present members of the authority. The members of the authority shall continue to be appointed as provided by existing law, except that the Commissioner of Banking shall serve as an ex-

officio member of the authority in the place and stead of the Commissioner of Banking and Insurance as heretofore.

c. The functions, powers and duties of the Division of Veterans' Services in the Department of Conservation and Economic Development are transferred to and shall be exercised and performed by the Department of Institutions and Agencies through an appropriate organizational unit to be established by the Commissioner of Institutions and Agencies with the approval of the State Board of Control. The term of office of the Director of the Division of Veterans' Services shall expire on the effective date of this act.

The Veterans' Services Council, together with all its functions, powers and duties, is continued and constituted the Veterans' Services Council in the Department of Institutions and Agencies. This act shall not affect the terms of office of the present members of the council. The members of the council shall continue to be appointed as provided by existing law.

C. 13:1D-11 Certain grants and moneys transferred.

14. a. All appropriations, grants and other moneys available and to become available to any department, division, bureau, board, commission, council or other agency, the functions, powers and duties of which have been herein assigned or transferred to the Department of Environmental Protection, are hereby transferred to the Department of Environmental Protection established hereunder, and shall be available for the objects and purposes for which appropriated, subject to any terms, restrictions, limitations or other requirements imposed by State or Federal law.

b. All appropriations, grants and other moneys available and to become available to any department, division, bureau, board, commission, council or other agency, the functions, powers and duties of which have been hereto assigned or transferred to the Department of Labor and Industry or the Department of Institutions and Agencies are hereby transferred to the Department of Labor and Industry and the Department of Institutions and Agencies, respectively, and shall be available for the objects and purposes for which appropriated, subject to any terms, restrictions, limitations or other requirements imposed by State or Federal law.

C. 13:1D-12 Certain employees transferred.

15. a. Such employees of any department, division, bureau, board, commission, council or other agency, the functions, powers and duties of which have been herein assigned or transferred to the Department of Environmental Protection or to any agency designated,

continued or constituted therein, as the Commissioner of Environmental Protection may determine are needed for the proper performance of the functions and duties imposed upon the Department of Environmental Protection, or any agency therein, are hereby transferred to the department or agency to which such functions, powers and duties have been herein assigned or transferred.

b. Such employees of any division, bureau, board, council or other agency, the functions, powers and duties of which have been herein assigned or transferred to the Department of Labor and Industry or the Department of Institutions and Agencies or to any agency designated, continued or constituted therein, are hereby transferred to the department or agency to which such functions, powers and duties have been herein assigned or transferred.

C. 13:1D-13 Tenure and pension rights protected.

16. Nothing in this act shall be construed to deprive any person of any tenure rights or of any right or protection provided him by Title 11 of the Revised Statutes, Civil Service, or under any pension law or retirement system.

C. 13:1D-14 Certain books, records and equipment transferred.

17. a. All files, books, papers, records, equipment and other property of any department, division, bureau, board, commission, council or other agency, the functions, powers and duties of which have been herein assigned or transferred to the Department of Environmental Protection or to any agency designated, continued or constituted hereunder, shall upon the effective date of this act be transferred to the department or agency to which such assignment or transfer has been made hereunder.

b. All files, books, papers, records, equipment and other property of any department, division, bureau, board, commission, council or other agency, the functions, powers and duties of which have been herein assigned or transferred to the Department of Labor and Industry or the Department of Institutions and Agencies, shall upon the effective date of this act be transferred to the department or agency to which such assignment or transfer has been made hereunder.

C. 13:1D-15 Rules and regulations continued.

18. This act shall not affect the orders, rules and regulations heretofore made or promulgated by any department, division, bureau, board, commission, council or other agency, the functions, powers and duties of which have been herein assigned or transferred to the Department of Environmental Protection or to any

agency designated, continued or constituted hereunder; but such orders, rules and regulations shall continue with full force and effect until amended or repealed pursuant to law.

a. This act shall not affect the orders, rules and regulations heretofore made or promulgated by any division, bureau, board, commission, council or other agency, the functions, powers and duties of which have been herein assigned or transferred to the Department of Labor and Industry or the Department of Institutions and Agencies; but such orders, rules and regulations shall continue with full force and effect until amended or repealed pursuant to law.

C. 13:1D-16 Pending actions or proceedings not affected.

19. This act shall not affect actions or proceedings, civil or criminal, brought by or against any department, division, bureau, board, commission, council or other agency, the functions, powers and duties of which have been herein assigned or transferred to the Department of Environmental Protection or to any other department, or to any agency designated, continued or constituted hereunder, and pending on the effective date of this act, but such actions or proceedings may be prosecuted or defended in the same manner and to the same effect by the department or agency to which such assignment or transfer has been made hereunder, as if the foregoing provisions had not taken effect; nor shall any of the foregoing provisions affect any order or recommendation made by, or other matters or proceedings before, any department, division, bureau, board, commission, council or other agency, the functions, powers and duties of which have been herein assigned or transferred to the Department of Environmental Protection or to any other department, or to any agency designated, continued or constituted hereunder, and all such matters or proceedings pending before such department, division, bureau, board, commission, council or other agency on the effective date of this act shall be continued by the department or agency to which such assignment or transfer has been made hereunder, as if the foregoing provisions had not taken effect.

C. 13:1D-17 Filing certain reports, certifications, applications or requests.

20. Unless specifically otherwise provided in this act or by any operative law, whenever, pursuant to existing law, reports, certifications, applications or requests are required or permitted to be made to a department, division, bureau, board, commission, council or other agency, whose powers and duties are herein assigned or

transferred, such reports and certifications shall hereafter be required to be filed with, and such applications or requests shall hereafter be made to, the department or agency to which such assignment or transfer has been made hereunder.

C. 13:1D-18 Certain references in laws, regulations, contracts or documents.

21. With respect to the functions, powers and duties hereby transferred to the Department of Environmental Protection, whenever in any law, rule, regulation, contract, document, judicial or administrative proceeding or otherwise, reference is made to the Department of Conservation and Economic Development, or the commissioner thereof, the same shall mean and refer to the Department of Environmental Protection and the Commissioner of Environmental Protection, respectively.

With respect to the functions, power and duties of the Department of Health and the commissioner thereof, which are herein transferred and vested in the Division of Environmental Quality established hereunder, whenever in any law, rule, regulation, contract, document or otherwise, reference is made to the Department of Health, or the commissioner thereof, the same shall be deemed to mean and refer to the Department of Environmental Protection and the Commissioner of Environmental Protection, respectively.

Whenever the term "Division of Clean Air and Water" occurs or any reference is made thereto in any law, contract or document, the same shall be deemed to mean or refer to the Division of Environmental Quality in the Department of Environmental Protection established hereunder.

Whenever the term "Clean Air Council" occurs or any reference is made thereto in any law, contract or document, the same shall be deemed to mean or refer to the Clean Air Council in the Department of Environmental Protection established hereunder.

Whenever the term "Clean Water Council" occurs or any reference is made thereto in any law, contract or document, the same shall be deemed to mean or refer to the Clean Water Council in the Department of Environmental Protection established hereunder.

Whenever the term, "Commission on Radiation Protection" or any reference is made thereto in any law, contract or document, the same shall be deemed to mean or refer to the Commission on Radiation Protection in the Department of Environmental Protection established hereunder.

Whenever the term "Division of Fish and Game" or "Division of Shell Fisheries" occurs or any reference is made thereto in any

law, contract or document, the same shall be deemed to refer to the Division of Fish, Game and Shell Fisheries established hereunder.

Whenever the term "Director of Fish and Game" 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 Fish, Game and Shell Fisheries established hereunder.

Whenever the term "Fish and Game Council" occurs or any reference is made thereto in any law, contract or document, the same shall be deemed to mean or refer to the Fish and Game Council in the Department of Environmental Protection established hereunder.

Whenever the term "Shell Fisheries Council" occurs or any reference is made thereto in any law, contract or document, the same shall be deemed to mean or refer to the Shell Fisheries Council in the Department of Environmental Protection established hereunder.

Whenever the term "Director of Shell Fisheries" 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 Fish, Game and Shell Fisheries established hereunder.

Whenever the term "Division of Resource Development" or "Director of the Division of Resource Development" occurs or any reference is made thereto in any law, contract or document, the same shall be deemed to mean or refer to the Division of Natural Resources established hereunder and the director thereof, respectively.

Whenever the term "Resource Development Council" or "Planning and Development Council" occurs or any reference is made thereto in any law, contract or document, the same shall be deemed to mean or refer to the Natural Resource Council established hereunder.

Whenever the term "Division of Parks, Forestry and Recreation" occurs or any reference is made thereto in any law, contract or document, the same shall be deemed to mean or refer to the Division of Parks, Forestry and Recreation in the Department of Environmental Protection established hereunder.

Whenever the term "Parks, Forestry and Recreation Council" occurs or any reference is made thereto in any law, contract or document, the same shall be deemed to mean or refer to the Parks, Forestry and Recreation Council in the Department of Environmental Protection established hereunder.

Whenever the term "Division of Water Policy and Supply" occurs or any reference is made thereto in any law, contract or document, the same shall be deemed to mean or refer to the Division

of Water Policy and Supply in the Department of Environmental Protection.

Whenever the term "Water Policy and Supply Council" occurs or any reference is made thereto in any law, contract or document, the same shall be deemed to mean or refer to the Water Policy and Supply Council in the Department of Environmental Protection.

Whenever the term "Division of Economic Development" is referred to in any law, contract or document, the same shall be deemed to mean or refer to the Division of Economic Development in the Department of Labor and Industry.

Whenever the term "Economic Development Council" is referred to in any law, contract or document, the same shall be deemed to mean or refer to the Economic Development Council in the Department of Labor and Industry.

Whenever the term "Division of Veterans' Services" is referred to in any law, contract or document, the same shall be deemed to mean or refer to the organizational unit of the Department of Institutions and Agencies to be established pursuant to section 13 of this act.

Whenever the term "Veterans' Services Council" is referred to in any law, contract or document, the same shall be deemed to mean or refer to the Veterans' Services Council in the Department of Institutions and Agencies.

With respect to the functions, powers and duties of the Department of Agriculture which are hereby transferred and vested in the Division of Environmental Quality established hereunder, whenever in any law, rule, regulation, contract, document or otherwise reference is made to the Department of Agriculture, the same shall mean and refer to the Department of Environmental Protection established hereunder.

22. The term of office of the Director of the Division of Shell Fisheries shall expire on the effective date of this act.

C. 13:1D-19 Inconsistent acts repealed.

23. All acts and parts of acts inconsistent with any of the provisions of this act are, to the extent of such inconsistency, superseded and repealed.

24. The provisions of this act shall become operative at the beginning of the biweekly pay period next following enactment. Anticipatory action may be taken in advance thereof including the making of authorized appointments, and confirmation or approval

thereof, and, within the limits of funds available to the department, the expenditure of funds for payment of salaries and expenses incident thereto.

25. Section 122 of P. L. 1948, chapter 448 (C. 13:1B–71) is amended to read as follows:

C. 13:1B-71 Short title.

122. This act shall be known as, and may be cited as, the "Department of Environmental Protection Act of 1970."

26. This act shall take effect immediately.

Approved April 22, 1970.

CHAPTER 34

AN ACT concerning motor vehicles, and amending section 39:3–27 of the Revised Statutes.

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

1. Section 39:3–27 of the Revised Statutes is amended to read as follows:

Free registration of certain motor vehicles; expiration; transfer to another motor vehicle.

39:3–27. No fee shall be charged for the registration of motor vehicles not used for pleasure or hire, owned by the United States, the State of New Jersey, a municipality, county, Passaic Valley Sewerage Commissioners, North Jersey District Water Supply Commission, a county improvement authority created under the "county improvement authorities law" (P. L. 1960, c. 183), a duly authorized volunteer fire department, any duly recognized auxiliary or reserve police organization of any municipality, hospital, humane society, and anticruelty society in this State, New Jersey wing of the Civil Air Patrol incorporated by the Act of July 1, 1946 (Public Law 476—79th Congress), the American Red Cross, chartered local councils in New Jersey of the Boy Scouts of America or the Girl Scouts of the United States of America or ambulances owned

by nationally organized recognized veterans' organizations. These vehicles shall be registered and display number plates as provided in this subtitle or the director may, in his discretion, issue special registration certificates and special number plates for any of these motor vehicles which shall be valid for such motor vehicles until the transfer of ownership or the destruction of such motor vehicles at which time the special registration shall expire. Upon the expiration of any special registration the registration certificate and special number marker shall be returned to the director; provided, however, upon proper application to the director the special registration and special number marker may be transferred to another motor vehicle acquired by the owner to whom the special registration and marker were issued.

2. This act shall take effect immediately.

Approved April 24, 1970.

CHAPTER 35

A SUPPLEMENT to "An act making appropriations for the support of the State Government and the several public purposes for the fiscal year ending June 30, 1970, and regulating the disbursement thereof," approved June 4, 1969 (P. L. 1969, c. 71).

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

1. In addition to the $158,000.00 appropriated to the Department of Law and Public Safety, Division of State Police, pursuant to the first item under account number 120-170 entitled "Capital Construction; Maintenance Garage—Somerset County," there is hereby appropriated out of the General State Fund to the department for said purpose the further sum of $75,000.00.

2. This act shall take effect immediately.

Approved May 1, 1970.

CHAPTER 36

A SUPPLEMENT to "An act making appropriations for the support of the State Government and the several public purposes for the fiscal year ending June 30, 1970, and regulating the disbursement thereof," approved June 4, 1969 (P. L. 1969, c. 71).

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 $50,000

2. This act shall take effect immediatelly.

Approved May 1, 1970.

CHAPTER 37

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 23 of P. L. 1946, chapter 138 (C. 40:14A–23) is amended to read as follows:

C. 40:14A-23 Contracts for collection, treatment and disposal of sewage; powers of sewerage authority.

23. Any sewerage authority and any municipality within or without the district by ordinance of its governing body may enter into a contract or contracts providing for or relating to the collection, treatment and disposal of sewage originating in the district or in such municipality by means of the sewerage system or any sewerage facilities of such municipality or both, and the cost and expense of such collection, treatment and disposal. Such contract or contracts may provide for the payment to the sewerage au-

thority 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 sewerage 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 sewerage authority by such municipality, any other municipality, any county or any person, or from an 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 sewerage authority or as may be deemed necessary or desirable by the sewerage authority. Any such contract may provide that the sum or sums so payable to the sewerage authority shall be in lieu of all or any part of the service charges which would otherwise be charged and collected by the sewerage 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 sewerage authority and determined by it to be necessary for its purposes prior to the placing in operation of the sewerage system and may provide for the payment by such municipality to the sewerage 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 sewerage 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 sewerage 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. 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 con-

tract and to provide for the payment or discharge of any obligation thereunder in the same manner as other obligations of such municipality. Subject to any such contracts with the holders of bonds, the sewerage authority is hereby authorized to do and perform any and all acts or things necessary, convenient or desirable to carry out and perform every such contract 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 sewerage authority with regard to persons or real property within such municipality, but nothing in this section or any such contract shall prevent the sewerage authority from charging and collecting, as if such contract had not been made, service charges with regard to such persons and real property sufficient to meet any default or deficiency in any payments agreed in such contract to be made by such municipality.

2. This act shall take effect immediately.

Approved May 1, 1970.

CHAPTER 38

AN ACT to increase available funds for residential mortgage loans in the State; creating the New Jersey Mortgage Finance Agency and defining its powers and duties; authorizing loans by the agency to mortgage lenders to furnish funds for new residential mortgage loans; authorizing the issuance of bonds and notes of the agency and providing the terms and security thereof; and making an appropriation therefor.

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

C. 17:1B-4 Short title.

1. This act shall be known as, and may be cited as, the "New Jersey Mortgage Finance Agency Law."

C. 17:1B-5 Legislature's findings.

2. The Legislature hereby finds: that the drastic decline in new housing starts, together with the existing large number of substandard dwellings, has produced a critical shortage of adequate housing in this State adversely affecting the economy of this State

and the well-being of its residents; that there exists a need for adequate, safe and sanitary housing for New Jersey's residents; that a large and significant number of New Jersey residents have and will be subject to hardship in finding adequate, safe and sanitary housing unless new facilities are constructed and existing housing, where appropriate, is rehabilitated; that unless the supply of housing and the ability of our residents to obtain mortgage financing is increased significantly and expeditiously, a large number of residents of this State will be compelled to live in unsanitary, overcrowded and unsafe conditions to the detriment of the health, welfare and well-being of these persons and of the whole community of which they are a part; that by increasing the housing supply of this State and the ability of our residents to obtain mortgage financing, the clearance, replanning, development and redevelopment of blighted areas will be aided, and the critical shortgage of adequate housing will be ameliorated.

It is hereby found that a major cause of this housing crisis is the lack of funds available to finance housing by the private mortgage lending institutions of the State; it is further found that this lack of funds has frustrated the sale and purchase of existing residences in the State.

The Legislature has determined that to aid in remedying these conditions, to promote the expansion of the supply of funds available for residential mortgages and thereby help alleviate the shortage of adequate housing, a corporate agency of the State shall be created with power to raise funds from private investors in order to make those funds available for residential mortgage loans in this State. The Legislature has further determined that by utilizing such powers the agency created shall help develop the financial resources available to meet the housing needs of its residents. This purpose is best accomplished through a program whereby mortgage lending institutions make the needed residential mortgage loans through the use of proceeds of loans made available by the agency on terms designed to assure the expansion of available mortgage funds while protecting against the realization by these mortgage lending institutions of an excessive financial return or benefit.

The Legislature further finds that the authority and powers conferred under this Act and the expenditure of public moneys pursuant thereto constitutes a serving of a valid public purpose and that the enactment of the provisions hereinafter set forth is in the public interest and is hereby so declared to be such as a matter of express legislative determination.

C. 17:1B-6 Definitions.

3. The following words or terms as used in this act shall have the following meanings unless a different meaning clearly appears from the context:

(a) "Act" means this New Jersey Mortgage Finance Agency Law.

(b) "Agency" means the New Jersey Mortgage Finance Agency created by section 4 of the act.

(c) "Bonds" means bonds issued by the agency pursuant to the act.

(d) "Mortgage lender" means any bank or trust company, savings bank, national banking association, savings and loan association, or building and loan association maintaining an office in the State, or any insurance company authorized to transact business in the State.

(e) "New residential mortgage" means a loan made by a mortgage lender and secured by a mortgage constituting a first lien upon real property (or a lease of the fee of real property) located in the State and improved by a residential building or unimproved if the proceeds of such loan shall be used for the purpose of erecting a residential building thereon; provided that each such mortgage loan shall be made to the original mortgagor thereof from the proceeds of a loan made by the agency to such mortgage lender pursuant to section 6 of the act.

(f) "Notes" means notes issued by the agency pursuant to the act.

(g) "State" means the State of New Jersey.

C. 17:1B-7 New Jersey Mortgage Finance Agency established; membership, appointment, terms, vacancies, removal, oath, officers, quorum, bond, compensation, dissolution.

4. (a) There is hereby established in the Department of Banking a public body corporate and politic, with corporate succession, to be known as the "New Jersey Mortgage Finance Agency." The agency is hereby constituted as an instrumentality exercising public and essential governmental functions, and the exercise by the agency of the powers conferred by the act shall be deemed and held to be an essential governmental function of the State.

(b) The agency shall consist of the Commissioner of Banking, the Commissioner of Community Affairs and the State Treasurer, who shall be members ex officio, and two members appointed by the Governor with the advice and consent of the Senate for terms of 3 years, provided that the two members appointed by the Governor shall be residents of the State and shall have been qualified

electors therein for at least 1 year next preceding the time of appointment, and provided further that the members first appointed by the Governor shall serve for terms of 2 years and 3 years, respectively. Each member shall hold office for the term of his appointment and until his successor shall have been appointed and qualified. A member shall be eligible for reappointment. Any vacancy in the membership occurring other than by expiration of term shall be filled in the same manner as the original appointment but for the unexpired term only.

(c) Each appointed member may be removed from office by the Governor, for cause, after a public hearing, and may be suspended by the Governor pending the completion of such hearing. Each member 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.

(d) The Commissioner of Banking shall be the chairman and chief executive officer of the agency and the members shall elect one of their number as vice-chairman thereof. The agency shall elect a secretary and a treasurer who need not be members, and the same person may be elected to serve both as secretary and treasurer. The powers of the agency shall be vested in the members thereof in office from time to time and three members of the agency shall constitute a quorum at any meeting thereof. Action may be taken and motions and resolutions adopted by the agency at any meeting thereof by the affirmative vote of at least three members of the agency, no less than two of whom shall be members ex officio. No vacancy in the membership of the agency shall impair the right of a quorum of the members to exercise all the powers and perform all the duties of the agency.

(e) Before the issuance of any bonds or notes, each member of the agency shall execute a surety bond in the penal sum of $25,000.00 and the treasurer of the agency shall execute a surety bond in the penal sum of $50,000.00, each such surety bond to be conditioned upon the faithful performance of the duties of the office of such member or treasurer, as the case may be, to be executed by a surety company authorized to transact business in the State of New Jersey as surety and to be approved by the Attorney General and filed in the office of the Secretary of State. At all times after the issuance of any bonds or notes by the agency each member of the agency shall maintain such surety bonds in full force and effect. All costs of such surety bonds shall be borne by the agency.

(f) The members of the agency shall serve without compensation, but the agency shall reimburse its members for actual expenses necessarily incurred in the discharge of their duties. Notwithstanding the provisions of any other law, no officer or employee of the State shall be deemed to have forfeited or shall forfeit his office or employment or any benefits or emoluments thereof by reason of his acceptance of the office of member of the agency or his services therein.

(g) Each ex officio member of the agency may designate an officer or employee of his department to represent him at meetings of the agency, and each such designee may lawfully vote and otherwise act on behalf of the member for whom he constitutes the designee. Any such designation shall be in writing delivered to the agency and shall continue in effect until revoked or amended by writing delivered to the agency.

(h) The agency may be dissolved by act of the Legislature on condition that the agency has no debts or obligations outstanding or provision has been made for the payment or retirement of such debts or obligations. Upon any such dissolution of the agency all property, funds and assets thereof shall be vested in the State.

C. 17:1B-8 Agency's powers.

5. Except as otherwise limited by the act, the agency shall have power:

(a) To sue and be sued;

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

(c) To make and alter bylaws for its organization and internal management and rules and regulations for the conduct of its affairs and business;

(d) To maintain an office at such place or places within the State as it may determine;

(e) To acquire, hold, use and dispose of its income, revenues, funds and moneys;

(f) To acquire, rent, lease, hold, use and dispose of real or personal property for its purposes;

(g) To borrow money and to issue its negotiable bonds or notes and to provide for and secure the payment thereof and to provide for the rights of the holders thereof;

(h) To make loans to mortgage lenders under terms and conditions requiring the proceeds thereof to be used by such mortgage lenders for the making of new residential mortgages, all subject to the provisions of section 6 of the act;

(i) To establish, and revise from time to time and charge and collect fees and charges in connection with loans made by the agency to mortgage lenders under the act;

(j) Subject to any agreement with bondholders or noteholders, to collect, enforce the collection of, and foreclose on any collateral securing its loans to mortgage lenders and acquire or take possession of such collateral and sell the same at public or private sale, with or without bidding, and otherwise deal with such collateral as may be necessary to protect the interests of the agency therein;

(k) To make, enter into and enforce all contracts or agreements necessary, convenient or desirable for the purposes of the agency or pertaining to any loan by it to a mortgage lender or to the performance of its duties and execution or carrying out of any of its powers under this act;

(l) Subject to any agreement with bondholders or noteholders, to consent to any modification with respect to rate of interest, time and payment of any installment of principal or interest, security or any other term of any loan to a mortgage lender or any bond or note, contract or agreement of any kind to which the agency is a party.

(m) Subject to any agreement with bondholders or noteholders, to invest moneys of the agency not required for immediate use, including proceeds from the sale of any bonds or notes, in such obligations, securities and other investments as the agency shall deem prudent;

(n) To contract for and to accept any gifts or grants or loans of funds or property or financial or other aid in any form from the United States of America or any agency or instrumentality thereof, or from the State or any agency, instrumentality or political subdivision thereof, or from any other source and to comply, subject to the provisions of the act, with the terms and conditions thereof;

(o) Subject to any agreements with bondholders or noteholders, to purchase bonds or notes of the agency out of any funds or money of the agency available therefor, and to hold, cancel or resell such bonds or notes;

(p) To appoint and employ an executive director and such additional officers who need not be members of the agency and accountants, attorneys, financial advisors or experts and all such other or different officers, agents and employees as it may require and determine their qualifications, terms of office, duties and com-

pensation, all without regard to the provisions of Title 11, Civil Service, of the Revised Statutes;

(q) To do and perform any acts and things authorized by the act under, through, or by means of its officers, agents or employees or by contracts with any person, firm or corporation;

(r) To conduct examinations and hearings and to hear testimony and take proof, under oath or affirmation, at public or private hearings, on any matter material for its information and necessary to carry out the provisions of the act;

(s) To issue subpœnas requiring the attendance of witnesses and the production of books and papers pertinent to any hearing before the agency, or before one or more of the members of the agency appointed by it to conduct such hearing;

(t) To apply to any court, having territorial jurisdiction of the offense, to have punished for contempt any witness who refuses to obey a subpœna, or who refuses to be sworn or affirmed to testify, or who is guilty of any contempt after summons to appear;

(u) To procure insurance against any losses in connection with its property, operations or assets in such amounts and from such insurers as it deems desirable; and

(v) To do any and all things necessary or convenient to carry out its purposes and exercise the powers given and granted in the act.

C. 17:1B-9 Loans; rules and regulations; conditions.

6. (a) The agency shall from time to time make loans to mortgage lenders so as to furnish, as rapidly as possible, funds to mortgage lenders for new residential mortgages.

(b) The agency shall from time to time adopt, modify, amend or repeal rules and regulations governing the making of such loans to mortgage lenders and the application of the proceeds thereof, including rules and regulations as to any or all of the following:

(1) Procedures for the submission of requests or the invitation of proposals for loans;

(2) Standards and requirements as to allocations of loans among all or certain of the mortgage lenders or awards of loans and determining the amounts and interest rates thereof;

(3) Limitations or restrictions as to the number of family units, location or other qualifications or characteristics of residences to be financed by new residential mortgages;

(4) Restrictions as to the interest rates on new residential mortgages or the return realized therefrom by mortgage lenders;

(5) Requirements as to commitments by mortgage lenders with respect to new residential mortgages;

(6) Schedules of any fees and charges necessary to provide for expenses and reserves of the agency; and

(7) Any other matters related to the duties and the exercise of the powers of the agency under this section.

Such rules and regulations shall be designed to effectuate the general purposes of this act and the following specific objectives: (i) the expansion of the supply of funds in the State available for new residential mortgages; (ii) the provision of the additional housing needed to remedy the shortage of adequate housing in the State and eliminate the existence of a large number of substandard dwellings; and (iii) the effective participation by mortgage lenders in the program authorized by the act and the restriction of the financial return and benefit thereto from such program to that necessary and reasonable to induce such participation.

(c) Loans to mortgage lenders shall be general obligations of the respective mortgage lenders owing the same and shall bear such date or dates, shall mature at such time or times, shall be evidenced by such note, bond or other certificate of indebtedness, shall be subject to prepayment, and shall contain such other provisions consistent with this section, all as the agency shall by resolution determine.

(d) Any other provision of this section to the contrary notwithstanding, the interest rate or rates and other terms of the loans to mortgage lenders made from the proceeds of any issue of bonds of the agency shall be at least sufficient so as to assure the payment of said bonds and the interest thereon as the same become due from the amounts received by the agency in repayment of such loans and interest thereon.

(e) The agency shall require as a condition of each loan to a mortgage lender that such mortgage lender shall on or prior to the One-Hundred-Eightieth day (or such earlier day as shall be prescribed by rules and regulations of the agency) following the receipt of the loan proceeds have entered into written commitments to make, and shall thereafter proceed as promptly as practicable to make and disburse from such loan proceeds, new residential mortgages having a stated maturity of not less than 15 years from the date thereof in an aggregate principal amount equal to the amount of such loan.

(f) The agency shall require that such loans to mortgage lenders shall be additionally secured as to payment of both prin-

cipal and interest by a pledge of and lien upon collateral security in such amounts as the agency shall by resolution determine to be necessary to assure the payment of such loans and the interest thereon as the same become due. Such collateral security shall consist of (i) direct obligations of, or obligations guaranteed by, the United States of America; (ii) bonds, debentures, notes or other evidences of indebtedness, satisfactory to the agency, issued by any of the following Federal agencies: Bank for Cooperatives, Federal Intermediate Credit Bank, Federal Home Loan Bank System, Export-Import Bank of Washington, Federal Land Banks, the Federal National Mortgage Association or the Government National Mortgage Association; (iii) direct obligations of or obligations guaranteed by the State; or (iv) mortgages insured or guaranteed by the United States of America or an instrumentality thereof as to payment of principal and interest. The agency may require in the case of any or all mortgage lenders that such collateral be lodged with a bank or trust company located in the State designated by the agency as custodian therefor. In the absence of such requirement a mortgage lender shall upon receipt of the loan proceeds from the agency enter into an agreement with the agency containing such provisions as the agency shall deem necessary to adequately identify and maintain such collateral and service the same and shall provide that such mortgage lender shall hold such collateral as an agent for the agency and shall be held accountable as the trustee of an express trust for the application and disposition thereof and the income therefrom solely to the uses and purposes in accordance with the provisions of such agreement. A copy of each such agreement and any revisions or supplements thereto shall be filed with the Secretary of State and no further filing or other action under Title 12A, Commercial Transactions, of the New Jersey Statutes or any other law of the State shall be required to perfect the security interest of the agency in such collateral or any additions thereto or substitutions therefor, and the lien and trust for the benefit of the agency so created shall be binding from and after the time made against all parties having claims of any kind in tort, contract, or otherwise against such mortgage lender. The agency may also establish such additional requirements as it shall deem necessary with respect to the pledging, assigning, setting aside, or holding of such collateral and the making of substitutions therefor or additions thereto and the disposition of income and receipts therefrom.

(g) The agency shall require the submission to it by each mortgage lender to which the agency has made a loan of evidence satisfactory to the agency of the making of new residential mortgages as required by this section and prescribed by rules and regulations of the agency and in connection therewith may inspect the books and records of such mortgage lender.

(h) The agency may require as a condition of any loans to mortgage lenders such representations and warranties as it shall determine to be necessary to secure such loans and carry out the purposes of the act.

(i) All new residential mortgages made as required by this section shall comply with the applicable provisions of the laws of the State, and, where Federal law or the law of another jurisdiction govern the affairs of the mortgage lender, shall comply with applicable provisions of such law.

(j) Compliance by any mortgage lender with the terms of this section and its undertaking to the agency with respect to the making of new residential mortgages may be enforced by decree of the Superior Court. The agency may require as a condition of any loan to any mortgage lender the consent of such mortgage lender to the jurisdiction of the Superior Court over any such proceeding. The agency may also require agreement by any mortgage lender, as a condition of the loan to such mortgage lender, to the payment of penalties to the agency for violation by the mortgage lender of any provision of this section or its undertaking to the agency with respect to the making of new residential mortgages, and such penalties shall be recoverable at the suit of the agency.

(k) If at any time the agency shall determine that an adequate supply of funds exists in regular banking channels for new residential mortgages, the agency shall discontinue the making of loans to mortgage lenders until such time as the agency may subsequently determine that the supply of funds available for new residential mortgages is again inadequate.

C. 17:1B-10 Issuance of bonds or notes; bond resolution.

7. (a) The agency shall have the power and is hereby authorized from time to time to issue its bonds or notes in such principal amounts as in the opinion of the agency shall be necessary to provide sufficient funds for any of its corporate purposes, including the making of loans to mortgage lenders, the payment, funding or refunding of the principal of, or interest or redemption premiums on, any bonds or notes issued by it whether the bonds or notes or interest to be funded or refunded have or have not become due,

the establishment or increase of such reserves to secure or to pay such bonds or notes or interest thereon and all other costs or expenses of the agency incident to and necessary or convenient to carry out its corporate purposes and powers.

(b) Except as may be otherwise expressly provided in the act or by the agency, every issue of bonds or notes shall be general obligations payable out of any revenues or funds of the agency, subject only to any agreements with the holders of particular bonds or notes pledging any particular revenues or funds. The agency may issue such types of bonds or notes as it may determine, including bonds or notes as to which the principal and interest are payable (1) exclusively from the revenues of the agency resulting from the loans to mortgage lenders made with the proceeds of such bonds or notes; (2) exclusively from the revenues of the agency resulting from certain loans made to mortgage lenders whether or not made in whole or in part from the proceeds of such bonds or notes; or (3) from its revenues generally. Any such bonds or notes may be additionally secured by a pledge of any grant, subsidy or contribution from the United States of America or any agency or instrumentality thereof or the State or any agency, instrumentality or political subdivision thereof, or any person, firm or corporation, or a pledge of any income or revenues, funds or moneys of the agency from any source whatsoever.

(c) Whether or not the bonds and notes are of such form and character as to be negotiable instruments under the terms of Title 12A, Commercial Transactions, New Jersey Statutes, the bonds and notes are hereby made negotiable instruments within the meaning of and for all the purposes of said Title 12A, subject only to the provisions of the bonds and notes for registration.

(d) Bonds or notes of the agency shall be authorized by a resolution or resolutions of the agency and may be issued in one or more series and shall bear such date or dates, mature at such time or times, bear interest at such rate or rates of interest per annum or within such maximum rate, 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 such resolution or resolutions may provide.

(e) Bonds or notes of the agency may be sold at public or private sale at such price or prices and in such manner as the agency shall

determine. Every bond shall mature and be paid not later than 30 years from the date thereof, and every note shall mature and be paid not later than 5 years from the date thereof.

(f) Bonds or notes may be issued under the provisions of the 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 other things than those proceedings, conditions or things which are specifically required by the act.

(g) Bonds and notes of the agency issued under the provisions of the act shall not be in any way a debt or liability of the State or of any political subdivision thereof other than the agency and shall not create or constitute any indebtedness, liability or obligation of the State or of any such political subdivision or be or constitute a pledge of the faith and credit of the State or of any such political subdivision but all such bonds and notes, unless funded or refunded by bonds or notes of the agency, shall be payable solely from revenues or funds pledged or available for their payment as authorized in the act. Each bond and note shall contain on its face a statement to the effect that the agency is obligated to pay the principal thereof or the interest thereon only from revenues or funds of the agency and that neither the State nor any political subdivision thereof is obligated to pay such principal or interest and that neither the faith and credit nor the taxing power of the State or any political subdivision thereof is pledged to the payment of the principal of or the interest on such bonds or notes.

(h) All expenses incurred in carrying out the provisions of the act shall be payable solely from revenues or funds provided or to be provided under the provisions of the act and nothing in the act shall be construed to authorize the agency to incur any indebtedness or liability on behalf of or payable by the State or any political subdivision thereof.

C. 17:1B-11 Provisions of bond resolution.

8. Any resolution or resolutions authorizing any bonds or notes of the agency may contain provisions which shall be a part of the contract with the holders of such bonds or notes, as to the following:

(1) The pledging of or creating of a lien on, as security for the payment of the principal and redemption price of and interest on any bonds or notes of the agency, all or any part of its revenues or assets to which its right then exists or may thereafter come

into existence, and the moneys derived therefrom, including the loans made to mortgage lenders pursuant to the act and the revenues therefrom and the rights and interests of the agency in and to any collateral securing such loans and the collections and proceeds therefrom, all or any part of any money, funds or property held in trust or otherwise by others for the payment of any such loans to mortgage lenders or any bonds or notes of the agency, and all or any part of the proceeds of any bonds or notes, and covenanting against pledging all or any part of such revenues, assets, moneys, funds or property, or against permitting or suffering any lien thereon;

(2) Otherwise providing for the custody, collection, securing, investment and payment of any revenues, assets, moneys, funds or property of the agency or with respect to which the agency may have any rights or interest;

(3) The use and disposition of any and all payments of principal or interest received by the agency with respect to loans to mortgage lenders or any income or proceeds from investments held by the agency;

(4) The establishment and setting aside of reserves or sinking funds and the regulation and disposition thereof;

(5) The custody, application and disposition of the proceeds of any bonds or notes;

(6) Limitations on the issuance of additional bonds or notes, the terms upon which additional bonds or notes may be issued and secured, and on the refunding of other bonds or notes;

(7) The rank or priority of any such bonds or notes with respect to any lien or security or as to the acceleration of the maturity of any such bonds or notes;

(8) The creation of special funds or moneys to be held in trust or otherwise for 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;

(9) 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;

(10) The custody of any of its properties or investments, the safekeeping thereof, the insurance to be carried thereon, and the use and disposition of insurance moneys;

(11) The time or manner of enforcement or restraint from enforcement of any rights of the agency arising by reason of or with respect to nonpayment of principal or interest with respect to loans to mortgage lenders or any rights to or security interest in the collateral securing such loans.

(12) Defining the acts of omissions to act which shall constitute a default in the obligations and duties of the agency and providing for the rights and remedies of the holders of bonds or notes in the event of such default, provided, however, that such rights and remedies shall not be inconsistent with the general laws of the State and other provisions of the act;

(13) Vesting in a trustee or trustees within or without the State such properties, rights, powers and duties in trust as the agency may determine, which may include any or all of the rights, powers and duties of any trustee appointed by the holders of any bonds or notes pursuant to section 9 of the act and to limit or abrogate the right of the holders of any bonds or notes of the agency to appoint a trustee under the act or limiting the rights, powers and duties of such trustee;

(14) Appointing and providing for the duties and obligations of a paying agent or paying agents or such other fiduciaries within or without the State;

(15) Any other matters of like or different character which in any way affect the security and protection of the bonds or notes and the rights of the holders thereof.

C. 17:1B-12 Appointment of trustee in event of default by agency; trustee's powers, fees and expenses.

9. (a) In the event that the agency shall default in the payment of principal of or interest on any issue of bonds or notes 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 agency shall fail or refuse to comply with the provisions of the act or shall fail or refuse to carry out and perform the terms of any contract with the holders of any such bonds or notes and such failure or refusal shall continue for a period of 30 days after written notice to the agency of its existence and nature, the holders of 25% in aggregate principal amount of such issue of bonds or notes 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 such bonds or notes for the purpose provided in this section.

(b) Such trustee may and upon written request of the holders of 25% in aggregate principal amount of such bonds or notes then outstanding shall, in his or its own name:

(1) By any action, writ, or other proceeding, enforce all rights of the holders of such bonds or notes, including the right to collect and enforce the payment of principal of and interest due or becoming due on loans to mortgage lenders and collect and enforce any collateral securing such loans or sell such collateral, so as to carry out any contract as to, or pledge of, revenues, and to require the agency to carry out and perform the terms of any contract with the holders of such bonds or notes or its duties under the act;

(2) Bring suit upon all or any part of such bonds or notes;

(3) By action, require the agency 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 notes; or

(5) Declare all such bonds or notes due and payable, whether or not in advance of maturity, upon 30 days' prior notice in writing to the agency, and, if all defaults shall be made good, then with the consent of the holders of 25% of the principal amount of such bonds then outstanding, annul such declaration and its consequences.

(c) Such trustee shall, in addition to the foregoing, have and possess all of the powers necessary or appropriate for the exercise of the functions specifically set forth herein or incident to the general representation of the holders of bonds or notes in the enforcement and protection of their rights.

(d) In any action or proceeding by such trustee, the fees, counsel fees and expenses of the trustee, 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 revenues, moneys, funds or property of the agency pledged for the payment or security of such issue of bonds or notes.

C. 17:1B-13 Agency's pledge of revenue or property.

10. Any pledge of revenues, moneys, funds or other property made by the agency shall be valid and binding from the time when the pledge is made; the revenues, moneys, funds or other property so pledged and thereafter received by the agency shall immediately be subject to the lien of such pledge without any physical delivery

thereof or further act, and the lien of any such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the agency, irrespective of whether such parties have notice thereof. Neither the resolution nor any other instrument by which a pledge is created need be filed or recorded except in the records of the agency.

C. 17:1B-14 Personal liability.

11. Neither the members of the agency nor any person executing bonds or notes issued pursuant to this act shall be liable personally on such bonds or notes by reason of the issuance thereof.

C. 17:1B-15 Disposition of certain moneys.

12. Revenues, moneys or other funds, if any, not required to pay the principal of or interest on any bonds or notes of the agency or retire such bonds or notes or to meet reserve requirements with respect thereto and not otherwise required for the purposes thereof shall be deposited to the credit of the State in such depositaries and shall be reported to the State Treasurer at such times and in such manner as shall be designated and prescribed by the State Treasurer.

C. 17:1B-16 Establishment of reserves, funds or accounts.

13. The agency may establish such reserves, funds or accounts as may be, in its discretion, necessary or desirable to further the accomplishment of the purposes of the agency or to comply with the provisions of any agreement made by or any resolution of the agency.

C. 17:1B-17 State's pledge.

14. The State of New Jersey does pledge to and agree with the holders of the bonds or notes issued pursuant to authority contained in the act that the State will not limit or restrict the rights hereby vested in the agency to fulfill the terms of any agreements made with the holders of its bonds or notes authorized by the 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, and interest on any unpaid installments of interest, and all costs and expenses in connection with any action or proceedings by or on behalf of such holders, are fully met, paid and discharged.

C. 17:1B-18 Authority to invest in bonds or notes.

15. Notwithstanding any restriction contained in any other law, the State and all public officers, governmental units and agencies thereof, all banks, trust companies, savings banks and institutions, building and loan associations, savings and loan associations, in-

vestment 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 or notes issued pursuant to the act, and such bonds or notes shall be authorized security for any and all public deposits.

C. 17:1B-19 Tax exemption; exceptions.

16. All property of the agency is hereby declared to be public property devoted to an essential public and governmental function and purpose and shall be exempt from all taxes and special assessments of the State or any subdivision thereof. All bonds or notes issued pursuant to the act are hereby declared to be issued by a body corporate and public of the State and for an essential public and governmental purpose and such bonds and notes, and the interest thereon and the income therefrom, and all funds, revenues, income and other moneys received or to be received by the agency and 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 except for transfer, inheritance and estate taxes.

C. 17:1B-20 Annual report; audit.

17. On or before the last day of February in each year the agency shall make an annual report of its activities for the preceding calendar year to the Governor and to the Legislature. Each such report shall set forth a complete operating and financial statement covering its operations during the year. The agency shall cause an audit of its books and accounts to be made at least once in each year by certified public accountants and the cost thereof shall be considered an expense of the agency and a copy thereof shall be filed with the State Treasurer.

C. 17:1B-21 Services of State agencies.

18. All officers, departments, boards, agencies, divisions and commissions of the State are hereby authorized and empowered to render any and all of such services to the agency as may be within the area of their respective governmental functions as fixed or established by law, and as may be requested by the agency. The cost and expense of any such services shall be met and provided for by the agency.

C. 17:1B-22 Conflict of interest; penalties.

19. (a) No member, officer, employee or agent of the agency, for purposes of personal gain, shall have or attempt to have, directly

or indirectly, any interest in any contract or agreement of the agency in connection with the sale or purchase of any bonds or notes or investments by the agency;

(b) Any member, officer, employee or agent of the agency who shall be found guility of violating the provisions of this section shall be guilty of a misdemeanor. Any such person shall be barred from public employment in the State in any capacity whatsoever for a period of 5 years from the date he was adjudged guilty of such misdemeanor.

C. 17:1B-23 Inconsistencies of certain acts, rules and regulations.

20. It is the intent of the Legislature that in the event of any conflict or inconsistency in the provisions of the act and any other acts pertaining to matters herein established or provided for or in any rules and regulations adopted under the act or said other acts, to the extent of such conflict or inconsistency, the provisions of the act and the rules and regulations adopted thereunder shall be enforced and the provisions of such other acts and rules and regulations adopted thereunder shall be of no force and effect.

C. 17:1B-24 Partial invalidity.

21. If any clause, sentence, paragraph, section or part of the act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, 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.

C. 17:1B-25 Construction of act.

22. The act shall be construed liberally to effectuate the legislative intent and the purposes of the act as complete and independent authority for the performance of each and every act and thing herein authorized and all answers herein granted shall be broadly interpreted to effectuate such intent and purposes and not as a limitation of powers.

23. There is hereby appropriated to the New Jersey Mortgage Finance Agency to defray its preliminary costs and expenses under the act the sum of $200,000.00. The agency shall be obligated to reimburse the State Treasury for all State funds appropriated pursuant to this section within a period of 5 years thereafter out of the proceeds of bonds issued by the agency.

24. This act shall take effect immediately.

Approved May 4, 1970.

CHAPTER 39

AN ACT concerning solid waste management; creating an Advisory Council on Solid Waste Management in the State Department of Environmental Protection, and relating to the department's functions, power and duties.

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

C. 13:1E-1 Short title.

1. This act shall be known, and may be cited, as the "Solid Waste Management Act (1970)."

C. 13:1E-2 Legislature's findings.

2. The Legislature finds and declares that the collection, disposal and utilization of solid waste is a matter of grave concern to all citizens and is an activity thoroughly affected with the public interest; that the health, safety and welfare of the people of this State require efficient and reasonable solid waste collection and disposal service or efficient utilization of such waste; and that the current solid waste crisis should be resolved not only by the enforcement of more stringent and realistic regulations upon the solid waste industry, but also through the development and formulation of State-wide, regional, county, and intercounty plans for solid waste management and guidelines to implement the plans.

C. 13:1E-3 Definitions.

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

a. "Solid waste" means garbage, refuse, and other discarded materials resulting from industrial, commercial and agricultural operations, and from domestic and community activities, and shall include all other waste materials including liquids disposed of incident thereto except it shall not include solid animal and vegetable wastes collected by swine producers licensed by the State Department of Agriculture to collect, prepare and feed such wastes to swine on their own farms.

b. "Solid waste collection" means the activity related to pick-up and transportation of solid waste from its source or location to a disposal site.

c. "Solid waste disposal" means the storage, treatment, utilization, processing, or final disposal of solid waste.

d. "Solid waste management" includes all activities related to the collection and disposal of solid wastes by any person engaging in such process.

e. "Council" means the Advisory Council on Solid Waste Management.

f. "Department" means the State Department of Environmental Protection.

g. "Commissioner" means the Commissioner of Environmental Protection in the State Department of Environmental Protection.

C. 13:1E-4 Authority to supervise solid waste collection and disposal; registration of facilities.

4. a. The department shall have power to supervise solid waste collection and disposal facilities or operations, and shall in the exercise of such supervision require the registration of new and existing solid waste collection and disposal facilities and operations; and may exempt from the requirement of registration any class of solid waste collection or disposal facility or operation.

b. The department in reviewing the registration statement for a new solid waste collection operation or solid waste disposal facility or operation and in determining the conditions under which it may be approved, shall give due consideration to community development of comprehensive regional solid waste collection and disposal in order to be assured, insofar as is practicable, that all proposed facilities, installations and operations shall conform to reasonably contemplated development of comprehensive community or regional solid waste collection and disposal facilities and operations and to any State-wide, regional, county and intercounty plans for solid waste management.

C. 13:1E-5 Registration statement; approval.

5. a. Unless exempted by the department, no person shall hereafter engage or continue to engage in the collection or disposal of solid waste in this State without first filing a registration statement and obtaining approval thereof from the department.

b. The registration statement shall be made on forms provided by the department and shall contain such information as may be prescribed by the department.

c. No registration shall be approved by the department when in the opinion of the department such solid waste collection or disposal system or operation will not meet the standards or criteria set forth in regulations as may be promulgated under authority of this act.

C. 13:1E-6 Additional powers.

6. The department may, in addition to such other powers as it may possess by law:

a. Undertake a program of research and development for the purpose of determining the most efficient, sanitary and economical way of collecting, disposing and utilizing solid waste.

b. Formulate and promulgate, amend and repeal codes, rules and regulations concerning solid waste collection and solid waste disposal activities. All codes, rules and regulations heretofore adopted by the Public Health Council relating to refuse disposal shall continue in full force and effect and be enforceable by the department, subject to its power as herein provided to amend or repeal the same.

c. Develop and formulate a State-wide solid waste management plan and guidelines to implement the plan; and to the extent practicable, encourage and assist in the development and formulation of regional, county and intercounty solid waste management plans and guidelines to implement the plans.

d. Acquire, by purchase, grant, contract or condemnation, title to real property, for the purpose of demonstrating new methods and techniques for the collection, disposal and utilization of solid waste;

e. Purchase, operate and maintain, pursuant to the provisions of this act, any facility, site, laboratory equipment or machinery necessary to the performance of its duties pursuant to this act;

f. Apply for, receive and expend funds from any public or private source;

g. Contract with any other public agency or corporation incorporated under the laws of this or any other State for the performance of any function under this act;

h. Construct and operate, on an experimental basis, incinerators or other facilities for the disposal or utilization of solid waste, provide the various municipalities and counties of this State, the Board of Public Utility Commissioners, and the Division of Local Finance in the Department of Community Affairs with statistical data on costs and methods of solid waste collection and disposal;

i. Make annual and such other reports as it may deem proper to the Governor and the Legislature evaluating the demonstrations conducted during each calendar year.

C. 13:1E-7 Advisory Council on Solid Waste Management created; membership, appointment, officers, terms, vacancies, compensation.

7. a. There is hereby created in the department an Advisory Council on Solid Waste Management which shall consist of 11

members, three of whom shall be the President of the Board of Public Utility Commissioners, the Commissioner of Community Affairs, and the Commissioner of Health, or their designees, who shall serve ex officio, and eight citizens of the State representing the general public to be appointed by the Governor, with the advice and consent of the Senate. The Governor shall designate a chairman and vice chairman of the council from the public members who shall serve at the will of the Governor.

b. Of the eight members first to be appointed three shall be appointed for terms of 2 years, three for terms of 3 years and two for terms of 4 years. Thereafter all appointments shall be made for terms of 4 years. All appointed members shall serve after the expiration of their terms until their respective successors are appointed and shall qualify, and any vacancy occurring in the appointed membership of the council by expiration of term or otherwise, shall be filled in the same manner as the original appointment for the unexpired term only, notwithstanding that the previous incumbent may have held over and continued in office as aforesaid.

c. Members of the council shall serve without compensation but shall be reimbursed for expenses actually incurred in attending meetings of the council and in performance of their duties as members thereof.

C. 13:1E-8 Council's powers.

8. The Advisory Council on Solid Waste Management is empowered to:

a. Request from the commissioner such information concerning solid waste programs as it may deem necessary;

b. Consider any matter relating to the preservation and improvement of solid waste programs and advise the commissioner thereon;

c. From time to time submit to the commissioner any recommendations which it deems necessary for the proper conduct and improvement of solid waste programs;

d. Study solid waste programs and make its recommendations thereon to the commissioner;

e. Study any regulations promulgated by the department and the Public Health Council in regard to solid waste and make its recommendations for their improvement to the commissioner;

f. Study and investigate the state of the art and the technical capabilities and limitations of regulations concerning solid waste and report their finding and recommendations thereon to the commissioner;

g. Study and investigate the need for programs for the long range technical support of solid waste programs and report their findings and recommendations thereon to the commissioner;

h. Hold public hearings in regard to existing solid waste statutes and regulations and upon the state of the art and technical capabilities and limitations in solid waste and report its recommendations thereon to the commissioner.

C. 13:1E-9 Codes, rules and regulations; injunctive relief; penalties.

9. a. All codes, rules and regulations adopted by the department related to solid waste collection and disposal shall have the force and effect of law. Such codes, rules and regulations shall be observed throughout the State and shall be enforced by the department and every local board of health.

b. The commissioner may institute an action or proceeding in the Superior Court for injunctive and other relief, including the appointment of a receiver for any solid waste collection or disposal facility or operation, which is established or operated in violation of this act, or of any code, rule or regulation promulgated pursuant to this act and said court may proceed in the action in a summary manner.

c. Any person who violates the provisions of this act or any code, rule or regulation promulgated pursuant to this act shall be liable to a penalty of not more than $1,000.00 per day to be collected in a civil action commenced by a local board of health or the commissioner by a summary proceeding under The Penalty Enforcement Law (N. J. S. 2A:58–1 et seq.) in the Superior Court, County Court, county district court, or a municipal court, all of which shall have jurisdiction to enforce said Penalty Enforcement Law in connection with this act. If the violation is of a continuing nature, each day during which it continues after the date given by which the violation must be eliminated in accordance with the order of the department shall constitute an additional, separate and distinct offense.

d. The department is hereby authorized and empowered to compromise and settle any claim for a penalty under this section in such amount in the discretion of the department as may appear appropriate and equitable under all of the circumstances, including a rebate of any such penalty paid up to 90% thereof where such person satisfies the department within 1 year or such other period as the department may deem reasonable that such violation has been eliminated or removed or that such order or injunction has been met or satisfied, as the case may be.

C. 13:1E-10 Order to correct violations; failure to comply.

10. If a registrant shall violate, directly or indirectly through his officers or employees, any of the provisions of this act, or regulations promulgated thereunder, the commissioner may order the correction of the violation within such reasonable period of time as the commissioner may prescribe. Such an order shall be in writing, shall state the violation to be corrected, the period of time within which such violation shall be corrected and the person or persons who have actual administrative responsibility who shall be responsible for having such correction made. The order shall be delivered in person or by certified mail to the person designated to receive service of the commissioner's orders.

If the commissioner's order is not complied with within the period specified therein, or within any extension thereof, the commissioner may order the registrant to stop engaging in such activity or the part affected by the order until the order is complied with. If the registrant shall continue such activity or part thereof after the commissioner has ordered the registrant to stop, the registrant shall be subject to the penalties prescribed in section 9 of this act.

C. 13:1E-11 Temporary approval of registration.

11. During the first registration year of each applicant, or the year following any violation of this act resulting in a revocation of registration, the department is authorized to give temporary approval of registrations conditioned upon the applicant effecting specified additions, changes or improvements in methods of operation and equipment within such time and manner as may be required by the department.

C. 13:1E-12 Revocation or suspension of registration.

12. The department, after hearing, may revoke or suspend the registration issued to any person engaged in the solid waste collection or solid waste disposal upon a finding that such person:

a. Has violated any provision of this act or any rule, regulation, or administrative order promulgated hereunder; or

b. Has violated any provision of any laws related to pollution of the waters, air or land surfaces of the State; or

c. Has refused or failed to comply with any lawful order of the department.

C. 13:1E-13 Tax-exemption.

13. All property acquired or utilized by the department to implement the provisions of this act shall be exempt from all taxation, State and local.

C. 13:1E-14 Construction of act.

14. This act shall be liberally construed to effectuate the purpose and intent thereof.

C. 13:1E-15 Partial invalidity.

15. If any provision of this act or the application thereof to any person or circumstances is held invalid, the remainder of the act and the application of such provision to persons or circumstances other than those to which it is held invalid, shall not be affected thereby.

16. This act shall take effect immediately.

Approved May 6, 1970.

CHAPTER 40

AN ACT concerning solid waste utility control, authorizing the Public Utility Commission to regulate the collection and disposal of solid waste, supplementing Title 48 of the Revised Statutes, and amending section 48:2–13 of the Revised Statutes.

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

C. 48:13A-1 Short title.

1. This act shall be known as, and may be cited as, the "Solid Waste Utility Control Act of 1970."

C. 48:13A-2 Legislature's findings.

2. The Legislature finds and declares that the collection, disposal and utilization of solid waste is a matter of grave concern to all citizens and is an activity thoroughly affected with the public interest; that the health, safety and welfare of the people of this State require efficient and reasonable solid waste collection, disposal and utilization service; that such service will more likely be achieved if the Public Utility Commission is charged with the duty of setting and enforcing standards and rates for regulating economic aspects of solid waste collection, disposal and utilization service; and that the exercise of any power herein provided for shall be deemed to be in the public interest and for a public purpose.

C. 48:13A-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. "Solid waste" means garbage, refuse, and other discarded materials resulting from industrial, commercial and agricultural operations, and from domestic and community activities, and shall include all other waste materials including liquids disposed of incident thereto except it shall not include solid animal and vegetable wastes collected by swine producers licensed by the State Department of Agriculture to collect, prepare and feed such wastes to swine on their own farms.

b. "Solid waste collection" means the activity related to pick-up and transportation of solid waste from its source or location to a disposal site.

c. "Solid waste disposal" means the storage, treatment, utilization, processing, or final disposal of solid waste.

4. Section 48:2–13 of the Revised Statutes is amended to read as follows:

General jurisdiction; "public utility" defined.

48:2–13. The board shall have general supervision and regulation of and jurisdiction and control over all public utilities as hereinafter in this section defined and their property, property rights, equipment, facilities and franchises so far as may be necessary for the purpose of carrying out the provisions of this Title.

The term "public utility" shall include every individual, co-partnership, association, corporation or joint stock company, their lessees, trustees or receivers appointed by any court whatsoever, their successors, heirs or assigns, that now or hereafter may own, operate, manage or control within this State any railroad, street railway, traction railway, autobus, canal, express, subway, pipeline, gas, electric light, heat, power, water, oil, sewer, solid waste collection, solid waste disposal, telephone or telegraph system, plant or equipment for public use, under privileges granted or hereafter to be granted by this State or by any political subdivision thereof.

Nothing contained in this Title shall extend the powers of the board to include any supervision and regulation of, or jurisdiction and control over any vehicles engaged in the transportation of passengers for hire in the manner and form commonly called taxicab service unless such service becomes or is held out to be regular service between stated termini; hotel busses used exclu-

sively for the transportation of hotel patrons to or from local railroad or other common carrier stations, including local airports, or bus employed solely for transporting school children and teachers, to and from school, or any autobus with a carrying capacity of not more than 10 passengers now or hereafter operated under municipal consent upon a route established wholly within the limits of a single municipality, which route does not in whole or in part parallel upon the same street the line of any street railway or traction railway or any other autobus route.

C. 48:13A-4 Rules and regulations.

5. The Board of Public Utility Commissioners shall, after hearing, by order in writing, make appropriate rules, regulations and administrative orders for the regulation of rates and public utility aspects of the solid waste collection industry and the solid waste disposal industry.

C. 48:13A-5 Franchise area.

6. The Board of Public Utility Commissioners may, after hearing, by order in writing, when it finds that the public interest requires, designate one or more specific areas composed of one or more municipalities, or parts thereof, as a franchise area to be served by one or more persons engaged in solid waste collection and by one or more persons engaged in solid waste disposal at rates and charges published in tariffs or contracts accepted for filing by the board.

C. 48:13A-6 Certificate of public convenience.

7. No person shall engage, or be permitted to engage, in the business of solid waste collection or solid waste disposal until found by the board to be qualified by experience, training or education to engage in such business, is able to furnish proof of financial responsibility, and holds a certificate of public convenience and necessity issued by the Board of Public Utility Commissioners. No certificate shall be issued for solid waste collection or solid waste disposal until the proposed collection or disposal system has been registered with and approved by the State Department of Environmental Protection as provided by law.

C. 48:13A-7 Rates or charges; adjustment.

8. a. The board, upon complaint or its own initiative, after hearing, may direct any person engaging in the solid waste collection business or the solid waste disposal business to furnish proof that the charges or rates to be received for such service do not exceed just and reasonable rates or charges for such service.

b. Should the board find that the rates or charges are excessive then it may order the person charging such excessive rates or charges to make an adjustment in the contract to a sum which shall result in just and reasonable rates or charges.

C. 48:13A-8 Performance bond; failure to complete contract.

9. a. Every person engaged in the business of solid waste collection or solid waste disposal shall furnish and file with the board, in connection with each contract or agreement entered into by him for the provision of such service, a performance bond in such amount as may be required by the board in rules or regulations promulgated by the board.

b. Should any person engaged in the solid waste collection business or the solid waste disposal business fail or refuse to complete, execute or perform any contract or agreement obligating such person to provide such service, the board may order any person engaged in the solid waste collection business or the solid waste disposal business to extend his collection or disposal service into any area where service has been discontinued in accordance with the provisions of R. S. 48:2–27, and the board shall fix just and reasonable rates and charges for such service in the extended area.

C. 48:13A-9 Revocation or suspension of certificate of public convenience.

10. The board, on its own initiative or upon complaint by the State Department of Environmental Protection shall revoke or suspend the certificate of public convenience and necessity issued to any person engaged in the solid waste collection business or the solid waste disposal business upon the finding that such person:

a. Has violated any provision of this act or any rule, regulation or administrative order promulgated hereunder; or

b. Has violated any provision of any laws related to pollution of the air, water or lands of this State; or

c. Has refused or failed to comply with any lawful order of the board.

C. 48:13A-10 Monopoly prohibited; recovery of damages; prequalification test.

11. a. No person shall monopolize, or attempt to monopolize, or combine or conspire with any other person to monopolize, trade or commerce in any relevant market, located in whole or in part in this State, for the solid waste collection business or the solid waste disposal business.

b. Any person who shall be injured in his business or property by reason of a violation of the provisions of subsection a. of this section may sue therefor and shall recover threefold the damages

sustained by him, together with resonable attorney's fees and the costs of the suit. The State and any of its political subdivisions and public agencies shall be deemed a person within the meaning of this act. Any action brought pursuant to this subsection shall be barred unless commenced within 4 years after the cause of action accrued.

c. No municipality may require a public utility engaged in the solid waste collection business or the solid waste disposal business to submit to any prequalification test before permitting it to bid on a contract or before the employment of a solid waste collection or a solid waste disposal contractor.

C. 48:13A-11 Attendance of witnesses and production of tariffs, accounts and documents.

12. The board may compel the attendance of witnesses and the production of tariffs, contracts, papers, books, accounts and all the documents necessary to enable the board to administer its duties as prescribed by law and this act.

C. 48:13A-12 Penalties; injunctive relief.

13. a. Any person or any officer or agent thereof who shall knowingly violate any of the provisions of this act or aid or advise in such violation, or who, as principal, manager, director, agent, servant or employee knowingly does any act comprising a part of such violation, is guilty of a misdemeanor and shall be punished by imprisonment for not more than 3 years or by a fine of not more than $50,000.00, or both; and if a corporation by a fine of not more than $100,000.00.

b. Any person who shall violate any provision of this act or any rule, regulation or administrative order promulgated hereunder, or who shall engage in the solid waste collection business or solid waste disposal business without having been issued a certificate of public convenience and necessity, shall be liable to a penalty of not more than $500.00 for a first offense, not less than $100.00 or more than $1,000.00 for a second offense and not less than $500.00 or more than $1,000.00 for a third and every subsequent offense. The penalties herein provided shall be enforced by summary proceedings instituted by the board in the name of the State in accordance with "The Penalty Enforcement Law" (N. J. S. 2A:58–1 et seq.). The Superior Court, County Court, county district court and the municipal courts shall all have jurisdiction to enforce said Penalty Enforcement Law in connection with this act.

c. Whenever it shall appear to the board that any person has violated, intends to violate, or will violate any provision of this act or any rule, regulation or administrative order duly promulgated hereunder, the board may institute a civil action in the Superior Court for injunctive relief and for such other relief as may be appropriate in the circumstances, and the said court may proceed in any such action in a summary manner.

C. 48:13A-13 Construction of act.

14. Nothing contained herein shall be construed to be in derogation of any other right, duty, power or authority granted to the board by the provisions of Title 48 of the Revised Statutes.

15. This act shall take effect 6 months from the date of its approval, except that the Board of Public Utility Commissioners may take such steps as it deems necessary to assure the timely implementation hereof.

Approved May 6, 1970.

CHAPTER 41

AN ACT to validate certain proceedings 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 election for the authorization or issuance of bonds of the school district, and any bonds or other obligations of the school district issued or to be issued in pursuance of a proposal adopted by the legal voters at such election, are hereby ratified, validated and confirmed, notwithstanding that the supplemental debt statement required by section 18A:24–16 of the New Jersey Statutes was not prepared and filed as required by section 18A:24–17 of the New Jersey Statutes, provided however that a supplemental debt statement has heretofore been made, sworn to and filed in the places required by such section 18A:24–17; and provided further 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 upon 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. This act shall take effect immediately.

Approved May 6, 1970.

CHAPTER 42

AN ACT to amend "An act concerning elections, and supplementing 'An act creating an Election Law Revision Commission, prescribing its powers and duties, repealing chapter 81 of the laws of 1961 and making an appropriation therefor,' approved May 4, 1964 (P. L. 1964, c. 29) and repealing sections 19:39–1 and 19:39–2 of the Revised Statutes," approved November 25, 1969 (P. L. 1969, c. 192).

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

1. Section 1 of P. L. 1969, chapter 192 (C. 1:17–16.1) is amended to read as follows:

C. 1:17-16.1 Interim and final reports; proposed revision.

1. The commission shall make an interim report to the Governor and the Legislature not later than September 1, 1970, and accompany said report with its final proposed revision of those portions of Title 19, including but not limited to sections 19:39–1 and 19:39–2 of the Revised Statutes, relating to the contribution and expenditure of funds, and the reporting thereof, by or in aid of any candidate for office pursuant to Title 19 of the Revised Statutes. The commission shall submit its final report, including a revision of Title 19 of the Revised Statutes, no later than April 1, 1971.

2. This act shall take effect immediately.

Approved May 6, 1970.

CHAPTER 43

AN ACT to amend the title of "An act to authorize any municipality to waive, release or modify any covenants, conditions or limitations as to the erection of buildings or any other use to be made of land imposed in sales and conveyances of lands by said municipality, and supplementing article 2 of chapter 60 of Title 40 of the Revised Statutes," approved March 27, 1943 (P. L. 1943, c. 33), as said Title was amended by P. L. 1946, chapter 140, so that the same shall read "An act to authorize any municipality to waive, release, modify or subordinate any terms, covenants, conditions, limitations or reverters imposed in sales and conveyances of lands as to the erection, alteration or demolition of buildings or any other use to be made of land imposed by said municipality, and supplementing article 2 of 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:*

Title amended.

1. The title of P. L. 1943, chapter 33, as said title was amended by P. L. 1946, chapter 140, is further amended to read as follows: An act to authorize any municipality to waive, release, modify or subordinate any terms, covenants, conditions, limitations or reverters imposed in sales and conveyances of lands as to the erection, alteration or demolition of buildings or any other use to be made of land imposed by said municipality, and supplementing article 2 of chapter 60 of Title 40 of the Revised Statutes.

2. Section 1 of P. L. 1943, chapter 33 (C. 40:60–51.2) is amended to read as follows:

C. 40:60-51.2 Authority to waive, release, modify or subordinate building restrictions in conveyances by municipalities.

1. Any municipality is authorized and empowered, by resolution of the governing body thereof, to waive, release, modify or subordinate any terms, covenants, conditions, limitations or reverters imposed in sales and conveyances of lands as to the erection, alteration or demolition of buildings or any other use to be made of land heretofore imposed by said municipality to accomplish the

purposes for which such lands were sold and conveyed either at public or private sale made prior to January 1, 1969, but only after public hearing held before such governing body, of the holding of which notice describing the lands in question, and the terms, covenants, conditions, limitations or reverters to be waived, released, modified or subordinated, and, if to be modified or subordinated, describing the manner in which the same shall be modified or subordinated, shall first have been given by advertisement published once each week for 2 weeks in a newspaper published in said municipality or, if no newspaper be published therein, then in a newspaper circulating in such municipality, provided, however, that the power herein granted shall not be exercised to impair any vested or contractual rights of third parties.

3. This act shall take effect immediately.

Approved May 6, 1970.

CHAPTER 44

AN ACT concerning the recording of certain documents, and amending section 46:19–3 of the Revised Statutes.

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

1. Section 46:19–3 of the Revised Statutes is amended to read as follows:

Method of recording; marginal or other notations.

46:19–3. The recording officer of each county shall record in the appropriate books, without delay, and in the order in which he shall receive them, every deed or conveyance or instrument mentioned in section 46:19–1 of this Title, with the acknowledgments, proofs and certificates written on, or under, or annexed to the same, and the plats, surveys, schedules and other papers therein referred to and thereto annexed, by entering them word for word, in a legible manner, noting at the foot of each record all the interlineations and words visibly written on erasures, omitting, however, to enter in the record the erasures and obliterations, or by copying them by any photostatic, photographic or other mechanical

process which produces a clear, accurate and permanent copy or reproduction of the original and in either case mentioning in the margin or at the foot of such record the day of the month and the year when the deed, conveyance or other instrument was delivered to him or brought to his office to be recorded; provided, however, that where photographic methods are used, all instruments presented for recording shall be typed, written or printed on paper not to exceed 8½" x 14" of sufficient quality to avoid bleed-through, and shall be legible and clear to produce a good, clear, legible photo recording.

If two or more such deeds, conveyances or instruments of or affecting the same real estate or the same property shall be offered to or come to his hands, at one and the same time, to be recorded, he shall record the same according to the priorities of their dates.

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

Approved May 6, 1970.

CHAPTER 45

AN ACT establishing the salary range for the Director of the Division of State Lottery in the Department of the Treasury and supplementing P. L. 1969, chapter 194.

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

C. 52:14-15.104a Salary of Director of Division of State Lottery.

1. The salary range for the following enumerated position in the Department of the Treasury is fixed and established as follows:

Title	Minimum	Maximum
Director of the Division of State Lottery	$27,514	$35,770

2. This act shall take effect immediately but shall apply to the period beginning April 1, 1970.

Approved May 6, 1970.

CHAPTER 46

AN ACT concerning the collection of taxes and assessments, and amending section 54:4–67 of the Revised Statutes.

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

1. Section 54:4–67 of the Revised Statutes is amended to read as follows:

Discount for prepayment; interest for delinquency.

54:4–67. The governing body of each municipality may by resolution fix the rate of discount to be allowed for the payment of taxes or assessments previous to the date on which they would become delinquent. The rate so fixed shall not exceed 6% per annum, shall be allowed only in case of payment on or before the thirtieth day previous to the date on which the taxes or assessments would become delinquent. The governing body may also fix the rate of interest to be charged for the nonpayment of taxes or assessments on or before the date when they would become delinquent, and may provide that no interest shall be charged if payment of any installment is made within 10 days after the date upon which the same became payable. The rate so fixed shall not exceed 8% per annum on the first $1,000.00 of the delinquency, and 12% per annum on any amount in excess of $1,000.00.

2. This act shall take effect immediately.

Approved May 8, 1970.

CHAPTER 47

AN ACT to amend "An act concerning health and accident insurance, supplementing chapter 38 of Title 17 of the Revised Statutes, and repealing R. S. 17:18–7," approved August 2, 1939 (P. L. 1939, c. 305), and amending sections 17:17–3 and 17:34–13 of the Revised Statutes.

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

1. Section 4 of P. L. 1939, chapter 305 (C. 17:38–17) is amended to read as follows:

C. 17:38-17 Blanket accident insurance.

4. Any policy or contract of insurance against death or injury resulting from accident or from accidental means which conforms with the description and complies with the requirements contained in one of the following three paragraphs shall be deemed a blanket insurance policy.

(a) A policy or contract issued to any railroad, steamship, motorbus or airplane carrier of passengers, which carrier shall be deemed the policyholder, covering a group defined as all persons who may become such passengers and whereby such passengers shall be insured against loss or damage resulting from death or bodily injury either while, or as a result of, being such passengers.

A policy or contract covering accidental death or injury to individuals resulting from airline accidents may also be issued under which premiums are paid from funds of the airline and the benefits are payable to the airline or to a trust established for the purpose of funding payments to persons with claims against the airline by reason of the death or bodily injury of individuals.

(b) A policy or contract issued in the name of any volunteer fire department, first aid or ambulance squad or volunteer police organization, which shall be deemed the policyholder, and covering all the members of any such organization against loss from accidents resulting from hazards incidental to duties in connection with such organizations.

(c) A policy or contract issued in the name of any established organization whether incorporated or not, having community recognition and operated for the welfare of the community and not for profit, which shall be deemed the policyholder, and covering all volunteer workers who are members of the organization and who serve without pecuniary compensation against loss from accidents occurring while engaged in the actual performance of duties on behalf of such organization.

Nothing contained in this act shall be deemed to affect the legal liability of the policyholder for the death of, or injury to, any member of such group.

2. Section 5 of P. L. 1939, chapter 305 (C. 17:38–18) is amended to read as follows:

C. 17:38-18 Standard provisions.

5. No policy of group accident, group health, group accident and health or blanket accident insurance and no certificate thereunder shall be issued or delivered in this State unless the policy

contains in substance all the provisions specified in subsections (a) to (o) following:

(a) A provision that no statement made by the applicant for insurance shall avoid the insurance or reduce benefits thereunder unless contained in the written application signed by the applicant; and a provision that no agent has authority to change the policy or to waive any of its provisions; and that no change in the policy shall be valid unless approved by an officer of the insurer and evidenced by endorsement on the policy, or by amendment to the policy signed by the policyholder and the insurer.

(b) A provision that the policy, the application of the person or association in whose name the policy is to be issued, a copy of which shall be attached to the policy, 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 insurance shall be deemed representations and not warranties.

(c) A provision that all new employees or new members, as the case may be, in the groups or classes eligible for such insurance must be added to such eligible groups or classes.

(d) A provision that all premiums due under the policy shall be remitted by the employer or employers of the persons insured, by the policyholder, or by some other designated person acting on behalf of the association or group insured, to the insurer on or before the due date thereof with such period of grace as may be specified therein.

(e) A provision stating the conditions under which the insurer may decline to renew the policy.

(f) A provision that the insurer shall issue to the employer, the policyholder, or other person or association in whose name such policy is issued, for delivery to each employee or member, an individual certificate setting forth in summary form a statement of the essential features of the insurance coverage, to whom the benefits thereunder are payable, and in substance the provisions of subsections (g) to (n) inclusive of this section. This subsection shall not apply to blanket accident policies issued pursuant to subsections (a) and (c) of section 4 of this act, nor to group accident and health policies insuring a private plan under the Temporary Disability Benefits Law, if reasonable notice of the benefits provided thereby is furnished to the covered employees by direct notification or by conspicuous posting at the place of employment.

(g) A provision specifying the ages, if any there be, to which the insurance provided therein shall be limited; and the ages, if any there be, for which additional restrictions are placed on benefits, and the additional restrictions placed on the benefits at such ages.

(h) A provision that written notice of sickness or of injury must be given to the insurer within 20 days after the date when such sickness or injury occurred. Failure to give notice within such time shall not invalidate nor reduce any claim if it shall be shown not to have been reasonably possible to give such notice and that notice was given as soon as was reasonably possible.

(i) A provision that in the case of claim for loss of time for disability, written proof of such loss must be furnished to the insurer within 30 days after the commencement of the period for which the insurer is liable, and that subsequent written proofs of the continuance of such disability must be furnished to the insurer at such intervals as the insurer may reasonably require, and that in the case of claim for any other loss, written proof of such loss must be furnished to the insurer within 90 days after the date of such loss. Failure to furnish such proof within such time shall not invalidate nor reduce any claim if it shall be shown not to have been reasonably possible to furnish such proof and that such proof was furnished as soon as was reasonably possible.

(j) A provision that the insurer will furnish to the person making claim, or to the policyholder for delivery to such person, such forms as are usually furnished by it for filing proof of loss. If the person making claim does not receive such forms before the expiration of 15 days after the insurer receives notice of any claim under the policy, the person making such claim shall be deemed to have complied with the requirements of the policy as to proof of loss upon submitting within the time fixed in the policy for filing proof of loss, written proof covering the occurrence, character and extent of the loss for which claim is made.

(k) A provision that the insurer shall have the right and opportunity to examine the person of the insured when and so often as it may reasonably require during the pendency of claim under the policy and also the right and opportunity to make an autopsy in case of death where it is not prohibited by law.

(l) A provision that all benefits payable under the policy other than benefits for loss of time will be payable not more than 60 days after receipt of proof, and that, subject to due proof of loss, all

accrued benefits payable under the policy for loss of time will be paid not later than at the expiration of each period of 30 days during the continuance of the period for which the insurer is liable, and that any balance remaining unpaid at the termination of such period will be paid immediately upon receipt of such proof.

(m) A provision that indemnity for loss of life of the insured shall be payable to the beneficiary or beneficiaries designated by the insured, other than the policyholder or an officer thereof as such, or if no beneficiary is designated, to such other person or persons as shall be specified in the policy; and that all other indemnities of the policy are payable to the employee or member, except that, at the request of the employee or member or in the event of his death, payment of benefits to the extent of expenses incurred on account of hospitalization may be made by the insurer to the hospital. If a beneficiary is designated, the consent of the beneficiary shall not be requisite to change of beneficiary or to any other changes in the policy or certificate except as may be specifically provided by the policy.

This subsection shall not apply to a blanket insurance policy issued to an airline under which the benefits are payable to the airline or a trust established by the airline and the premiums are paid from its funds.

(n) A provision that no action at law or in equity shall be brought to recover on the policy prior to the expiration of 60 days after proof of loss has been filed in accordance with the requirements of the policy and that no such action shall be brought at all unless brought within 2 years from the expiration of the time within which proof of loss is required by the policy.

(o) In the case of insurance issued pursuant to subsection (a) of section 4 of this act, a provision that the company will issue to the policyholder, for delivery to the insured persons, certificates setting forth the name of the insurance company and the essential features of such insurance.

This subsection shall not apply to a blanket insurance policy issued to an airline under which the benefits are payable to the airline or a trust established by the airline and the premiums are paid from its funds.

3. R. S. 17:17–3 is amended to read as follows:

Purposes permitted.

17:17–3. A company may be formed:

a. For the purposes specified in any or all of the paragraphs of section 17:17–1 of this Title except paragraph "c"; or

b. For the purposes specified in paragraph "c" and for the purpose of making insurances against bodily injury or death by accident as specified in paragraph "d" of said section 17:17–1.

In addition, a company authorized to do the business specified in paragraph "c" and insure against bodily injury or death by accident as specified in paragraph "d" may reinsure the legal liability of an airline arising out of the death or injury of any person resulting from an airline accident and may undertake to pay the ceding insurer stipulated amounts in the event of the death or injury of any person whether or not such undertaking is directly related to the liability of the ceding insurer or is subject to aggregate or other limitations.

Any reinsurance authorized by this section or any reinsurance of blanket accident insurance referred to in section 4 of P. L. 1939, chapter 305 (C. 17:38–17) may be provided through pooling arrangements with other insurers for purposes of spreading the reinsurance risk, provided such arrangements have been approved in writing by the commissioner of insurance upon findings that the arrangements do not impair the protection of policyholders of the ceding and assuming reinsurers and do not substantially restrain competition in the business of insurance or reinsurance or create a monopoly therein.

4. R. S. 17:34–13 is amended to read as follows:

Prerequisites to reinsurance.

17:34–13. No life insurance company of this State may reinsure all or any substantial part of its outstanding risks or policy obligations in any other company, or itself reinsure all or any substantial part of the outstanding risks or obligations of another company until the contract for such reinsurance shall have been submitted to the Commissioner of Insurance together with satisfactory evidence that the interests of the policyholders are fully protected and until such contract of reinsurance shall have been approved by him; provided, however, that this section shall not be applicable

to contracts of reinsurance heretofore or hereafter entered into providing for the reinsuring of single risks or policies, in whole or in part, or risks covered by any group policy or contract, in whole or in part.

Reinsurance of the risk of legal liability of airlines for the death or injury of any person resulting from an airline accident as referred to in R. S. 17:17–3, or reinsurance of a blanket policy issued to an airline with premiums payable from the airline's funds and benefits payable to it or to a trust established by it as referred to in section 4 of P. L. 1939, chapter 305 (17:38–17) may be provided through pooling arrangements as specified in R. S. 17:17–3.

5. This act shall take effect immediately.

Approved May 8, 1970.

CHAPTER 48

AN ACT concerning fire districts and volunteer fire companies and amending R. S. 40:47–28.

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

1. R. S. 40:47–28 is amended to read as follows:

Appropriations to adjoining municipal and volunteer companies.

40:47–28. Any municipality may contribute to the support of the municipal fire department of an adjoining municipality, or may contribute a sum not in excess of $8,000.00 annually to the support of the board of fire commissioners of any fire district or independent or volunteer fire companies in an adjoining municipality, if such board of commissioners or independent or volunteer fire companies own and maintain their own apparatus, and habitually respond to fires in the first named municipality.

2. This act shall take effect immediately.

Approved May 8, 1970.

CHAPTER 49

AN ACT to amend the title of "An act temporarily suspending the statutory maximum rate of interest limitations applicable to borrowings by counties, municipalities, school districts, fire districts in townships, State agencies and other public authorities and agencies," approved March 19, 1970 (P. L. 1970, c. 21), so that the same shall read "An act temporarily suspending the statutory maximum rate of interest limitations applicable to borrowings by counties, municipalities, school and other districts, State agencies and other public authorities and agencies," 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 P. L. 1970, chapter 21 is amended to read as follows: An act temporarily suspending the statutory maximum rate of interest limitations applicable to borrowings by counties, municipalities, school and other districts, State agencies and other public authorities and agencies.

2. Section 1 of P. L. 1969, chapter 137 (C. 31:1–7) is amended to read as follows:

C. 31:1-7 Interest rate limitations applicable to counties, municipalities, etc.; suspension.

1. Notwithstanding the provisions of any other law, statute or regulation applicable to or constituting any limitation on the maximum rate of interest per annum payable on bonds, notes or other obligations, or as to annual interest cost to maturity of money borrowed or received upon issuance of bonds, notes or other obligations, every county, municipality, school district, body corporate and politic, district or public authority, agency, commission or other public institution heretofore or hereafter created by the State, any county, or municipality or by one or more counties or municipalities, is hereby authorized and empowered for the period from the effective date of this act through June 30, 1971, to contract to pay interest on or an interest cost per annum for money borrowed

and evidenced by bonds, notes or other obligations issued during said period without limit as to the rate of interest per annum payable thereon or as to the annual interest cost to maturity of the money borrowed.

3. Section 2 of P. L. 1969, chapter 137 (C. 31:1–8) is amended to read as follows:

C. 31:1-8 Construction of act.

2. This act shall be liberally construed to effect its legislative purpose of suspending for the aforesaid period any existing statutory limitation as to rate of interest or cost of money borrowed or provision of law with respect thereto and applicable to any county, municipality, school district, body corporate and politic, district or public authority, agency, commission or other public institution heretofore or hereafter created by the State, or any one or more counties or municipalities, but nothing herein contained shall be held or deemed in any way to effect or to impair existing contract limitations with bondholders or others as to rate of interest or cost of money borrowed without the consent of such bondholders or others given as provided in any such contract.

4. Section 3 of P. L. 1969, chapter 137 (C. 31:1–9) is amended to read as follows:

C. 31:1-9 Nature and effect of act.

3. This act shall constitute and be construed as a suspension and as an amendment, for the aforesaid period, of the provisions of every law or statute establishing any limitation as to rate of interest per annum or cost of borrowing money applicable to any county, municipality, school district, body corporate and politic, district or public authority, agency, commission or other public institution heretofore or hereafter created as aforesaid.

5. This act shall take effect immediately.

Approved May 8, 1970.

New Jersey State Library

CHAPTER 50

AN ACT to amend "An act concerning regional transportation planning, providing for an interstate compact between the States of New Jersey, New York and Connecticut, creating the Tri-State Transportation Commission, prescribing the functions, powers and duties of the same and providing for the selection of New Jersey representatives," approved April 8, 1965 (P. L. 1965, c. 12).

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

1. Article V, Section 3, of the compact (C. 32:22B–15) of which this act is amendatory, is amended to read as follows:

C. 32:22B-15 Duration of commission.

3. The commission shall continue in existence until June 30, 1971. Thereafter it shall continue only upon the adoption of concurrent legislation by the party states.

2. This act shall take effect upon the enactment by each of the states of Connecticut and New York of legislation having like effect as this act, but if each of such states shall have already enacted such legislation, this act shall take effect immediately.

Approved May 13, 1970.

CHAPTER 51

A SUPPLEMENT to "An act making appropriations for the support of the State Government and the several public purposes for the fiscal year ending June 30, 1970, and regulating the disbursement thereof," approved June 4, 1969 (P. L. 1969, c. 71).

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 EDUCATION
COMMISSIONER'S OFFICE

501-150. EMPLOYEE BENEFITS—PUBLIC SCHOOL TEACHERS AND COLLEGE FACILITIES—STATE AID

State share of Social Security Tax:
Supplemental requirements for fiscal year 1969-1970 ..... $1,900,000

2. This act shall take effect immediately.

Approved May 13, 1970.

CHAPTER 52

AN ACT concerning the Division of State Police and amending R. S. 53:1–23.

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

1. R. S. 53:1–23 is amended to read as follows:

Physicians; medical personnel.

53:1–23. Subject to the availability of appropriations, the superintendent may appoint, as members of the staff of the State Police, and set the salary of, such physicians and other medical personnel as may be required, who shall serve at the pleasure of and be subject to the orders of the superintendent.

2. This act shall take effect immediately.

Approved May 14, 1970.

CHAPTER 53

AN ACT concerning the assessment and collection of taxes in certain cases 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:*

1. Whenever the governing body of a municipality shall, prior to June 30, 1970, certify to the county board of taxation that it has received certification from the United States Department of Health, Education and Welfare that during the 1970 tax year it will receive Federal funds for the education of Cuban refugee school pupils from the Impact Aid Fund of the Office of Education of the United States Department of Health, Education and Welfare, and that the receipt of said funds had not been previously anticipated, the county board of taxation shall reduce the amount required for school purposes previously certified to the said county board of taxation for the purposes of the 1970 county table of aggregates by the amount so certified by said governing body. The county board of taxation shall recalculate and reduce the tax rate of said municipality accordingly.

2. This act shall take effect immediately.

Approved May 15, 1970.

CHAPTER 54

AN ACT concerning the New Jersey Historical Commission and amending section 18A:73–22 of the New Jersey Statutes.

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

1. Section 18A:73–22 of the New Jersey Statutes is amended to read as follows:

New Jersey Historical Commission; membership, appointment, terms.

18A:73–22. There is hereby established in the Division of the State Library, Archives and History of the State Department of

Education the New Jersey Historical Commission to be composed of 12 members as follows:

(a) The State Librarian and the supervisor of the historic sites section of the Department of Conservation and Economic Development; and

(b) Six citizens of the State to be appointed by the Governor with the advice and consent of the Senate, all of whom shall be chosen by reason of their expertise in New Jersey history and qualified by academic achievement or professional affiliation, who shall serve for terms of 3 years and until the appointment and qualification of their successors except that of the members first appointed two shall be appointed for terms of 1 year, two for terms of 2 years and two for terms of 3 years.

(c) Two members of the Senate to be appointed by the President thereof, and two members of the General Assembly to be appointed by the Speaker thereof. No more than one of the Senate and Assembly members shall be members of the same political party. Anyone appointed pursuant to this subsection shall serve as a member of the commission until the expiration of his term as Senator or Assemblyman, as the case may be, during which he was appointed.

2. This act shall take effect immediately.

Approved May 15, 1970.

CHAPTER 55

A SUPPLEMENT to 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:*

C. 40:55-1.2a Effect of transfer of title.

1. The transfer of title to one or more adjoining lots, tracts or parcels of land, owned by the same person or persons, shall not constitute a subdivision of land when such lots, tracts or parcels all conform to the requirements of the municipal planning and zoning ordinances and regulations issued thereunder and are shown and designated as separate lots, tracts or parcels on the tax map or atlas of the municipality.

2. This act shall take effect immediately.

Approved May 15, 1970.

CHAPTER 56

A SUPPLEMENT to "An act relating to public buildings and making appropriations for construction, reconstruction, development, extension, improvement and equipment of public buildings, all for education purposes," approved April 2, 1969 (P. L. 1969, c. 13).

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

1. There is hereby appropriated to the Department of Higher Education from the Public Buildings Construction Fund the sum of $24,996,400.00, or that portion thereof as may be required, for land acquisition and the planning, construction, rehabilitation and equipping of facilities, services, and buildings at the various public institutions of higher education. The appropriations will fund the foregoing types of projects approved by the Board of Higher Education in the amounts and at the institutions as follows:

Institution	Amount
Rutgers, The State University	$2,350,000
Graduate School of Business Administration (Newark)	
Second Kilmer College—First Stage—Planning	
State Colleges	$10,961,300
Glassboro	
Music—Classroom—Auditorium Building	
Montclair	
Land acquisition	
Paterson	
Maintenance Building	
Trenton	
Classroom Building—Nursing	
Northern New Jersey	
Planning, interim facilities, land acquisition	
Richard Stockton	
Planning and interim facilities	
County—Community Colleges	$11,685,100
Total Appropriation	$24,996,400

2. This act shall take effect immediately.

Approved May 15, 1970.

CHAPTER 57

AN ACT concerning pensions and the investment of pension funds and revising parts of the statutory law.

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

1. Section 6 of P. L. 1954, chapter 84 (C. 43:15A–6) is amended to read as follows:

C. 43:15A-6 Definitions.

6. As used in this act:

a. "Accumulated deductions" means the sum of all the amounts, deducted from the compensation of a member or contributed by him, standing to the credit of his individual account in the annuity savings fund.

b. "Annuity" means payments for life derived from contributions made by a member as provided in this act.

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, granted under the provisions of this act, computed on the basis of such mortality tables as the board of trustees adopts, with regular interest.

d. "Beneficiary" means any person receiving a retirement allowance or other benefit as provided in this act.

e. "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.

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

g. "Pension" means payments for life derived from appropriations made by the employer as formerly provided in chapters 14 and 15 of Title 43 of the Revised Statutes, or in this act.

h. "Pension reserve" means the present value of all payments to be made on account of any pension or benefit in lieu of a pension formerly granted under the provisions of chapters 14 and 15 of Title 43 of the Revised Statutes, or as provided in this act, computed

on the basis of such mortality tables as the board of trustees adopts, with regular interest.

i. "Public Employees' Retirement System of New Jersey," 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 act and for the system including the several funds created and placed under the board of trustees of said system. By that name all of 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.

j. "Regular interest" shall mean interest as determined annually by the State Treasurer after consultation with the Directors of the Divisions of Investment and Pensions and the actuary of the system. It shall bear a reasonable relationship to the percentage rate of earnings on investments but shall not exceed 105% of such percentage rate.

k. "Retirement allowance" means the pension plus the annuity.

l. "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 board of trustees evidence of such record of service in form and content satisfactory to said board of trustees:

(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 subparagraph prior to the effective date of this amendatory act shall continue to be classed as a veteran whether or not he completed the 90-day service between said dates as herein provided.

(12) Vietnam Conflict after December 31, 1960, and prior to the date of termination as proclaimed by the Governor, who shall have served at least 180 days in such active service on overseas duty, exclusive of any period he was assigned (1) for a course of education or training under the Army specialized training program or the Navy college training program which course was a continuation of his civilian course and was pursued to completion, or (2) as a cadet or midshipman at one of the service academies, any part of which 180 days was served between said dates; and exclusive of any service performed pursuant to the provisions of section 511(d) of Title 10 United States Code, pursuant to an enlistment in the Army National Guard or as a Reserve for service in the Army Reserve, Naval Reserve, Air Force Reserve, Marine Corps Reserve, or Coast Guard Reserve.

2. Section 18 of P. L. 1954, chapter 84 (C. 43:15A–18) is amended to read as follows:

C. 43:15A-18 Officers, actuary, legal adviser, secretary.

18. The board shall elect annually from its membership a chairman and may also elect a vice-chairman, who shall have all the power and authority of the chairman in the event of the death, absence or disability of the chairman.

The actuary of the system shall be designated by the State Treasurer after consultation with the Director of the Division of Pensions, subject to veto by the board for valid reason.

The actuary shall be the technical adviser of the board on matters regarding the operation of the funds created by the provisions of this act and shall perform such other duties as are required in connection therewith.

The Attorney General shall be the legal adviser of the retirement system.

The chief or assistant chief of the office of secretarial services of the Division of Pensions of the State Department of the Treasury, shall be the secretary of the board. The chief and assistant chief of the office of secretarial services shall be in the competitive division of the State classified service. The secretary presently in office shall hold the position as assistant chief of the office of secretarial services subject to all of the provisions of Title 11 of the Revised Statutes and shall not be removed from said office except in the manner provided under the provisions of said Title relating to permanent employees in the competitive division of the State classified service. The board of trustees shall select its secretary from among the eligible candidates.

3. Section 32 of P. L. 1954, chapter 84 (C. 43:15A–32) is amended to read as follows:

C. 43:15A-32 Management of funds.

32. The board of trustees shall be and are hereby constituted trustees of the various funds and accounts established by this act; provided, however, that all functions, powers, and duties relating to the investment or reinvestment of moneys of, and purchase, sale, or exchange of any investments or securities, of or for any fund or account established under this act, shall be exercised and performed by the Director of the Division of Investment in accordance with the provisions of chapter 270, P. L. 1950, as amended and supplemented. The secretary of the board of trustees shall determine from time to time the cash requirements of the various funds and accounts established by this act and the amount available for investment, all of which shall be certified to the Director of the Division of Investment.

The members of the finance committee of the board of trustees shall be appointed at or after July 1 of each calendar year by the chairman of the board of trustees to serve through June 30 of the ensuing calendar year and until their successors are appointed. The finance committee of the board of trustees shall consist of five members of the board of trustees, one of whom shall be the State Treasurer, and one of whom shall be the member designated to serve on the State Investment Council. At least three members of the finance committee shall be members of the board of trustees who have been elected by members of the system. A quorum of the finance committee shall consist of three members thereof.

A member of the board of trustees to be designated by a majority vote thereof shall serve on the State Investment Council as a representative of said board of trustees, for a term of 1 year and until his successor is elected and qualified.

4. Section 36 of P. L. 1954, chapter 84 (C. 43:15A–36) is amended to read as follows:

C. 43:15A-36 Interest in fund by trustee or employee prohibited.

36. Except as otherwise herein provided, no trustee and no employee of the board of trustees shall have any direct interest in the gains or profits of any investment of the retirement system; nor shall any trustee or employee of the board directly or indirectly, for himself or as an agent in any manner use the moneys of the retirement system, except to make such current and necessary payments as are authorized by the board of trustees; nor shall any

trustee or employee of the board of trustees become an endorser or surety, or in any manner an obligor for moneys loaned to or borrowed from the retirement system.

5. 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 annually by the State Treasurer after consultation with the Directors of the Divisions of Investment and Pensions and the actuary of the fund. It shall bear a reasonable relationship to the percentage rate of earnings on investments but shall not exceed 105% of such percentage rate.

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) Vietnam 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, pursuant to an enlistment in the Army National Guard or as a reserve for service in the Army Reserve, Naval Reserve, Air Force Reserve, Marine Corps Reserve, or Coast Guard Reserve.

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.

6. Section 18A:66–57 of the New Jersey Statutes is amended to read as follows:

Officers, actuary, legal adviser, secretary.

18A:66–57. The board shall elect annually from its membership a chairman and may also elect a vice chairman, who shall have all the power and authority of the chairman in the event of the death, absence or disability of the chairman. The actuary of the fund shall be designated by the State Treasurer after consultation with the Director of the Division of Pensions, subject to veto by the board for valid reason.

The actuary shall be the technical adviser of the board on matters regarding the operation of the funds created by the provisions of this article and shall perform such other duties as are required in connection therewith.

The Attorney General shall be legal adviser of the retirement system.

The chief or assistant chief of the office of secretarial services of the Division of Pensions of the State Department of the Treasury, shall be the secretary of the board. The chief and assistant chief of the office of secretarial services shall be in the competitive division

of the State classified service. The secretary presently in office shall hold the position as chief of the office of secretarial services subject to all of the provisions of Title 11 of the Revised Statutes and shall not be removed from said office except in the manner provided under the provisions of said title relating to permanent employees in the competitive division of the State classified service. The board of trustees shall select its secretary from among the eligible candidates.

7. Section 18A:66–60 of the New Jersey Statutes is amended to read as follows:

Interest in fund by trustee or employee prohibited.

18A:66–60. Except as otherwise herein provided, no trustee and no employee of the board of trustees shall have any direct interest in the gains or profits of any investments of the retirement system; nor shall any trustee or employee of the board directly or indirectly, for himself or as an agent, in any manner use the moneys of the retirement system, except to make such current and necessary payments as are authorized by the board of trustees; nor shall any trustee or employee of the board of trustees become an endorser or surety, or in any manner an obligor for moneys loaned to or borrowed from the retirement system.

8. Section 18A:66–61 of the New Jersey Statutes is amended to read as follows:

Management of funds.

18A:66–61. The board of trustees shall be and are hereby constituted trustees of the various funds and accounts established by this article; provided, however, that all functions, powers and duties relating to the investment or reinvestment of moneys of, and purchase, sale or exchange of any investments or securities, of or for any fund or account established under this article, shall be exercised and performed by the Director of the Division of Investment in accordance with the provisions of chapter 270, of the laws of 1950. The secretary of the board of trustees shall determine from time to time the cash requirements of the various funds and accounts established by this article and the amount available for investment, all of which shall be certified to the Director of the Division of Investment.

A member of the board of trustees to be designated by a majority vote thereof shall serve on the state investment council as a representative of said board of trustees, for a term of 1 year and until his successor is elected and qualified.

The finance committee of the board of trustees shall be appointed on or before July 1 of each calendar year by the chairman of the board of trustees to serve through June 30 of the ensuing calendar year and until their successors are appointed. The finance committee of the board of trustees shall consist of three members of the board of trustees, one of whom shall be the State Treasurer.

9. Section 1 of P. L. 1944, chapter 255 (C. 43:16A–1) 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 annually by the State Treasurer after consultation with the Directors of the Divisions of Investment and Pensions and the actuary of the System. It shall bear a reasonable relationship to the percentage rate of earnings on investments but shall not exceed 105% of such percentage rate.

(10) "Aggregate contributions" shall mean the sum of all the amounts, deducted from the compensation of a member or contributed by him or on his behalf, standing to the credit of his individual account in the annuity savings fund.

(11) "Annuity" shall mean payments for life derived from the aggregate contributions of a member.

(12) "Pension" shall mean payments for life derived from contributions by the employer.

(13) "Retirement allowance" shall mean the pension plus the annuity.

(14) "Earnable compensation" shall mean the full rate of the salary that would be payable to an employee if he worked the full normal working time for his position. In cases where salary includes maintenance, the retirement system shall fix the value of that part of the salary not paid in money which shall be considered under this act.

(15) "Average final compensation" shall mean the average annual salary upon which contributions are made for the 5 years of creditable service immediately preceding his retirement or it shall mean the average annual salary for which contributions are made during any 5 fiscal years of his or her membership providing the largest possible benefit to the member or his beneficiary.

(16) "Retirement" shall mean withdrawal from active service with a retirement allowance granted under the provisions of this act.

(17) "Annuity reserve" shall mean the present value of all payments to be made on account of any annuity or benefit in lieu of any annuity computed upon the basis of such mortality tables recommended by the actuary as shall be adopted by the board of trustees, and regular interest.

(18) "Pension reserve" shall mean the present value of all payments to be made on account of any pension or benefit in lieu of any pension computed upon the basis of such mortality tables recommended by the actuary as shall be adopted by the board of trustees, and regular interest.

(19) "Actuarial equivalent" shall mean a benefit of equal value when computed upon the basis of such mortality tables recommended by the actuary as shall be adopted by the board of trustees, and regular interest.

(20) "Beneficiary" shall mean any person receiving a retirement allowance or other benefit as provided by this act.

(21) "Child" shall mean a deceased member's unmarried child either (a) under the age of 18 or (b) of any age who, at the time of the member's death, is disabled because of mental retardation or physical incapacity, is unable to do any substantial, gainful work because of the impairment and his impairment has lasted or can be expected to last for a continuous period of not less than 12 months, as affirmed by the medical board.

(22) "Dependent parent" shall mean the parent of a member who was receiving at least 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.

10. Section 13 of P. L. 1944, chapter 255 (C. 43:16A–13) is amended to read as follows:

C. 43:16A-13 Board of trustees; membership, appointment or election, oath, vacancies, compensation, duties; medical board.

13. (1) Subject to the provisions of chapter 70 of the laws of 1955, the general responsibility for the proper operation of the retirement system and for making effective the provisions of this act are hereby vested in a board of trustees.

(2) The board shall consist of nine trustees as follows:

(a) Four members to be appointed by the Governor, who shall serve at the pleasure of the Governor and until their successors are appointed and who shall be private citizens of the State of New Jersey who are neither an officer thereof nor a member of any police or fire department thereof.

(b) The State Treasurer, ex officio.

(c) Two policemen and two firemen who shall be members of the system and who shall be elected by the members of the system for a term of 4 years according to such rules and regulations as the board of trustees shall adopt to govern such election; provided, however, that the elections conducted for the terms commencing July 1, 1964 shall provide for the election of two firemen representatives, the candidate receiving the highest number of votes to be elected for a 4-year term and the candidate receiving the next highest number of votes to be elected for a 2-year term, and provided further, the elections conducted for the terms commencing July 1, 1966 shall provide for the election of two policemen representatives, the candidate receiving the highest number of votes to be elected for a 4-year term and the candidate receiving the next highest number of votes to be elected for a 2-year term. At each election thereafter, one policeman representative and one fireman representative shall be elected for a 4-year term.

(3) Each trustee shall, after his appointment or election, take an oath of office that, so far as it devolves upon him he will diligently and honestly administer the affairs of the said board, and that he will not knowingly violate or willingly permit to be violated any of the provisions of the law applicable to the retirement system. Such oath shall be subscribed by the member making it, and certified by the officer before whom it is taken, and immediately filed in the office of the Secretary of State.

(4) If a vacancy occurs in the office of a trustee, the vacancy shall be filled for the unexpired term in the same manner as the office was previously filled.

(5) The trustees shall serve without compensation, but they shall be reimbursed for all necessary expenses that they may incur through service on the board.

(6) Each trustee shall be entitled to one vote in the board. Five trustees must be present at any meeting of said board for the transaction of its business.

(7) Subject to the limitations of this act, the board of trustees shall, from time to time, establish rules and regulations for the administration of the funds created by this act and for the transaction of its business.

(8) The board of trustees shall elect from its membership a chairman. The Chief of the Bureau of Police and Fire Funds of the Division of Pensions of the State Department of the Treasury shall be the secretary of the board. The administration of the pro-

gram shall be performed by the personnel of the Division of Pensions.

(9) The board of trustees shall keep a record of all of its proceedings which shall be open to public inspection. It shall publish annually a report showing the fiscal transactions of the retirement system for the preceding year, the amount of the accumulated cash and securities of the system, and the last balance sheet showing the financial condition of the system by means of an actuarial valuation of the assets and liabilities of the retirement system.

(10) The Attorney General of the State of New Jersey shall be the legal advisor of the board of trustees.

(11) The board of trustees shall designate a medical board to be composed of three physicians as the board shall designate who are not eligible to participate in the retirement system. If required, other physicians may be employed to report on special cases. The medical board shall pass upon all medical examinations required under the provisions of this act, shall investigate all essential statements and certificates by or on behalf of a member in connection with an application for disability retirement, and shall report in writing to the board of trustees its conclusions and recommendations upon all matters referred to it.

(12) The actuary of the system shall be designated by the State Treasurer after consultation with the Director of the Division of Pensions, subject to veto by the board for valid reason. He shall be the technical advisor of the board of trustees on matters regarding the operation of the funds created by the provisions of this act, and shall perform such other duties as are required in connection therewith.

(13) The actuary shall prepare and submit to the board of trustees the mortality and service tables which he recommends to the board for adoption and the board shall adopt for the retirement system such mortality and service tables as shall be deemed necessary, and shall certify the rates of contributions payable under the provisions of this act. At least once in each 5-year period following the establishment of the system, the actuary shall make an actuarial investigation into the mortality, service and compensation experience of the members and beneficiaries of the retirement system, and, taking into account the result of such investigation, the board of trustees shall adopt for the retirement system such mortality, service and other tables as shall be deemed necessary and shall certify the rates of contribution payable under the provisions of this act.

(14) (Deleted by amendment.)

(15) On the basis of such tables recommended by the actuary as the board of trustees shall adopt and regular interest, the actuary shall make an annual valuation of the assets and liabilities of the funds of the system created by this act.

(16) The various funds created by this act shall be subject to the supervision of the Department of Insurance of the State of New Jersey.

(17) Each policeman or fireman member of the board of trustees shall be entitled to time off from his municipal or county duty, with pay, during the periods of his attendance upon regular or special meetings of the boards of trustees or its duly appointed committees, and such time off shall include reasonable travel time required in connection therewith.

11. Section 14 of P. L. 1944, chapter 255 (C. 43:16A–14) is amended to read as follows:

C. 43:16A-14 Management of funds.

14. (1) The board of trustees shall be and are hereby constituted trustees of the various funds and accounts established by this act; provided, however, that all functions, powers and duties relating to the investment or reinvestment of moneys of, and purchase, sale or exchange of any investments or sceurities, of or for any fund or account established under this act, shall be exercised and performed by the Director of the Division of Investment in accordance with the provisions of chapter 270, of the laws of 1950. The secretary of the board of trustees shall determine from time to time the cash requirements of the various funds and accounts established by this act and the amount available for investment, all of which shall be certified to the Director of the Division of Investment.

A member of the board of trustees to be designated by a majority vote thereof shall serve on the State Investment Council as a representative of said board of trustees, for a term of 1 year and until his successor is elected and qualified.

(2) The Treasurer of the State of New Jersey shall be the custodian of the several funds created by this act, shall select all depositories and custodians and shall negotiate and execute custody agreements in connection with the assets or investments of any of said funds. All payments from said funds shall be made by him only upon vouchers signed by the chairman and countersigned by the secretary of the board of trustees. No voucher shall be drawn,

except upon the authority of the board duly entered in the records of its proceedings.

(3) (Deleted by amendment.)

(4) Except as otherwise herein provided, no trustee and no employee of the board of trustees shall have any direct interest in the gains or profits of any investments of the retirement system; nor shall any trustee or employee of the board directly or indirectly, for himself or as an agent in any manner use the moneys of the retirement system, except to make such current and necessary payments as are authorized by the board of trustees; nor shall any trustee or employee of the board of trustees become an endorser or surety, or in any manner an obligor for moneys loaned to or borrowed from the retirement system.

12. Section 3 of P. L. 1965, chapter 89 (C. 53:5A–3) 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, non-commissioned 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 annually by the State Treasurer after consultation with the Directors of the Divisions of Investment and Pensions and the actuary of the system. It shall bear a reasonable relationship to the percentage rate of earnings on investments but shall not exceed 105% of such percentage rate.

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.

13. Section 30 of P. L. 1965, chapter 89 (C. 53:5A–30) is amended to read as follows:

C. 53:5A-30 Board of trustees; membership, appointment, oath, compensation, duties; medical board.

30. a. Subject to the provisions of chapter 70 of the laws of 1955, the general responsibility for the proper operation of the retirement system is hereby vested in the board of trustees.

b. The board shall consist of five trustees as follows:

(1) Two active members of the system who shall be appointed by the Superintendent of State Police, who shall serve at the pleasure of the superintendent and until their successors are appointed and one of whom shall be a commissioned officer of the Division of State Police.

(2) Two members to be appointed by the Governor, who shall serve at the pleasure of the Governor and until their successors are appointed and who shall be private citizens of the State of New Jersey.

(3) The State Treasurer, ex officio. The Deputy State Treasurer, when designated for that purpose by the State Treasurer, may sit as a member of the board of trustees and when so sitting shall have all the powers and shall perform all the duties vested by this act in the State Treasurer.

c. Each trustee shall, after his appointment or election, take an oath of office that, so far as it devolves upon him, he will diligently and honestly fulfill his duties as a board member, that he will not knowingly violate or permit to be violated any of the provisions of the law applicable to the retirement system. Such oath shall be sub-

scribed by the member taking it, and certified by the official before who it is taken, and immediately filed in the office of the Secretary of State.

d. If a vacancy occurs in the office of a trustee, the vacancy shall be filled for the unexpired term in the same manner as the office was previously filled.

e. The trustees shall serve without compensation, but they shall be reimbursed by the State for all necessary expenses that they may incur through service on the board. No employee member shall suffer loss of salary through the serving on the board.

f. Except as otherwise herein provided, no member of the board of trustees shall have any direct interest in the gains or profits of any investments of the retirement system; nor shall any member of the board of trustees directly or indirectly, for himself or as an agent in any manner use the moneys of the retirement system, except to make such current and necessary payments as are authorized by the board of trustees; nor shall any member of the board of trustees become an endorser or surety, or in any manner an obligor for moneys loaned to or borrowed from the retirement system.

g. Each trustee shall be entitled to one vote in the board. A majority vote of all trustees shall be necessary for any decision by the trustees at any meeting of said board.

h. Subject to the limitations of this act, the board of trustees shall, from time to time, establish rules and regulations for the administration of the funds created by this act and for the transaction of its business.

i. The actuary of the system shall be designated by the State Treasurer after consultation with the Director of the Division of Pensions, subject to veto by the board for valid reason. He shall be the technical adviser of the board on matters regarding the operation of the funds created by the provisions of this act and shall perform such other duties as are required in connection herewith.

j. The Attorney General shall be the legal adviser of the retirement system.

k. The Chief of the Bureau of Police and Fire Funds of the Division of Pensions of the State Department of the Treasury shall be the secretary of the board.

l. The board of trustees shall keep a record of all of its proceedings which shall be open to public inspection. It shall publish annually a report showing the fiscal transactions of the retirement

system for the preceding year, the amount of the accumulated cash and securities of the system and the last balance sheet showing the financial condition of the system by means of an actuarial valuation of the assets and liabilities of the retirement system.

m. The board of trustees shall designate a medical board to be composed of three physicians. As required, other physicians may be employed to examine members where medical evidence is prescribed. The medical board shall pass on all medical examinations required under the provisions of this act, and shall report in writing to the board of trustees its conclusions and recommendations upon all matters referred to it.

n. The various funds created by this act shall be subject to the supervision of the Department of Insurance of the State of New Jersey.

14. Section 31 of P. L. 1965, chapter 89 (C. 53:5A–31) is amended to read as follows:

C. 53:5A-31 Management of funds.

31. a. The board of trustees shall be and are hereby constituted trustees of all the various funds established by this act except the group insurance premium fund; provided, however, that all functions, powers, and duties relating to the investment or reinvestment moneys of, and purchase, sale, or exchange of any investments or securities, of or for any fund established under this act, shall be exercised and performed by the Director of the Division of Investment in accordance with the provisions of chapter 270, P. L. 1950, as amended and supplemented.

b. The secretary of the board shall determine from time to time the cash requirements of the various funds established by this act and the amount available for investment, all of which shall be certified to the Director of the Division of Investment.

c. A member of the board of trustees to be designated by a majority vote thereof shall serve on the State Investment Council as a representative of said board of trustees, for a term of 1 year and until his successor is elected and qualified.

The finance committee of the board of trustees shall be appointed on or before July 1 of each calendar year by the chairman of the board of trustees to serve through June 30 of the ensuing calendar year and until their successors are appointed. The finance committee of the board of trustees shall consist of three members of the board of trustees, one of whom shall be the State Treasurer.

d. The Treasurer of the State of New Jersey shall be the custodian of the several funds. All payments from said funds shall be made by him only upon vouchers signed by the secretary and the chairman of the board of trustees. A duly attested copy of the resolution of the board of trustees designating the chairman and bearing on its face specimen signatures of the chairman and the secretary shall be filed with the treasurer as his authority for making payments upon such vouchers.

e. The administration of the program shall be performed by the personnel of the Division of Pensions of the State Department of the Treasury and the costs of administration shall be borne by the State.

15. Section 7 of P. L. 1952, chapter 358 (C. 43:16–6.2) is amended to read as follows:

C. 43:16-6.2 Annual meeting of commission; chairman, records, legal adviser, actuary.

7. On July 1, 1952, and in each succeeding year, or, when July 1 is a legal holiday, upon the first business day thereafter, the members of the commission shall meet in annual meeting at which a chairman shall be elected from the membership thereof. The commission shall keep, in convenient form, such data as may be necessary for the actuarial evaluation of the fund committed to its charge and to serve as a record of its experience in the administration of the pension system dependent upon such fund. A record shall be kept of all proceedings of the commission, which shall be open to public inspection. The Attorney General shall act as the legal adviser of the commission. The actuary of the fund shall be designated by the State Treasurer after consultation with the Director of the Division of Pensions, subject to veto by the commission for valid reason. He shall be the technical adviser of the commission on all matters regarding the operation of the pension fund not otherwise prescribed by law.

16. Section 12 of P. L. 1944, chapter 253 (C. 43:16–17) 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 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.

(16) "Regular interest" shall mean interest as determined annually by the State Treasurer after consultation with the Directors of the Divisions of Investment and Pensions and the actuary of the fund, as such will be considered by the actuary in determining the liabilities of the fund. It shall bear a reasonable relationship to the percentage rate of earnings on investments but shall not exceed 105% of such percentage rate.

17. Section 7 of P. L. 1950, chapter 270 (C. 52:18A–85) is amended to read as follows:

C. 52:18A-85 Certain powers and duties of certain agencies transferred to Director of Division of Investment.

7. The functions, powers and duties vested by law in the following enumerated agencies:

The Board of Trustees of the Public Employees' Retirement System; the Board of Trustees of the State Police Retirement System; the Prison Officers' Pension Commission; the Board of Trustees of the Teachers' Pension and Annuity Fund; the Board of Trustees of the Police and Firemen's Retirement System of New Jersey; and the Consolidated Police and Firemen's Pension Fund Commission; of, or relating to, investment or reinvestment of moneys of, and purchase, sale or exchange of any investments or

securities of or for any funds or accounts under the control and management of such agencies, are hereby transferred to and shall be exercised and performed for such agencies by the Director of the Division of Investment established hereunder.

18. Section 1 of P. L. 1959, chapter 17 (C. 52:18A–88.1) is amended to read as follows:

C. 52:18A-88.1 Investment of moneys of State pension funds by Director of Division of Investment.

1. The Director of the Division of Investment, in addition to other investments, presently or from time to time hereafter authorized by law, shall have authority to invest and reinvest the moneys in, and to acquire for or on behalf of the funds of the following enumerated agencies:

The Consolidated Police and Firemen's Pension Fund Commission;

The Police and Firemen's Retirement System of New Jersey;

The Prison Officers' Pension Fund Commission;

The Public Employees' Retirement System of New Jersey;

The State Police Retirement System; and

The Teachers' Pension and Annuity Fund;

such bonds or other evidences of indebtedness or capital stock or other securities issued by any company incorporated within the United States or within the Dominion of Canada, which shall be authorized or approved for investment by regulation of the State Investment Council and in which life insurance companies organized under the laws of this State may legally invest, provided that the book value of the total investment in common and preferred stock for any one such fund does not exceed 15% of the book value of such fund, except that not more than 10% of the book value of any such fund shall be invested in common stock.

19. Section 4 of P. L. 1955, chapter 70 (C. 52:18A–98) is amended to read as follows:

C. 52:18A-98 Authority to appoint, employ or remove personnel.

4. The authority, vested pursuant to any law in any of the respective agencies, to appoint, employ or remove administrative, clerical or any other personnel, is hereby transferred to and vested in the State Treasurer. The State Treasurer shall fix the compensation and duties of persons appointed or employed by him.

20. This act shall take effect immediately.

Approved May 18, 1970.

CHAPTER 58

AN ACT to amend the title of "An act to enter into a compact with the State of New York for the reduction of criminal and corrupt practices in the handling of waterborne freight within the Port of New York district and the regularization of the employment of waterfront labor, to provide for assessment of the expenses thereof against certain employers, and, in the absence of such compact, to accomplish such objectives within the New Jersey portion of the Port of New York district, and making an appropriation therefor," approved June 30, 1953 (P. L. 1953, c. 202), so that the same shall read "An act to enter into compacts with the State of New York for the reduction of criminal and corrupt practices in the handling of waterborne and air freight within New York and New Jersey and the regularization of the employment of waterfront labor, to provide for assessment of the expenses thereof against certain employers, and making an appropriation therefor,"; to amend, supplement and repeal parts of the body of said act; to amend and repeal certain acts which are amendatory and supplementary thereto; and to make an appropriation to carry out the purposes of this act.

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

§ 1. The title of chapter 202 of the laws of 1953 is amended to read as follows:

Title amended.

An act to enter into compacts with the State of New York for the reduction of criminal and corrupt practices in the handling of waterborne and air freight within New York and New Jersey and the regularization of the employment of waterfront labor, to provide for assessment of the expenses thereof against certain employers, and making an appropriation therefor.

§ 2. Article II, Part I of P. L. 1953, chapter 202 (C. 32:23–6) is amended to read as follows:

ARTICLE II

DEFINITIONS

C. 32:23-6 Definitions.

As used in this compact:

"The Port of New York district" shall mean the district created by Article II of the compact dated April 30, 1921, between the States of New York and New Jersey, authorized by chapter 154 of the laws of New York of 1921 and chapter 151 of the laws of New Jersey of 1921.

"Commission" shall mean the waterfront and airport commission of New York and New Jersey established by Article III hereof.

"Pier" shall include any wharf, pier, dock or quay.

"Other waterfront terminal" shall include any warehouse, depot or other terminal (other than a pier) which is located within 1,000 yards of any pier in the Port of New York district and which is used for waterborne freight in whole or substantial part.

"Person" shall mean not only a natural person but also any partnership, joint venture, association, corporation or any other legal entity but shall not include the United States, any State or territory thereof or any department, division, board, commission or authority of one or more of the foregoing.

"Carrier of freight by water" shall mean any person who may be engaged or who may hold himself out as willing to be engaged, whether as a common carrier, as a contract carrier or otherwise (except for carriage of liquid cargoes in bulk in tank vessels designed for use exclusively in such service or carriage by barge of bulk cargoes consisting of only a single commodity loaded or carried without wrappers or containers and delivered by the carrier without transportation mark or count) in the carriage of freight by water between any point in the Port of New York district and a point outside said district.

"Waterborne freight" shall mean freight carried by or consigned for carriage by carriers of freight by water.

"Longshoreman" shall mean a natural person, other than a hiring agent, who is employed for work at a pier or other waterfront terminal, either by a carrier of freight by water or by a stevedore,

(a) physically to move waterborne freight on vessels berthed at piers, on piers or at other waterfront terminals, or

(b) to engage in direct and immediate checking of any such freight or of the custodial accounting therefor or in the recording or tabulation of the hours worked at piers or other waterfront

terminals by natural persons employed by carriers of freight by water or stevedores, or

(c) to supervise directly and immediately others who are employed as in subdivision (a) of this definition.

"Pier superintendent" shall mean any natural person other than a longshoreman who is employed for work at a pier or other waterfront terminal by a carrier of freight by water or a stevedore and whose work at such pier or other waterfront terminal includes the supervision, directly or indirectly, of the work of longshoremen.

"Port watchman" shall include any watchman, gateman, roundsman, detective, guard, guardian or protector of property employed by the operator of any pier or other waterfront terminal or by a carrier of freight by water to perform services in such capacity on any pier or other waterfront terminal.

"Longshoremen's register" shall mean the register of eligible longshoremen compiled and maintained by the commission pursuant to Article VIII.

"Stevedore" shall mean a contractor (not including an employee) engaged for compensation pursuant to a contract or arrangement with a carrier of freight by water, in moving waterborne freight carried or consigned for carriage by such carrier on vessels of such carrier berthed at piers, on piers at which such vessels are berthed or at other waterfront terminals.

"Hiring agent" shall mean any natural person, who on behalf of a carrier of freight by water or a stevedore shall select any longshoreman for employment.

"Compact" shall mean this compact and rules or regulations lawfully promulgated thereunder.

§ 3. Article III, Part I of the act of which this act is amendatory is amended to read as follows:

Article III

WATERFRONT AND AIRPORT COMMISSION OF NEW YORK AND NEW JERSEY

C. 32:23-7 Waterfront and airport commission of New York and New Jersey created.

1. There is hereby created the waterfront and airport commission of New York and New Jersey, which shall be a body corporate and politic, an instrumentality of the States of New York and New Jersey.

C. 32:23-8 Commission membership; appointment, terms, vacancies.

2. The commission shall consist of four members, two to be chosen by the State of New Jersey and two to be chosen by the State of New York. The members representing each State shall be appointed by the Governor of such State with the advice and consent of the Senate thereof, without regard to the State of residence of such members, and shall receive compensation to be fixed by the Governor of such State. The term of office of each member shall be for 4 years; provided, however, that the two present members of the commission heretofore appointed shall continue to serve as members until the expiration of the respective terms for which they were appointed, that the term of the two new members shall expire on June 30, 1973, and that the term of the successors to the present members shall expire on June 30, 1975. Each member shall hold office until his successor has been appointed and qualified. Vacancies in office shall be filled for the balance of the unexpired term in the same manner as original appointments.

C. 32:23-9 Quorum; majority vote required; designation of substitute; chairman.

3. Three members of the commission shall constitute a quorum; but the commission shall act only by a majority vote of all its members. Any member may, by written instrument filed in the office of the commission, designate any officer or employee of the commission to act in his place as a member whenever he shall be unable to attend a meeting of the commission. A vacancy in the office of a member shall not impair such designation until the vacancy shall have been filled. The commission shall elect one of its members to serve as chairman for a term of 1 year; provided, however, that the term of the first chairman shall expire on June 30, 1971. The chairman shall represent a State other than the State represented by the immediately preceding chairman.

§ 4. The State of New Jersey hereby agrees with the State of New York, upon the enactment by the State of New York of legislation having the same effect as this section, to the following compact:

PART IV

ARTICLE I

FINDINGS AND DECLARATIONS

C. 32:23-150 Findings and declarations.

1. The States of New York and New Jersey hereby find and declare that the movement of freight through the two states is vital to their economies and prosperity; that ever increasing amounts of

such freight are being carried by the air freight industry; that said air freight industry in the two states constitutes an inseparable and integral unit of the commerce of the two states; that criminal and racketeer elements have infiltrated the air freight industry; that such criminal infiltration is threatening the growth of said air freight industry; that one of the means by which such criminal and racketeer elements infiltrate the air freight industry is by posing as labor relations consultants and that firms handling air freight are often forced to employ or engage such persons; that the air freight industry is suffering an alarming rise in the amount of pilferage and theft of air freight; and that it is imperative to the continued growth and economic well-being of the States of New York and New Jersey that every possible effective measure be taken to prevent the pilferage and theft of air freight and the criminal infiltration of the air freight industry.

C. 32:23-151 Need for regulation.

2. The States of New York and New Jersey hereby find and declare that many of the evils existing in the air freight industry result not only from the causes above described but from the lack of regulation of the air freight industry in and about the port of New York district; that the air freight industry is affected with a public interest requiring regulation, just as the States of New York and New Jersey have heretofore found and declared in respect to the shipping industry; and that such regulation of the air freight industry shall be deemed an exercise of the police power of the two states for the protection of the public safety, welfare, prosperity, health, peace and living conditions of the people of the states.

ARTICLE II

DEFINITIONS

C. 32:23-152 Definitions.

As used in this compact:

"Commission" shall mean the waterfront and airport commission of New York and New Jersey established by part I, article III, of this act.

"Airport" shall mean any area on land, water or building or any other facility located within the States of New York and New Jersey (except a military installation of the United States government) (a) which is located within 100 miles of any point in the port of New York district, (b) which is used, or intended for use, for the landing and take-off of aircraft operated by an air carrier, and any

appurtenant areas which are used or intended for use, for airport buildings or other airport facilities or rights of way, together with all airport buildings, equipment, aircraft, and facilities located thereon, and (c) where the total tonnage of air freight in a calendar year loaded and unloaded on and from aircraft exceeds 20,000 tons.

"Air carrier" shall mean any person who may be engaged or who may hold himself out as willing to be engaged, whether as a common carrier, as a contract carrier or otherwise, in the carriage of freight by air.

"Air freight" shall mean freight (including baggage, aircraft stores and mail) which is, has been, or will be carried by or consigned for carriage by an air carrier.

"Air freight terminal" shall include any warehouse, depot or other terminal (other than an airport) (a) any part of which is located within an airport and any part of which is used for the storage of air freight, or (b) which is operated by an air carrier or a contractor of an air carrier and any part of which is used for the storage of air freight and any part of which is located within the Port of New York district.

"Air freight terminal operator" shall mean the owner, lessee, or contractor or such other person (other than an employee) who is in direct and immediate charge and control of an air freight terminal, or any portion thereof.

"Air freight truck carrier" shall mean a contractor (other than an employee) engaged for compensation pursuant to a contract or arrangement, directly or indirectly, with an air carrier or air carriers or with an air freight terminal operator or operators in the moving of freight to or from an airport or air freight terminal by a truck or other motor vehicle used primarily for the transportation of property.

"Air freight security area" shall mean any area located within the airport to which the commission determines that limited ingress and egress is required for the protection and security of any air freight located within the airport.

"Airfreightman" shall mean a natural person who is employed

(a) by any person to physically move or to perform services incidental to the movement of air freight at an airport or in an air freight terminal or

(b) by an air carrier or an air freight terminal operator or an air freight truck carrier to transport or to assist in the transportation of air freight to or from an airport or air freight terminal; or

(c) by any person to engage in direct and immediate checking of any air freight located in an airport or in an air freight terminal or of the custodial accounting therefor.

"Airfreightman supervisor" shall mean a natural person who is employed to supervise directly and immediately the work of an airfreightman at an airport or at an air freight terminal.

"Airfreightman labor relations consultant" shall mean any person who, pursuant to any contract or arrangement, advises or represents an air carrier, an air freight terminal operator, or an air freight truck carrier, or an organization of such employers (whether or not incorporated), or a labor organization representing any airfreightmen or airfreightman supervisors, concerning the organization or collective bargaining activities of airfreightmen or airfreightman supervisors, but shall not include any person designated by any government official or body to so act or any person duly licensed to practice law as an attorney in any jurisdiction. As used in this paragraph, the term "labor organization" shall mean and include any labor organization to which section 5 of part V of this act is applicable.

"Person" shall mean not only a natural person but also any partnership, joint venture, association, corporation or any other legal entity but shall not include the United States, any state or territory thereof or any department, division, board, commission or authority of one or more of the foregoing or any officer or employee thereof while engaged in the performance of his official duties.

"The Port of New York district" shall mean the district created by article II of the compact dated April 30, 1921, between the States of New York and New Jersey, authorized by chapter 154 of the laws of New York of 1921 and chapter 151 of the laws of New Jersey of 1921, and any amendments thereto.

"Court of the United States" shall mean all courts enumerated in section 451 of Title 28 of the United States code and the courts-martial of the Armed Forces of the United States.

"Witness" shall mean any person whose testimony is desired in any investigation, interview or other proceeding conducted by the commission pursuant to the provisions of this act.

"Compact" shall mean this compact and rules and regulations lawfully promulgated thereunder and shall also include any amendments or supplements to this compact to implement the purposes thereof adopted by the action of the Legislature of either the State of New York or the State of New Jersey concurred in by the Legislature of the other.

ARTICLE III

GENERAL POWERS OF THE COMMISSION

C. 32:23-153 General powers of commission.

In addition to the powers and duties of the commission elsewhere conferred in this act or in the act to which this act is amendatory or supplementary, the commission shall have the power:

1. To administer and enforce the provisions of this compact;

2. To establish such divisions and departments within the commission as the commission may deem necessary and to appoint such officers, agents and employees as it may deem necessary, prescribe their powers, duties and qualifications and fix their compensation and retain and employ counsel and private consultants on a contract basis or otherwise;

3. To make and enforce such rules and regulations as the commission may deem necessary to effectuate the purposes of this compact or to prevent the circumvention or evasion thereof including, but not limited to, rules and regulations (which shall be applicable to any person licensed by the commission, his employer, or any other person within an airport) to provide for the maximum protection of air freight, such as checking and custodial accounting, guarding, storing, fencing, gatehouses, access to air freight, air freight loss reports, and any other requirements which the commission in its discretion may deem to be necessary and appropriate to provide such maximum protection. The rules and regulations of the commission shall be effective upon publication in the manner which the commission shall prescribe and upon filing in the office of the secretary of state of each state. A certified copy of any such rules and regulations, attested as true and correct by the commission, shall be presumptive evidence of the regular making, adoption, approval and publication thereof;

4. To have for its members and its properly designated officers, agents and employees, full and free access, ingress and egress to and from all airports, air freight terminals, all aircraft traveling to or from an airport and all trucks or other motor vehicles or equipment which are carrying air freight to or from any airport or air freight terminal for the purposes of conducting investigations, making inspections or enforcing the provisions of this compact; and no person shall obstruct or in any way interfere with any such member, officer, employee or agent in the making of such investigation or inspection or in the enforcement of the provisions of this

compact or in the performance of any other power or duty under this compact;

5. To make investigations, collect and compile information concerning airport practices generally, and upon all matters relating to the accomplishment of the objectives of this compact;

6. To advise and consult with representatives of labor and industry and with public officials and agencies concerned with the effectuation of the purposes of this compact, upon all matters which the commission may desire, including but not limited to the form and substance of rules and regulations and the administration of the compact and the expeditious handling and efficient movement of air freight consistent with the security of such air freight;

7. To make annual and other reports to the governors and legislatures of both states containing recommendations for the effectuation of the purposes of this compact;

8. To issue temporary licenses and temporary permits under such terms and conditions as the commission may prescribe;

9. In any case in which the commission has the power to revoke or suspend any license or permit the commission shall also have the power to impose as an alternative to such revocation or suspension, a penalty, which the licensee or permittee may elect to pay the commission in lieu of the revocation or suspension. The maximum penalty shall be $5,000.00 for each separate offense. The commission may, for good cause shown, abate all or part of such penalty;

10. To determine the location, size and suitability of field and administrative offices and any other accommodations necessary and desirable for the performance of the commission's duties under this compact;

11. To acquire, hold and dispose of real and personal property, by gift, purchase, lease, license or other similar manner, for its corporate purposes, and in connection therewith to borrow money;

12. To recover possession of any card or other means of identification issued by the commission as evidence of a license or permit in the event that the holder thereof no longer is a licensee or permittee;

13. To require any licensee or permittee to exhibit upon demand the license or permit issued to him by the commission or to wear such license or permit.

The powers and duties of the commission may be exercised by officers, employees and agents designated by them, except the power to make rules and regulations. The commission shall have such additional powers and duties as may hereafter be delegated to or

imposed upon it from time to time by the action of the Legislature of either state concurred in by the Legislature of the other.

ARTICLE IV

AIRFREIGHTMEN AND AIRFREIGHTMAN SUPERVISORS

C. 32:23-154 License required.

1. On and after the ninetieth day after the effective date of this compact, no person shall act as an airfreightman or an airfreightman supervisor within the State of New York or the State of New Jersey without having first obtained from the commission a license to act as such airfreightman or airfreightman supervisor, as the case may be, and no person shall employ another person to act as an airfreightman or airfreightman supervisor who is not so licensed.

C. 32:23-155 Application for license.

2. A license to act as an airfreightman or airfreightman supervisor shall be issued only upon the written application, under oath, of the person proposing to employ or engage another person to act as such airfreightman or airfreightman supervisor, verified by the prospective licensee as to the matters concerning him, and shall set forth the prospective licensee's full name, residence address, social security number, and such further facts and evidence as may be required by the commission to determine the identity, the existence of a criminal record, if any, and the eligibility of the prospective licensee for a license.

C. 32:23-156 Denial of application for license.

3. The commission may in its discretion deny the application for such license submitted on behalf of a prospective licensee for any of the following causes:

(a) Conviction by a court of the United States or any state or territory thereof, without subsequent pardon, of the commission of, or the attempt or conspiracy to commit, treason, murder, manslaughter, coercion or any felony or high misdemeanor or any of the following misdemeanors or offenses (excluding, however, any conviction for a misdemeanor or lesser offense arising out of physical misconduct committed during the course of lawful organizational or collective bargaining activities of any labor organization): illegally using, carrying or possessing a pistol or other dangerous weapon; making, manufacturing or possessing burglar's instruments; buying or receiving stolen property; criminal possession of stolen property; unlawful entry of a building; criminal trespass;

aiding an escape from prison; and unlawfully possessing, selling or distributing a dangerous drug;

(b) Conviction by any such court, after having been previously convicted by any such court of any crime or of the offenses hereinafter set forth, of a misdemeanor or any of the following offenses (excluding, however, any conviction for a misdemeanor or lesser offense arising out of physical misconduct committed during the course of lawful organizational or collective bargaining activities of any labor organization): assault, malicious injury to property, criminal mischief, malicious mischief, criminal tampering, unlawful use or taking of a motor vehicle, corruption of employees, promoting gambling, possession of gambling records or devices, or possession of lottery or number slips;

(c) Fraud, deceit or misrepresentation in connection with any application or petition submitted to, or any interview, hearing or proceeding conducted by the commission;

(d) Violation of any provision of this act or the commission of any offense thereunder;

(e) Refusal on the part of the applicant, or prospective licensee, to answer any material question or produce any material evidence in connection with the application;

(f) As to an airfreightman, his presence at the airports or air freight terminals is found by the commission on the basis of the facts and evidence before it to constitute a danger to the public peace or safety;

(g) As to an airfreightman supervisor, failure to satisfy the commission that the prospective licensee possesses good character and integrity;

(h) Conviction of a crime or other cause which would permit reprimand of such prospective licensee or the suspension or revocation of his license if such person were already licensed.

C. 32:23-157 Issuance of license.

4. When the application shall have been examined and such further inquiry and investigation made as the commission shall deem proper and when the commission shall be satisfied therefrom that the prospective licensee possesses the qualifications and requirements prescribed in this article, the commission shall issue and deliver to the prospective licensee a license to act as an airfreightman or as an airfreightman supervisor, as the case may be, and shall inform the applicant of its action.

C. 32:23-158 Reprimand of licensed personnel; revocation or suspension of license.

5. The commission shall have the power to reprimand any airfreightman or airfreightman supervisor licensed under this article or to revoke or suspend his license for such period as the commission deems in the public interest for any of the following causes:

(a) Conviction of a crime or other cause which would permit the denial of a license upon original application;

(b) Fraud, deceit or misrepresentation in securing the license, or in the conduct of the licensed activity;

(c) Transfer or surrender of possession to any person either temporarily or permanently of any card or other means of identification issued by the commission as evidence of a license, without satisfactory explanation;

(d) False impersonation of another person who is a licensee or permittee of the commission under this compact;

(e) Willful commission of, or willful attempt to commit at an airport or at an air freight terminal or adjacent highway any act of physical injury to any other person or of willful damage to or misappropriation of any other person's property unless justified or excused by law.

(f) Violation of any of the provisions of this act or inducing or otherwise aiding or abetting any person to violate the terms of this act;

(g) Addiction to the use of, or unlawful possession, sale or distribution of a dangerous drug;

(h) Paying, giving, causing to be paid or given or offering to pay or give to any person any valid consideration to induce such other person to violate any provision of this act or to induce any public officer, agent or employee to fail to perform his duty under this act;

(i) Consorting with known criminals for unlawful purposes;

(j) Receipt or solicitation of anything of value from any person other than the licensee's or permittee's employer as consideration for the selection or retention for employment of any person who is a licensee or permittee of the commission under this compact;

(k) Coercion of any person who is a licensee or permittee of the commission under this compact by threat of discrimination or violent or economic reprisal to make purchases from or to utilize the services of any person;

(l) Lending any money to or borrowing any money from any person who is a licensee or permittee of the commission under this

compact for which there is a charge of interest or other consideration which is usurious;

(m) Conviction of any criminal offense in relation to gambling, bookmaking, pool selling, lotteries or similar crimes or offenses if the crime or offense was committed at an airport or air freight terminal or within 500 feet thereof;

(n) Refusal to answer any material question or produce any material evidence lawfully required to be answered or produced at any investigation, interview or other proceeding conducted by the commission pursuant to the provisions of this act, or, if such refusal is accompanied by a valid plea of privilege against self-incrimination, refusal to obey an order to answer such question or produce such evidence made by the commission pursuant to the power of the commission under this act to grant immunity from prosecution;

(o) Refusal to exhibit his license or permit upon the demand of any officer, agent or employee of the commission or failure to wear such license or permit when required.

C. 32:23-159 Expiration and renewal of license.

6. A license granted pursuant to this article shall expire on the expiration date (which shall be at least 1 year from the date of its issuance) set forth by the commission on the card or other means of identification issued by the commission as evidence of a license or upon the termination of employment with the employer who applied for the license. Upon expiration thereof, a license may be renewed by the commission upon fulfilling the same requirements as are set forth in this article for an original application.

ARTICLE V

AIR FREIGHT TERMINAL OPERATORS, AIR FREIGHT TRUCK CARRIERS AND AIRFREIGHTMAN LABOR RELATIONS CONSULTANTS

C. 32:23-160 License required.

1. On and after the ninetieth day after the effective date of this compact, no person, except an air carrier, shall act as an air freight terminal operator or as an air freight truck carrier or as an airfreightman labor relations consultant within the state of New York or the state of New Jersey without having first obtained a license from the commission to act as an air freight terminal operator or as an air freight truck carrier or as an airfreightman labor relations consultant, as the case may be, and no person shall employ or

engage another person to perform services as an air freight terminal operator or as an air freight truck carrier or as an airfreightman labor relations consultant who is not so licensed.

C. 32:23-161 Application for license.

2. Any person intending to act as an air freight terminal operator or as an air freight truck carrier or as an airfreightman labor relations consultant within the State of New York or the State of New Jersey shall file in the office of the commission a written application for a license to engage in such occupation duly signed and verified as follows:

(a) If the applicant is a natural person, the application shall be signed and verified by such person and if the applicant is a partnership, the application shall be signed and verified by each natural person composing or intending to compose such partnership. The application shall state the full name, age, residence, business address (if any), present and previous occupations of each natural person so signing the same, and any other facts and evidence as may be required by the commission to ascertain the character, integrity, identity and criminal record, if any, of each natural person so signing such application.

(b) If the applicant is a corporation, the application shall be signed and verified by the president, secretary and treasurer thereof, and shall specify the name of the corporation, the date and place of its incorporation, the location of its principal place of business, the names and addresses of, and the amount of the stock held by stockholders owning 10% or more of any of the stock thereof, and of all the officers (including all members of the board of directors). The requirements of subdivision (a) of this section as to a natural person who is a member of a partnership, and such requirements as may be specified in rules and regulations promulgated by the commission, shall apply to each such officer or stockholder and their successors in office or interest as the case may be.

In the event of the death, resignation or removal of any officer, and in the event of any change in the list of stockholders who shall own 10% or more of the stock of the corporation, the secretary of such corporation shall forthwith give notice of that fact in writing to the commission, certified by said secretary.

C. 32:23-162 Authority for not granting license.

3. No such license shall be granted

(a) If any person whose signature or name appears in the application is not the real party in interest required by section 2

of this article to sign or to be identified in the application or if the person so signing or named in the application is an undisclosed agent or trustee for any such real party in interest or if any such real party in interest does not sign the application;

(b) Unless the commission shall be satisfied that the applicant and all members, officers and stockholders required by section 2 of this article to sign or be identified in the application for license possess good character and integrity;

(c) If the applicant or any member, officer or stockholder required by section 2 of this article to sign or be identified in the application for license has, without subsequent pardon, been convicted by a court of the United States or any state or territory thereof of the commission of, or the attempt or conspiracy to commit any crime or offense described in subdivision (a) of section 3 of article IV of this compact. Any applicant ineligible for a license by reason of any such conviction may submit satisfactory evidence to the commission that the person whose conviction was the basis of ineligibility has for a period of not less than 5 years, measured as hereinafter provided and up to the time of application, so conducted himself as to warrant the grant of such license, in which event the commission may, in its discretion issue an order removing such ineligibility. The aforesaid period of 5 years shall be measured either from the date of payment of any fine imposed upon such person or the suspension of sentence or from the date of his unrevoked release from custody by parole, commutation or termination of his sentence. Such petition may be made to the commission before or after the hearing on the application;

(d) If, on or after the effective date of this compact, the applicant has paid, given, caused to have been paid or given or offered to pay or give to any officer or employee of any other person employing or engaging him in his licensed activity any valuable consideration for an improper or unlawful purpose or to induce such officer or employee to procure the employment of the applicant in his licensed activity by such other person;

(e) If, on or after the effective date of this compact, the applicant has paid, given, caused to have been paid, or given or offered to pay or give to any officer or representative of a labor organization any valuable consideration for an improper or unlawful purpose or to induce such officer or representative to subordinate the interest of such labor organization or its members in the management of the affairs of such labor organization to the interests of the applicant or any other person;

(f) If, on or after the effective date of this compact, the applicant has paid, given, caused to have been paid or given or offered to pay or give to any agent of any other person any valuable consideration for an improper or unlawful purpose or, without the knowledge and consent of such other person, to induce such agent to procure the employment of the applicant in his licensed activity by such other person.

C. 32:23-163 Issuance of license.

4. When the application shall have been examined and such further inquiry and investigation made as the commission shall deem proper and when the commission shall be satisfied therefrom that the applicant possesses the qualifications and requirements prescribed in this article, the commission shall issue and deliver a license to the applicant.

C. 32:23-164 Reprimand of licensed personnel; revocation or suspension of license.

5. The commission shall have the power to reprimand any person licensed under this article or to revoke or suspend his license for such period as the commission deems in the public interest for any of the following causes on the part of the licensee or of any person required by section 2 of this article to sign or be identified in an original application for a license:

(a) Any cause set forth in section 5 of article IV of this compact;

(b) Failure by the licensee to maintain a complete set of books and records containing a true and accurate account of the licensee's receipts and disbursements arising out of his licensed activities;

(c) Failure to keep said books and records available during business hours for inspection by the commission and its duly designated representatives until the expiration of the fifth calendar year following the calendar year during which occurred the transactions recorded therein;

(d) Failure to pay any assessment or fee payable to the commission under this compact when due.

C. 32:23-165 Expiration and renewal of license.

6. A license granted pursuant to this article shall expire on the expiration date (which shall be at least 1 year from the date of its issuance) set forth by the commission on the card or other means of identification issued by the commission as evidence of a license. Upon expiration thereof, a license may be renewed by the commission upon fulfilling the same requirements as are set forth in this article for an original application.

ARTICLE VI

AIR FREIGHT SECURITY AREA

C. 32:23-166 Designation of security area.

1. On or after the effective date of this compact, the commission shall have the power to designate any area located within an airport as an air freight security area. No person who is not licensed by the commission pursuant to this compact shall have ingress to an air freight security area unless issued a permit by the commission.

C. 32:23-167 Ingress to security area for particular occasion.

2. Any person who is not licensed by the commission pursuant to this compact and who desires upon any occasion ingress to an air freight security area shall apply at the entrance to such area for a permit for ingress for that particular occasion. In order to secure a permit, a prospective permittee must show identification establishing his name and address and he may be required by the commission to sign a consent to the surrender of his permit upon egress from such area and, if he is driving a motor vehicle, to an inspection of his motor vehicle upon egress from such area. Any person desiring a permit to enter an air freight security area may be denied such permit by the commission in its discretion if the commission determines that the presence of such person in such area would constitute a danger to the public peace or safety.

C. 32:23-168 Ingress to security area on regular basis.

3. Any person whose business, employment or occupation requires him to have ingress upon a regular basis to an air freight security area shall be required, in order to obtain ingress to such area, to apply to the commission for a permit for a fixed period of duration to be determined by the commission. Such applicant for a permit of a fixed period of duration shall fulfill the same requirements as the prospective licensee for an airfreightman's license. The commission may in the exercise of its discretion suspend or revoke such permit of a fixed period of duration for the same causes which would permit the commission to revoke the license of an airfreightman.

C. 32:23-169 Authority to inspect vehicles.

4. The commission shall have the power to inspect any truck or any other motor vehicle within an air freight security area.

C. 32:23-170 Provisions not applicable to certain personnel.

5. The provisions of this article shall not be applicable to any person who is a member of the flight crew or flight personnel of an aircraft which is operated by an air carrier and which is located within an air freight security area upon a showing of such identification as may be required by the commission.

ARTICLE VII

HEARINGS, DETERMINATIONS AND REVIEW

C. 32:23-171 Notice and opportunity to be heard.

1. The commission shall not deny any application for a license or permit without giving the applicant or prospective licensee or permittee reasonable prior notice and an opportunity to be heard.

C. 32:23-172 Denial, revocation or suspension of license or permit.

2. Any application for a license or permit, and any license or permit issued, may be denied, revoked or suspended, as the case may be, only in the manner prescribed in this article.

C. 32:23-173 Proceedings to revoke or suspend license or permit.

3. The commission may on its own initiative or on complaint of any person, including any public official or agency, institute proceedings to revoke or suspend any license or permit after a hearing at which the licensee or permittee and any person making such complaint shall be given an opportunity to be heard, provided that any order of the commission revoking or suspending any license or permit shall not become effective until 15 days subsequent to the serving of notice thereof upon the licensee or permittee unless in the opinion of the commission the continuance of the license or permit for such period would be inimical to the public peace or safety. Such hearings shall be held in such manner and upon such notice as may be prescribed by the rules of the commission, but such notice shall be of not less than 10 days and shall state the nature of the complaint.

C. 32:23-174 Temporary suspension of license or permit.

4. Pending the determination of such hearing pursuant to section 3 the commission may temporarily suspend a license or permit if in the opinion of the commission the continuance of the license or permit for such period is inimical to the public peace or safety.

C. 32:23-175 Authority to issue subpoenas, and to compel attendance of witnesses, giving of testimony and production of evidence.

5. The commission, or such member, officer, employee or agent of the commission as may be designated by the commission for

such purpose, shall have the power to issue subpœnas throughout both states to compel the attendance of witnesses and the giving of testimony or production of other evidence and to administer oaths in connection with any such hearing. It shall be the duty of the commission or of any such member, officer, employee or agent of the commission designated by the commission for such purpose to issue subpœnas at the request of and upon behalf of the licensee, permittee or applicant. The commission or such person conducting the hearing shall not be bound by common law or statutory rules of evidence or by technical or formal rules of procedure in the conduct of such hearing.

C. 32:23-176 Action by commission.

6. Upon the conclusion of the hearing, the commission shall take such action upon such findings and determinations as it deems proper and shall execute an order carrying such findings into effect. The action in the case of an application for a license or permit shall be the granting or denial thereof. The action in the case of a licensee or permittee shall be revocation of the license or permit or suspension thereof for a fixed period or reprimand or a dismissal of the charges.

C. 32:23-177 Review.

7. The action of the commission in denying any application for a license or permit or in suspending or revoking such license or permit or in reprimanding a licensee or permittee shall be subject to judicial review by a proceeding instituted in either state at the instance of the applicant, licensee or permittee in the manner provided by the law of such state for review of the final decision or action of administrative agencies of such state, provided, however, that notwithstanding any other provision of law the court shall have power to stay for not more than 30 days an order of the commission suspending or revoking a license or permit.

C. 32:23-178 Right to representation by counsel.

8. At hearings conducted by the commission pursuant to this article, applicants, prospective licensees and permittees, licensees and permittees shall have the right to be accompanied and represented by counsel.

C. 32:23-179 Reopening of hearing; rehearing.

9. After the conclusion of a hearing but prior to the making of an order by the commission, a hearing may, upon petition and in the discretion of the hearing officer, be reopened for the presenta-

tion of additional evidence. Such petition to reopen the hearing shall state in detail the nature of the additional evidence, together with the reasons for the failure to submit such evidence prior to the conclusion of the hearing. The commission may upon its own motion and upon reasonable notice reopen a hearing for the presentation of additional evidence. Upon petition, after the making of an order of the commission, rehearing may be granted in the discretion of the commission. Such a petition for rehearing shall state in detail the grounds upon which the petition is based and shall separately set forth each error of law and fact alleged to have been made by the commission in its determination, together with the facts and arguments in support thereof. Such petition shall be filed with the commission not later than 30 days after service of such order unless the commission for good cause shown shall otherwise direct. The commission may upon its own motion grant a rehearing after the making of an order.

ARTICLE VIII

EXPENSES OF ADMINISTRATION

C. 32:23-180 Annual budget.

1. In addition to the budget of its expenses under the waterfront commission compact, the commission shall annually adopt a budget of its expenses under this compact for each year. The annual budget shall be submitted to the governors of the 2 states and shall take effect as submitted provided that either Governor may within 30 days disapprove or reduce any item or items, and the budget shall be adjusted accordingly.

C. 32:23-181 Funding of budget.

2. After taking into account such funds as may be available to it from reserves in excess of 10% of such budget under this compact, federal grants, or otherwise, the balance of the commission's budgeted expenses shall be obtained by fees payable under this article and by assessments upon employers of persons licensed under this compact as provided in this article.

C. 32:23-182 License fees payable by employers.

3. With respect to airfreightmen and airfreightman supervisors who are employed by an air freight truck carrier regularly to move freight to or from an airport, the employers shall pay to the commission for each such airfreightman and airfreightman supervisor a license fee to be determined by the commission, not in excess of $100.00 for each year, commencing with April 1. The

employer of every person who is issued a permit of fixed duration by the commission for ingress to an air freight security area, or the permittee himself if he is self-employed, shall pay to the commission a fee to be determined by the commission, not in excess of $75.00 for each year, commencing with April 1. The commission shall reduce the maximum fees payable under this section proportionately with any reduction in the maximum assessment rate of 2% provided for by this article.

C. 32:23-183 Assessments payable by employers.

4. Every employer of airfreightmen and airfreightman supervisors licensed by the commission, except as otherwise provided in section 3 of this article, shall pay to the commission an assessment computed upon the gross payroll payments made by such employer to airfreightmen and airfreightman supervisors for work performed as such, at a rate, not in excess of 2% computed by the commission, in the following manner: the commission shall annually estimate the fees payable under this article and the gross payroll payments to be made by employers subject to assessment and shall compute the fees and a rate of assessment which will yield revenues sufficient to finance the balance of the commission's budget for each year as provided in section 2 of this article. The commission may hold in reserve an amount not to exceed 10% of its total budgeted expenses for the year, which reserve shall not be included as part of the budget. Such reserve shall be held for the stabilization of annual assessments, the payment of operating deficits and for the repayment of any advances made by the 2 states.

C. 32:23-184 Certification of amount required to balance budget.

5. The amount required to balance the commission's budget in excess of the estimated yield of the maximum fees and assessment, shall be certified by the commission, with the approval of the respective governors, to the Legislatures of the 2 states, in proportion to the respective totals of the assessments and fees paid to the commission by persons in each of the 2 states. The Legislatures shall annually appropriate to the commission the amount so certified.

C. 32:23-185 Assessments and fees in lieu of other charges.

6. The assessments and fees hereunder shall be in lieu of any other charge for the issuance of licenses or permits by the commission pursuant to this compact.

C. 32:23-186 Revocation or suspension of license or permit for nonpayment of assessment or fee.

7. In addition to any other sanction provided by law, the commission may revoke or suspend any license or permit held by any employer under this compact and/or the license or permit held under this compact by any employees of such employer, or the permit held under this compact by any permittee who is self-employed, and in addition the commission may deny ingress to such employers, employees or permittees to air freight security areas, for nonpayment of any assessment or fee when due.

C. 32:23-187 Filing of returns.

8. Every person subject to the payment of any assessment under this compact shall file on or before the twentieth day of the first month of each calendar quarter-year a separate return, together with the payment of the assessment due, for the preceding calendar quarter-year during which any payroll payments were made to licensed persons for whom assessments are payable for work performed as such. Returns covering the amount of assessment payable shall be filed with the commission on forms to be furnished for such purpose and shall contain such data, information or matter as the commission may require to be included therein. The commission may grant a reasonable extension of time for filing returns, or for payment of assessment, whenever good cause exists. Every return shall have annexed thereto a certification to the effect that the statements contained therein are true.

C. 32:23-188 Keeping and preservation of records.

9. Every person subject to the payment of assessment hereunder shall keep an accurate record of his employment of licensed persons for whom assessments are payable, which shall show the amount of compensation paid and such other information as the commission may require. Such records shall be preserved for a period of 3 years and be open for inspection at reasonable times. The commission may consent to the destruction of any such records at any time after said period or may require that they be kept longer but not in excess of 6 years.

C. 32:23-189 Determination of amount of assessment; notice of deficiency; mailing of notice.

10. (a) The commission shall audit and determine the amount of assessment due from the return filed and such other information as is available to it. Whenever a deficiency in payment of the assessment is determined the commission shall give notice of any such determination to the person liable therefor. Such determina-

tion shall finally and conclusively fix the amount due, unless the person against whom it is assessed shall, within 30 days after the giving of notice of such determination, apply in writing to the commission for a hearing, or unless the commission on its own motion shall reduce the same. After such hearing, the commission shall give notice of its decision to the person liable therefor. A determination of the commission under this section shall be subject to judicial review, if application for such review is made within 30 days after the giving of notice of such decision. Any determination under this article shall be made within five years from the time the return was filed and if no return was filed such determination may be made at any time.

(b) Any notice authorized or required under this article may be given by mailing the same to the person for whom it is intended at the last address given by him to the commission, or in the last return filed by him with the commission under this article, or if no return has been filed then to such address as may be obtainable. The mailing of such notice shall be presumptive evidence of the receipt of same by the person to whom addressed. Any period of time, which is determined according to the provision of this section, for the giving of notice shall commence to run from the date of mailing of such notice.

C. 32:23-190 Payment, proration and refund of fees.

11. Every person required to pay a fee for a license or a permit under this article shall pay the same upon filing of the application with the commission for such license or permit. The fee for such license or permit shall be prorated for the fiscal year for which the same is payable as of the date the application for such license or permit is filed with the commission. The commission shall prorate and make a refund of such fee for the period between the date of application and the date of the issuance of such license or permit. Upon surrender of such license or permit or upon the revocation of any such license or permit issued to an employee before the expiration of the fiscal year, the commission shall make a refund prorated for the unexpired portion of the year, less 10% of such refund. In the event of denial of any application for a license or permit, the commission shall refund the fee paid upon application, less 10% of such refund.

C. 32:23-191 Enforcement of payment by civil action.

12. Whenever any person shall fail to pay, within the time limited herein, any assessment or fee which he is required to pay to the

commission under the provisions of this article the commission may enforce payment of such assessment or fee by civil action for the amount of such assessment or fee with interest and penalties.

C. 32:23-192 Service of process upon Secretary of State.

13. The employment by a nonresident of a licensed person or permittee for whom assessments or fees are payable in either state or the designation by a nonresident of a licensed person or permittee to perform work in such state shall be deemed equivalent to an appointment by such nonresident of the Secretary of State of such state to be his true and lawful attorney upon whom may be served the process in any action or proceeding against him growing out of any liability for assessments or fees, penalties or interest, and a consent that any such process against him which is so served shall be of the same legal force and validity as if served on him personally within such state and within the territorial jurisdiction of the court from which the process issues. Service of process within either state shall be made by either (1) personally delivering to and leaving with the Secretary of State or a Deputy Secretary of State of such state duplicate copies thereof at the office of the Department of State in the capital city of such state, in which event such Secretary of State shall forthwith send by registered mail one of such copies to the person at the last address designated by him to the commission for any purpose under this article or in the last return filed by him under this article with the commission or as shown on the records of the commission, or if no return has been filed, at his last known office address within or without such state, or (2) personally delivering to and leaving with the Secretary of State or a Deputy Secretary of State of such state a copy thereof at the office of the Department of State in the capital city of such state and by delivering a copy thereof to the person, personally without such state. Proof of such personal service without such state shall be filed with the clerk of the court in which the process is pending within 30 days after such service and such service shall be complete 10 days after proof thereof is filed.

C. 32:23-193 Refund of moneys paid in error.

14. Whenever the commission shall determine that any moneys received as assessments or fees were paid in error, it may cause the same to be refunded, provided an application therefor is filed with the commission within 2 years from the time the erroneous payment was made.

C. 32:23-194 Rules and regulations.

15. In addition to any other powers authorized hereunder, the commission shall have power to make reasonable rules and regulations to effectuate the purposes of this article.

C. 32:23-195 Assessment of interest and penalties.

16. When any person shall willfully fail to pay any assessment or fee due hereunder he shall be assessed interest at a rate of 1% per month on the amount due and unpaid and penalties of 5% of the amount due for each 30 days or part thereof that the assessment remains unpaid. The commission may, for good cause shown, abate all or part of such penalty.

C. 32:23-196 Penalty for false or fraudulent information.

17. Any person who shall willfully furnish false or fraudulent information or shall willfully fai to furnish pertinent information as required, with respect to the amount of any assessment or fee due, shall be guilty of a misdemeanor, punishable by a fine of not more than $1,000.00 or imprisonment for not more than 1 year, or both.

C. 32:23-197 Deposit, security and withdrawal of funds.

18. All funds of the commission shall be deposited with such responsible banks or trust companies as may be designated by the commission. The commission may require that all such deposits be secured by obligations of the United States or of the States of New York or New Jersey of a market value equal at all times to the amount of the deposits, and all banks and trust companies are authorized to give such security for such deposits. The moneys so deposited shall be withdrawn only by check signed by 2 members of the commission or by such other officers or employees of the commission as it may from time to time designate.

C. 32:23-198 Annual audit.

19. The accounts, books and records of the commission, including its receipts, disbursements, contracts, leases, investments and any other matters relating to its financial standing shall be examined and audited annually by independent auditors to be retained for such purpose by the commission.

C. 32:23-199 Reimbursement by commission.

20. The commission shall reimburse each state for any funds advanced to the commission exclusive of sums appropriated pursuant to section 5 of this article.

ARTICLE IX

GENERAL VIOLATIONS; PROSECUTIONS; PENALTIES

C. 32:23-200 Failure to give testimony or produce evidence; penalty.

1. The failure of any witness, when duly subpœnaed to attend, to give testimony or produce other evidence in any investigation, interview or other proceeding conducted by the commission pursuant to the provisions of this act, shall be punishable by the Superior Court in New Jersey and the Supreme Court in New York in the same manner as said failure is punishable by such court in a case therein pending.

C. 32:23-201 Giving false testimony; penalty.

2. Any person who, having been duly sworn or affirmed as a witness in any investigation, interview or other proceeding conducted by the commission pursuant to the provisions of this act, shall willfully give false testimony shall be guilty of a misdemeanor punishable by a fine of not more than $1,000.00 or imprisonment for not more than 1 year, or both.

C. 32:23-202 Interfering with or impeding licensing; penalty.

3. Any person who interferes with or impedes the orderly licensing of or orderly granting of any permits to any other person pursuant to this compact, or who attempts, conspires, or threatens so to do, shall be guilty of a misdemeanor punishable by a fine of not more than $1,000.00 or imprisonment for not more than 1 year, or both.

C. 32:23-203 Inducing or attempting to induce any person to refrain from obtaining license; penalty.

4. Any person who directly or indirectly inflicts or threatens to inflict any injury, damage, harm or loss or in any other manner practices intimidation upon or against any person in order to induce or compel such person or any other person to refrain from obtaining a license or permit pursuant to this compact shall be guilty of a misdemeanor punishable by a fine of not more than $1,000.00 or imprisonment for not more than 1 year, or both.

C. 32:23-204 Intimidation or injury of licensee or permittee; penalty.

5. Any person who, without justification or excuse in law, directly or indirectly, intimidates or inflicts any injury, damage, harm, loss or economic reprisal upon any person who holds a license or permit issued by the commission pursuant to this compact, or any other person, or attempts, conspires or threatens so to do, in order to

interfere with, impede or influence such licensee or permittee in the performance or discharge of his duties or obligations shall be guilty of a misdemeanor, punishable by a fine of not more than $1,000.00 or imprisonment of not more than 1 year, or both.

C. 32:23-205 Penalties.

6. Any person who shall violate any of the provisions of this compact, for which no other penalty is prescribed, shall be guilty of a misdemeanor, punishable by a fine of not more than $1,000.00 or by imprisonment for not more than 1 year, or both.

C. 32:23-206 Proof of violation.

7. In any prosecution under this compact, it shall be sufficient to prove only a single act (or a single holding out or attempt) prohibited by law without having to prove a general course of conduct, in order to prove a violation.

ARTICLE X

AMENDMENTS; CONSTRUCTION; SHORT TITLE

C. 32:23-207 Amendments and supplements.

1. Amendments and supplements to this compact to implement the purposes thereof may be adopted by the action of the Legislature of either state concurred in by the Legislature of the other.

C. 32:23-208 Partial invalidity.

2. If any part or provision of this compact or the application thereof to any person or circumstances be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this compact or the application thereof to other persons or circumstances and the two states hereby declare that they would have entered into this compact or the remainder thereof had the invalidity of such provision or application thereof been apparent.

C. 32:23-209 Construction of compact.

3. In accordance with the ordinary rules for construction of interstate compacts this compact shall be liberally construed to eliminate the evils described therein and to effectuate the purposes thereof.

C. 32:23-210 Short title.

4. This compact shall be known and may be cited as the "Airport Commission Compact."

PART V

C. 32:23-211 Prohibition against unions having certain persons as officers, agents or employees.

§ 5. Prohibition against unions having officers, agents or employees who have been convicted of certain crimes and offenses. No person shall solicit, collect or receive any dues, assessments, levies, fines or contributions, or other charges within the state for or on behalf of any labor organization which receives, directly or indirectly, 20% or more of its dues, assessments, levies, fines or contributions, or other charges from persons who hold licenses issued by the commission pursuant to the airport commission compact, or for or on behalf of a labor organization which derives its charter from a labor organization which receives directly or indirectly, 20% or more of its dues, assessments, levies, fines or contributions, or other charges from persons who hold licenses issued by the commission pursuant to the airport commission compact, if any officer, agent or employee of such labor organization, or of a welfare fund or trust administered partially or entirely by such labor organization or by trustees or other persons designated by such labor organization, has been convicted by a court of the United States, or any state or territory thereof, of a felony, any misdemeanor involving moral turpitude or any crime or offense enumerated in subdivision (a) of section 3 of article IV of the airport commission compact, unless he has been subsequently pardoned therefor by the Governor or other appropriate authority of the state or jurisdiction in which such conviction was had or has received a certificate of good conduct or other relief from disabilities arising from the fact of conviction from a board of parole or similar authority. No person so convicted shall serve as an officer, agent or employee of such labor organization, welfare fund or trust unless such person has been so pardoned or has received such a certificate of good conduct. No person, including such labor organization, welfare fund or trust, shall knowingly permit such convicted person to assume or hold any office, agency or employment in violation of this section.

As used in this section, the term "labor organization" shall mean and include any organization which exists and is constituted for the purpose in whole or in part of collective bargaining, or of dealing with employers concerning grievances, terms and conditions of employment, or of other mutual aid or protection; but it shall not include a federation or congress of labor organizations

organized on a national or international basis even though one of its constituent labor organizations may represent persons who hold licenses issued by the commission pursuant to the airport commission compact.

C. 32:23-212 Prohibition against employer organizations having certain persons as officers, agents or employees.

§ 6. Prohibition against employer organizations having officers, agents or employees who have been convicted of certain crimes and offenses. No person shall solicit, collect or receive any dues, assessments, levies, fines or contributions, or other charges within the state for or on behalf of any organization of employers (whether incorporated or not) 20% or more of whose members have in their employment any employees who are members of a labor organization to which the prohibition of section 5 of this act is applicable, if any officer, agent or employee of such employer organization or of a welfare fund or trust administered partially or entirely by such employer organization or by trustees or other persons designated by such employer organization, has been convicted by a court of the United States, or any state or territory thereof, of a felony, any misdemeanor involving moral turpitude or any crime or offense enumerated in subdivision (a) of section 3 of article IV of the airport commission compact, unless he has been subsequently pardoned therefor by the Governor or other appropriate authority of the state or jurisdiction in which such conviction was had or has received a certificate of good conduct or other relief from disabilities arising from the fact of conviction from a board of parole or similar authority. No person so convicted shall serve as an officer, agent or employee of such employer organization, welfare fund or trust unless such person has been so pardoned or has received such a certificate of good conduct. No person, including such employer organization, welfare fund or trust, shall knowingly permit such convicted person to assume or hold any office, agency or employment in violation of this section.

C. 32:23-213 Exceptions to sections 5 and 6.

§ 7. Exceptions to sections 5 and 6 for certain employees. If upon application to the commission by an employee who has been convicted of a crime or offense specified in section 5 or section 6 of part V of this act the commission, in its discretion, determines in an order that it would not be contrary to the purposes and objectives of the airport commission compact for such employee to work in a particular employment otherwise prohibited by section 5 or section 6, the provisions of section 5, or section 6, as the case

may be, shall not apply to the particular employment of such employee with respect to such conviction or convictions as are specified in the commission's order. This section is applicable only to those employees who for wages or salary perform manual, mechanical or physical work of a routine or clerical nature at the premises of the labor organization, employer organization, welfare fund or trust by which they are employed.

C. 32:23-214 Civil penalties.

§ 8. Civil penalties. The commission may maintain a civil action on behalf of the State against any person who violates or attempts or conspires to violate any provision of this act or who fails, omits or neglects to obey, observe or comply with any order or direction of the commission issued under this act, to recover a judgment for a money penalty not exceeding $500.00 for each and every offense. Every violation of any such provision, order or direction shall be a separate and distinct offense and, in case of a continuing violation, every day's continuance shall be and be deemed to be a separate and distinct offense. Any such action may be settled or discontinued on application of the commission upon such terms as the court may approve and a judgment may be rendered for an amount less than the amount demanded in the complaint as justice may require.

C. 32:23-215 Civil enforcement.

§ 9. Civil enforcement. The commission may maintain a civil action against any person to compel compliance with any of the provisions of this act or any order or direction of the commission issued under this act or to prevent violations, attempts or conspiracies to violate any such provisions, or interference, attempts or conspiracies to interfere with or impede the enforcement of any such provisions or the exercise or performance of any power or duty thereunder, either by mandamus, injunction or action or proceeding in lieu of prerogative writ.

C. 32:23-216 Exemption from arrest and service of process.

§ 10. Exemption from arrest and service of process. If a person in obedience to a subpœna, issued pursuant to this act directing him to attend and testify comes into either state party to this act from the other state, he shall not, while in that state pursuant to such subpœna, be subject to arrest or the service of process, civil or criminal, in connection with matters which arose before his entrance into such state under the subpœna.

C. 32:23-217 Nonresident witnesses.

§ 11. Nonresident witnesses. Any investigation, interview or other proceeding conducted by the commission pursuant to the provisions of this act shall be deemed to be a civil action pending in the Superior Court in New Jersey or the Supreme Court in New York so as to permit the commission to obtain disclosure, in accordance with the provisions governing disclosure in such civil actions, from any person who may be outside the States.

C. 32:23-218 Officers and employees.

§ 12. Officers and employees. Any officer or employee in the state, county or municipal civil service in either state who shall transfer to service with the commission may be given one or more leaves of absence without pay and may, before the expiration of such leave or leaves of absence, and without further examination or qualification, return to his former position or be certified by the appropriate civil service agency for retransfer to a comparable position in such state, county, or municipal civil service if such a position is then available.

The commission may, by agreement with any Federal agency from which any officer or employee may transfer to service with the commission, make similar provision for the retransfer of such officer or employee to such Federal agency.

Notwithstanding the provisions of any other law in either state, any officer or employee in the state, county or municipal, service in either state who shall transfer to service with the commission and who is a member of any existing state, county or municipal pension or retirement system in New Jersey or New York, shall continue to have all rights, privileges, obligations and status with respect to such fund, system or systems as if he had continued in his state, county or municipal office or employment, but during the period of his service as a member, officer or employee of the commission, all contributions to any pension or retirement fund or system to be paid by the employer on account of such member, officer or employee, shall be paid by the commission. The commission may, by agreement with the appropriate Federal agency, make similar provisions relating to continuance of retirement system membership for any Federal officer or employee so transferred.

C. 32:23-219 Penalties.

§ 13. Penalties. Any person who shall violate any of the provisions of this act, for which no other penalty is prescribed, shall be guilty of a misdemeanor, punishable by a fine of not more than $1,000.00 or imprisonment for not more than 1 year, or both.

C. 32:23-220 Appropriation.

§ 14. Appropriation. The sum of $250,000.00 or such part thereof as may be necessary is hereby appropriated to the commission, out of any available funds of the State Treasury, for the purposes of the airport commission compact as provided for by this act, payable on the audit and warrant of the comptroller on voucher certified by the commission. The amount so appropriated shall, together with such amounts as may be similarly appropriated by the State of New York, be held by the commission as an advance of operating funds, repayable to the respective states in installments from time to time, in proportion to their initial contributions.

C. 32:23-221 Short title.

§ 15. Short title. This act shall be known and may be cited as the "Waterfront and Airport Commission Act."

C. 32:23-222 Partial invalidity.

§ 16. If any part or provision of this act or the application thereof to any person or circumstances be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this act or the application thereof to other persons or circumstances and the 2 states hereby declare that they would have entered into this act or the remainder thereof had the invalidity of such provision or application thereof been apparent.

C. 32:23-223 Construction of act.

§ 17. This act shall be liberally construed to eliminate the evils described therein and to effectuate the purposes thereof, and the powers vested in the waterfront and airport commission hereby shall be construed to be in aid of and supplemental to and not in limitation of or in derogation of any of the powers heretofore conferred upon or delegated to the waterfront and airport commission.

C. 32:23-224 Repealer.

§ 18. Section 3 of Part II (C. 32:23–75) and section 10 of Part III (C. 32:23–82) chapter 202 of the laws of 1953, as amended; sections 5 and 6 of chapter 14 of the laws of 1954 (C. 32:23–89 and 32:23–90); section 2 of chapter 19 of the laws of 1956 (C. 32:23–100) are hereby repealed.

C. 32:23-225 Effective date.

§ 19. Section 4 of this act shall take effect upon the enactment into law by the State of New York of legislation having an identical effect with said section and upon consent of Congress given thereto; but if the State of New York shall have already enacted such legislation, then section 4 of this act shall take effect immediately upon consent of Congress given thereto. The remaining sections of this act shall take effect upon the effective date of section 4 of this act.

Approved May 20, 1970.

CHAPTER 59

AN ACT to amend the title of "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," approved June 11, 1968 (P. L. 1968, c. 57), so that the same shall read "An act making an appropriation for the repair, reconstruction and replacement of public roads, works, facilities and structures, and the desnagging and channel clearance of rivers and tributaries damaged, destroyed or blocked during or as a result of the floods of May and June, 1968, and of July and August, 1969, and regulating the disbursement thereof," 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 P. L. 1968, chapter 57 is amended to read as follows: An act making an appropriation for the repair, reconstruction and replacement of public roads, works, facilities and structures, and the desnagging and channel clearance of rivers and tributaries damaged, destroyed or blocked during or as a result of the floods of May and June, 1968, and of July and August, 1969, and regulating the disbursement thereof.

2. Section 1 of P. L. 1968, chapter 57 is amended to read as follows:

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, and the desnagging and channel clearance of the rivers and tributaries in the affected area which were damaged, destroyed or blocked during or as a result of the floods of May and June, 1968, or of July and August, 1969 ..... $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, the Chairmen of the Senate and General Assembly Appropriations Committees and the Joint Legislative Committee created pursuant to Assembly Concurrent Resolution No. 66 of the 1968 Legislature and reconstituted pursuant to Assembly Concurrent Resolution No. 27 of the 1969 Legislature.

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 and, in the case of applications relating to the desnagging and channel clearance of blockages of rivers and tributaries resulting from the floods of May and June, 1968, on or before December 31, 1969 and, in the case of applications relating to the floods of July and August, 1969, on or before June 30, 1970.

3. This act shall take effect immediately.

Approved May 20, 1970.

CHAPTER 60

AN ACT concerning local health agencies, amending P. L. 1938, chapter 67, P. L. 1951, chapter 69, and supplementing Title 26 of the Revised Statutes.

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

1. Section 2 of P. L. 1951, chapter 69 (C. 26:3A1–2) is amended to read as follows:

C. 26:3A1-2 Creation of consolidated or county health districts.

2. Any 2 or more contiguous municipalities in one or more counties may create a consolidated local health district and any 2 or more municipalities in the same county may create a "consolidated local health district" or a "county local health district" in the manner provided in this act, which shall consist of the territory comprised within the territorial limits of such municipalities, but no more than one county local health district shall be created in any one county, and no county local health district shall be created except with the consent of the board of chosen freeholders of the county to the creation thereof unless the proposed county local health district shall include all of the territory included within the territorial limits of the county. The governing bodies of 2 or more municipalities within a single county may, upon adoption of parallel ordinances within a period of 6 months, establish a consolidated local health district, in which event the provisions of sections 41, 42 and 43, of this act (C. 26:3A1–41, 42 and 43) shall not apply. A municipality may join an existing consolidated local health district in the county in which it is located, upon adoption, by such municipality and all participating municipalities, of parallel ordinances within a period of 6 months, in which event the provisions of sections 49, 50 and 51 of this act (C. 26:3A1–49, 50 and 51) shall not apply.

2. Section 44 of P. L. 1951, chapter 69 (C. 26:3A1–44) is amended to read as follows:

C. 26:3A1-44 Meeting of Advisory Council and Budget Review Board following election or enactment of ordinance; appointment of consolidated local board of health members.

44. The State Commissioner of Health shall, within 30 days after January 1 of the year following the day of any election at which the formation of a consolidated local health district is approved or

within 30 days after January 1 next following the enactment of the last of the parallel ordinances for the establishment or expansion of a consolidated local health district by the governing bodies of all of the participating municipalities, call a meeting of the advisory council and budget review board of such consolidated local health district to be held upon a day to be fixed by him in such request, which day shall be not less than 60 days from the date of such request, and at said meeting so called said advisory council and budget review board shall organize and appoint the first members of the consolidated local board of health.

3. Section 2 of P. L. 1938, chapter 67 (C. 26:3–84) is amended to read as follows:

C. 26:3-84 Formation of association for furnishing public health services; withdrawal of municipalities.

2. Boards of health of 2 or more municipalities are hereby authorized to form an association to furnish such boards with public health services. Any board of health which desires to participate in such an association shall express its intention so to do by resolution. An association formed under the provisions of this act shall be known as a "regional health commission." Municipalities associating together to form a regional health commission may not withdraw therefrom for a period of 2 years after such municipality shall have joined such association.

C. 26:3-92 Powers and duties of regional health commission.

4. Each regional health commission shall have jurisdiction in matters of public health within the geographic area of the participating municipalities. It shall succeed to all powers and perform all the duties conferred and imposed upon the municipal boards of health which it shall have superseded and, in addition, shall have all the powers and perform all the duties within the geographic area of the participating municipalities which by law are conferred and imposed upon any township, city or other local board of health in this State.

C. 26:3-93 Duration and enforcement of ordinances.

5. The ordinances of each local board of health of each municipality participating in any regional health commission, shall remain in effect within the geographic area of such municipality, until altered or repealed by the regional health commission. Such ordinances may be enforced by and in the name of the regional health commission by proceedings instituted and prosecuted in any court having jurisdiction of such proceedings in such municipality. Ordi-

nances of the regional health commission may be enforced by and in the name of the regional health commission by proceedings instituted and prosecuted in a court having jurisdiction of such proceeding in the region.

C. 26:3-94 Appointment and transfer of personnel; assignment of duties; compensation; re-employment list.

6. No regional health commission shall appoint any person as health officer, public health laboratory technician, sanitary inspector, veterinary meat inspector or plumbing inspector nor employ a person to do work ordinarily performed by a health officer, public health laboratory technician or an inspector of any of the classes named who is not the holder of a current license issued by the State Department of Health for the performance of such type and class of work. Each person who shall have been employed as a full-time employee of a local board of health or district health board, whose employment by such agency was governed by the provisions of the Civil Service law, and whose employment by such agency shall have been terminated by reason of the assumption of its activities and responsibilities by a regional health commission, shall be transferred to the regional health commission, shall be assigned duties comparable to those previously performed by him, and shall be entitled to and credited with all rights and privileges accruing to him by reason of his tenure in such previous office or position, the same as if the entire period of such previous employment had been in the position to which he shall have been transferred. His compensation shall be fixed by the board at not less than the amount received by him during the fiscal year preceding the date he shall have been transferred to the regional health commission. Each person who shall have been employed as a full-time employee, for a period of 2 years or more, of a local board of health or a district health board, whose employment by such agency was not governed by the provisions of the Civil Service law, and whose employment by such agency shall have been terminated by reason of the assumption of its activities and responsibilities by a regional health commission, shall be transferred to the regional health commission, shall be assigned duties comparable to those previously performed by him and shall be entitled to and credited with all rights and privileges accruing to him by reason of his tenure in such previous office or position, the same as if the entire period of such previous employment had been in the position to which he shall have been transferred. His compensation shall be fixed by the board at not less than the amount received by him during

the fiscal year preceding the date he shall have been transferred to the regional health commission. In the event employment by the regional health commission to which a person is transferred pursuant to this act is governed by the provisions of the Civil Service law, the regional health commission shall certify to the Civil Service Commission the entitlement of such person to those rights and privileges to which he shall be entitled and which he shall be credited pursuant to this act. In such event, the Civil Service Commission shall appropriately classify such person in the competitive civil service without examination; such person shall thereafter be subject to all the provisions of the Civil Service law with regard to the terms of his employment, promotion, tenure, classification, compensation and like matters. Every person who shall have been employed as a part-time employee of a local board of health, for a period of 2 years or more and whose employment by such agency shall have been terminated by reason of the assumption of its activities and responsibilities by a regional health commission, shall be placed on a preferential re-employment list for a period of at least 2 years for positions in the regional health commission requiring the same licensure and type and class of work.

7. This act shall take effect July 1, 1970.

Approved May 20, 1970.

CHAPTER 61

AN ACT concerning boards of chosen freeholders, and amending R. S. 40:20–72.

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

1. R. S. 40:20–72 is amended to read as follows:

Salaries of members and directors of small boards of freeholders.

40:20–72. The salaries of the members of the boards of chosen freeholders in counties governed by small boards under the provisions of sections 40:20–2 to 40:20–35 of this Title and in counties governed by boards under the provisions of P. L. 1966, chapter 62 (C. 40:20–35.1 et seq.), shall be as follows:

a. In counties now or hereafter having a population of not more than 75,000, each member shall receive an annual salary of not less

than $5,000.00 nor more than $7,500.00; and the director shall receive, in addition to his salary as a member, a sum not exceeding $500.00 per annum;

b. In counties now or hereafter having a population of more than 75,000, but not more than 600,000, each member shall receive an annual salary of not less than $6,000.00 nor more than $9,000.00; and the director shall receive, in addition to his salary as a member, a sum not exceeding $500.00 per annum; and

c. In counties now or hereafter having a population of more than 600,000, each member shall receive an annual salary of not less than $8,000.00 nor more than $12,000.00; and the director shall receive, in addition to his salary as a member, a sum not in excess of $500.00 per annum.

Salaries of members of boards of chosen freeholders for which a minimum and maximum amount is prescribed herein, and additional compensation of directors of boards of chosen freeholders for which a maximum amount is prescribed herein, may, within the limits prescribed herein, be fixed by the respective boards by resolution. Every such resolution shall specify the date when such salaries shall take effect.

The salaries of members of boards of chosen freeholders referred to in this section, including any additional compensation to directors thereof, shall be in lieu of all fees or other compensation, excepting additional compensation for premiums on group insurance authorized under P. L. 1960, chapter 180, and shall be paid in equal monthly installments by the county treasurer.

2. This act shall take effect immediately.

Approved May 20, 1970.

CHAPTER 62

A SUPPLEMENT to "An act making appropriations for the support of the State Government and the several public purposes for the fiscal year ending June 30, 1970, and regulating the disbursement thereof," approved June 4, 1969 (P. L. 1969, c. 71).

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

1. In addition to all sums heretofore appropriated to the Department of Conservation and Economic Development, Division

of Resource Development pursuant to the second item under account number 420-150 entitled "Inland Waterways and Shore Protection—State Aid" there is hereby appropriated out of the General State Fund to the department for said purpose the further sum of $700,000.00.

2. This act shall take effect immediately.

Approved May 20, 1970.

CHAPTER 63

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 24 of chapter 67 of the laws of 1948 (C. 17:9A–24) is amended to read as follows:

C. 17:9A-24 Powers of banks and savings banks.

24. Powers of banks and savings banks.

Every bank and savings bank shall, subject to the provisions of this act, have the following powers, whether or not such powers are specifically set forth in its certificate of incorporation:

(1) to adopt a corporate seal, and to sue and be sued;

(2) to issue cashier's checks, treasurer's checks, and money orders; to transmit funds; to guarantee signatures and endorsements;

(3) to borrow money, and to pledge, mortgage or hypothecate its real or personal property as security therefor, and to execute and deliver all such instruments as may be necessary to evidence such borrowing, pledge, mortgage, or hypothecation;

(4) to keep, maintain, and rent out for hire, at any location occupied by its principal office or any branch office, safe deposit boxes or other receptacles for the safekeeping of personal property. In exercising the powers authorized by this paragraph, the bank or savings bank shall have, but shall not be confined to, the same rights and remedies conferred upon safe deposit companies;

(5) to purchase, hold, lease and convey real property or any interest therein for the following purposes, and for no others:

(a) such as may be necessary or convenient for the use, operation, or housing of its principal office or any branch office, or an auxiliary office, or for the storage of records or other personal property, or for office space for use by its officers or employees, or which may be reasonably necessary for future expansion of its business, or which is otherwise reasonably incidental to the conduct of its business; and which may include, in addition to the space required for the transaction of its business, other space which may be let as a source of income. In exercising the powers conferred by this subparagraph, the bank or savings bank shall be subject to the limitations imposed by paragraph (13) of this section;

(b) such as may be conveyed to it in whole or part satisfaction of debts previously contracted in the course of its dealings;

(c) such as it shall purchase at sale under judgments and decrees in its favor, and on foreclosure of mortgages held by it; and

(d) such as it shall purchase or acquire to minimize or prevent the loss or destruction of any lien or interest therein;

provided, that all real property not held for any purpose specified in subparagraph (a) of this paragraph, shall be sold within 5 years of its acquisition, or within 5 years after the time it ceases to be held for any purpose specified in subparagraph (a) of this paragraph, unless the commissioner shall extend the time within which such sale shall be made;

(6) to be a member of the Federal Reserve System; to subscribe for, purchase, hold, and surrender such amounts of the capital stock of the Federal Reserve Bank organized within the district in which such bank or savings bank is located may be required or as may be deemed advisable by such bank or savings bank; and to have and exercise all powers, privileges and options which are conferred by law upon such members; to comply with all requirements of Federal legislation and the rules and regulations lawfully promulgated thereunder governing such membership as such legislation and such rules and regulations may provide at the time of inception of such membership, and as the same may from time to time thereafter be amended or supplemented; and to assume and discharge all liabilites and obligations which may be required by reason of such membership;

(7) to be a member of Federal Deposit Insurance Corporation, or of any successor corporation having for its purpose the insurance

of deposits, and to do all things, and assume and discharge all liabilities and obligations imposed upon such members by Federal legislation or by rules and regulations lawfully promulgated pursuant thereto, as the same may provide at the inception of such membership, or as the same may thereafter be amended or supplemented;

(8) to be a member of any Federal agency hereafter created, membership in which is open to banking institutions, and the purpose of which is to afford advantages or safeguards to banking institutions, or to their depositors, and to comply with all the requirements and conditions imposed upon such members, except that the power by this paragraph conferred shall not be exercised unless the commissioner, with the concurrence of the banking advisory board, shall make a general order authorizing banks or savings banks, or both, to become and be such members, upon such terms and conditions as may in such order be prescribed;

(9) to subscribe for, purchase and hold stock of one or more safe deposit companies which have been or may be organized to do business on or adjacent to premises occupied by the principal office or a branch office of the bank or savings bank; provided, that

(a) in the case of a savings bank, the amount so invested shall not exceed 5% of its surplus; and

(b) in the case of a bank, the amount so invested shall not exceed 10% of its capital stock and surplus; and

(c) each purchase of such stock shall first have been authorized by a resolution, stating the number of shares to be purchased and the amount to be paid therefor, adopted by its board of directors or board of managers, and, in the case of a bank, approved by a majority in interest of its stockholders at any annual or special meeting; and

(d) each purchase of such stock by a bank or savings bank shall have been approved in writing by the commissioner;

(10) to subscribe for, purchase and hold stock of not more than one fiduciary institution organized under any law of this State hereafter enacted; provided, that

(a) in the case of a savings bank, the amount so invested shall not exceed 10% of its surplus; and

(b) in the case of a bank, the amount so invested shall not exceed 20% of its capital stock and surplus; and

(c) each purchase of such stock shall first have been authorized by a resolution, stating the number of shares to be purchased and the amount to be paid therefor, adopted by its board of directors or board of managers, and, in the case of a bank, approved by a

majority in interest of its stockholders at any annual or special meeting; and

(d) each purchase of such stock by a bank or savings bank shall have been approved in writing by the commissioner;

(11) to contribute to community funds, or to charitable, philanthropic, or benevolent instrumentalities conducive to public welfare, or civic betterment, or the economic advantage of the community, and to instrumentalities for the protection or advancement of the interests of banking institutions, such sums as its board of directors or board of managers may deem expedient and in the interests of such bank or savings bank;

(12) to exercise all incidental powers, not specifically enumerated in this act, which shall be necessary or convenient to carry the business of the bank or savings bank;

(13) to invest in stock of a subsidiary of such bank or savings bank which holds title to real property of the kind in which such bank or savings bank could itself invest pursuant to subparagraph (a) of paragraph 5 of this section, and to make secured or unsecured loans to such subsidiary, without regard to the limitations imposed by Article 13; but no bank or savings bank shall, except with the prior approval of the commissioner (1) invest in real property pursuant to subparagraph (a) of paragraph (5) of this section; or (2) invest in the stock or other securities of such subsidiary; or (3) make a loan to such subsidiary, if the aggregate of all such investments and loans, when added to any indebtedness otherwise owing by the subsidiary, will exceed 25% of the capital funds of the bank or savings bank. As used in this paragraph, "subsidiary" of a bank or savings bank means a corporation all of whose capital stock and other securities having voting rights are owned by such bank or savings bank, and whose powers are limited by its certificate of incorporation, to the acquiring, holding, managing, selling, leasing, mortgaging, altering, improving and otherwise dealing in and with real property of the kind in which the bank or savings bank could itself invest pursuant to subparagraph (a) of paragraph (5) of this section; and "capital funds" means the aggregate of the capital stock, the principal amount owing on all capital notes, surplus and undivided profits of a bank, and the aggregate of the capital deposits, if any, and the surplus of a savings bank. Every subsidiary of a bank or savings bank shall be subject to examination by the commissioner as provided in the case of banks and savings banks pursuant to sections 260, 261, 262, 263 and 335, and the ultra vires or unlawful act of a subsidiary of a bank or savings

bank shall be deemed to be the ultra vires or unlawful act of such bank or savings bank for the purposes of Article 42. In determining whether to give or withhold approval of an investment or loan in excess of the limitation imposed by this paragraph, the commissioner shall consider whether the making of such loan or investment is consistent with sound banking practice, having regard to (1) the ratio between the aggregate of such loans and investments and the capital funds of the bank or savings bank; (2) the benefits to the bank or savings bank reasonably to be anticipated from such investment or such loan; (3) the ratio between such aggregate capital funds and total deposits; and (4) such other factors as the commissioner shall consider germane to the protection of deposits. A violation of any provision of this paragraph by any bank, savings bank, or subsidiary of a bank or savings bank, shall not impair the validity of sufficiency of any deed of conveyance, mortgage, or lease made by such bank, savings bank, or subsidiary, of any real property owned by it; nor shall any other interest in such real property, acquired by or vested in any person claiming through or under such bank, savings bank, or subsidiary, or to which such person may be entitled, be impaired by reason of such violation.

2. This act shall take effect immediately.

Approved May 20, 1970.

CHAPTER 64

A SUPPLEMENT to the "Municipal Planning Act (1953)," approved September 18, 1953 (P. L. 1953, c. 433, C. 40:55–1.1 et seq.).

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

C. 40:55-1.18a Effect of legal action to protect public health and welfare.

1. In the event that a legal action is instituted by any State agency, political subdivision or other party, to protect the public health and welfare during the 3-year period from the date of preliminary approval of a plat or during an extension of said period pursuant to this act which bars or prevents a developer or builder from proceeding with a subdivision approval or a project or a development and said developer or builder is otherwise ready, willing and able to proceed with said subdivision approval or project

or development, the running of the said 3-year period from the date of preliminary approval or any such extension thereof shall be suspended during the period said legal action is pending.

2. This act shall take effect immediately.

Approved May 20, 1970.

CHAPTER 65

AN ACT to amend "An act to provide for guaranteed or insured bank loans to certain qualified persons for the purposes of establishing or reestablishing themselves in small businesses or professions, and to promote the development of urban areas through the provision of capital loans to qualified businessmen in depressed areas and providing appropriations therefor," approved December 2, 1969 (P. L. 1969, c. 202).

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

1. Section 2 of P. L. 1969, chapter 202 (C. 52:27D–73) is amended to read as follows:

C. 52:27D-73 Definitions.

2. The following terms whenever used or referred to in this act shall have the following respective meanings for the purposes of this act, except in those instances where the context clearly indicates otherwise:

(a) "Act" shall mean this act and any amendments and supplements thereto and any rules and regulations promulgated thereunder.

(b) "Authority" shall mean the New Jersey Urban Loan Authority created by this act.

(c) "Business incentive loan" shall mean a loan, guaranteed or insured by the authority pursuant to the provisions of sections 17 or 18 of this act.

(d) "Business Incentive Loan and Guarantee Fund" shall mean the fund for the insurance and guarantee of business incentive loans created pursuant to section 6 of this act.

(e) "Commissioner" shall mean the Commissioner of the State Department of Community Affairs.

(f) "Department" shall mean the State Department of Community Affairs.

(g) "Direct loan" shall mean a loan made by the authority out of the urban loan fund to a qualified loan client in a qualified loan area.

(h) "Qualified loan area" shall mean a region, county, municipality or parts thereof which is determined by the authority, in accordance with rules and regulations adopted by the authority, to be in need of capital loan assistance pursuant to this act.

(i) "Qualified loan client" shall mean any person, group, association, partnership, cooperative or corporation which is:

(1) Unable to obtain the necessary financing on reasonable terms from any other source, and

(2) Qualified by training, aptitude or experience, or employing persons who are qualified by training, aptitude, or experience, to establish, operate and maintain the business enterprise for which a loan is sought, and

(3) Either:

(a) A resident of a qualified loan area, or the majority ownership of which is vested in residents of the qualified loan area, or

(b) Establishing or expanding a business which will employ a majority of residents of a qualified loan area.

(j) "Security" means an instrument subject to the provisions of article 8 of Title 12A of the New Jersey Statutes.

(k) "Urban Loan Fund" shall mean the Revolving Urban Loan Fund created by this act.

2. Section 3 of P. L. 1969, chapter 202 (C. 52:27D–74) is amended to read as follows:

C. 52:27D-74 Urban Loan Authority; establishment, membership, majority vote; Advisory Council; creation, membership, appointment, terms, chairman, vacancies, reimbursement for expenses, meetings, duties.

(a) There is hereby established in the Department of Community Affairs a body corporate and politic, with corporate succession, to be known as the New Jersey Urban Loan Authority. The authority shall consist of three members, all ex officio, who shall be the Commissioner of the Department of Banking, the State Treasurer, and the Commissioner of Community Affairs, who shall be the chairman. The functions, powers and duties of the authority may be exercised only upon a vote of a majority of its members. The au-

thority shall be exempt from the provisions of Title 17 of the Revised Statutes and any regulations thereunder.

(b) There is hereby created an Urban Loan Advisory Council which shall consist of the Commissioner of Banking, the State Treasurer, the Commissioner of the Department of Environmental Protection, the Commissioner of the Department of Labor and Industry, and three representatives of the public, who shall be appointed by the Governor with the advice and consent of the Senate, and who shall serve for a term of 2 years, and the Commissioner of the Department of Community Affairs, who shall be chairman. Vacancies shall be filled in the same manner as the original appointments. All members of the council shall serve without compensation, but shall be reimbursed for the actual expenses incurred in attending the meetings of the council and in the performance of their duties under this act. The council shall meet at least once annually and at the call of the chairman at such other times as he shall determine. It shall be the duty of the council to consult with and advise the authority in the performance of its functions under this act.

3. Section 5 of P. L. 1969, chapter 202 (C. 52:27D–76) is amended to read as follows:

C. 52:27D-76 Authority's functions and powers.

5. The authority shall be authorized to perform the following functions and exercise the following powers, in addition to other functions, powers, and duties vested in it by this act or by any other provision of law:

(a) To make loans to qualified loan clients to assist them to establish, operate or maintain a particular business enterprise. In lieu of an evidence of indebtedness, the authority may purchase securities issued by a qualified loan client;

(b) To sue and be sued;

(c) To sell to any person, corporation or association, securities and evidences of indebtedness of any qualified loan client of the authority, with such indorsements or guarantees as the authority may determine;

(d) To provide technical, managerial and business assistance and expertise to loan applicants and qualified loan clients;

(e) To waive interest payments, forgive indebtedness, negotiate, renegotiate and otherwise administer loans granted by it, all as provided in section 27 of this act;

(f) To guarantee and insure loans made by private financial institutions subject to Title 17 of the Revised Statutes to qualified

loan clients, as provided in sections 17 and 18 of this act, upon payment of such fees, if any, or upon such terms, as the authority may determine;

(g) To assist any qualified loan client in qualifying for, bidding on, and executing any public work or contract, including, but not limited to, the provision of security, performance bonds, and such other sureties as are necessary for such work or contract;

(h) To apply for and accept grants and loans from the Federal Government or any agency thereof, or from any foundation, corporation, association or individual, and comply with the terms, conditions, and limitations thereof, for any of the purposes of the authority; and to assist any qualified loan client in applying and qualifying for such grants and loans pursuant to this act;

(i) To adopt, amend, modify or rescind rules and regulations for the performance of its functions;

(j) To make and enter into contracts or agreements with qualified financial institutions subject to Title 17 of the Revised Statutes for the servicing and processing of loans made pursuant to this act;

(k) To appoint, retain and employ an executive director and such additional officers as the authority deems advisable, and appoint, retain and employ such attorneys and accounting, financial, marketing, and production experts and such other employees, agents, or experts as may be necessary in its judgment, to fix their compensation, terms of office and dates, and to promote and discharge such officers, employees, and agents or experts, all without regard to the provisions of Title 11, Civil Service, of the Revised Statutes;

(l) To invest any moneys held and 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;

(m) 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;

(n) To establish an office or offices at such location or locations throughout the State as the authority shall determine;

(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 authority or to carry out any of its powers;

(p) To assist any qualified loan client by any means authorized pursuant to this act in qualifying for or securing the status of

licensee or assignee pursuant to any trademark, copyright or patent issued pursuant to Federal and State law;

(q) To allocate such funds as are appropriated to the authority between the business incentive loan and guarantee fund and the urban loan fund created pursuant to this act and among such other funds as it may deem necessary and proper to the exercise of its powers under this act;

(r) To sell shares of, or participations in, loans made, insured or guaranteed, pursuant to this act; said shares shall be legal investments for any financial institution subject to Title 17 of the Revised Statutes; and

(s) To subsidize the interest payments and carrying charges on any loan guaranteed or insured pursuant to sections 17 and 18 of this act, so that the cost of borrowing to the qualified loan client shall be within the limits established in section 8 of this act.

4. Section 6 of P. L. 1969, chapter 202 (C. 52:27D–77) is amended to read as follows:

C. 52:27D-77 Establishment of certain funds; investment and reinvestment; limitations.

6. (a) There is hereby established a business incentive loan guarantee and insurance fund, hereinafter referred to as the "incentive loan fund," an urban loan fund, and such other funds as may be necessary to meet the obligations of the authority under this act, which shall consist of:

(1) All moneys appropriated and made available by the Legislature of this State and allocated for inclusion therein by the authority;

(2) All proceeds of the sale of securities and evidences of indebtedness which are owned by the authority as a result of loans or purchases made from the fund;

(3) Notwithstanding the provisions of any other act or part thereof, any and all moneys which the authority shall receive in repayment of principal and interest on loans or sale of securities; and

(4) Any other moneys available to the authority from any source or sources.

The authority is hereby authorized to use the moneys held in these funds, or any portion thereof, to carry out the purposes of this act.

(b) Such amounts as the authority shall estimate are not needed for its current operations shall be invested and reinvested by the

authority in such obligations as are authorized by law for the investment of trust funds in the custody of the State Treasurer.

(c) The authority may not, in any manner, directly or indirectly, pledge the credit of the State and such guarantees or insurance as are provided pursuant to this act shall in no event exceed the amount of the appropriations therefor.

5. Section 8 of P. L. 1969, chapter 202 (C. 52:27D–79) is amended to read as follows:

C. 52:27D-79 Terms and conditions of loans; limitations.

8. Loans made, guaranteed, or insured by the authority shall be subject to the following terms and conditions:

(a) The loan period shall not exceed 10 years.

(b) The interest rate on the loan shall be established by the authority, but in no event at less than 1%, nor more than the then current lending rate in the qualified loan area. Interest payments shall be made according to a schedule to be determined by the authority.

(c) The loan may be evidenced by bonds, notes, or other evidence of indebtedness which may be subordinate to such other claims against the qualified loan clients as the authority shall determine, and which shall be in a form approved by the authority, containing such other terms and conditions as are required by the authority.

(d) The business venture for which the loan is made must be reasonably calculated to provide more than temporary alleviation of the depressed conditions in the qualified loan area.

(e) The qualified loan client must present evidence satisfactory to the authority that the funds loaned to it by the authority or funds whose repayment is guaranteed or insured by the authority have in fact been used only for the purposes contemplated by the authority in granting, guaranteeing, or insuring the loan. Failure to do so shall render the loan immediately due and payable.

(f) The authority must certify that the training, aptitude, or experience of the qualified loan clients leads the authority to believe that there are reasonable prospects for ultimate repayment of the loan to be granted, guaranteed, or insured. No loan under this act shall be made if the total amount outstanding and committed (by participation or otherwise) to the qualified loan client from the revolving fund established herein would exceed $250,000.00.

No security may be purchased by the authority in lieu of an evidence of indebtedness, which authorizes or empowers the authority to vote in, administer, or otherwise participate in the

management and control of the qualified loan client by proxy or otherwise. In no event may the sum of the total amount of such purchases made in lieu of an evidence of indebtedness pursuant to this section and the total amount of any loans outstanding exceed $250,000.00 for any qualified loan client.

6. Section 9 of P. L. 1969, chapter 202 (C. 52:27D–80) is amended to read as follows:

C. 52:27D-80 Financial organizations authorized to make loans; authority's approval required.

9. (a) Upon approval by the authority of an incentive loan application any bank may make the loan as approved and upon the terms and conditions required under this act;

(b) Any financial corporation, under the supervision of the Department of Banking and any national bank or savings and loan association organized under the laws of the United States and doing business in this State, which are hereinafter referred to as "any bank," may, any other provision of law to the contrary notwithstanding, make incentive loans under this act, pursuant to such rules and regulations, not inconsistent herewith, and using such forms, as the authority may prescribe; and

(c) Any application for a business incentive loan made under this act shall be submitted to the authority for its approval. The authority shall approve the application only if the loan is found to be consistent with the purposes of this act and the limitations imposed hereunder.

7. Section 10 of P. L. 1969, chapter 202 (C. 52:27D–81) is amended to read as follows:

C. 52:27D-81 Supervision of use of credit.

10. Any bank making an incentive loan shall cooperate with the authority in supervising the use of the credit in accordance with its purposes.

8. Section 11 of P. L. 1969, chapter 202 (C. 52:27D–82) is amended to read as follows:

C. 52:27D-82 Evidence, interest, repayment, term and security of loans.

11. Each incentive loan made under this act shall:

(a) Be evidenced by a note or other obligation approved by the authority.

(b) Bear interest at a rate not exceeding the maximum legal rate of interest per annum upon the unpaid balance.

(c) Be payable in the manner prescribed by the authority, but not later than 10 years from the date of the loan;

(d) Be secured in the manner prescribed by the authority.

9. Section 13 of P. L. 1969, chapter 202 (C. 52:27D–84) is amended to read as follows:

C. 52:27D-84 Refinancing of loans; limitations.

13. Subject to such rules and regulations as the authority may prescribe, any incentive loan made under and pursuant to the provisions of this act for a period of less than 10 years may be extended or refinanced in the discretion of the bank without affecting the obligation of the authority hereunder; provided, provision is made for complete discharge of the obligation, and interest thereon, not later than 10 years from the date of the original loan. Except as the authority may prescribe in the terms of any instrument creating a lien required under the provisions of this act, installments may not be accelerated on any incentive loan unless at any time in the option of the borrower.

10. Section 15 of P. L. 1969, chapter 202 (C. 52:27D–86) is amended to read as follows:

C. 52:27D-86 Election by bank of insurance or guaranty plan; notice.

15. Every bank shall, prior to, or simultaneously with the submission for approval of its initial loan, elect to have all incentive loans made and to be made by such bank either insured in accordance with the provisions of section 17 hereof or guaranteed in accordance with the provisions of section 18 hereof. Notice of such election shall be made on such form as the authority shall prescribe.

11. Section 16 of P. L. 1969, chapter 202 (C. 52:27D–87) is amended to read as follows:

C. 52:27D-87 Change by bank from guaranty to insurance plan; notice.

16. Any bank which has elected to have its approved incentive loans guaranteed by the authority in accordance with the provisions of section 18 hereof, may at any time elect to have all of its approved incentive loans then outstanding and all approved incentive loans thereafter to be made by it insured in accordance with the provisions of section 17 hereof. Notice of such election shall be made on such form as the authority shall prescribe.

12. Section 19 of P. L. 1969, chapter 202 (C. 52:27D–90) is amended to read as follows:

C. 52:27D-90 Minimum reserve fund requirement.

19. The sum total of all reserve funds set aside by the authority in accordance with the provisions of section 17 together with such amount as the authority may set aside, out of the guaranty and insurance fund, to meet the payment by the authority of approved notes submitted to it for purchase in accordance with the provisions of section 18 shall in no event be less than 20% of the total face amount of all approved incentive loans from time to time outstanding.

13. Section 21 of P. L. 1969, chapter 202 (C. 52:27D–92) is amended to read as follows:

C. 52:27D-92 Amount payable to authority by bank in consideration of guaranty or insurance.

21. Every bank which has made or which may hereafter make any approved incentive loan or loans shall, in consideration of the guaranty or insurance as herein provided, pay to the authority an amount equal to at least ¼ of 1% per year of the amount of the principal obligation of the loan outstanding at any time, without taking into account delinquent payments or prepayments, on each such loan to be payable at such time or times and in such manner as the authority may prescribe.

14. This act shall take effect immediately.

Approved May 20, 1970.

CHAPTER 66

AN ACT to regulate the sale and distribution of commercial fertilizers and soil conditioners and repealing sections 4:9–1 through 4:9–15 of the Revised Statutes.

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

C. 4:9-15.1 Short title.

1. This act may be referred to as the "New Jersey Commercial Fertilizer and Soil Conditioner Act of 1970."

C. 4:9-15.2 Administration of act.

2. This act shall be administered by the New Jersey Department of Agriculture.

C. 4:9-15.3 Definitions.

3. As used in this act:

(a) "Commercial fertilizer" means a fertilizer material, mixed fertilizer or any other substance containing one or more recognized plant nutrients which is used for its plant nutrient content, which is designed for use or claimed to have value in promoting plant growth, and which is sold, offered for sale, or intended for sale; except that it shall not be considered to include unmanipulated animal or vegetable manures, agricultural liming materials, or wood ashes.

(b) "Specialty fertilizer" means a commercial fertilizer distributed primarily for nonfarm use, such as home gardens, lawns, shrubbery, flowers, golf courses, parks, cemeteries, greenhouses, and nurseries.

(c) "Customer formulated mix" means a commercial fertilizer prepared expressly for, and according to specifications furnished prior to mixing by, the customer.

(d) "Soil conditioner" means any substance intended or claimed to improve the chemical or physical characteristics of the soil which is sold, offered for sale, or intended for sale; except that it shall not be considered to include decomposed organic material having an ash content not exceeding 25% by dry weight, unmanipulated animal or vegetable manures, agricultural liming materials, or any other materials that may be exempted by regulation.

(e) "Brand" means a term, design, or trademark used in connection with a soil conditioner or with one or more grades of commercial fertilizer.

(f) "Grade" means the percentage of total nitrogen, available phosphoric acid, and soluble potash stated in whole numbers in the same terms, order, and percentages as in the guaranteed analysis; provided, however, that fertilizer materials, bone meal, and similar raw materials may be guaranteed in fractional units.

(g) "Guaranteed analysis" means the minimum percentage of plant nutrients claimed and set forth in the manner prescribed in subsection 10 (c) of this act.

(h) "Index value" means an expression of the actual analysis of a fertilizer compared to the guaranteed analysis determined according to the following formula. Multiply the total nitrogen value by 3, the available phosphoric acid value by 2, and the soluble potash value by one, and then add these figures separately for the actual analysis and for the guaranteed analysis to obtain, respectively, the total actual value and the total guaranteed value. The

index value is obtained by dividing the total actual value by the total guaranteed value.

(i) "Official sample" means any sample of commercial fertilizer or soil conditioner taken by an agent of the Department of Agriculture and designated as "official" by the department.

(j) "Person" includes any individual, partnership, association, firm, or corporation.

(k) "Distributor" means any person who imports, consigns, manufactures, produces, compounds, mixes, or blends commercial fertilizer or soil conditioner or who offers for sale, sells, barters, or otherwise supplies such products in this State.

(l) "Licensee" means a person who is licensed, or is required to be licensed, to distribute commercial fertilizers or soil conditioners under the provisions of this act.

(m) "Manufacturing facility" means any place where a commercial fertilizer or soil conditioner is manufactured, produced, compounded, mixed, blended, or in any way altered chemically or physically.

(n) "Label" means the display of all written, printed, or graphic matter on the immediate container or a statement accompanying a commercial fertilizer or soil conditioner.

(o) "Labeling" means all written, printed, or graphic matter on or accompanying any commercial fertilizer or soil conditioner, or the contents of any advertisements, brochures, posters, or television or radio announcements used in promoting the sale of such commercial fertilizer or soil conditioner.

(p) "Ton" means a net weight of 2,000 pounds avoirdupois.

(q) "Per cent" or "percentage" refers to the percentage by weight.

(r) "Department" means the New Jersey Department of Agriculture and includes the State Board of Agriculture, the Secretary of Agriculture, the State Chemist, and all employees and agents thereof.

(s) "State board" means the State Board of Agriculture of New Jersey.

(t) "Secretary" means the Secretary of Agriculture of New Jersey.

(u) "State Chemist" means the person appointed by the State board, subject to the supervision of the secretary, for the purpose of administering this act.

C. 4:9-15.4 Authority to adopt additional definitions.

4. The State Board of Agriculture may adopt additional definitions by regulations in accordance with section 33 of this act. Definitions of ingredients adopted by regulation shall be derived from authoritative publications and sources, such as those of the Association of American Plant Food Control Officials.

C. 4:9-15.5 License required.

5. Every person who owns or operates a manufacturing facility in this State or under whose name commercial fertilizers or soil conditioners are distributed in this State shall obtain a license to manufacture or distribute such products.

C. 4:9-15.6 License fees.

6. The minimum annual license fee shall be $125.00. In the case of each person who owns or operates more than one manufacturing facility within this State, there shall be an additional annual license fee of $125.00 for each such additional manufacturing facility. In the case of each person who owns or operates 2 or more manufacturing facilities located outside of New Jersey which distribute commercial fertilizers or soil conditioners within this State, there shall be an additional annual license fee of $125.00 covering all such manufacturing facilities. Fees collected pursuant to this section shall be forwarded to the State Treasurer.

C. 4:9-15.7 License application, issuance and expiration.

7. Applications for licenses shall be submitted to the State Chemist on forms furnished by his office and shall be accompanied by the appropriate fee. Upon approval by the State Board of Agriculture, a license shall be issued to the applicant. All licenses shall expire on June 30 of each year.

C. 4:9-15.8 Specialty fertilizer label or facsimile to be furnished.

8. A person applying for a license to distribute specialty fertilizers shall, at the time of submitting his application, furnish the State Chemist with a label or facsimile thereof for each brand and grade of specialty fertilizer.

C. 4:9-15.9 Soil conditioner label or facsimile to be furnished.

9. A person applying for a license to manufacture or distribute soil conditioners shall, at the time of submitting his application, furnish the State Chemist with a label or facsimile thereof for each soil conditioner. The State Board of Agriculture may require that the application for a license be accompanied by authentic experimental evidence to substantiate claims made for a soil conditioner.

C. 4:9-15.10 Commercial fertilizer label to set forth certain information.

10. Any commercial fertilizer distributed in this State in containers shall have placed on or affixed to the container a label setting forth in clearly legible and conspicuous form the following information:

(a) The net weight or other measure prescribed by regulation.

(b) The brand and grade.

(c) The guaranteed analysis, in the following order and form:

(1) Total nitrogen (N) ..... %
Available phosphoric acid (P_2O_5) ..... %
Soluble potash (K_2O) ..... %

(2) For unacidulated mineral phosphatic materials and basic slag, bone, tankage and other organic phosphatic materials, the total phosphoric acid or the degree of fineness or both may also be guaranteed.

(3) Guarantees for plant nutrients other than nitrogen, available phosphoric acid, and soluble potash may be permitted or required by regulation. The guarantees for such other nutrients shall be expressed in the form of the element. The sources of such other nutrients (including, but not limited to, oxides, salts, and chelates) may be required to be stated on the application for a license and may be required to be included as a parenthetical statement on the label. Other beneficial substances or compounds determinable by laboratory methods may also be required to be guaranteed by regulations adopted by the State Board of Agriculture with the advice of the Director of the Agricultural Experiment Station. When any plant nutrients or other substances or compounds are guaranteed they shall be subject to inspection and analysis in accordance with methods and procedures prescribed by regulation.

(d) The name and address of the licensee.

C. 4:9-15.11 Statement of information to accompany each delivery.

11. For each kind of commercial fertilizer distributed in bulk in this State, a written or printed statement of the information required by section 10 of this act shall accompany each delivery and be supplied to the customer at the time of delivery.

C. 4:9-15.12 "Customer formulated mix" label.

12. A customer formulated mix shall be designated "customer formulated mix" and, in lieu of the requirements of sections 10 and 11 of this act, shall be labeled to show the net weight, guaran-

teed analysis, and the name and address of the licensee and the customer.

C. 4:9-15.13 Specialty fertilizer label.

13. A specialty fertilizer must be labeled as provided in section 10 of this act, and additional items may be required by regulation.

C. 4:9-15.14 Soil conditioner label to set forth certain information.

14. Any soil conditioner distributed in this State in containers shall have placed on or affixed to the container a label setting forth in clearly legible and conspicuous form the following information:

(a) The net weight or other measure prescribed by regulation.
(b) The brand.
(c) An accurate statement of composition and purpose.
(d) The name and address of the licensee.

C. 4:9-15.15 Statement of information to accompany each delivery.

15. For each kind of soil conditioner distributed in bulk in this State, a written or printed statement of the information required by section 14 of this act shall accompany each delivery and be supplied to the customer at the time of delivery.

C. 4:9-15.16 Inspection fee.

16. Each licensee shall pay to the Department of Agriculture for all commercial fertilizers and soil conditioners distributed in this State an inspection fee at the rate of $0.15 per ton on all tonnage in excess of 10 tons per semiannual statement. Fees so collected by the department shall be forwarded to the State Treasurer.

Sales to persons owning or operating manufacuring facilities or exchanges between such persons are exempted from the inspection fee.

C. 4:9-15.17 Reports.

17. Every person who distributes a commercial fertilizer or soil conditioner in this State shall file with the State Department of Agriculture, on a form furnished by the State Chemist, semiannual reports for the periods ending December 31 and June 30, setting forth the number of net tons of soil conditioner or of commercial fertilizer by grade and form (that is, bags, bulk, liquid, or other forms) distributed in this State during such ½-year period. The report shall be due on or before the end of the month following the close of each period and shall be accompanied by payment of the inspection fee required under section 16 of this act. Information furnished under this section shall not be disclosed in such a way as to divulge the operation of any person.

C. 4:9-15.18 Authority to obtain detailed statistics.

18. When the State board, after public hearing following due notice, finds it desirable to obtain or disseminate more detailed distribution statistics, it may by regulation prescribe a more comprehensive system of reporting.

C. 4:9-15.19 Failure to file report and pay inspection fee.

19. If a licensee fails to file a tonnage report and to pay the inspection fee within 60 days after the end of the semiannual period, a collection fee of 10% of the amount due, but not less than $10.00 in any event, shall be assessed against the licensee, and the amount of fees due shall constitute a debt against the licensee. In the event that a licensee fails to file the tonnage report and to pay the inspection fee, the Department of Agriculture may assess the amount due on the basis of previous tonnage reports filed.

C. 4:9-15.20 Sales or distribution to intermediate distributors.

20. When the distribution of a commercial fertilizer or soil conditioner involves sales or distribution to one or more intermediate distributors before sale or distribution to the consumer, the person who distributes to a nonlicensee is required to report the tonnage and pay the inspection fee, unless the report and payment have been made by a prior licensee.

C. 4:9-15.21 Authority to sample, inspect, analyze and test.

21. It shall be the duty of the Department of Agriculture to sample, inspect, make analyses of, and test commercial fertilizers and soil conditioners distributed within this State at such time and place and to such an extent as it may deem necessary to determine whether such products are in compliance with the provisions of this act. The department is authorized to enter upon any public or private premises or carriers during regular business hours in order to have access to commercial fertilizers and soil conditioners and to records relating to their distribution, subject to the provisions of this act and the rules and regulations adopted by the State Board of Agriculture pursuant thereto.

C. 4:9-15.22 Methods of analysis and sampling.

22. The methods of analysis and sampling utilized under section 21 of this act shall be adopted by the State Board of Agriculture on the basis of authoritative sources such as publications of the Association of Official Analytical Chemists.

C. 4:9-15.23 Determination of violation.

23. The Department of Agriculture, in determining for administrative purposes whether any commercial fertilizer or soil conditioner is in violation of this act, shall base such determination solely upon official samples as defined in subsection 3(i) and obtained and analyzed in accordance with sections 21 and 22.

C. 4:9-15.24 Disposition of results of analysis indicating deficiency.

24. The results of an analysis of a sample of any commercial fertilizer or soil conditioner which indicates a deficiency shall be forwarded promptly by the State Chemist to the licensee. Upon request and within 15 days of the date the analysis report is forwarded, the State Chemist shall furnish to the licensee a portion of any sample. If within 15 days after the forwarding of the analysis report indicating a deficiency no adequate evidence contradicting the analysis report is made available to the State Chemist, the report of the sample analysis shall become official and may be submitted to the purchaser.

C. 4:9-15.25 Amount and assessment of penalty for plant nutrient deficiency.

25. If an official analysis shows that a commercial fertilizer is deficient in one or more of its guaranteed primary plant nutrients (nitrogen, available phosphoric acid, and soluble potash) beyond the investigational allowance as established by regulation or if the over-all index value of the fertilizer is below the level established by regulation, a penalty of 3 times the commercial value of such deficiency shall be assessed by the State Chemist against the licensee.

C. 4:9-15.26 Determination and publication of certain values.

26. For the purpose of determining the commercial values to be applied under section 25 of this act, the State Board of Agriculture shall determine and publish annually the values per pound of nitrogen, including water insoluble nitrogen, available phosphoric acid, soluble potash, and other plant nutrients as determined by the State board, in commercial fertilizers in this State. The values so determined and published shall be used in determining and assessing penalties.

C. 4:9-15.27 Disposition of certain penalties.

27. All penalties assessed under section 25 of this act shall be paid to the purchaser, or to a consumer who thereafter received possession of the lot represented by the sample analyzed, within 60 days after the date of notice from the State Chemist to the licensee. Receipts shall be obtained and forwarded promptly to the State

Chemist by the licensee. If the purchaser or consumer cannot be found, the amount of the penalty shall be paid to the State Treasurer.

C. 4:9-15.28 Appeal for relief.

28. Nothing contained in this act shall prevent any person from appealing to a court of competent jurisdiction for relief from an assessment imposed under section 25 of this act.

C. 4:9-15.29 Penalties for certain deficiencies.

29. If an official report of a sample analysis shows that a commercial fertilizer or soil conditioner is deficient beyond the investigational allowance as established by regulation in any constituents guaranteed pursuant to paragraph 10(c)(3) of this act, the penalties prescribed by regulation adopted by the State Board of Agriculture shall be applicable.

C. 4:9-15.30 Misbranded product.

30. No person shall distribute a misbranded product. A commercial fertilizer or soil conditioner shall be deemed to be misbranded:

(a) If its labeling is false or misleading in any particular.

(b) If it is distributed under the name of another product.

(c) If it is not labeled in accordance with any applicable provisions of sections 10, 11, 12, 13, 14 and 15 of this act and of regulations prescribed under this act.

(d) If it purports to be or is represented as a commercial fertilizer, or is represented as containing a plant nutrient or commercial fertilizer, unless such plant nutrient or commercial fertilizer conforms to the definitions or terms prescribed by regulation. In the adoption of such regulations due regard shall be given to commonly accepted definitions and official fertilizer terms such as those issued by the Association of American Plant Food Control Officials.

C. 4:9-15.31 Adulterated product.

31. No person shall distribute an adulterated product. A commercial fertilizer or soil conditioner shall be deemed to be adulterated:

(a) If it contains any deleterious or harmful ingredient in sufficient amount to render it injurious to plant life when applied in accordance with directions for use on the label, or if adequate warning statements or directions for use, which may be necessary to protect plant life, are not shown on the label.

(b) If its composition falls below or differs from that which it is purported to possess by its labeling.

(c) If it contains unwanted crop seed or weed seed.

C. 4:9-15.32 Information to be published.

32. The State Board of Agriculture shall publish in such form and as it may deem proper:

(a) At least once every 6 months, information concerning the distribution of commercial fertilizer and soil conditioners.

(b) At least once each year, results of analyses based on official samples of commercial fertilizer distributed within the State as compared with the guaranteed analyses prescribed under section 10.

C. 4:9-15.33 Rules and regulations.

33. The State Board of Agriculture, after public hearing and due notice, in accordance with the Administrative Procedure Act (P. L. 1968, c. 410, C. 52:14B–1 et seq.), may adopt such rules and regulations as it deems necessary to carry into effect the full intent and purposes of this act.

C. 4:9-15.34 Revocation or suspension of license; refusal to renew or refusal to issue license.

34. The State Board of Agriculture may revoke, suspend, or refuse to renew the license of any licensee or refuse to issue a license to a person under this act upon finding that the licensee or applicant has violated any provision of this act or of the rules and regulations adopted thereunder. No license shall be revoked, suspended, or refused until the licensee or applicant shall have been afforded an opportunity for a hearing before the State board or such person or persons as the State board may designate to conduct such hearings.

C. 4:9-15.35 "Stop sale, use, or removal" order.

35. The State Board of Agriculture may issue and enforce a written "stop sale, use, or removal" order to the owner or custodian of any lot of commercial fertilizer or soil conditioner, or material purported to be commercial fertilizer or soil conditioner, when the State Chemist finds that said material is being offered or exposed for sale in violation of any provision of this act or any rule or regulation adopted thereunder. Such order may require that the material be held at a designated place until the violation has been corrected and written authorization for removal has been received from the Department of Agriculture. The State Chemist shall authorize removal of commercial fertilizer or soil conditioner so held whenever the requirements of this act have been met and any identifiable costs and expenses incurred by the department in connection with this action, due to a violation, have been paid.

C. 4:9-15.36 Seizure of products.

36. Any lot of commercial fertilizer or soil conditioner which is in violation of this act shall be subject to seizure on complaint of the State Board of Agriculture to a court of competent jurisdiction in the area in which said product is located. In the event the court finds the product to be in violation of this act and orders the condemnation of said product, it shall be disposed of in any manner consistent with the quality of the product and the laws of the State; provided, that in no instance shall the disposition of said commercial fertilizer or soil conditioner be ordered by the court without first affording the owner an opportunity to apply to the court for release of the product or for permission to process or relabel the product to bring it into compliance with this act.

C. 4:9-15.37 Action to restrain.

37. Any violation or threatened violation of any provision of this act or of any rule or regulation adopted thereunder may be restrained by the Superior Court in an action brought for such purpose by the Attorney General on behalf of the State Board of Agriculture.

C. 4:9-15.38 Violations other than plant nutrient deficiency; penalties.

38. Any person convicted of violating any provision of this act or of any rule or regulation adopted thereunder other than a violation involving a plant nutrient deficiency shall be subject to a penalty of not less than $25.00 nor more than $100.00 for the first offense and not less than $100.00 nor more than $500.00 for any subsequent offense within a 3-year period. The penalty shall be collected and enforced in summary proceedings under the Penalty Enforcement Law (N. J. S. 2A:58–1 et seq.) in a county court or county district court.

C. 4:9-15.39 Authority to hold hearings and assess penalties.

39. Upon receiving any information of a violation of any provision of this act or of any rule or regulation adopted thereunder, the Secretary or any agent designated by him for such purpose, is empowered to hold hearings upon said violation and, upon finding the violation to have been committed, to assess a penalty against the violator in such amount, not to exceed the maximum limit set forth in section 38, as the secretary deems proper under the circumstances. If the violator pays such penalty as settlement, no further prosecution shall be had upon that violation. Payment of such a penalty shall be deemed equivalent to a conviction for violation of this act.

C. 4:9-15.40 Written notice of warning.

40. Nothing in this act shall be construed as requiring the State Chemist or the Department of Agriculture to report a minor violation for prosecution or seizure proceedings when the State Chemist determines that the public interests will best be served by a suitable notice of warning in writing.

C. 4:9-15.41 Act not applicable to certain sales, exchanges or shipments.

41. Nothing in this act shall be construed to apply to sales or exchanges of commercial fertilizer or soil conditioners between importers, manufacturers, or manipulators who mix fertilizer materials for sale or as preventing the free and unrestricted shipments of commercial fertilizer or soil conditioner to manufacturers or manipulators who have been licensed under this act.

C. 4:9-15.42 Severability of act.

42. If any provision of this act, or any application of any provision, is held invalid, the invalidity shall not affect other applications of the provision, or other provisions of the act, which reasonably can be given effect despite the invalidity. To this end, the provisions of this act are hereby declared to be severable.

Repealer.

43. Sections 4:9–1 through 4:9–15 of the Revised Statutes are repealed.

44. This act shall take effect July 1 next following approval, but all actions necessary and appropriate to enable this act to become fully effective on said date may be taken as though this act were effective immediately.

Approved May 20, 1970.

CHAPTER 67

AN ACT to amend "An act to create a regional agency by intergovernmental compact for the continuing comprehensive, coordinated regional planning for the Delaware Valley Urban Area, and defining the functions, powers and duties of such agency," approved June 18, 1966 (P. L. 1966, c. 149).

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

1. Part I, Article I, section 7 of the act of which this act is amendatory (C. 32:27–7) is amended to read as follows:

C. 32:27-7 Duration of compact.

7. This compact shall continue in existence until December 31, 1971. Thereafter it shall continue only upon the adoption of concurrent legislation by the party States.

2. This act shall take effect immediately.

Approved May 20, 1970.

CHAPTER 68

AN ACT to amend "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," approved September 4, 1968 (P. L. 1968, c. 281).

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

1. Section 6 of P. L. 1968, chapter 281 (C. 1:19–6) is amended to read as follows:

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, 1971, a final report con-

taining its basic policy determinations and the principal proposals for substantive change in the law, together with the text of its proposed revision.

2. This act shall take effect immediately.

Approved May 20, 1970.

CHAPTER 69

AN ACT to amend "An act concerning salaries of members of the governing body in certain towns, supplementing subtitle 10 of Title 40 of the Revised Statutes," approved April 21, 1951 (P. L. 1951, c. 43).

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

1. Section 1 of P. L. 1951, chapter 43 (C. 40:132–1.1) is amended to read as follows:

C. 40:132-1.1 Salaries; towns over 20,000; fixing by ordinance.

1. In any town having a population exceeding 20,000 in which the legal voters have not fixed and determined the salary or other compensation to be paid the members of the governing body other than the mayor, pursuant to section 40:46–26 of the Revised Statutes, such salary or other compensation may be fixed by the governing body, by ordinance, at not exceeding $4,000.00 per annum. Any such ordinance shall become operative 30 days after the publication thereof after its final passage, unless within said 30 days, a petition, signed by legal voters of such town equal in number to at least 15% of the entire vote cast in the last preceding general election, protesting against the passage of such ordinance, be presented to the governing body, in which case such ordinance shall remain inoperative unless and until a proposition for the ratification thereof shall be adopted at the next general election by a majority of the qualified voters voting on said proposition.

2. This act shall take effect immediately.

Approved May 20, 1970.

CHAPTER 70

AN ACT requiring the Commission to Study Obscenity and Depravity in Public Media to report its findings to the Governor and the Legislature on or before May 19, 1970, and amending chapter 121 of the laws of 1969.

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

1. Section 7 of P. L. 1969, chapter 121 is amended to read as follows:

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 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 May 19, 1970.

2. This act shall take effect immediately.

Approved May 20, 1970.

CHAPTER 71

AN ACT concerning the registration of vital statistics and amending section 26:8–40.1 of the Revised Statutes.

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

1. Section 26:8–40.1 of the Revised Statutes is amended to read as follows:

Adopted children; special certificate in lieu of birth certificate; contents; original certificate placed under seal.

26:8–40.1. When a request is made for a birth certificate of any person born in New Jersey who has been adopted pursuant to provisions of the laws of any state or country, and which adoption has been certified to the State Registrar as required by section 9:3–8c of the Revised Statutes as amended, or there is submitted, with such request, a certification or a certified copy of the decree

or judgment of the court in such adoption proceedings, the State Registrar of Vital Statistics shall issue, in lieu of a certified copy of the original birth record, a certificate of birth showing (a) the name of the adopted person as changed by the decree of adoption, if changed; and (b) the date and place of birth. Upon petition by an adopting parent or parents of any person born in the United States and adopted pursuant to the laws of this State, the court before which the adoption proceedings have been conducted, may, for good cause shown, direct and order that the place of birth shall be the residence of the adopting parent or parents at the time of said adoption; provided, however, that the adopting parent or parents were residents of this State at the time of said adoption. Such certificate shall be of the same type as is used in issuing a birth certificate for a person who has not been adopted.

Upon receipt of such a request, certification or certified copy of the decree or judgment of a court in an adoption proceeding, the State Registrar shall make a new certificate of birth containing (a) the name of the adopted person as changed by the decree or judgment of adoption, if changed; (b) the date and place of birth as herein provided; and (c) the names of the adopting parent or parents. The fee for such service shall be $3.00 which includes the issuance of a certified copy of the new certificate.

The State Registrar may file such a new certificate for any foundling, for any child born in any state or country, and for any child for whom an original birth report cannot be located, who has been adopted in New Jersey; provided, that there is attached to the decree or judgment of the court in such adoption proceeding or is submitted to the State Registrar a certified copy of the original birth record or acceptable evidence of birth. In the case of a foundling, the date and place of birth may be decided by the adopting parent or parents if not decided by the court before which the adoption proceedings were conducted. Such certificate for any child who is not a citizen of the United States shall bear the notation "by adoption," which shall also be shown upon any copy of the certificate issued.

When a new certificate of birth is made the State Registrar shall cause to be substituted such new certificate for the certificate of birth then on file, if any, and shall notify the local registrar of vital statistics of the place in which the birth occurred who shall enter the new certificate in his local record and place his copy of the original record under seal.

The State Registrar shall cause to be placed under seal the original certificate of birth and all papers pertaining to the new certificate of birth. Such seal shall not be broken except by order of a court of competent jurisdiction. Thereafter whenever a certificate of birth of such person is issued, it shall be made from the new certificate of birth except when an order of a court of competent jurisdiction shall require the issuance of a copy of the original certificate of birth.

2. This act shall take effect immediately.

Approved May 20, 1970.

CHAPTER 72

AN ACT providing for the removal of certain public employees from office, position or employment, and repealing P. L. 1953, chapter 259.

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

C. 2A:81-17.2a "Public employee" defined.

1. For the purposes of this act the term "public employee" shall mean any person who occupies any office, position or employment in the government of the State of New Jersey, or the several counties and municipalities thereof, or any political subdivision of the State, or a school district, or any special district, or any authority, commission, board, or any branch or agency of the public service. This term shall include, but shall not be limited to, elected and appointed persons.

C. 2A:81-17.2a1 Duty of employee to appear and testify; penalty.

2. It shall be the duty of every public employee to appear and testify upon matters directly related to the conduct of his office, position or employment before any court, grand jury or the State Commission of Investigation. Any public employee failing or refusing to so appear and to so testify shall be subject to removal from his office, position or employment.

C. 2A:81-17.2a2 Immunity from use of such evidence; exception.

3. If any public employee testifies before any court, grand jury or the State Commission of Investigation, such testimony and the

evidence derived therefrom shall not be used against such public employee in a subsequent criminal proceeding under the laws of this State; provided that no such public employee shall be exempt from prosecution or punishment for perjury committed while so testifying.

C. 2A:81-17.2a3 Commission of certain crimes; penalty.

4. Any public employee who admits the commission of a misdemeanor or high misdemeanor relating to his employment or touching the administration of his office or position before any court, grand jury or the State Commission of Investigation shall be subject to removal from such office, position or employment.

C. 2A:81-17.2a4 Proceeding in lieu of prerogative writ.

5. If any public employee has subjected himself to removal as provided in section 2 or section 4 of this act, a proceeding may be instituted to effect such removal in the Superior Court by the Attorney General or a county prosecutor of this State by proceeding in lieu of prerogative writ.

C. 2A:81-17.2a5 Construction of act.

6. Nothing in this act shall be construed to annul or modify any other law of this State or any rule or regulation promulgated pursuant to any other law of this State relating to the removal of public employees from office, position or employment.

C. 2A:81-17.1 and C. 2A:81-17.2 Repealed.

7. "An act providing for the forfeiture of office, position or employment, tenure and pension rights of persons holding public office, position or employment in certain cases," approved July 21, 1953 (P. L. 1953, c. 259, C. 2A:81–17.1 and C. 2A:81–17.2) is repealed.

8. This act shall take effect immediately.

Approved May 21, 1970.

CHAPTER 73

AN ACT to promote the unhampered growth of commerce and industry throughout the State by prohibiting restraints of trade which are secured through monopolistic practices and which act or tend to act to decrease competition between and among persons engaged in commerce and trade, whether in manufacturing, distribution, financing, and service industries or in related for profit pursuits, and making an appropriation therefor.

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

C. 56:9-1 Short title.

1. This act may be known and shall be cited as the "New Jersey Antitrust Act."

C. 56:9-2 Definitions.

2. a. As used in this act, unless the context otherwise requires "person" shall mean any natural person or persons, or any corporation, partnership, company, trust or association of persons.

b. "Trade or commerce" shall include all economic activity involving or relating to any commodity or service.

c. "Commodity" shall mean any kind of real or personal property.

d. "Service" shall mean any activity which is performed in whole or in part for the purpose of financial gain, including but not limited to sale, rental, leasing or licensing for use.

C. 56:9-3 Restraint of trade or commerce.

3. Every contract, combination in the form of trust or otherwise, or conspiracy in restraint of trade or commerce, in this State, shall be unlawful.

C. 56:9-4 Monopolies; stock acquisition; subsidiaries.

4. a. It shall be unlawful for any person to monopolize, or attempt to monopolize, or to combine or conspire with any person or persons, to monopolize trade or commerce in any relevant market within this State.

b. No corporation engaged in commerce shall acquire, directly or indirectly, the whole or any part of the stock or other share capital of another corporation engaged also in commerce, where the

effect of such acquisition may be to substantially lessen competition within this State between the corporation whose stock is so acquired and the corporation making the acquisition, or to restrain such commerce in any section or community of this State, or tend to create a monopoly of any line of commerce within this State.

c. No corporation shall acquire, directly or indirectly, the whole or any part of the stock or other share capital of two or more corporations engaged in commerce where the effect of such acquisition, or the use of such stock by the voting or granting of proxies or otherwise, may be to substantially lessen competition within this State between such corporations, or any of them, or to restrain such commerce in any section or community of this State, or tend to create a monopoly of any line of commerce within this State.

d. This section shall not apply to corporations purchasing such stock solely for investment and not using the same by voting or otherwise to bring about, or in attempting to bring about, the substantial lessening of competition. Nor shall anything contained in this section prevent a corporation engaged in commerce from causing the formation of subsidiary corporations for the actual carrying on of their immediate lawful business, or the natural and legitimate branches or extensions thereof, or from owning and holding all or a part of the stock of such subsidiary corporations, when the effect of such formation is not to substantially lessen competition.

e. Nothing contained in this section shall be held to affect or impair any right heretofore legally acquired.

C. 56:9-5 Certain activities permitted.

5. a. This act shall not forbid the existence of trade and professional organizations created for the purpose of mutual help, and not having capital stock, nor forbid or restrain members of such organizations from lawfully carrying out the legitimate objects thereof not otherwise in violation of this act; nor shall those organizations or members per se be illegal combinations or conspiracies in restraint of trade under the provisions of this act.

b. No provisions of this act shall be construed to make illegal:

(1) The activities of any labor organization or of individual members thereof which are directed solely to labor objectives which are legitimate under the laws of either the State of New Jersey or the United States;

(2) The activities of any agricultural or horticultural cooperative organization, whether incorporated or unincorporated, or of individual members thereof, which are directed solely to objectives

of such cooperative organizations which are legitimate under the laws of either the State of New Jersey or the United States;

(3) The activities of any public utility, as defined in R. S. 48:2–13 to the extent that such activities are subject to the jurisdiction of the Board of Public Utility Commissioners, the Department of Transportation, the Federal Power Commission, the Federal Communications Commission, the Federal Department of Transportation or the Interstate Commerce Commission;

(4) The activities, including, but not limited to, the making of or participating in joint underwriting or joint reinsurance arrangements, of any insurer, insurance agent, insurance broker, independent insurance adjuster or rating organization to the extent that such activities are subject to regulation by the Commissioner of Insurance of this State under, or are permitted, or are authorized by, the Department of Banking and Insurance Act of 1948 (C. 17:1–1 et seq.), and the Department of Insurance Act of 1970 (C. 17:1C–1 et seq.).

(5) The bona fide religious and charitable activities of any not for profit corporation, trust or organization established exclusively for religious or charitable purposes, or for both purposes;

(6) The activities engaged in by securities dealers, issuers or agents who are (i) licensed by the State of New Jersey under the Uniform Securities Law (C. 49:3–47 et seq.), or (ii) members of the National Association of Securities Dealers, or (iii) members of any National Securities Exchange registered with the Securities and Exchange Commission under the Securities Exchange Act of 1934, as amended, in the course of their business of offering, selling, buying and selling, or otherwise trading in or underwriting securities, as agent, broker, or principal, and activities of any National Securities Exchange so registered, including the establishment of commission rates and schedules of charges;

(7) The activities of any State or national banking institution to the extent that such activities are regulated or supervised by officers of the State Government under the Department of Banking and Insurance Act of 1948 (C. 17:1–1 et seq.) or P. L. 1970, c. 11 (C. 17:1B–1 et seq.), or the Federal Government under the banking laws of the United States;

(8) The activities of any state or Federal savings and loan association to the extent that such activities are regulated or supervised by officers of the State Government under the Department of Banking and Insurance Act of 1948 (C. 17:1–1 et seq.) or P. L.

1970, c. 11 (C. 17:1B–1 et seq.), or the Federal Government under the banking laws of the United States;

(9) The activities of any bona fide not for profit professional association, society or board, licensed and regulated by the courts or any other agency of this State, in recommending schedules of suggested fees, rates or commissions for use solely as guidelines in determining charges for professional and technical services; or

(10) The activities permitted under the provisions of the Fair Sales Act (C. 56:4–1 et seq.), an act to regulate the retail sale of motor fuels (C. 56:6–1 et seq.), the Unfair Motor Fuels Practices Act (C. 56:6–19 et seq.) and the Unfair Cigarette Sales Act of 1952 (C. 56:7–18 et seq.).

c. This act shall not apply to any activity directed, authorized or permitted by any law of this State that is in conflict or inconsistent with the provisions of this act, and the enactment of this act shall not be deemed to repeal, either expressly or by implication, any such other law in effect on the date of its enactment.

C. 56:9-6 Investigation by Attorney General; assistance of prosecutor.

6. The Attorney General shall investigate suspected violations of, and institute such proceedings as are hereinafter provided for violation of the provisions of this act. The Attorney General may direct the county prosecutor of any county in which such proceedings may be brought to aid and assist him in the conduct of such investigations and proceedings.

C. 56:9-7 Violation of act by domestic corporation or association.

7. Upon a violation of this act by any corporation or association organized under the laws of this State, or upon failure to comply with the terms of a final judgment or decree rendered by a court of this State for a violation of the provisions of this act, or to comply with a consent judgment or decree rendered by a court of this State concerning an alleged violation of this act, the Attorney General may institute proper proceedings in a court of competent jurisdiction for the forfeiture of charter rights, franchises, privileges and powers, and for the dissolutuion of the corporation or association, or for the suspension of the privilege to conduct business within the State. The court, in its discretion, and with due consideration of all relevant factors, including relevant public interests and competitive and economic factors, may order the dissolution, suspend the privilege to conduct business for a specific period, deny such relief, or provide other appropriate relief. A dissolution shall be conducted in accordance with the procedures

specified by law for either voluntary or involuntary dissolution of the particular type of corporation or association.

C. 56:9-8 Violation of act by foreign corporation or association.

8. Upon a violation of this act by a foreign corporation or association exercising the privilege of conducting business within this State, or upon a failure to comply with the terms of a final judgment or decree rendered by a court of this State issued for a violation of the provisions of this act, or to comply with a consent judgment or decree rendered by a court of this State concerning an alleged violation of this act, the Attorney General may institute appropriate proceedings for the revocation or suspension of franchises, privileges, and powers connected with doing business within the State. The court, in its discretion, and with due consideration of all relevant factors, including relevant public interests and competitive and economic factors, may order the revocation, suspend the privilege to conduct business for a specified period, deny relief, or provide other appropriate relief. A revocation shall have the same effect as a failure to qualify to do business in this State.

C. 56:9-9 Attorney General's powers; penalties for noncompliance.

9. a. Whenever it shall appear to the Attorney General, either upon complaint or otherwise, that any person shall have engaged in or engages in or is about to engage in any act or practice by this act prohibited or declared to be illegal, or that any person has assisted or participated in any plan, scheme, agreement or combination of the nature described herein, or whenever he believes it to be in the public interest that an investigation be made, he may in his discretion either require or permit such person to file with him a statement in writing under oath or otherwise as to all the facts and circumstances concerning the subject matter which he believes is to be to the public interest to investigate. The Attorney General may also require such other data and information as he may deem relevant and may make such special and independent investigations as he may deem necessary in connection with the matter. In connection with any such investigation the Attorney General, his deputy or other officer designated by him, is empowered to subpœna witnesses, compel their attendance, examine them under oath before himself or a court of record, and require the production of any books or papers which he deems relevant or material to the inquiry. Such power of subpœna and examination shall not abate or terminate by reason of any action or proceeding brought by the Attorney General under this act. No person shall be excused from attending such inquiry in pursuance to the mandates of a subpœna,

or from producing a paper or book, document or any other record, or from being examined or required to answer questions on the ground of failure to tender or pay a witness fee or mileage unless demand therefor is made at the time testimony is about to be taken and as a condition precedent to offering such production or testimony and unless payment thereof be not thereupon made. The provisions for payment of witness fee or mileage shall not apply to any officer, director or person in the employ of any person whose conduct or practices are being investigated.

b. If a person subpœnaed to attend such inquiry shall fail to obey the command of the subpœna without good cause, he shall be guilty of a misdemeanor. If a person in attendance upon such inquiry pursuant to subpœna, or if a person required to file with the Attorney General a statement in writing under oath or otherwise, refuses to answer a question or produce evidence of any other kind or make the required statement in writing under oath or otherwise on the ground that he may be incriminated thereby, and if the Attorney General, in a writing directed to the person being questioned orders that person to answer the question or produce the evidence or the statement in writing under oath or otherwise, 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 or the statement in writing under oath or otherwise given, such testimony, evidence or statement may not be used against the person in any prosecution for a crime or offense concerning which he gave answer or produced evidence or submitted a written statement under the order of the Attorney General. 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 evidence or failing to produce evidence or in presenting a written statement or failing to do so 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, producing evidence or presenting a written statement as ordered. The foregoing shall not prevent the Attorney General from instituting civil contempt proceedings against any person who violates any of the above provisions.

c. It shall be the duty of all public officers, their deputies, assistants, clerks, subordinates or employees, and all other persons

to render and furnish to the Attorney General, his deputy or other designated representative, when so requested, all information and assistance in their possession or within their power. Any officer participating in such inquiry and any person examined as a witness upon such inquiry who shall disclose to any person other than the Attorney General the name of any witness examined or any other information obtained upon such inquiry, except as so directed by the Attorney General shall be guilty of a misdemeanor. Such inquiry may upon written authorization of the Attorney General be made public.

C. 56:9-10 Prevention and restraint of violations; injunctive relief; penalties.

10. a. The Superior Court shall have jurisdiction to prevent and restrain violations of this act. The Attorney General may institute proceedings to prevent and restrain violations. In addition to granting prohibitory injunctions and other restraints for a period and upon terms and conditions necessary to deter the defendant from, and insure against, the committing of a future violation of this act, the court may grant mandatory injunctions reasonably necessary to restore and preserve competition in the trade or commerce affected by the violation. The court may issue temporary restraining orders or prohibitions and the court may proceed in a summary manner.

b. Any person may institute proceedings for injunctive relief, temporary or permanent in the Superior Court against threatened loss or damage to his property or business by a violation of this act, when and under the same conditions and principles as injunctive relief against threatened conduct that will cause loss or damage is granted by courts of equity, under the rules governing such proceedings, and upon the execution of proper bond against damages for an injunction improvidently granted and a showing that the danger of irreparable loss or damage is immediate, a preliminary injunction may issue. If the court issues a permanent injunction, the plaintiff shall be awarded reasonable attorneys' fees, filing fees and reasonable costs of suit. Reasonable costs of suit may include, but shall not be limited to the expenses of discovery and document reproduction.

c. In addition to injunctive relief authorized pursuant to subsection a. of this section, any person who violates the provisions of this act shall be liable to a penalty of not more than the greater of $100,000.00 or $500.00 per day for each and every day of said violation.

C. 56:9-11 Penalties for violations.

11. a. Any person or corporation, or any officer or agent thereof, who shall knowingly violate any of the provisions of this act or aid or advise in such violation, or who, as principal, manager, director, stockholder owning 10% or more of the aggregate outstanding capital stock of all classes of the corporation, agent, servant or employee, knowingly does any act comprising a part of such violation, is guilty of a misdemeanor and shall be punished by imprisonment for not more than 3 years or by a fine of not more than $50,000.00 or both; and if a corporation by a fine of not more than $100,000.00.

b. Any person convicted pursuant to the provisions of subsection a. of this section is hereby denied the right and is hereby prohibited from managing or owning any business organization within this State, and from serving as an officer, director, trustee, member of any executive board or similar governing body, principal, manager, stockholder owning 10% or more of the aggregate outstanding capital stock of all classes of any corporation doing business in this State, and all persons within this State, are hereby denied the right to handle the goods of or in any manner deal with, directly or indirectly, those persons, companies or corporations under the interdict specified herein. All persons knowingly violating any of the provisions of this section, either directly or indirectly, or aiding or abetting directly or indirectly in any violation of any provisions of this section, shall be deemed guilty of a misdemeanor and shall be fined not less than $100.00 nor more than $1,000.00 and shall be punished by imprisonment for not less than 30 days nor more than 6 months, and shall forfeit not less than $1,000.00 for each and every day such violation may continue, to be collected by a summary proceeding in a court of competent jurisdiction.

C. 56:9-12 Recovery of damages.

12. a. Any person who shall be injured in his business or property by reason of a violation of the provisions of this act may sue therefor and shall recover threefold the damages sustained by him, together with reasonable attorneys' fees, filing fees and reasonable costs of suit. Reasonable costs of suit may include, but shall not be limited to the expenses of discovery and document reproduction.

b. The State and any of its political subdivisions and public agencies shall be deemed a person within the meaning of this section. The Attorney General, on behalf of the State or any of its political subdivisions or public agencies, or the political subdivision

or public agency at the direction of or with the permission of the Attorney General, may institute an action to recover the damages provided for by this section or by any comparable provisions of Federal law.

C. 56:9-13 Prima facie evidence.

13. A final judgment or criminal proceeding brought by the State for violation of this act to the effect that a defendant has violated said act shall be prima facie evidence against such defendant in any proceeding brought by any other party against such defendant pursuant to section 12 of this act, as to all matters with respect to which said judgment or decree would be an estoppel as between the parties thereto; provided, that this section shall not apply to consent judgments or decrees entered before any testimony has been taken, or to judgments or decrees entered in actions brought under section 12 of this act.

C. 56:9-14 Time limit on actions.

14. Any action brought to enforce the provisions of this act shall be barred unless commenced within 4 years after the cause of action arose, or if the cause of action is based upon a conspiracy in violation of this act, within 4 years after the plaintiff discovered, or by the exercise of reasonable diligence should have discovered the facts relied upon for proof of the conspiracy. No cause of action barred on the effective date of this act shall be revived by this act. For the purpose of this section, a cause of action for a continuing violation is deemed to arise at any time during the period of such violation.

C. 56:9-15 Suspension of statute of limitations.

15. Whenever any civil or criminal proceeding shall be commenced by the State to prevent, restrain or punish a violation of this act, but not including an action brought by the State under section 12 of this act, the running of the statute of limitations in respect of every private right of action arising under this act and based in whole or in part on any matter complained of in said proceeding shall be suspended during the pendency thereof and for 1 year thereafter; provided that whenever the running of the statute of limitations in respect of a cause of action arising under section 12 shall be suspended hereunder, any action to enforce such cause of action shall be forever barred unless commenced either within the period of suspension or within 4 years after the cause of action accrued, whichever is later.

C. 56:9-16 Remedies cumulative.

16. The remedies provided in this act shall be cumulative.

C. 56:9-17 Cooperation in enforcement.

17. The Attorney General may cooperate with officials of the Federal Government and the several states in the enforcement of this act.

C. 56:9-18 Construction of act.

18. This act shall be construed in harmony with ruling judicial interpretations of comparable Federal antitrust statutes and to effectuate, insofar as practicable, a uniformity in the laws of those states which enact it.

C. 56:9-19 Appropriations.

19. There is hereby appropriated out of the General State Fund to the Department of Law and Public Safety for the purpose of this act the sum of $100,000.00 for the period ending June 30, 1971, which sum shall be returned to the General State Fund from the sums derived from litigation instituted by the Attorney General under this act or the antitrust laws of the United States, as determined by the Director of the Division of Budget and Accounting. In addition to the sum hereinabove appropriated, there are hereby appropriated as a revolving fund the sums derived as aforesaid for the purpose of paying any additional expenses incurred by the Attorney General in the administration of this act or litigation instituted under the antitrust laws of the United States; provided, however, that the expenditure of such additional sums shall first be approved by the Director of the Division of Budget and Accounting and the Legislative Budget and Finance Director in the same manner as transfers of appropriations are approved.

20. This act shall take effect immediately.

Approved May 21, 1970.

CHAPTER 74

AN ACT establishing and concerning a Division of Criminal Justice in the Department of Law and Public Safety, revising parts of the statutory law pertaining to criminal justice and making an appropriation therefor.

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

C. 52:17B-97 Short title.

1. This act shall be known and may be cited as the "Criminal Justice Act of 1970."

C. 52:17B-98 Policy declaration; construction and administration of act.

2. The Legislature recognizes that the existence of organized crime presents a serious threat to our political, social and economic institutions and helps bring about a loss of popular confidence in the agencies of government. Accordingly, it is hereby declared to be the public policy of this State to encourage cooperation among law enforcement officers and to provide for the general supervision of criminal justice by the Attorney General as chief law enforcement officer of the State, in order to secure the benefits of a uniform and efficient enforcement of the criminal law and the administration of criminal justice throughout the State. All the provisions of this act shall be liberally construed to achieve these ends and administered and enforced with a view to carrying out the above declaration of policy.

C. 52:17B-99 Division of Criminal Justice established; appointment and compensation of director.

3. There is hereby established in the State Department of Law and Public Safety the Division of Criminal Justice. The division shall be under the immediate supervision of a director who shall be appointed by and serve at the pleasure of the Attorney General and who shall administer the work of the division under the direction and supervision of the Attorney General. The Attorney General shall fix the compensation of the director within the limits of available appropriations.

C. 52:17B-100 Organization of division; assignment of employees.

4. The Attorney General shall organize the work of the division in such bureaus and other organizational units as he may determine

to be necessary for efficient and effective operation and shall assign to the division such employees in the Department of Law and Public Safety as may be necessary to assist the director in the performance of his duties.

C. 52:17B-101 Exercise of certain powers and duties through the division.

5. All the functions, powers and duties of the Attorney General relating or pertaining to the enforcement and prosecution of the criminal business of the State and of any county of the State shall be exercised by the Attorney General through the Division of Criminal Justice established hereunder.

C. 52:17B-102 Attorney General's powers and duties.

6. The powers and duties of the Attorney General with respect to the enforcement of the criminal laws of the State shall be the powers and duties now or hereafter conferred upon or required of the Attorney General, either by the Constitution or by the common or statutory law of the State, and as specifically but not exclusively detailed in this act.

C. 52:17B-103 Supervision of prosecutors.

7. The Attorney General shall consult with and advise the several county prosecutors in matters relating to the duties of their office and shall maintain a general supervision over said county prosecutors with a view to obtaining effective and uniform enforcement of the criminal laws throughout the State. He may conduct periodic evaluations of each county prosecutor's office including audits of funds received and disbursed in the office of each county prosecutor.

C. 52:17B-104 Counties having no prosecutor.

8. The Attorney General shall prosecute the criminal business of the State in any county having no county prosecutor.

C. 52:17B-105 Prosecutor's request for assistance.

9. Any county prosecutor may request in writing the assistance of the Attorney General in the conduct of any criminal investigation or proceeding. The Attorney General may thereafter take whatever action he deems necessary to assist the county prosecutor in the discharge of his duties. Whenever the Attorney General shall take any such action, he shall be authorized to exercise all the powers and perform all the duties which by law are conferred upon or required of the county prosecutor making such request.

C. 52:17B-106 Requests to supersede prosecutor.

10. Whenever requested in writing by the Governor, the Attorney General shall, and whenever requested in writing by a grand jury or the board of chosen freeholders of a county or the assignment judge of the superior court for the county, the Attorney General may supersede the county prosecutor for the purpose of prosecuting all of the criminal business of the State in said county, intervene in any investigation, criminal action, or proceeding instituted by the county prosecutor, and appear for the State in any court or tribunal for the purpose of conducting such investigations, criminal actions or proceedings as shall be necessary for the protection of the rights and interests of the State.

Whenever the Attorney General shall have superseded a county prosecutor as aforesaid, the county prosecutor, the assistant county prosecutors and other members of the staff of the county prosecutor shall exercise only such powers and perform such duties as are required of them by the Attorney General.

C. 52:17B-107 Authority to supersede prosecutor, initiate or participate in investigations, criminal actions or proceedings.

11. a. Whenever in the opinion of the Attorney General the interests of the State will be furthered by so doing, the Attorney General may (1) supersede a county prosecutor in any investigation, criminal action or proceeding, (2) participate in any investigation, criminal action or proceeding, or (3) initiate any investigation, criminal action or proceeding. In such instances, the Attorney General may appear for the State in any court or tribunal for the purpose of conducting such investigations, criminal actions or proceedings as shall be necessary to promote and safeguard the public interests of the State and secure the enforcement of the laws of the State.

b. The Attorney General may in his discretion act for any county prosecutor in representing the interests of the State in any and all appeals and applications for post-conviction remedies.

C. 52:17B-108 Attorney General to have power and authority of prosecutor; appointment of assistants; payment for services.

12. Whenever the Attorney General, personally or by his deputies or assistants, shall attend in any county for the prosecution of all or any part of the criminal business of the State in said county, he shall have all the power and authority of the county prosecutor, including the investigation of alleged crimes, the attendance before the criminal courts and grand juries of the county, the preparation and trial of indictments for crimes, the representa-

tion of the State in all proceedings in criminal cases on appeal or otherwise in the courts of this State, and in addition, shall have the power to appoint such temporary assistants, aides, investigators or other personnel and incur such expenses as he shall deem necessary.

Whenever the criminal business or any part of the criminal business of any county is prosecuted by the Attorney General, personally or by his deputies or assistants, there shall be paid by the treasurer of the county such sum for that service, including the compensation of any deputy or assistant Attorney General, as the assignment judge of the superior court of the county or a judge of the county court of said county shall certify and fix on the application of the Attorney General; provided that the compensation allowed shall not exceed that provided by law for the payment by said county for the same or similar services.

C. 52:17B-109 Prosecutor's authority and duties.

13. Except as provided in this act, the powers and duties conferred upon or required of the Attorney General by this act shall not be construed to deprive the county prosecutors of any of their authority in respect to criminal prosecutions, or relieve them from any of their duties to enforce the criminal laws of the State.

C. 52:17B-110 Removal of prosecutor by Governor.

14. In addition to any and all methods now provided by law for the removal from office of a county prosecutor, a county prosecutor may be removed from office by the Governor for cause after a public hearing and upon due notice and an opportunity to be heard in his defense.

C. 52:17B-111 Annual and periodic reports.

15. a. The Attorney General shall annually submit to the Governor and to the Legislature a report setting forth the activities of the Division of Criminal Justice during the preceding calendar year, together with suggestions and recommendations for the adequate and uniform enforcement of the criminal laws of the State. The Attorney General shall include in his report an abstract of the annual reports of the several county prosecutors.

b. Each county prosecutor shall annually submit to the Attorney General a written report for the last preceding calendar year, covering such items of information and such dispositions of complaints, investigations, criminal actions and proceedings as the Attorney General shall prescribe. The Attorney General may also require the several county prosecutors to submit, from time to time, reports as to any matters pertaining to the duties of their office.

C. 52:17B-112 Cooperation between Attorney General, prosecutors and law enforcement officers; conferences.

16. a. It shall be the duty of the several county prosecutors to cooperate with and aid the Attorney General in the performance of his duties.

b. It shall be the duty of the police officers of the several counties and municipalities of this State and all other law enforcement officers to cooperate with and aid the Attorney General and the several county prosecutors in the performance of their respective duties.

c. The Attorney General may, from time to time, and as often as may be required, call into conference the county prosecutors, the chiefs of police of the several counties and municipalities and any other law enforcement officers of this State or such of them as he may deem advisable, for the purpose of discussing the duties of their respective offices with a view to the adequate and uniform enforcement of the criminal laws of this State.

C. 52:17B-113 Authority to make studies and surveys.

17. The Attorney General is authorized and empowered to make studies and surveys of the organization, procedures and methods of operation and administration of all law enforcement agencies within the State, including any bi-State agency, with a view toward preventing crime, improving the administration of criminal justice, and securing the improved enforcement of the criminal law.

C. 52:17B-114 Act declared supplementary; interpretation.

18. This act is declared to be supplementary to all existing acts, excepting those specifically repealed by section 22, and shall be interpreted as conferring independent authority, unconditioned by any existing act.

19. Section 4 of P. L. 1944, chapter 20 (C. 52:17A–4) is amended to read as follows:

C. 52:17A-4 Powers and duties of Division of Law.

4. The powers and duties of the Division of Law shall be the powers and duties now or hereafter conferred upon or required of the Attorney General, either by the Constitution or by the common and statutory law of the State, and as specifically but not exclusively as detailed herein, to wit:

a. Be present at the seat of the government during the sessions of the Legislature;

b. Give to the Governor, to the members of the Senate and the General Assembly, and to all other officers, departments, boards,

bodies, commissions and instrumentalities of the State Government, legal advice on such matters as they may from time to time require;

c. Examine and decide all legal matters submitted to him by the Governor or the Legislature and act for them in any matter in which they may be interested, and shall exclusively attend to and control all litigation and controversies to which the State is a party or in which its rights and interests are involved;

d. Carry out and enforce the provisions of the New Jersey Securities Law; also the Civil Rights Law;

e. Act as the sole legal adviser, attorney or counsel, notwithstanding the provisions of any other law, for all officers, departments, boards, bodies, commissions and instrumentalities of the State Government in all matters other than those requiring the performance of administrative functions entailing the enforcement, prosecution and hearing of issues as imposed by law upon them; and represent them in all proceedings or actions of any kind which may be brought for or against them in any court of this State; and shall likewise interpret all statutes and legal documents, inspect and approve contracts and titles and otherwise control their legal activities;

f. (Deleted by amendment.);

g. Attend generally to all legal matters in which the State or any officer, department, board, body, commission or instrumentality of the State Government is a party or in which its rights or interests are involved;

h. Enforce the provisions of the Constitution and all other laws of the State, as well as perform all the duties conferred and imposed by law upon the Attorney General.

20. N. J. S. 2A:158–4 is amended to read as follows:

Prosecution of criminal business of State.

2A:158–4. The criminal business of the State shall be prosecuted by the Attorney General and the county prosecutors.

C. 52:17B-115 Tenure, pension or retirement rights.

21. Nothing in this act shall be construed to deprive any person of any tenure rights or of any right or protection provided him by Title 11 of the Revised Statutes, Civil Service, or under any pension law or retirement system.

C. 52:17B-116 Repealer.

22. N. J. S. 2A:158–14, sections 5 and 15 of P. L. 1944, chapter 20 (C. 52:17A–5, C. 52:17A–15) and all acts and parts of acts in-

consistent with any of the provisions of this act are, to the extent of such inconsistency, superseded and repealed.

C. 52:17B-117 Partial invalidity.

23. If any clause, sentence, paragraph or part of this act be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this act, and it is hereby declared to be the legislative intent that this act would have been adopted had such invalid provision not been included herein.

24. There is hereby appropriated to the Department of Law and Public Safety the sum of $300,000.00 to carry out the purposes of this act for the period ending June 30, 1971.

25. The provisions of this act shall become operative at the beginning of the biweekly pay period next following enactment. Anticipatory action to effect the establishment of the division may be taken in advance thereof including the making of authorized appointments and, within the limits of appropriations available to the division, the expenditure of funds for payment of salaries and expenses incident thereto.

26. This act shall take effect immediately.

Approved May 21, 1970.

CHAPTER 75

AN ACT to amend "An act concerning disorderly persons in relation to usury and supplementing chapter 170 of Title 2A of the New Jersey Statutes," approved September 4, 1968 (P. L. 1968, c. 256).

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

1. Section 1 of P. L. 1968, chapter 256 (C. 2A:170–102) is amended to read as follows:

C. 2A:170-102 Loans at interest in excess of maximum rate.

1. Any person who not being authorized by law so to do, (a) directly or indirectly loans or agrees to loan any money or other property to any individual, partnership, unincorporated company, association, society or firm at a rate of interest in excess of the maximum rate permitted by law or who (b) takes, agrees to take or receives any money, property or other thing of value as interest

on the loan or for the forbearance of any money or other property from any individual, partnership, unincorporated company, association, society or firm at a rate in excess of the maximum rate permitted by law, is a disorderly person.

2. This act shall take effect immediately.

Approved May 21, 1970.

CHAPTER 76

AN ACT to amend "An act concerning crimes and supplementing subtitle 10 of Title 2A of the New Jersey Statutes," passed November 18, 1968 (P. L. 1968, c. 349).

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

1. Section 1 of P. L. 1968, chapter 349 (C. 2A:119A–1) is amended to read as follows:

C. 2A:119A-1 Interest on loans of $1,000.00 or more; interest exceeding 50 percent.

1. Any person who, not being authorized or permitted by law so to do, (a) directly or indirectly loans or agrees to loan any money or other property to any individual, partnership, unincorporated company, association, society or firm, in an amount of $1,000.00 or more at a rate exceeding the maximum rate permitted by law but not exceeding 50% per annum, or the equivalent rate for a longer or shorter period, or, (b) who takes, agrees to take, or receives any money, property or other thing of value as interest on the loan or for the forbearance of any money or other property from any individual, partnership, unincorporated company, association, society or firm in an amount of $1,000.00 or more at a rate of interest in excess of the maximum rate permitted by law but not exceeding 50% per annum, or the equivalent rate for a longer or shorter period, is guilty of a misdemeanor.

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 high misdemeanor.

2. This act shall take effect immediately.

Approved May 21, 1970.

CHAPTER 77

AN ACT concerning alcoholic beverages and amending R. S. 33:1–20, R. S. 33:1–25 and R. S. 33:1–34.

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

1. R. S. 33:1–20 is amended to read as follows:

Issuance of license to member of issuing authority; additional fee.

33:1–20. No license other than a club license shall be issued under this chapter by any issuing authority to any member thereof or to any corporation, organization or association in which any member thereof is interested directly or indirectly; but in any such case application for such license may be made by such member, corporation, organization or association directly to the director who is hereby authorized to issue such license, subject to rules and regulations, upon the same terms and conditions and for the same fee as other licenses of the same class are issued or are issuable by the said governing board or body. In addition to the fee for such license, which shall be payable to the municipality, a fee of $35.00 shall be payable to the director to be accounted for by him as are license fees.

2. R. S. 33:1–25 is amended to read as follows:

Qualifications of licensees; citizenship; revocation for cessation of citizenship or residence; corporations; partnerships and clubs; applications; deposit of fee; notice of application; filing fee; false statements.

33:1–25. No retail license shall be issued to a natural person unless he is a citizen of the United States and a resident of the State of New Jersey at the time of the submission of the application. No license of any class shall be issued to any individual who is an alien; to any person under the age of 21 years; to any person who has been convicted of a crime involving moral turpitude. Cessation of United States citizenship or New Jersey residence shall be cause for the suspension or revocation of the license.

No retail license shall be issued to any corporation, except for premises operated as a bona fide hotel, or for a business conducted or to be conducted by the corporation, as a tenant, at any airport owned or operated by the Federal, State, county or municipal government, unless each owner, directly or indirectly, of more than 10% of its stock qualifies in all respects as an individual applicant;

provided, however, that retail licenses in effect on July 4, 1935, and since renewed each year, issued to corporations comprising stockholders who would have failed to qualify as individual applicants, may be renewed as heretofore.

In applications by corporations, except for club licenses, the names and addresses of, and the amount of stock held by, all stockholders holding 1% or more of any of the stock thereof, and the names and addresses of all officers and of all members of the board of directors must be stated in the application, and if one or more of such officers or members of the board of directors would fail to qualify as an individual applicant in all respects, except as to citizenship, residence or age, no license of any class shall be granted.

In applications for club licenses, the names and addresses of all officers, trustees, directors, or other governing official, together with the names and addresses of all members of the corporation, association or organization must be stated in the application.

In applications by partnerships, the application shall contain the names and addresses of all of the partners. No license shall be issued unless all of the partners would qualify as individual applicants.

A photostatic copy of all Federal permits necessary to the lawful conduct of the business for which a State license is sought and which relate to alcoholic beverages, or other evidence in lieu thereof satisfactory to the director, must accompany the license application, together with a deposit of the full amount of the required license fee, which deposit to the extent of 90% thereof shall be returned to the applicant by the director or other issuing authority if the application is denied, and the remaining 10% shall constitute an investigation fee and be accounted for as other license fees.

Every applicant for a license shall cause a notice of the making of such application to be published in a form prescribed by rules and regulations, once a week for 2 weeks successively in a newspaper, printed in the English language, published and circulated in the municipality in which the licensed premises are located; but if there shall be no such newspaper, then such notice shall be published in a newspaper, printed in the English language, published and circulated in the county in which the licensed premises are located. No publication shall be required with respect to applications for transportation or public warehouse licenses.

Every person filing an application for license, renewal of license or transfer of license with a municipal issuing authority shall,

within 10 days of such filing, file with the director a copy of such application together with a nonreturnable filing fee of $25.00.

Applicants for licenses shall answer such questions as may be asked and make such declarations as shall be required by the form of application for license as may be promulgated by the director from time to time. All applications shall be duly sworn to by each of the applicants, except in the case of applicants in the military service of the United States whose applications may be signed in their behalf by an attorney-in-fact holding a power of attorney in form approved by the director, and except in cases of applications by corporations which shall be duly sworn to by the president or vice-president. All statements in said applications required to be made by law or by rules and regulations shall be deemed material, and any person who shall knowingly misstate any material fact, under oath, in said application shall be guilty of a misdemeanor. Fraud, misrepresentation, false statements, misleading statements, evasions or suppression of material facts in the securing of a license are grounds for suspension or revocation of the license.

3. R. S. 33:1–34 is amended to read as follows:

Notice of change in facts set forth in application; corporations.

33:1–34. Whenever any change shall occur in the facts as set forth in any application for license, the licensee shall file with the director and the other issuing authority, where applicable, a notice in writing of such change within 10 days after the occurrence thereof; said change, when so notified, shall thereupon become part of said application for license to the end that subsequent changes must likewise be so notified; but no notice need be given by corporate licensees of changes in stockholdings therein unless and until the aggregate of such changes, if made before the time of said application, would have prevented the issuance of the license.

4. This act shall take effect immediately.

Approved May 29, 1970.

CHAPTER 78

AN ACT concerning alcoholic beverages and amending sections 33:1–10, 33:1–11, 33:1–13, 33:1–14, 33:1–26, 33:1–67 and 33:1–72 of the Revised Statutes.

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

1. Section 33:1–10 of the Revised Statutes is amended to read as follows:

Class A licenses; subdivisions; fees.

33:1–10. Class A licenses shall be subdivided and classified as follows:

Plenary brewery license. 1a. The holder of this license shall be entitled, subject to rules and regulations, to brew any malt alcoholic beverages and to sell and distribute his products to wholesalers and retailers licensed in accordance with this chapter, and to sell and distribute without this State to any person pursuant to the laws of the places of such sale and distribution, and to maintain a warehouse. The fee for this license shall be $7,500.00.

Limited brewery license. 1b. The holder of this license shall be entitled, subject to rules and regulations, to brew any malt alcoholic beverages in a quantity to be expressed in said license, dependent upon the following fees and not in excess of 300,000 barrels of 31 fluid gallons capacity per year and to sell and distribute his products to wholesalers and retailers licensed in accordance with this chapter, and to sell and distribute without this State to any persons pursuant to the laws of the places of such sale and distribution, and to maintain a warehouse. The fee for this license shall be graduated as follows: To so brew not more than 50,000 barrels of 31 fluid gallons capacity per annum, $1,000.00; to so brew not more than 100,000 barrels of 31 fluid gallons capacity per annum, $2,000.00; to so brew not more than 200,000 barrels of 31 fluid gallons capacity per annum, $4,000.00; to so brew not more than 300,000 barrels of 31 fluid gallons capacity per annum, $6,000.00.

Plenary winery license. 2a. The holder of this license shall be entitled, subject to rules and regulations, to manufacture any fermented wines, and to blend, fortify and treat wines, and to sell and distribute his products to wholesalers and retailers licensed in

accordance with this chapter and to churches for religious purposes, and to sell and distribute without this State to any persons pursuant to the laws of the places of such sale and distribution, and to maintain a warehouse. The fee for this license shall be $750.00. Upon payment of an additional fee of $200.00 for each but not in excess of two premises, in addition to the licensed premises of the winery, the holder of this license shall have the right to sell such wine at retail for consumption on or off the premises as is manufactured, blended, fortified or treated by the licensee in his licensed premises and sold as the licensee's products under the label or labels of the licensee or in lieu of such additional fee of $200.00 but upon payment of an additional fee of $600.00 the holder of this license shall have the right to sell wines and other alcoholic beverages at retail on the licensed premises; provided, however, that such sales shall be made only for consumption off the licensed premises; and provided further, that such wines and other alcoholic beverages shall be manufactured or blended, fortified, distilled or treated by the licensee in his licensed premises or by the licensee's subsidiary corporation and sold only under the label or labels of the licensee. The combined total number of plenary winery licenses having retail privileges, shall not exceed one per each million of population in the State as shown by the last preceding Federal census. In the granting of such plenary winery licenses, the Director of the Division of Alcoholic Beverage Control may, in the exercise of his discretion and pursuant to such rules and regulations as he may adopt, give prior consideration to applicants engaged in growing and cultivating grapes upon land owned by the applicant, having an area not less than 3 acres. The containers of all wine sold at retail by such licensee shall have attached thereto a label setting forth such information as shall be required by the rules and regulations of the Director of Alcoholic Beverage Control.

Limited winery license. 2b. The holder of this license shall be entitled, subject to rules and regulations, to manufacture any naturally fermented wines and fruit juices in a quantity to be expressed in said license, dependent upon the following fees and not in excess of 5,000 gallons per year and to sell and distribute his products to wholesalers and retailers licensed in accordance with this chapter and to sell and distribute without this State to any persons pursuant to the laws of the places of such sale and distribution, and to maintain a warehouse and to sell at retail to consumers; provided, however, that such sale to consumers shall be made only for consumption off the licensed premises and then only when the

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winery at which such naturally fermented wines and fruit juices are manufactured is located and constructed upon a tract of land owned exclusively by the holder of such limited winery license, which said tract of land shall have an area of not less than 3 acres and have growing and under cultivation upon said land at least 1,200 grape vines; and provided, further, that such naturally fermented wines and fruit juices shall be manufactured only from fresh grapes or fruit grown in this State. The containers of all wine sold to consumers by such licensee shall have attached thereto a label setting forth such information as shall be required by the rules and regulations of the Director of Alcoholic Beverage Control. The fee for this license shall be graduated as follows: To so manufacture between 2,500 and 5,000 gallons per annum, $400.00; to so manufacture between 1,000 and 2,500 gallons per annum, $200.00; to so manufacture less than 1,000 gallons per annum, $100.00.

Plenary distillery license. 3a. The holder of this license shall be entitled, subject to rules and regulations, to manufacture any distilled alcoholic beverages and rectify, blend, treat and mix, and to sell and distribute his products to wholesalers and retailers licensed in accordance with this chapter, and to sell and distribute without this State to any persons pursuant to the laws of the places of such sale and distribution, and to maintain a warehouse. The fee for this license shall be $10,000.00.

Limited distillery license. 3b. The holder of this license shall be entitled, subject to rules and regulations, to manufacture and bottle any alcoholic beverages distilled from fruit juices and rectify, blend, treat, mix, compound with wine and add necessary sweetening and flavor to make cordial or liqueur, and to sell and distribute to wholesalers and retailers licensed in accordance with this chapter, and to sell and distribute without this State, to any persons pursuant to the laws of the places of such sale and distribution and to warehouse these products. The fee for this license shall be $3,000.00.

Supplementary limited distillery license. 3c. The holder of this license shall be entitled, subject to rules and regulations, to bottle and rebottle, in a quantity to be expressed in said license, dependent upon the following fees, alcoholic beverages distilled from fruit juices by such holder pursuant to a prior plenary or limited distillery license, and to sell and distribute his products to wholesalers and retailers licensed in accordance with this chapter, and to sell and distribute without this State to any persons pursuant to the

laws of the places of such sale and distribution, and to maintain a warehouse. The fee for this license shall be graduated as follows: To so bottle and rebottle not more than 5,000 wine gallons per annum, $250.00; to so bottle and rebottle not more than 10,000 wine gallons per annum, $500.00; to so bottle and rebottle without limit as to amount, $1,000.00.

Rectifier and blender license. 4. The holder of this license shall be entitled, subject to rules and regulations, to rectify, blend, treat and mix distilled alcoholic beverages, and to fortify, blend, and treat fermented alcoholic beverages, and prepare mixtures of alcoholic beverages, and to sell and distribute his products to wholesalers and retailers licensed in accordance with this chapter, and to sell and distribute without this State to any persons pursuant to the laws of the places of such sale and distribution, and to maintain a warehouse. The fee for this license shall be $5,000.00.

Bonded warehouse bottling license. 5. The holder of this license shall be entitled, subject to rules and regulations, to bottle alcoholic beverages in bond on behalf of all persons authorized by Federal and State law and regulations to withdraw alcoholic beverages from bond. The fee for this license shall be $500.00. This license shall be issued only to persons holding permits to operate internal revenue bonded warehouses pursuant to the laws of the United States.

2. Section 33:1–11 of the Revised Statutes is amended to read as follows:

Class B licenses; subdivisions; fees.

33:1–11. Class B licenses shall be subdivided and classified as follows:

Plenary wholesale license. 1. The holder of this license shall be entitled, subject to rules and regulations, to sell and distribute alcoholic beverages to retailers and wholesalers licensed in accordance with this chapter, and to sell and distribute without this State to any persons pursuant to the laws of the places of such sale and distribution, and to maintain a warehouse and salesroom; provided, however, that the delivery of such alcoholic beverages by the holder of this license to retailers licensed under this Title shall be from inventory in a warehouse located in New Jersey which is operated under a plenary wholesale license. The fee for this license shall be $6,000.00.

Limited wholesale license. 2a. The holder of this license shall be entitled, subject to rules and regulations, to sell and distribute brewed malt alcoholic beverages and naturally fermented wines to

retailers and wholesalers licensed in accordance with this chapter, and to sell and distribute without this State to any persons pursuant to the laws of the places of such sale and distribution, and to maintain a warehouse and salesroom. The fee for this license shall be $1,500.00.

Wine wholesale license. 2b. The holder of this license shall be entitled, subject to rules and regulations, to sell and distribute any naturally fermented, treated, blended, fortified and sparkling wines, to retailers and wholesalers, licensed in accordance with this chapter, and to sell and distribute without this State to any persons pursuant to the laws of the places of such sale and distribution, and to maintain a warehouse and salesroom; provided, however, that the delivery of such wines by the holder of this license to retailers licensed under this Title shall be from inventory in a warehouse located in New Jersey which is operated under a wine wholesale license. The fee for this license shall be $2,500.00.

State beverage distributor's license. 2c. The holder of this license shall be entitled, subject to rules and regulations, to sell and distribute unchilled, brewed, malt alcoholic beverages in original containers only, in quantities of not less than 144 fluid ounces, to retailers licensed in accordance with this chapter, and to sell and distribute without this State to any person pursuant to the laws of the places of such sale and distribution, and to maintain a warehouse and salesroom. The holder of this license may sell unchilled, brewed, malt alcoholic beverages in original containers only, in quantities of not less than 144 fluid ounces, at retail; provided, however, that such sales shall be made only for consumption off the licensed premises. This license shall not be issued to any person holding a plenary or limited brewery license, nor shall it be issued to any person directly or indirectly interested in any brewery within or without this State. This license shall not be issued for premises in or upon which any retail business, except the sale of malt alcoholic beverages and nonalcoholic beverages, is carried on. The fee for this license shall be $750.00.

3. Section 33:1–13 of the Revised Statutes is amended to read as follows:

Class D licenses; transportation license; fee.

33:1–13. Class D licenses shall be as follows:

Transportation license. The holder of this license shall be entitled, subject to rules and regulations, to transport alcoholic beverages into, out of, through and within the State of New Jersey

and to maintain a warehouse. The fee for this license shall be $500.00.

4. Section 33:1–14 of the Revised Statutes is amended to read as follows:

Class E licenses; subdivisions; fees.

33:1–14. Class E licenses shall be subdivided and classified as follows:

Public warehouse license. 1. The holder of this license shall be entitled, subject to rules and regulations, to receive for purposes of storing and warehousing and to store and warehouse alcoholic beverages in the licensed public warehouse; but this license shall not authorize the transportation of alcoholic beverages. The fee for this license shall be $400.00.

Broker's license. 2. The holder of this license shall be entitled, subject to rules and regulations, to act as a broker in the purchase and sale of alcoholic beverages for a fee or commission, for or on behalf of a person authorized to manufacture or sell at wholesale alcoholic beverages within or without the State. Such license shall not entitle the holder to buy or sell any alcoholic beverages for his own account, or take or deliver title to such alcoholic beverages, or receive or store any alcoholic beverages in his own name in this State, or offer, negotiate for the sale of or sell any alcoholic beverages to any wholesaler or retailer within this State; but such licensee shall be permitted, subject to rules and regulations, to use samples of alcoholic beverages in connection with the exercise of the privileges of such license. Such licensee's activities hereunder shall not be deemed to constitute a sale within the meaning of paragraph "w" of section 33:1–1 of the Revised Statutes. The fee for this license shall be $400.00.

5. Section 33:1–26 of the Revised Statutes is amended to read as follows:

Term of license; prorated fee; separate licenses; license restrictions; extension of license; procedure on transfer of license; employment regulations.

33:1–26. All licenses shall be for a term of 1 year from July 1 in each year. The respective fees for any such license shall be prorated according to the effective date of such license and based on the respective annual fee as in this chapter provided. Where the license fee deposited with the application exceeds such prorated fee, a refund of the excess shall be made to the licensee. Licenses are not transferable except as hereinafter provided. A separate license is required for each specific place of business and the operation and

effect of every license is confined to the licensed premises. No retail license of any class shall be issued to any holder of manufacturer's or wholesaler's license, and no manufacturer's or wholesaler's license shall be issued to the holder of a retail license of any class. Any person who shall exercise or attempt to exercise, or hold himself out as authorized to exercise, the rights and privileges of a license except the licensee and then only with respect to the licensed premises, shall be guilty of a misdemeanor.

In case of death, bankruptcy, receivership or incompetency of the licensee, or if for any other reason whatsoever the operation of the business covered by the license shall devolve by operation of law upon a person other than the licensee, the director or the issuing authority may, in his or its discretion, extend said license for a limited time, not exceeding its term, to the executor, administrator, trustee, receiver or other person upon whom the same has devolved by operation of law as aforesaid. Under no circumstances, however, shall a license, or rights thereunder, be deemed property, subject to inheritance, sale, pledge, lien, levy, attachment, execution, seizure for debts, or any other transfer or disposition whatsoever, except to the extent expressly provided by this chapter.

On application made therefor setting forth the same matters and things with reference to the premises to which a transfer of license is sought as are required to be set forth in connection with an original application for license, as to said premises, and after publication of notice of intention to apply for transfer, in the same manner as is required in case of an application for license as to said premises, the director or other issuing authority may transfer, upon payment of a fee of 10% of the annual license fee for the license sought to be transferred, any license issued by him or it respectively to a different place of business than that specified therein, by endorsing permission upon such license.

On application made therefor setting forth the same matters and things with reference to the person to whom a transfer of license is sought as are required to be set forth in connection with an original application for license, which application for transfer shall be signed and sworn to by the person to whom the transfer of license is sought and shall bear the consent in writing of the licensee to such transfer, and after publication of notice of intention by the person to whom the transfer of license is sought, to apply for transfer in the same manner as is required in the case of an original application for license, the director or other issuing authority, as the case may be, may transfer any license issued by

him or it respectively to such applicant for transfer by endorsing the license. Such application and the applicant shall comply with all requirements of this chapter pertaining to an original application for license and shall be accompanied, in lieu of the license fee required on the original application, by a fee of 10% of the annual license fee for the license sought to be transferred, which 10% shall be retained by the director or other issuing authority, as the case may be, whether the transfer be granted or not, and accounted for as other license fees.

If the other issuing authority shall refuse to grant a transfer the applicant shall be notified forthwith of such refusal by a notice served personally upon the applicant, or sent to him by registered mail addressed to him at the address stated in the application, and such applicant may, within 30 days after the date of service or mailing of such notice, appeal to the director from the action of the issuing authority. If the other issuing authority shall grant a transfer any taxpayer or other aggrieved person opposing the grant of the transfer may, within 30 days after the grant of such transfer, appeal to the director from the action of the issuing authority.

No person who would fail to qualify as a licensee under this chapter shall be knowingly employed by or connected in any business capacity whatsoever with a licensee; but specialized technical workers, required in any business may, with the approval of the director, and subject to rules and regulations, be employed although failing to qualify as to residence or citizenship. Persons failing to qualify as to age, residence or citizenship may, with the approval of the director, and subject to rules and regulations, be employed by any licensee, but such employee, if disqualified by age, shall not, in any manner whatsoever serve, sell or solicit the sale or participate in the manufacture, rectification, blending, treating, fortification, mixing, processing or bottling of any alcoholic beverage; and further provided, that no permit shall be necessary for the employment in a bona fide hotel or restaurant of any person failing to qualify as to age or residence so long as such person shall not in any manner whatsoever serve, sell or solicit the sale of any alcoholic beverage, or participate in the mixing, processing or preparation thereof.

6. Section 33:1–28 of the Revised Statutes is amended to read as follows:

Transportation of beverages by licensees in their own vehicles; transit insignia.

33:1–28. Licensees, except public warehouse licensees, may transport alcoholic beverages in their own vehicles, solely, however,

for their own respective business in connection with and as defined in their respective licenses, without possessing a transportation license; provided, however, that such vehicles while so used shall be marked in the manner prescribed for all vehicles authorized to transport alcoholic beverages as shall be provided in rules and regulations. Each vehicle so used shall bear a transit insignia to be furnished by the director at a fee of $10.00 each.

7. Section 33:1–67 of the Revised Statutes is amended to read as follows:

Solicitor's permit required; exceptions; issuance; fee; penalty.

33:1–67. No individual shall offer for sale or solicit any order in the State for the purchase or sale of any alcoholic beverage, whether such sale is to be made within or without this State, unless such person shall have a solicitor's permit issued by the director hereunder.

Nothing contained in this section shall prohibit such offer or solicitation by any licensee himself or any employee of any retail licensee in connection with and in the course of the licensed business.

The director is empowered to issue, subject to rules and regulations, solicitor's permits, which shall set forth such facts as may be prescribed by the director and shall authorize the permittee to make offers for such sales and solicit orders for such sales of alcoholic beverages as are in accordance with this chapter, and any rules and regulations promulgated thereunder, on behalf of any vendor or vendors represented by the solicitor and designated in the permit. The fee for such permits shall be $15.00 per annum or any part thereof for solicitors employed exclusively by licensees whose licenses permit sale of malt alcoholic beverages only, and $25.00 per annum or any part thereof for solicitors employed by other licensees. A separate fee shall be paid for each vendor designated in the permit. Such permits shall expire on June 30 following their issuance, except as otherwise specified therein.

Any person who violates any provisions of this section shall be guilty of a misdemeanor and punished by a fine of not less than $50.00 and not more than $200.00 or imprisonment for not less than 10 days or not more than 3 months, or both.

8. Section 33:1–72 of the Revised Statutes is amended to read as follows:

Sale of warehouse receipts; license required; fee.

33:1–72. The sale of receipts, certificates, contracts or other documents given upon the storage of alcoholic beverages is pro-

hibited, except under and pursuant to the provisions of a warehouse receipts license issued by the director. The holder of such license shall be entitled to sell such warehouse receipts subject to rules and regulations and the fee therefor shall be $300.00. No publication shall be required with respect to applications for warehouse receipts licenses.

9. This act shall take effect immediately but shall remain inoperative until July 1, 1970.

Approved May 29, 1970.

CHAPTER 79

A SUPPLEMENT to "An act making appropriations for the support of the State Government and the several public purposes for the fiscal year ending June 30, 1970, and regulating the disbursement thereof," approved June 4, 1969 (P. L. 1969, c. 71).

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
DEPARTMENT OF HIGHER EDUCATION

540-104. NEW JERSEY EDUCATIONAL OPPORTUNITY FUND

To provide additional financial aid required for disadvantaged students, Rutgers University and other institutions of higher education	$264,679

540—104. NEW JERSEY EDUCATIONAL OPPORTUNITY FUND

To provide, as the board of directors shall deem necessary and appropriate, additional financial aid to cover teaching and program costs for disadvantaged students at Rutgers, The State University	$482,834
Total Appropriation, Department of Higher Education	$747,513

2. This act shall take effect immediately.

Approved June 2, 1970.

CHAPTER 80

AN ACT concerning civil rights, and amending sections 10:1–3, 10:1–6, 10:1–8, 10:1–9 and 10:2–1 of the Revised Statutes, and amending chapter 114 of the laws of 1942, chapter 169 of the laws of 1945 and chapter 198 of the laws of 1954.

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

1. Section 10:1–3 of the Revised Statutes is amended to read as follows:

Exclusion because of race, creed, color, national origin, ancestry, marital status or sex unlawful.

10:1–3. No owner, lessee, proprietor, manager, superintendent, agent or employee of any such place shall directly or indirectly refuse, withhold from, or deny to, any person any of the accommodations, advantages, facilities or privileges thereof, or directly or indirectly publish, circulate, issue, display, post, or mail any written or printed communication, notice or advertisement to the effect that any of the accommodations, advantages, facilities and privileges of any such place shall be refused, withheld from, or denied to, any person on account of race, creed, color, national origin, ancestry, marital status or sex, or that the patronage or custom thereat of any person belonging to or purporting to be of any particular race, creed, color, national origin, ancestry, marital status or sex, is unwelcome, objectionable or not acceptable, desired or solicited; provided, however, that nothing herein contained shall be construed to bar any place of public accommodation which is in its nature reasonably restricted exclusively to individuals of one sex, and which shall include but not be limited to any summer camp, day camp or resort camp, bathhouse, dressing room, swimming pool, gymnasium, comfort station, dispensary, clinic or hospital, or school or educational institution which is restricted exclusively to individuals of one sex, from refusing, withholding from or denying to any individual of the opposite sex any of the accommodations, advantages, facilities or privileges thereof on the basis of sex; provided further, that the foregoing limitation shall not apply to any restaurant as defined in R. S. 33:1–1 or place where alcoholic beverages are served.

2. Section 10:1–6 of the Revised Statutes is amended to read as follows:

Penalties.

10:1–6. Any person who shall violate any of the provisions of sections 10:1–2 to 10:1–5 of this Title by denying to any citizen, except for reasons applicable alike to all citizens of every race, creed, color, national origin, ancestry, marital status or sex and regardless of race, creed, color, national origin, ancestry, marital status or sex, the full enjoyment of any of the accommodations, advantages, facilities or privileges in said sections enumerated, or by aiding or inciting such denial, or who shall aid or incite the violation of any of the said provisions shall, for each and every violation thereof, forfeit and pay the sum of not less than $100.00 nor more than $500.00, to the State, to be recovered in a civil action, with costs, and shall also, for every such violation, be deemed guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of not more than $500.00, or by imprisonment of not more than 90 days, or both.

3. Section 10:1–8 of the Revised Statutes is amended to read as follows:

Jurors not disqualified because of race, color, creed, national origin, ancestry, marital status or sex; penalty.

10:1–8. No citizen possessing all other qualifications prescribed by law shall be disqualified for service as a grand or petit juror in any court on account of race, color, creed, national origin, ancestry, marital status or sex, and any officer or other person charged with any duty in the selection or summoning of jurors who shall exclude or fail to summon any citizen for the cause aforesaid shall, on conviction thereof, be deemed guilty of a misdemeanor, and be fined not more than $5,000.00.

4. Section 10:1–9 of the Revised Statutes is amended to read as follows:

Discrimination in burial of dead unlawful.

10:1–9. No cemetery corporation, association or company, organized under any law of this State, owning or having control of any cemetery or place for the burial of the dead, shall refuse to permit the burial of any deceased person therein because of the color or sex of such deceased person, and any cemetery corporation, association or company offending against this section shall be guilty of a misdemeanor.

5. Section 1 of chapter 114 of the laws of 1942 (C. 10:1–10) is amended to read as follows:

C. 10:1-10 Defense industries; discrimination in employment unlawful.

1. It shall be unlawful for any employer engaged to any extent whatsoever in the production, manufacture or distribution of military or naval material, equipment or supplies for the State of New Jersey, or for the Federal Government, or for any subsidiary or agency of either the State or Federal Government, or who is engaged on any defense contract whatsoever, to refuse to employ any person in any capacity on account of the race, color, creed, national origin, ancestry, marital status or sex of such person; provided, however, that nothing herein contained shall be construed to bar an employer from refusing to accept for employment any person on the basis of sex in those certain circumstances where sex is a bona fide occupational qualification reasonably necessary to the normal operation of the particular business or enterprise.

6. Section 2 of chapter 114 of the laws of 1942 (C. 10:1–11) is amended to read as follows:

C. 10:1-11 Penalties.

2. Any employer or person who

(1) Excludes a citizen by reason of race, color, creed, national origin, ancestry, marital status or sex, from any public employment, or employment in any capacity, in industries engaged on defense contracts, or

(2) Denies, or aids or incites another to deny, to any person, because of race, color, creed, national origin, ancestry, marital status or sex, public employment or employment in any capacity, in industries engaged on defense contracts.

shall be guilty of a misdemeanor and punishable by a fine of not less than $100.00, nor more than $500.00, or imprisonment for not more than 6 months or both.

7. Section 10:2–1 of the Revised Statutes is amended to read as follows:

Discrimination in employment on public works; contract provisions.

10:2–1. Every contract for or on behalf of the State or any county or municipality or other political subdivision of the State, or any agency of or authority created by any of the foregoing, for the construction, alteration or repair of any public building or public work or for the acquisition of materials, equipment, sup-

plies or services shall contain provisions by which the contractor agrees that:

a. In the hiring of persons for the performance of work under this contract or any subcontract hereunder, or for the procurement, manufacture, assembling or furnishing of any such materials, equipment, supplies or services to be acquired under this contract, no contractor, nor any person acting on behalf of such contractor or subcontractor, shall, by reason of race, creed, color, national origin, ancestry, marital status or sex, discriminate against any person who is qualified and available to perform the work to which the employment relates;

b. No contractor, subcontractor, nor any person on his behalf shall, in any manner, discriminate against or intimidate any employee engaged in the performance of work under this contract or any subcontract hereunder, or engaged in the procurement, manufacture, assembling or furnishing of any such materials, equipment, supplies or services to be acquired under such contract, on account of race, creed, color, national origin, ancestry, marital status or sex;

c. There may be deducted from the amount payable to the contractor by the contracting public agency, under this contract, a penalty of $50.00 for each person for each calendar day during which such person is discriminated against or intimidated in violation of the provisions of the contract; and

d. This contract may be canceled or terminated by the contracting public agency, and all money due or to become due hereunder may be forfeited, for any violation of this section of the contract occurring after notice to the contractor from the contracting public agency of any prior violation of this section of the contract.

8. Section 3 of chapter 169 of the laws of 1945 (C. 10:5–3) is amended to read as follows:

C. 10:5-3 Legislature's finding and declaration.

3. The Legislature finds and declares that practices of discrimination against any of its inhabitants, because of race, creed, color, national origin, ancestry, age, sex, marital status or because of their liability for service in the Armed Forces of the United States, are a matter of concern to the government of the State, and that such discrimination threatens not only the rights and proper privileges of the inhabitants of the State but menaces the institutions and foundation of a free democratic State.

9. Section 4 of chapter 169 of the laws of 1945 (C. 10:5–4) is amended to read as follows:

C. 10:5-4 Obtaining employment, accommodations and privileges without discrimination; civil right.

4. All persons shall have the opportunity to obtain employment, and to obtain all the accommodations, advantages, facilities, and privileges of any place of public accommodation, publicly assisted housing accommodation, and other real property without discrimination because of race, creed, color, national origin, ancestry, age, marital status or sex, subject only to conditions and limitations applicable alike to all persons. This opportunity is recognized as and declared to be a civil right.

10. Section 6 of chapter 169 of the laws of 1945 (C. 10:5–6) is amended to read as follows:

C. 10:5-6 Division on Civil Rights created; powers.

6. There is created in the Department of Law and Public Safety a division known as "The Division on Civil Rights" with power to prevent and eliminate discrimination in the manner prohibited by this act against persons because of race, creed, color, national origin, ancestry, age, marital status or sex or because of their liability for service in the Armed Forces of the United States, by employers, labor organizations, employment agencies or other persons and to take other actions against discrimination because of race, creed, color, national origin, ancestry or age or because of their liability for service in the Armed Forces of the United States, as herein provided; and the division created hereunder is given general jurisdiction and authority for such purposes.

11. Section 8 of chapter 169 of the laws of 1945 (C. 10:5–8) is amended to read as follows:

C. 10:5-8 Attorney General's powers and duties.

8. The Attorney General shall:

a. Exercise all powers of the division not vested in the commission.

b. Administer the work of the division.

c. Organize the division into sections, which shall include but not be limited to a section which shall receive, investigate, and act upon complaints alleging discrimination against persons because of race, creed, color, national origin, ancestry, age, marital status or sex or because of their liability for service in the Armed Forces of the United States; and another which shall, in order to eliminate

prejudice and to further good will among the various racial and religious and nationality groups in this State, study, recommend, prepare and implement, in cooperation with such other departments of the State Government or any other agencies, groups or entity both public and private, such educational and human relations programs as are consonant with the objectives of this act; and prescribe the organization of said sections and the duties of his subordinates and assistants.

d. Appoint a Director of the Division on Civil Rights, who shall act for the Attorney General, in his place and with his powers, which appointment shall be subject to the approval of the commission and the Governor, a deputy director and such assistant directors, field representatives and assistants as may be necessary for the proper administration of the division and fix their compensation within the limits of available appropriations. The director, deputy director, assistant directors, field representatives and assistants shall not be subject to the Civil Service Act and shall be removable by the Attorney General at will.

e. Appoint such clerical force and employees as he may deem necessary and fix their duties, all of whom shall be subject to the Civil Service Act.

f. Maintain liaison with local and State officials and agencies concerned with matters related to the work of the division.

g. Adopt, promulgate, amend, and rescind suitable rules and regulations to carry out the provisions of this act.

h. Conduct investigations, receive complaints and conduct hearings thereon other than those complaints received and hearings held pursuant to the provisions of this act.

i. In connection with any investigation or hearing held pursuant to the provisions of this act, subpœna witnesses, compel their attendance, administer oaths, take the testimony of any person, under oath, and, in connection therewith, require the production for examination of any books or papers relating to any subject matter under investigation or in question by the division and conduct such discovery procedures which may include the taking of interrogatories and oral depositions as shall be deemed necessary by the Attorney General in any investigation. The Attorney General may make rules as to the issuance of subpœnas by the director. The failure of any witness when duly subpœnaed to attend, give testimony, or produce evidence shall be punishable by the Superior Court of New Jersey in the same manner as such failure is punishable by such court in a case therein pending.

j. Issue such publications and such results of investigations and research tending to promote good will and to minimize or eliminate discrimination because of race, creed, color, national origin, ancestry, age, marital status or sex, as the commission shall direct, subject to available appropriations.

k. Render each year to the Governor and Legislature a full written report of all the activities of the division.

l. Appoint, subject to the approval of the commission, a panel of not more than five hearing examiners, each of whom shall be duly licensed to practice law in this State for a period of at least 5 years, and each to serve for a term of 1 year and until his successor is appointed, any one of whom the director may designate in his place to conduct any hearing and recommend findings of fact and conclusions of law. The hearing examiners shall receive such compensation as may be determined by the Attorney General, subject to available appropriations.

12. Section 1 of chapter 198 of the laws of 1954 (C. 10:5–9.1) is amended to read as follows:

C. 10:5-9.1 Enforcement of laws against discrimination in public housing and real property.

1. The Division on Civil Rights in the Department of Law and Public Safety shall enforce the laws of this State against discrimination in housing built with public funds or public assistance, pursuant to any law, and in real property, as defined in the law hereby supplemented, because of race, religious principles, color, national origin, ancestry, marital status or sex. The said laws shall be so enforced in the manner prescribed in the act to which this act is a supplement.

13. Section 9 of chapter 169 of the laws of 1945 (C. 10:5–10) is amended to read as follows:

C. 10:5-10 Commission's powers and duties; local commissions.

9. The commission shall:

a. Consult with and advise the Attorney General with respect to the work of the division.

b. Survey and study the operations of the division.

c. Report to the Governor and the Legislature with respect to such matters relating to the work of the division and at such times as it may deem in the public interest.

The mayors or chief executive officers of the municipalities in the State may appoint local commissions on civil rights to aid in effectuating the purposes of this act. Such local commissions shall be

composed of representative citizens serving without compensation. Such commissions shall attempt to foster through community effort or otherwise, good will, cooperation and conciliation among the groups and elements of the inhabitants of the community, and they may be empowered by the local governing bodies to make recommendations to them for the development of policies and procedures in general and for programs of formal and informal education that will aid in eliminating all types of discrimination based on race, creed, color, national origin, ancestry, age, marital status or sex.

14. Section 11 of chapter 169 of the laws of 1945 (C. 10:5–12) is amended to read as follows:

C. 10:5-12 Unlawful employment practices or unlawful discrimination.

11. It shall be an unlawful employment practice, or, as the case may be, an unlawful discrimination:

a. For an employer, because of the race, creed, color, national origin, ancestry, age, marital status or sex of any individual, or because of the liability for service in the Armed Forces of the United States, of any individual, to refuse to hire or employ or to bar or to discharge from employment such individual or to discriminate against such individual in compensation or in terms, conditions or privileges of employment; provided, however, it shall not be an unlawful employment practice to refuse to accept for employment an applicant who has received a notice of induction or orders to report for active duty in the armed forces; provided further that nothing herein contained shall be construed to bar an employer from refusing to accept for employment any person on the basis of sex in those certain circumstances where sex is a bona fide occupational qualification, reasonably necessary to the normal operation of the particular business or enterprise.

b. For a labor organization, because of the race, creed, color, national origin, ancestry, age, marital status or sex of any individual, or because of the liability for service in the Armed Forces of the United States, of any individual, to exclude or to expel from its membership such individual or to discriminate in any way against any of its members, against any applicant for, or individual included in, any apprentice or other traning program or against any employer or any individual employed by an employer; provided, however, that nothing herein contained shall be construed to bar a labor organization from excluding from its apprentice or other training programs any person on the basis of sex in those certain circumstances where sex is a bona fide occupational

qualification reasonably necessary to the normal operation of the particular apprentice or other training program.

c. For any employer or employment agency to print or circulate or cause to be printed or circulated any statement, advertisement or publication, or to use any form of application for employment, or to make an inquiry in connection with prospective employment, which expresses, directly or indirectly, any limitation, specification or discrimination as to race, creed, color, national origin, ancestry, age, marital status or sex or liability of any applicant for employment for service in the Armed Forces of the United States, or any intent to make any such limitation, specification or discrimination, unless based upon a bona fide occupational qualification.

d. For any person to take reprisals against any person because he has opposed any practices or acts forbidden under this act or because he has filed a complaint, testified or assisted in any proceeding under this act.

e. For any person, whether an employer or an employee or not, to aid, abet, incite, compel or coerce the doing of any of the acts forbidden under this act, or to attempt to do so.

f. For any owner, lessee, proprietor, manager, superintendent, agent, or employee of any place of public accommodation directly or indirectly to refuse, withhold from or deny to any person any of the accommodations, advantages, facilities or privileges thereof, or to discriminate against any person in the furnishing thereof, or directly or indirectly to publish, circulate, issue, display, post or mail any written or printed communication, notice, or advertisement to the effect that any of the accommodations, advantages, facilities, or privileges of any such place will be refused, withheld from, or denied to any person on account of the race, creed, color, national origin, ancestry, marital status or sex of such person, or that the patronage or custom thereat of any person of any particular race, creed, color, national origin, ancestry, marital status or sex is unwelcome, objectionable or not acceptable, desired or solicited, and the production of any such written or printed communication, notice or advertisement, purporting to relate to any such place and to be made by any owner, lessee, proprietor, superintendent, or manager thereof, shall be presumptive evidence in any action that the same was authorized by such person; provided, however, that nothing contained herein shall be construed to bar any place of public accommodation which is in its nature reasonably restricted exclusively to individuals of one sex, and which shall include but not be limited to any summer camp, day camp or resort

camp, bathhouse, dressing room, swimming pool, gymnasium, comfort station, dispensary, clinic or hospital, or school or educational institution which is restricted exclusively to individuals of one sex, from refusing, withholding from or denying to any individual of the opposite sex any of the accommodations, advantages, facilities or privileges thereof on the basis of sex; provided further, that the foregoing limitation shall not apply to any restaurant as defined in R. S. 33:1–1 or place where alcoholic beverages are served.

g. For the owner, lessee, sublessee, assignee or managing agent of, or other person having the right of ownership or possession of or the right to sell, rent, lease, assign, or sublease any real property or part or portion thereof, or any agent or employee of any of these:

(1) To refuse to sell, rent, lease, assign, or sublease or otherwise to deny to or withhold from any person or group of persons any real property or part or portion thereof because of the race, creed, color, national origin, ancestry, marital status or sex of such person or group of persons;

(2) To discriminate against any person or group of persons because of the race, creed, color, national origin, marital status or sex of such person or group of persons in the terms, conditions or privileges of the sale, rental or lease of any real property or part or portion thereof or in the furnishing of facilities or services in connection therewith; or

(3) To print, publish, circulate, issue, display, post or mail, or cause to be printed, published, circulated, issued, displayed, posted or mailed any statement, advertisement, publication or sign, or to use any form of application for the purchase, rental, lease, assignment or sublease of any real property or part or portion thereof, or to make any record or inquiry in connection with the prospective purchase, rental, lease, assignment, or sublease of any real property, or part or portion thereof which expresses, directly or indirectly, any limitation, specification or discimination as to race, creed, color, national origin, ancestry, marital status or sex or any intent to make any such limitation, specification or discrimination, and the production of any such statement, advertisement, publicity, sign, form of application, record, or inquiry purporting to be made by any such person shall be presumptive evidence in any action that the same was authorized by such person; provided, however, that nothing contained in this subsection shall be construed to bar any person from refusing to sell, rent, lease, assign or sublease or from advertising or recording a qualification as to sex for any room, apartment, flat in a dwelling or residential facility which is planned

exclusively for and occupied by individuals of one sex to any individual of the exclusively opposite sex on the basis of sex.

h. For any real estate broker, real estate salesman or employee or agent thereof:

(1) to refuse to sell, rent, assign, lease or sublease, or offer for sale, rental, lease, assignment, or sublease any real property or part or portion thereof to any person or group of persons or to refuse to negotiate for the sale, rental, lease, assignment, or sublease of any real property or part or portion thereof to any person or group of persons because of the race, creed, color, national origin, ancestry, marital status or sex of such person or group of persons, or to represent that any real property or portion thereof is not available for inspection, sale, rental, lease, assignment, or sublease when in fact it is so available, or otherwise to deny or withhold any real property or any part or portion or facilities thereof to or from any person or group of persons because of the race, creed, color, national origin, ancestry, marital status or sex of such person or group of persons;

(2) To discriminate against any person because of his race, creed, color, national origin, ancestry, marital status or sex in the terms, conditions or privileges of the sale, rental, lease, assignment or sublease of any real property or part or portion thereof or in the furnishing of facilities or services in connection therewith; or

(3) To print, publish, circulate, issue, display, post, or mail, or cause to be printed, published, circulated, issued, displayed, posted or mailed, any statement, advertisement, publication or sign, or to use any form of application for the purchase, rental, lease, assignment, or sublease of any real property or part or portion thereof or to make any record or inquiry in connection with the prospective purchase, rental, lease, assignment, or sublease of any real property or part or portion thereof which expresses, directly or indirectly, any limitation, specification or discrimination as to race, creed, color, national origin, ancestry, marital status or sex or any intent to make any such limitation, specification or discrimination, and the production of any such statement, advertisement, publicity, sign, form of application, record, or inquiry purporting to be made by any such person shall be presumptive evidence in any action that the same was authorized by such person; provided, however, that nothing contained in this subsection h., shall be construed to bar any person from refusing to sell, rent, lease, assign or sublease or from advertising or recording a qualification as to sex for any room, apartment, flat in a dwelling or residential facility

which is planned exclusively for and occupied exclusively by individuals of one sex to any individual of the opposite sex on the basis of sex.

i. For any person, bank, banking organization, mortgage company, insurance company or other financial institution or lender to whom application is made for financial assistance for the purchase, acquisition, construction, rehabilitation, repair or maintenance of any real property or part or portion thereof or any agent or employee thereof:

(1) To discriminate against any person or group of persons because of the race, creed, color, national origin, ancestry, marital status or sex of such person or group of persons or of the prospective occupants or tenants of such real property or part or portion thereof, in the granting, withholding, extending, modifying or renewing, or in the fixing of the rates, terms, conditions or provisions of any such financial assistance or in the extension of services in connection therewith; or

(2) To use any form of application for such financial assistance or to make any record or inquiry in connection with applications for such financial assistance which expresses, directly or indirectly, any limitation, specification or discrimination as to race, creed, color, national origin, ancestry, marital status or sex or any intent to make any such limitation, specification or discrimination.

j. For any person whose activities are included within the scope of this act to refuse to post or display such notices concerning the rights or responsibilities of persons affected by this act as the Attorney General may by regulation require.

15. Section 26 of chapter 169 of the laws of 1945 (C. 10:5–27) is amended to read as follows:

C. 10:5-27 Construction of act; other laws not affected; exception; other remedies.

26. The provisions of this act shall be construed fairly and justly with due regard to the interests of all parties. Nothing contained in this act shall be deemed to repeal any of the provisions of the Civil Rights Law or of any other law of this State relating to discrimination because of race, creed, color, national origin, ancestry, marital status or sex or liability for service in the Armed Forces of the United States; except that, as to practices and acts declared unlawful by section 11 of this act, the procedure herein provided shall, while pending, be exclusive; and the final determination therein shall exclude any other action, civil or criminal, based on the same grievance of the individual concerned. Nothing herein

contained shall bar, exclude, or otherwise affect any right or action, civil or criminal, which may exist independently of any right to redress against or specific relief from any unlawful employment practice or unlawful discrimination.

16. This act shall take effect immediately.

Approved June 2, 1970.

CHAPTER 81

AN ACT relating to the civil service in counties, municipalities and school districts and amending section 11:23–2 of the Revised Statutes.

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

1. Section 11:23–2 of the Revised Statutes is amended to read as follows:

Refusal to examine applicant or to certify eligible.

11:23–2. The commission may refuse to examine an applicant, or after examination to certify an eligible who:

a. Lacks any of the established preliminary requirements for examination or position or employment for which he applies; or

b. Is so physically disabled as to be rendered unfit for the performance of the duties of the position to which he seeks employment; or

c. Is addicted to the habitual use of intoxicating liquors to excess; or

d. Has been guilty of a crime or of infamous or notoriously disgraceful conduct; or

e. Has been dismissed from the public service for delinquency or misconduct; or

f. Has made false statements of any material fact, or practiced or attempted to practice deception or fraud in his application, examination or in securing his eligibility or appointment.

If, however, it shall appear that any such person, who is ineligible under subparagraphs d., e. and f. hereof has achieved a degree of rehabilitation that indicates that his or her employment would not be incompatible with the welfare of society and the aims and

objectives to be accomplished by the agency of government where such person is to be employed, then the chief examiner and secretary with the concurrence of the appointing authority may admit such person to appropriate tests, and subsequently certify such person as eligible for employment.

An applicant or eligible may appeal to the commission from the action of the chief examiner and secretary in accordance with the rules established under this subtitle.

2. This act shall take effect immediately.

Approved June 3, 1970.

CHAPTER 82

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

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

1. Section 17–17 of P. L. 1950, chapter 210 (C. 40:69A–166) is amended to read as follows:

C. 40:69A-166 Persons convicted of offenses; penalty.

17–17. Any person convicted of a crime or offense involving moral turpitude shall be ineligible to assume any municipal office, position or employment in a municipality governed pursuant to this act, and upon conviction thereof while in office shall forfeit his office; provided, however, any person convicted of such an offense who has achieved a degree of rehabilitation which in the opinion of the appointing authority and the Civil Service Commission, as to employment subject to the Civil Service law, indicates his employment would not be incompatible with the welfare of society and the aims and objectives of the governmental agency, may be considered eligible to apply for employment or be continued in employment. Any person who shall violate any of the provisions of sections 17–14, 17–15, or 17–16 of this article shall upon conviction thereof in a court of competent jurisdiction forfeit his office.

2. This act shall take effect immediately.

Approved June 3, 1970.

CHAPTER 83

A SUPPLEMENT to "An act making appropriations for the support of the State Government and the several public purposes for the fiscal year ending June 30, 1971, and regulating the disbursement thereof."

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 purposes hereinafter specified:

DEPARTMENT OF LAW AND PUBLIC SAFETY

100-100. OFFICE OF THE ATTORNEY GENERAL

For the training of municipal police in the investigation, detection and apprehension of persons involved in the illegal traffic in narcotics $100,000.00

2. This act shall take effect July 1, 1970 provided that Senate Bill No. 800 now pending in the Legislature also becomes law.

Approved June 3, 1970.

CHAPTER 84

A SUPPLEMENT to "An act making appropriations for the support of the State Government and the several public purposes for the fiscal year ending June 30, 1971, and regulating the disbursement thereof."

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 purposes hereinafter specified:

DEPARTMENT OF LAW AND PUBLIC SAFETY

DIVISION OF STATE POLICE

120–100. GENERAL

For salaries, cash in lieu of maintenance, materials, supplies and equipment for and in support of 50 additional troopers $800,000.00

2. This act shall take effect July 1, 1970 provided that Senate Bill No. 800 now pending in the Legislature also becomes law.

Approved June 3, 1970.

CHAPTER 85

AN ACT providing for drug education programs for teachers and pupils as part of their curriculum in certain cases, 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:4-28.4 Definitions.

1. As used in this act:

a. "Drug education program" means a factual presentation of the problems of drug abuse involving young people prepared so as to be effective and appropriate for student consumption.

b. "Secondary school" means grades seven through 12 and shall include high school grades, junior high school grades and any other classification of grades designated in a particular school to include grades five and above.

c. "Recommended drug education unit" means the subject matter of the drug education program to be presented to the students.

d. "Drugs" means and includes narcotic drugs, dangerous drugs, and controlled dangerous substances, as defined in the laws of the State of New Jersey and the laws of the United States.

e. "School district" means public school districts and shall include regional and vocational school districts.

C. 18A:4-28.5 Summer workshops and training programs.

2. The Commissioner of Education is hereby authorized and directed to establish summer workshops and training programs to train selected teachers to teach a drug education program to secondary school teachers as herein provided. Said workshops and training programs shall also be for the purpose of development of a curriculum and a recommended drug education unit to be incorporated into the ongoing health education curriculum of students in secondary schools. The workshops and training programs shall be under the direction of such persons as the commissioner may designate and shall include representatives from the Department of Education, the Department of Higher Education, Rutgers University, the New Jersey College of Medicine and Dentistry and the Urban Schools Development Council, or their successors, who shall constitute a steering committee. The programs shall contain basic content on the history, pharmacology, physiology and psycho-social

aspects of drugs generally abused by young people, treatment and rehabilitation programs, the legal aspects of drugs and the extent of drug abuse in New Jersey. The workshops and training programs shall be held in different areas throughout the State at times and places selected by the commissioner.

C. 18A:4-28.6 Additional training programs.

3. In addition to the workshops and training programs provided for in section 2 hereof, the Commissioner of Education is hereby authorized and directed to establish drug education training programs for teachers in school districts containing secondary school grades. Said programs for teachers shall consist of eight sessions, each lasting a minimum of 1½ clock hours, to be given in each of said school districts during the period of September 15, 1970, through December 15, 1970. No more than one session shall be given in any 1 week period. The programs provided for by this section shall be conducted by the teachers attending the summer workshops and training programs, as nearly as may be possible, and shall include the curriculum and the recommended drug education unit, provided for in section 2 hereof. Said programs shall be attended by all teachers in such districts teaching secondary school grades and shall be coordinated with the usual school schedule therein so as to permit said teachers to attend after having completed a minimum of 4 hours of their normal school schedule.

C. 18A:4-28.7 Incorporation of drug education unit into curriculum.

4. On and after January 15, 1971, each school district having secondary school grades shall incorporate into its health education curriculum the recommended drug education unit provided for in section 2 hereof during a minimum of 10 clock hours per school year as part of the ongoing health education curriculum for secondary school grades.

C. 18A:4-28.8 Implementation of programs and curriculum.

5. For the purposes of preparing, presenting and implementing the programs and curriculum provided by this act, the Commissioner of Education shall within the limits of funds appropriated:

a. Appoint a program director to oversee the various programs provided for;

b. Retain on a temporary or per diem basis consultants and other advisers;

c. Employ such assistants, technical, stenographic, clerical and other personnel as needed;

d. Pay stipends to the teachers attending the summer workshops and training programs and presenting the drug education program to secondary school teachers as provided for herein;

e. Prepare and otherwise obtain instructional material for said programs; and

f. Provide operational grants directly to the affected school districts according to such formula based upon the school district's population as he shall determine.

C. 18A:4-28.9 Evaluation of program.

6. The Commissioner of Education shall develop criteria and evaluate the effectiveness of various aspects of the Drug Education Program in the schools of New Jersey and to report to the State Board of Education.

7. This act shall take effect immediately.

Approved June 3, 1970.

CHAPTER 86

AN ACT making an appropriation to the Department of Education to establish summer workshops and training programs to train selected teachers to teach a drug education program to secondary school teachers, and supplementing "An act making appropriations for the support of the State Government and the several public purposes for the fiscal year ending June 30, 1970, and regulating the disbursement thereof," approved June 4, 1969 (P. L. 1969, c. 71).

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

1. There is hereby appropriated from the General Treasury to the Department of Education the sum of $175,000.00 to establish summer workshops and training programs to train selected teachers to teach a drug education program to secondary school teachers.

Any funds appropriated hereby and unexpended as of June 30, 1970, are hereby appropriated to the Department of Education for said purposes for the fiscal year beginning July 1, 1970.

2. This act shall take effect immediately but shall remain inoperative until the enactment of "An act providing for drug edu-

cation programs for teachers and pupils as part of their curriculum in certain cases, and supplementing Title 18A of the New Jersey Statutes'' (Assembly Bill No. 1056, now pending before the Legislature).

Approved June 3, 1970.

CHAPTER 87

A SUPPLEMENT to ''An act making appropriations for the support of the State Government and the several public purposes for the fiscal year ending June 30, 1971, and regulating the disbursement thereof,'' now pending before the Legislature (*P. L. 1970, c. 96*).

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

1. There is hereby appropriated to the Department of Health the sum of $500,000.00 for the purpose of matching Federal funds for the continuation and expansion of the New Jersey Regional Drug Abuse Agency.

2. This act shall take effect July 1, 1970.

Approved June 3, 1970.

CHAPTER 88

A SUPPLEMENT to ''An act continuing the Department of Banking and Insurance as a principal department in the Executive Branch of State Government to be known and designated as the Department of Banking,'' approved February 16, 1970 (P. L. 1970, c. 11, C. 17:1B–1 et seq.).

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

C. 17:1B-3a Organization of department.

1. Notwithstanding the provisions of any other law, the commissioner shall organize the work of the department by the establishment of such divisions, bureaus and other organizational units as he may determine to be necessary for efficient and effective operation.

2. This act shall take effect immediately.

Approved June 4, 1970.

CHAPTER 89

A SUPPLEMENT to "An act making appropriations for the support of the State Government and the several public purposes for the fiscal year ending June 30, 1970, and regulating the disbursement thereof, approved June 4, 1969 (P. L. 1969, c. 71)."

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

1. There is hereby appropriated out of the General State Fund the sum of $250,000.00, or so much thereof as may be necessary to the New Jersey Tax Policy Committee created pursuant to Executive Order No. 5 of 1970 for the purpose of making an examination of the existing State and local tax structure, the present and future revenue requirements for all levels of government, and the roles of all levels of government in raising such revenues and to otherwise perform the duties imposed by said order.

2. This act shall take effect immediately.

Approved June 4, 1970.

CHAPTER 90

AN ACT concerning waters and water supply, and amending R. S. 58:10–1, R. S. 58:10–2 and R. S. 58:10–4.

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

1. Section 58:10–1 of the Revised Statutes is amended to read as follows:

Pollution of potable waters prohibited; penalty.

58:10–1. No excremental matter, domestic, factory, workshop, mill, gas house or slaughterhouse refuse, creamery or cheese factory waste, garbage, dyestuff, coal tar, sawdust, tan bark, or other polluting matter shall be placed in, or discharged into, the waters

of or placed or suffered to remain upon the ice or banks of, any river, brook, stream, or any tributary or branch thereof, lake, pond, well, spring or other reservoir, above the point from which any municipality shall or may obtain its supply of water for domestic use.

Whoever violates any of the provisions of this section shall be liable to a penalty of no more than $1,000.00 for the first violation and of no more than $3,000.00 for each subsequent violation, and each day's continuance of the violation shall constitute a separate violation.

Nothing in this section shall be construed to modify or otherwise affect any other law or statute conferring upon any local board of health the power or authority to institute any proceedings in any court of this State for the recovery of any penalty for, or obtaining any injunction against, the pollution of any of the waters of this State.

2. Section 58:10–2 of the Revised Statutes is amended to read as follows:

Recovery of penalties; settlement of claims; disposition of moneys recovered.

58:10–2. Any penalty incurred under any of the provisions of section 58:10–1 of this Title may be recovered, with costs, in a summary proceeding pursuant to the Penalty Enforcement Law (N. J. S. 2A:58–1 et seq.) in the name of the department or of the local board of health having jurisdiction over the place where such violation was committed, or the local board of health of any municipality or any authority, commission or other public body supplying water for sale for potable purposes, the potable water supply of which municipality, authority, commission or other public body is or may be affected by such violation.

The Superior Court, County Court, county district court and the municipal courts shall all have jurisdiction to enforce said Penalty Enforcement Law in connection with this act.

The department is hereby authorized and empowered to compromise and settle any claim for a penalty under this section in such amount in the discretion of the department as may appear appropriate and equitable under all of the circumstances, including, in the case of a first violation only, a rebate of any such penalty paid to the extent of 90% thereof where such person satisfies the department within one year or such other period as the department may

deem reasonable that such violation has been removed or that such order or injunction has been met or satisfied, as the case may be.

When the plaintiff in any such proceeding is the department, or any corporation engaged in the business of supplying water for sale for potable purposes, the moneys, when recovered, shall be paid to the department and by it paid into the State treasury; and when the plaintiff in any such proceeding is the local board of health of a municipality, or any authority, commission or other public body supplying water for sale for potable purposes the moneys recovered shall be paid into the treasury of the municipality or the treasury of said authority, commission or other public body.

3. Section 58:10–4 of the Revised Statutes is amended to read as follows:

Injunctive relief against violations.

58:10–4. If any person, corporation, municipality, or any municipal authority, shall violate any of the provisions of section 58:10–1 of this Title, the department, whether or not the penalty prescribed by said section 58:10–1 shall have been sued for or recovered, may institute a civil action in the Superior Court in the name of the State on the relation of the department for injunctive relief to prohibit the further violation of said section 58:10–1, and said court may proceed in the action in a summary manner.

The local board of health having jurisdiction over the place where such violation was committed, or the local board of health of any municipality, the potable water supply of which is or may be affected by such offense, or any corporation engaged in the business of supplying water for sale for potable purposes, whose supply of potable water is or may be affected by such violation, whether or not such penalty shall have been sued for or recovered, may institute a civil action in such court in the name of such board or corporation for injunctive relief to prohibit the further violation of said section 58:10–1, and said court may proceed in the action in a summary manner.

4. This act shall take effect immediately.

Approved June 8, 1970.

CHAPTER 91

AN ACT concerning waters and water supply, amending R. S. 58:12–3 and supplementing chapter 12 of Title 58 of the Revised Statutes.

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

1. R. S. 58:12–3 is amended to read as follows:

Pollution of waters by sewage prohibited.

58:12–3. Except under such conditions as shall be approved by the department, no person, corporation or municipality shall build or use any sewer, drain or sewerage system from which it is designed that any sewage, industrial waste waters, municipal waste waters or other harmful and deleterious matter, solid or liquid, shall flow into any of the waters of this State, or build, cause to be built or operate any plant for the treatment of sewage or other polluting substance from which the effluent is to flow into any of such waters, or, after the date specified in the notice provided for by section 58:12–2 of this Title, permit any sewage or other polluting matter to flow into such waters from any sewer, drain or sewerage system under its control. Before the building of any plant for the treatment of sewage or other polluting substance as aforesaid, any new plans therefor shall be submitted to the department.

In reviewing plans submitted in compliance with this section and in determining conditions under which such plans may be approved, the department shall give due consideration to community development of comprehensive regional sewerage facilities in order to be assured insofar as is practicable that all proposed sewerage works shall conform to reasonably contemplated development of comprehensive community or regional sewage facilities.

C. 58:12-4.1 Penalty.

2. Whoever violates the provisions of chapter 12 of Title 58 of the Revised Statutes shall be liable to a penalty of not less than $1,000.00 nor more than $3,000.00 to be collected in a civil action by a summary proceeding under the Penalty Enforcement Law (N. J. S. 2A:58–1 et seq.). If the violation is of a continuing nature, each day during which it continues shall constitute an additional separate and distinct violation. The Superior Court, County Court, county district court and the municipal courts shall all have juris-

diction to enforce said Penalty Enforcement Law in connection with this act.

3. This act shall take effect immediately.

Approved June 8, 1970.

CHAPTER 92

AN ACT to provide a special charter for the city of Englewood in the county of Bergen.

WHEREAS, A charter commission was duly elected by the legal voters of the city of Englewood at the general election in November, 1968, pursuant to the Optional Municipal Charter Law; and

WHEREAS, The Englewood Charter Commission made its report on August 3, 1969, recommending a special charter for the city, and, in that event, the enabling statute provides that "it shall be the duty of the governing body of the municipality to forthwith petition the Legislature for a special law or laws, pursuant to the Constitution of 1947 and in the manner provided by general enabling legislation thereunder, to carry out the recommendations of the Charter Commission" (laws of 1950, chapter 210, section 1–16; C. 40:69A–16); and

WHEREAS, The council of the city of Englewood has duly petitioned the Legislature for the passage of a special law to provide such a new 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 (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 resolution 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:*

Private act.

Section 1. Charter.

ARTICLE I

Short Title

Section 1.1 This act shall be known and may be cited as the "Englewood Charter (1970)."

ARTICLE II

Incorporation and General Powers

Section 2.1 Incorporation. The inhabitants of the City of Englewood in the County of Bergen, 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.

§ 2.2 Charter. The city shall be governed by the provisions of section 1 of 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 Englewood or to all cities alike, and which are not inconsistent with this act.

§ 2.3 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 the Englewood Charter (1970), as defined by section 2.2 hereof.

(b) "Administrative code" shall mean an ordinance relating to the organization or administration of the city government, the exercise or discharge of its functions, powers and duties, or the management or control of its property, affairs or government.

(c) "City" shall mean the city of Englewood within the boundaries now existing or which may be hereafter established pursuant to law.

(d) "Council" shall mean the governing body of the city, constituted and elected pursuant to the charter.

(e) "Department" shall mean an administrative organization unit of the city government established or designated by or pursuant to the charter as a department.

(f) "Division" shall mean an administrative organization unit of the city government established, allocated or assigned within a department.

(g) "Manager" shall mean the city manager or acting city manager duly appointed pursuant to the charter.

(h) "Mayor" shall mean the mayor of the city duly elected pursuant to the charter.

(i) "Month" shall mean a calendar month unless otherwise specifically provided.

(j) "Ordinance" shall mean any act of local legislation heretofore or hereafter adopted pursuant to law.

(k) "Person" shall mean any corporation, firm, partnership, association, organization or other entity, as well as an individual.

(l) "Year" shall mean a calendar year unless otherwise specifically provided.

§ 2.4 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.

ARTICLE III

Powers

Section 3.1 Corporate powers. Subject to the provisions of the charter and in addition to such powers as may otherwise be vested in the corporation pursuant to law, 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 such sanctions are 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.

§ 3.2 Exercise by officers, et cetera. Powers vested in the city may be exercised by such corporate officers, boards and commissions as may be provided by ordinance, subject to the provisions of the charter.

§ 3.3 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 IV

The Council

Section 4.1 Governing body. The governing body of the city shall be the city council. The council shall exercise the legislative power of the city, and such other powers as are conferred by the charter. The council shall consist of five councilmen, with one elected from the city at-large and one from each of four wards. Each ward shall be formed of compact and contiguous territory, and the wards so created shall not differ substantially in population, according to the most recent Federal census. Following each Federal decennial census, adjustments in ward boundaries shall be made to conform to this standard, by ward commissioners and in the manner hereinafter provided.

§ 4.2 Councilmen; election; term. Councilmen shall be elected under the provisions of Title 19 of the Revised Statutes (as it may

be amended, supplemented or revised), each for a term of 3 years beginning on January 1 next following his election.

§ 4.3 Councilmen; qualifications. Each councilman shall be a legal voter of the city and a resident of the ward 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.

§ 4.4 Councilmen; vacancies. A vacancy in the office of councilman occurring otherwise than by expiration of 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 election and qualification of a person so elected. A person appointed by the council to fill a vacancy temporarily shall have the same qualifications required of the previous incumbent and shall be one of three to be nominated by the municipal committee of the same political party as such previous incumbent. In the event that the council fails to fill the vacancy within 60 days following its occurrence, the mayor alone shall forthwith appoint a person qualified to serve as above.

§ 4.5 Council; organization and procedure. (a) The council shall, by ordinance, provide for its own organization and rules of procedure not inconsistent with the charter.

(b) The rules shall provide for a regular meeting of the council at least once each month at the City Hall, except in the event of unusual circumstances which may require the meeting to be held elsewhere. The mayor, whenever he deems necessary, may, and upon written request signed by a majority of the councilmen, shall, call a special meeting of the council. Such call and any request therefor shall be upon at least 2 days public notice. The call and any request therefor shall specify the purpose of the meeting, and no other business may be considered at such meeting.

(c) All meetings of the council shall be open to the public. The city clerk shall keep a journal of its proceedings and record the minutes of every meeting.

(d) A majority of the whole number of members of council shall constitute a quorum. A resolution or ordinance, except as otherwise provided by the charter, may be passed by the affirmative vote of not less than a majority of the whole number of councilmen. The vote upon every resolution or ordinance shall be taken by roll call, and the yeas and nays shall be entered in the minutes of the

meeting. The minutes of each meeting shall be signed by the presiding officer at such meeting and by the city clerk.

§ 4.6 The mayor and deputy mayor. (a) At its organization meeting following each election of the council, the councilmen shall elect one of their number to serve as mayor and one as deputy mayor during the term of his office as councilman. The mayor shall:

(1) Serve as presiding officer of the council;

(2) Nominate qualified persons for appointment to office by the council, as otherwise required by this article;

(3) Sign bonds, contracts and other obligations of the city which are for a period of more than 1 year;

(4) Appoint committees of council for legislative purposes;

(5) Make an annual address to the council on the condition of the city and recommended policies relating thereto.

(b) The deputy mayor shall have, exercise and discharge the functions, powers and duties of the mayor in the event of his absence or temporary disability to perform the duties of the office.

(c) A councilman, by virtue of his designation as mayor, or deputy mayor, shall not be deprived of any of his rights, powers, duties or prerogatives as a councilman.

§ 4.7 Mayor; state of emergency. Whenever the mayor shall determine that conditions exist within the city which present a clear and present danger to the safety of the people of the city generally, the mayor, with the approval of council, may declare a city emergency. Upon such declaration 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 for the duration of the emergency.

§ 4.8 Appointments to office. All appointments to office otherwise required by law to be made by the governing body or by the mayor and governing body or by the mayor alone, shall be made by the council upon nomination by the mayor. All such appointments shall be made by resolution adopted by the affirmative vote of a majority of the council.

§ 4.9 Investigation; removals. (a) The council may make investigations into the affairs of the city and 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, subject to standard personnel policies and regulations adopted by ordinance.

§ 4.10 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 at which the council is elected, which occurs not less than 60 days nor more than 120 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.

§ 4.11 Ordinances; enacting clause. The council shall act in relation to all legislative matters by ordinance, except as otherwise specifically provided by the charter. The enacting clause of all ordinances shall be: "Be It Enacted by the Council of the City of Englewood:"

ARTICLE V

The Manager

Section 5.1 Chief executive; appointment and qualification. The council shall appoint a city manager, who shall be the chief executive of the city. The manager shall be chosen by the council solely on the basis of his executive and administrative qualifications with special reference to his actual experience in, or his knowledge of, accepted practice in respect to the duties of his office as hereinafter set forth. At the time of his appointment he need not be a resident of the city of Englewood or State of New Jersey, but during his tenure of office he may reside outside the city only with the approval of council.

§ 5.2 Manager; removal. The manager shall hold office at the pleasure of the council and may be removed by a majority vote of the council. At least 30 days before such removal shall become effective, the council shall by a majority vote of its members adopt a preliminary resolution stating the reasons for his removal. The manager may reply in writing and may request a public hearing, which shall be held not earlier than 20 days nor later than 30 days after the filing of such request. After such public hearing, if one

be requested, and after full consideration, the council by majority vote of its members may adopt a final resolution of removal. By the preliminary resolution the council may suspend the manager from duty, but shall in any case cause to be paid him forthwith any unpaid balance of his salary and his salary for the next 3 calendar months following adoption of the preliminary resolution.

§ 5.3 Manager; powers and duties. The manager shall:

(a) Be the chief executive and administrative official of the city;

(b) Execute the provisions of the charter and ordinances of the city;

(c) Appoint and remove a deputy manager if one be authorized by the council, all department heads and all other officers, subordinates, and assistants for whose selection or removal no other method is provided by the charter, subject to the provisions of standard personnel policies and regulations adopted by the council by ordinance; and report all appointments or removals at the next meeting thereafter of the city council;

(d) Supervise and direct his appointees and have power to delegate in whole or in part his powers of appointment, removal and supervision to department heads;

(e) Negotiate contracts for the city subject to the approval of the council, make recommendations concerning the nature and location of municipal improvements, and execute municipal improvements as determined by the council;

(f) See that all terms and conditions imposed in favor of the city or its inhabitants in any statute, public utility franchise or other contract are faithfully kept and performed, and upon knowledge of any violation call the same to the attention of the council;

(g) Attend all meetings of the council with the right to take part in the discussions, but without the right to vote;

(h) Recommend to the council for adoption such measures as he may deem necessary or expedient, keep the council advised of the financial condition of the city, make reports to the council as requested by it, and at least once a year make an annual report of his work for the benefit of the council and the public;

(i) Investigate at any time the affairs of any officer or department of the city;

(j) Perform such other duties as may be required of the manager by ordinance or resolution of the council.

The manager shall be responsible to the council for carrying out all policies established by it and for the proper administration of all affairs of the city within the jurisdiction of the council.

ARTICLE VI

Organization and Administration

Section 6.1 Council relationship. (a) It is a purpose of the charter to provide for a separation of the legislative and administrative functions of the city government, except as specifically otherwise provided.

(b) The direction and supervision of city officers and employees shall be solely by and through the manager. The council or any member thereof may intervene in administrative matters only for purposes of an inquiry or investigation authorized pursuant to law.

§ 6.2 Administrative code. Council shall adopt and may from time to time amend, supplement and revise an administrative code to provide for departments and otherwise to govern the organization and administration of the city government, subject to the provisions of the charter.

§ 6.3 Budget. The city budget shall be prepared by the manager. During the month of November in each year the manager shall require all department heads to submit requests for appropriations for the ensuing budget year, and to appear before him at public hearings, which shall be held during that month, on the various requests.

§ 6.4 Council consideration; budget operations. On or before January 15 in each year the manager shall submit to council his recommended budget together with such explanatory comment or statement as he may deem desirable. The budget shall be in such form as is required by law for municipal budgets and shall in addition have appended thereto detailed analysis of the various items of expenditure and revenue.

The council shall, where practicable, provide by ordinance for the operation of a system of work programs and quarterly allotments for operation of the budget, and for development and reporting of appropriate unit costs of budgeted expenditures.

§ 6.5 Financial control. The council shall provide by ordinance for the exercise of a control function in the management of the finances of the city by a comptroller. The control function shall include provision for an encumbrance system of budget operation, for expenditures only upon written requisition, for the preaudit of all claims and demands against the city prior to payment, and for the control of all payments out of any public funds by individual warrants for each payment to the official having custody thereof.

The comptroller shall be authorized to report directly to the council, as well as to the manager, on the financial administration of the city.

§ 6.6 Transfer of mayor's power of appointment. Any provision of general law conferring the appointing power or other power upon the mayor or other executive head of a city shall be construed as meaning the manager, and the appointments or the power exercised by the manager hereunder shall be classified and given the same force and effect as if executed by the official named therein, except that members of the board of education and of the trustees of the public library, whenever required by law to be appointed by the mayor, shall be appointed under section 4.8 of the charter.

§ 6.7 Departments. The council shall by administrative code allocate and assign all of the administrative functions, powers and duties of the city government among and within departments, subject to the provisions of the charter. The head of each department shall be a single executive, and one person may be appointed to head two or more departments.

§ 6.8 Council appointments. The council may provide by ordinance for the manner of making appointments of the city attorney, planning board, zoning board of adjustment, or city personnel board (if any), and such advisory boards and bodies as it may create or continue.

§ 6.9 City clerk; powers and duties. Council shall appoint a qualified person as city clerk. It may appoint the manager to serve as acting city clerk until such time as a separate city clerk shall be appointed. The city clerk shall perform the duties of the office prescribed by law and shall serve as clerk of the council. He shall:

(a) Keep a journal of council proceedings and record the minutes of every meeting.

(b) Have custody of the city seal and affix it to such official city papers and documents as are required by law to be sealed with the seal of the city.

(c) Record and safely keep all ordinances and resolutions adopted by the council; and once each year with the assistance of the city attorney, he shall compile, index and bind all ordinances and resolutions which then remain in force and effect;

(d) Have such other powers and duties as, subject to the charter, council may prescribe.

§ 6.10 Acting and dual appointments. The manager may appoint himself as head of one or more departments without additional compensation. Council may appoint an acting manager to have and exercise the duties and powers of the office temporarily pending a

permanent appointment, and the manager may appoint an acting department head, or acting division head, similarly, pending permanent appointment.

§ 6.11 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, personnel administration, purchasing, financial procedures and controls, with respect to expenditure of municipal funds, notwithstanding the provisions of any other law.

§ 6.12 Executives of boards and commissions. Whenever a board, commission or other body, which is supported in whole or in part by city appropriations, may appoint a principal executive or administrative officer pursuant to law, the appointment shall be subject to the approval of the manager. Any principal executive or administrative officer so appointed shall be removable by the manager with the approval of the council, upon notice and opportunity for a public hearing.

ARTICLE VII

Initiative, Referendum and Recall

A. Initiative and Referendum

Section 7.1 Initiative power. The legal 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.

§ 7.2 Referendum power. The legal 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. Within 10 days after the final passage and publication of an ordinance, other than the local budget, a petition protecting against the passage of such ordinance may 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 operative effect until proceedings are had as herein provided.

§ 7.3 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 an 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 legal voters.

§ 7.4 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 four of the five 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.

§ 7.5 General or special elections. Any ordinance to be voted on by the voters in accordance with section 7.2 or section 7.4 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 by 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.

§ 7.6 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.

§ 7.7 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.

§ 7.8 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.	

§ 7.9 Election results. If a majority of the legal voters 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 two or more measures approved or adopted at the same election conflict, then the measure receiving the greatest affirmative vote shall control.

B. Recall

§ 7.10 Recall power. Any elective officer shall be subject to removal from office for reasons related to his conduct in 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.

§ 7.11 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 ward, as the case may be, and shall be filed with the city clerk. It shall set forth a statement of the reasons upon which the removal is sought.

§ 7.12 Time for recall election; publication. (a) 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 after the filing of the petition. A recall election relating to a ward councilman shall be held only in the ward.

(b) 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.

§ 7.13 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 two lines in bold-faced 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 two 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."

§ 7.14 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.

§ 7.15 Election procedure. The provisions of Title 19 of the Revised Statutes (Elections) concerning the 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.

§ 7.16 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.

§ 7.17 Election results. (a) If a majority of votes cast 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.

§ 7.18 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 provided by the charter with respect to vacancies resulting from other causes; provided that the recalled councilman shall not be eligible for an appointment to fill such vacancy temporarily.

C. Petition for Initiative, Referendum and Recall

§ 7.19 Form and content of petition. All petition papers circulated for the purposes of an initiative, referendum or recall shall be uniform in size and style. Initiative petition papers shall contain the full text of the proposed ordinance. The signatures to initiative, referendum or recall petitions need not all be appended to one paper, but to each separate petition paper 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 five voters, designated 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.

§ 7.20 Certification. All petition papers comprising an initiative, referendum or recall 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 legal 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 two members of the committee of the petitioners of his findings.

§ 7.21 Amendments. An initiative, referendum or recall 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.

§ 7.22 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.

ARTICLE VIII

General Provisions

Section 8.1 Elective offices. The councilmen shall be the only elective city officers. 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.

§ 8.2 Ward boundaries. (a) Until the first election of councilmen to be held after the promulgation of the next Federal census which is promulgated not less than 65 days before the primary election for the general election at which such councilmen are to be elected, ward boundaries as they existed on January 1, 1969, shall continue effective.

(b) Immediately following the promulgation of each decennial Federal census ward commissioners shall fix and adjust ward boundaries as required for representation under the charter. The members of the county board of elections of the county in which such municipality is situated, together with the city clerk shall constitute the ward commissioners. The ward commissioners shall meet and, having first taken and subscribed before some officer authorized to administer oaths, an oath faithfully and impartially

to perform the duties imposed upon them, shall forthwith proceed to prepare the ward map.

(c) Within 30 days following the promulgation of the census, the ward commissioners shall make and file their report and certificate over at least three of their signatures setting forth and properly describing the ward boundaries fixed and determined, to which there shall be annexed a map of the city with the ward boundaries clearly marked thereon. The report so certified shall be filed in the office of the clerk of the county, and a copy thereof shall also be filed with the Secretary of State and in the office of the clerk of the city.

(d) A notice of the ward boundaries as fixed and determined by the ward commissioners shall be published by the city clerk at least once in at least one newspaper circulating in the city within 2 weeks immediately next succeeding the filing of the report and certificate required by this article. Upon completion of the publication, the former ward boundaries shall be superseded, and thereafter councilmen elected for or representing the wards thereof shall be elected from the wards fixed by the ward commissioners hereunder until the next Federal census.

§ 8.3. 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 of 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 Reserve Components of the Armed Forces of the United States, or who shall hold or accept any other office connected with the government of the county, 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.

§ 8.4 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 manager, comptroller 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 the 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 section 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.

§ 8.5 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 con-

duct 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.

§ 8.6 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 thereafter from receiving or holding any office or employment under the city government.

§ 8.7 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 legislative committee of the council, 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.

§ 8.8 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, position or employment;

provided, however, any person convicted of such an offense other than a high misdemeanor who has achieved a degree of rehabilitation which, in the opinion of the manager, indicates his employment would not be incompatible with the welfare of society and the aims and objectives of the department, may be considered eligible to apply for employment or be continued in employment.

§ 8.9 Interim appointments. 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 any election of a councilman and the date on which he takes office under the charter.

ARTICLE IX

Transitional Provisions

Section 9.1 Effect of charter. The charter shall take effect on January 1, 1972, except as provided in section 9.3. On that date the charter shall supersede chapter 52, laws of 1899 (R. S. 40:109–3) and all amendments and supplements thereto.

§ 9.2 Other laws and ordinances. (a) All laws and parts of laws relating to or affecting the City of Englewood 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.

§ 9.3 Elective officers. The first councilmen under this charter shall be elected at the general election in November, 1971, and shall be nominated in the primary election for that general election.

§ 9.4 Appointive officers and employees. (a) At 12 m. on the effective date of the charter, all offices then existing in the municipality shall be abolished and the terms of all elected and appointed officers shall immediately cease and determine; provided, that nothing in this section shall be construed to abolish the office or terminate the term of office of any member of the board of education, trustees of the free public library, commissioners of the local housing authority, municipal magistrate, or of any official or employee then protected by any tenure of office law or ordinance or of any policeman, fireman, teacher, principal or school superintendent whether or not protected by a tenure of office law or ordinance. If the city clerk has, prior to the effective date of the

charter, acquired a protected tenure of office pursuant to law, he shall become the first city clerk under the charter.

(b) Provision for officers and for the organization and administration of the city government under the charter may be made by resolution pending the adoption of ordinances, but any such resolution shall expire not later than 90 days after the effective date of the charter.

(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 the first election of officers and the date the newly elected officers take office under the charter.

(d) All actions and proceedings of a legislative, executive or judicial character which are pending upon the effective date of the charter may continue, and the appropriate officer or employee under the charter shall be substituted for the officer or employee theretofore exercising or discharging the function, power or duty involved in such action or proceeding.

Section 2. Referendum. The charter (section 1 of this act) shall be submitted to referendum, and shall take effect upon a favorable vote thereon, as herein provided. The question of adoption of the charter shall be submitted to the legal voters of the City of Englewood at the next general election to be held not less than 40 days after its passage.

(a) There shall be printed in the space provided for public questions on the ballot to be used in such general election the following question:

	Yes.	Shall "An act to provide a special charter for the City of Englewood, in the County of Bergen" 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 charter shall take effect and become operative in accordance with its terms.

(c) The city clerk of the City of Englewood shall, following such referendum, forthwith file his certificate of the results of the vote on the public question with the Secretary of State.

Section 3. Validation. All proceedings of the charter commission of the City of Englewood, including the appointment and qualifica-

tion 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 all publications required in connection therewith, are hereby ratified, confirmed and validated.

Section 4. Severability. If any clause, sentence, paragraph, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, 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 rendered.

Section 5. Effective Date. This act shall take effect immediately.

Approved June 8, 1970.

CHAPTER 93

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 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) 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, the least of the amounts prescribed by subparagraphs (aa) or (bb) or (cc) of this subsection (e):

(aa) 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; or

(bb) 11/100 of a mil per dollar on the total assets of the corporation; or

(cc) $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
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 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, the following amount:

(a) in the case of a subsidiary which is taxable under this act, such proportion of the average value of such holdings, less net liabilities (if any) to such 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; or

(b) in the case of a subsidiary subject to a franchise tax measured by gross receipts under any other law of this State, such proportion of the average value of such holdings, less net liabilities (if any) to such subsidiary, as corresponds 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; or

(c) in the case of a subsidiary which is a bank as defined in section 54:9–1 of the Revised Statutes, 50% of the difference between the average value of such holdings for the same year and net liabilities (if any) to such subsidiary; or

(d) in the case of a subsidiary which is a financial business as defined in section 2 of chapter 174 of the laws of 1946 (C. 54:10B–2(b)), such proportion of the average value of such holdings, less net liabilities (if any) to such subsidiary, as corresponds to 50% of the subsidiary's allocation fraction for the same year determined under section 8 of chapter 174 of the laws of 1946 (C. 54:10B–8); or

(e) in the case of a subsidiary which is a stock, mutual or assessment insurance company organized or existing under the laws of this State or under the laws of another State or foreing country, such proportion of the average value of such holdings, less net liabilities (if any) to such subsidiary, as corresponds to 50% of the ratio which the amount of taxable premiums, as defined in sections 4 and 5 of chapter 132 of the laws of 1945 and section 1 of chapter 186 of the laws of 1950 (C. 54:18A–4, 54:18A–5, and 54:18A–5.1), collected by the subsidiary in the same year, bears to the total amount of all premiums collected by the subsidiary in the same year which would be taxable premiums if all such premiums were on account of business in this State; or

(f) in the case of a subsidiary which is a railroad as defined in section 2 of chapter 291 of the laws of 1941 (C. 54:29A–2), such proportion of the average value of such holdings, less net liabilities (if any) to such subsidiary, as corresponds to 50% of the ratio which the number of miles of all track over which the subsidiary operates in this State in the same year bears to the total number of miles of all track over which the subsidiary operates everywhere in the same year.

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.

3. This act shall take effect immediately and shall be applicable to taxpayers whose accounting periods end after June 30, 1970.

Approved June 8, 1970.

CHAPTER 94

AN ACT establishing and concerning a Division of Data Processing and Telecommunications in the Department of the Treasury and providing the appropriation therefor.

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

C. 52:18A-137 Division of Data Processing and Telecommunications established; director.

1. There is hereby established in the Department of the Treasury the Division of Data Processing and Telecommunications. The division shall be under the immediate supervision of a director who shall be appointed by and serve at the pleasure of the State Treasurer and who shall administer the work of the division under the direction and supervision of the State Treasurer. The State Treasurer shall fix the compensation of the director within the limits of available appropriations.

C. 52:18A-138 Organization of division.

2. The State Treasurer shall establish within the division two bureaus, to be designated the bureau of data processing and the bureau of telecommunications management. The State Treasurer shall organize the work of the division in such other bureaus and

other organizational units as he may determine to be necessary for efficient and effective operation and shall assign to the division such employees in the Department of the Treasury as may be necessary to assist the director in the performance of his duties.

C. 52:18A-139 Duties and responsibilities of division.

3. The division shall:

(a) Assure the effectiveness of information processing throughout the State Government.

(b) Advise in policy and planning decisions to insure that the State Government is responsive to new programs involving data handling responsibilities.

(c) Assure that the information processing capabilities of the State are kept current and abreast of changing technology.

(d) Be the organization through which the agencies of the State Government are kept informed as to current Statewide information processing capabilities and informed as to available machine sensible information.

(e) Be responsible for the continued development of efficient uses of information processing.

(f) Assure that telecommunication services are provided throughout the State Government in the most economical, uniform and effective manner.

C. 52:18A-140 Authorized procedures.

4. In order to accomplish the foregoing, the division shall:

(a) Be responsible for evaluating all requests affecting the information processing facilities of the State including:

(1) The acquisition, continuation or alteration of equipment.

(2) The use of consulting firms in information processing studies or projects.

(3) The purchase of information processing services.

(b) Direct the assignment and reassignment of information processing tasks among the various State Government information processing facilities.

(c) Be the organization to represent the State in all intergovernmental matters relating to information processing.

(d) Promulgate such rules and regulations as shall be necessary to effectuate the purposes of this act.

C. 52:18A-141 Bureau of data processing; duties and responsibilities.

5. The bureau of data processing shall:

(a) Foster and direct the establishment and consolidation of information processing centers throughout the State in order to achieve economies in the use of information processing facilities.

(b) Develop, promulgate and maintain a Statewide master plan for the economic and effective use of information processing facilities.

(c) Direct and conduct periodic effectiveness audits of the various facilities comprising the State's information processing capability.

(d) Determine whether State agencies are prepared to make effective use of consultants prior to such consultants being solicited or engaged to alter, improve or establish methods or procedures involving information processing.

(e) Monitor the progress of such consultants in order to assure that their recommendations and performance are consistent with Statewide objectives of efficiency and economy.

(f) Review requests for the use of commercial service organizations and direct the accomplishment of the required tasks by State facilities wherever deemed advisable.

(g) Be responsible, with the using agency, for selection and acquisition decisions taking into account the necessity for encouraging competition through solicitation of proposals from qualified vendors.

(h) Determine the advisability of the acquisition and use of specific software packages.

C. 52:18A-142 "Telecommunications" defined.

6. As used in this act, "telecommunications" shall mean any transmission, emission or reception of signs, signals, writings, images and sounds or intelligences of any nature by wire, radio, optical or other electromagnetic system.

C. 52:18A-143 Office of telecommunications management transferred.

7. The office of telecommunications management in the Division of Purchase and Property established by Executive Order No. 54 of the Governor, dated May 21, 1969, together with all of its functions, powers and duties, is transferred to and constituted the bureau of telecommunications management in the Division of Data Processing and Telecommunications. Such bureau shall continue to have all of the powers and shall exercise all of the functions and duties vested in it or imposed upon it by said executive order or by this or any other law.

C. 52:18A-144 Bureau of telecommunications management; duties and responsibilities.

8. The bureau of telecommunications management shall:

(a) Direct the consolidation and coordination of the State's telecommunications facilities in order to insure the efficient and economical use of telecommunications services by State agencies.

(b) Develop technical plans for and recommend communication facilities and equipment which will satisfy agency operational communications requirements.

(c) Conduct continuing reviews and evaluations of communication facilities and equipment used by State agencies in order to insure that agency needs are being fulfilled at the most economical cost to the State.

(d) Develop and implement policies, standards, practices and procedures to insure orderly development of State communication facilities in an economic and efficient manner.

C. 52:18A-145 Responsibilities of certain agencies not affected.

9. Nothing in this act shall affect the responsibilities of the New Jersey Broadcasting Authority, or of the Division of State Police with respect to communication facilities, as such responsibilities are defined by any law of this State.

C. 52:18A-146 Appropriations and moneys transferred to division.

10. All appropriations and other moneys available and to become available to any division, office or other agency, the functions, powers and duties of which have been herein assigned or transferred to the Division of Data Processing and Telecommunications, are hereby transferred to the Division of Data Processing and Telecommunications established hereunder, and shall be available for the objectives and purposes for which appropriated, subject to any terms, restrictions, limitations or other requirements imposed by State or Federal laws.

C. 52:18A-147 Tenure, pension and retirement rights.

11. Nothing in this act shall be construed to deprive any person of any tenure rights or of any right or protection provided him by Title 11 of the Revised Statutes, Civil Service, or under any pension law or retirement system.

C. 52:18A-148 Files, records and equipment transferred to division.

12. All files, books, papers, records, equipment and other property of any division, office or other agency, the functions, powers and duties of which have been herein assigned or transferred to the

Division of Data Processing and Telecommunications, shall upon the effective date of this act be transferred to the Division of Data Processing and Telecommunications.

C. 52:18A-149 Orders, rules and regulations continued.

13. This act shall not affect orders, rules and regulations heretofore made or promulgated by any division, office or other agency, the functions, powers and duties of which have been herein assigned or transferred to the Division of Data Processing and Telecommunications, but such orders, rules and regulations shall continue with full force and effect until amended or repealed pursuant to law.

C. 52:18A-150 Filing of reports, certifications and applications.

14. Unless specifically otherwise provided in this act or by any law, whenever, pursuant to existing law, reports, certifications, applications or requests are required or permitted to be made to the division, office or other agency whose functions, powers and duties are herein assigned or transferred, such reports and certifications shall hereafter be required to be filed with, and such applications or requests shall hereafter be made to, the Division of Data Processing and Telecommunications.

15. There is hereby appropriated to the Department of the Treasury the sum of $150,000.00 to carry out the purposes of this act for the period ending June 30, 1971.

16. The provisions of this act shall become operative at the beginning of the biweekly pay period next following enactment. Anticipatory action to effect the establishment of the division may be taken in advance thereof including the making of authorized appointments and, within the limits of appropriations available to the Division of Data Processing and Telecommunications, the expenditure of funds for payment of salaries and expenses incident thereto.

17. This act shall take effect immediately.

Approved June 12, 1970.

CHAPTER 95

AN ACT establishing and concerning a Division of Building and Construction in the Department of the Treasury.

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

C. 52:18A-151 Division of Building and Construction established; director.

1. There is hereby established in the Department of the Treasury the Division of Building and Construction. The division shall be under the immediate supervision of a director who shall be appointed by and serve at the pleasure of the State Treasurer and who shall administer the work of the division under the direction and supervision of the State Treasurer. The State Treasurer shall fix the compensation of the director within the limits of available appropriations.

C. 52:18A-152 Organization of division.

2. The State Treasurer shall organize the work of the division in such bureaus and other organizational units as he may determine to be necessary for efficient and effective operation and shall assign to the division such employees in the Department of the Treasury as may be necessary to assist the director in the performance of his duties.

C. 52:18A-153 Powers and duties transferred to division.

3. All the functions, powers and duties of the Division of Purchase and Property, the director thereof and the Office of Architecture, Engineering and Construction therein relating to the planning, construction, reconstruction, improvement and repair of public buildings are transferred to the Division of Building and Construction established hereunder.

C. 52:18A-154 Appropriations and moneys transferred to division.

4. All appropriations and other moneys available and to become available to any division, office or other agency, the functions, powers and duties of which have been herein assigned or transferred to the Division of Building and Construction, are hereby transferred to the Division of Building and Construction established hereunder, and shall be available for the objectives and purposes for which appropriated, subject to any terms, restrictions, limitations or other requirements imposed by State or Federal law.

C. 52:18A-155 Employees transferred to division.

5. All employees of any division, office or other agency, the functions, powers and duties of which have been herein assigned or transferred to the Division of Building and Construction, shall upon the effective date of this act be transferred to the Division of Building and Construction.

C. 52:18A-156 Tenure, pension and retirement rights.

6. Nothing in this act shall be construed to deprive any person of any tenure rights or of any right or protection provided him by Title 11 of the Revised Statutes, Civil Service, or under any pension law or retirement system.

C. 52:18A-157 Files, records and equipment transferred to division.

7. All files, books, papers, records, equipment and other property of any division, office or other agency, the functions, powers and duties of which have been herein assigned or transferred to the Division of Building and Construction, shall upon the effective date of this act be transferred to the Division of Building and Construction.

C. 52:18A-158 Orders, rules and regulations continued.

8. This act shall not affect orders, rules and regulations heretofore made or promulgated by any division, office or other agency, the functions, powers and duties of which have been herein assigned or transferred to the Division of Building and Construction; but such orders, rules and regulations shall continue with full force and effect until amended or repealed pursuant to law.

C. 52:18A-159 Actions or proceedings continued.

9. This act shall not affect any actions or proceedings, civil or criminal, brought by or against any division, office or other agency, the functions, powers and duties of which have been herein assigned or transferred to the Division of Building and Construction, and pending on the effective date of this act, but such actions or proceedings may be prosecuted or defended in the same manner and to the same effect by the Division of Building and Construction as if the foregoing provisions had not taken effect; nor shall any of the foregoing provisions affect any order or recommendation made by, or other matters or proceedings before, any division, office or other agency, the functions, powers and duties of which have been herein assigned or transferred to the Division of Building and Construction, and all such matters or proceedings pending before such division, office or other agency on the effective date of this

act shall be continued by the Division of Building and Construction, as if the foregoing provisions had not taken effect.

C. 52:18A-160 Filing of reports, certifications and applications.

10. Unless specifically otherwise provided in this act or by any law, whenever, pursuant to existing law, reports, certifications, applications or requests are required or permitted to be made to the division, office or other agency whose functions, powers and duties are herein assigned or transferred, such reports and certifications shall hereafter be required to be filed with, and such applications or requests shall hereafter be made to, the Division of Building and Construction.

C. 52:18A-161 Meaning of certain references.

11. With respect to the functions, powers and duties hereby transferred to the Division of Building and Construction, whenever in any law, rule, regulation, judicial or administrative proceeding or otherwise, reference is made to the Division of Purchase and Property or the director thereof or the Office of Architecture, Engineering and Construction, the same shall mean and refer to the Division of Building and Construction or the director thereof, as the case may be.

C. 52:18A-162 Repeal of inconsistent acts.

12. All acts and parts of acts inconsistent with any of the provisions of this act are, to the extent of such inconsistency, superseded and repealed.

13. The provisions of this act shall become operative at the beginning of the biweekly pay period next following enactment. Anticipatory action to effect the establishment of the division may be taken in advance thereof including the making of authorized appointments and, within the limits of appropriations available to the Division of Building and Construction, the expenditure of funds for payment of salaries and expenses incident thereto.

14. This act shall take effect immediately.

Approved June 12, 1970.

CHAPTER 96

AN ACT making appropriations for the support of the State Government and the several public purposes for the fiscal year ending June 30, 1971, and regulating the disbursement thereof.

ANTICIPATED RESOURCES FOR THE FISCAL YEAR 1970-71

Surplus

Estimated balance, July 1, 1970	$129,331,799

Major Tax and Fee Revenues

Transfer inheritance tax	$67,500,000
Railroad taxes—franchise	150,000
Miscellaneous corporation tax—domestic and foreign	131,300,000
Domestic life insurance corporation tax	700,000
Foreign insurance corporation tax	35,000,000
Alcoholic beverage tax	47,000,000
Cigarette tax	120,000,000
Pari-mutuel tax	37,000,000
Motor fuels tax	208,000,000
Motor vehicle fees, et cetera	134,000,000
Motor carriers road tax	5,403,850
Motor vehicle security-responsibility law administration	1,505,908
Public utility surtax	20,000,000
State sales tax	545,300,000
Emergency transportation tax	17,500,000
State lottery	5,000,000
Financial business tax (State's share)	1,800,000
Bank stock tax (State's share)	7,300,000

Other Tax, License, Fee and Departmental Revenues

Department of Law and Public Safety:	
Bureau of Securities—license fees	408,800
Beverage licenses	956,000
Amusement games control fees	70,525
Professional examining boards fees	1,072,381
Beauty Culture Control licenses	350,000

Division of State Police—miscellaneous receipts	$97,000
Division of Motor Vehicles—miscellaneous receipts	1,000
Division of Weights and Measures	48,500
Bus excise tax	300,000
Department of the Treasury:	
Investment earnings	12,500,000
Interest on deposits	1,025,000
Escheats, personal property (14-year law)	75,000
Outdoor advertising permits and fees	130,000
Dividends	18,870
Public utility tax administration	75,000
Pensions and social security administration	1,500,000
Pension contributions from special fund sources	5,000,000
Public employers contribution reimbursement	2,000,000
Social security contributions from special fund sources	1,600,000
Rutgers, The State University—employer contributions reimbursement	750,000
Federal aid: Unemployment Benefits Section—Treasury Department	98,271
Health benefits contributions from special fund sources	550,000
Rent of State building space	503,000
Department of State:	
General revenue—fees	2,650,000
Uniform commercial codes—fees	181,000
Commissions	171,000
Office of Athletic Commissioner	22,500
Legalized Games of Chance Control Commission	291,000
Department of Banking:	
Examining and other fees	1,445,000
Department of Insurance:	
Examining and other fees	1,655,000
Real Estate Commission	780,000
Department of Agriculture:	
General fees	211,000
Milk Control licenses and fees	262,000
Fertilizer inspection and other fees	97,000

Department of Defense:	
Armory rentals	$41,000
Federal aid: general	66,500
Federal aid: Civil Defense	302,000
Department of Public Utilities:	
General revenue—fees	1,777,000
Department of Health:	
General fees	310,425
Rabies Control licenses	214,860
Board of Barber Examiners—licenses and fees	104,290
Department of Labor and Industry:	
General revenues, licenses, fees, et cetera	560,000
Second Injury Workmen's Compensation insurance tax	87,497
Federal aid: Vocational rehabilitation	9,402,000
Federal aid: Statistical services	42,760
Department of Conservation and Economic Development:	
Hunters' and Anglers' licenses	2,213,309
Federal aid: Public Hunting and Fishing Grounds	235,000
Division of Parks, Forestry and Recreation:	
Bureau of Parks	1,044,000
Bureau of Recreation	850
Bureau of Forestry	19,744
Federal aid: forest nursery, farm forestry, forest fires and pest control	276,625
Bureau of Navigation—Motor Boat Numbering Act	399,838
Bureau of Navigation—other fees	260,300
Pilot Commissioners' receipts	22,400
Excess water diversion fees	250,000
Well drillers' licenses and permits	10,000
Delaware and Raritan Canal—rentals and sales	476,500
Round Valley—Spruce Run—sale of water	43,296
Division of Shell Fisheries—licenses and fees	92,710
Morris Canal fund receipts	56,100

Department of Education and/or Higher Education:	
Academic certificate fees	$23,500
State Board of Examiners—fees	120,000
State Museum—service charges	5,500
Miscellaneous licensing fees	6,000
Federal aid: Smith-Hughes, George-Barden funds	200,000
State Colleges—	
Glassboro:	
Tuition—regular	1,435,000
Demonstration school	123,050
Miscellaneous	21,500
Auxiliary services income	1,020,250
Summer, extension, field, graduate fees	1,550,000
Other student fees	185,850
Jersey City:	
Tuition—regular	1,400,000
Miscellaneous	12,000
Auxiliary services income	102,788
Summer, extension, field, graduate fees	1,440,000
Other student fees	83,250
Newark:	
Tuition—regular	1,470,000
Demonstration school	32,000
Miscellaneous	16,550
Auxiliary services income	196,320
Summer, extension, field, graduate fees	1,800,000
Other student fees	129,800
Paterson:	
Tuition—regular	1,752,450
Auxiliary services income	229,186
Summer, extension, field, graduate fees	1,175,000
Miscellaneous	12,950
Other student fees	110,028
Montclair:	
Tuition—regular	1,902,000
Miscellaneous	13,750
Auxiliary services income	1,100,000
Summer, extension, field, graduate fees	1,362,520
Home Economics program (Federal)	15,000
Other student fees	135,875

Trenton:	
Tuition—regular	$1,505,000
Miscellaneous	15,000
Auxiliary services income	1,370,000
Summer, extension, field, graduate fees	1,403,000
Other student fees	96,600
Marie H. Katzenbach School for the Deaf—board and fees	13,000
School of Conservation—tuition and fees	249,000
Agricultural Experiment Station—fees	70,000
Department of Transportation:	
Division of Aeronautics fees	75,000
Miscellaneous receipts	100,000
Department of Institutions and Agencies:	
Board of patients and other income	42,595,000
Adoption law fees	210,000
Division of Mental Retardation—revenue	700,000
Federal aid: soldiers' homes	645,000
Federal aid: Bureau of Children's Services	1,212,000
Federal aid: administration of Bureau of Assistance and central office	2,307,500
Federal aid: administration of blind	720,000
Federal aid: mental health services	109,000
Federal aid: medical assistance—administration	6,000,000
Department of Community Affairs:	
Division of Housing and Urban Renewal—fees	198,400
Division of Local Finance—fees	96,450
Delaware River Joint Toll Bridge Commission:	
Pennsylvania's share	280,754
Rentals and miscellaneous income	1,401
Judiciary:	
Court fees	5,300,000
Unclassified:	
Miscellaneous revenues	425,000
Total Revenues	$1,524,542,831

Interfund Transfers

Unclaimed Bank Deposits Escheat Fund	$75,000
Unclaimed Life Insurance Escheat Fund	75,000
Unclaimed Personal Property Trust Fund	450,000
School Fund income	1,597,000
1837 Surplus Revenue Fund income	34,000
State 1964 Institution Construction Fund	165,000
State 1964 Higher Education Construction Fund	25,000
State Recreation and Conservation Land Acquisition Fund	101,000
Unsatisfied Claim and Judgment Fund	509,080
State Water Development Fund	87,500
State Disability Benefits Fund	3,047,511
Interest on deposits (trust funds)	207,500
Unemployment Compensation Auxiliary Fund	800,000
State Housing Assistance Bond Fund	100,000
Total Interfund Transfers	$7,273,591
Net Resources	$1,661,148,221

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 spending agencies and for the several purposes herein specified for the fiscal year ending on June 30, 1971. 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, 1971 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)	$403,334	
Members' staff services	180,000	
Officers and employees	175,000	
		$758,334
Materials and Supplies		140,600
Services Other Than Personal		220,350
Maintenance of Property		250
Additions and Improvements		3,000
Total Appropriation, Senate		$1,122,534

The unexpended balance as of June 30, 1970 in this account is hereby appropriated.

002-100. *General Assembly*

Salaries:		
Assemblymen (80)	$803,334	
Members' staff services	360,000	
Officers and employees	151,000	
		$1,314,334
Materials and Supplies		179,800
Services Other Than Personal		324,200
Maintenance of Property		8,500
Additions and Improvements		3,000
Total Appropriation, General Assembly		$1,829,834

The unexpended balance as of June 30, 1970 in this account is hereby appropriated.

Total Appropriation, Legislature $2,952,368

030-100. Law Revision and Legislative Services Commission

Salaries:		
Officers and employees	$521,959	
New positions	21,306	
Positions established from lump-sum appropriation	11,357	
		$554,622
Materials and Supplies		21,150
Services Other Than Personal		51,550
Maintenance of Property:		
Recurring	$600	
Non-Recurring and Replacements	1,000	
		1,600
Extraordinary:		
Aspen Project	$10,000	
To meet anticipated increase in demand for staff and other services	30,000	
		40,000
Additions and Improvements		5,000
Total Appropriation, Law Revision and Legislative Services Commission		$673,922

The unexpended balance as of June 30, 1970 in the account "New Bill Filing Room for the Legislature" shall lapse into the General Treasury.

The unexpended balances in all other accounts as of June 30, 1970 in excess of $200,000 are hereby appropriated.

004-100. Legislative Budget and Finance Director

Salaries:	
Officers and employees	$236,940
Materials and Supplies	3,325
Services Other Than Personal	7,576

Maintenance of Property:		
Recurring	$450	
Non-Recurring and Replacements	2,500	
		$2,950
Additions and Improvements		2,000
Total Appropriation, Legislative Budget and Finance Director		$252,791

The unexpended balance as of June 30, 1970 in this account is hereby appropriated.

005-100. STATE AUDITOR'S DEPARTMENT

Salaries:		
State Auditor	$18,000	
Officers and employees	628,947	
		$646,947
Materials and Supplies		2,250
Services Other Than Personal		34,329
Maintenance of Property:		
Recurring	$1,750	
Non-Recurring and Replacements	4,500	
		6,250
Extraordinary:		
Special Professional Services		50,000
Total Appropriation, State Auditor's Department		$739,776

MISCELLANEOUS LEGISLATIVE COMMISSIONS

010-100. *Commission on Interstate Cooperation*

Salaries:		
Officers and employees		$600
Materials and Supplies		180
Services Other Than Personal		4,130
Extraordinary:		
Commitments to Interstate Agencies:		
The Council of State Governments	$45,775	

Atlantic States Marine Fisheries Commission	$2,500	
National Conference of Commissioners on Uniform State Laws	4,300	
Education Commission of the States	16,500	
National Association of State Budget Officers	1,800	
		$70,875
Total Appropriation		$75,785

011-100. *Commission on State Tax Policy*

The unexpended balance as of June 30, 1970 in this account is hereby appropriated.

012-100. *Apportionment Commission*

The unexpended balance, not to exceed $25,000, as of June 30, 1970 in this account is hereby appropriated.

013-100. *Commission to Study Autonomous Authorities*

The unexpended balance as of June 30, 1970 in this account is hereby appropriated.

014-100. *Criminal Law Revision Commission*

Extraordinary:	
Expenses of the Commission	$50,000

The unexpended balance as of June 30, 1970 in this account is hereby appropriated.

017-100. *Property Tax Distribution Study Commission*

The unexpended balance as of June 30, 1970 in this account is hereby appropriated.

018-100. *State Commission of Investigation*

Extraordinary:	
Expenses of the Commission	$673,827

019-100. *Commission on Open Space Policy*

The unexpended balance as of June 30, 1970 in this account is hereby appropriated.

020-100. *Commission to Study Obscenity and Depravity in Public Media*

The unexpended balance as of June 30, 1970 in this account is hereby appropriated.

021-100. *Commission to Study the New Jersey Laws Exempting Real Property from Taxation*

The unexpended balance as of June 30, 1970 in this account is hereby appropriated.

022-100. *Commission to Study New Jersey Statutes Relating to Landlord-Tenant Relationships*

The unexpended balance as of June 30, 1970 in this account is hereby appropriated.

023-100. *Corporation Law Revision Commission*

The unexpended balance as of June 30, 1970 in this account is hereby appropriated.

024-100. *Insurance Law Revision Commission*

The unexpended balance as of June 30, 1970 in this account is hereby appropriated.

025-100. *Commission to Study New Jersey Statutes Relating to Abortion*

The unexpended balance as of June 30, 1970 in this account is hereby appropriated.

026-100. *State Lottery Planning Commission*

The unexpended balance as of June 30, 1970 in this account is hereby appropriated.

028-100. *Uniform Consumer Credit Code Study Commission*

The unexpended balance as of June 30, 1970 in this account is hereby appropriated.

032-100. *Election Law Revision Commission*

Extraordinary:
Expenses of the Commission $25,000

The unexpended balance as of June 30, 1970 in this account is hereby appropriated.

039-100. *County and Municipal Government Study Commission*

Extraordinary:
Expenses of the Commission $100,000

The unexpended balance as of June 30, 1970 in this account is hereby appropriated.

040-100. *State Aid to School Districts Study Commission*

The unexpended balance as of June 30, 1970 in this account is hereby appropriated.

045-100. *Motor Vehicle Study Commission*

The unexpended balance as of June 30, 1970 in this account is hereby appropriated.

047-100. *Rules of Evidence Study Commission*

The unexpended balance as of June 30, 1970 in this account is hereby appropriated.

048-100. *Divorce Law Study Commission*

Extraordinary:
Expenses of the Commission $2,000

The unexpended balance as of June 30, 1970 in this account is hereby appropriated.

Total Appropriation, Miscellaneous Legislative Commissions $926,612

080-100. CHIEF EXECUTIVE'S OFFICE

Salaries:		
Governor	$50,000	
Secretary to the Governor	25,000	
Officers and employees	354,193	
		$429,193
Materials and Supplies		18,870
Services Other Than Personal		48,050
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	
State Share to match Federal planning grants under the Federal Omnibus Crime Control and Safe Streets Act (Chapter 391, P. L. 1968)	100,000	
		140,000
Total Appropriation, Chief Executive's Office		$639,613

The unexpended balance as of June 30, 1970 in this account is hereby appropriated.

DEPARTMENT OF LAW AND PUBLIC SAFETY

100-100. *Office of the Attorney General*

Salaries:		
Attorney General	$40,000	
Officers and employees	153,128	
New positions	5,716	
		$198,844

Materials and Supplies	$400
Services Other Than Personal	18,605
Maintenance of Property	130
Extraordinary:	
Continuing design and development of statewide law enforcement information network system	400,000
Additions and Improvements	160
Total Appropriation, Office of the Attorney General	$618,139

The unexpended balance as of June 30, 1970 in the account "Study of Governmental Immunity Laws Pursuant to N. J. S. A. 52:17B–4.1 et seq." is hereby appropriated.

None of the funds appropriated for "Statewide Law Enforcement Information Network System" shall be expended without Federal matching funds available under the Federal Omnibus Crime Control and Safe Streets Act.

100-400. *Veterans' Loan Authority*

There are hereby appropriated out of the Veterans' Guaranteed Loan Fund established pursuant to N. J. S. A. 38:23–B such sums as may be necessary to pay for the administration thereof.

110-100. *Division of Law*

Salaries:		
Officers and employees	$1,647,764	
New positions	235,482	
Positions established from lump-sum appropriation	73,874	
		$1,957,120
Materials and Supplies		42,800
Services Other Than Personal		129,609
Maintenance of Property:		
Recurring	$2,700	
Non-Recurring and Replacements	2,280	
		4,980

Extraordinary:		
Compensation awards		$3,000
Additions and Improvements		23,595
Total Appropriation, Division of Law		$2,161,104

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, 1970 in the revolving fund established to provide for expenses in operating N. J. S. A. 48:2–31.1 et seq., together with all receipts, is hereby appropriated for use during 1970-71.

115-100. *Division on Civil Rights*

Salaries:		
Officers and employees	$669,708	
New positions	47,222	
		$716,930
Materials and Supplies		23,104
Services Other Than Personal		134,331
Maintenance of Property:		
Recurring	$830	
Non-Recurring and Replacements	251	
		1,081
Additions and Improvements		15,157
Total Appropriation, Division on Civil Rights		$890,603

120-100. *Division of State Police*

Salaries:		
Officers and employees	$14,083,629	
New positions	197,003	
Positions established from lump-sum appropriation	170,344	

Cash in lieu of maintenance	$2,180,623	
Cash in lieu of maintenance—New positions	11,928	
		$16,643,527
Materials and Supplies		1,232,500
Services Other Than Personal		1,078,171
Maintenance of Property:		
Recurring	$185,500	
Non-Recurring and Replacements	846,484	
		1,031,984
Extraordinary:		
Compensation awards		80,000
Additions and Improvements		1,034,263
Total Appropriation, Division of State Police		$21,100,445

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 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.

125-100. *Police Training Commission*

Salaries:		
Officers and employees	$177,517	
Positions established from lump-sum appropriations	90,698	
		$268,215

Materials and Supplies		$8,910
Services Other Than Personal		50,827
Maintenance of Property:		
Recurring	$2,770	
Non-Recurring and Replacements	8,500	
		11,270
Extraordinary:		
Police Administration Chair at Rutgers University	$50,000	
Scholarships, Pursuant to N. J. S. A. 52:17B–71.2 et seq.	50,000	
		100,000
Additions and Improvements		3,720
Total Appropriation, Police Training Commission		$442,942

The unexpended balances as of June 30, 1970 in the accounts "Scholarships Pursuant to N. J. S. A. 52:17B–71.2 et seq.", and "Local Police Agencies Assistance, Chapter 306, P. L. 1968" are hereby appropriated for the same purpose.

130-100. *Division of Alcoholic Beverage Control*

Salaries:		
Officers and employees		$1,440,914
Materials and Supplies		16,565
Services Other Than Personal		164,740
Maintenance of Property:		
Recurring	$4,308	
Non-Recurring and Replacements	4,610	
		8,918
Additions and Improvements		450
Total Appropriation, Division of Alcoholic Beverage Control		$1,631,587

135-100. *Division of State Medical Examination*

Salaries:		
Officers and employees		$209,808
Materials and Supplies		27,620
Services Other Than Personal		14,446
Maintenance of Property		1,250
Additions and Improvements		108,450
Total Appropriation, Division of State Medical Examination		$361,574

Division of Motor Vehicles

General

140-101. *Executive and Administrative Service*

Salaries:		
Officers and employees		$704,921
Materials and Supplies		14,500
Services Other Than Personal		52,038
Maintenance of Property:		
Recurring	$6,500	
Non-Recurring and Replacements	16,500	
		23,000
Additions and Improvements		1,170
Sub-Total Appropriation		$795,629

140-102. *Driver Control Service*

Salaries:		
Officers and employees	$644,898	
New positions	71,406	
		$716,304
Materials and Supplies		15,750
Services Other Than Personal		38,440

Maintenance of Property:		
Recurring	$500	
Non-Recurring and Replacements	759	
		$1,259
Additions and Improvements		7,000
Sub-Total Appropriation		$778,753

140-103. *Enforcement Service—Enforcement Bureau*

Salaries:		
Officers and employees	$2,177,944	
New positions	63,920	
		$2,241,864
Materials and Supplies		42,770
Services Other Than Personal		228,695
Maintenance of Property:		
Recurring	$1,600	
Non-Recurring and Replacements	1,983	
		3,583
Extraordinary:		
Compensation awards		15,000
Additions and Improvements		12,500
Sub-Total Appropriation		$2,544,412

140-104. *Enforcement Service—Vehicle Inspection Bureau*

Salaries:		
Officers and employees	$5,513,336	
New positions	6,684	
Motor Vehicle Examiners' overtime	795,000	
		$6,315,020
Materials and Supplies		288,800
Services Other Than Personal		78,296
Maintenance of Property:		
Recurring	$60,900	
Non-Recurring and Replacements	66,392	
		127,292

Extraordinary:		
Improvement of inspection services	$696,000	
Compensation awards	25,000	
		$721,000
Additions and Improvements		27,010
Sub-Total Appropriation		$7,557,418

140-105. *Licensing Service*

Salaries:		
Officers and employees	$3,082,391	
New positions	107,326	
		$3,189,717
Materials and Supplies		602,277
Services Other Than Personal		1,072,780
Maintenance of Property:		
Recurring	$21,000	
Non-Recurring and Replacements	20,000	
		41,000
Extraordinary:		
To implement N. J. S. A. 39:3–4 liability insurance certificate program	$595,868	
To establish a unified and integrated driver, owner and vehicle record system by automatic data processing	294,386	
		890,254
Additions and Improvements		20,000
Sub-Total Appropriation		$5,816,028

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 N. J. S. A. 39:3–3 and N. J. S. A. 39:10–25.

140-106. *Traffic Safety Service*

Salaries:		
Officers and employees	$471,464	
New positions	18,190	
		$489,654
Materials and Supplies		11,350
Services Other Than Personal		29,617
Maintenance of Property:		
Recurring	$550	
Non-Recurring and Replacements	500	
		1,050
Extraordinary:		
Traffic safety education program		29,000
Sub-Total Appropriation		$560,671

140-107. *Motor Carriers Road Tax Bureau*

Salaries:		
Officers and employees	$420,059	
New positions	68,360	
		$488,419
Materials and Supplies		15,135
Services Other Than Personal		73,274
Maintenance of Property:		
Recurring	$850	
Non-Recurring and Replacements	400	
		1,250
Additions and Improvements		3,000
Sub-Total Appropriation		$581,078
Total Appropriation		$18,633,989

141-100. *Security-Responsibility Bureau*

Salaries:		
Officers and employees	$1,158,706	
New positions	68,135	
Positions transferred from another bureau	4,839	
		$1,231,680
Materials and Supplies		35,250
Services Other Than Personal		201,998
Maintenance of Property:		
Recurring	$2,500	
Non-Recurring and Replacements	3,000	
		5,500
Additions and Improvements		12,000
Total Appropriation		$1,486,428

142-400. *Unsatisfied Claim and Judgment Fund Board*

Salaries:		
Officers and employees	$374,577	
New positions	17,504	
Positions established from lump-sum appropriation	29,171	
		$421,252
Materials and Supplies		7,950
Services Other Than Personal		56,098
Maintenance of Property:		
Recurring	$600	
Non-Recurring and Replacements	15,000	
		15,600
Additions and Improvements		3,000
Total Appropriation		$503,900
Total Appropriation, Division of Motor Vehicles		$20,624,317

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 N. J. S. A. 39:6–67, for payment of claims, and for such additional costs as may be required to implement Chapter 323, P. L. 1968; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

150-100. *Division of Weights and Measures*

Salaries:		
Officers and employees		$493,909
Materials and Supplies		16,150
Services Other Than Personal		41,807
Maintenance of Property:		
Recurring	$11,350	
Non-Recurring and Replacements	4,275	
		15,625
Extraordinary:		
Compensation awards		740
Additions and Improvements		4,468
Total Appropriation, Division of Weights and Measures		$572,699

155-100. *Division of The New Jersey Racing Commission*

Salaries:		
Officers and employees		$326,624
Materials and Supplies		7,550
Services Other Than Personal		44,272
Maintenance of Property:		
Recurring	$300	
Non-Recurring and Replacements	200	
		500

Total Appropriation, Division of the New Jersey Racing Commission	$378,946

Division of Professional Boards

160-100. *Administrative Bureau*

Salaries:	
Officers and employees	$236,852
Materials and Supplies	5,575
Services Other Than Personal	34,964
Maintenance of Property	600
Total Appropriation	$277,991

161-100. *State Board of Public Accountants*

Salaries:	
Officers and employees	$25,274
Materials and Supplies	1,500
Services Other Than Personal	30,186
Maintenance of Property	100
Total Appropriation	$57,060

162-100. *State Board of Architects*

Salaries:	
Officers and employees	$38,391
Materials and Supplies	3,110
Services Other Than Personal	16,607
Maintenance of Property	100
Additions and Improvements	350
Total Appropriation	$58,558

New Jersey State Library

163-100. *State Board of Dentistry*

Salaries:		
Officers and employees		$31,722
Materials and Supplies		1,500
Services Other Than Personal		13,409
Maintenance of Property		500
Total Appropriation		$47,131

164-100. *State Board of Mortuary Science*

Salaries:		
Officers and employees		$28,442
Materials and Supplies		574
Services Other Than Personal		11,162
Maintenance of Property:		
Recurring		210
Additions and Improvements		800
Total Appropriation		$41,188

165-100. *State Board of Professional Engineers and Land Surveyors*

Salaries:		
Officers and employees		$48,977
Materials and Supplies		9,290
Services Other Than Personal		32,299
Maintenance of Property:		
Recurring	$75	
Non-Recurring and Replacements	350	
		425
Total Appropriation		$90,991

166-100. *State Board of Medical Examiners*

Salaries:	
Officers and employees	$44,813
Materials and Supplies	3,750
Services Other Than Personal	21,991
Maintenance of Property	100
Total Appropriation	$70,654

167-100. *State Board of Nursing*

Salaries:		
Officers and employees	$145,709	
New positions	3,723	
		$149,432
Materials and Supplies		4,220
Services Other Than Personal		76,109
Maintenance of Property:		
Recurring	$650	
Non-Recurring and Replacements	500	
		1,150
Additions and Improvements		1,200
Total Appropriation		$232,111

168-100. *State Board of Optometrists*

Salaries:	
Officers and employees	$15,807
Materials and Supplies	330
Services Other Than Personal	5,212
Maintenance of Property	350
Total Appropriation	$21,699

169-100. *State Board of Pharmacy*

Salaries:	
Officers and employees	$46,559
Materials and Supplies	2,520
Services Other Than Personal	15,418
Maintenance of Property	100
Total Appropriation	$64,597

170-100. *State Board of Veterinary Medical Examiners*

Salaries:	
Officers and employees	$5,273
Materials and Supplies	370
Services Other Than Personal	1,530
Total Appropriation	$7,173

171-100. *State Board of Shorthand Reporting*

Salaries:	
Officers and employees	$300
Materials and Supplies	55
Services Other Than Personal	317
Total Appropriation	$672

172-100. *State Board of Examiners of Ophthalmic Dispensers and Ophthalmic Technicians*

Salaries:	
Officers and employees	$8,003
Materials and Supplies	700
Services Other Than Personal	2,688
Maintenance of Property	60
Total Appropriation	$11,451

173-100. *State Board of Beauty Culture Control*

Salaries:		
Chairman	$4,500	
Board members (5 @ $3,500)	17,500	
Officers and employees	70,942	
		$92,942
Materials and Supplies		5,980
Services Other Than Personal		15,700
Maintenance of Property:		
Recurring	$500	
Non-Recurring and Replacements	670	
		1,170
Additions and Improvements		860
Total Appropriation		$116,652

174-100. *State Board of Professional Planners*

Salaries:	
Officers and employees	$15,224
Materials and Supplies	1,870
Services Other Than Personal	6,559
Additions and Improvements	450
Total Appropriation	$24,103

175-100. *State Board of Examiners of Electrical Contractors*

Salaries:	
Officers and employees	$42,305
Materials and Supplies	2,720
Services Other Than Personal	13,199
Maintenance of Property	150
Total Appropriation	$58,374

176-100. *State Board of Psychological Examiners*

Salaries:		
Officers and employees	$6,207	
New Positions	5,925	
		$12,132

Materials and Supplies	$1,200
Services Other Than Personal	5,606
Additions and Improvements	727
Total Appropriation	$19,665

177-100. *State Board of Examiners of Master Plumbers*

Salaries:	
New Positions	$37,485
Materials and Supplies	2,277
Services Other Than Personal	13,332
Additions and Improvements	500
Total Appropriation	$53,594

178-100. *State Board of Marriage Counselor Examiners*

Materials and Supplies	$750
Services Other Than Personal	2,140
Total Appropriation	$2,890
Total Appropriation, Division of Professional Boards	$1,256,554

The amount 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 amount 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	$50,038,910

DEPARTMENT OF THE TREASURY

210-100. *Administrative Division*

Salaries:		
State Treasurer	$40,000	
Officers and employees	225,598	
New positions	15,178	
Positions transferred from another division	43,287	
		$324,063
Materials and Supplies		2,720
Services Other Than Personal		37,340
Maintenance of Property		500
Extraordinary:		
For representation of the State in negotiations which may be required pursuant to Public Employees' Relations Act		111,000
Additions and Improvements		550

210-301. *Print Shop*

The Director of the Division of Budget and Accounting is hereby empowered to transfer to the Print Shop from any appropriation made to any department for printing costs which are appropriated or allocated to such departments for their share of costs of the Print Shop.

210-302. *Microfilm Section*

The Director of the Division of Budget and Accounting is hereby empowered to transfer to the Microfilm Section from any appropriation made to any department for microfilming costs appropriated or allocated to such departments for their share of costs of the Microfilm Section.

Total Appropriation, Administrative Division	$476,173

211-100. *Office of Economic Policy*

Salaries:	
Officers and employees	$18,883
Materials and Supplies	8,250
Services Other Than Personal	25,860
Total Appropriation, Office of Economic Policy	$52,993

220-100. *Division of Budget and Accounting*

Salaries:		
Officers and employees	$1,218,884	
New positions	96,337	
Positions established from lump-sum appropriation	42,579	
		$1,357,800
Materials and Supplies		44,810
Services Other Than Personal		1,081,381
Maintenance of Property:		
Recurring	$5,350	
Non-Recurring and Replacements	4,689	
		10,039
Extraordinary:		
Study of State Employment Conditions pursuant to Chapter 304, P. L. 1968	$50,000	
To expedite the processing of obligations and payments including quality control	59,907	
		109,907
Additions and Improvements		3,022

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 is 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, dated November 9, 1966, 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.

The Director of the Division of Budget and Accounting is hereby empowered to transfer to the Bureau of Data Processing from any appropriation made to any department for data processing costs which are appropriated or allocated to such departments for their share of costs of the Bureau of Data Processing.

Total Appropriation, Division of Budget and Accounting	$2,606,959

Division of Purchase and Property

230-100. *General*

Salaries:	
Officers and employees	$2,704,804
New positions	82,188
Positions established from lump-sum appropriation	25,280

Positions transferred from another division	$12,575	
		$2,824,847
Materials and Supplies		668,950
Services Other Than Personal		793,946
Maintenance of Property:		
Recurring	$182,850	
Non-Recurring and Replacements	35,909	
		218,759
Additions and Improvements		63,398
Total Appropriation		$4,569,900

230-300. *State Purchase Fund*

The unexpended balance in the State Purchase Fund as of June 30, 1970, 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 (N. J. S. A. 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, 1971 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, 1970, 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:	
Officers and employees	$653,247
Materials and Supplies	5,470
Services Other Than Personal	71,070
Maintenance of Property	400
Total Appropriation	$730,187

232-100. *Agricultural Commodity Distribution*

Salaries:	
Officers and employees	$101,007
Materials and Supplies	1,870
Services Other Than Personal	250,952
Maintenance of Property	150
Sub-Total Appropriation	$353,979
Less: Receipts from Charges to Recipient Agencies	*240,000*
Total Appropriation	$113,979

233, 234-400. *State Cafeterias*

The unexpended balances as of June 30, 1970, together with the receipts obtained from cafeteria operations, are hereby appropriated for the improvement and extension of cafeteria service and facilities pursuant to N. J. S. A. 52:18A–19.6.

Total Appropriation, Division of Purchase and Property	$5,414,066

In addition to the amounts hereinabove, 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.

240-100. *Division of Taxation*

Salaries:		
Officers and employees	$9,936,492	
New positions	707,171	
		$10,643,663
Materials and Supplies		257,395
Services Other Than Personal		1,866,662
Maintenance of Property:		
Recurring	$16,500	
Non-Recurring and Replacements	10,497	
		26,997
Extraordinary:		
Administration of Farm Land Act		10,000
Additions and Improvements		136,035
Total Appropriation, Division of Taxation		$12,940,752

So much of the receipts derived from the sale of confiscated equipment, materials and supplies under the Cigarette Tax Act as may be necessary for storage and disposal thereof are hereby appropriated; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

In addition to the sum of $366,089 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 re-

fund as may be necessary under the provisions of Title 54 of N. J. S. A. as amended and 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 N. J. S. A. 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 N. J. S. A. 54:10B–24.

There are hereby appropriated so much of the proceeds derived from the imposition of the taxes set forth in N. J. S. A. 54:11D–1 as may be required for payment to the local taxing districts, pursuant to N. J. S. A. 54:11D–1 to 6.

250-100. *Division of the State Lottery*

The unexpended balance as of June 30, 1970 in this account is hereby appropriated.

260-100. *Division of Tax Appeals*

Salaries:		
Judges (6 @ $17,000)	$102,000	
Officers and employees	111,142	
		$213,142
Materials and Supplies		4,560
Services Other Than Personal		46,850
Maintenance of Property		200
Total Appropriation, Division of Tax Appeals		$264,752

290-100. *Division of Investment*

Salaries:		
Officers and employees	$280,395	
New positions	28,958	
		$309,353
Materials and Supplies		3,850
Services Other Than Personal		39,691
Maintenance of Property:		
Recurring	$1,000	
Non-Recurring and Replacements	850	
		1,850
Additions and Improvements		1,050
Total Appropriation, Division of Investment		$355,794

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 N. J. S. A. 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:		
Officers and employees		$1,907,869
Materials and Supplies		52,550
Services Other Than Personal		480,876
Maintenance of Property:		
Recurring	$6,000	
Non-Recurring and Replacements	4,905	
		10,905
Additions and Improvements		2,120
Total Appropriation, Division of Pensions		$2,454,320
Total Appropriation, Department of the Treasury		$24,565,809

DEPARTMENT OF STATE

300-100. *Office of Secretary*

Salaries:		
Secretary of State	$38,000	
Officers and employees	509,514	
		$547,514
Materials and Supplies		22,700
Services Other Than Personal		83,852
Maintenance of Property:		
Recurring	$2,118	
Non-Recurring and Replacements	2,317	
		4,435
Additions and Improvements		3,500
Total Appropriation, Office of Secretary		$662,001

301-100. *State Council on the Arts*

Salaries:		
Officers and employees		$20,658
Materials and Supplies		840
Services Other Than Personal		6,680
Maintenance of Property		50
Extraordinary:		
Cultural projects	$50,000	
Contracts with New Jersey Symphony Orchestra	125,000	
		175,000
Total Appropriation, State Council on the Arts		$203,228

The unexpended balance as of June 30, 1970 for "Cultural Projects" is hereby appropriated.

None of the sum appropriated for "Cultural Projects" shall be expended without an equal amount of Non-State matching funds.

302-100. *Office of the Athletic Commissioner*

Salaries:		
Commissioner	$7,000	
Officers and employees	37,874	
		$44,874

Materials and Supplies	$230
Services Other Than Personal	4,002
Maintenance of Property	25
Total Appropriation, Office of the Athletic Commissioner	$49,131

304-100. *Legalized Games of Chance Control Commission*

Salaries:		
Officers and employees	$126,112	
New positions	5,866	
		$131,978
Materials and Supplies		4,900
Services Other Than Personal		11,401
Maintenance of Property:		
Recurring	$950	
Non-Recurring and Replacements	1,575	
		2,525
Additions and Improvements		2,000
Total Appropriation, Legalized Games of Chance Control Commission		$152,804

306-100. *Division of Administrative Procedure*

Salaries:		
Director	$19,500	
Positions established from lump sum appropriation	137,028	
		$156,528
Materials and Supplies		32,100
Services Other Than Personal		25,650
Maintenance of Property:		
Recurring	$400	
Non-Recurring and Replacements	100	
		500

Extraordinary:		
Promotional expenses		$200
Additions and Improvements		1,500
Total Appropriation, Division of Administrative Procedure		$216,478
Total Appropriation, Department of State		$1,283,642

The unexpended balance as of June 30, 1970 in this account is hereby appropriated.

All fees collected by this agency for its publications are hereby appropriated for the costs of mailing and publication thereof.

310-100. *Department of Civil Service*

Salaries:		
President	$38,000	
Commissioners (4 @ $10,500)	42,000	
Officers and employees	2,519,310	
New positions	62,818	
		$2,662,128
Materials and Supplies		127,299
Services Other Than Personal		429,863
Maintenance of Property:		
Recurring	$6,905	
Non-Recurring and Replacements	9,900	
		16,805
Extraordinary:		
Compensation awards	$500	
Public employment career development program	75,000	
		75,500
Additions and Improvements		21,660
Total Appropriation, Department of Civil Service		$3,333,255

320-100. DEPARTMENT OF BANKING

Salaries:		
Commissioner	$38,000	
Officers and employees	1,333,917	
		$1,371,917
Materials and Supplies		13,935
Services Other Than Personal		170,892
Maintenance of Property:		
Recurring	$1,600	
Non-Recurring and Replacements	2,500	
		4,100
Extraordinary:		
Compensation awards	$3,149	
To implement the Department of Banking Act of 1970	250,000	
		253,149
Additions and Improvements		900
Total Appropriation, Department of Banking		$1,814,893

DEPARTMENT OF INSURANCE

325-100. *General*

Salaries:		
Commissioner	$38,000	
Officers and employees	1,388,140	
		$1,426,140
Materials and Supplies		24,260
Services Other Than Personal		129,237
Maintenance of Property:		
Recurring	$2,400	
Non-Recurring and Replacements	2,000	
		4,400
Extraordinary:		
Compensation awards	$1,200	
To implement the Department of Insurance Act of 1970	332,426	
		333,626

Additions and Improvements	$600
Total Appropriation	$1,918,263

There are hereby appropriated the trust funds of the National Association of Insurance Commissioners pursuant to N. J. S. A. 17:24–13.

326-100. *Division of New Jersey Real Estate Commission*

Salaries:		
Commissioners (5 @ $5,000)	$25,000	
Officers and employees	198,158	
		$223,158
Materials and Supplies		10,195
Services Other Than Personal		37,245
Maintenance of Property		265
Additions and Improvements		61
Total Appropriation		$270,924
Total Appropriation, Department of Insurance		$2,189,187

330-100. Department of Agriculture

Salaries:		
Secretary	$38,000	
Officers and employees	2,110,479	
		$2,148,479
Materials and Supplies		69,060
Services Other Than Personal		435,530
Maintenance of Property:		
Recurring	$13,376	
Non-Recurring and Replacements	3,700	
		17,076
Extraordinary:		
Pesticide monitoring	$26,000	
Blackbird control program	10,000	

New Jersey Meat and Poultry Inspection Act, pursuant to N. J. S. A. 24:16B–1 et seq., for the period July 1 to December 31, 1970	$168,000	
Gypsy Moth control by biological means	75,000	
Gypsy Moth control (not to be used for the purchase and use of any long-lasting (persistent) pesticides like DDT), pursuant to Chapter 191, P. L. 1969	50,000	
		$329,000
Additions and Improvements		6,675
Total Appropriation, Department of Agriculture		$3,005,820

The unexpended balance as of June 30, 1970, in the account "Indemnities, pursuant to N. J. S. A. 4:5–93.37" is hereby appropriated for such indemnities.

The unexpended balance as of June 30, 1970, in the account "Indemnities, Hog Cholera Eradication, pursuant to Chapter 394, P. L. 1968" is hereby appropriated.

The cost of operating the "Fruit and Vegetable Inspection Program" shall be paid from inspection fees which shall be derived therefrom.

The unexpended balance as of June 30, 1970, in the account "Gypsy Moth Control by biological means only, pursuant to Chapter 396, P. L. 1968" is hereby appropriated.

The unexpended balance as of June 30, 1970 of receipts derived, pursuant to the provisions of N. J. S. A. 54:47A–1 (Poultry Products Promotion Council), N. J. S. A. 54:47B–1 (White Potato Industry Promotion Council), N. J. S. A. 54:47C–1 (Asparagus Industry Promotion Council), N. J. S. A. 54:47D–1 (Apple Industry Promotion Council), N. J. S. A. 54:47E–1 (Sweet Potato

Commission) and N. J. S. A. 5:5 (New Jersey Horsebreeding and Development Account), together with such receipts received during the fiscal year 1970-71 are hereby appropriated.

The unexpended balance as of June 30, 1970, in the account "Gypsy Moth Control (not to be used for the purchase and use of any long-lasting (persistent) pesticides like DDT), pursuant to Chapter 191, P. L. 1969" is hereby appropriated.

The receipts derived from charges for overtime services rendered to users in the administration of the New Jersey Meat and Poultry Inspection Act are hereby appropriated for such services.

The portion of the appropriation made to or on behalf of this department, which represents General State funds, may be expended on the several respective matching bases in proportion to anticipated Federal funds which are received or receivable.

DEPARTMENT OF DEFENSE

340-100. *Administration—General*

Salaries:		
Chief of Staff	$26,000	
Officers and employees	686,295	
Positions transferred from another division	100,138	
New positions	8,875	
		$821,308
Materials and Supplies		12,350
Services Other Than Personal		43,960
Maintenance of Property:		
Recurring	$3,000	
Non-Recurring and Replacements	4,032	
		7,032
Additions and Improvements		645
Total Appropriation, Administration—General		$885,295

342-100. *National Guard and Naval Militia*

Salaries:		
Officers and employees	$1,176,778	
Position transferred from another division	14,151	
		$1,190,929
Materials and Supplies		325,014
Services Other Than Personal		159,489
Maintenance of Property:		
Recurring	$161,200	
Non-Recurring and Replacements	234,951	
		396,151
Extraordinary:		
Organization allowance	$7,000	
Compensation awards	9,000	
		16,000
Additions and Improvements		11,697
Total Appropriation, National Guard and Naval Militia		$2,099,280

The unexpended balance as of June 30, 1970 in the account for "Additional Supplies and Equipment" is hereby appropriated for the same purpose.

The unexpended balance as of June 30, 1970 in the account for "Emergency Expenses" is hereby appropriated for the same purpose.

346-100. *Division of Civil Defense*

Salaries:		
Officers and employees		$521,669
Materials and Supplies		12,000
Services Other Than Personal		33,566
Maintenance of Property:		
Recurring	$1,750	
Non-Recurring and Replacements	1,860	
		3,610

Extraordinary:		
Hammonton Training School Program	$5,200	
Emergency Operating Center Program	6,615	
Medical and Health Preparedness Program	450	
		$12,265
Additions and Improvements		200
Total Appropriation, Division of Civil Defense		$583,310

There are hereby appropriated such sums as may be necessary to carry out the provisions of N. J. S. A. 9–57.1 et seq. from the Special Fund for Civil Defense Volunteers.

The Governor is hereby empowered to direct the State Treasurer to transfer from any State department to the Division of Civil Defense such sums as may be necessary for the cost of any emergency occasioned by aggression, civil disturbance, sabotage or disaster.

Total Appropriation, Department of Defense	$3,567,885

DEPARTMENT OF PUBLIC UTILITIES

350-100. *General*

Salaries:		
President	$24,000	
Board members	40,000	
Officers and employees	1,215,856	
New positions	38,832	
		$1,318,688
Materials and Supplies		15,175
Services Other Than Personal		128,420
Maintenance of Property:		
Recurring	$1,000	
Non-Recurring and Replacements	5,000	
		6,000

Additions and improvements	$2,000
Total Appropriation, General	$1,470,283

There are hereby appropriated such other sums as may be appropriated on behalf of this Department or as may be applicable thereto as the Director of the Division of Budget and Accounting shall determine in order to comply with the purposes of N. J. S. A. 48:2–59 et seq. with respect to assessment of public utilities.

352-100. *New Jersey Public Broadcasting Authority*

Salaries:		
Executive Director	$30,000	
New positions	781,661	
Positions established from lump-sum appropriation	100,455	
		$912,116
Materials and Supplies		108,100
Services Other Than Personal		1,393,950
Maintenance of Property		70,940
Additions and Improvements		26,500
Total Appropriation, New Jersey Broadcasting Authority		$2,511,606

The unexpended balance as of June 30, 1970 in this account is hereby appropriated.

352-101. *Interest on Bonds*

Interest on Public Building Construction Bonds—Chapter 128, P. L. 1968	$33,712
Total Appropriation	$33,712
Total Appropriation, Department of Public Utilities	$4,015,601

DEPARTMENT OF HEALTH

360-100. *General*

Salaries:		
Commissioner	$38,000	
Officers and employees	4,114,363	
New positions	57,383	
		$4,209,746
Materials and Supplies		534,865
Services Other Than Personal		601,056
Maintenance of Property:		
Recurring	$7,050	
Non-Recurring and Replacements	6,840	
		13,890
Extraordinary:		
Public health services by contract	$820,000	
Resident public health training for physicians	30,560	
Institute for Medical Research, Camden	304,775	
Emergency Medical and Hospital Service for Migrant Workers	10,000	
Support of Urban Health Centers	300,000	
Narcotic and Drug Abuse Control pursuant to Chapter 152, P. L. 1969	475,000	
		1,940,335
Additions and Improvements		2,125
Total Appropriation, General		$7,302,017

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.

Receipts derived from the Phenylketonuria Testing Service are hereby appropriated for expenditure for the maintenance of this program.

The portion of the appropriation made to or on behalf of this Department, which represents Gen-

eral State Funds, may be expended on the several respective matching bases in proportion to anticipated Federal funds which are received or receivable.

The unexpended balance as of June 30, 1970 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.

360-400. *Rabies Control Program*

Salaries:	
Officers and employees	$134,323
Materials and Supplies	65,500
Services Other Than Personal	13,830
Maintenance of Property	237
Total Appropriation, Rabies Control Program	$213,890

The amount hereinabove indicated is hereby appropriated out of the Rabies Control Trust Fund and the amount remaining therein is appropriated 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	
Officers and employees	55,913	
		$88,413
Materials and Supplies		1,570
Services Other Than Personal		13,271
Maintenance of Property		70
Total Appropriation, Board of Barber Examiners		$103,324

378-100. *Crippled Children's Program*

Salaries:		
Officers and employees		$19,857
Materials and Supplies		750
Services Other Than Personal		14,520
Maintenance of Property		75
Total Appropriation, Crippled Children's Program		$35,202
Total Appropriation, Department of Health		$7,654,433

DEPARTMENT OF LABOR AND INDUSTRY

380-100. *Division of Administration*

Salaries:		
Commissioner	$38,000	
Officers and employees	255,429	
New positions	20,531	
		$313,960
Materials and Supplies		11,250
Services Other Than Personal		37,048
Maintenance of Property		1,000
Total Appropriation, Division of Administration		$363,258

Division of Workmen's Compensation

381-100. *General*

Salaries:		
Officers and employees		$1,728,132
Materials and Supplies		28,225
Services Other Than Personal		104,100
Maintenance of Property:		
Recurring	$1,050	
Non-Recurring and Replacements	2,500	
		3,550
Total Appropriation		$1,864,007

381-400. *Second Injury Fund*

Salaries:		
Officers and employees	$62,312	
New positions	10,503	
		$72,815
Materials and Supplies		270
Services Other Than Personal		11,237
Maintenance of Property		30
Additions and Improvements		150
Total Appropriation		$84,502
Total Appropriation, Division of Workmen's Compensation		$1,948,509

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 N. J. S. A. 34:15–95.

The State Treasurer is hereby empowered and directed to transfer to the General State Fund the sum of $50,000.00 from the excess in the fund accumulated as of June 30, 1970; pursuant to N. J. S. A. 34:15–94, over the sum of $1,250,000.00.

382-100. *Division of Planning and Research*

Salaries:		
Officers and employees		$186,040
Materials and Supplies		6,930
Services Other Than Personal		21,350
Maintenance of Property:		
Recurring	$525	
Non-Recurring and Replacements	1,180	
		1,705

Total Appropriation, Division of Planning and Research		$216,025

Division of Labor

383-101. *Bureau of Engineering and Safety*

Salaries:		
Officers and employees	$1,339,547	
New positions	16,000	
		$1,355,547
Materials and Supplies		33,000
Services Other Than Personal		150,690
Maintenance of Property:		
Recurring	$600	
Non-Recurring and Replacements	2,068	
		2,668
Additions and Improvements		14,500
Total Appropriation		$1,556,405

383-102. *Mechanical Inspection Bureau*

Salaries:		
Officers and employees		$169,452
Materials and Supplies		3,900
Services Other Than Personal		10,792
Maintenance of Property:		
Recurring	$200	
Non-Recurring and Replacements	300	
		500
Total Appropriation		$184,644

383-103. *Migrant Labor Bureau*

Salaries:	
Officers and employees	$265,695
Materials and Supplies	4,900
Services Other Than Personal	28,045

Maintenance of Property:		
Recurring	$100	
Non-Recurring and Replacements	400	
		$500
Total Appropriation		$299,140

383-104. *Wage and Hour Bureau*

Salaries:		
Officers and employees		$828,210
Materials and Supplies		11,350
Services Other Than Personal		83,100
Maintenance of Property:		
Recurring	$250	
Non-Recurring and Replacements	1,000	
		1,250
Additions and Improvements		4,300
Total Appropriation		$928,210
Total Appropriation, Division of Labor		$2,968,399

There are hereby appropriated such sums as may be necessary for payments out of the Wage and Hour Trust Fund established pursuant to N. J. S. A. 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 N. J. S. A. 34:11–56.

384-100. *Office of Manpower*

Extraordinary:	
Work Incentive and Day Care Program	$800,000
Total Appropriation, Office of Manpower	$800,000

The unexpended balances as of June 30, 1970 in the accounts, "Work Incentive and Day Care Program", and "State Business Alliance for Training and Employment" are hereby appropriated.

The portion of the appropriation made to or on behalf of this Office, which represents General State Funds, may be expended on the several respective matching bases in proportion to anticipated Federal receipts which are received or receivable.

385-100. *Division of Economic Development*

Salaries:		
Officers and employees	$260,375	
New positions	19,052	
		$279,427
Materials and Supplies		4,950
Services Other Than Personal		40,659
Maintenance of Property:		
Recurring	$400	
Non-Recurring and Replacements	2,895	
		3,295
Extraordinary:		
Promotional expenses		400,000
Additions and Improvements		1,625
Total Appropriation, Division of Economic Development		$729,956

The unexpended balance as of June 30, 1970 in the account "State Economic Development Assistance Act—1966" is hereby appropriated.

Of the sum appropriated for "Promotional Expenses," not more than $10,000 may be transferred to the Department of Environmental Protection for promotional expenses which it may incur.

There are hereby appropriated the unexpended balances as of June 30, 1970 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.

385-101. *New Jersey Area Redevelopment Authority*

The unexpended balance as of June 30, 1970 in this account is hereby appropriated.

Division of Employment Security

391-400. *Disability Insurance Service*

Salaries:		
Officers and Employees		$2,244,039
Materials and Supplies		22,680
Services Other Than Personal		274,721
Maintenance of Property:		
Recurring	$1,000	
Non-Recurring and Replacements	280	
		1,280
Extraordinary:		
Compensation awards		1,000
Additions and Improvements		1,411
Total Appropriation, Disability Insurance Service		$2,545,131

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.

393-100. *Division of Public Employment Relations*

Salaries:		
Positions established from lump-sum appropriations		$257,468
Materials and Supplies		7,500
Services Other Than Personal		88,650
Maintenance of Property		100
Additions and Improvements		3,000
Total Appropriation, Division of Public Employment Relations		$356,718

The unexpended balance as of June 30, 1970 in this account is hereby appropriated.

394-100. *State Board of Mediation*

Salaries:		
Board Members (7)	$9,000	
Officers and employees	129,438	
		$138,438
Materials and Supplies		800
Services Other Than Personal		11,230
Maintenance of Property:		
Recurring	$100	
Non-Recurring and Replacements	500	
		600
Total Appropriation, State Board of Mediation		$151,068

396-100. *Rehabilitation Commission*

Salaries:		
Officers and employees		$2,417,332
Materials and Supplies		23,170
Services Other Than Personal		278,194
Maintenance of Property:		
Recurring	$5,000	
Non-Recurring and Replacements	1,058	
		6,058

Extraordinary:		
Training Grants	$11,000	
Diagnostic services	1,241,583	
Research	44,000	
Services to clients—Welfare	1,040,000	
Services to clients—Institutions	400,000	
Services to clients—Other	6,560,000	
Innovation grants	90,000	
Research and demonstration projects	125,000	
Expansion grants	148,500	
Vocational evaluation and work adjustment for disadvantaged	273,530	
		$9,933,613
Total Appropriation, Rehabilitation Commission		$12,658,367
Total Appropriation, Department of Labor and Industry		$22,737,431

In addition to the appropriation hereinabove made, recoveries of the State share of expenditures made in the year ending June 30, 1971, 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 the several respective matching bases in proportion to anticipated Federal funds which are received or receivable.

The unexpended balance of State funds as of June 30, 1970 for the Vocational Rehabilitation, Section II Program, is hereby appropriated to match Federal support beyond that now anticipated for fiscal year 1970-71.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

410-100. *Office of the Commissioner*

Salaries:		
Commissioner	$38,000	
Officers and employees	443,435	
New positions	9,526	
		$490,961
Materials and Supplies		10,350
Services Other Than Personal		76,933
Maintenance of Property:		
Recurring	$3,000	
Non-Recurring and Replacements	2,825	
		5,825
Additions and Improvements		8,125
Total Appropriation		$592,194

410-101. *Interest On Bonds*

Interest on Water Development Bonds, Chapter 35, P. L. 1958	$1,184,500
Interest on State Recreation and Conservation Land Acquisition Bonds, Chapter 46, P. L. 1961	1,317,200
Total Appropriation	$2,501,700

410-109. *South Jersey Port Corporation*

Extraordinary:	
To discharge the obligations assumed by the State owing to the creditors and bondholders of the South Jersey Port Commission and to the city of Camden in accordance with N. J. S. A. 12:11A–1 et seq.	$1,000,000
Total Appropriation	$1,000,000

The unexpended balance as of June 30, 1970 in this account is hereby appropriated.

Total Appropriation, Office of the Commissioner		$4,093,894

Division of Natural Resources

420-101. *Director's Office*

Salaries:		
Officers and employees		$36,238
Materials and Supplies		260
Services Other Than Personal		43,150
Maintenance of Property:		
Recurring	$50	
Non-Recurring and Replacements	175	
		225
Total Appropriation		$79,873

420-103. *Bureau of Geology*

Salaries:		
Officers and employees	$174,687	
New positions	13,885	
		$188,572
Materials and Supplies		3,960
Services Other Than Personal		14,250
Maintenance of Property:		
Recurring	$950	
Non-Recurring and Replacements	985	
		1,935
Additions and Improvements		925
Total Appropriation		$209,642

420-105. *Bureau of Navigation*

Salaries:		
Officers and employees	$453,833	
New positions	21,512	
		$475,345
Materials and Supplies		45,350
Services Other Than Personal		29,100
Maintenance of Property:		
Recurring	$25,550	
Non-Recurring and Replacements	2,075	
		27,625
Extraordinary:		
Compensation awards		3,000
Additions and Improvements		9,800
Total Appropriation		$590,220

The unexpended balance as of June 30, 1970 in the account "Expenses of the Natural Resource Council" is hereby appropriated.

422-400. *Boat Regulation Commission*

Salaries:		
Officers and employees		$244,494
Materials and Supplies		30,300
Services Other Than Personal		77,509
Maintenance of Property:		
Recurring	$14,400	
Non-Recurring and Replacements	19,305	
		33,705
Additions and Improvements		7,000
Total Appropriation		$393,008

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 N. J. S. A. 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:		
Board Members		$22,000
Materials and Supplies		70
Services Other Than Personal		300
Total Appropriation		$22,370

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.

Total Appropriation, Division of Natural Resources	$1,295,113

The unexpended balance as of June 30, 1970 of the Revolving Fund created pursuant to Chapter 106, P. L. 1959 for the purpose of printing and reprinting of literature and maps for sale and receipts derived from such sales are hereby appropriated.

430-100. *Division of Water Policy and Supply*

Salaries:		
Officers and employees		$500,554
Materials and Supplies		12,500
Services Other Than Personal		25,500
Maintenance of Property:		
Recurring	$10,050	
Non-Recurring and Replacements	5,100	
		15,150
Extraordinary:		
Office of Rivermaster—State share	$18,250	
Ground-water exploratory program	150,000	
Stream gaging stations	66,000	

Flood plain zoning and warning service	$13,500	
Water quality monitoring	100,000	
Surface water quality program	5,250	
Surface water diversion	10,600	
Flood plain control	5,000	
Compensation awards	1,000	
		$369,600
Additions and Improvements		4,800
Total Appropriation, Division of Water Policy and Supply		$928,104

The unexpended balance as of June 30, 1970 in the account "Flood Plain Control" is hereby appropriated.

The unexpended balance as of June 30, 1970 in the account "Surface Water Diversion" is hereby appropriated.

There is hereby appropriated for operation and maintenance of Spruce Run and Round Valley Reservoirs a sum not to exceed $800,000 out of aggregate revenue produced pursuant to N. J. S. A. 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.

435-100. *Division of Environmental Quality*

Salaries:		
Officers and employees	$1,708,433	
New positions	78,204	
		$1,786,637
Materials and Supplies		55,467
Services Other Than Personal		195,200
Maintenance of Property		3,270
Extraordinary:		
Public health services by contract		30,000
Total Appropriation, Division of Environmental Quality		$2,070,574

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 anticipated Federal funds which may be received or receivable.

Division of Fish, Game and Shell Fisheries

440-100. *Bureau of Shell Fisheries*

Salaries:		
Officers and employees		$462,800
Materials and Supplies		15,700
Services Other Than Personal		42,013
Maintenance of Property:		
Recurring	$12,250	
Non-Recurring and Replacements	1,380	
		13,630
Extraordinary:		
Oyster research	$20,000	
Shelling and seeding beds contingent upon an equal sum being provided by the Federal Government	53,000	
Disease resistant oyster program	6,250	
Compensation awards	500	
		79,750
Additions and Improvements		250
Total Appropriation		$614,143

The unexpended balance as of June 30, 1970 in the "Shelling and Seeding Beds" account is hereby appropriated, 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.

450-400. *General*

Salaries:		
Officers and employees		$1,265,425
Materials and Supplies		389,750
Services Other Than Personal		127,300
Maintenance of Property:		
Recurring	$41,450	
Non-Recurring and Replacements	57,488	
		98,938
Extraordinary:		
Deer management	$10,000	
Surface water quality program	5,500	
Compensation awards	3,000	
		18,500
Additions and Improvements		14,480
Total Appropriation		$1,914,393

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.

451-400. *Public Shooting and Fishing Grounds*

Salaries:		
Officers and employees		$333,822
Materials and Supplies		84,120
Services Other Than Personal		20,834
Maintenance of Property:		
Recurring	$26,600	
Non-Recurring and Replacements	31,000	
		57,600

Extraordinary:		
Dike maintenance	$4,500	
Atlantic flyway	2,060	
		$6,560
Additions and Improvements		3,510
Total Appropriation		$506,446
Total Appropriation, Division of Fish, Game and Shell Fisheries		$3,034,982

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 N. J. S. A. 54:4–2.1; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

Division of Parks, Forestry and Recreation

490-101. *Director's Office*

Salaries:	
Officers and employees	$31,890
Materials and Supplies	745
Services Other Than Personal	92,784
Maintenance of Property	100
Additions and Improvements	450
Total Appropriation	$125,969

490-102. *Bureau of Parks*

Salaries:		
Officers and employees	$2,621,409	
New positions	37,821	
		$2,659,230
Materials and Supplies		280,750
Services Other Than Personal		235,500

Maintenance of Property:		
Recurring	$196,700	
Non-Recurring and Replacements	410,000	
		$606,700
Extraordinary:		
Maintenance, Old Barracks—Trenton, State share	$21,000	
Operation of youth conservation and recreational development projects	500,000	
Compensation awards	10,000	
		531,000
Additions and Improvements		235,710
Total Appropriation		$4,548,890

Receipts in excess of those anticipated from permits, fees, rentals and other revenues of the Bureau of Parks during the fiscal year ending June 30, 1971 in a sum not to exceed $75,000 are hereby appropriated for emergency operating costs of the Bureau of Parks; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

490-103. *Bureau of Forestry*

Salaries:		
Officers and employees		$816,428
Materials and Supplies		85,200
Services Other Than Personal		121,105
Maintenance of Property:		
Recurring	$25,500	
Non-Recurring and Replacements	76,590	
		102,090
Extraordinary:		
Fire fighting costs	$160,000	
Compensation awards	10,000	
		170,000

Additions and Improvements		$36,425
Total Appropriation		$1,331,248

The unexpended balance as of June 30, 1970 in the account for "Fire Fighting Costs" is hereby appropriated.

490-104. *Bureau of Recreation*

Salaries:		
Officers and employees		$76,168
Materials and Supplies		1,170
Services Other Than Personal		3,000
Maintenance of Property:		
Recurring	$225	
Non-Recurring and Replacements	225	
		450
Additions and Improvements		100
Total Appropriation		$80,888

491-400. *Morris Canal and Banking Company*

Salaries:		
Officers and employees		$56,100
Total Appropriation, Morris Canal and Banking Company		$56,100

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 Fund to the Morris Canal Fund whenever and to the extent that cash in the Morris Canal Fund exceeds the liabilities thereof.

Total Appropriation, Division of Parks, Forestry and Recreation	$6,143,095

There are hereby appropriated the unexpended balances as of June 30, 1970 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.		
Total Appropriation, Department of Environmental Protection		$17,565,762

DEPARTMENT OF EDUCATION

500-100. *Commissioner's Office*

Salaries:		
Commissioner	$38,000	
Officers and employees	2,562,840	
New positions	203,936	
		$2,804,776
Materials and Supplies		51,300
Services Other Than Personal		266,833
Maintenance of Property:		
Recurring	$6,400	
Non-Recurring and Replacements	7,700	
		14,100
Extraordinary:		
Migrant school program	$45,000	
Vocational-Technical Teacher Training Program	406,106	
State Board expenses	3,300	
State Share—National Defense Education Act	175,000	
For the development and implementation of a management information system, subject to a determination of the necessity thereof by the Director of the Division of Budget and Accounting in accordance with Executive Order 30	100,000	
		729,406
Additions and Improvements		1,372
Total Appropriation, Commissioner's Office		$3,867,787

The unexpended balance as of June 30, 1970, together with receipts in the fiscal year 1970-71 in the "General Educational Development Test Program" account are hereby appropriated as a continuing revolving fund.

The unexpended balances as of June 30, 1970 of the revolving funds created pursuant to Chapter 63, P. L. 1967 for the purpose of printing and reprinting literature for sale and for the purchase and sale of films, and receipts derived from such sales are hereby appropriated.

520-100. *Division of the State Library, Archives and History*

Salaries:		
Officers and employees	$646,883	
New positions	44,444	
Positions established from lump-sum appropriation	100,951	
		$792,278
Materials and Supplies		130,710
Services Other Than Personal		63,108
Maintenance of Property		774
Extraordinary:		
Microfilm Program	$7,500	
Expenses of the New Jersey Historical Commission	75,000	
		82,500
Additions and Improvements		1,500
Total Appropriation, Division of the State Library, Archives and History		$1,070,870

The unexpended balance as of June 30, 1970 in the "Microfilm Program" account is hereby appropriated.

Receipts derived from charges made for photocopy services are hereby appropriated.

The unexpended balance as of June 30, 1970 in the account "Expenses of the New Jersey Historical Commission" is hereby appropriated.

530-100. *Division of the State Museum*

Salaries:		
Officers and employees	$641,326	
New positions	11,119	
		$652,445
Materials and Supplies		60,100
Services Other Than Personal		79,803
Maintenance of Property:		
Recurring	$11,050	
Non-Recurring and Replacements	20,975	
		32,025
Extraordinary:		
Archeological research	$5,000	
Acquisition of art and historical objects	30,000	
		35,000
Additions and Improvements		6,400
Total Appropriation, Division of State Museum		$865,773

The unexpended balance as of June 30, 1970 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, are hereby appropriated.

Receipts from charges made for mailing and handling of films and the unexpended balance as of June 30, 1970 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:		
Officers and employees	$1,911,868	
New positions	118,619	
Food in lieu of cash	20,766	
		$2,051,253

Materials and Supplies		$192,700
Services Other Than Personal		56,978
Maintenance of Property:		
Recurring	$26,600	
Non-Recurring and Replacements	69,300	
		95,900
Additions and Improvements		19,170
Total Appropriation, Marie H. Katzenbach School for the Deaf		$2,416,001

536-100. *New Jersey School of the Arts*

The unexpended balance as of June 30, 1970 in this account is hereby appropriated.

Total Appropriation, Department of Education	$8,220,431

DEPARTMENT OF HIGHER EDUCATION

540-100. *Office of the Chancellor*

Salaries:		
Chancellor	$38,000	
Officers and employees	584,643	
New positions	52,848	
		$675,491
Materials and Supplies		19,350
Services Other Than Personal		47,788
Maintenance of Property:		
Recurring	$2,400	
Non-Recurring and Replacements	1,000	
		3,400
Extraordinary:		
Board of higher education expenses	$2,500	
Computer network planning and implementation	90,000	

Acquisition of computer for the educational computing center ...		
To establish a computerized library system	$350,000	
To create a central library processing center		
		$442,500
Additions and Improvements		3,000
Total Appropriation, Office of the Chancellor		$1,191,529

The balance, not to exceed $200,000, as of June 30, 1970 in the account "Receipts derived from increase of $200 in annual tuition at State Colleges" is hereby appropriated, subject to transfer by the Board of Higher Education for the purposes specified in N. J. S. A. 39:3–6 et seq. and subject to approval of transfers as prescribed in section 3 of this act.

Office of the Chancellor

540-101. *Interest on Bonds*

Interest on State Higher Education Bonds—Chapter 10, P. L. 1959	$1,066,660	
Interest on State Higher Education Construction Bonds—Chapter 142, P. L. 1964	1,194,400	
Interest on Public Building Construction Bonds—Chapter 128, P. L. 1968	699,035	
		$2,960,095
Total Appropriation, Interest on Bonds....		$2,960,095

540-104. *New Jersey Educational Opportunity Fund*

Extraordinary:		
Administration	$125,000	
Opportunity grants	6,125,000	
Supplementary Education Program grants	3,550,000	
		$9,800,000

Of the amount hereinabove appropriated for Supplementary Education Program grants, the sum of $220,000.00 shall be transferred by the Director of the Division of Budget and Accounting to the appropriation for Employee Benefits to provide for costs of fringe benefits.

Total Appropriation, New Jersey Educational Opportunity Fund	$9,800,000

The unexpended balance as of June 30, 1970 in this account is hereby appropriated.

540-105. *State Competitive Scholarships and Student Loans*

Salaries:		
Officers and employees		$366,085
Materials and Supplies		17,850
Services Other Than Personal		106,974
Maintenance of Property:		
Recurring	$400	
Non-Recurring and Replacements	1,500	
		1,900
Extraordinary:		
Scholarships, pursuant to N. J. S. A. 18A:71–4	$6,890,000	
Incentive Scholarships, pursuant to N. J. S. A. 18A:71–18	1,432,000	
Tuition Aid Grants, pursuant to N. J. S. A. 18A:71–41 et seq.	3,500,000	
Scholarships, pursuant to N. J. S. A. 18A:71–7.2 et seq.	511,500	
		12,333,500
Additions and Improvements		800
Total Appropriation, State Competitive Scholarships and Student Loans		$12,827,109

The unexpended balance as of June 30, 1970 in this account is hereby appropriated for Scholarships and Tuition Aid Grants.

550-100. *Glassboro State College*

Salaries:		
Officers and employees	$5,144,429	
New positions	304,140	
Extraordinary merit increments	19,500	
Student aides	121,638	
		$5,589,707
Materials and Supplies		326,314
Services Other Than Personal		313,631
Maintenance of Property:		
Recurring	$62,166	
Non-Recurring and Replacements	74,940	
		137,106
Extraordinary:		
Demonstration school service	$87,500	
State Share—NDEA Student Loan Fund	17,333	
State Share—College Work-Study Program	30,000	
Auxiliary services	883,793	
Part-Time, summer and graduate program	1,550,400	
Special Assistance for Transition to Multi-Purpose College:		
Administration	77,833	
Library development	250,000	
Laboratory and instructional equipment	75,000	
ADP Development	37,332	
Faculty advanced study	15,000	
Development of new degree—major program	179,884	
Student services program	43,460	
New Jersey Marine Science Consortium	7,000	
		3,254,535
Additions and Improvements		214,258
Total Appropriation, Glassboro State College		$9,835,551

551-100. *Jersey City State College*

Salaries:		
Officers and employees	$4,558,833	
New positions	532,934	
Extraordinary merit increments	15,500	
Student aides	75,000	
		$5,182,267
Materials and Supplies		341,686
Services Other Than Personal		298,794
Maintenance of Property:		
Recurring	$63,400	
Non-Recurring and Replacements	75,386	
		138,786
Extraordinary:		
State Share—NDEA Student Loan Fund	$13,890	
State Share—College Work-Study Program	32,000	
Auxiliary services	139,017	
Part-time, summer and graduate program	1,440,000	
New Jersey Marine Science Consortium	7,000	
Special Assistance for Transition to Multi-Purpose College:		
Administration	72,390	
Library development	250,000	
Laboratory and instructional equipment	75,000	
ADP Development	36,028	
Faculty advanced study	15,000	
Development of new degree—major programs	139,652	
Development of student services	16,183	
		2,236,160
Additions and Improvements		129,872
Total Appropriation		$8,327,565

551-102. *A. Harry Moore Laboratory School of Jersey City State College*

Extraordinary:	
For Operating Expenses of the A. Harry Moore Laboratory School	$443,545
Total Appropriation	$443,545

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	$8,771,110

552-100. *Newark State College*

Salaries:		
Officers and employees	$5,505,666	
New positions	424,645	
Extraordinary merit increments	19,000	
Student aides	40,000	
		$5,989,311
Materials and Supplies		364,220
Services Other Than Personal		294,752
Maintenance of Property:		
Recurring	$57,530	
Non-Recurring and Replacements	90,721	
		148,251
Extraordinary:		
State Share—NDEA Student Loan Fund	$11,000	
State Share—College Work-Study Program	12,000	

Auxiliary services	$196,152	
Part-time summer and graduate program	1,800,000	
Special Assistance for Transition to Multi-Purpose College:		
Administration	77,434	
Library development	249,901	
Laboratory and instructional equipment	75,000	
ADP Development	34,690	
Faculty advanced study	15,000	
Development of new degree—major programs	97,446	
New Jersey Marine Science Consortium	7,000	
		$2,575,623
Additions and Improvements		195,531
Total Appropriation, Newark State College		$9,567,688

553-100. *Paterson State College*

Salaries:		
Officers and employees	$5,167,448	
New positions	917,079	
Extraordinary merit increments	15,000	
Positions established from lump-sum appropriation	232,763	
Student aides	100,000	
		$6,432,290
Materials and Supplies		395,578
Services Other Than Personal		293,124
Maintenance of Property:		
Recurring	$40,500	
Non-Recurring and Replacements	56,535	
		97,035
Extraordinary:		
State Share—NDEA Student Loan Fund	$14,222	
State Share—College Work-Study Program	10,200	

Auxiliary services	$194,304	
Part-time, summer and graduate program	1,175,000	
Special Assistance for Transition to Multi-Purpose College:		
Administration	75,760	
Library development	250,000	
Laboratory and instructional equipment	75,000	
ADP Development	35,085	
Faculty advanced study	15,000	
Development of new degree—major programs	160,065	
		$2,004,636
Additions and Improvements		267,428
Total Appropriation, Paterson State College		$9,490,091

554-100. *Montclair State College*

Salaries:		
Officers and employees	$6,422,209	
New positions	714,882	
Extraordinary merit increments	22,875	
Student aides	110,000	
		$7,269,966
Materials and Supplies		437,199
Services Other Than Personal		328,615
Maintenance of Property:		
Recurring	$77,690	
Non-Recurring and Replacements	54,180	
		131,870
Extraordinary:		
State Share—NDEA Student Loan Fund	$20,000	
State Share—College Work-Study Program	30,000	
Auxiliary services	785,815	
Part-time, summer and graduate program	1,362,520	

Closed circuit television	$20,000	
Special Assistance for Transition to Multi-Purpose College:		
Administration	75,234	
Library development	250,000	
Laboratory and instructional equipment	75,000	
ADP Development	36,607	
Faculty advanced study	15,000	
Development of new degree—major programs	155,016	
		$2,825,192
Additions and Improvements		240,350
Total Appropriation, Montclair State College		$11,233,192

555-100. *Trenton State College*

Salaries:		
Officers and employees	$5,652,174	
New positions	75,443	
Extraordinary merit increments	19,275	
Positions established from lump-sum appropriation	231,184	
Student Aides	146,190	
		$6,124,266
Materials and Supplies		379,423
Services Other Than Personal		352,200
Maintenance of Property:		
Recurring	$53,900	
Non-Recurring and Replacements	95,100	
		149,000
Extraordinary:		
State Share—NDEA Student Loan Fund	$22,500	
Marine Sciences Consortium	7,000	
Auxiliary services	1,110,600	
Demonstration school service	300,000	
Child study and demonstration center	100,982	

Part-time, summer and graduate program	$1,403,000	
Special Assistance in Transition to Multi-Purpose College:		
Administration	76,380	
Library development	250,000	
Laboratory and instructional equipment	75,000	
ADP Development	34,874	
Faculty advanced study	15,000	
Development of new degree—major programs	151,549	
Community Affairs Program	20,000	
		$3,566,885
Additions and Improvements		222,750
Total Appropriation, Trenton State College		$10,794,524

Of the sum hereinabove appropriated, not less than $252,566 shall be made available for the Nursing Program.

556-100. *State College—Northern New Jersey*

Extraordinary:	
Expenses of establishing a new State College—Northern New Jersey	$700,000
Total Appropriation, New State College—Northern New Jersey	$700,000

The unexpended balance as of June 30, 1970 in this account is hereby appropriated.

557-100. *Richard Stockton State College*

Extraordinary:	
Expenses of establishing Richard Stockton State College	$700,000
Total Appropriation, Richard Stockton State College	$700,000

The unexpended balance as of June 30, 1970 in this account is hereby appropriated.

The amounts appropriated to the various State Colleges for "Student Aides" shall constitute the appropriation to carry out the provisions of N. J. S. A. 18A:64–17; 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 regular tuition and the operation of cafeterias and boarding halls are hereby appropriated.

Receipts at all State Colleges from fees for student service charges and parking fees, together with the balance of such funds as of June 30, 1970 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 as of June 30, 1970 in the accounts of said programs are hereby appropriated, together with all receipts in excess of those anticipated therefrom.

So much of the Auxiliary Services Income realized from the several State Colleges which is not pledged for the payment of principal and interest on bonds of this State and which is in excess of sums required for the operation and maintenance of such Auxiliary Services shall be available to equalize charges to students for room and board at State College facilities leased from the New Jersey Educational Facilities Authority, as provided in N. J. S. A. 18A:64–18.

So much herein as may be appropriated for additional costs relating to increased full-time undergraduate enrollment shall be withheld by the Director of the Division of Budget and Accounting to the extent that anticipated full-time undergraduate enrollment is more than 1% greater than the actual full-time undergraduate enrollment.

562-400. *State School of Conservation, Lake Wapalanne*

Extraordinary:	
Operating expenses of the State School of Conservation, Lake Wapalanne	$299,000
Total Appropriation, State School of Conservation, Lake Wapalanne	$299,000

Of the amount hereinabove appropriated, $249,000 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, 1970; 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:		
Officers and employees	$39,493,528	
New positions	2,484,445	
Extraordinary merit increments	276,000	
Coadjutant salaries	1,732,410	
Student wages	134,350	
Wages of labor	645,055	
		$44,765,788
Materials and Supplies		4,929,727
Services Other Than Personal		4,119,049
Maintenance of Property:		
Recurring	$1,161,972	
Non-Recurring and Replacements	553,200	
		1,715,172
Extraordinary:		
Research grants	$200,000	
Retirement allowances	335,000	
Interest	74,950	

Contingent fund	$50,000	
Graduate and law school fellowships	64,000	
Student aid	600,000	
Major renovations	100,000	
College of Pharmacy moving costs	38,500	
National Science Foundation Development Grant Program	628,000	
		$2,090,450
Additions and Improvements		567,604
Sub-Total Appropriation, General Operations		$58,187,790
Less:		
General services income		*15,613,842*
Sub-Total Appropriation	$42,568,148	
Land Grant Interest	5,800	
Total Appropriation		$42,573,948

Of the sum hereinabove appropriated, not less than $35,000 shall be made available to provide an adequate program for guidance of public employers in employee management relations pursuant to the provisions of N. J. S. A. 34:13A–1.

571-100. *Douglass College*

Salaries:		
Officers and employees	$3,943,666	
Extraordinary merit increments	22,300	
Wages of labor	124,295	
		$4,090,261
Materials and Supplies		346,510
Services Other Than Personal		129,516
Maintenance of Property:		
Recurring	$146,257	
Non-Recurring and Replacements	44,028	
		190,285
Extraordinary:		
Retirement allowances	$110,000	
Contingent fund	10,000	

Interest	$1,550	
Student aid	22,500	
		$144,050
Additions and Improvements		98,464
Sub-Total Appropriation, General Operation		$4,999,086
Less:		
General Services Income		*1,347,406*
Total Appropriation		$3,651,680

572-100. *Agricultural Experiment Station*

Salaries:		
Director	$7,200	
Officers and employees	6,375,062	
New positions	12,018	
Extraordinary merit increments	59,761	
Wages of labor	217,895	
		$6,671,936
Materials and Supplies		600,891
Services Other Than Personal		252,485
Maintenance of Property:		
Recurring	$97,271	
Non-Recurring and Replacements	154,685	
		251,956
Extraordinary:		
South Jersey Research Center	$35,000	
Asparagus research	40,000	
Operation of Willowood Farm Arboretum and Bird Sanctuary	15,000	
Blackbird control	15,000	
		105,000
Additions and Improvements		143,470
Sub-Total Appropriation, General Operations		$8,025,738
Less:		
General Services Income		*1,252,484*
Total Appropriation		$6,773,254

The unexpended balance as of June 30, 1970 in this account is hereby appropriated for research.

Total Appropriation, Rutgers, The State University		$52,998,882

573-100. *New Jersey College of Medicine and Dentistry*

Salaries:		
Officers and employees	$6,328,901	
New positions	799,000	
Positions established from lump-sum appropriation	336,049	
		$7,463,950
Materials and Supplies		594,864
Services Other Than Personal		1,024,334
Maintenance of Property:		
Recurring	$60,030	
Non-Recurring and Replacements	30,074	
		90,104
Extraordinary:		
Compensation awards	$10,000	
Added teaching costs—Martland Hospital	1,040,000	
Board of Trustees' Planning Fund	11,000	
Student transportation	12,600	
Fellowship and Matching Loan Fund	36,000	
Student Aid Matching Fund	40,000	
		1,149,600
Additions and Improvements		392,496
Sub-Total Appropriation, General Operations		$10,715,348
Less:		
General Services Income		*852,360*
Total Appropriation, New Jersey College of Medicine and Dentistry		$9,862,988

574-100. *Newark College of Engineering and Newark Technical School*

Extraordinary:		
Purchase of higher education at the Newark College of Engineering and Newark Technical School, by contract, pursuant to N. J. S. A. 18A:3-14q		$6,656,037
Total Appropriation, Newark College of Engineering and Newark Technical School		$6,656,037
Total Appropriation, Department of Higher Education		$157,687,796

DEPARTMENT OF TRANSPORTATION

600-100. *Administration—General*

Salaries:		
Commissioner	$40,000	
Officers and employees	3,408,311	
New positions	49,293	
Positions transferred from another department	231,450	
		$3,729,054
Materials and Supplies		250,900
Services Other Than Personal		861,257
Maintenance of Property:		
Recurring	$62,750	
Non-Recurring and Replacements	35,455	
		98,205
Extraordinary:		
Compensation awards	$250,000	
For transfer to an applicant State department to be used for the State share of the cost of highway safety projects which qualify for no less than 50% matching by the Federal Government	250,000	
		500,000

Additions and Improvements		$29,000
Total Appropriation, Administration—General		$5,468,416

The unexpended balance as of June 30, 1970 in the account for the "State Share of the cost of Highway Safety Projects . . . ." is hereby appropriated.

607-100. *Division of Traffic Engineering*

Salaries:		
Officers and employees	$3,809,101	
Positions transferred from another division	16,255	
		$3,825,356
Materials and Supplies		1,149,400
Services Other Than Personal		60,300
Maintenance of Property:		
Recurring	$252,350	
Non-Recurring and Replacements	64,635	
		316,985
Additions and Improvements		9,360
Total Appropriation, Division of Traffic Engineering		$5,361,401

The unexpended balance as of June 30, 1970 in this account is hereby appropriated.

610-100. *Division of Maintenance and Equipment*

Salaries:		
Officers and employees		$14,863,244
Materials and Supplies		660,600
Services Other Than Personal		244,755
Maintenance of Property:		
Recurring	$3,483,650	
Non-Recurring and Replacements	4,482,515	
		7,966,165

Additions and Improvements	$302,500
Total Appropriation, Division of Maintenance and Equipment	$24,037,264

The unexpended balance as of June 30, 1970 in this account is hereby appropriated.

The unexpended balance as of June 30, 1970 in the account "Department Stock Purchase Fund" is hereby appropriated as a revolving fund for the purchase of materials and supplies required for the operation of the Department.

610-101. *Interest on Bonds*

Interest on Highway Improvement Bonds—Chapter 228, P. L. 1930	$207,253	
Interest on State Transportation Bonds—Chapter 126, P. L. 1968	4,051,850	
Total Appropriation, Interest on Bonds		$4,259,103

630-100. *Public Transportation Services*

Salaries:		
Officers and employees	$480,635	
New positions	56,739	
		$537,374
Materials and Supplies		13,700
Services Other Than Personal		302,550
Maintenance of Property:		
Recurring	$400	
Non-Recurring and Replacements	1,280	
		1,680
Extraordinary:		
To carry out the provisions of N. J. S. A. 27:1A–15 et seq. for passenger service subsidies	$10,300,000	

Bridgeport-Chester Ferry Service Subsidy	$75,000	
		$10,375,000
Additions and Improvements		6,500
Total Appropriation, Public Transportation Services		$11,236,804

The unexpended balances as of June 30, 1970 in the "Extraordinary" category, excluding the account "To carry out the provisions of Chapter 134, P. L. 1969," are hereby appropriated.

Total Appropriation, Department of Transportation	$50,362,988

DEPARTMENT OF INSTITUTIONS AND AGENCIES

700-100. *Administration—General*

Salaries:		
Commissioner	$40,000	
Officers and employees	1,976,441	
New positions	52,538	
Positions transferred from other agencies	24,208	
		$2,093,187
Materials and Supplies		27,305
Services Other Than Personal		463,810
Maintenance of Property:		
Recurring	$5,800	
Non-Recurring and Replacements	11,300	
		17,100
Extraordinary:		
Nursing Scholarship Program		400,000
Additions and Improvements		16,522
Total Appropriation, Administration—General		$3,017,924

700-101. *Interest on Bonds*

Interest on Institution Construction Bonds—Chapter 156, P. L. 1960 ...	$863,350	
Interest on Institution Construction Bonds—Chapter 144, P. L. 1964 ...	1,479,600	
Interest on Public Building Construction Bonds—Chapter 128, P. L. 1968	449,546	
Total Appropriation, Interest on Bonds ...		$2,792,496

709-100. *Office of the Public Defender*

Salaries:		
Officers and employees	$1,635,882	
New positions	1,262,442	
		$2,898,324
Materials and Supplies		68,850
Services Other Than Personal		1,768,220
Maintenance of Property		5,500
Additions and Improvements		145,000
Total Appropriation, Office of the Public Defender		$4,885,894

Receipts from charges for services, as authorized by N. J. S. A. 2A:158A–16 et seq., are hereby appropriated; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

The unexpended balance as of June 30, 1970 in this account, not to exceed $60,000 is hereby appropriated.

710-100. *Home for Disabled Soldiers, Menlo Park*

Salaries:		
Officers and employees	$865,363	
New positions	85,615	
Food in lieu of cash	3,132	
		$954,110

Materials and Supplies		$172,936
Services Other Than Personal		30,273
Maintenance of Property:		
Recurring	$8,900	
Non-Recurring and Replacements	4,505	
		13,405
Additions and Improvements		500
Total Appropriation, Home for Disabled Soldiers, Menlo Park		$1,171,224

711-100. *Home for Disabled Soldiers, Vineland*

Salaries:		
Officers and employees	$936,528	
New positions	46,877	
Food in lieu of cash	4,572	
		$987,977
Materials and Supplies		173,489
Services Other Than Personal		31,848
Maintenance of Property:		
Recurring	$12,750	
Non-Recurring and Replacements	24,419	
		37,169
Additions and Improvements		5,355
Total Appropriation, Home for Disabled Soldiers, Vineland		$1,235,838

714-100. *Division of Medical Assistance and Health Services*

Salaries:		
New positions	$84,517	
Positions established from lump-sum appropriation	1,909,162	
		$1,993,679
Materials and Supplies		35,000
Services Other Than Personal		1,790,000

Maintenance of Property:		
Recurring	$7,500	
Non-Recurring and Replacements	5,000	
		$12,500
Extraordinary:		
Payments to fiscal agents		7,200,000
Additions and Improvements		20,290
Total Appropriation, Division of Medical Assistance and Health Services		$11,051,469

The portion of the appropriation made to or on behalf of this division, which represents General State Funds, may be expended on the several respective matching bases in proportion to Federal receipts which are received or receivable.

Division of Public Welfare

715-100. *General*

Salaries:		
Officers and employees		$1,433,081
Materials and Supplies		17,000
Services Other Than Personal		212,234
Maintenance of Property:		
Recurring	$5,000	
Non-Recurring and Replacements	1,450	
		6,450
Extraordinary:		
Institutional services		1,050,105
Additions and Improvements		6,748
Total Appropriation		$2,725,618

The portion of the appropriation made to or on behalf of this division, which represents General State Funds, may be expended on the several respective matching bases in proportion to anticipated Federal receipts which are received or receivable.

716-100. *Commission for the Blind*

Salaries:		
Officers and employees	$1,561,394	
New positions	31,666	
		$1,593,060
Materials and Supplies		60,750
Services Other Than Personal		1,834,602
Maintenance of Property:		
Recurring	$5,400	
Non-Recurring and Replacements	15,575	
		20,975
Additions and Improvements		19,700
Total Appropriation		$3,529,087

In addition to the appropriation hereinabove made, recoveries of the State share of expenditures made in the year ending June 30, 1971, 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 the several respective matching bases in proportion to anticipated Federal funds which are received or receivable.

The balance to the credit of the Revolving Industrial Fund as of June 30, 1970 is hereby appropriated as a Revolving Industrial Fund in a sum not to exceed $2,000.

717-100. *Bureau of Children's Services*

Salaries:		
Officers and employees	$7,028,958	
New positions	300,468	
		$7,329,426
Materials and Supplies		28,300
Services Other Than Personal		518,571

Maintenance of Property:		
Recurring	$20,000	
Non-Recurring and Replacements	14,712	
		$34,712
Extraordinary:		
Group foster home administration	$52,680	
Work incentive and day care program pursuant to N. J. S. A. 34:15B–5 et seq.	1,901,250	
Emergency reception and child care facilities	13,895	
		1,967,825
Additions and Improvements		111,960
Total Appropriation		$9,990,794
Total Appropriation, Division of Public Welfare		$16,245,499

The unexpended balance as of June 30, 1970 in the account "Work Incentive and Day Care Program pursuant to N. J. S. A. 34:15B–5 et seq." is hereby appropriated.

The portion of the appropriation made to or on behalf of this Bureau, which represents General State Funds, may be expended on the several respective matching bases in proportion to anticipated Federal funds which are received or receivable.

720-100. *State Parole Board*

Salaries:	
Officers and employees	$82,771
Materials and Supplies	600
Services Other Than Personal	4,450
Maintenance of Property	150
Total Appropriation, State Parole Board	$87,971

725-300. *Bureau of State Use Industries*

Pursuant to the provisions of N. J. S. A. 30:4–100, there are hereby appropriated to the Bureau of State Use Industries the unexpended balance as of June 30, 1970 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:		
Officers and employees	$1,998,528	
New positions	23,722	
		$2,022,250
Materials and Supplies		6,000
Services Other Than Personal		168,594
Maintenance of Property:		
Recurring	$3,500	
Non-Recurring and Replacements	5,180	
		8,680
Extraordinary:		
Community residence center	$56,064	
Vocational rehabilitation services	42,953	
		99,017
Additions and Improvements		5,531
Total Appropriation, Division of Correction and Parole		$2,310,072

731-100. *State Prison, Trenton*

Salaries:		
Officers and employees	$2,646,106	
New positions	45,878	
Food in lieu of cash	29,414	
		$2,721,398

Materials and Supplies		$680,942
Services Other Than Personal		163,538
Maintenance of Property:		
Recurring	$30,100	
Non-Recurring and Replacements	42,966	
		73,066
Extraordinary:		
Compensation awards		9,700
Additions and Improvements		18,240
Total Appropriation, State Prison, Trenton		$3,666,884

732-100. *State Prison Farm, Rahway*

Salaries:		
Officers and employees	$1,907,612	
New positions	19,968	
Food in lieu of cash	24,048	
		$1,951,628
Materials and Supplies		594,686
Services Other Than Personal		145,948
Maintenance of Property:		
Recurring	$31,200	
Non-Recurring and Replacements	65,160	
		96,360
Extraordinary:		
Compensation awards		20,000
Additions and Improvements		6,711
Total Appropriation, State Prison Farm, Rahway		$2,815,333

The unexpended balance as of June 30, 1970 in the "Control—Dental Laboratory" account is hereby appropriated for costs in connection with the operation of the Dental Laboratory.

732-300. *Regional Laundry*

The unexpended balance in this account as of June 30, 1970, 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:		
Officers and employees	$1,402,712	
New positions	92,048	
Food in lieu of cash	20,844	
		$1,515,604
Materials and Supplies		372,204
Services Other Than Personal		84,879
Maintenance of Property:		
Recurring	$14,800	
Non-Recurring and Replacements	9,915	
		24,715
Extraordinary:		
Compensation awards		4,328
Additions and Improvements		4,900
Total Appropriation, State Prison, Leesburg		$2,006,630

734-100. *State Reformatory, Bordentown*

Salaries:		
Officers and employees	$1,870,356	
New positions	33,500	
Food in lieu of cash	22,754	
		$1,926,610
Materials and Supplies		383,117
Services Other Than Personal		125,384

Maintenance of Property:		
Recurring	$36,550	
Non-Recurring and Replacements	56,800	
		$93,350
Additions and Improvements		8,677
Total Appropriation, State Reformatory, Bordentown		$2,537,138

735-100. *Youth Reception and Correction Center, Yardville*

Salaries:		
Officers and employees	$2,455,809	
New positions	46,315	
Food in lieu of cash	30,726	
		$2,532,850
Materials and Supplies		399,680
Services Other Than Personal		94,939
Maintenance of Property:		
Recurring	$22,000	
Non-Recurring and Replacements	16,273	
		38,273
Extraordinary:		
Robert Bruce House Operation		53,847
Additions and Improvements		31,692
Total Appropriation, Youth Reception and Correction Center, Yardville		$3,151,281

737-100. *State Reformatory for Women, Clinton*

Salaries:		
Officers and employees	$1,554,087	
New positions	13,368	
Food in lieu of cash	11,224	
		$1,578,679
Materials and Supplies		181,330
Services Other Than Personal		80,935

Maintenance of Property:		
Recurring	$19,700	
Non-Recurring and Replacements	21,653	
		$41,353
Extraordinary:		
Compensation awards		4,380
Additions and Improvements		18,534
Total Appropriation, State Reformatory for Women, Clinton		$1,905,211

738-100. *State Reformatory, Annandale*

Salaries:		
Officers and employees	$1,882,475	
Food in lieu of cash	22,374	
		$1,904,849
Materials and Supplies		344,802
Services Other Than Personal		109,286
Maintenance of Property:		
Recurring	$26,300	
Non-Recurring and Replacements	43,477	
		69,777
Additions and Improvements		28,943
Total Appropriation, State Reformatory, Annandale		$2,457,657

739-100. *Training School for Boys*

Salaries:		
Officers and employees	$1,112,697	
New positions	19,271	
		$1,131,968
Materials and Supplies		132,700
Services Other Than Personal		28,619
Maintenance of Property:		
Recurring	$9,300	
Non-Recurring and Replacements	2,165	
		11,465

Additions and Improvements		$19,226
Total Appropriation, Training School for Boys		$1,323,978

740-100. *State Home for Boys, Jamesburg*

Salaries:		
Officers and employees	$2,085,900	
Food in lieu of cash	5,166	
		$2,091,066
Materials and Supplies		250,863
Services Other Than Personal		53,321
Maintenance of Property:		
Recurring	$32,600	
Non-Recurring and Replacements	47,776	
		80,376
Additions and Improvements		12,619
Total Appropriation, State Home for Boys, Jamesburg		$2,488,245

741-100. *State Home for Girls, Trenton*

Salaries:		
Officers and employees	$1,053,227	
Food in lieu of cash	3,240	
		$1,056,467
Materials and Supplies		64,267
Services Other Than Personal		35,752
Maintenance of Property:		
Recurring	$12,900	
Non-Recurring and Replacements	18,390	
		31,290
Extraordinary:		
Pre-release community project	$12,000	
Compensation awards	8,600	
		20,600
Additions and Improvements		3,755
Total Appropriation, State Home for Girls, Trenton		$1,212,131

743-100. *Residential Group Center, Highfields*

Salaries:		
Officers and employees	$53,300	
Food in lieu of cash	288	
		$53,588
Materials and Supplies		12,660
Services Other Than Personal		1,472
Maintenance of Property		1,000
Total Appropriation, Residential Group Center, Highfields		$68,720

745-100. *Residential Group Center, Warren*

Salaries:		
Officers and employees	$50,598	
Food in lieu of cash	792	
		$51,390
Materials and Supplies		12,635
Services Other Than Personal		1,708
Maintenance of Property:		
Recurring	$1,325	
Non-Recurring and Replacements	2,110	
		3,435
Additions and Improvements		72
Total Appropriation, Residential Group Center, Warren		$69,240

746-100. *Residential Group Center, Ocean*

Salaries:		
Officers and employees	$52,746	
Food in lieu of cash	432	
		$53,178
Materials and Supplies		14,665
Services Other Than Personal		2,032

Maintenance of Property:		
Recurring	$1,350	
Non-Recurring and Replacements	680	
		$2,030
Additions and Improvements		1,410
Total Appropriation, Residential Group Center, Ocean		$73,315

747-100. *Residential Group Center, Turrell*

Salaries:		
Officers and employees	$50,425	
Food in lieu of cash	792	
		$51,217
Materials and Supplies		11,872
Services Other Than Personal		3,122
Maintenance of Property:		
Recurring	$1,300	
Non-Recurring and Replacements	1,916	
		3,216
Additions and Improvements		2,200
Total Appropriation, Residential Group Center, Turrell		$71,627

760-100. *Division of Mental Retardation*

Salaries:		
Officers and employees	$734,981	
New positions	11,431	
		$746,412
Materials and Supplies		7,550
Services Other Than Personal		75,845
Maintenance of Property:		
Recurring	$2,000	
Non-Recurring and Replacements	1,283	
		3,283

Extraordinary:		
Family care	$178,200	
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 not exceeding $75,000	2,160,000	
Day Care	2,124,000	
Foster grandparents program	50,000	
		$4,512,200
Additions and Improvements		1,414
Total Appropriation, Division of Mental Retardation		$5,346,704

The unexpended balances as of June 30, 1970, in the accounts "Purchase of Residential Care" and "Day Care" are hereby appropriated.

The sum hereinabove appropriated for "Purchase of Residential Care" shall be available for the payment of bills applicable to prior fiscal years.

762-100. *Vineland State School*

Salaries:		
Officers and employees	$5,677,854	
New positions	180,529	
Food in lieu of cash	28,955	
		$5,887,338
Materials and Supplies		920,350
Services Other Than Personal		117,045
Maintenance of Property:		
Recurring	$47,800	
Non-Recurring and Replacements	80,988	
		128,788
Extraordinary:		
Compensation awards		20,000
Additions and Improvements		67,044
Total Appropriation, Vineland State School		$7,140,565

763-100. *North Jersey Training School, Totowa*

Salaries:		
Officers and employees	$3,284,710	
New positions	48,473	
Food in lieu of cash	9,455	
		$3,342,638
Materials and Supplies		533,357
Services Other Than Personal		144,069
Maintenance of Property:		
Recurring	$38,250	
Non-Recurring and Replacements	47,360	
		85,610
Extraordinary:		
Compensation awards		22,000
Additions and Improvements		64,348
Total Appropriation, North Jersey Training School, Totowa		$4,192,022

764-100. *State Colony, Woodbine*

Salaries:		
Officers and employees	$3,464,318	
Food in lieu of cash	20,971	
		$3,485,289
Materials and Supplies		524,906
Services Other Than Personal		47,678
Maintenance of Property:		
Recurring	$33,300	
Non-Recurring and Replacements	51,978	
		85,278
Additions and Improvements		9,831
Total Appropriation, State Colony, Woodbine		$4,152,982

765-100. *State Colony, New Lisbon*

Salaries:		
Officers and employees	$3,221,095	
Food in lieu of cash	9,695	
		$3,230,790
Materials and Supplies		628,852
Services Other Than Personal		89,994
Maintenance of Property:		
Recurring	$37,850	
Non-Recurring and Replacements	49,784	
		87,634
Extraordinary:		
Compensation awards		8,242
Additions and Improvements		23,431
Total Appropriation, State Colony, New Lisbon		$4,068,943

766-100. *Woodbridge State School*

Salaries:		
Officers and employees	$4,344,183	
New positions	38,175	
Food in lieu of cash	1,080	
		$4,383,438
Materials and Supplies		680,731
Services Other Than Personal		171,632
Maintenance of Property:		
Recurring	$36,750	
Non-Recurring and Replacements	30,057	
		66,807
Extraordinary:		
Compensation awards		20,000
Additions and Improvements		64,522
Total Appropriation, Woodbridge State School		$5,387,130

767-100. *Hunterdon State School*

Salaries:		
Officers and employees	$3,102,861	
New positions	162,376	
		$3,265,237
Materials and Supplies		507,400
Services Other Than Personal		140,252
Maintenance of Property		26,240
Additions and Improvements		92,467
Total Appropriation, Hunterdon State School		$4,031,596

768-100. *Edward R. Johnstone Training and Research Center*

Salaries:		
Officers and employees	$2,222,137	
Food in lieu of cash	7,930	
		$2,230,067
Materials and Supplies		232,931
Services Other Than Personal		67,999
Maintenance of Property:		
Recurring	$30,000	
Non-Recurring and Replacements	40,557	
		70,557
Additions and Improvements		62,848
Total Appropriation, Edward R. Johnstone Training and Research Center		$2,664,402

769-100. *Somerset State School*

Salaries:	
New positions	$21,860
Materials and Supplies	950
Services Other Than Personal	1,510
Additions and Improvements	3,687
Total Appropriation, Somerset State School	$28,007

770-100. *Division of Mental Health and Hospitals*

Salaries:		
Officers and employees	$354,064	
New positions	8,124	
		$362,188
Materials and Supplies		5,620
Services Other Than Personal		60,143
Maintenance of Property:		
Recurring	$1,100	
Non-Recurring and Replacements	960	
		2,060
Additions and Improvements		5,702
Total Appropriation, Division of Mental Health and Hospitals		$435,713

777-100. *State Hospital, Greystone Park*

Salaries:		
Officers and employees	$12,922,809	
Food in lieu of cash	164,235	
		$13,087,044
Materials and Supplies		1,942,821
Services Other Than Personal		394,844
Maintenance of Property:		
Recurring	$187,350	
Non-Recurring and Replacements	220,437	
		407,787
Extraordinary:		
Outpatient drugs	$5,000	
Compensation awards	60,000	
Family care	244,300	
		309,300
Additions and Improvements		224,729
Total Appropriation, State Hospital, Greystone Park		$16,366,525

779-100. *State Hospital, Trenton*

Salaries:		
Officers and employees	$11,107,172	
Food in lieu of cash	51,590	
		$11,158,762
Materials and Supplies		1,319,024
Services Other Than Personal		201,706
Maintenance of Property:		
Recurring	$92,863	
Non-Recurring and Replacements	202,730	
		295,593
Extraordinary:		
Outpatient drugs	$12,000	
Compensation awards	50,000	
Family care	192,170	
		254,170
Additions and Improvements		147,987
Total Appropriation, State Hospital, Trenton		$13,377,242

781-100. *State Hospital, Marlboro*

Salaries:		
Officers and employees	$8,513,122	
Food in lieu of cash	55,884	
		$8,569,006
Materials and Supplies		676,994
Services Other Than Personal		273,084
Maintenance of Property:		
Recurring	$85,900	
Non-Recurring and Replacements	154,459	
		240,359
Extraordinary:		
Outpatient drugs	$50,000	
Compensation awards	75,000	
Family care	436,750	
		561,750

Additions and Improvements		$73,492
Total Appropriation, State Hospital, Marlboro		$10,394,685

783-100. *State Hospital, Ancora*

Salaries:		
Officers and employees	$7,414,692	
Food in lieu of cash	109,388	
		$7,524,080
Materials and Supplies		929,494
Services Other Than Personal		124,922
Maintenance of Property:		
Recurring	$64,800	
Non-Recurring and Replacements	141,314	
		206,114
Extraordinary:		
Outpatient drugs	$25,000	
Compensation awards	20,000	
Family care	305,725	
		350,725
Additions and Improvements		117,939
Total Appropriation, State Hospital, Ancora		$9,253,274

785-100. *Neuropsychiatric Institute*

Salaries:		
Officers and employees	$5,284,535	
Food in lieu of cash	27,005	
		$5,311,540
Materials and Supplies		563,167
Services Other Than Personal		145,647
Maintenance of Property:		
Recurring	$59,250	
Non-Recurring and Replacements	75,207	
		134,457

Extraordinary:		
Outpatient drugs	$6,800	
Compensation awards	18,000	
Family care	34,940	
Mental health research	525,000	
		$584,740
Additions and Improvements		67,062
Total Appropriation, Neuropsychiatric Institute		$6,806,613

790-100. *Arthur Brisbane Child Treatment Center*

Salaries:		
Officers and employees	$595,879	
Food in lieu of cash	5,256	
		$601,135
Materials and Supplies		64,338
Services Other Than Personal		18,794
Maintenance of Property:		
Recurring	$7,800	
Non-Recurring and Replacements	21,160	
		28,960
Additions and Improvements		2,380
Total Appropriation, Arthur Brisbane Child Treatment Center		$715,607

792-100. *Diagnostic Center*

Salaries:		
Officers and employees	$1,122,025	
Food in lieu of cash	4,893	
		$1,126,918
Materials and Supplies		86,496
Services Other Than Personal		32,339
Maintenance of Property:		
Recurring	$11,586	
Non-Recurring and Replacements	7,860	
		19,446

Extraordinary:	
Sex offender program	$169,950
Additions and Improvements	3,976
Total Appropriation, Diagnostic Center	$1,439,125

794-100. *State Sanatorium for Chest Diseases, Glen Gardner*

Salaries:		
Officers and employees	$1,808,326	
Food in lieu of cash	22,387	
		$1,830,713
Materials and Supplies		256,237
Services Other Than Personal		45,455
Maintenance of Property:		
Recurring	$22,600	
Non-Recurring and Replacements	47,278	
		69,878
Additions and Improvements		10,469
Total Appropriation, State Sanatorium for Chest Diseases, Glen Gardner		$2,212,752
Total Appropriation, Department of Institutions and Agencies		$164,659,664

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, 1970 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 pur-

chase of additional material and other expenses incident to such sale or manufacture.

Unexpended balances as of June 30, 1970 of funds received by the several institutions representing rental of garages, together with such funds as may be received during the fiscal year 1970-71, are hereby appropriated for the repair and maintenance of existing garages and for the construction of additional garages by such institutions.

Payments received by the State from employers of prisoners on their behalf as part of any work release program authorized pursuant to Chapter 22, P. L. 1969 are hereby appropriated for the purposes provided therein.

DEPARTMENT OF COMMUNITY AFFAIRS

800-100. *Administrative Division*

Salaries:		
Commissioner	$38,000	
Officers and employees	377,599	
		$415,599
Materials and Supplies		6,600
Services Other Than Personal		96,829
Maintenance of Property		300
Total Appropriation, Administrative Division		$519,328

802-100. *Hackensack Meadowlands Development Commission*

The unexpended balance as of June 30, 1970 in this account is hereby appropriated.

803-100. *New Jersey Urban Loan Authority*

The unexpended balance as of June 30, 1970 in this account is hereby appropriated.

805-100. *Office of Community Services*

Salaries:		
Officers and employees		$268,100
Materials and Supplies		4,800
Services Other Than Personal		34,120
Maintenance of Property:		
Recurring	$600	
Non-Recurring and Replacements	100	
		700
Additions and Improvements		220
Total Appropriation, Office of Community Services		$307,940

810-100. *Division of Local Finance*

Salaries:		
Board Members (3 @ $6,000)	$18,000	
Officers and employees	407,434	
		$425,434
Materials and Supplies		17,890
Services Other Than Personal		73,196
Maintenance of Property:		
Recurring	$910	
Non-Recurring and Replacements	4,665	
		5,575
Additions and Improvements		405
Total Appropriation, Division of Local Finance		$522,500

815-100. *Division of Housing and Urban Renewal*

Salaries:	
Officers and employees	$304,885
Materials and Supplies	5,400
Services Other Than Personal	24,813

Maintenance of Property:		
Recurring	$400	
Non-Recurring and Replacements	2,000	
		$2,400
Extraordinary:		
Co-operative Housing Inspection Program		675,000
Additions and Improvements		2,000
Total Appropriation, Division of Housing and Urban Renewal		$1,014,498

820-100. *Division of State and Regional Planning*

Salaries:		
Officers and employees	$274,323	
New positions	18,908	
		$293,231
Materials and Supplies		11,300
Services Other Than Personal		34,354
Maintenance of Property:		
Recurring	$800	
Non-Recurring and Replacements	2,085	
		2,885
Extraordinary:		
For the State 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	$135,000	

For the State share of the cost of land development planning aspects 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 Comsioner of the Department of Community Affairs	$43,000	
Co-operative Governmental Planning	100,000	
		$278,000
Additions and Improvements		556
Total Appropriation, Division of State and Regional Planning		$620,326

The unexpended balance as of June 30, 1970 in the account "Co-operative Governmental Planning" is hereby appropriated.

Receipts from the sale of printed material are hereby appropriated as a revolving fund for the purpose of printing and reprinting literature for sale.

825-100. *Division on Aging*

Salaries:	
Officers and employees	$92,970
Materials and Supplies	9,600
Services Other Than Personal	18,146

Maintenance of Property:		
Recurring	$500	
Non-Recurring and Replacements	475	
		$975
Extraordinary:		
Conference on aging	$1,500	
Survey and demonstration projects	15,000	
		16,500
Total Appropriation, Division on Aging		$138,191

The unexpended balance as of June 30, 1970 in the account "Survey and Demonstration Projects," is hereby appropriated; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

The unexpended balance as of June 30, 1970 in the account "Older Americans Act—State Share," is hereby appropriated 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	
Officers and employees	28,622	
		$42,122
Materials and Supplies		1,450
Services Other Than Personal		6,474
Maintenance of Property		300
Extraordinary:		
White House conference on children and youth		10,000
Total Appropriation, Division of Youth		$60,346

840-100. *Women's Division*

Salaries:		
Director		$13,000
Extraordinary:		
Expenses of the division		25,000
Total Appropriation, Women's Division		$38,000
Total Appropriation, Department of Community Affairs		$3,221,129

MISCELLANEOUS EXECUTIVE COMMISSIONS

911-100. *Palisades Interstate Park Commission*

Salaries:		
Officers and employees	$750,242	
New positions	8,124	
		$758,366
Materials and Supplies		41,060
Services Other Than Personal		38,152
Maintenance of Property:		
Recurring	$41,550	
Non-Recurring and Replacements	67,435	
		108,985
Additions and Improvements		3,600
Total Appropriation		$950,163

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 as of June 30, 1970, from such revenues 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, 1970 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:		
Officers and employees		$494,858
Materials and Supplies		22,040
Services Other Than Personal		11,840
Maintenance of Property:		
Recurring	$13,200	
Non-Recurring and Replacements	18,900	
		32,100
Total Appropriation		$560,838

913-100. *Interstate Sanitation Commission*

Extraordinary:		
New Jersey Share of Administrative Costs:		
Water Pollution (45%)	$105,459	
Air Pollution (45%)	45,000	
Total Appropriation		$150,459

914-100. *Delaware River Basin Commission*

Extraordinary:	
Expenses of the Commission	$318,400

The unexpended balance as of June 30, 1970 in this account is hereby appropriated.

Total Appropriation, Miscellaneous Executive Commissions	$1,979,860

INTER AND NON-DEPARTMENTAL ITEMS

940-100. *Inter-Departmental Services*

Services Other Than Personal:		
Rent:		
Buildings and Grounds	$12,565,797	
Health-Agriculture Building	664,200	
Education Building	332,356	
Cultural Center	541,261	
Sub-Total Appropriation		$14,103,614
Less: Direct Charges and Charges to Non-State Fund Sources		*4,307,477*
Total Appropriation, Inter-Departmental Services		$9,796,137

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 ex-

ecuted 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	$121,000	
Veterans' Act	181,000	
Miscellaneous Special Acts	14,000	
Governors' Widows' Annuity	12,000	
Judicial Pensions	895,000	
Prison Officers' Pensions	556,000	
Public Employees' Retirement System	22,564,814	
Premium for Non-Contributory Insurance	2,735,905	
State Share of Social Security Tax	17,150,000	
State Police Retirement System	6,509,376	
Premium for Non-Contributory insurance—State Police	181,200	
State Employees' Health Benefits	6,145,000	
Pension Increase Act	3,478,000	
Employer Contributions, Teachers' Insurance and Annuity Association	5,185,000	
Pension and Insurance Contributions Payable to Teachers' Pension and Annuity Fund for Higher Education and State Employee Members	2,397,168	
Total Appropriation, Employee Benefits		$68,125,463

The unexpended balance as of June 30, 1970 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 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 $4,000 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 N. J. S. A. 43:8–2, and continued by N. J. S. A. 43:7–1 et seq. and 43:8–1 et seq. and 43:8–8 et seq.

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 N. J. S. A. 43:15A–88 et seq.

Notwithstanding the provisions of any other law, the sum appropriated for the "Public Employees' Retirement System" may be paid to the System as follows: ½ of such sum may be paid on July 1, 1970 and ½ of such sum may be paid not later than January 1, 1971 together with any earnings received from the investment or deposit of such sum during the period July 1, 1970 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 therefor shall be enacted; provided, however, that a sum not in excess of $5,000 shall be available for the expense of officially receiving dignitaries and for incidental expenses including lunches for non-salaried board members and others for whom official reception shall be beneficial to the State. Allotments from this appropriation shall be made only upon authorization of the Governor	$450,000	
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	100,000	
To the Director of the Division of Budget and Accounting for transfer to meet contingencies which may result from increases in the price of food, clothing and household supplies beyond those anticipated for consumption by patients or inmates in the care of the Department of Institutions and Agencies and by students maintained at the Marie H. Katzenbach School for the Deaf, as the Director of the Division of Budget and Accounting shall determine	350,000	
For allotment to the various departments or agencies as may be required as a reserve for postage and telephone cost contingencies upon approval of the Director of the Division of Budget and Accounting	200,000	
Total Appropriation, State Emergency Fund		$1,100,000

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 salary adjustments to State employees resulting from selective revisions in salary ranges for class titles for which salary ranges and funds have been provided on the date prior to the beginning of the bi-weekly pay period nearest to either July 1, 1970 or September 1, 1970 for the respective class titles assigned to salary ranges and reasonably comparable salary adjustments to State employees in certain no range or single-rate positions, other than positions for which salaries are required to be provided by law; as the various exigencies of the State service may require. Placement at any step or rate 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 based, insofar as practicable, upon the recommendations in the Report to the Governor and the Legislature pursuant to chapter 304, P. L. 1968.	$30,000,000
Total Appropriation, Salary Adjustments and Increments	$30,000,000

No salary range or rate of pay shall be increased or salary adjustments paid in any State department, agency, commission or higher education institution without the prior 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.

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 bi-weekly pay period nearest to July 1, 1970.

Any sums appropriated for salaries shall be made available for any person holding State office, position or employment, whose compensation is paid directly or indirectly, in whole or in part, from State funds, including any person holding office, position or employment in any educational institution for which appropriations are made to the State University, the New Jersey College of Medicine and Dentistry or to the State Board of Higher Education for the Newark College of Engineering, or holding office, position or employment under the Delaware River Joint Toll Bridge Commission, the Palisades Interstate Park Commission and the Interstate Sanitation Commission.

Such additional sums which may be required as the State share for social security taxes, resulting from the implementation of the salary adjustments hereinabove, may be transferred to Account 941-100, Employee Benefits, as the Director of the Division of Budget and Accounting shall determine.

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.

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 N. J. S. A. 54:14–17.3 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, 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	$4,000,000
Total Appropriation, Additional Overtime Compensation	$4,000,000
Total Appropriation, Inter and Non-Departmental Items	$112,771,600

970-100. *The Judiciary*

Salaries:		
Chief Justice	$37,000	
Associate Justice (6 @ $36,000)	216,000	
Judges (78 @ $32,000)	2,456,000	
Administrative Director	27,000	
Clerk Supreme Court	22,000	
Clerk Superior Court	22,000	
Officers and Employees	4,522,141	
New Positions	152,304	
		$7,454,445

Materials and Supplies		$237,382
Services Other Than Personal		394,440
Maintenance of Property:		
Recurring	$14,700	
Non-Recurring and Replacement	6,675	
		21,375
Extraordinary:		
Release on Recognizance Project		38,500
Additions and Improvements		33,000
Total Appropriation, The Judiciary		$8,179,142
Total Appropriation, General State Operations		$655,290,320

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 N. J. S. A. 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 N. J. S. A. 4:11–48, approximating	500	
Total Appropriation, Department of Law and Public Safety		$4,500

DEPARTMENT OF THE TREASURY

Administrative Division

210-150. *Storm Relief Fund—State Aid*

The unexpended balance as of June 30, 1970 in this account is hereby appropriated to implement the provisions of Chapter 57, P. L. 1968, as amended.

Division of Taxation

240-150. *Payment to Counties (Five Per Centum Inheritance Taxes)—State Aid*

Payment to Counties (5% of Inheritance Taxes) N. J. S. A. 54:33–10	$3,300,000

There are hereby appropriated such additional funds as may be required for payments to each county pursuant to N. J. S. A. 54:33–10.

241-150. *County Boards of Taxation—State Aid*

Salaries:	
Members (69)	$410,625

Division of Taxation

245-150. *Payments to Municipalities (In Lieu of Railroad Property Tax)—State Aid*

State Aid to certain municipalities in which railroad property is located, pursuant to N. J. S. A. 54:29A–2 et seq.	$10,733,527	
Less: Amount due from the assessment of class II railroad property as adjusted	*7,312,073*	
Total Appropriation		$3,421,454

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 N. J. S. A. 54:29A–2 et seq.

246-150. *Payments to Municipalities (In Lieu of Business Personalty Tax)—State Aid*

For State Aid to Municipalities to avoid loss of revenue to municipalities resulting from elimination of local property tax on business personalty $9,300,000

The unexpended balance as of June 30, 1970 in this account is hereby appropriated to implement the provisions of N. J. S. A. 54:11D–5.

There shall be distributed to or reserved for the several municipalities such sums as may be derived from the taxes received pursuant to N. J. S. A. 54:11D–1.

247-150. *Distribution of 10% of Net Sales Tax Revenues to Municipalities*

Distribution of 10% of net Sales Tax revenues for fiscal year 1969 to municipalities pursuant to N. J. S. A. 54:32B–30 et seq. $25,000,000

Division of Pensions

295-150. *Consolidated Police and Firemen's Pension Fund—State Aid*

State contribution pursuant to the provisions of N. J. S. A. 43:16–1 et seq. $6,621,111

Total Appropriation, Department of the Treasury $48,053,190

DEPARTMENT OF PUBLIC UTILITIES

350-150. *Grade Crossing Elimination—State Aid*

The unexpended balance as of June 30, 1970 in this account is hereby appropriated.

There is hereby appropriated from the State Transportation Fund an amount of $2,000,000 for transfer to the Department of Public Utilities for the public share of the cost of eliminating grade crossings in accordance with N. J. S. A. 48:12–61 et seq.; provided, however, that not more than a sum of $150,000 thereof may be used for administration expenses.

DEPARTMENT OF HEALTH

360-150. *General—State Aid*

Salaries:		
Officers and employees		$125,621
Materials and Supplies		900
Services Other Than Personal		6,000
Maintenance of Property		50
Extraordinary:		
Dental Health Services, pursuant to N. J. S. A. 26:1A–37F	$38,646	
State Aid for Basic Health Services, pursuant to N. J. S. A. 26:2F–4	525,000	
Special Projects and Development, pursuant to N. J. S. A. 26:2F–7	200,000	
State Equalization Aid for Local Health, pursuant to N. J. S. A. 26:2F–6	4,000,000	
Drug Addiction Treatment Services pursuant to N. J. S. A. 30:60–1	600,000	
		5,363,646
Total Appropriation		$5,496,217

The unexpended balance as of June 30, 1970 in this account is hereby appropriated.

The capitation is hereby set at $2.00 for the calendar year 1971 for the purposes prescribed in N. J. S. A. 26:2F–1 et seq.

The sums hereinabove appropriated for "Drug Addiction Treatment Services Pursuant to N. J. S. A. 30:60–1," may be available for the payment of bills applicable to prior fiscal years.

378-150. *Crippled Children's Program—State Aid*

Extraordinary:		
Hospitalization and Convalescent Care	$2,096,870	
Appliances	31,250	
Total Appropriation		$2,128,120
Total Appropriation, Department of Health		$7,624,337

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Natural Resources

420-150. *Inland Waterways and Shore Protection—State Aid*

Salaries:		
New positions	$122,733	
Positions transferred from General State Operations	99,999	
		$222,732
Materials and Supplies		6,720
Services Other Than Personal		4,750
Maintenance of Property:		
Recurring	$4,550	
Non-Recurring and Replacements	14,055	
		18,605
Sub-Total Appropriation		$252,807

Local Government—Grants

Construction, maintenance, improvement and dredging of Inland Waterways; bulkheading and dredging at State Marinas; and dredging State-controlled lakes	$500,000	
Control of obnoxious aquatic vegetation in State-controlled lakes	25,000	
State share of shore protection projects, pursuant to N. J. S. A. 12:6A–1 et seq.; contingent upon no less than 25% participation by local governments	1,675,000	
State share of cooperative shore protection studies with the Federal government	50,000	
		$2,250,000
Total Appropriation		$2,502,807

The unexpended balance as of June 30, 1970 in this account is hereby appropriated.

From the amount provided herein for "Shore Protection Projects, pursuant to N. J. S. A. 12:6A–1 et seq.," a sum not to exceed $100,000 may be made available, without matching, for exploratory work to locate borrow material for beachfill, to protect the beach and property at Sandy Hook State Park and to maintain and repair existing shore protection jetties and groins heretofore constructed with State aid.

435-450. *State Sewerage Facilities Loan Fund—State Aid*

The unexpended balance as of June 30, 1970 in this account is hereby appropriated in an amount not to exceed $150,000.

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	$150,000	
For transfer to the Agricultural Experiment Station for mosquito control and extermination pursuant to N. J. S. A. 26:9–12.6	350,000	
For transfer to the Agricultural Experiment Station for mosquito control on State-owned land	25,000	
Total Appropriation		$525,000
The unexpended balance as of June 30, 1970 in this account is hereby appropriated.		
Total Appropriation, Department of Environmental Protection		$3,027,807

DEPARTMENT OF EDUCATION

Commissioner's Office

500-150. *Educational Purposes—State Aid*

Salaries:		
County Superintendents	$470,224	
Officers and employees	1,475,044	
Positions transferred from another division	24,499	
Positions established from lump sum appropriation	255,127	
		$2,224,894
Materials and Supplies		108,050
Services Other Than Personal		104,100
Maintenance of Property		1,000
Extraordinary:		
Senator James F. Murray Junior Historian Fund	$25,000	

Innovative Education Grants	$100,000	
Head Start Projects Assistance ...	100,000	
Interest on Public Building Construction Bonds—Act of 1968....	123,622	
Urban Education Corps	548,755	
Newark Museum Association	300,000	
		$1,197,377
Additions and Improvements		2,000
Grants-in-Aid:		
State school aid (18:10–29.30 et seq.) formula (foundation, equalization and minimum)	$216,875,582	
Transportation	28,282,886	
State school lunch aid	3,400,000	
Emergency fund	200,000	
School building aid	29,638,725	
School building aid debt service....	3,130,300	
Special education programs	29,115,934	
Children resident in institutions ...	433,300	
Children resident on State-owned property	296,100	
Evening schools for foreign born residents	96,000	
Adult education—high school equivalency	1,182,780	
Adult education	500,000	
Adult literacy program	943,338	
Technical education	100,000	
Schools for industrial education ...	75,000	
Work-Study Program	200,000	
Manpower Development and Training Program—State share	200,000	
District and Regional Vocational Schools	784,810	
Vocational education	3,250,000	
Public school safety act	660,000	
County audio-visual aid centers ...	100,000	
		$319,464,755
Total Appropriation		$323,102,176

The unexpended balances as of June 30, 1970 in the Grants-in-Aid accounts entitled "School Building Aid Debt Service," "Vocational Education," "Public School Safety Act," "State School Lunch Aid," "Work-Study Program," and "Manpower Development and Training Program —State Share" are hereby appropriated.

The unexpended balance not to exceed $250,000, as of June 30, 1970, in the remaining Grants-in-Aid accounts is hereby appropriated.

The receipts derived from the sale of School Law Decisions and other publications and printed materials are hereby appropriated as a revolving account for the purpose of printing and purchasing such publications and materials for resale.

501-150. *Employee Benefits—Public School Teachers and College Faculties—State Aid*

State Contribution to Teachers' Pension and Annuity Fund:		
Normal contribution	$77,343,890	
Class B liability and deficiency contribution	6,882,446	
Payment on behalf of local employee veterans appointed after January 1, 1955	186,810	
Liability for offset elimination (N. J. S. A. 18A:66–68)	6,014,464	
Premium for non-contributory insurance	5,664,378	
State share of Social Security Tax	33,751,000	
		$129,842,988

The unexpended balance as of June 30, 1970 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 adjustment in the "Premium for Non-contributory Insurance" shall be reflected in the appropriation for "Normal Contribution."

Notwithstanding the provisions of any other law, the sum appropriated for the "State Contribution to Teachers' Pension and Annuity Fund" may be paid to the Fund as follows: ½ of such sum may be paid on July 1, 1970 and ½ of such sum may be paid not later than January 1, 1971, together with any earnings received from the investment or deposit of such sum during the period July 1, 1970 through the date of such payment.

520-150. *Division of State Library, Archives and History—State Aid*

Salaries:		
Position established from lump-sum appropriation		$82,985
Materials and Supplies		19,120
Services Other Than Personal		6,000
Extraordinary:		
Research Library Contracts	$250,000	
Work Shops	5,000	
		255,000
Grants-in-Aid:		
State Aid for certain libraries		5,650,000
Total Appropriation		$6,013,105
Total Appropriation, Department of Education		$458,958,269

DEPARTMENT OF HIGHER EDUCATION

Office of the Chancellor

540-150. *Educational Purposes—State Aid*

County Colleges:	
Operational costs	$20,000,000
Schools of professional nursing	1,718,000
Interest on public buildings construction bonds—Act of 1968	211,285
Total Appropriation, Department of Higher Education	$21,929,285

The unexpended balance as of June 30, 1970 in this account is hereby appropriated.

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:		
Officers and employees		$967,256
Materials and Supplies		8,890
Services Other Than Personal		31,550
Maintenance of Property:		
Recurring	$250	
Non-Recurring and Replacements	2,230	
		2,480
Additions and Improvements		1,570
Sub-Total Appropriation		$1,011,746

Counties and Municipalities—Grants

Construction, reconstruction, maintenance and repair, operation, policing, and lighting of county roads and bridges; for the payment of the principal and interest of obligations heretofore incurred for any of such purposes and for the extension of the county highway system pursuant to N. J. S. A. 52:27B–20	$8,000,000	
Construction, reconstruction, maintenance and repairs of county roads and bridges on the basis of $55,000 per county pursuant to N. J. S. A. 27:14–1	1,155,000	
Construction, reconstruction, grading, drainage, maintenance, lighting or repair of municipal roads pursuant to N. J. S. A. 27:15–1	4,500,000	
Construction or reconstruction of municipal roads on the basis of $100,000 per county pursuant to N. J. S. A. 27:15–1.14	2,100,000	
County and municipal aid for lighting	445,000	
Reconstruct county and municipal roads pursuant to N. J. S. A. 27:13–10 et seq.	200,000	
State Aid for county and municipal highways, in accordance with State Aid Road System Act of 1967	15,000,000	
Sub-Total Appropriation		$31,400,000

The unexpended balance as of June 30, 1970 in this account is hereby appropriated.

Total Appropriation, Department of Transportation	$32,411,746

DEPARTMENT OF INSTITUTIONS AND AGENCIES

Administration—General

700-150. *Veterans' Services—State Aid*

Veterans' Orphans Fund—Educational	$146,500	
Payment to Blind Veterans	33,000	
Payment to Paraplegics, Hemiplegic Veterans	162,500	
Total Appropriation		$342,000

The unexpended balance as of June 30, 1970 in this account is hereby appropriated.

Division of Medical Assistance and Health Services

714-150. *Medical Assistance—State Aid*

For the purpose of making payments for the State share of medical assistance pursuant to N. J. S. A. 30:4D–1 et seq. $82,000,000

The unexpended balance as of June 30, 1970 in this account, including State net share of reimbursement, and the net balance remaining after full payment of sums due the Federal government of all funds recovered under N. J. S. A. 30:4D–1 et seq. during the fiscal year ending June 30, 1970, and in addition thereto, all such funds recovered under N. J. S. A. 30:4D–1 et seq. during the fiscal year ending June 30, 1971, are hereby appropriated.

The sum hereinabove appropriated shall be available for the payment of bills applicable to prior fiscal years.

Division of Public Welfare—General

715-150. *Old Age Assistance—State Aid*

For the purpose of making payments for the State Share of Old Age Assistance, pursuant to N. J. S. A. 44:7–25 ..... $7,034,000

The unexpended balance as of June 30, 1970 in this account, including State net share of reimbursement, and the net balance remaining after full payment of sums due the Federal government of all funds recovered under N. J. S. A. 44:7–14 during the fiscal year ending June 30, 1970, and in addition thereto, all such funds recovered under N. J. S. A. 44:7–14 during the fiscal year ending June 30, 1971, 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 Share of the Cost of General Assistance, pursuant to N. J. S. A. 44:8–134 .... $12,002,000

Receipts from State administered towns during 1970-71 and the unexpended balance in this account as of June 30, 1970 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 Share of Cost of Assistance to the Permanently and Totally Disabled, pursuant to N. J. S. A. 44:7–38 et seq. $6,756,000

The unexpended balance as of June 30, 1970 in this account, including State net share of reimbursement, and the net balance remaining after full payment of sums due the Federal government of all funds recovered under N. J. S. A. 44:7–14 during the fiscal year ending June 30, 1970, and in addition thereto, all such funds recovered under N. J. S. A. 44:7–14 during the fiscal year ending June 30, 1971 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 Share of Cost of Assistance for Dependent Children, pursuant to N. J. S. A. 44:10–4 et seq $114,011,000

The unexpended balance as of June 30, 1970 in this account, including the State 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 N. J. S. A. 44:10–4 et seq. during the fiscal year ending June 30, 1970, and in addition thereto, all such funds recovered under Section 4 of N. J. S. A. 44:10–4 et seq. during the fiscal year ending June 30, 1971, 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*

The unexpended balance as of June 30, 1970 in this account, including the State net share of reimbursement, and the net balance remaining after full payment of sums due the Federal government of all funds recovered under N. J. S. A. 44:7–82, during the fiscal year ending June 30, 1970, and in addition thereto, all such funds recovered under N. J. S. A. 44:7–82, during the fiscal year ending June 30, 1971, 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 Share of Blind Assistance, pursuant to N. J. S. A. 30:4B–1 et seq. and N. J. S. A. 30:4C–2 et seq. ... $449,000

The unexpended balance as of June 30, 1970 in this account, including the State net share of reimbursement, and the net balance remaining after full payment of sums due the Federal government of all funds recovered under N. J. S. A. 30:4B–1 et seq. during the fiscal year ending June 30, 1970 and, in addition thereto, all such funds recovered under N. J. S. A. 30:4B–1 et seq. during the fiscal year ending June 30, 1971 are hereby appropriated.

The sums hereinabove appropriated shall be available for the payment of bills applicable to prior fiscal years.

Bureau of Children's Services

717-150. *Child Care—State Aid*

For the purpose of making payment for the State Share of Child Care Costs of Children Under the Care of the Bureau of Children's Services, pursuant to N. J. S. A. 30:5	$13,794,450

The unexpended balance as of June 30, 1970 in this account 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	$154,046,450

Division of Mental Health and Hospitals

770-150. *County Mental Hospitals—State Aid*

For the support of patients in County mental hospitals, pursuant to N. J. S. A. 30:4–78:

Atlantic	$246,000
Burlington	207,000
Camden	1,100,000
Cumberland	242,000

Essex	$4,770,000	
Hudson	3,035,000	
Bergen County Geriatric Psychiatric Unit	600,000	
Total Appropriation		$10,200,000

The unexpended balance as of June 30, 1970 in this account 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, Camden, Essex, Hudson, Middlesex, Monmouth, Passaic	$28,000	
Total Appropriation		$28,000

The unexpended balance as of June 30, 1970 in this account 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	$3,500,000
Total Appropriation, Division of Mental Health and Hospitals	$13,728,000

The unexpended balance as of June 30, 1970 in this account 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 sums hereinabove appropriated shall be available for the payment of bills applicable to prior fiscal years.

Total Appropriation, Department of Institutions and Agencies	$250,116,450

DEPARTMENT OF COMMUNITY AFFAIRS

800-150. *Administrative Division—State Aid*

Salaries:		
Officers and employees		$521,067
Materials and Supplies		14,590
Services Other Than Personal		42,015
Additions and Improvements		9,135
Sub-Total Appropriation		$586,807
Grants and Subsidies:		
State and local shares to match non-State fund grants:		
Economic opportunity programs	$1,106,000	
Training programs	264,469	
Youth employment program	1,554,115	

State programs in aid of local agencies:		
Model cities assistance	$2,526,886	
Day care	990,000	
Public Service Training: Internships	253,760	
Housing and urban renewal demonstration projects:		
Revolving housing development and demonstration grant fund pursuant to Chapter 64, P. L. 1969	3,638,000	
Urban renewal assistance not to exceed 50% of local share	761,184	
Code enforcement and housing inspection	918,828	
Relocation and rent supplements	484,887	
Neighborhood education centers pursuant to Chapter 182, P. L. 1968	562,294	
Municipal staff interchange assistance	18,000	
Supplementary municipal aid subject to the enactment of enabling legislation	12,000,000	
Sub-Total Appropriation		$25,078,423
Total Appropriation, Administrative Division		$25,665,230

Appropriations made for "State and Local 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 funds herein appropriated are hereby made available for Relocation and Rent Supplement costs applicable to the fiscal year 1970-71 only; provided, however, that the Commissioner shall be empowered to enter into contracts of not more

than 3 years duration for rent supplements in accordance with the provisions of N. J. S. A. 52:27D–66.

The unexpended balance, not to exceed $600,000, as of June 30, 1970 in this account is hereby appropriated.

Notwithstanding the limitation on "Urban Renewal Assistance not to exceed 50% of Local Share," any advances made under the provisions of N. J. S. A. 52:27D–50, which may subsequently be treated as a grant as therein provided, shall be disregarded in calculating the State's 50% contribution toward the local share; subject to approval of the Director, Division of Budget and Accounting and the Legislative Budget and Finance Director.

Of the amount of $1,800,000 appropriated for "Cooperative Housing Inspection Program" (815-100, General State Operations) and "Code Enforcement and Housing Inspection" above, so much thereof over the sum of $800,000 may be expended contingent upon revenues from fees and penalties levied pursuant to enforcement of the Hotel and Multiple Dwelling Law.

801-150. *Interest on Bonds—State Aid*

Interest on State Housing Assistance Bonds—Chapter 127, P. L. 1968	$116,800

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 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 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 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 $115,000

The unexpended balance as of June 30, 1970 in this account is hereby appropriated and none of the funds appropriated shall be available for expenditure unless matched by a participating local agency; provided, however, that said limitation shall be inapplicable to planning necessitated by the impact of any development or construction, or the removal thereof, by any State agency, State authority or Federal agency. All participating local agencies shall conform with technical standards and procedures established by, and be under contract with, the Department of Community Affairs.

Total Appropriation, Department of Community Affairs $25,897,030

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. A. 2A:3–19 ..... $1,080,000

Total Appropriation, The Judiciary $1,080,000

The unexpended balance as of June 30, 1970 in this account is hereby appropriated.

The amount appropriated hereinabove to the Judiciary shall be available for any deficiency in this account as of June 30, 1970.

Total Appropriation, State Aid $849,102,614

CAPITAL CONSTRUCTION

DEPARTMENT OF LAW AND PUBLIC SAFETY

110-170. *Division of Law*

Capital Construction:		
Alterations to Office Space in State House Annex		$101,159

120-170. *Division of State Police*

Capital Construction:		
Regional Crime Laboratories	$225,000	
Addition to Bureau of Identification —West Trenton	100,000	
Roads and approaches	25,000	
Total Appropriation, Division of State Police		$350,000

The unexpended balance as of June 30, 1970 in this account is hereby appropriated.

135-170. *Division of State Medical Examination*

The unexpended balance as of June 30, 1970 in this account is hereby appropriated.

Division of Motor Vehicles

140-170. *General*

Capital Construction:		
Motor Vehicle Inspection Station, Paramus Area	$89,000	
Advance Planning, Motor Vehicle Facilities	100,000	
Total Appropriation, Division of Motor Vehicles		$189,000

The unexpended balance as of June 30, 1970 in this account is hereby appropriated.

There is hereby appropriated such sum as may be received from the sale or exchange of the Wilson Avenue site in Newark, acquired for a motor vehicle inspection station, for such other site in the city of Newark as may be obtained from the Housing Authority of Newark or the Newark Industrial Corporation which shall be used for the same purpose; provided, however, that said sum shall be applied only to the cost of an inspection station to be built in the city of Newark.

150-170. *Division of Weights and Measures*

The unexpended balance as of June 30, 1970 in this account is hereby appropriated.

Total Appropriation, Department of Law and Public Safety	$640,159

DEPARTMENT OF THE TREASURY

210-170. *Administrative Division*

The unexpended balance as of June 30, 1970 in this account is hereby appropriated.

230-170. *Division of Purchase and Property*

Capital Construction:		
Automatic Control Devices for Mechanical Equipment	$25,000	
Develop engineering data for each State Institution	125,000	
Replacement of Elevators, State Office Building	70,000	
Roads and Approaches	30,000	
Total Appropriation, Division of Purchase and Property		$250,000

The unexpended balance as of June 30, 1970 in this account is hereby appropriated.

Total Appropriation, Department of the Treasury	$250,000

DEPARTMENT OF DEFENSE

342-170. *National Guard and Naval Militia*

Capital Construction:		
Department of Defense, office building, including equipment	$135,000	
New Hangar, Mercer Field	343,000	
Roads and approaches	50,000	
Total Appropriation, National Guard and Naval Militia		$528,000

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 as of June 30, 1970 in this account 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.

346-170. *Division of Civil Defense*

The unexpended balance as of June 30, 1970 in this account is hereby appropriated.

Total Appropriation, Department of Defense	$528,000

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

420-170. *Division of Natural Resources*

The unexpended balance as of June 30, 1970 in this account is hereby appropriated.

The proceeds derived from the sale or exchange, based upon fair market value, of State-owned land and marinas are hereby appropriated for the acquisition of other lands or for the construction of new buildings to be used by the Division of Natural Resources; provided, however, that expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

430-170. *Division of Water Policy and Supply*

Capital Construction:		
Miscellaneous culvert replacements, Delaware and Raritan Canal	$30,000	
Replace culvert carrying Shabakunk creek beneath Delaware and Raritan Canal	25,000	
Total Appropriation, Division of Water Policy and Supply		$55,000

The unexpended balance as of June 30, 1970 in this account 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 N. J. S. A. 13:13 are 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.

Division of Fish, Game and Shell Fisheries

450-470. *General*

The unexpended balance as of June 30, 1970 in this account is hereby appropriated.

490-170. *Division of Parks, Forestry and Recreation*

Capital Construction:		
Forest, parks and recreational area development, and historic sites restoration including roads and approaches	$3,250,000	
Land Acquisition, Forests and Parks	250,000	
Total Appropriation, Division of Parks, Forestry and Recreation		$3,500,000

The unexpended balance as of June 30, 1970 in this account is hereby appropriated.

The unexpended balance of the proceeds derived since July 1, 1962 from the sale or exchange, based upon the fair market value, of State-owned land heretofore acquired under Title 13 of N. J. S. A. is hereby appropriated for the purpose described in Title 13 of N. J. S. A. and particularly as set forth in N. J. S. A. 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 Environmental Protection	$8,155,000

DEPARTMENT OF EDUCATION

530-170. *Division of the State Museum*

Capital Construction:	
Exhibit Design and Fabrication, Museum	$25,000

The unexpended balance as of June 30, 1970 in this account is hereby appropriated.

535-170. *Marie H. Katzenbach School for the Deaf*

Capital Construction:		
Pre-Lower School Unit, including furniture and equipment	$150,000	
Boiler Replacement	7,500	
Total Appropriation, Marie H. Katzenbach School for the Deaf		$157,500

The unexpended balance as of June 30, 1970 in this account is hereby appropriated.

Total Appropriation, Department of Education	$182,500

DEPARTMENT OF HIGHER EDUCATION

Office of the Chancellor

540-111, 112. *Redemption of Bonds*

Redemption of State Higher Education Bonds—chapter 10 P. L. 1959	$7,000,000	
Redemption of State Higher Education Bonds—chapter 142, P. L. 1964	1,000,000	
Total Appropriation, Redemption of Bonds		$8,000,000

541-900. *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 as of June 30, 1970 in the State Higher Education Fund is hereby appropriated for the purposes defined in Chapter 176, P. L. 1959.

542-900. *1964 Higher Education Construction Fund*

The unexpended balance as of June 30, 1970 in the 1964 Higher Education Construction Fund is hereby appropriated for the purposes defined in Chapter 223, P. L. 1964.

570-170. *Rutgers, The State University*

Redemption of mortgage	$250,000	
Psychiatric Institute	2,400,000	
Total Appropriation, Rutgers, The State University		$2,650,000

The unexpended balance as of June 30, 1970 in this account is hereby appropriated.

572-170. *Agricultural Experiment Station*

Capital Construction:		
South Jersey Research and Development Center, Centerton	$150,000	
Fruit Research Center, Cream Ridge	100,000	

Total Appropriation, Agricultural Experiment Station	$250,000

The unexpended balance as of June 30, 1970 in this account is hereby appropriated.

573-170. *New Jersey College of Medicine and Dentistry*

Capital Construction:	
Martland Hospital Improvements	$4,000,000

The unexpended balance as of June 30, 1970 in this account is hereby appropriated.

594-170. *State College Construction*

Capital Construction:		
Roads and approaches, Paterson State College	$350,000	
Advance Planning and Design	250,000	
Miscellaneous Capital	250,000	
Roads and approaches	250,000	
Total Appropriation, State College Construction		$1,100,000

The unexpended balance as of June 30, 1970 in this account is hereby appropriated.

Total Appropriation, Department of Higher Education	$16,000,000

DEPARTMENT OF TRANSPORTATION

611-170. *State Highway Installations*

Capital Construction:		
Maintenance facilities	$1,000,000	
Maintenance facilities—land acquisition	100,000	
Salt Storage Structures	75,000	
Utility, Storage and Outbuildings	50,000	

Service Wing Expansion	$30,000	
Records Storage Building	220,000	
Roads and approaches	50,000	
Total Appropriation, State Highway Installations		$1,525,000

The unexpended balance as of June 30, 1970 in this account is hereby appropriated.

612-100. *Construction of State Highway System Administration, Construction*

Salaries:		
Officers and employees		$19,268,382
Materials and Supplies		285,675
Services Other Than Personal		3,435,318
Maintenance of Property:		
Recurring	$17,000	
Non-Recurring and Replacements	37,000	
		54,000
Additions and Improvements		75,265
Sub-Total Appropriation		$23,118,640
Less: Portion of Federal Aid Receivable Which is Applicable to Highway Research		*$300,000*
Less: Portion of Federal Aid Receivable Which is Applicable to Engineering and Administration Costs		*8,000,000*
Less: Costs Attributable to Administering Bond Issue Construction		*6,700,000*
Sub-Total Appropriation		$8,118,640

The unexpended balance as of June 30, 1970 in this account is hereby appropriated.

There is hereby appropriated from the State Transportation Fund the sum of $6,700,000 for "Costs Attributable to Administering Bond Issue Construction."

State Highway Projects

Federal Aid Participation	$29,735,166	
Highway Betterments:		
Traffic signals, signs, lighting and safety improvements	500,000	
Resurfacing, drainage, shoulder reconstruction, guardrails, and major bridge repairs	2,500,000	
Sub-Total Appropriation		$32,735,166
Total Appropriation, Construction of State Highway System		$40,853,806

The unexpended balance as of June 30, 1970 in this account 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 State highway projects shall be set forth in a construction program, by route numbers, by the Commissioner of Transportation and approved by the Governor; provided, however, that the expenditures thereof shall be subject to transfers approved as prescribed in section 3 of this act.

From the amount provided herein for the construction of the State highway system and the purchase of right-of-way, there may be allocated such amounts as the Commissioner of Transportation may determine for personal services, by contract

or, in lieu thereof, by State employees for 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 3 of this act.

Of the sum provided herein for Federal Aid Participation, not more than $3,000,000 may be used for nonparticipating portions of projects; 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, Chapter 288, P. L. 1930	$660,000

614-100. *Transportation Planning*

Salaries:		
Officers and employees	$1,169,950	
New positions	44,264	
		$1,214,214
Materials and Supplies		39,630
Services Other Than Personal		192,950
Maintenance of Property:		
Recurring	$3,500	
Non-Recurring and Replacements	26,510	
		30,010
Extraordinary:		
Transportation planning aspects of studies in the Northeastern New Jersey-New York urban area conducted by the Tri-State Transportation Commission	$700,000	
Transportation planning aspects of the studies in the Philadelphia-Camden urban area conducted by the Delaware Valley Regional Planning Commission	230,000	

Transportation planning aspects of studies in the Cumberland County Urban Area	$50,000	
		$980,000
Additions and Improvements		22,000
Sub-Total Appropriation		$2,478,804
Less: Portions of Federal Aid Receivable Which is Applicable to Highway Planning		*$1,809,737*
Total Appropriation, Transportation Planning		$669,067

The unexpended balance as of June 30, 1970 in this account is hereby appropriated.

Total Appropriation, Department of Transportation	$43,707,873

DEPARTMENT OF INSTITUTIONS AND AGENCIES

Administration—General

700-110, 113, 114. *Redemption of Bonds*

Redemption of Institution Construction Bonds—chapter 156, P. L. 1960	$1,800,000	
Redemption of Institution Construction Bonds—chapter 144, P. L. 1964	1,000,000	
Total Appropriation, Redemption of Bonds		$2,800,000

700-170. *Miscellaneous Capital*

Capital Construction:	
Miscellaneous Capital Construction	$500,000

The unexpended balance as of June 30, 1970 in this account is hereby appropriated.

700-171. *Major Capital*

Capital Construction:	
Advance planning and design	$300,000

The unexpended balances as of June 30, 1970 in this account are hereby appropriated.

700-172. *Roads and Approaches*

The unexpended balance as of June 30, 1970 in this account is hereby appropriated.

Total Appropriation, Department of Institutions and Agencies	$3,600,000

MISCELLANEOUS EXECUTIVE COMMISSIONS

911-170. *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, 1970 are hereby appropriated for maintenance of such stations, for capital projects 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.

914-170. *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 March 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 $46,050,000 including $23,329,600 for construction and $22,720,400 in-

terest, 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 1970-71 adopted August 1, 1969	$1,000
The unexpended balance as of June 30, 1970 in this account is hereby appropriated.	
Total Appropriation, Miscellaneous Executive Commissions	$1,000
Total Appropriation, Capital Construction..	$73,064,532
Grand Total Appropriation	$1,577,457,466

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 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 transferred. The Director of the Division of Budget and Accounting shall also have the authority to create such new accounts as may be necessary to carry out the intent of the Legislature.

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, 1970 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. Any change by the Department of Institutions and Agencies in the standards upon which or from which grants of categorical public assistance are determined, shall first be approved by the Director of the Division of Budget and Accounting and the Legislative Budget and Finance Director.

13. Federal grant and project receipts, representing reimbursement for agency and central support service indirect and administrative costs, shall be transmitted to the Department of the Treasury for credit to the General State Fund. Such receipts shall be forwarded to the Director of the Division of Budget and Accounting upon completion of the project or at the end of the fiscal year, whichever occurs earlier.

14. This act shall take effect July 1, 1970.

Approved June 15, 1970.

CHAPTER 97

A SUPPLEMENT to "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," approved January 23, 1969 (P. L. 1968, c. 424).

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 $30 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	
7	Belleville Turnpike to Fish House Road	Hudson	
9	Route 18 to Route 34 Dualization	Middlesex	
35	Asbury Avenue to Eatontown Circle—Dualization	Monmouth	
35	Victory Bridge Repairs Raritan River	Middlesex	
	Improvement of Safety on Existing Land Service Rds.	Statewide	
	Participation in Connections between Local Projects and Interstate Freeways	Statewide	$29,000,000
9W	Clinton Avenue to George Washington Bridge Plaza	Bergen	
40	Vicinity of Wheat Road, Buena	Atlantic	
48	Bridge Reconstruction, Two Penny Run	Salem	
49	Bridge over Maurice River	Cumberland	
63	Kennedy Boulevard Intersection	Hudson	
71	Vicinity of Wreck Pond, Sea Girt	Monmouth	
181	Blue Heron Road to Prospect Point Road	Sussex	

B. Right-of-Way Projects

Route	Route Description	County	
9	Adelphia to Lakewood	Monmouth	
	Advanced right-of-way Acquisitions—hardship cases	Statewide	$1,000,000
7	Belleville Turnpike to Fish House Road	Hudson	
	Total		$30,000,000

2. There is hereby appropriated from the State Transportation Fund the sum of $97,200,000.00, 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 New York and Long Branch Erie-Lackawanna Central Railroad of New Jersey Pennsylvania Reading Seashore Line	$46,400,000
B. GENERAL SUBURBAN RAIL IMPROVEMENTS	
Station Improvements Penn Central Trenton Princeton Junction Edison Rahway Metuchen Metro Park New York and Long Branch All Stations Central of New Jersey All Stations Erie-Lackawanna Mountain View Lincoln Park Towaco Oradel Morris Plains General Rehabilitation	$13,700,000
Electrification, Signal and Communications Erie-Lackawanna Central Railroad of New Jersey New York and Long Branch	$19,200,000

RIGHT-OF-WAY IMPROVEMENTS	
Erie-Lackawanna Central Railroad of New Jersey New York and Long Branch	$15,400,000
Miscellaneous, Contract Adjustments, Professional Services	$2,500,000
Total	$97,200,000

3. This act shall take effect immediately.

Approved June 15, 1970.

CHAPTER 98

AN ACT concerning claims against the State.

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

C. 52:4A-1 Claims against the State.

1. Except for actions founded upon the Constitution of this State or the United States or an express provision of the statutory laws of this State, no action shall be instituted or continued against the State or any department or other agency thereof for the recovery of money damages, whether based on contract or tort, where the cause of action accrues prior to July 1, 1971.

2. This act shall take effect immediately.

Approved June 15, 1970.

CHAPTER 99

AN ACT concerning the terms of office of mayors and presidents of the common council in certain cities and amending sections 40:171–11, 40:171–17, 40:171–19 and 40:171–145 of the Revised Statutes.

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

1. Section 40:171–11 of the Revised Statutes is amended to read as follows:

Council in certain cities; terms of members.

40:171–11. That hereafter in all cities subject to the provisions of this act, where the common council, board of aldermen or other governing body thereof, now or hereafter shall consist of two members in and for each of the wards or aldermanic districts of such cities, all members of such common council, board of aldermen or other governing body shall be elected for terms of 4 years each, and in any ward of any city subject to the provisions of this act, where there is or may be, more than one vacancy, one member of council or board of aldermen thereof shall be elected for 1 year only.

2. Section 40:171–17 of the Revised Statutes is amended to read as follows:

Alderman at large in certain cities; election, term, duties and powers.

40:171–17. In each of the cities of this State now having or that may hereafter have a population of 10,000 and not exceeding 40,000 inhabitants, according to the last preceding national or State census, and wherein the board of aldermen or common council consists of an even number of members, there shall be elected by all the legal voters of such city, in addition to the aldermen or members of the common council now required to be elected by wards, an alderman at large, who shall hold his office for 4 years and shall receive the same annual salary as the other aldermen or members of common council in the city in which he shall be elected, and shall be a resident of said city; the said alderman at large shall, by virtue of such election, be the president of the common council or board of aldermen of said city, and shall possess and exercise all the powers of a member of said common council or board of aldermen, and also of the president thereof.

3. Section 40:171–19 of the Revised Statutes is amended to read as follows:

Mayor; term of office.

40:171–19. That in all cities of this State in which the mayor is now elected every 2 years, the said mayor shall hereafter be elected for the term of 4 years, commencing with the day fixed by law for the commencement of his term.

4. Section 40:171–145 of the Revised Statutes is amended to read as follows:

President of council in certain cities; election, term, duties and powers.

40:171–145. In each city of the second class in this State there shall be elected at the next general election after this act shall take effect and every 4 years thereafter a president of the board of aldermen, common council or council, who shall hold office for 4 years, and shall be president of the board of aldermen, common council or council of said city, and shall possess and exercise all the powers of a member of said board, and of the president thereof.

5. This act shall not operate to alter or extend the term of any mayor or president of the common council or board of aldermen in office at the time of its taking effect.

6. This act shall take effect immediately.

Approved June 15, 1970.

CHAPTER 100

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

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

1. Section 1–25 of P. L. 1950, chapter 210 (C. 40:69A–25) is amended to read as follows:

C. 40:69A-25 Petition and referendum on reversion to prior plan.

1–25. Any municipality may, subject to the provisions of section 1–23 of this act, abandon its optional plan and revert to the form of government under which it was governed immediately prior thereto, upon the filing of a petition and referendum as follows:

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

(b) The form of the question shall be as follows:
Shall ..... abandon
Name of Municipality
its present form of government and revert to its prior form of government, known as .....
Popular Name of Plan
as provided by .....?
Statutory Reference of Prior Plan

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

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

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

2. This act shall take effect immediately.

Approved June 15, 1970.

CHAPTER 101

AN ACT to provide State aid to certain municipalities for the purposes of upgrading and augmenting programs and facilities for disadvantaged persons in the fields of education, public health, public safety, recreation and libraries, and for the purpose of increasing the compensation of any public employee in any or all of said fields, and providing for an appropriation therefor.

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

1. For the purposes of this act, unless the context clearly indicates otherwise:

a. "Director" means the Director of the Division of Local Finance in the Department of Community Affairs;

b. "Apportionment valuation" means the net valuation on which county taxes for the calendar year 1970 are apportioned among the municipalities of the county, as defined in Revised Statutes 54:4–49;

c. "Municipal effective tax rate" means the total tax levy of a municipality on which the tax rate for the calendar year 1970 is computed, as shown in the table of aggregates prepared pursuant to Revised Statutes 54:4–52, divided by the apportionment valuation;

d. "Mean State effective tax rate" means the sum of the total tax levies of all municipalities in the State on which the tax rate for the calendar year 1970 is computed divided by the sum of the apportionment valuations of all the municipalities in the State;

e. "Qualifying municipality" means each municipality in the State having a population of more than 100,000 according to the 1960 Federal census;

f. "Distribution factor" means, for each qualifying municipality, the following:

$$DF = .7 \left(\frac{V(Tm-Ts)}{A}\right) + .3 \left(\frac{Cm-Cs}{B}\right)$$

where, DF equals the distribution factor
V equals the municipal apportionment valuation
Tm equals the municipal effective tax rate
Ts equals the mean State effective tax rate
A equals the sum of V(Tm-Ts) for all qualifying municipalities
Cm equals the municipal index crime rate
Cs equals the State crime index rate
B equals the sum of Cm-Cs for all qualifying municipalities
when Tm is less than Ts, Tm-Ts shall equal 0
when Cm is less than Cs, Cm-Cs shall equal 0;

g. "Municipal index crime rate" and "State index crime rate" mean the number of index offenses (which index offenses mean and include murder, forcible rape, robbery, atrocious assault, breaking and entering, larceny where the amount is $50.00 or more, and auto theft) per 100,000 estimated population, as reported by the Attorney General, pursuant to P. L. 1966, chapter 37, for the calendar year 1969.

2. The funds appropriated pursuant to this act shall be apportioned among the qualifying municipalities for the purposes of upgrading and augmenting programs and facilities for disadvantaged persons in the fields of education, public health, public safety, recreation and libraries, and for the purpose of increasing the compensation of any public employee in any or all of said fields in the following manner: (a) $500,000.00 shall be apportioned to each qualifying municipality; (b) the remainder of the moneys appropriated pursuant to this act shall be apportioned among the qualifying municipalities in the proportion that the distribution factor of each qualifying municipality bears to the sum of the distribution factors of all qualifying municipalities.

3. The director, shall, on or before September 1, 1970, determine and certify to the State Treasurer, who in turn shall forthwith notify the governing body of each qualifying municipality, the amount of State aid allocable to each municipality pursuant to this act which aid shall be in addition to all other aid to municipalities.

4. After certification of the amount to be received and prior to the distribution of any State aid money pursuant to this act, the governing body of each qualifying municipality shall submit to the director, no later than October 15, 1970, a detailed plan for the use of such aid for the purposes of upgrading and augmenting programs and facilities for disadvantaged persons in the fields of education, public health, public safety, recreation or libraries, or for the purpose of increasing the compensation of any public employee in any or all of said fields, and no State aid moneys shall be distributed until such plan has been approved by the director, the Director of the Division of Budget and Accounting in the Department of the Treasury, the Legislative Budget and Finance Director, and, where the plan or a part of the plan provides for upgrading or augmenting programs or facilities for disadvantaged persons in the fields of education or libraries, or for increasing the compensation of public employees in said fields, the Commissioner of Education. Upon the approval of any such plan, the director shall so notify the members of the Legislature and such notification shall include a description of said plan. The State Treasurer, upon the certification of the director and upon the warrant of the State Comptroller, shall pay and distribute to each municipality on a quarterly basis in equal amounts on July 1 and October 1, 1970, and January 1 and April 1, 1971, or as soon thereafter as practicable, the amount determined and certified.

5. The director is hereby authorized to make and issue such rules and regulations and to require such facts and information from counties and municipalities and any agencies thereof and any agency of the State as he may deem necessary to carry out the provisions of this act.

6. Any determination of the director pursuant to this act as to the amounts of State aid allocable to each qualifying municipality shall be final and conclusive, and no appeal shall be taken therefrom or any review thereof, except in the case of an arithmetical or typographical error in the calculation of any distribution of funds.

7. There shall be appropriated for the purposes of this act such sums as shall be included in any general or supplemental appropriation act.

8. This act shall take effect July 1, 1970.

Approved June 15, 1970.

CHAPTER 102

AN ACT concerning medical and dental education and revising and repealing parts of the statutory law.

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

C. 18A:64G-1 Short title.

1. This act shall be known and may be cited as the "Medical and Dental Education Act of 1970."

C. 18A:64G-2 Findings and declaration of policy.

2. The Legislature and Governor of the State of New Jersey hereby find that the establishment and operation of a program of medical and dental education is in the best interest of the State to provide greater numbers of trained medical personnel to assist in the staffing of the hospitals and public institutions and agencies of the State and to prepare greater numbers of students for the general practice of medicine and dentistry, and find, declare and affirm, as a matter of public policy of the State, that it is the responsibility of the State to provide funds necessary to establish and operate such programs of education, in the most economical and efficient manner, and that, in furtherance of such policy, the school of medicine heretofore established by Rutgers, The State University, (hereinafter called the "Rutgers Medical School") and the New Jersey College of Medicine and Dentistry shall be combined into a single entity to be known as the College of Medicine and Dentistry of New Jersey.

C. 18A:64G-3 College of Medicine and Dentistry of New Jersey established.

3. There is hereby established in the Department of Higher Education the "College of Medicine and Dentistry of New Jersey." The exercise by the college of the powers conferred by this act in the presentation and operation of a program of medical and dental education shall be deemed to be public and essential governmental functions necessary for the welfare of the State and the people of New Jersey.

C. 18A:64G-4 Board of trustees; membership, appointment, terms, vacancies, oath, removal, meetings, officers, committees.

4. a. The government, control, conduct, management and administration of the college shall be vested in the board of trustees of the college. The membership of the board of trustees shall consist

of the Chancellor of the Department of Higher Education, who shall serve ex officio, without vote, and 11 voting members, each of whom shall be appointed by the Governor, with the advice and consent of the Senate, for a term of 3 years and shall serve until his successor is appointed and has qualified; except that, of the first appointments hereunder, four shall be for terms expiring June 30, 1971, four for terms expiring June 30, 1972, and three for terms expiring June 30, 1973. The term of each of the first appointees hereunder shall be designated by the Governor. Any vacancies in the voting membership of the board occurring other than by expiration of term shall be filled in the same manner as the original appointment but for the unexpired term only. Each voting member of the board of trustees 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 oath shall be filed in the office of the Secretary of State. Each voting member of the board may be removed from office by the Governor, for cause, after a public hearing.

b. The members of the board of trustees shall meet at the call of the Governor for purposes of organizing. The board shall thereafter meet at such times and places as it shall designate.

c. The Governor shall designate one of the voting members as chairman of the board. The board shall select such other officers from among its members as shall be deemed necessary.

d. The board shall have the power to appoint and regulate the duties, functions, powers and procedures of committees, standing or special, from its members and such advisory committees or bodies, as it may deem necessary or conducive to the efficient management and operation of the college, consistent with this act and other applicable statutes.

C. 18A:64G-5 Compensation of board.

5. Members of the board of trustees shall not receive compensation for their services as such. Each member shall be reimbursed for his actual expenses reasonably incurred in the performance of his duties as a member.

C. 18A:64G-6 Powers and duties of board.

6. The board of trustees of the college, within the general policies and guidelines set by the Board of Higher Education, shall have the general supervision over and be vested with the conduct of the college. It shall have the power and duty to:

(a) Adopt and use a corporate seal;

(b) Determine the educational curriculum and program of the college;

(c) Determine policies for the organization, administration, and development of the college;

(d) Study the educational and financial needs of the college, annually acquaint the Governor and Legislature with the condition of the college, and prepare, and file an annual request for appropriation with the State Treasurer in accordance with law;

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

(f) Direct and control expenditures and transfers of funds appropriated to the college in accordance with the provisions of the State budget and appropriation acts of the Legislature, and, as to funds received from other sources, direct and control expenditures and transfers in accordance with the terms of any applicable trusts, gifts, bequests, or other special provisions, reporting changes and additions thereto and transfers thereof to the Director of the Division of Budget and Accounting in the State Department of the Treasury. All accounts of the college shall be subject to audit by the State at any time;

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

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

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

(j) Fix and determine, with the approval of the Board of Higher Education, tuition rates, and other fees to be paid by students;

(k) Grant diplomas, certificates or degrees;

(l) Enter into contracts and agreements with the State or any of its political subdivisions or with the United States, or with any

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

(m) Accept from any government or governmental department, agency or other public or private body or from any other source grants or contributions of money or property which the board may use for or in aid of any of its purposes;

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

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

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

(q) Adopt bylaws and make and promulgate such rules, regulations and orders, not inconsistent with the provisions of this chapter as are necessary and proper for the administration and operation of the college and to implement the provisions of this act.

C. 18A:64G-7 Additional powers and duties of board.

7. The board of trustees, in addition to the other powers and duties provided herein, shall have and exercise the powers, rights and privileges that are incident to the proper government, conduct and management of the college, and the control of its properties and funds and such powers granted to the college or the board or reasonably implied, may be exercised without recourse or reference to any department or agency of the State, except as otherwise provided by this act.

C. 18A:64G-8 Investment of funds; finance committee of board.

8. All functions, powers and duties relating to the investment or reinvestment of funds within the jurisdiction of the board of trustees including the purchase, sale or exchange of any investments or securities shall be exercised and performed by the Director of the Division of Investment in accordance with the provisions of chapter 270, of the laws of 1950 (C. 52:18A–79 et seq.). Before any such investment, reinvestment, purchase, sale or exchange shall be made by said director for or on behalf of the board of trustees, the Director of the Division of Investment shall submit the details thereof to said board, which shall, itself or by its finance committee, within 48 hours, exclusive of Sundays and public holidays, after such submission to it, file with the director its written acceptance or rejection of such proposed investment, reinvestment, purchase, sale or exchange; and the director shall have authority to make such investment, reinvestment, purchase, sale or exchange for or on behalf of said board, unless there shall have been filed with him a written rejection thereof by the board or its finance committee as herein provided. The board of trustees shall determine from time to time the cash requirements of the various funds and accounts established by it and the amount available for investment, all of which shall be certified to the State Treasurer and the Director of the Division of Investment.

The finance committee of the board of trustees shall consist of three members of said board who shall be appointed in the same manner and for the same term as other committees of said board are appointed.

C. 18A:64G-9 Authorized investments.

9. The Director of the Division of Investment, in addition to other investments, presently or from time to time hereafter authorized by law, shall have authority, subject to any acceptance required, to invest and reinvest such funds in, and to acquire for or on behalf of the board such bonds or other evidence of indebtedness or capital stock or other securities issued by any company incorporated within the United States or within the Dominion of Canada, which shall be authorized or approved for investment by regulation of the State Investment Council and in which life insurance companies organized under the laws of this State may legally invest.

C. 18A:64G-10 State Treasurer custodian of investments; powers.

10. The State Treasurer shall be the custodian of said board's investment funds, shall select all depositories and custodians and

shall negotiate and execute custody agreements in connection with the assets or investments of any said funds.

C. 18A:64G-11 College president's responsibility and powers.

11. The president of the college shall be responsible to the board of trustees and shall have such powers as shall be requisite, for the executive management and conduct of the college in all departments, branches and divisions, and for the execution and enforcement of the bylaws, rules, regulations and orders governing the management, conduct and administration of the college.

C. 18A:64G-12 College deemed employer for certain purposes; prior service credit in PERS.

12. Subject to the provisions of chapter 242 of the laws of 1969 and except as otherwise provided by law, the college shall be deemed to be an employer for the purposes of chapter 84 of the laws of 1954, the "Public Employees' Retirement-Social Security Integration Act" (C. 43:15A–1 et seq.) and shall also be deemed to be a "public agency or organization" within the meaning of section 71 of said act (C. 43:15A–71). Prior service credit shall not be extended to any officer or employee of the college who enrolls in the public employees' retirement system if he is entitled to a pension or an annuity based on such prior service under any other pension act or program.

C. 18A:64G-13 Entry into purchases, contracts or agreements.

13. The college in entering into any purchases, contracts or agreements shall be subject to the provisions of P. L. 1954, chapter 48 and all amendments and supplements thereto. The college shall not be subject to the provisions of R. S. 52:32–2 and chapter 35 of Title 52 of the Revised Statutes.

C. 18A:64G-14 Trustees and officers saved from liability.

14. No trustee or officer of the college shall be personally liable for any debt, obligation or other liability of the college or of or incurred by or on behalf of the college or any constituent unit thereof.

C. 18A:64G-15 State's credit not pledged.

15. No provision in this act contained shall be deemed or construed to create or constitute a debt, liability, or a loan or pledge of the credit, of the State of New Jersey.

C. 18A:64G-16 Site acquisition by municipality; sale to college; bonds issued under local bond law; exception.

16. (a) A municipality in which a site has been selected, under this act for the college is hereby authorized to acquire such site

and the governing body thereof is hereby empowered to incur indebtedness, borrow, appropriate and expend money and issue negotiable bonds for such purpose.

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

(c) Any bonds of the municipality authorized under this section for the acquisition of such a site (including land, clearance and relocation) shall be authorized by a bond ordinance in form and adopted by the governing body in the manner or mode of procedure prescribed by the local bond law, constituting chapter 2 of Title 40A of the New Jersey Statutes and shall be issued in the manner or mode of procedure prescribed by said law, except that said bond ordinance may be adopted notwithstanding (1) the provisions of section 40A:2–6 of said law or debt or other limit prescribed by any other law, and (2) the provisions of section 40A:2–11 of said law and no down payment shall be required, and (3) the provisions of section 40A:2–8 of said law, may authorize the issuance of bond anticipation notes in anticipation of the issuance of the bonds authorized by the bond ordinance which may mature in not exceeding 1 year and may be renewed from time to time for periods not exceeding 1 year and all such notes, including renewals, shall mature and be payable not later than the third anniversary of the date of the original note, and (4) the provisions of section 40A:2–22 subdivision (d) and the governing body may determine that the period of usefulness for which bonds are authorized pursuant to this section, according to their reasonable life, computed from the date of the bonds, is a period not greater than 40 years.

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

C. 18A:64G-17 Sale of public hospital to college.

17. The governing body of any municipality in which a site has been selected for the college under this act 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:64G-18 Retirement anticipation of former municipal employees of hospital.

18. 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, chapter 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, chapter 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, chapter 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:64G-19 Inclusion of employer pension obligations in budget request; payment.

19. 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:64G-20 Benefits shall not be paid by State or college.

20. No retirement, death, or other benefits shall be payable by the State or the college to such former municipal employees.

C. 18A:64G-21 Continuance of permanent municipal employees of hospital as employees of college.

21. 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.

C. 18A:64G-22 Appropriations and moneys transferred.

22. All appropriations, grants, and other moneys available and to become available to the New Jersey College of Medicine and Dentistry are hereby transferred to the College of Medicine and Dentistry of New Jersey established hereunder, and shall be available for the objects and purposes for which appropriated subject to any terms, restrictions, limitations or other requirements imposed by the State budget or by State and Federal law.

C. 18A:64G-23 Employees transferred.

23. All employees of the New Jersey College of Medicine and Dentistry are hereby transferred to the College of Medicine and Dentistry of New Jersey. Nothing in this act shall be considered to deprive any person of any tenure rights or of any right or protection provided him under any pension law or retirement system or any other law of this State.

C. 18A:64G-24 Files, records and equipment transferred.

24. All files, books, papers, records, equipment and other property of the New Jersey College of Medicine and Dentistry are hereby transferred to the College of Medicine and Dentistry of New Jersey.

C. 18A:64G-25 Orders, rules and regulations continued.

25. This act shall not affect the orders, rules or regulations heretofore made or promulgated by the New Jersey College of Medicine and Dentistry, but such orders, rules and regulations shall continue with full force and effect as the orders, rules and regulations of the College of Medicine and Dentistry of New Jersey until amended or repealed pursuant to law.

C. 18A:64G-26 Actions or proceedings continued.

26. This act shall not affect actions or proceedings, civil or criminal, brought by or against the New Jersey College of Medicine and Dentistry, but such actions, or proceedings may be prosecuted or defended in the same manner and to the same effect by the Col-

lege of Medicine and Dentistry of New Jersey, as if the foregoing provisions had not taken effect; nor shall any of the foregoing provisions affect any order or regulation made by, or other matters or proceedings before, the New Jersey College of Medicine and Dentistry, and all such matters or proceedings pending before the New Jersey College of Medicine and Dentistry on the effective date of this act shall be continued by the College of Medicine and Dentistry of New Jersey, as if the foregoing provisions had not taken effect.

C. 18A:64G-27 Filing of reports, certifications and applications.

27. Whenever, pursuant to any existing law, reports, certifications, applications or requests are required or permitted to be made to the New Jersey College of Medicine and Dentistry, such reports and certifications shall hereafter be required to be filed with and such applications and requests are hereafter to be made to the College of Medicine and Dentistry of New Jersey.

C. 18A:64G-28 Meaning of certain references.

28. Whenever in any law, rule, regulation, contract, document, judicial or administrative proceeding or otherwise, reference is made to the New Jersey College of Medicine and Dentistry, the same shall mean and refer to the College of Medicine and Dentistry of New Jersey.

C. 18A:64G-29 Acquisition of Rutgers Medical School authorized.

29. In order to carry out the purposes of this act and to provide the program of medical and dental education required for the benefit of the State and the people of New Jersey, all rights of the State of New Jersey in the Rutgers Medical School are hereby transferred to the College of Medicine and Dentistry of New Jersey. The college is hereby authorized to acquire the facilities of Rutgers Medical School and devote the same to the purposes of public higher education in the State in accordance with section 2 of this act and with the terms of any gift, grant, trust, contract or other agreement with the State or any of its political subdivisions or with the United States or with any public body, department or any agency of the State or the United States or with any individual, firm or corporation.

C. 18A:64G-30 Effects of acquisition.

30. Upon acquisition by the college of such interest in the facilities of Rutgers Medical School as will permit the college to carry out the purposes set forth in section 2 of this act:

(a) All appropriations available and to become available to the Rutgers Medical School and Rutgers, The State University, for the purposes of the Rutgers Medical School shall be transferred to the College of Medicine and Dentistry of New Jersey by the Director of the Division of Budget and Accounting in the Department of the Treasury and shall be available for the objects and purposes for which appropriated, subject to any terms, restrictions, limitations or other requirements imposed by the State budget;

(b) All other grants, gifts, other moneys and property available and to become available to or for the Rutgers Medical School shall be transferred to the College of Medicine and Dentistry of New Jersey and shall be available for the objects and purposes of the college, subject to any terms, restrictions, limitations or other requirements imposed by State and Federal law or otherwise;

(c) All employees of the Rutgers Medical School shall become employees of the College of Medicine and Dentistry of New Jersey. Nothing in this act shall be considered to deprive any person of any tenure rights or of any right or protection provided him under any pension law or retirement system or any other law of this State;

(d) All files, books, papers, records, equipment and other personal property of Rutgers Medical School shall be transferred to the college of Medicine and Dentistry of New Jersey; and

(e) All orders, rules or regulations theretofore made or promulgated by Rutgers Medical School shall continue with full force and effect as the orders, rules and regulations of the College of Medicine and Dentistry of New Jersey until amended or repealed by the college.

C. 18A:64G-31 Repeal of inconsistent acts.

31. N. J. S. 18A:64C–1 through N. J. S. 18A:64C–3, N. J. S. 18A:64C–5 through N. J. S. 18A:64C–25, N. J. S. 18A:65–68 through N. J. S. 18A:65–72 and all other acts and parts of acts inconsistent with any of the provisions of this act, to the extent of such inconsistency, are superseded and repealed.

32. N. J. S. 18A:3–6 is hereby amended to read as follows:

Board of Higher Education; membership, qualifications.

18A:3–6. The Board of Higher Education shall be composed of the Chairman of the Board of Governors of Rutgers, The State University; the Chairman of the Board of Trustees of Newark

College of Engineering; the Chairman of the Council of State Colleges; the Chairman of the Board of Trustees of the College of Medicine and Dentistry of New Jersey; the Chairman of the Council of County Colleges; the President of the State Board of Education; a representative of the private colleges and universities of New Jersey, to be designated by the association of independent colleges and universities in New Jersey, with the approval of the Governor; and nine citizens, residents of the State, of whom at least two shall be women. The Chancellor and the State Commissioner of Education shall ex officio be additional members but without vote.

33. N. J. S. 18A:64C–4 is amended to read as follows:

Board of trustees; membership, appointment, terms, vacancies.

18A:64C–4. The board of trustees shall consist of nine members. Each member of the board shall be appointed by the Governor, with the advice and consent of the Senate. The members appointed shall serve for a term expiring upon the appointment and qualification of at least six voting members of the Board of Trustees of the College of Medicine and Dentistry of New Jersey created pursuant to the Medical and Dental Education Act of 1970.

Any vacancies in the membership of the board of trustees shall be filled in the same manner as the original appointments but for the unexpired terms only.

34. Except for section 33, this act shall take effect July 1, 1970, but shall remain inoperative until such time as at least six voting members of the board shall have been appointed and qualified pursuant to section 4 of this act. Anticipatory action may be taken in advance of the effective and operative dates of this act, including, but not limited to, the nomination and confirmation of trustees. Section 33 shall take effect immediately.

Approved June 16, 1970.

CHAPTER 103

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:*

Private act.

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 con-

tract with and under supervision of the Department of Conservation and Economic Development.

2. The sum of $460,000.00 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 June 18, 1970.

CHAPTER 104

AN ACT concerning education and amending N. J. S. 18A:6–45, 18A:6–46, 18A:6–47, 18A:6–48 and 18A:6–50.

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

1. N. J. S. 18A:6–45 is amended to read as follows:

New Jersey School Boards Association established.

18A:6–45. There is established a body corporate and politic, with corporate succession, to be known as the "New Jersey School Boards Association." All boards of education of the various school districts in this State shall be members of the association.

2. N. J. S. 18A:6–46 is amended to read as follows:

Delegates to association.

18A:6–46. Each of the district boards of education shall select annually one of its members as a delegate to the association.

3. N. J. S. 18A:6–47 is amended to read as follows:

Powers and duties.

18A:6–47. The association may investigate such subjects relating to education in its various branches as it may think proper, and it shall encourage and aid all movements for the improvement of the educational affairs of this State.

4. N. J. S. 18A:6–48 is amended to read as follows:

Officers.

18A:6–48. The association may select such officers as may be necessary for the transaction of its business.

5. N. J. S. 18A:6–50 is amended to read as follows:

Expenses of delegates; dues.

18A:6–50. For the purpose of defraying the necessary expenses of the association, the various district boards shall pay the necessary expenses incurred by its delegates, and shall appropriate annually such sums for dues as may be assessed by the association at any delegates meeting, which assessment of dues shall be made only upon ⅔ vote of the delegates present at such delegates meeting, after notice of the taking of such vote shall have been given to each district board in writing at least 60 days before such delegates meeting. The aforesaid dues shall be assessed upon a graduated scale according to the size of the school district, but in no case shall the dues for any one district exceed the sum of $1,500.00 for any 1 year. Dues shall be payable by the custodian of school moneys of the school district to the treasurer of the association.

6. This act shall take effect immediately.

Approved June 19, 1970.

CHAPTER 105

AN ACT concerning the annual salaries of the justices and judges of State and county courts and the establishment of salary ranges for certain offices and positions in the judicial branch of the State Government.

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

C. 2A:1A-1 Salaries of justices and judges of State and county courts.

1. Annual salaries of the following justices and judges are fixed and established as follows:

Title	Salary
Chief Justice of the Supreme Court	$47,500
Associate justice of the supreme court	45,000
Judge of the superior court	37,000
Judge of the county court	37,000
Judge of the county district court	34,000
Judge of the juvenile and domestic relations court	34,000

C. 2A:1A-2 Additional compensation for certain judges.

2. In addition to his salary as a judge of the superior court, a judge regularly assigned to the appellate division shall receive additional compensation during the period of such assignment at the rate of $5,000.00 per year, and a judge of the superior court regularly assigned as an assignment judge shall receive additional compensation during the period of such assignment at the rate of $3,000.00 per year.

C. 2A:1A-3 Salary ranges for certain offices and positions.

3. Salary ranges for the following offices and positions in the judicial branch are fixed and established as follows:

Title	Salary Range Minimum	Maximum
Standing master of the supreme court	$30,335	$39,437
Administrative director of the courts	31,852	41,410
Assistant administrative director of the courts	21,558	28,026
Assistant director, management services	18,622	24,208
Assistant director, probation services	17,735	23,057
Clerk of the supreme court	18,622	24,208
Clerk of the superior court	19,553	25,421

C. 2A:1A-4 Salary rate for year ending June 30, 1970.

4. The salary rate for the fiscal year ending June 30, 1970 for any position which has been assigned to a salary range by this act shall be the salary step in such range next above the salary currently being paid; provided, however, that any sums appropriated 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.

C. 2A:1A-5 Reduction of salaries.

5. Nothing in this act shall reduce the salary for any position below that being paid on the effective date of this act.

6. The salaries fixed and to be fixed pursuant to this act shall be payable beginning with the State biweekly pay period next following the effective date of this act.

7. There is hereby appropriated to the Judiciary the sum of $750,000.00 to carry out the purposes of this act for the period ending June 30, 1971.

8. This act shall take effect immediately.

Approved June 22, 1970.

CHAPTER 106

AN ACT to provide for the transfer of real estate, no longer used, to the board of education of the county vocational school 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:20-8.1 Transfer of land to county vocational school district.

1. The board of education of any school district or regional school district may, by resolution, transfer land to the board of education of a county vocational school district for the purpose of constructing a vocational school on such land.

2. This act shall take effect immediately.

Approved June 22, 1970.

CHAPTER 107

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:2–37 of the New Jersey Statutes.

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

1. N. J. S. 22A:2–6 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 $60.00 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 $60.00 paid to the clerk, $25.00 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 $30.00 for the first paper filed by him.

2. N. J. S. 22A:2–12 is amended to read as follows:

Chancery Division of Superior Court; clerk's fees.

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 $60.00.

3. N. J. S. 22A:2–13 is amended to read as follows:

Answering pleading or paper; clerk's 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 $30.00; which shall cover all fees payable therein except such as may be otherwise provided herein or by law or the rules of court.

4. N. J. S. 22A:2–15 is amended to read as follows:

Probate proceedings in Superior Court, Chancery Division; clerk's fees.

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 $60.00.

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, 1/2 of 1% of it; if over $100.00 and under $1,000.00, 1/4 of 1% on such excess; if over $1,000.00, 1/8 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. N. J. S. 22A:2–37 is amended to read as follows:

County district court; clerk's fees.

22A:2–37. In all civil actions and proceedings in the county district court, the following fees shall be paid to the clerk:

Copy of proceedings or transcript of the same, per folio, $0.20.

Instituting action without process where the amount claimed does not exceed $500.00, $8.00.

Instituting action without process where the amount claimed exceeds $500.00, $10.00.

Filing a pleading stating a counterclaim, where the amount claimed does not exceed $500.00, $7.00.

Filing a pleading stating a counterclaim, where the amount claimed exceeds $500.00, $9.00.

Execution, or an order in the nature of execution, on a judgment, or execution against the body, for one defendant, $2.50.

Execution against the body, each additional defendant, $1.00.

Copy of execution, or other order, in the nature of execution, $0.50.

Mileage of constable in serving any summons, executions or warrant against the body, the distance to be computed by counting the number of miles, in and out, by the most direct route from the place where process is issued, for every mile, $0.10.

Summons, one defendant, where the amount does not exceed $500.00, $7.60. For each additional defendant, $0.40.

Summons, one defendant, where the amount exceeds $500.00, $10.00. For each additional defendant, $0.40.

In tenancy, one defendant, $7.10. For each additional defendant, $0.40.

In replevin, for service of summons, one defendant, where the amount or value of goods does not exceed $500.00, $7.60. For each additional defendant, $0.40.

In replevin, for service of summons, one defendant, where the amount or value of goods exceeds $500.00, $10.00. For each additional defendant, $0.40.

In replevin, where writ is served with summons, one defendant, where the amount or value of goods does not exceed $500.00, $9.50. For each additional defendant, $0.40.

In replevin, where writ is served with summons, one defendant, where the amount or value of goods exceeds $500.00, $12.00. For each additional defendant, $0.40.

In replevin, where writ is issued subsequent to service of summons, $7.50.

Summons in third party complaints, one defendant, where the amount does not exceed $500.00, $7.60. For each additional defendant, $0.40.

Summons in third party complaints, one defendant, where the amount exceeds $500.00, $10.00. For each additional defendant, $0.40.

Actions instituted by capias or warrant to arrest, one defendant, where the amount does not exceed $500.00, $7.85. For each additional defendant, $1.00. Copy of warrant to arrest, $0.50.

Actions instituted by capias or warrant to arrest, one defendant, where the amount exceeds $500.00, $10.00. For each additional defendant, $1.00. Copy of warrant to arrest, $0.50.

Certificate of judgment, $1.00.

Jury of six men, $15.00.

Jury of 12 men, $30.00.

Capias, warrant to arrest, or commitment, one defendant, $3.35. For each additional defendant, $1.00.

Warrant for possession in tenancy, $4.00.

Writ of attachment, where the amount does not exceed $500.00, $8.85.

Writ of attachment, where the amount exceeds $500.00, $10.00.

Certifying statement of judgment for docketing in the Superior or County Court, $1.00.

Certifying statement of judgment on mechanic's lien for docketing, $1.00.

Restoring case marked not moved, $1.00.

Vacating default, $1.00.

Except as specifically provided for herein, there shall be no charge for any order up until the time of final judgment. After final judgment orders for warrants, orders to show cause, discovery or any other order not specifically provided for herein the clerk shall charge the sum of $1.00.

6. This act shall take effect July 1, 1970.

Approved June 22, 1970.

CHAPTER 108

AN ACT to amend "An act concerning county prosecutors and assistant county prosecutors of certain counties and supplementing chapter 158 of Title 2A of the New Jersey Statutes," approved February 9, 1970 (P. L. 1970, c. 6).

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

1. Section 4 of P. L. 1970, chapter 6 (C. 2A:158–15.2) is amended to read as follows:

C. 2A:158-15.2 Salaries of certain assistant prosecutors.

4. Notwithstanding the provisions of N. J. S. 2A:158–16 assistant prosecutors required to devote their entire time to the duties of their office shall receive annual salaries, to be fixed by the board

of chosen freeholders on recommendation of the county prosecutor, as follows:

a. The first assistant prosecutor or the assistant prosecutor serving as the county prosecutor's principal assistant, not less than 30% nor more than 80% of the amount of the annual salary of the county prosecutor; and

b. Other assistant prosecutors, not less than 30% nor more than 80% of the amount of the annual salary of the county prosecutor.

2. This act shall take effect immediately.

Approved June 22, 1970.

CHAPTER 109

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

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

1. Section 5 of the act of which this act is amendatory (C. 17:48–5) is amended to read as follows:

C. 17:48-5 Filing copy of certificate of incorporation; qualifications of directors; executive committee; vacancies; action by commissioner.

5. A copy of a certificate of incorporation of a hospital service corporation may be filed in the Department of Insurance as aforesaid only when there shall be indorsed on or appended to the original thereof the approval of the Commissioner of Insurance, who is hereby authorized to grant such approval if, in his judgment, the operation of a nonprofit hospital service plan by such corporation is in the public interest. No certificate of authority shall be issued to any such corporation unless the bylaws provide that the board of directors of such hospital service corporation subject to the provisions of this act shall be composed of persons who are representative of the member hospitals of such corporation, its subscribers and the general public. Not more than one-third of the directors of any hospital service corporation shall be persons who are licensed to practice medicine and surgery in this State (other than physicians employed on a full-time basis in the fields of public health, public welfare, medical research or medical educa-

tion) or who are trustees, directors or employees of a corporation organized for hospital purposes. Of the directors not included in the classification set forth in the preceding sentence, one-half in number, as nearly as possible, shall be persons (1) who have coverage under a contract or contracts issued by such hospital service corporation, (2) who are generally representative of broad segments of the subscribers covered under contracts issued by such corporation, and (3) who, or whose spouse or minor children, are not officers, directors or owners of more than 10% of the stock of a corporation whose aggregate sales to hospitals exceed 5% of its total sales, and one-half in number, as nearly as possible, shall be persons (a) whose background and experience indicate that they are qualified to act in the broad public interest, (b) who may or may not have coverage under a contract or contracts issued by such hospital service corporation, and (c) who, or whose spouse or minor children, are not officers, directors or owners of more than 10% of the stock of a corporation whose aggregate sales to hospitals exceed 5% of its total sales. Each such hospital service corporation shall have an executive committee the members of which shall be composed, as nearly as possible, of an equal number of representatives of the member hospitals of such corporation, its subscribers and general public. Compliance with the provisions of this section shall be under the supervision of the Commissioner of Insurance. Within 10 days after a vacancy in the board of directors of a hospital service corporation shall occur, such corporation shall notify the Commissioner of Insurance in writing that such vacancy exists. Not more than 10 days after the election of a person as a director of a hospital service corporation, such corporation shall furnish, in writing, the following information to the Commissioner of Insurance: the name and address of the person so elected; whether such person is representative of the member hospitals of such corporation, or its subscribers, or the general public and qualified to serve under the provisions of this section; and a biographical statement concerning such person. In the event that the Commissioner of Insurance shall find, after hearing, that the composition of the board of directors of a hospital service corporation is not in compliance with the provisions of this section, he may direct that such board of directors be reconstituted in accordance with his finding. The provisions of this section shall apply only to directors of hospital service corporations elected or re-elected after the effective date of this act.

2. This act shall take effect immediately.

Approved June 26, 1970.

CHAPTER 110

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

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

1. Section 6 of chapter 366 of the laws of 1938 (C. 17:48–6) is amended to read as follows:

C. 17:48-6 Contracts; certificates; contents.

6. Every individual contract made by a corporation subject to the provisions of this chapter to furnish services to a subscriber shall provide for the furnishing of services for a period of 12 months, and no contract shall be made providing for the inception of such services at a date later than 1 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 at least 30 days prior written notice of termination by either the subscriber or the corporation. In the absence of fraud or material misrepresentation in the application for a contract or for reinstatement, no contract with an individual subscriber shall be terminated by the corporation unless all contracts of the same type, in the same group or covering the same classification of persons are terminated under the same conditions.

No contract between any such corporation and a subscriber shall entitle more than one person to services, except that a contract issued as a family contract may provide that services will be furnished to a husband and wife, or husband, wife and their dependent child or children, or the subscriber and his (or her) dependent child or children. Adult dependent(s) of a subscriber may also be included for coverage under the contract of such subscriber.

A contract under which coverage of a dependent of a subscriber terminates at a specified age shall, with respect to an unmarried child, covered by the contract prior to attainment of age 19, who is incapable of self-sustaining employment by reason of mental retardation or physical handicap and who became so incapable prior to attainment of age 19 and who is chiefly dependent upon such

subscriber for support and maintenance, not so terminate while the contract remains in force and the dependent remains in such condition, if the subscriber has within 31 days of such dependent's attainment of the termination age submitted proof of such dependent's incapacity as described herein. The foregoing provisions of this paragraph shall not apply retrospectively or prospectively to require a hospital service corporation to insure as a covered dependent any mentally retarded or physically handicapped child of the applicant where the contract is underwritten on evidence of insurability based on health factors required to be set forth in the application. In such cases any contract heretofore or hereafter issued may specifically exclude such mentally retarded or physically handicapped child from coverage.

Every individual contract entered into by any such corporation with any subscriber thereto shall be in writing and a certificate stating the terms and conditions thereof shall be furnished to the subscriber to be kept by him. No such certificate form shall be made, issued or delivered in this State unless it contains the following provisions:

(a) A statement of the contract rate, or amount payable to the corporation by or on behalf of the subscriber for the original quarter-annual period of coverage and of the time or times at which, and the manner in which, such amount is to be paid; and a provision requiring 30 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 services to be furnished and the period during which they will be furnished; and if there are any services to be excepted, a detailed statement of such exceptions printed as hereinafter specified;

(c) A statement of the terms and conditions, if any, upon which the contract may be amended on approval of the commissioner or canceled or otherwise terminated at the option of either party. Any notice to the subscriber shall be effective if sent by mail to the subscriber's address as shown at the time on the plan's records, except that, in the case of persons for whom payment of the contract is made through a remitting agent, any such notice to the subscriber shall also be effective if a personalized notice is sent to the remitting agent for delivery to the subscriber, in which case it shall be the responsibility of the remitting agent to make such delivery. The notice to the subscriber as herein required shall be sent at least 30 days before the amendment, cancellation or termination of

the contract takes effect. Any rider or endorsement accomanying such notice, and amending the rates or other provisions of the contract, shall be deemed to be a part of the contract as of the effective date of such rider or endorsement;

(d) A statement that the contract includes the endorsements thereon and attached papers, if any, and contains the entire contract for services;

(e) A statement that no statement by the subscriber in his application for a contract shall avoid the contract or be used in any legal proceeding thereunder, unless such application or an exact copy thereof is included in or attached to such contract, and that no agent or representative of such corporation, other than an officer or officers designated therein, 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 contract, the subsequent acceptance of a payment by the corporation or by one of its duly authorized agents shall reinstate the contract, but with respect to sickness and injury may cover such sickness as may be first manifested more than 10 days after the date of such acceptance;

(g) A statement of the period of grace which will be allowed the subscriber for making any payment due under the contract. Such period shall be not less than 10 days.

In every such contract made, issued or delivered in 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 contract on its first page and on its filing back in type of which the face is not smaller than 14 point;

(c) The exceptions of the contract shall appear with the same prominence as the benefits to which they apply; and

(d) If the contract contains any provision purporting to make any portion of the articles, constitution or by-laws of the corporation a part of the contract, such portion shall be set forth in full.

2. This act shall take effect immediately.

Approved June 26, 1970.

CHAPTER 111

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

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

C. 17:48-6.9 Provision for adjustment of premium rate; filing and approval of rating formulas.

1. Any group contract, covering at least 100 employees of members, may provide for the adjustment of the rate of premium at the end of the first year or any subsequent year of insurance thereunder based on the experience thereunder both past and contemplated. No hospital service corporation shall use any form of experience rating plan until it shall have filed with the commissioner the formulas to be used and the classes of groups to which they are to apply. The commissioner may disapprove the formulas or classes at any time if he finds that the rates produced thereby are excessive, inadequate or unfairly discriminatory or that the formulas or classes are such as to prejudice the interests of persons who are eligible for hospital services under contracts with the hospital service corporation which are not subject to experience rating.

Excluding those rating formulas applicable to groups the employees or members of which are located in more than one state and which are underwritten in participation with other corporation(s) of other state(s), no rating formula shall be approved by the commissioner unless it provides that the experience rated groups will be assessed a reasonable community charge. Any such rating formula may provide for the allowance of an equitable discount in the event the policyholder agrees to perform certain administrative and record keeping functions in connection with the routine maintenance of the group account.

2. Section 14 of the act of which this act is amendatory (C. 17:48–14) is amended to read as follows:

C. 17:48-14 Fees.

14. Every corporation to which this chapter shall be applicable shall pay the following fees to the Commissioner of Insurance for

enforcement of the provisions of this chapter, 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 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 of Insurance of $0.02 per subscriber covered under subscription contracts, other than group contracts, at the end of the preceding year plus $0.02 per member or employee covered under group contracts at the end of the preceding year, and the first such general supervisory fee shall be due as of December 31, 1970, payable April 1, 1971.

3. This act shall take effect immediately.

Approved June 26, 1970.

CHAPTER 112

AN ACT to amend "An act to supplement 'An act concerning hospital service corporations and regulating the establishment, maintenance and operation of hospital service plans, and supplementing Title 17 of the Revised Statutes by adding thereto a new chapter entitled "Hospital Service Corporations,"' approved June 14, 1938 (P. L. 1938, c. 366)," approved June 17, 1966 (P. L. 1966, c. 125).

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

1. Section 1 of P. L. 1966, chapter 125 (C. 17:48–1.7) is amended to read as follows:

C. 17:48-1.7 Additional powers; contract benefits; disapproval by commissioner; review.

1. Any hospital service corporation organized pursuant to the laws of this State, in addition to other powers conferred upon it, shall be authorized and empowered to include in its contracts benefits not only for hospital services but also benefits for such other similar health care services and supplies or health care services or supplies other than the services of persons licensed to practice medicine or surgery as are approved for such inclusion by the

Commissioner of Banking and Insurance. The commissioner may disapprove any contract which makes provision for such health care services and supplies or health care services or supplies if it provides for a type of coverage or contains other provisions which he determines to be dissimilar health care services or unjust, unfair, inequitable, misleading, or contrary to law. All determinations of the commissioner under this section shall be subject to review by the Superior Court in a proceeding in lieu of a prerogative writ.

2. This act shall take effect immediately.

Approved June 26, 1970.

CHAPTER 113

AN ACT to amend and supplement "An act concerning medical service corporations and regulating the establishment, maintenance and operation of medical service corporations and medical service plans, and supplementing Title 17 of the Revised Statutes by adding thereto a new chapter entitled 'Medical Service Corporations,' " approved May 29, 1940 (P. L. 1940, c. 74).

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

1. Section 5 of chapter 74 of the laws of 1940 (C. 17:48A–5) is amended to read as follows:

C. 17:48A-5 Subscription contracts.

5. Every individual contract made by any corporation subject to the provisions of this chapter to provide payment for medical services shall provide for the payment of medical services for a period of 12 months from the date of issue of the subscription certificate. Any such contract may provide that it shall be automatically renewed from year to year unless there shall have been 1 month's prior written notice of termination by either the subscriber or the corporation. In the absence of fraud or material misrepresentation in the application for a contract or for reinstatement, no contract with an individual subscriber shall be terminated by the corporation unless all contracts of the same type, in the same group or covering the same classification of persons are

terminated under the same conditions. No contract between such corporation and subscriber shall allow for the payment for medical services for more than one person, except that a family contract may provide that payment will be made for medical services rendered to a subscriber and any of those dependents defined in section 1 of this act.

A contract under which coverage of a dependent of a subscriber terminates at a specified age shall, with respect to an unmarried child, covered by the contract prior to attainment of age 19, who is incapable of self-sustaining employment by reason of mental retardation or physical handicap and who became so incapable prior to attainment of age 19 and who is chiefly dependent upon such subscriber for support and maintenance, not so terminate while the contract remains in force and the dependent remains in such condition, if the subscriber has within 31 days of such dependent's attainment of the termination age submitted proof of such dependent's incapacity as described herein. The foregoing provisions of this paragraph shall not apply retrospectively or prospectively to require a medical service corporation to insure as a covered dependent any mentally retarded or physically handicapped child of the applicant where the contract is underwritten on evidence of insurability based on health factors, required to be set forth in the application. In such cases any contract heretofore or hereafter issued may specifically exclude such mentally retarded or physically handicapped child from coverage.

2. Section 6 of chapter 74 of the laws of 1940 (C. 17:48A–6) is amended to read as follows:

C. 17:48A-6 Written contracts required; subscription certificates.

6. Every individual contract entered into by any such 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 medical service corporation of this State 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 1 month's written notice to the subscriber before termination or cancellation of the contract or any change in the contract, including a change of subscription rate, shall take effect;

(b) A statement of the nature of the medical services to be paid for and the period during which the certificate is effective; and if there are any types of medical 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. Any notice to the subscriber shall be effective if sent by mail to the subscriber's address as shown at the time on the plan's records, except that, in the case of persons for whom payment is made through a remitting agent, any such notice to the subscriber shall also be effective if a personalized notice is sent to the remitting agent for delivery to the subscriber, in which case it shall be the responsibility of the remitting agent to make such delivery. The notice to the subscriber as herein required shall be sent at least 30 days before the amendment, cancellation or termination of the contract takes effect. Any rider or endorsement accompanying such notice, and amending the rates or other provisions of the contract, shall be deemed to be a part of the contract as of the effective date of such rider or endorsement;

(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 avoid 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 such 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 certificate, but with respect to sickness and injury may cover only such sickness and injury as may be first manifested more than a specified number of days, not exceeding 10, after the date of such acceptance;

(g) A statement of the period of grace which will be allowed the subscriber for making any payment due under the contract. Such 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 medical services for which the corporation was liable at the time of such payment.

Any such subscription certificate may contain a provision that all medical services paid for by a medical service corporation shall be in accordance with the accepted medical 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 physician in the course of rendering medical services to subscribers.

Any medical service corporation may classify subscribers whereby under specified circumstances a subscriber or covered dependents may pay a participating physician for medical services an amount in addition to that payable by the corporation for medical services and the subscription certificate issued to any subscriber affected thereby shall contain the provisions thereof and shall specify such circumstances.

3. This act shall take effect immediately.

Approved June 26, 1970.

CHAPTER 114

AN ACT to amend and supplement "An act concerning medical service corporations and regulating the establishment, maintenance and operation of medical service corporations and medical service plans, and supplementing Title 17 of the Revised Statutes by adding thereto a new chapter entitled 'Medical Service Corporations,' " approved May 29, 1940 (P. L. 1940, c. 74).

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

C. 17:48A-7.9 Provision for adjustment of premium rate; filing and approval of rating formulas.

1. Group contracts, covering at least 100 employees or members, may provide for the adjustment of the rate of premium at the end of the first year or any subsequent year of insurance thereunder based on the experience thereunder both past and contemplated. No medical service corporation shall use any form of experience

rating plan until it shall have filed with the commissioner the formulas to be used and the classes of groups to which they are to apply. The commissioner may disapprove the 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 medical services under contracts with the medical service corporation which are not subject to experience. Excluding those rating formulas applicable to groups the employees or members of which are located in more than one state and which are underwritten in participation with other corporation(s) of other state(s), no rating formula shall be approved by the commissioner unless it provides that the groups with better than average experience will be assessed a reasonable community charge. Any such rating formula may provide for the allowance of an equitable discount in the event the policyholder agrees to perform certain administrative and record keeping functions in connection with the routine maintenance of the group account.

2. Section 21 of the act of which this act is amendatory (C. 17:48A–21) is amended to read as follows:

C. 17:48A-21 Fees.

21. Every corporation to which this chapter shall be applicable shall pay the following fees to the Commissioner of Insurance for enforcement of the provisions of this chapter, 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 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 of Insurance of $0.02 per subscriber covered under subscription contracts, other than group contracts, at the end of the preceding year plus $0.02 per member or employee covered under group contracts at the end of the preceding year, and the first such general supervisory fee shall be due as of December 31, 1970, payable April 1, 1971.

3. This act shall take effect immediately.

Approved June 26, 1970.

CHAPTER 115

AN ACT relating to the employment of, and minimum wage rates payable to, certain minors 17 or more years of age and amending P. L. 1940, c. 153 and P. L. 1966, c. 113.

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

1. Section 15 of P. L. 1940, chapter 153 (C. 34:2–21.15) is amended to read as follows:

C. 34:2-21.15 Street trade; agricultural pursuits; ages for employment; special permits.

15. Except as hereinafter provided as to newspaperboys, no boy under 14 years of age and no girl under 18 years of age may engage in any street trade, which term, for the purpose of this section shall include the selling, offering for sale, soliciting for, collecting for, displaying, or distributing any articles, goods, merchandise, commercial service, posters, circulars, newspapers or magazines or in blacking shoes on any street or other public place or from house to house. No child under 12 years of age may be employed in agricultural pursuits.

Whenever a child has graduated from vocational school, approved by the Commissioner of Education and is at least 17 years of age, his diploma or certified copy thereof and an employment certificate mailed to the employer by the issuing officer shall be deemed a special permit to engage in those pursuits in which he majored in said vocational school during those hours permitted for persons 18 years of age and over.

Except as hereinafter provided as to newspaperboys, whenever a child under 16 years of age desires to work during such times as the schools of the district in which he resides are not in session in any street trade or in agricultural pursuits, the parent, guardian or other person having the custody and control of the child may file with the issuing officer in the school district in which the child resides an application for a special permit authorizing such work. Such application shall show the exact character of the work the child is to do, and the hours and wages and special conditions under which said work is to be performed.

If upon investigation it is found that the facts set forth in the application are true and that the work will not interfere with the

child's health or standing in school, the issuing officer shall, upon presentation to him of the same proof of age as is required for the issuance of an employment certificate, issue a special permit, allowing the child to work at such times as the public schools in the district are not in session, but such work except in agricultural pursuits, and as newspaperboys, to be otherwise subject to the maximum hours of labor provisions set for minors under 16 years of age in section 3 of this act; provided, that nothing in this act shall prevent newspaperboys as defined in this act, between 12 and 14 years of age, from delivering, soliciting, selling and collecting for newspapers on routes in residential neighborhoods between the hours of 6:00 o'clock in the morning and 7:00 o'clock in the evening of any day; and newspaperboys 14 years of age and older from delivering, soliciting, selling and collecting for newspapers on routes in residential neighborhoods between the hours of 5:30 o'clock in the morning and 8:00 o'clock in the evening of any day; and provided further that no newspaperboy under the age of 18 years shall be permitted to engage in such occupation beyond the period of time wherein the combined hours devoted to said occupation as a newspaperboy and the hours in school shall exceed a total of 40 hours per week and not more than 8 hours in any 1 day; and provided, further, that children engaged in agricultural pursuits may be employed no more than 10 hours per day.

Such special permit shall show the name, address, and date of birth of the minor for whom it is issued, the kind of proof of age submitted, the nature of the occupation in which the minor is to engage, and such other information as the commissioner of Education may require.

Any such special permit for work in agriculture shall be issued for a period not to exceed 6 months and shall show its date of expiration. Any person employing a minor under 16 years of age in agriculture shall obtain such a certificate from the minor and keep it on file during the period of the minor's employment and shall return it to the minor to whom it is issued upon termination of his employment.

Upon application by the parent, guardian or other person having custody and control of a newspaperboy as defined in this act, between the ages of 12 and 18 years of age, to the publisher of any newspaper in this State and upon receiving satisfactory proof of age and a signed statement of physical fitness, such publisher may issue to such newspaperboy a special permit on a form prescribed and approved by the Commissioner of Education, whereby he shall

be permitted to deliver, solicit, sell and collect for newspapers outside of his school hours on residential routes, and on Sundays and during school vacations and no other employment certificate shall be required.

Such special permit shall show the name, address and date of birth of the newspaperboy for whom it is issued, and such other information as the Commissioner of Education may require.

The publisher shall forthwith mail 3 copies of such special permit to the issuing officer as defined in section 1 of this act, one of which copies shall be forwarded to the Commissioner of Education and one copy to the Commissioner of Labor and Industry in such manner as may be provided by regulation of said commissioners. A copy of such special permit shall also be furnished by the publisher to the parent, guardian or other person having custody and control of the newspaperboy and the publisher shall retain at all times a file copy thereof.

The special permit shall remain in full force and effect unless and until the publisher has knowledge of or is notified by the issuing officer or the Commissioner of Labor and Industry that the newspaperboy is not physically fit or that in the opinion of the issuing officer or the Commissioner of Labor and Industry, engaging in the occupation as a newspaperboy will be harmful to his education. In such case, the said special permit shall be suspended unless and until the issuing officer shall revoke said notification. In the event of such notification and suspension, however, if either the parent, guardian or other person having custody and control of the newspaperboy or the publisher shall deem such decision to be erroneous, an appeal may be made to the Commissioner of Education who shall have authority to affirm, reverse or modify such decision of the issuing officer or the Commissioner of Labor and Industry.

The publisher shall keep a record of the name, address and birth date of each newspaperboy to whom such special permit is issued; the date said newspaperboy commenced and ceased delivering newspapers published by said publisher together with a record of the number of newspapers sold to each newspaperboy and a general description of the area of the route served by each newspaperboy. Such records shall be kept on file by said publisher for a period of 2 years after the newspaperboy has ceased delivering newspapers published by said publisher.

The special permit shall remain in full force and effect unless and until the publisher is notified by the issuing officer or the Commissioner of Labor and Industry that the newspaperboy is not

New Jersey State Library

physically fit or that the newspaperboy's school record is such that engaging in the occupation of a newspaperboy will be harmful to his education. In such case, however, if either the parent, guardian or other person having custody and control of the newspaperboy or the publisher shall deem such decision to be erroneous, an appeal may be made to the Commissioner of Education who shall have authority to reverse or modify such decision of the issuing officer or the Commissioner of Labor and Industry.

2. Section 17 of P. L. 1940, chapter 153 (C. 34:2–21.17) is amended to read as follows:

C. 34:2-21.17 Prohibited employment for minors under 16 and under 18; inapplicable to work in schools and to vocational school graduates.

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;

calendar 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 pinsetters 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 hazardous 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 regulation 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, or to a child who is at least 17 years of age employed in the type of work in which he majored under the conditions of the special vocational school graduate permit provided in section 15 of this act (C. 34:2–21.15).

3. Section 5 of P. L. 1966, chapter 113 (C. 34:11–56a4) 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 1 and ½ 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 not possessing a special vocational school graduate permit issued pursuant to section 15 of chapter 153 of the Laws of 1940 (C. 34:2–21.15) or 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.

4. This act shall take effect immediately.

Approved June 26, 1970.

CHAPTER 116

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, 1970, and regulating the disbursement thereof," approved June 4, 1969 (c. 71, P. L. 1969).

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 STATE

300-100. *Office of Secretary*

Extraordinary—	
Implementation of the provisions of N. J. S. A. 14A:3–1 and for advertising three public questions for the November, 1969, General Election	$32,462
Total Appropriation, Department of State	$32,462

DEPARTMENT OF CONSERVATION AND ECONOMIC DEVELOPMENT

Division of Parks, Forestry and Recreation

490-103. *Bureau of Forestry*

Supplemental requirement for fire fighting costs for fiscal year 1969-70	$45,000
Total Appropriation, Department of Conservation and Economic Development	$45,000

DEPARTMENT OF HIGHER EDUCATION

573-100. *New Jersey College of Medicine and Dentistry*

Extraordinary—	
Office, technical, medical and maintenance equipment at the Martland Hospital, essential for quality care which the college is committed to provide	$1,250,000
Total Appropriation, Department of Higher Education	$1,250,000

DEPARTMENT OF INSTITUTIONS AND AGENCIES

714-100. *Division of Medical Assistance and Health Services*

Supplemental requirement for fiscal year 1969-70 for administration of medical assistance	$2,950,000

730-100. *Division of Correction and Parole*

Payments received by the State from employers of prisoners on their behalf as part of any work release program authorized pursuant to Chapter 22, Laws of 1969 are hereby appropriated for the purposes provided therein.	
Total Appropriation, Department of Institutions and Agencies	$2,950,000

STATE AID

DEPARTMENT OF THE TREASURY

Division of Taxation

246-150. *Payments to Municipalities (In Lieu of Business Personalty Tax)—State Aid*

Supplemental requirement for fiscal year 1969-70 for State aid to municipalities resulting from elimination of local property tax on business personalty	$2,000,000
Total Appropriation, Department of the Treasury	$2,000,000

CAPITAL CONSTRUCTION

DEPARTMENT OF INSTITUTIONS AND AGENCIES

700-171. *Major Capital*

Capital Construction—	
Arthur Brisbane Child Treatment Center	
New well and water treatment plant	$100,000
Total Appropriation, Department of Institutions and Agencies	$100,000

NON-STATE FUND

DEPARTMENT OF CONSERVATION AND ECONOMIC DEVELOPMENT

Division of Water Policy and Supply

430-400. *Water Supply Operating Fund*

There shall be appropriated for operation and maintenance of Spruce Run and Round Valley Reservoirs, in addition to any appropriation heretofore made for the fiscal year ending June 30, 1970, a sum not to exceed $75,000 out of the aggregate revenue produced pursuant to N. J. S. A. 58:22–10; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in N. J. S. A. 52:27B–28 and N. J. S. A. 52:11–41.

CLAIMS

DEPARTMENT OF THE TREASURY

230-100. *Division of Purchase and Property*

For payment of claims heretofore settled by the department	$152,800.00
United Food Management Services, Inc., 7016 Euclid Avenue, Cleveland, Ohio, for services rendered between December 1, 1963 and January 1, 1968, to be paid from funds appropriated to the department, $35,000.00, the balance appropriated herein	18,000.00

DEPARTMENT OF CONSERVATION AND ECONOMIC DEVELOPMENT

Division of Fish and Game

451-400. *Public Shooting and Fishing Grounds*

Township of Sandyston, Sussex County, New Jersey, c/o Hixon Spangenberg, Esquire, Township Clerk, Layton, N. J., for payment in lieu of taxes for certain Fish and Game properties that lie within the Township, payable from funds appropriated for Public Shooting and Fishing Grounds, $2,000.00.

DEPARTMENT OF EDUCATION

500-101. *Division of Vocational Education*

Victor Oquendo Melecio, 489 Broadway, Newark, N. J., for injury to his right eye during his employment as trainee, Newark Manpower Training Center $532.00

DEPARTMENT OF TRANSPORTATION

610-100. *Division of Maintenance and Equipment*

Michael Bello, c/o Donald Bello, 67 Garretson Avenue, Totowa, N. J., for multiple injuries as the result of a fall on property owned by the Department of Transportation, payable from funds appropriated to the department, $1,829.00.

Michael Costa, c/o Mrs. Joyce Costa, 360 Valley Road, West Orange, N. J., for injury to his left leg as the result of a fall on property owned by the Department of Transportation, payable from funds appropriated to the department $1,550.00
Plus interest at 3% 46.50

Total $1,596.50

Lillian and Robert B. Macaulay, 40 Ball Avenue, Parsippany-Troy Hills, N. J., for injury suffered by Lillian Macaulay, who was knocked down and injured by a backing loader, owned by the Department of Transportation, payable from funds appropriated to the department, $1,536.50.

612-100. *Construction of State Highway System*

Brookfield Construction Company, 521 Fifth Avenue, New York, N. Y., c/o Thomas C. Mitchell, 11 Patton Drive, East Brunswick, N. J., for losses incurred in the construction of Route 80, section 5-S, Bergen County, N. J., to be paid from funds appropriated for the construction of State Highway System	$213,937.64
Plus interest at 3%	6,418.13
Total	$220,355.77
P. T. & L. Construction Co., 500 Route 17, Paramus, N. J., for liquidated damages in the construction of Route 80, section 4-G in the County of Bergen-Passaic, to be paid from funds appropriated for the Construction of State Highway System	$110,360.64
Plus interest at 3%	3,310.82
Total	$113,671.46
State Paving and Construction Company for Rickert Nurseries, Landscape Division, c/o George H. Bohlinger, Esquire, 28 West State Street, Trenton, N. J., for losses incurred by Rickert Nurseries, Landscape Division in landscaping Route 29 (Freeway), Trenton, N. J., to be paid from funds appropriated	

for the Construction of State Highway System	$13,900.05
Plus interest at 3%	417.00
Total	$14,317.05

Yonkers Contracting Co., Inc., 969 Midland Avenue, Yonkers, N. Y., for liquidated damages in the construction of Route 80, section 1-B and 2-L, to be paid from funds appropriated for the construction of State

Highway System	$73,224.80
Plus interest at 3%	2,196.74
Total	$75,421.54

DEPARTMENT OF INSTITUTIONS AND AGENCIES

717-100. *Bureau of Children's Services*

Charles R. Smith, 87 Mill Street, Mt. Holly, N. J., for restitution of moneys stolen from his premises by William Van Eiken, a ward of the State of New Jersey, payable from funds appropriated to the department, $730.00.

731-100. *State Prison, Trenton*

Harry W. Ackerman, c/o N. J. State Prison, Trenton, N. J., for injury to the third and fourth fingers of his right hand, while on work detail, payable after discharge from the institution, from funds appropriated to the department, $300.00.

Robert F. Urbano, c/o N. J. State Prison, Trenton, N. J., for loss of stamp collection by employees of the State Prison, Trenton, payable forthwith, from funds appropriated to the department, $518.99.

John Harvey Wilbely, c/o Edward Piechota, Esquire, 750 Paterson Avenue, East Rutherford, N. J., for injury to his right hand, while on work detail, payable after release from custody, from funds appropriated to the department, $1,000.00.

732-100. *State Prison Farm, Rahway*

Henry Allison, c/o N. J. State Prison, Trenton, N. J., for injury to his back while on work detail, payable after discharge from the institution, from funds appropriated to the department, $200.00.

Paul W. Bankes, c/o N. J. State Prison Farm, Rahway, N. J., for loss of a package containing leather, by employees of the State Prison Farm, Rahway, payable forthwith, from funds appropriated to the department, $74.00.

Albert Demeter, Sr., c/o N. J. State Prison Farm, Rahway, N. J., for injury to his left thumb, while on work detail, payable after discharge from the institution, from funds appropriated to the department, $375.00.

John L. Mertz, c/o N. J. State Prison Farm, Rahway, N. J., for injuries suffered while on work detail, payable after discharge from the institution, from funds appropriated to the department, $375.00.

Joseph Rubiano, c/o N. J. State Prison Farm, Rahway, N. J., for loss of radio in the institutional mail room, payable forthwith, from funds appropriated to the department, $46.75.

William L. Schmidlin, c/o N. J. State Prison, Trenton, N. J., for injury to his right index finger, while on work detail, payable after discharge from the institution, from funds appropriated to the department, $500.00.

Gulf Oil Corporation, Gulf Building, City Line Avenue and Schuylkill Expressway, Philadelphia, Pa. 19101, for oil delivered to the Rahway Prison Farm in prior fiscal years, invoices for which have not been paid, payable from funds appropriated to the department, $669.04.

733-100. *State Prison, Leesburg*

Edward Merritt Bruce, c/o N. J. State Prison, Leesburg, N. J., for injuries sustained while on work detail, payable after discharge from the in-

stitution, from funds appropriated to the department, $300.00.

Gerald Ebinger, 19 W. Third Street, Pine Hill, N. J., for injuries to his back while on work detail, payable from funds appropriated to the department, $450.00.

Ike McAllister, 401 Wood Street, Vineland, N. J., for injuries inflicted by another inmate, while on work detail, payable from funds appropriated to the department, $2,500.00.

734-100. *New Jersey Reformatory, Bordentown*

Sylvester Clayton Roots, c/o N. J. State Prison Farm, Rahway, N. J., for injury to his right arm and hand, while on work detail in the laundry at the Bordentown Reformatory, payable after discharge from the institution, from funds appropriated to the department, $600.00.

735-300. *Bureau of State Use Industries*

Samuel H. Widdifield, c/o N. J. State Prison Farm, Rahway, N. J., for injury to his left hand while on work detail in the Textile shop, State Use Industries, payable after discharge from the institution, from funds appropriated to State Use Industries, $180.00.

MISCELLANEOUS EXECUTIVE COMMISSIONS

911-100. *Palisades Interstate Park Commission*

For loss of tax revenues for local purposes from lands owned by Palisades Interstate Park Commission:

Borough of Alpine	$16,300.00	
Borough of Englewood Cliffs	25,200.00	
Borough of Fort Lee	19,500.00	
		$61,000.00
Total Claims		$232,332.00
Total Supplemental Appropriation		$6,609,794.00

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 June 29, 1970.

STATEMENT ON SENATE BILL No. 801

Pursuant to Article V, Section I, Paragraph 15 of the Constitution, I am appending to Senate Bill No. 801 at the time of signing it, this statement of the items, or parts thereof, to which I object so that each item, or part thereof, so objected to shall not take effect.

On page 5:

"612–100. *Construction of State Highway System*

Brookfield Construction Company, 521 Fifth Avenue, New York, N. Y., c/o Thomas C. Mitchell, 11 Patton Drive, East Brunswick, N. J., for losses incurred in the construction of Route 80, section 5-S, Bergen County, N. J., to be paid from funds appropriated for the construction of State Highway System	$213,937.64	
Plus interest at 3%	6,418.13	
Total		$220,355.77
P. T. & L. Construction Co., 500 Route 17, Paramus, N. J., for liquidated damages in the construction of Route 80, section 4-G in the County of Bergen-Passaic, to be paid from funds appropriated for the Construction of State Highway System	$110,360.64	
Plus interest at 3%	3,310.82	
Total		$113,671.46

State Paving and Construction Company for Rickert Nurseries, Landscape Division, c/o George H. Bohlinger, Esquire, 28 West State Street, Trenton, N. J., for losses incurred by Rickert Nurseries, Landscape Division in landscaping Route 29 (Freeway), Trenton, N. J., to be paid from funds appropriated for the Construction of State Highway System	$13,900.05	
Plus interest at 3%	417.00	
Total		$14,317.05
Yonkers Contracting Co., Inc., 969 Midland Avenue, Yonkers, N. Y., for liquidated damages in the construction of Route 80, section 1-B and 2-L, to be paid from funds appropriated for the construction of State Highway System	$73,224.80	
Plus interest at 3%	2,196.74	
Total		$75,421.54''

These items are deleted in their entirety.

Senate Bill No. 801 is a supplemental appropriation bill for the fiscal year ending June 30, 1970. The bill includes authorization for the payment of certain claims filed against the State of New Jersey. Among these claims are four claims against the State arising from contracts relating to the construction of the State Highway System. These four claims have been contested by the Department of Transportation and have, in the past, been vetoed by former Governor Hughes. I have decided, for the reasons stated herein, to delete entirely the four claims set forth above from Senate Bill No. 801 which I have signed today.

On January 14, 1969 former Governor Hughes disapproved certain contested claims, the payment of which would have been authorized by Senate Bill No. 892 (1968). The basis for disapproving the claims was the failure of the claim procedure to meet a minimum standard of equitable due process for both the

claimants and the State. Again on June 27, 1969 Governor Hughes refused to approve certain contested claims set forth in Senate Bill No. 813 (1969) for essentially the same reasons expressed in his veto message of January 14, 1969. The four contested claims which I have disapproved were among those disapproved by the former Governor.

In his veto messages, the former Governor urged the Legislature to undertake reforms in the claims procedure "to insure adequate and equitable consideration of contested claims by the Legislature and by the Governor." I share this concern for some degree of equitable due process in the disposition of claims against the State, not only to insure fair treatment to the claimants but also to preclude any doubt as to the impartiality and objectivity of the disposition of claims from the State's point of view.

The situation with respect to these claims is no different than that presented to the former Governor. These claims were not heard *de novo* by the sub-committee after their disapproval in June 1969. Essentially, the sub-committee relied on the records that had been made before the prior sub-committee, which records are subject to the infirmities enumerated by the former Governor. Thus, I am in no different or better position to conclude that these claims should be approved. This action is taken by me without prejudice to the claimants since it is not based on an evaluation of the merits of the claims. Indeed, such an evaluation is not possible on the records presented to me.

Earlier this year the Supreme Court of New Jersey rendered a decision establishing the right of claimants to seek a judicial determination of contract claims against the State. *P. T. & L. Construction Co. v. Commissioner, Department of Transportation, 55 N. J. 341 (1970).* The Legislature wisely recognized that the State would need time to prepare for the impact of this decision, which has added a new dimension to the Law. Accordingly, the Legislature enacted, and I approved, Chapter 98 of the Laws of 1970, which precludes any person from instituting suit against the State for a cause of action accruing prior to July 1, 1971. During this interim period, however, persons having claims against the State must submit them to the Legislature's claims sub-committee. This includes the same four claimants whose claims I have disapproved today. Therefore, the need for revamping the claims procedure has not abated by virtue of the ruling of the Supreme Court and I urge the Legislature to provide a procedure for these

and other claimants which guarantees fair adjudication to both the claimants and the State.

Respectfully,

[SEAL] WILLIAM T. CAHILL,
Governor.

Attest:
JEAN E. MULFORD,
Acting Secretary to the Governor.

CHAPTER 117

AN ACT to amend "An act concerning the compensation of jail keepers in certain counties of the second class, and supplementing chapter 8 of Title 30 of the Revised Statutes" approved September 4, 1968 (P. L. 1968, c. 269).

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

1. Section 1 of chapter 269 of the laws of 1968 (C. 30:8–24.1a) is amended to read as follows:

C. 30:8-24.1a Compensation of jailkeepers in 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 shall not be less than and may be more than the compensation paid to court attendants attending the county court of such county.

2. Section 2 of chapter 269 of the laws of 1968 (C. 30:8–24.1b) is amended to read as follows:

C. 30:8-24.1b Increase of compensation on recommendation of county sheriff.

2. Compensation paid to jailkeepers employed in counties of the second class 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 June 29, 1970.

CHAPTER 118

AN ACT concerning fees and costs of courts of limited criminal jurisdiction, and amending section 22A:3–4 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:3–4 of the New Jersey Statutes (P. L. 1953, c. 22) is amended to read as follows:

Fees and cost of courts of limited criminal jurisdiction and their officers.

22A:3–4. The fees provided in the following schedule, and no other charges whatsoever, shall be allowed for court costs in any proceedings of a criminal or quasi-criminal nature in all county district courts, criminal judicial district courts, county traffic courts, municipal courts, park police courts, or other inferior courts of limited criminal jurisdiction, but no charge shall be made for the services of any salaried police officer of the State, county or municipal police, or a State motor vehicle inspector.

COURT

For violations of Title 39 of the Revised Statutes, or of traffic ordinances, at the discretion of the court, up to but not exceeding $15.00.

For all other cases, at the discretion of the court, up to but not exceeding $25.00.

The provisions of this act shall not prohibit the taxing of additional costs when authorized by section 39:5–39 of the Revised Statutes.

For certificate of judgment	$2.00
For certified copy of paper filed with the court as a public record:	
First page	2.00
Each additional page or part thereof	.50
For copy of paper filed with the court as a public record:	
First page	1.00
Each additional page or part thereof	.50

CONSTABLES OR OTHER OFFICERS

From the fees allowed for court costs in the foregoing schedule, the clerk of the court shall pay the following fees to constables or other officers:

Serving warrant or summons, $0.75.
Serving every subpœna, $0.35.
Serving every execution, $0.75.
Advertising property under execution, $0.35.
Sale of property under execution, $0.50.
Serving every commitment, $0.75.
Transport of defendant, actual cost.
Mileage, for every mile of travel in serving any warrant, summons, commitment, subpœna or other process, computed by counting the number of miles in and out, by the most direct route from the place where such process is returnable, exclusive of the first mile, $.10.

If defendant is found guilty of the charge laid against him, he shall pay the costs herein provided, but if, on appeal, the judgment is reversed, the costs shall be repaid to defendant. If defendant is found not guilty of the charge laid against him, the cost shall be paid by the prosecutor, except when the Director of Motor Vehicles or the inspector of motor vehicles, a peace officer, or a police officer shall have been prosecutor.

2. This act shall take effect immediately.

Approved June 29, 1970.

CHAPTER 119

A SUPPLEMENT to "An act making appropriations for the support of the State Government and the several public purposes for the fiscal year ending June 30, 1971, and regulating the disbursement thereof."

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 PUBLIC UTILITIES

BOARD OF PUBLIC UTILITY COMMISSIONERS
350–100

Extraordinary:
Expenses in providing six additional staff members to supplement Department of Public Utilities staff for regulation of solid waste collection and solid waste disposal pursuant to Senate, No. 746 now pending in the Legislature $55,000.00

2. This act shall take effect July 1, 1970, provided that Senate Bill No. 800 now pending in the Legislature also becomes law.

Approved June 29, 1970.

CHAPTER 120

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, 1970, and regulating the disbursement thereof," approved June 4, 1969 (P. L. 1969, c. 71).

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

110-100. DIVISION OF LAW

Extraordinary:
Expenses in providing special representation on behalf of the public in proceedings before the Board of Public Utility Commissioners with respect to power line construction $15,000 00

2. This act shall take effect immediately.

Approved June 30, 1970.

CHAPTER 121

AN ACT concerning State school aid and amending sections 18A:58–4, 18A:58–6.1 and 18A:58–24 of the New Jersey Statutes.

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

1. Section 18A:58–4 of the New Jersey Statutes is amended to read as follows:

Local fair share.

18A:58–4. a. The local fair share of the foundation school program shall be determined for each school district for each year as a sum equal to 10½ mills per dollar upon the equalized valuation of the taxing district or districts within the school district, as certified by the Director of the Division of Taxation for the year in which the calculation is made.

b. With respect to regional school districts and their component districts, however, the equalized valuations as certified by the Director of Taxation shall be allocated among the regional district and its component districts in proportion to the number of pupils in each of them as determined for the foundation program. That part of the local fair share of a regional district and of a consolidated school district measured by property valuations shall be determined at the rate of 8½ mills per dollar of such allocated valuation during the first 5 years that the regional school or consolidated school district is in operation and at the rate of 9½ mills per dollar during the second 5 years that the regional school or consolidated school district is in operation, and thereafter at the full 10½ mills, with respect to any regional school district or consolidated school district heretofore or hereafter established.

c. In the event that the equalization table certified by the Director of the Division of Taxation shall be revised by the Division of Tax Appeals on or before January 15, the local fair share of any district affected thereby shall be recomputed accordingly and any determination or certification of State aid previously made pursuant to this article shall be amended to conform therewith.

2. Section 18A:58–6.1 of the New Jersey Statutes is amended to read as follows:

Additional State aid to certain districts.

18A:58–6.1. a. In a municipality having a population of more than 100,000 inhabitants according to latest Federal census, the school district shall receive in addition to all other aid an apportionment of $27.00 per resident pupil.

b. In any district in which there are pupils living in Federal property whose parents live and work on Federal property and for which the district has an entitlement under subsection 3(a) of Title I of P. L. 874 as amended by Title I of P. L. 89–10, the district shall be entitled to additional State aid. For each pupil living on Federal property the amount of the additional State aid so payable to the district shall be the difference between the cost per pupil for current expenses excluding transportation, and the sum of (a) the apportionment per pupil determined by the commissioner pursuant to sections 18A:58–5 and 18A:58–6.2 plus (b) the Federal apportionment per pupil under subsection 3(a) of Title I of P. L. 874 as amended by Title I of P. L. 89–10. The commissioner in his determination of the additional per pupil aid shall use the latest official statistics then available concerning per pupil State and Federal apportionments and payment of additional State aid shall be included in the installment payments to be made by the State Treasurer pursuant to section 18A:58–15.

3. Section 18A:58–24 of the New Jersey Statutes is amended to read as follows:

Local share.

18A:58–24. a. There shall be deducted from the amount of the capital foundation program of each district a local share equal to $0.075 per $100.00 (¾ mill per $1.00) upon the equalized full valuation of the taxing district or districts within the school district, as certified by the Director of the State Division of Taxation to the commissioner, pursuant to law, for the year in which the calculation is required to be made. The remainder shall constitute the district's building aid allowance.

b. With respect to regional school districts and their component districts, however, the equalized valuations as certified by the Director of Taxation as described above shall be allocated among the regional district and its component districts in proportion to the number of pupils in each of them as determined for the foundation program.

4. This act shall take effect July 1, 1970.

Approved June 30, 1970.

CHAPTER 122

AN ACT concerning the establishment and development of educational centers of research and demonstration to improve the quality of education in the State of New Jersey 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:6-71 Establishment of educational centers for research and demonstration.

1. That the Commissioner of Education and the State Board of Education shall have the authority and responsibility under this act to plan for, establish, and operate a State-wide system of educational centers for research and demonstration. These centers, in voluntary co-operation with local school districts, shall concentrate upon the development, testing, and installation of ideas and procedures to solve major educational problems facing the State; including but not limited to reading levels of low-income children, early childhood development, the gifted student and the effective utilization of new materials and equipment, educational technology, and patterns of school organization.

C. 18A:6-72 Functions of centers.

2. The centers shall design projects within an experimental framework in order that unproven educational ideas, equipment, methods and approaches, and newly developed curriculum materials can be objectively tested and evaluated and their value to local school districts demonstrated. These educational centers shall be planned and developed (1) to demonstrate an exemplary result that has widespread use and adaptability to local educational agencies, and (2) to procure and use Federal and private resources in combination with State resources to attain State educational goals.

C. 18A:6-73 Implementation of act.

3. The Commissioner of Education shall, with the approval of the State Board of Education, promulgate rules and regulations, establish procedures, employ personnel, and take all other necessary steps to insure the implementation of the provisions of this act.

4. There is hereby appropriated to the Department of Education the sum of $400,000.00 to carry out the purposes of this act for the period ending on June 30, 1970. Such amounts of this appropriation as approved by the State Board of Education may be allo-

cated to the Department of Education for such purposes as will insure the effective administration and evaluation of the provisions of this act.

C. 18A:6-74 Action of other State agencies.

5. Pursuant to the objectives of this act, the State Department of Education may seek the co-operation and involvement of other State agencies.

6. This act shall take effect immediately.

Approved June 30, 1970.

CHAPTER 123

AN ACT concerning education and amending section 18A:22–8 of the New Jersey Statutes.

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

1. Section 18A:22–8 of the New Jersey Statutes is amended to read as follows:

Contents of budget.

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 vocational evening schools and courses, evening schools or classes for foreign-born residents, 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. Deleted by amendment.

3. Deleted by amendment.

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.

2. This act shall take effect July 1, 1970.

Approved June 30, 1970.

CHAPTER 124

AN ACT making an appropriation to the State Rental Housing Study Commission.

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

1. There is hereby appropriated from the General Treasury to the State Rental Housing Study Commission created pursuant to 1969 Assembly Concurrent Resolution No. 28 and reconstituted by Assembly Joint Resolution No. 11 in 1970, the sum of $20,000.00 for the fiscal year beginning July 1, 1970.

2. This act shall take effect immediately.

Approved June 30, 1970.

CHAPTER 125

AN ACT amending an act entitled "An act concerning education and supplementing Title 18A of the New Jersey Statutes," approved July 19, 1968 (P. L. 1968, c. 177).

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

1. Section 2 of P. L. 1968, chapter 177 (C. 18A:58–33.3) is amended to read as follows:

C. 18A:58-33.3 Additional State school building aid; maximum amount.

2. (a) If the findings of said investigation show, to the satisfaction of the State Board of Education, that such school district is not able to provide the necessary facilities to comply with the provisions of said section 18A:33–1, the State Board of Education may by its resolution make its determination (1) that such school district is entitled to additional State school building aid in an amount (hereinafter sometimes referred to as the "allocation") not to exceed $25.00 per student in resident enrollment on September 30, 1968, and (2) that the school district projects or educational facilities authorized to be undertaken or provided pursuant to ordinance or proposal submitted with said application will assist the school district in providing necessary facilities as aforesaid and the bonds authorized in said ordinance or proposal for financing such projects or educational facilities shall constitute and shall be bonds entitled to the benefits or provisions of this act. The Commissioner of Education shall be and is hereby authorized to endorse upon any copy of such ordinance or proposal a certification thereof as being the ordinance or proposal as to which a determination of the State Board of Education has been made as aforesaid, and such endorsement shall be made in such form or manner as the commissioner shall determine.

(b) Any resolution of the State Board of Education adopted prior to April 1, 1970, setting forth a declaration or determination as to the amount of additional State school building aid to which any school district shall be entitled under this act by reference to the average daily enrollment of such school district shall be held and construed to be a reference to the resident enrollment of students of such school district on September 30, 1968, and the amount of such additional State school building aid shall constitute

the allocation with respect to such school district for any and all purposes provided in this act and the amount to be received annually by or with respect to such school district pursuant to the provisions of this act.

(c) The Commissioner of Education, the State Board of Education, the State Treasurer and the local finance board are each hereby authorized and empowered to consider any application of any school district with respect to additional State school building aid in connection with any school district projects or educational facilities authorized to be undertaken or provided pursuant to an ordinance or proposal submitted with such application, notwithstanding that such ordinance or proposal was adopted, approved or became effective prior to April 1, 1970 and provided that such ordinance or proposal had not been adopted, approved or become effective prior to January 1, 1968, and to make or provide any and all investigations, determinations, endorsements, certifications, considerations, approvals, restrictions, limitations, consents, resolutions, estimates or approvals, which may be required or provided for by this act with respect to any such ordinance or proposal, school district or school district projects or educational facilities, as if such ordinance or proposal had not been adopted, approved or become effective, and any bonds authorized by such ordinance or proposal shall be entitled to all the benefits of the provisions of this act.

2. Section 3 of P. L. 1968, chapter 177 (C. 18A:58–33.4) is amended to read as follows:

C. 18A:58-33.4 Approval of additional aid by State Treasurer and local finance board.

3. (a) A copy of said resolution of the State Board of Education determining a school district to be entitled to additional State school building aid, together with a copy of said ordinance or proposal bearing the endorsement of the Commissioner of Education, shall be submitted to the State Treasurer for his consideration. If the State Treasurer is satisfied after investigation either, (a) that the payment of the debt service (interest and principal) on the bonds proposed to be authorized by such ordinance or proposal will not cause the amount of additional State school building aid to be paid pursuant to this act to exceed the sum herein provided (with respect to such school district), or (b) that the payment of the debt service (interest and principal) in each year on the bonds authorized by such ordinance or proposal will not exceed the allocation with respect to such school district, he shall endorse his approval to that effect upon the copy of such ordinance or proposal.

(b) A copy of any such ordinance or proposal authorizing bonds for school purposes and bearing said endorsements of the Commissioner of Education and State Treasurer, shall be submitted to the local finance board for its consideration, and the local finance board in considering such copy of any ordinance or proposal submitted to it and before endorsing its consent thereon may require the governing body of any municipality or board of education of any school district submitting any such ordinance or proposal to adopt resolutions restricting or limiting any future proceedings therein or other matters or things deemed by the local finance board to affect any estimate made or to be made by it in accordance with subsection (c) hereof, and every such resolution so adopted shall constitute a valid and binding obligation of such municipality or school district, as the case may be, running to and enforceable by, and releasable by, the local finance board.

(c) Within 60 days after such submission to it, the local finance board shall cause its consent to be endorsed upon such copy of any ordinance or proposal authorizing such bonds, if it shall be satisfied, and shall record by resolution, its estimates that the amounts to be expended for the school district projects or educational facilities to be financed pursuant to such ordinance or proposal are not unreasonable or exorbitant; and that issuance of the bonds, proposed to be authorized by such ordinance or proposal, will not materially impair the credit of any municipality comprised within the district or substantially reduce its ability, during the ensuing 10 years, to pay punctually the principal and interest of its debts and supply essential public improvements and services, but if the local finance board is not so satisfied it shall cause its disapproval to be endosed on such copy within said period of 60 days.

(d) Any bonds entitled to the benefits of the provisions of this act, shall be deductible in determining the net school debt of any school district for any purpose or computation under section 18A:24–19 of the New Jersey Statutes, and the amount of all such bonds shall be deducted from the gross debt of any municipality constituting the whole or any part of such school district for any of the purposes of section 40A:2–44 of the New Jersey Statutes and shall be a deduction within the meaning and for the purpose of clause (g) of said section to any extent that such bonds are not deductible under clause (a) or clause (b) of said section, and shall at all times constitute a deduction from gross debt on any annual or supplemental debt statement of such municipality.

(e) All of such bonds when issued shall contain a recital to the effect that they are issued pursuant to Title 18A, Education, of the New Jersey Statutes and are entitled to the benefits of the provisions of this act. Any bonds entitled to the benefits of the provisions of this act shall be authorized and issued in the manner provided for in Title 18A, Education, of the New Jersey Statutes, and notwithstanding the provisions of section 18A:24–19 of the New Jersey Statutes. Compliance with the provisions of this act by or on behalf of any school district or municipality shall make it unnecessary to comply with any of the provisions of sections 18A:24–20 through 18A:24–27 of the New Jersey Statutes, and such sections shall not be applicable with respect to authorization or issuance of any bonds entitled to the benefits of the provisions of this act. Bonds entitled to the benefits of the provisions of this act shall mature not later than 30 years from their date and without regard to any limitations as to maturities or amounts of annual installments for such bonds as provided in Title 18A, Education, of the New Jersey Statutes.

(f) The Commissioner of Education is hereby authorized and directed to establish and maintain records pertaining to each issue of bonds entitled to the benefits of this act and setting forth as to such bonds the amount to be payable in each year on account of debt service (interest and principal) on such bonds, and such records as aforesaid shall be conclusive as to the amount so payable on account of such debt service, and the Commissioner of Education is hereby authorized and empowered to certify for any purpose such amounts as so payable on account of debt service with respect to such bonds. A school district or municipality authorized to issue such bonds may make application to the Commissioner of Education and the local finance board setting forth request for adjustment as to amount payable in any year on account of debt service with respect to such bonds, and the Commissioner of Education and the local finance board are each hereby authorized and empowered to grant such request if it shall be found that such request is reasonable and in the financial interest of such school district or municipality, and that the requested adjustment as to the amount payable in any year for debt service (principal and interest) on such bonds does not exceed the amount of the allocation then applicable as to such year with respect to such school district or municipality. The Commissioner of Education shall cause such records to be adjusted and shall certify by reference to such records the adjusted debt service with respect to such bonds after giving effect to such request, and

such bonds shall thereafter be eligible with respect to payments hereunder for debt service (principal and interest) in accordance with such certification. Upon issuance of any bonds benefiting under this act the chief financial officer of the school district or municipality issuing such bonds shall, within 30 days after issuance of such bonds, certify to the Commissioner of Education the exact amount payable on account of debt service (interest and principal) on such bonds in each year, and upon receipt of such certification, the Commissioner of Education shall thereupon cause such records to be adjusted with respect to such bonds giving effect to any increase or decrease resulting in any year as to payments on account of interest on or principal of such bonds as shown by said certification of said chief financial officer. Any certification by the Commissioner of Education with respect to bonds to the effect that such bonds are entitled to the benefits of the provisions of this act or as to amount payable in any year for debt service (principal and interest) on such bonds shall be fully conclusive as to such bonds from and after the time of issuance of such bonds, notwithstanding any irregularity, omission or failure as to compliance with any of the provisions of this act with respect to such bonds, provided that such bonds contain a recital to the effect that they are entitled to the benefits of the provisions of this act, and all persons shall be forever estopped from denying that such bonds are entitled to the benefits of the provisions of this act.

(g) Any school district or municipality which has authorized bonds and which are entitled to the benefits of this act, may issue temporary notes or loan bonds (hereinafter called "obligations") in anticipation of the issuance of permanent bonds to the extent permitted or provided for by or pursuant to the provisions of Title 18A, Education, of the New Jersey Statutes and any other laws applicable, in principal amount not in excess of the principal amount of the permanent bonds and subject to such additional terms or conditions with respect to such obligations as may be fixed or required by the Commissioner of Education or the local finance board under authority of this act. The amount and details of any such obligations issued and the interest payable thereon shall be certified by the chief financial officer of such school district or municipality to the Commissioner of Education. The whole or any part of the allocation then applicable to any school district pursuant to this act is hereby authorized to be paid in any year in which such obligations are outstanding and notwithstanding that permanent bonds have not been issued, pursuant to such terms and

conditions as may be determined by the Commissioner of Education, for use and application of the amount so paid to the payment of interest on such obligations and so much of the principal thereof in any such year as shall be determined by said commissioner. The determination of the commissioner hereunder provided for shall be conclusive as to such matters, and receipt of the amount of such allocation so paid shall be used and applied only for the payment of the interest on and principal of such obligations in accordance with such determination by said commissioner.

3. Section 4 of P. L. 1968, chapter 177 (C. 18A:58–33.5) is amended to read as follows:

C. 18A:58-33.5 Inclusion in annual budget; payment of debt service on bonds.

4. As provided in this act, every school district shall be entitled to receive annually the amount of the additional State school building aid (the allocation) determined in the resolutions of the State Board of Education and the State Board of Education shall include such amount in its annual budget for building aid for the school district. Amounts of such building aid paid under this act shall be used only for the payment of debt service (interest and principal) on bonds entitled to the benefits of the provisions of this act, in accordance with said resolutions, except to the extent otherwise provided in this act with respect to obligations issued in anticipation of such bonds; provided, (a) that no proposal authorizing such bonds was approved prior to January 1, 1968 either by the voters or the board of school estimate, and no permanent bonds were issued thereunder prior to January 13, 1970, and (b) that the total principal amount of bonds entitled to the benefits of the provisions of this act in accordance with 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) as to which bonds additional school building aid may be paid pursuant to this act, shall not exceed $90,000,000.00.

4. This act shall take effect immediately.

Approved June 30, 1970.

CHAPTER 126

A SUPPLEMENT to "An act making appropriations for the support of the State Government and the several public purposes for the fiscal year ending June 30, 1970, and regulating the disbursement thereof," approved June 4, 1969 (P. L. 1969, c. 71).

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

1. There is hereby appropriated from the General Treasury to the Department of Health the sum of $130,000.00 for the purpose of broadening the experimental methadone maintenance treatment program operated by the New Jersey Neuro-psychiatric Institute at Skillman, New Jersey.

Any funds appropriated hereby and unexpended as of June 30, 1970, are hereby appropriated to the Department of Health for said purposes for the fiscal year beginning July 1, 1970.

2. This act shall take effect immediately.

Approved June 30, 1970.

CHAPTER 127

AN ACT concerning license fees and fees for services performed by the Commissioner of Insurance and amending P. L. 1938, chapter 322, P. L. 1944, chapter 175, and R. S. 17:33–1.

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

1. Section 2 of P. L. 1938, chapter 322 (C. 17:16A–2) is amended to read as follows:

C. 17:16A-2 Compliance with law before doing business; liability of directors and corporators.

2. Prohibition to do business. No investment company as defined in this chapter shall undertake the transaction of an investment business in this State until it shall have complied with the applicable requirements of this chapter and shall have received a certificate of authority from the Commissioner of Insurance setting

forth that it has complied with the provisions of this chapter and specifying the kind of business to be transacted by it. The directors and corporators of any investment company incorporated under the laws of this State shall be jointly and severally liable for all obligations incurred by the company after the effective date of this chapter by reason of its having transacted such business in this State before it has received a certificate of authority from the commissioner pursuant to the provisions of this chapter.

2. Section 5 of P. L. 1938, chapter 322 (C. 17:16A–5) is amended to read as follows:

C. 17:16A-5 Officers or agents of foreign investment corporations; certificate of authority.

5. Agents. No officer or agent of any foreign investment corporation shall make, issue, sell, offer for sale, negotiate or guarantee any investment contract or transact any business or act, or aid in any way, in the transaction of any business authorized by a certificate of authority issued to such foreign corporation until he shall have procured from the commissioner a certificate of authority to do so. The certificate shall state in substance that the corporation is authorized to transact business in this State and that the person named therein is an agent of the company for the transaction of such business. Upon receipt of a certificate from such corporation of its appointment of a suitable person to act as its agent in this State, the commissioner shall, if the facts warrant it, grant such certificate which shall continue in force until May 1 after its issue, and by renewal thereof before May 1 of each year until revoked by the commissioner for noncompliance with the laws, or until the appointment of such agent is revoked by written notice from the corporation to that effect. A certificate may be issued by the commissioner to and in the name of any copartnership or corporation as agent for an investment company upon written request and payment of the $10.00 fee prescribed in section 15 of this chapter; provided, all members of the copartnership or all of the officers of the corporation, as the case may be, actively engaged in the investment company business of the copartnership or corporation in this State hold an unexpired certificate issued in accordance with the provisions of this act. All certificates outstanding and in force on the effective date of this chapter shall continue in full force and effect until May 1, 1939, unless sooner revoked in the manner above provided.

3. Section 6 of P. L. 1938, chapter 322 (C. 17:16A–6) is amended to read as follows:

C. 17:16A-6 Service of process on Commissioner as attorney for foreign investment company.

6. Service of process. When any original process is served upon the commissioner as attorney for an investment company of another State, and a service fee of $10.00 paid to him, he shall forthwith notify the company of such service by letter directed to its secretary, or resident manager in the case of a company of a foreign country; and shall within 2 days after such service forward by letter a copy of the process served on him to such secretary or manager, or to such other person as may have been previously designated by the company by written notice filed in the department. The commissioner shall keep a record of all such process, which shall show the day and hour of service. The serving of such process shall be made by leaving a copy of the same in the office of the commissioner with a service fee of $2.00. Service upon the commissioner as herein provided shall be deemed sufficient service upon the company. The plaintiff in the action shall be entitled to recover the amount of the service fee so paid as part of the taxable costs if he prevails in the action.

4. Section 15 of P. L. 1938, chapter 322 (C. 17:16A–15) is amended to read as follows:

C. 17:16A-15 Fees for services of Commissioner.

15. Fees. The commissioner shall charge and collect for his services under the provisions of this chapter and pay into the State Treasury the following fees: for issue of certificate of authority annually, $250.00; for filing the certified copy of the charter, deed of settlement or certificate of organization of an investment company, $20.00; for filing each annual statement of each investment company, $20.00; for each certificate of authority to an agent of an investment company of another State, $10.00; for each certificate of the condition or qualification of an investment company, $1.00; for each copy of any paper filed in the department, $0.20 a sheet or folio of 100 words and $1.00 for certification; for services in connection with deposits of securities by investment companies, the depositing company shall pay to the commissioner an annual fee of $15.00 on January 1 of each year, and on each substitution of securities and clipping and forwarding of interest coupons an additional fee of $25.00; and all other fees and charges due and payable into the State Treasury for any official act or service of the commissioner.

5. Section 6 of P. L. 1944, chapter 175 (C. 17:22–6.6) is amended to read as follows:

C. 17:22-6.6 Application for license; age; educational requirement for first-time applicant; waiver.

6. Any person not now engaged in the insurance business in this State as agent or broker, and hereafter desiring to engage in said business as agent, broker, or solicitor, and any licensed agent or solicitor hereafter desiring to be licensed for an additional group or groups of insurance as may be provided by section 5 of this act, shall apply, in accordance with the provisions of this act, to the commissioner for a license authorizing him to engage in and transact such business, or such group or groups thereof respectively. Every applicant for a broker's license shall be at least 21 years of age and if such applicant be a nonresident he shall show that he is the holder of an unexpired license as an insurance broker or agent in the State of his residence, or in which he maintains his principal office for the conduct of his insurance business, or that he has established a principal office in this State for the transaction of such business. If the application be for a solicitor's license it shall be accompanied by a written request of a licensed agent or broker with whom such solicitor has established a solicitor relationship. All such applications shall be in writing on uniform forms and supplements prepared by the commissioner, and shall be accompanied by a nonrefundable examination fee of $15.00 for each examination scheduled for such applicant (unless applicant be exempt from examination as set forth in section 10 of this act). The applicant shall make sworn answers to such interrogatories as the commissioner may require, and the application shall include a certificate by a resident representative of an insurance company lawfully authorized to transact business in this State, or by a licensed insurance agent or broker of this State, certifying:

(a) That the applicant is a resident of this State, or if a nonresident has his principal office for the conduct of such business in this State, or that he is an applicant for a nonresident broker's or solicitor's license;

(b) That the applicant is personally known to him;

(c) That the applicant has had experience or instruction in the general insurance business or (if seeking an agent or solicitor license) some group or groups of the kind or kinds of insurance for which he may desire to be specifically licensed;

(d) That the applicant is of good reputation and is worthy of a license.

Before a first-time applicant for an insurance agent's, broker's or solicitor's license shall be admitted to the examination, the applicant shall be required to have taken, and successfully completed a program of studies established by regulation of the commissioner to the end that the applicant shall be reasonably familiar with the groups of insurance for which he desires to be licensed.

The commissioner may waive the educational requirement set forth herein if the commissioner is satisfied that the applicant possesses sufficient knowledge of the group or groups of kinds of insurance for which such applicant desires a license.

6. Section 8 of P. L. 1944, chapter 175 (C. 17:22–6.8) is amended to read as follows:

C. 17:22-6.8 Mode of service; fee.

8. The service of such process shall be made by leaving a copy thereof in the office of the commissioner with a service fee of $10.00 to be taxed in the plaintiff's cost of suit. Such service upon the commissioner shall be deemed sufficient service upon such nonresident. When any original process is served upon the commissioner as attorney for any such nonresident, and a service fee of $10.00 paid, he shall forthwith notify such nonresident of such service by letter directed to him at his last known address. He shall within 2 days after such service forward in the same manner a copy of the process served on him to such nonresident. The commissioner shall keep a record of all such process, which shall show the day and hour of service.

7. Section 9 of P. L. 1944, chapter 175 (C. 17:22–6.9) is amended to read as follows:

C. 17:22-6.9 Examination of applicant; waiver; issuance of license to copartnership or corporation; expiration and suspension of license.

9. After the receipt of such application in due form, properly verified and certified, it shall be the duty of the commissioner or his deputy, or any salaried employee of the department designated by the commissioner, within a reasonable time and in a place reasonably accessible to the applicant, to subject each first-time applicant for license and if the commissioner deems necessary, any applicant for renewal of license, to personal examination in order to determine his trustworthiness and competency to act as such agent, broker or solicitor. If the applicant for a broker's or solicitor's license be a broker, solicitor or agent licensed in another State, the commissioner may waive such examination; provided, the State issuing such license requires no like examination of

licensed brokers, solicitors or agents of this State. The commissioner shall have the power to enter into written reciprocal agreement with other States where he deems same to be necessary. If the application is for license as an insurance agent, either first-time or for an additional group or groups of insurance, the commissioner may waive the examination if, the applicant provides certification that he is a designated chartered property and casualty underwriter, or if at the time, the applicant has previously passed the examination for and holds an unexpired broker's license issued in accordance with the provisions of this act or if the application is for a license as an insurance agent, broker or solicitor and the applicant is a citizen of this State and has served in the Armed Forces of the United States in any war and has been honorably discharged or released under conditions other than dishonorable and was the holder at any time of an agent's certificate of authority or license, a broker's license or a solicitor's license, in this State, the commissioner may waive examination, for license for the same kind or kinds of insurance the applicant was previously authorized to transact. When it is shown from such application and examination, except where waived, that the applicant

(a) Intends in good faith to act as an insurance agent, broker or solicitor, and

(b) Is actively to engage in the general insurance business, or a particular group or groups thereof with the general public, and

(c) Is of good reputation, and

(d) Has had experience or training, or is otherwise qualified by education in the kind or kinds of insurance for which he desires to be licensed, and

(e) Is a resident of this State or has his principal office for the conduct of such business in this State (unless such application be for a nonresident broker's or solicitor's license), and

(f) Is reasonably familiar with the insurance laws of this State, and with the provisions, terms and conditions of the policies or contracts he is proposing to solicit, negotiate or effect, and

(g) He is then engaged in or intends to engage in the business of writing or negotiating insurance as his principal business or occupation or as a substantial part thereof, separate and apart from any connection which he may have with any partnership or corporation whose principal business is lending of money, and

(h) Is not seeking such license principally for the purpose of negotiating or writing insurance on property owned by him, or in

which he has an insurable interest, or on property or insurable interests of a relative or his employer, and

(i) Is worthy of a license, and

(j) Has not been convicted of a crime involving moral turpitude, the commissioner shall issue to the applicant a license to transact business in this State as an insurance agent, broker or solicitor, as the case may be. A license may be issued by the commissioner to and in the name of any copartnership or corporation engaged in the insurance brokerage business upon written request and payment of the $35.00 fee prescribed in section 13 of this chapter; provided, all members of the copartnership or all of the officers of the corporation, as the case may be, actively engaged in the insurance brokerage business of the copartnership or corporation in this State hold an unexpired license as an insurance broker issued in accordance with the provisions of this act. Where the request is for license in the name of a corporation organized under the laws of a foreign State or jurisdiction and it shall appear in the application, by affidavit of the president or other officer of a foreign corporation, that the sole business sought to be transacted by it is that of a broker, as herein defined, the commissioner may grant such license, notwithstanding the corporation has not complied with the provisions of the general corporation act and obtained a license thereunder to transact business in this State, if with the first request for such license the corporation shall file with the commissioner a duly executed power of attorney as is required in section 7 of this act to be filed by a nonresident individual applicant for a broker's license. Licenses so issued shall expire annually as follows:

To agents on April 30; and to brokers and solicitors on October 31, unless sooner revoked by the commissioner for cause as provided in this act. A license so issued to a solicitor shall be suspended upon termination of the required established solicitor relationship but shall be reinstated upon a written request from another licensed agent or broker with whom such solicitor has established a solicitor relationship.

8. Section 13 of P. L. 1944, chapter 175 (C. 17:22–6.13) is amended to read as follows:

C. 17:22-6.13 License fees.

13. The annual fee to be paid to the commissioner by each person licensed shall be $15.00 for an agent's license except that the fee shall be $10.00 for persons exempt from examination under the pro-

visions of section 10 (a), and shall be $35.00 for a broker's license and $35.00 for a solicitor's license.

9. Section 14 of P. L. 1944, chapter 175 (C. 17:22–6.14) is amended to read as follows:

C. 17:22-6.14 Appointment of agents; fee.

14. Any insurance company lawfully authorized to transact business in this State may, by a written certificate of authority, contract with and appoint as its representative in this State, as its agent or agents, any person or persons who holds an unexpired certificate of authority issued prior to the effective date of this act, or a license issued under the provisions of this act. Such company shall file with the commissioner a certificate showing the names and addresses of such appointees and shall pay a fee of $5.00 for each company appointment so made. If the licensed agent is to be authorized to countersign policies by an attorney or attorneys in fact, the names of person or persons authorized to act as such attorney or attorneys in fact for such agent shall be stated in the certificate of appointment or a separate certificate duly executed by the company and filed in the office of the commissioner. If an agency is operating its business affairs as a copartnership or corporation, such certificate of authority may be issued by such company in the name of such copartnership or corporation, which certificate shall permit such copartnership or corporation to be licensed as an insurance agent under this act; provided, all individuals actively engaged in the insurance business of such agency hold an unexpired agent's license issued in accordance with the provisions of this act. The payment of one agency appointment fee by each insurance company represented by said agency shall cover all of its licensed agents in said agency. Such certificate of authority shall remain in full force and effect until the license as agent is revoked by the commissioner as provided in this act or canceled by the company upon written notice to that effect filed with the commissioner. Any licensed insurance agent who is a stockholder, officer or agent of any such corporation may be authorized by it to act for such corporation. Nothing contained in this act shall vest in any individual stockholder, officer or agent of any such corporation, any vested interest, claim, title or proprietary right in the agency franchise or otherwise, separate and apart from the title, franchise or proprietary right of the said corporation.

10. Section 24 of P. L. 1944, chapter 175 (C. 17:22–6.24) is amended to read as follows:

C. 17:22-6.24 Certificate of authority; renewal; examination; acting without certificate; revocation or suspension; investigatory power of commissioner; review.

24. No agent of any insurance company authorized to transact in this State the business of life insurance, or life, accident and health insurance shall make or procure to be made, or act or aid in any manner in the negotiation of any such insurance for such a company in this State until such agent procures from the commissioner a certificate of authority so to do, which shall state in substance that the company is authorized to do business under the laws of this State, and that the person, copartnership or corporation named therein is the constituted agent of the company for the transaction of business. Upon receipt of a certificate by the company of its appointment of a suitable person, copartnership or corporation to act as its agent in this State, the commissioner shall, if the facts warrant it, grant the certificate, which shall continue in force until May 1 next after its issue, and by renewal thereof before May 1 of each year until suspended or revoked by the commissioner or until the appointment of the agent is revoked by written notice from the company to that effect, filed with the commissioner.

The commissioner may issue a certificate of authority to and in the name of any copartnership or corporation under the provisions of this section; provided all members of the copartnership or all officers of the corporation, as the case may be, actively engaged in the life insurance or life, accident and health insurance business of the copartnership or corporation in this State hold an unexpired certificate of authority issued in accordance with the provisions of this section.

No certificate of authority shall be issued by the commissioner under the provisions of this section to an individual first-time appointee as such agent until he has qualified by personal examination, to the satisfaction of the commissioner, as to his trustworthiness and competency to act as such agent. The fee, nonrefundable for each such examination scheduled shall be $10.00: but no such examination fee shall be required if such appointee shall, concurrently with the examination taken hereunder, also take an examination for an agent's, broker's or solicitor's license under section 9 of this act and shall pay the examination fee required therefor. The commissioner may waive the examination otherwise required by this section of any first-time appointee who (a) holds an unexpired broker's license issued in accordance with the provisions of this act, or (b) is a nonresident and the holder of a license

or certificate of authority to act as such agent in the State wherein he resides, or in which he maintains his principal office for the conduct of his insurance business if that be other than the State in which he resides, provided, the State issuing such license or certificate requires no like examination of agents of this State, (c) is a citizen of this State and has served in the Armed Forces of the United States in any war and has been honorably discharged or released under condition other than dishonorable and was the holder at any time of an agent's certificate of authority or a broker's license in this State, which authorized such veteran to transact the business of life insurance, or (d) provides certification that he is a designated chartered life underwriter. In granting a license to a nonresident applicant, under paragraph (b) the commissioner shall have the power to enter into written reciprocal agreements with other states where the commissioner deems same to be necessary. No examination shall be required as prerequisite to the issuance of a certificate of authority to any ticket selling agent of a railroad company, steamship company, carrier by air, or public bus carrier, who shall act thereunder as agent of any company subject to this section only in reference to the issuance of accident insurance tickets.

Regular salaried officers or employees of any company subject to this section who do not receive any part of the commission paid on business which they may solicit, or agents of any such company for collecting premiums and servicing policies on a debit who do not solicit or accept applications for the kinds of insurance to which this section applies, may act on behalf of the company without a certificate of authority hereunder.

The commissioner, after 10 days' notice in the form of a show-cause order, given in writing to the holder of a certificate of authority, and after a hearing held in conformity with said show-cause order may as an alternative to or in addition to other penalties provided by law revoke the certificate of authority or refuse to renew the same, or suspend the same for a limited period of time, if he shall find that the holder of such certificate

(a) Has willfully violated any provision of the insurance laws of this State, or

(b) Has intentionally made a material misstatement in the application for such certificate of authority, or

(c) Has misappropriated or converted to his own use or illegally withheld money belonging to an insurer or an insured or beneficiary, or

(d) Has obtained or has used such certificate not for the purpose of holding himself out to the general public as a life, or life, accident and health insurance agent, but primarily for the purpose of soliciting, negotiating or procuring life or accident and health insurance or annuity contracts covering himself, members of his family, members or employees of any organization of which the holder is an officer, or officers or employees of a firm, partnership or corporation in which the holder or his mother, father, sister, brother or wife or combination of such persons owns a controlling interest, or

(e) Has been convicted after obtaining his certificate of authority of a crime involving moral turpitude, or

(f) Has paid all or part of his commission to a person who does not hold a certificate of authority hereunder or a broker's license as compensation for services rendered in the solicitation or sale of life, health, or accident insurance in this State or to a person who is not properly licensed as agent or broker under the laws of another State as compensation for services rendered in the solicitation or sale of life, health or accident insurance in that State, or

(g) Has otherwise demonstrated unworthiness, bad faith, dishonesty, or incompetency to act as a life insurance agent.

The commissioner shall have the power to conduct investigations, to administer oaths, to interrogate holders of certificates of authority, to issue subpœnas signed by him or in his behalf by his deputy, or by an employee of the department authorized by the commissioner so to do, and to compel witnesses to answer at any hearing. Said subpœnas shall be served in the same manner and the witnesses shall be entitled to the same fees as in the case of subpœnas issued out of the Superior Court of New Jersey. In case of a failure of any person to comply with any subpœna issued hereunder or to testify with respect to any matter concerning which he may be lawfully interrogated, the Superior Court, on application to the commissioner, may issue an order requiring the attendance of such persons and the giving of testimony or production of evidence. Any person failing to obey the court's order may be punished by the court as for contempt.

The revocation, refusal to renew, or suspension of a certificate of authority by the commissioner under this section shall be subject to review in the Superior Court by a proceeding in lieu of prerogative writ.

11. R. S. 17:33–1 is amended to read as follows:

Fees.

17:33–1. On filing any certificate, executed by an insurance company of this State, in the department, there shall be paid to the commissioner, for the use of the State, fees as follows:

Certificate of incorporation, for each $1,000.00 of the total amount of the capital stock authorized, but in no case less than $25.00, $0.20.

Increase of capital stock, for each $1,000.00 of the total increase authorized, but in no case less than $20.00, $0.20.

Consolidation and merger of companies, $20.00.

Extension of corporate existence, the same as required by this section for the original certificate of incorporation.

Dissolution of company, change of name, change of nature of business, or for amended certificates of incorporation (other than those authorizing increase of capital stock), decrease of capital stock, increase or decrease of par value of shares, $20.00.

In cases where several amendments are contained in one certificate, for each amendment, $20.00.

All certificates not hereby provided for, $5.00.

The commissioner shall also charge and collect for his services under this subtitle, in addition to any other fees and charges due and payable into the State Treasury for any of his official acts or services, and pay into the State Treasury the following fees:

Filing the certified copy of the charter, deed of settlement or certificate of organization of an insurance company of another State or foreign country, $20.00.

Filing the statement of any such company on admission, $20.00.

Filing each annual statement of each insurance company, $20.00.

Each certificate of authority to an agent of an insurance company, $5.00.

Each license to an agent to procure insurance in unauthorized fire insurance companies, $20.00.

Computing the value of policies of life insurance companies, $0.30 per $1,000.00 of value so computed for the first $1,000,000.00 of the value, $0.10 per thousand for the next $9,000,000.00, $0.05 per thousand for the next $240,000,000.00, $0.02 per thousand for the next $250,000,000.00 and $0.01 per thousand for that part of the value so computed in excess of $500,000,000.00, except that, until the time the fee so computed exceeds the fee paid for the 1930 valuation, the latter amount shall be paid instead.

Each certificate of valuation of the policies, $1.00.

Each certificate of the condition or qualification of an insurance company, $1.00.

Each service of lawful process upon the commissioner as attorney, $10.00.

Each copy of any paper filed in the department, for each sheet or folio of 100 words, $0.20.

Certifying the same, $1.00.

For services in connection with deposits of securities by domestic insurance companies, the depositing company shall pay to the commissioner an annual fee of $15.00 on January 1 of each year and on each substitution of securities and clipping and forwarding of interest coupon an additional fee of $25.00.

12. This act shall take effect immediately.

Approved July 1, 1970.

CHAPTER 128

AN ACT concerning public support of bus services, amending P. L. 1969, chapter 134, and making an appropriation therefor.

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

1. Section 4 of P. L. 1969, chapter 134 (C. 27:1A–28.4) is amended to read as follows:

C. 27:1A-28.4 Contract with public agency or authority assuming operation of bus services.

4. If any public agency or authority shall assume responsibility for operation of motor bus services in order to avoid the loss of such services, the department may enter into a contract with said public agency or authority in the same manner and to the same extent as provided in section 1 hereof.

2. Section 8 of P. L. 1969, chapter 134 is amended to read as follows:

8. This act shall take effect immediately but shall terminate on July 1, 1971.

3. There is hereby appropriated from the General Treasury to the Department of Transportation the sum of $500,000.00 to carry out the purposes of this act for the period July 1, 1970 to July 1, 1971.

4. This act shall take effect immediately.

Approved July 1, 1970.

CHAPTER 129

AN ACT concerning motor vehicles and amending section 39:3–72 of the Revised Statutes.

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

1. Section 39:3–72 of the Revised Statutes is amended to read as follows:

Tire equipment.

39:3–72. No person shall drive or move any motor vehicle equipped with solid rubber tires unless every such tire shall have rubber on its entire traction surface at least one inch thick above the edge of the flange of the entire periphery. No person shall drive or move any motor vehicle or trailer upon the public highways, unless such motor vehicle or trailer is equipped with tires in safe operating condition in accordance with requirements approved by the director.

The director shall promulgate rules of safe operating condition capable of being employed by a law enforcement officer for visual inspection of tires mounted on vehicles including visual comparison with simple measuring gauges. Said requirements shall encompass effects of tread wear and depth of tread. A tire shall be considered unsafe if it has: (1) any ply or cord exposed; or (2) any bump, bulge or knot affecting tire structure; or (3) any break repaired with boot or patch; or (4) worn so that the tread wear indicators contact the road in any two adjacent major grooves at three locations spaced approximately equally around the outside of the tire. Nothing herein shall apply to farm vehicles registered under section 39:3–24 of this Title.

Any law enforcement officer, at any time, upon reasonable cause to believe that a vehicle is unsafe or equipped with tires in violation of the provisions of this section or of the rules promulgated hereunder, may require the operator of such vehicle to stop and submit such vehicle to an inspection. If the inspection discloses the vehicle to be in violation, the officer may issue a summons for such violation.

2. This act shall take effect immediately.

Approved July 8, 1970.

CHAPTER 130

AN ACT concerning Palisades Interstate Park and the Palisades Interstate Park Commission and amending R. S. 32:14–4.

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

1. R. S. 32:14–4 is amended to read as follows:

Employees of commission; appointment, duties, retirement, workmen's compensation; coverage under provisions of Title 11.

32:14–4. Palisades Interstate Park Commission shall have power to appoint such employees as it may deem necessary to carry out the provisions of the Palisades Interstate Park compact and the purposes of this subtitle, subject to the provisions of the applicable Civil Service Statute of the party states, and may employ counsel. It may also determine the duties of its appointees, and make all reasonable rules and regulations respecting them. The commission shall have power to take any action necessary for securing and maintaining the benefits of the State employee retirement system of this State for its employees in this State and for such purpose employees of the commission to the extent to which the compensation paid for their services is derived from funds appropriated by this State or received from other sources in this State shall be deemed to be employees of this State and qualified for membership in said retirement system whether residents of this State or of the State of New York. For the purpose of determining their rights under the workmen's compensation act of this State, employees of the commission employed wholly or partly in this State shall be deemed to be employees of this State.

Employees of the commission whose salary is paid in full from funds appropriated by this State shall be deemed to be employees of this State for the purpose of covering such employees under the provisions of Title 11 (Civil Service) of the Revised Statutes as herein provided.

All offices, positions or employments held by such employees on the effective date of this amendatory act and so held continuously for a period of not less than six months prior thereto, which can be allocated to the classified service in accordance with the provisions of Title 11 of the Revised Statutes, shall be so allocated under

appropriate titles by the Civil Service Commission and such persons shall be recorded, without examination, as having been permanently appointed thereto as of the dates of their respective original appointments by the commission under said titles and shall thereafter be under and subject to all provisions of Title 11 relating to the classified service of the civil service. Those positions which the Civil Service Commission shall determine should be allocated to the unclassified service, shall be allocated to the unclassified service.

In the case of any such employees whose positions have been classified and allocated by the Civil Service Commission to a salary range corresponding to a range in the State compensation plan to which range positions having the same title in the service of the State, if any, are allocated and whose salaries in such range have been determined in accordance with the provisions of Title 11, the salaries of such employees upon being placed in allocated positions in the service of the State shall, with the approval of the budget director, be determined in the same manner as though they had been holding allocated positions in the service of the State. Other employees deemed to be employees of the State shall continue to be paid the salaries received by them immediately prior to the effective date of this act, but the salary of any such employee shall not be less than the minimum salary of the State salary range in which his position is allocated nor in excess of the maximum salary of such range.

The Civil Service Commission shall make provisions for transfer of all employees' sick and vacation leave as well as seniority credits accrued prior to allocation of their positions to the classified service.

2. This act shall take effect immediately.

Approved July 9, 1970.

CHAPTER 131

AN ACT concerning crimes in relation to disposition of dead bodies 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:99B-1 Unlawful disposition of dead bodies; penalty.

1. Any person who shall unlawfully dispose or attempt to dispose of a dead body or interfere with a county medical examiner or morgue keeper in the performance of their respective duties involving the disposition of dead bodies shall be guilty of a misdemeanor.

2. This act shall take effect immediately.

Approved July 9, 1970.

CHAPTER 132

AN ACT concerning beauty culture, and amending R. S. 45:4A–12.

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

1. R. S. 45:4A–12 is amended to read as follows:

Exemption from certain requirements for certificate.

45:4A–12. Any person who has practiced beauty culture or acted as manager of a beauty shop under a certificate, license or permit for not less than 3 years next preceding June 29, 1935 in another State, territory, or the District of Columbia, or any person who practiced beauty culture in this State for at least 1 year next preceding June 29, 1935, and is thus engaged in this State on said June 29, 1935, may secure the certificate of registration or license required by this chapter without examination or compliance with other requirements as to age or education, provided such person

shall make an application to the department for registration and license within 90 days after this amendatory act. Such application shall be accompanied by a certificate of a practicing physician that the applicant was examined and is free from all contagious and infectious diseases, and the registration or license fee required by this chapter. Any person studying beauty culture in an accredited school of beauty culture as required by this chapter on said June 29, 1935, shall receive credit for such time and studies without compliance with the requirements of this chapter as to age and preliminary education; provided, such persons shall make application to the department for registration as a student within 90 days after said June 29, 1935.

2. This act shall take effect immediately.

Approved July 9, 1970.

CHAPTER 133

AN ACT concerning disorderly persons, and supplementing chapter 170 of Title 2A of the New Jersey Statutes.

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

C. 2A:170-25.16 Discard or abandonment of intact television picture tube; penalty.

1. Any person who discards or abandons in any public or private place accessible to children, whether or not such children are trespassers, any intact television picture tube, or being the owner, lessee or manager of such place, knowingly permits such abandoned or discarded television picture tube to remain there in such condition, is a disorderly person and shall be punished by a fine of not more than $50.00 or by imprisonment in the county jail for not more than 5 days, or both.

2. This act shall take effect immediately.

Approved July 9, 1970.

CHAPTER 134

AN ACT concerning the erection and use of rotating or flashing lights within 100 feet of the roadway of highways and supplementing chapter 4 of Title 39 of the Revised Statutes.

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

C. 39:4-60.1 Minimum distance of certain lights from roadway.

1. On and after the effective date of this act no rotating or flashing light which imitates or resembles rotating or flashing lights such as are used by public and governmental agencies or any public utility to indicate emergency or hazardous conditions shall be erected or used within 100 feet of the roadway of a highway within the State.

C. 39:4-60.2 Prohibited lights declared public nuisance; removal.

2. Every such prohibited light or signal is hereby declared to be a public nuisance and the authority having jurisdiction over the highway or the municipality in which the prohibited act takes place is empowered to remove the same or cause it to be removed without notice.

C. 39:4-60.3 Lights indicating emergency or hazardous condition.

3. This act shall not apply to any rotating or flashing light used to indicate an emergency or hazardous condition.

4. This act shall take effect immediately.

Approved July 9, 1970.

CHAPTER 135

AN ACT concerning nursing home liens, supplementing chapter 44 of Title 2A of the New Jersey Statutes and amending sections 2A:44-36, 2A:44-40, 2A:44-41, 2A:44-42, 2A:44-43, 2A:44-45 and 2A:44-46 of the New Jersey Statutes.

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

1. Section 2A:44-36 of the New Jersey Statutes is amended to read as follows:

Entitlement to lien for services rendered as a result of accident.

2A:44-36. Every hospital and nursing home in this State, and every licensed physician or dentist practicing in this State, shall have a lien in the manner set forth in this article for services rendered, by way of treatment, care or maintenance after, to any person who shall have sustained personal injuries in an accident as a result of the negligence or alleged negligence of any other person.

2. Section 2A:44-40 of the New Jersey Statutes is amended to read as follows:

Accidents within scope of workmen's compensation law excepted.

2A:44-40. No hospital, nursing home, physician or dentist shall be entitled to a lien under this article where the person was injured as a result of an accident coming within the scope of any workmen's compensation law.

3. Section 2A:44-41 of the New Jersey Statutes is amended to read as follows:

Notice of lien; filing, contents, fees.

2A:44-41. No hospital, nursing home, physician or dentist shall be entitled to a lien under this article, unless a notice in writing containing the name and address of the injured person, the date and location of the accident, the date of the first treatment, care or maintenance, the name and address of the hospital, nursing home, physician or dentist, and, if ascertainable by reasonable diligence, the names and addresses of the persons alleged to be liable for damages sustained by such injured person, shall be filed in the office of the county clerk of the county in which such injuries shall

have occurred, prior to the payment of any moneys to such injured person or his legal representatives as damages for such injuries, but in no event later than 90 days after the date of such first treatment, care or maintenance.

Every county clerk shall, at the expense of the county, provide a suitable, well-bound book, to be called the hospital lien docket and a similar book to be called the physician and dentist lien docket and shall enter therein respectively any liens claimed under this article.

As to each claim filed there shall be entered in the proper book the name of the injured person, the date of the accident, the name of the hospital, nursing home, physician or dentist making the claim, as the case may be, and the name of the person alleged to be responsible for the injury.

The county clerk shall make a proper index for each book in the name of the injured person. The county clerk shall for filing each notice of a lien claim, and for each search in his office, receive the fees fixed by law.

4. Section 2A:44–42 of the New Jersey Statutes is amended to read as follows:

Notice to person injured and person liable for damages.

2A:44–42. Within 10 days after the filing of the notice of lien, the hospital, nursing home, physician or dentist shall send by registered mail or serve personally, a copy of such notice with a statement of the date of the filing thereof to or upon the injured person and the person alleged to be liable for damages sustained by such injured person, if such name and address can be ascertained by reasonable diligence. If the hospital, nursing home, physician or dentist shall neglect to give such notice where the name and address of the person injured or the person allegedly causing the injury are known or should be known, the lien shall be void.

5. Section 2A:44–43 of the New Jersey Statutes is amended to read as follows:

Release of claim; enforcement of lien by action.

2A:44–43. After the filing and service of the notice of lien, as provided by this article, no release of any judgment, claim or demand by the injured persons shall be valid or effectual as against such lien and the person making any payment to such injured person or his legal representatives, as compensation for the in-

juries sustained shall be for a period of 1 year from the date of such payment, remain liable to the hospital, nursing home, physician or dentist for the amount of the lien and any such hospital, nursing home, physician or dentist within such period may enforce such lien by action against the person making any such payment. In any such action the defendant may contest the charges by the hospital, nursing home, physician, or dentist, if not in accordance with this article.

6. Section 2A:44–45 of the New Jersey Statutes is amended to read as follows:

Statement of hospital or nursing home charges; examination of records.

2A:44–45. Any person, legally liable or against whom a claim is asserted for damages for injuries sustained, shall, upon written request, be furnished by any hospital or nursing home asserting a lien under this article with an itemized statement of the charges and services rendered therefor to date and shall be permitted to examine the records of the hospital or nursing home in reference to the treatment, care and maintenance of the injured person therein. Failure of the hospital or nursing home to provide such statement or permit such examination shall constitute a valid defense in an action brought to enforce a lien under this article.

7. Section 2A:44–46 of the New Jersey Statutes is amended to read as follows:

Discharge of lien; procedure, fee.

2A:44–46. Any hospital, nursing home, physician or dentist having filed a lien under this article, shall upon payment or release thereof, file or cause to be filed in the office of the county clerk wherein the lien is filed, a duly acknowledged certificate of such payment or release and authorizing the county clerk to discharge the lien. Thereupon such clerk shall file said certificate in the name of the injured person, and the lien shall be discharged. For this service the clerk shall be paid the fee fixed by law.

C. 2A:44-39.1 Amount of nursing home lien.

8. The amount of the lien by a nursing home for care and maintenance of an injured person shall be based on the minimum per diem rate charged by the nursing home for ordinary patient care up to the date of payment of moneys or compensation to the injured party.

9. This act shall take effect immediately.

Approved July 9, 1970.

CHAPTER 136

AN ACT relating to assignments of mortgages offered for recording, and supplementing chapter 243 of the laws of 1964.

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

C. 46:15-4.1 Post-office address or location of principal office of assignee.

1. The county recording officer shall require the post-office address of any individual assignee of an assignment of a mortgage offered for recording under the act to which this act is a supplement, and the location of the principal office of any partnership, association or corporation named as assignee in any assignment of a mortgage instrument offered for recording under the act to which this act is a supplement.

2. This act shall take effect immediately.

Approved July 9, 1970.

CHAPTER 137

AN ACT concerning the recording of deeds and other instruments and supplementing chapter 458 of the laws of 1968.

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

C. 46:15-14 Act not applicable to certain deeds or instruments.

1. The act to which this act is a supplement shall not apply to deeds or instruments dated, executed and acknowledged prior to February 21, 1969.

2. This act shall take effect immediately.

Approved July 9, 1970.

CHAPTER 138

AN ACT to amend "An act providing for the regulation of the construction and maintenance of hotels and multiple dwellings by the Commissioner of Community Affairs, creating within the Department of Community Affairs an advisory board to be known as the Hotel and Multiple Dwelling Health and Safety Board, prescribing penalties for certain violations, and repealing certain sections of the statutory law," approved May 31, 1967 (P. L. 1967, c. 76) and repealing section 14 thereof.

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

1. Section 1 of P. L. 1967, chapter 76 (C. 55:13A–1) is amended to read as follows:

C. 55:13A-1 Short title.

1. This act shall be known as, and may be cited as, the "Hotel and Multiple Dwelling Law."

2. Section 3 of P. L. 1967, chapter 76 (C. 55:13A–3) is amended to read as follows:

C. 55:13A-3 Definitions.

3. The following terms whenever used or referred to in this act shall have the following respective meanings for the purposes of this act, except in those instances where the context clearly indicates otherwise:

(a) The term "act" shall mean this act, any amendments or supplements thereto, and any rules and regulations promulgated thereunder.

(b) The term "accessory building" shall mean any building which is used in conjunction with the main building of a hotel, whether separate therefrom or adjoining thereto.

(c) The term "board" shall mean the Hotel and Multiple Dwelling Health and Safety Board created by subsection (a) of section 5 of this act in the Division of Housing and Urban Renewal of the Department of Community Affairs.

(d) The term "bureau" shall mean the Bureau of Housing Inspection in the Division of Housing and Urban Renewal of the Department of Community Affairs.

(e) (Deleted by amendment.)

(f) The term "commissioner" shall mean the Commissioner of the Department of Community Affairs.

(g) The term "department" shall mean the Department of Community Affairs.

(h) The term "unit of dwelling space" or the term "dwelling unit" shall mean any room or rooms, or suite or apartment thereof, whether furnished or unfurnished, which is occupied, or intended, arranged or designed to be occupied, for sleeping or dwelling purposes by one or more persons, including but not limited to the owner thereof, or any of his servants, agents or employees, and shall include all privileges, services, furnishings, furniture, equipment, facilities and improvements connected with the use or occupancy thereof.

(i) The term "protective equipment" shall mean any equipment, device, system or apparatus, whether manual, mechanical, electrical or otherwise, permitted or required by the commissioner to be constructed or installed in any hotel or multiple dwelling for the protection of the occupants or intended occupants thereof, or of the public generally.

(j) The term "hotel" shall mean any building, including but not limited to any related structure, accessory building, and land appurtenant thereto, and any part thereof, which contains 10 or more units of dwelling space or has sleeping facilities for 25 or more persons and is kept, used, maintained, advertised as, or held out to be, a place where sleeping or dwelling accommodations are available to transient or permanent guests.

This definition shall also mean and include any motor hotel, motel, or established guesthouse which is commonly regarded as a motor hotel, motel, or established guesthouse, as the case may be, in the community in which it is located; provided, that this definition shall not be construed to include any building or structure defined as a multiple dwelling in this act, registered as a multiple dwelling with the Commissioner of Community Affairs as hereinafter provided, and occupied or intended to be occupied as such.

(k) The term "multiple dwelling" shall mean any building or structure of one or more stories and any land appurtenant thereto, and any portion thereof, in which three or more units of dwelling space are occupied, or are intended to be occupied by three or more persons who live independently of each other, provided, that this definition shall not be construed to include any building or structure defined as a hotel in this act, or, registered as a hotel with the Com-

missioner of Community Affairs as hereinafter provided, or occupied or intended to be occupied exclusively as such.

(l) The term "owner" shall mean the person who owns, purports to own, or exercises control of any hotel or multiple dwelling.

(m) The term "person" shall mean any individual, corporation, association, or other entity, as defined in R. S. 1:1–2.

(n) The term "continuing violation" shall mean any violation of this act or any regulation promulgated thereunder where notice is served within 2 years of the date of service of a previous notice and where violation, premise and person cited in both notices are substantially identical.

(o) The term "project" shall mean a group of buildings subject to the provisions of this act which are or are represented to be under common or substantially common ownership and which stand on a single parcel of land or parcels of land which are contiguous and which group of buildings is named, designated or advertised as a common entity. The contiguity of such parcels shall not be adversely affected by public rights-of-way incidental to such buildings.

3. Section 6 of P. L. 1967, chapter 76 (C. 55:13A–6) is amended to read as follows:

C. 55:13A-6 Commissioner's powers.

6. The commissioner is hereby granted and shall have and exercise, in addition to other powers herein granted, all the powers necessary and appropriate to carry out and execute the purposes of this act, including but not limited to, the power:

(a) To provide owners or groups of owners with such advisory consultation and educational services as will assist said owners or groups of owners to discharge their responsibilities under this act, and to suggest to said owners or groups of owners methods and procedures by which they may develop and implement health and safety programs;

(b) To enter and inspect, without prior notice, any hotel or multiple dwelling, and to make such investigation as is reasonably necessary to carry out the provisions of this act;

(c) To administer and enforce the provisions of existing law, and any amendments and supplements thereto, and any rules or regulations promulgated thereunder, concerning the regulation of multiple dwellings, also commonly known as tenements, and hotels;

(d) To issue subpœnas to any person subject to this act which shall compel attendance at any hearing as a witness and shall compel production of such reports, documents, books or papers, in any part of the State before the commissioner or a member of the department designated by him, as the commissioner may deem necessary to implement the purposes of this act. In any case where a person neglects or refuses to obey the command of such subpœna, the commissioner may apply ex parte to the Superior Court for an order compelling a person to testify or to produce files, books, papers, documents or other objects in accordance with the subpœna issued by the commissioner and, in addition, said person shall be subject to a penalty of $100.00 for each instance in which he does not comply with the subpœna issued by the commissioner, said penalty to be recovered pursuant to section 18 of this act.

(e) To issue and promulgate such rules and regulations as the commissioner may deem necessary to implement the purposes of this act, which rules and regulations shall have the force and effect of law until revised, repealed or amended from time to time by the commissioner in the exercise of his discretion; provided, that any such rules and regulations shall be filed with the Secretary of State;

(f) To enforce and administer the provisions of this act, enter complaints against any person violating the provisions of this act, and to prosecute or cause to be prosecuted violations of the provisions of this act in administrative hearings and civil action in State or local courts;

(g) To assess penalties and to compromise and settle any claim for a penalty for any violation of the provisions of this act in such amount in the discretion of the commissioner as may appear appropriate and equitable under all of the circumstances of said violation in any of the actions or proceeding mentioned in subsection (f);

(h) To institute an in rem action against the property upon which a violation exists in cases where the owner, after diligent effort, cannot be served;

(i) To institute a quasi-in rem action against the owner by attachment of the property upon which a violation exists, followed by service by publication, in cases where the owner, after diligent effort, cannot be served;

(j) To hold and exercise all the rights and remedies available to a judgment creditor where a judgment lien arises as a result of a penalty action or an administrative proceeding taken pursuant to enforcement of this act.

4. Section 8 of P. L. 1967, chapter 76 (C. 55:13A–8) is amended to read as follows:

C. 55:13A-8 Transmittal of copies of regulations to board; publication; hearing; effective date.

8. (a) Prior to the adoption, amendment, or repeal of any regulations pursuant to this act, the commissioner shall:

(1) Transmit copies of the proposed regulations to the board for its review and recommendations. Within 30 days of the receipt of copies of said proposed regulations, the board shall provide the commissioner with such written recommendations thereon as it may have;

(2) Publish in the New Jersey Register a general notice of intention to promulgate regulations, which notice shall include (1) a reference to the authority under which the regulations are proposed; (2) a statement of the purpose of the proposed regulations; (3) either the terms or substance of the proposed regulations or a description of the subjects and issues involved; (4) a statement that a copy of the proposed regulations may be obtained by any person upon written request to the bureau; and (5) a statement of the date, time and place for a public hearing on the proposed regulations, which date shall not be less than 20 days nor more than 30 days after the publication of the notice of intention to promulgate proposed regulations, and not less than 50 days after transmittal by the commissioner of copies of said proposed regulations to the board.

(b) (Deleted by amendment.)

(c) Any person appearing at said public hearing shall be afforded an opportunity to be heard, either through the submission of written data, views, or arguments or the oral presentation of the same. Upon the expiration of the 30 days next succeeding the date of said public hearing, the commissioner shall issue and promulgate the regulations required to be issued and promulgated by section 7 of this act, either as originally proposed or as amended or revised by the commissioner subsequent to said public hearings, which regulations shall be effective on such date as may be provided therein.

5. Section 12 of P. L. 1967, chapter 76 (C. 55:13A–12) is amended to read as follows:

C. 55:13A-12 Certificate of registration; application; fee; appointment of agent; noncompliance; penalty.

12. (a) Within 90 days of the effective date of this act, and thereafter as required by subsection (c) of this section, the owner

of each hotel, or of each multiple dwelling occupied or intended to be occupied by three or more persons living independently of each other, shall file with the commissioner, upon forms provided by the commissioner, an application for a certificate of registration. Each such application shall be accompanied by a fee of $10.00 and shall include such information as the commissioner shall prescribe to enforce the provisions of this law. Upon the receipt of said application and fee, the commissioner shall forthwith issue to the owner of such hotel or multiple dwelling a certificate of registration, which certificate of registration shall be kept posted by the owner of such hotel or multiple dwelling in a conspicuous location therein. The certificate of registration shall be in such form as may be prescribed by the commissioner.

(b) Within 90 days of the effective date of this act, and thereafter as required by subsection (c) of this section, the owner of each hotel, or of each multiple dwelling occupied or intended to be occupied by three or more persons living independently of each other shall appoint an agent for the purpose of receiving service of process and such orders or notices as may be issued by the commissioner pursuant to this act. Each such agent so appointed shall be a resident of this State or a corporation licensed to do business in this State.

(c) In the case of any transfer of the ownership in any hotel, or of any multiple dwelling occupied or intended to be occupied by three or more persons living independently of each other, whether by sale, assignment, gift, intestate succession, testate devolution, reorganization, receivership, foreclosure or execution process, it shall be the duty of the new owner thereof to file with the commissioner, within 30 days of said transfer, an application for a certificate of registration pursuant to subsection (a) of this section, and to appoint an agent for the service of process pursuant to subsection (b) of this section.

(d) In any case where the owner of a hotel or multiple dwelling subject to the provisions of this act has not fulfilled the requirements of this section, the commissioner shall notify the owner of the violation of this section and order that registration be accomplished within 30 days. The notice and order shall include an accurate restatement of the subsection with which the owner has not complied. If the owner has not complied with the order of the commissioner within 30 days, he shall be liable for a penalty of $200.00 for each registration which the commissioner shall have ordered. The commissioner may issue a certificate to the clerk of

the superior court that an owner 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 owner, and of the state, a designation of the statute under which the penalty is imposed, the amount of the penalty so certified and the date such certification was made. The making of the entry shall have the same force and effect as the entry of the docketed judgment in the office of such clerk, and the commissioner shall have all of the remedies and maintain all of the proceedings for the collection thereof which may be had or taken upon the recovery of a judgment in a civil action, but without prejudice to the owner's right of appeal.

6. Section 13 of P. L. 1967, chapter 76 (C. 55:13A–13) is amended to read as follows:

C. 55:13A-13 Inspection; application for certificate; fee.

13. (a) The commissioner shall inspect each multiple dwelling at least once in every 5 years, and each hotel at least once in every 3 years, for the purpose of determining the extent to which each hotel or multiple dwelling complies with the provisions of this act and regulations promulgated hereunder.

(b) On or before January 1, 1968, and within 90 days of the most recent inspection thereafter, the owner of each hotel shall file with the commissioner, upon forms provided by the commissioner, an application for a certificate of inspection. Said application shall include such information as the commissioner shall prescribe to enforce the provisions of this law. Said application shall be accompanied by a fee as follows: a basic fee of $50.00 for the inspection of the common areas and $10.00 per unit of dwelling space provided that the maximum total fee is limited to $350.00 for each building. In the event there are more than three buildings within a project, the fees for inspection of those buildings in excess of three shall be as follows: the fee for the fourth building shall not exceed ½ of the fee which could be charged for such inspection; the fee for the fifth building shall not exceed ¼ of the fee which could be charged for such inspection; the fee for the sixth and all remaining buildings shall not exceed $50.00 for each such building, provided that in no event shall the total of such fees for all buildings within a project exceed $750.00. A certificate of inspection and the fees therefor shall not be required more often than once every 3 years.

Within 90 days of the most recent inspection by the commissioner of any multiple dwelling occupied or intended to be occupied by three or more persons living independently of each other, the

owner of each such multiple dwelling shall file with the commissioner, upon forms provided by the commissioner, an application for a certificate of inspection. Said application shall include such information as the commissioner shall prescribe to enforce the provisions of this law. Said application shall be accompanied by a fee as follows: a basic fee of $20.00 for the inspection of the common areas and $15.00 per unit of dwelling space, provided that the maximum total fee is limited to $350.00 for each building. In the event there are more than three buildings within a project, the fees for inspection of those buildings in excess of three shall be as follows: the fee for the fourth building shall not exceed ½ of the fee which could be charged for such inspection; the fee for the fifth building shall not exceed ¼ of the fee which could be charged for such inspection; the fee for the sixth and all remaining buildings shall not exceed $50.00 for each such building, provided that in no event shall the total of such fees for all buildings within a project exceed $1,250.00. A certificate of inspection and the fees therefor shall not be required more often than once every 5 years.

(c) If the commissioner determines, as a result of the most recent inspection of any hotel or multiple dwelling as required by subsection (a) of this section, that any hotel or multiple dwelling complies with the provisions of this act and regulations promulgated hereunder, then the commissioner shall issue to the owner thereof, upon receipt of the application and fee as required by subsection (b) of this section, a certificate of inspection. Any owner to whom a certificate of inspection is issued shall keep said certificate posted in a conspicuous location in the hotel or multiple dwelling to which the certificate applies. The certificate of inspection shall be in such form as may be prescribed by the commissioner.

(d) If the commissioner determines, as a result of the most recent inspection of any hotel or multiple dwelling as required by subsection (a) of this section, that any hotel or multiple dwelling does not comply with the provisions of this act and regulations promulgated thereunder, then the commissioner shall issue to the owner thereof, a written notice stating the manner in which any such hotel or multiple dwelling does not comply with this act or regulations promulgated thereunder. Said notice shall fix such date, not less than 60 days nor more than 180 days, on or before which any such hotel or multiple dwelling must comply with the provisions of this act and regulations promulgated thereunder. If any such hotel or multiple dwelling is made to comply with the provisions of this act and regulations promulgated thereunder on or before the

date fixed in said notice, then the commissioner shall issue to the owner thereof a certificate of inspection as described in subsection (c) of this section. If any such hotel or multiple dwelling is not made to comply with the provisions of this act and regulations promulgated thereunder on or before the date fixed in said notice, then the commissioner shall not issue to the owner thereof a certificate of inspection as described in subsection (c) of this section, and shall enforce the provisions of this act against the owner thereof.

C. 55:13A-14 Repealed.

7. Section 14 of P. L. 1967, chapter 76 (C. 55:13A–14) is hereby repealed.

8. Section 15 of P. L. 1967, chapter 76 (C. 55:13A–15) is amended to read as follows:

C. 55:13A-15 Construction plans and specifications; approval; certificate of occupancy; fees; noncompliance; penalty.

15. (a) No person shall construct, or cause to be constructed, any hotel or multiple dwelling, or any units of dwelling space therein, or any protective equipment, therein, unless the plans and specifications therefor shall have been submitted to, and approved by, the commissioner in accordance with the provisions of this act and rules and regulations promulgated thereunder. Upon the approval by the commissioner of any such construction plans and specifications submitted to him, the person so submitting the plans and specifications shall pay to the commissioner a fee as follows: where the estimated cost of construction is $10,000.00 or less, $10.00; where the estimated cost of construction exceeds $10,000.00, an additional fee of $2.50 shall be paid for each $1,000.00, or fraction thereof, in excess of the first $10,000.00.

(b) No person shall convert or alter, or cause to be converted or altered, a building not constructed for use as a hotel or multiple dwelling, to such use, or any units of dwelling space therein, or any protective equipment therein, unless the plans and specifications therefor shall have been submitted to, and approved by, the commissioner in accordance with the provisions of this act and rules and regulations promulgated thereunder. Upon the approval by the commissioner of any such conversion or alteration plans and specifications submitted to him, the person so submitting the plans and specifications shall pay to the commissioner a fee as follows: where the estimated cost of conversion or alteration is $10,000.00 or less, $10.00; where the estimated cost of conversion or altera-

tion exceeds $10,000.00, an additional fee of $2.50 shall be paid for each $1,000.00, or fraction thereof, in excess of the first $10,000.00.

(c) Upon the approval by the commissioner of the actual construction, conversion, alteration or rehabilitation pursuant to plans filed as required by subsections (a) and (b) of this section, and the submission of the fee specified in subsection (d) of this section, a certificate of occupancy shall be issued and this certificate shall be equivalent to a certificate of inspection.

(d) The fee for the certificate of occupancy, which fee shall be in addition to any other fee required by this section, shall be as follows:

(1) For hotels, where the maximum number of units of dwelling space is 20 or less or where the maximum number of occupants thereof is 25 or less, $150.00; where the number of units of dwelling space is over 20 and not more than 50 or where the maximum number of occupants thereof is not in excess of 100, but greater than 25, $250.00; and where the number of units of dwelling space is more than 50 or where the maximum number of occupants thereof is greater than 100, $400.00.

(2) For multiple dwellings, where the maximum number of persons, living independently of each other, that could occupy said units of dwelling space is six or less, $50.00; where the maximum number of families that could occupy said units of dwelling space is not in excess of 20 but greater than six, $100.00; where the maximum number of families that could occupy said units of dwelling space is not in excess of 50 but greater than 20, $200.00; where the maximum number of families that could occupy said units of dwelling space is not in excess of 100 but greater than 50, $350.00; and where the maximum number of families that could occupy said units of dwelling space is greater than 100, $500.00.

(3) Any fee paid for a certificate of occupancy with respect to a newly-constructed building shall be credited in full against the fees that may be required in connection with the first application for a certificate of inspection for such building, provided that the person or party claiming such credit shall be the same person or party who paid the fee for the certificate of occupancy.

(e) In any case where the owner of a hotel or multiple dwelling subject to the provisions of this act has not submitted plans and specifications or applied for a certificate of occupancy as required

by this section, he shall be liable for a penalty of $100.00 for each violation. The commissioner may, upon notice to the owner, issue a certificate to the clerk of the superior court that an owner 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 owner, and of the state, a designation of the statute under which the penalty was so certified and the date such certification was made. The making of the entry shall have the same force and effect as the entry of the docketed judgment in the office of such clerk, and the commissioner shall have all of the remedies and maintain all of the proceedings for the collection thereof which may be had or taken upon the recovery of a judgment in a civil action, but without prejudice to the owner's right of appeal.

9. Section 17 of P. L. 1967, chapter 76 (C. 55:13A–17) is amended to read as follows:

C. 55:13A-17 Order to vacate or correct violation; reinspection; hearing; injunctive relief.

17. (a) If upon any inspection of any hotel or multiple dwelling the commissioner shall discover any violation of the provisions of this act or any rules and regulations promulgated thereunder, which constitutes an imminent hazard to the health, safety or welfare of the occupants or intended occupants thereof, or of the public generally, the commissioner may issue and cause to be served on the owner thereof a written order directing: (1) that any such hotel or multiple dwelling be vacated forthwith or, (2) that the violation be corrected within the period specified in the order. Such written order shall state the nature of any such violation and the date and hour by which: (1) any such hotel or multiple dwelling must be vacated or (2) any such violation must be abated.

(b) Upon the receipt by the commissioner of written notice from the owner of any hotel or multiple dwelling vacated or ordered to be vacated stating that any such violation has been terminated, the commissioner shall reinspect said hotel or multiple dwelling within 1 working day of the receipt of said notice. If upon any such reinspection the commissioner shall determine that any such violation has been terminated, the commissioner shall rescind any order requiring the vacation of said hotel or multiple dwelling, and occupancy thereof may be resumed forthwith; provided, that if any such reinspection is not made by the commissioner within 1 working day of the receipt of said notice, occupancy of any such hotel or multiple dwelling may be resumed forthwith.

(c) Where the owner of any hotel or multiple dwelling denies that any violation justifying an order to vacate exists, said owner may apply to the commissioner for a reconsideration hearing, which hearing must be afforded and a decision rendered by the commissioner within 48 hours of the receipt by the commissioner of the application for said hearing. If the commissioner shall decide adversely to said owner, said owner may petition the Superior Court of this State for injunctive relief against any order of the commissioner directing that any such hotel or multiple dwelling be vacated forthwith. Such relief may be sought by an order to show cause and may be granted ex parte pending a hearing de novo; provided, that the only issue to be determined in the hearing de novo shall be the existence of any violation of the provisions of this act, or rules and regulations promulgated thereunder, which constitutes an imminent hazard to the health, safety or welfare of the occupants or intended occupants of any such hotel or multiple dwelling, or to the public generally.

(d) Where the owner of any hotel or multiple dwelling denies that any violation justifying an order to abate within a specific period exists, said owner may seek injunctive relief by an order to show cause and said relief may be granted ex parte pending a hearing de novo provided, that the only issue to be determined in the hearing de novo shall be the existence of any violation of the provisions of this act, or rules and regulations promulgated thereunder, which constitutes a hazard to the health, safety or welfare of the occupants or intended occupants of any such hotel or multiple dwelling, or to the public generally.

10. Section 18 of P. L. 1967, chapter 76 (C. 55:13A–18) is amended to read as follows:

C. 55:13A-18 Aggrieved persons; hearing; notice.

18. Any person aggrieved by any ruling, action, order, or notice of the commissioner pursuant to this act, except any order or notice issued by the commissioner pursuant to sections 12(d), 15(e) and 17 of this act shall be entitled to a hearing before the commissioner. The application for such hearing must be filed with the commissioner within 15 days of the receipt by the applicant thereof of notice of the ruling, action, order or notice complained of. No such hearing shall be held except upon 15 days' written notice to all interested parties, and each such hearing shall be held within 30 days of the receipt of the application therefor. When a hearing officer is designated by the commissioner to conduct hearings, said hearing

officer shall issue a recommended report and decision within 30 days after the completion of any hearing, a copy of which shall be filed with the commissioner and mailed to all parties of record. Each party of record shall be afforded 15 days in which to file exceptions, objections, and replies thereto, and to present argument to the commissioner. Within 15 days thereafter, the commissioner shall issue an order which adopts, rejects, or modifies the recommended report and decision, a copy of which shall be served on all parties of record. Pending the determination of the commissioner, and upon application therefor, the commissioner may grant a stay of the ruling, action, order, or notice complained of; provided, that no such stay shall be granted except upon such terms and conditions as will adequately protect the occupants or intended occupants of the hotel or multiple dwelling involved, or the public generally.

11. Section 19 of P. L. 1967, chapter 76 (C. 55:13A–19) is amended to read as follows:

C. 55:13A-19 Obstruction of commissioner; penalty.

19. (a) No person shall—

(1) Obstruct, hinder, delay or interfere with, by force or otherwise, the commissioner in the exercise of any power or the discharge of any function or duty under the provisions of this act; or

(2) Prepare, utter or render any false statement, report, document, plans or specifications permitted or required to be prepared, uttered or rendered under the provisions of this act; or

(3) Render ineffective or inoperative any protective equipment installed, or intended to be installed, in any hotel or multiple dwelling; or

(4) Refuse or fail to comply with any lawful ruling, action, order or notice of the commissioner; or

(5) Violate, or cause to be violated, any of the provisions of this act.

(b) Any person who violates, or causes to be violated, any provision of subsection (a) of this section shall be liable to a penalty of not less than $50.00 nor more than $500.00 for each violation, and a penalty of not less than $500.00 nor more than $5,000.00 for each continuing violation. Where any violation of subsection (a) of this section is of a continuing nature, each day during which such continuing violation remains unabated after the date fixed by the commissioner in any order or notice for the correction or termina-

tion of such continuing violation, shall constitute an additional, separate and distinct violation, except during the time an appeal from said order may be taken or is pending. The commissioner, in the exercise of his administrative authority pursuant to this act, may levy and collect penalties in the amounts set forth in this section. Where the administrative penalty order has not been satisfied within 30 days of its issuance the penalty may be sued for, and recovered by and in the name of the commissioner in a civil action by a summary proceeding under the Penalty Enforcement Law (N. J. S. 2A:58–1 et seq.) in the Superior Court.

(c) Any person shall be deemed to have violated, or to have caused to be violated, any provision of subsection (a) of this section whenever any officer, agent or employee thereof, under the control of and with the knowledge of said person shall have violated or caused to be violated any of the provisions of subsection (a) of this section.

(d) The commissioner may cancel and revoke any permit approval or certificate required or permitted to be granted or issued to any person pursuant to the provisions of this act if the commissioner shall find that any such person has violated, or caused to be violated, any of the provisions of subsection (a) of this section.

12. Section 20 of P. L. 1967, chapter 76 (C. 55:13A–20) is amended to read as follows:

C. 55:13A-20 Service of notices, rules, decisions and orders; date of service.

20. (a) Notices required or permitted to be issued and served pursuant to this act shall be served as follows:

(1) On the owner:

(i) By mailing same by certified mail, return receipt requested, to the person designated as owner or agent on the certificate of registration or in the municipal tax records or in the records of the Secretary of State.

(ii) If the above certified mailing is returned, the original letter shall be remailed to the last known address by common mail.

(2) On the occupant:

(i) By mailing same by certified mail, return receipt requested, to said occupant, or

(ii) If the above certified mailing is returned, the original letter shall be remailed to the last known address by common mail.

(b) Rules, decisions and orders required or permitted to be issued and served pursuant to this act shall be served as follows:

(1) On the owner:

(i) By mailing same by certified mail, return receipt requested, to the person designated as owner or agent on the certificate of registration or in the municipal tax records or in the records of the Secretary of State.

(ii) By serving same on the Secretary of State, who shall be deemed the owner's agent for service of process; provided, however, that reasonable efforts have first been made to serve the owner or his agent by certified mail and that a copy of such notice is posted in a conspicuous location on the premises. "Conspicuous location" shall include the walls of the front vestibule or in any common foyer or hallway immediately inside the main front entrance.

(2) On the occupant:

(i) By mailing same by certified mail, return receipt requested, addressed to the occupant at the premises, or

(ii) By leaving same at the dwelling unit of the occupant with a person of the age of 14.

(c) The date of service shall be considered the date of personal service or the date of the third day after mailing, whichever occurs later.

13. This act shall take effect on July 1, 1970.

Approved July 9, 1970.

CHAPTER 139

AN ACT to change the frequency of the compulsory examination by the Commissioner of Insurance of every life insurance company of this State from 3 to 5 years and amending R. S. 17:23–4.

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

1. R. S. 17:23–4 is amended to read as follows:

Examination; payment of expenses; gratuities.

17:23–4. The commissioner may, whenever he deems it expedient, make or cause to be made, an examination of the assets and liabil-

ities, method of conducting business and all other affairs of any insurance company authorized to transact business in this State, and shall make such an examination of every life insurance company of this State at least once in 5 years. For the purpose of the examination the commissioner may authorize and employ such person or persons to conduct the same or to assist therein as he deems advisable. The examination may be conducted in any State or country in which the company examined is incorporated or has an office, agent or place of business.

The reasonable expenses of the examination shall be fixed and determined by the commissioner, and he shall collect them from the corporation examined, which shall pay them on presentation of a detailed account of the expenses.

If any company, after the examination, is adjudged insolvent by the Superior Court, the expense of the examination, if unpaid, shall be ordered paid out of the assets of the company.

No insurance company 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, for extra service or for purposes of legislation, or for any other purpose.

2. This act shall take effect immediately.

Approved July 10, 1970.

CHAPTER 140

AN ACT concerning falsification and forgery of motor vehicle registration certificates and driver licenses, and amending section 1 of chapter 172 of the laws of 1964.

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

1. Section 1 of chapter 172 of the laws of 1964 (C. 39:3–38.1) is amended to read as follows:

C. 39:3-38.1 Making or exhibiting a false, altered or counterfeit registration certificate or driver's license; penalty.

1. Any person who

(a) Falsely makes, alters, forges or counterfeits any motor vehicle certificate of registration or driver's license, or

(b) Exhibits to a motor vehicle inspector, police officer or magistrate in accordance with section 39:3–29 of the Revised Statutes any falsely made, altered, forged or counterfeited motor vehicle certificate of registration or driver's license, knowing the same to be falsely made, altered, forged or counterfeited, or

(c) Exhibits to any person, for purposes of identification, any falsely made, altered, forged or counterfeited motor vehicle certificate of registration or driver's license, knowing the same to be falsely made, altered, forged or counterfeited, and representing the same as a certificate or license lawfully issued to him by the Director of Motor Vehicles, is guilty of a misdemeanor.

2. This act shall take effect immediately.

Approved July 10, 1970.

CHAPTER 141

AN ACT to amend "An act concerning townships," approved April 4, 1938 (P. L. 1938, c. 65).

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

1. Section 1 of P. L. 1938, c. 65 (C. 40:146–13.1) is amended to read as follows:

C. 40:146-13.1 Officers; quorum; annual meeting.

1. Every township committee when duly elected, appointed and qualified shall have power and authority to elect one of their number as chairman of said committee, who shall preside at all of the meetings thereof, and who shall be known as mayor of such township but shall have no additional authority by virtue of such designation except as may be otherwise provided by law applicable to the township. The committee shall also have the power and authority to elect one of their number as vice chairman of the committee. In the absence or disability of the chairman, the vice chairman shall have all the powers and duties of the chairman and shall serve and be known as the acting mayor of the township. A majority of the committee shall constitute a quorum. They shall hold an annual meeting on January 1 of each year at 12 o'clock noon, or during the first 7 days of January in any year.

2. This act shall take effect immediately.

Approved July 17, 1970.

CHAPTER 142

AN ACT concerning municipal planning and amending section 4 of chapter 433 of the laws of 1953.

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

1. Section 4 of chapter 433 of the laws of 1953 (C. 40:55–1.4) is amended to read as follows:

C. 40:55-1.4 Planning board; creation, membership, terms, vacancies, removal, alternate members.

4. The governing body may by ordinance create a planning board of not less than 5 nor more than 9 members. The members shall consist of, and be divided into, for convenience in designating the manner of appointment, the 4 following classes:

Class I—mayor.

Class II—one of the officials of the municipality to be appointed by the mayor.

Class III—a member of the governing body to be appointed by it.

Class IV—other citizens of the municipality to be appointed by the mayor.

When the board consists of less than 7 members Class II shall be omitted. All members of the board shall serve without compensation, and the members of Class IV shall hold no other municipal office, except that one of such members may be a member of the zoning board of adjustment and one may be a member of the board of education. The terms of the members composing Classes I and III shall correspond to their respective official tenures. The term of the member composing Class II shall terminate with the term of the mayor appointing him. The term of one member of Class IV first appointed shall expire at the end of each year beginning at the end of the first year. Thereafter the term of each shall be the same number of years as there are members of Class IV on the board. If a vacancy in any class shall occur otherwise than by expiration of term, it shall be filled by appointment as above provided for the unexpired term. No member of the planning board shall be permitted to act on any matter in which he has, either directly or indirectly, any personal or financial interest. Members may, after a public hearing, be removed for inefficiency, neglect of duty, or malfeasance in office by the officer or body appointing them.

The governing body may provide in the ordinance creating the board for alternate members in Classes II, III, and IV. Such alternate members shall not exceed one in Class II, one in Class III, and 2 in Class IV. Alternate members of each class shall be appointed by the appointing authority for that class for terms to expire at the same time as the terms of regular members of the class, except that the terms of all alternate members of Class IV shall expire at the end of each year. An alternate member of any class shall be entitled to sit with and participate as a member in any hearing before the board. Alternate member of any class who has attended the full hearing or hearings may participate in the board's decision during the absence or disqualification of any regular member of the same class. In the event that two alternate members of Class IV are appointed, they shall be designated by the chairman as "Alternate No. 1" and "Alternate No. 2" and shall participate in the board's decision in rotation during the absence or disqualification of any regular member or members of Class IV.

2. This act shall take effect immediately.

Approved July 17, 1970.

CHAPTER 143

AN ACT concerning free public libraries in municipalities, and amending section 40:54–9 of the Revised Statutes.

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

1. Section 40:54–9 of the Revised Statutes is amended to read as follows:

Trustees; number, appointment, terms, alternates.

40:54–9. Immediately upon the establishment by any municipality of a free public library under this article, a board of trustees shall be formed to consist of seven members, one of whom shall be the mayor or other chief executive officer of the municipality, one of the local superintendents of schools or in the event that there be no such official, the principal with power of supervision over the local school system, or in case such municipality shall

have none of the school officials hereinbefore mentioned, then the president of the board of education, and five citizens to be appointed by the mayor or chief executive, at least four of whom shall be residents of the municipality. The appointments shall be for terms of 1, 2, 3, 4 and 5 years respectively, as they may be selected by the mayor or other chief executive officer, and, except in cities shall be made with the consent of the governing body. The mayor or other chief executive officer and the superintendent of schools or the principal, as the case may be, serving as a member of the board, may, respectively, appoint an alternate to act in his place and stead with authority to attend all meetings of the board and, in his absence, to vote on all questions before the board.

2. This act shall take effect immediately.

Approved July 17, 1970.

CHAPTER 144

AN ACT to amend "An act concerning the salaries of surrogates, registers of deeds and mortgages, county clerks and sheriffs in the several counties of the State and repealing certain acts and statutes relating thereto," approved June 12, 1959 (P. L. 1959, c. 96).

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

1. Section 1 of P. L. 1959, chapter 96 (C. 40:38–6.14) is amended to read as follows:

C. 40:38-6.14 Salaries of surrogate, register of deeds and mortgages, county clerk and sheriff of certain counties.

1. The board of chosen freeholders in each county may fix by resolution the salaries of surrogate, register of deeds and mortgages, county clerk and sheriff as follows:

In counties having a population in excess of 600,000, not less than $12,000.00 or more than $24,000.00 per annum;

In counties having a population in excess of 400,000, but not more than 600,000, not less than $12,000.00 or more than $21,000.00 per annum;

In counties having a population in excess of 200,000, but not more than 400,000, not less than $10,000.00 or more than $18,000.00 per annum;

In counties having a population of 200,000 or less, not less than $5,000.00 nor more than $15,000.00.

The salaries of such officers shall be paid by the proper county disbursing officer in equal semimonthly payments.

2. This act shall take effect January 1, 1971.

Approved July 17, 1970.

CHAPTER 145

A SUPPLEMENT to "An act to provide for the qualification, certification and examination of tax assessors and supplementing Title 54 of the Revised Statutes," approved May 4, 1967 (P. L. 1967, c. 44).

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

1. Any person who on or before June 30, 1969, was qualified to receive a tax assessor certificate without examination pursuant to the provisions of section 4 of P. L. 1967, chapter 44 (C. 54:1–35.28), but who failed to present his application and the required proof of his qualifications for such certificate to the director on or before June 30, 1969, as required by said section, may, nevertheless, present his application for such certificate together with said proof to the director within 60 days following the effective date of this act and the director upon the receipt of such application and proof and the prescribed fees shall issue to such person a tax assessor certificate without examination.

2. This act shall take effect immediately.

Approved July 17, 1970.

CHAPTER 146

AN ACT to amend "An act authorizing the creation by ordinance of the office of municipal administrator, and supplementing chapter 46 of Title 40 of the Revised Statutes," approved December 26, 1968 (P. L. 1968, c. 367).

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

1. Section 1 of P. L. 1968, chapter 367 (C. 40:46–2.2) is amended to read as follows:

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. Such ordinance may provide that a person appointed to the office of municipal administrator need not be a resident of the municipality.

2. This act shall take effect immediately.

Approved July 17, 1970.

CHAPTER 147

AN ACT concerning water supply and making an appropriation for the costs of design, engineering, and acquisition of real property for the future construction of water supply facilities.

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

C. 58:21B-1 Funds for development of certain water supply facilities.

1. There is hereby appropriated from the Water Conservation Fund to the Department of Environmental Protection the sum of $29 million, or so much thereof as may be necessary, for the development of future water supply facilities to the following extent:

(a) A sum not to exceed $2 million for the costs of design and engineering for future construction of water supply facilities;

(b) A sum not to exceed $27 million for the acquisition of real property necessary for the future water supply facilities at the following sites:

South River Tidal Dam, Middlesex county; Raritan River Confluence Reservoir, Somerset county; Manasquan River Upper and Lower Reservoirs, Monmouth county; Six-Mile Run Reservoir, Somerset county; Two Bridges Reservoir, Essex and Morris counties; Hackettstown Reservoir, Morris, Sussex and Warren counties.

C. 58:21B-2 Definitions.

2. As used in this act unless the context clearly indicates otherwise:

(a) "Real property" means lands, within or without the State, and improvements thereof or thereon, any and all rights-of-way, water, riparian and other rights, any and all easements, and privileges in real property, and any right or interest of any kind or description in, relating to or connected with real property;

(b) "Water supply facility" means and refers to the real property and the plants, structures, machinery and equipment and other property, real, personal and mixed, acquired, constructed or operated, or to be acquired, constructed or operated in whole or in part by or on behalf of the State, for the purpose of augmenting the natural water resources of the State and making available an increased supply of water for all uses, and any and all appurtenances necessary, useful or convenient for the collecting, impounding, storing, improving or transmitting of water, and for the preserving and protecting of these resources and facilities and providing for the conservation and development of future water supply resources, and facilitating incidental recreational uses thereof;

(c) "Commissioner" means the Commissioner of Environmental Protection.

C. 58:21B-3 Acquisition of real property.

3. Acquisition of real property for water supply facilities as authorized by this act may be made by purchase or by the exercise of the power of eminent domain, pursuant to the provisions of chapter 1 of Title 20 of the Revised Statutes.

C. 58:21B-4 Exchange, conveyance or sale of excess portions of certain lands.

4. Where in connection with the acquisition of such real property, it shall be necessary to acquire lands, portions of which are deemed by the Commissioner of Environmental Protection to be in excess of the State's needs, the commissioner, on behalf of the State, is authorized to enter into agreements of exchange and to convey, such excess portions of land, as part or all of the consideration for the purchase of other lands herein authorized and directed to be acquired. The commissioner may permit municipalities in which the acquisition of lands is authorized by this act the first option to purchase for recreational purposes any lands in said municipalities acquired under section 1 of this act which may be subsequently determined to be in excess for the anticipated water supply facility. In the event such excess portions of lands in the judgment of the commissioner cannot feasibly be so exchanged or sold as aforesaid, the commissioner, on behalf of the State, is authorized to enter into agreements of public sale and to convey such excess portions of lands after public advertisement to the highest bidder therefor, the proceeds of such sale to be applied to the purchase of other lands herein authorized and the balance of proceeds, if any, to be returned to the Water Conservation Fund.

C. 58:21B-5 Uses of acquired property.

5. Real property acquired as authorized pursuant to this act shall be held primarily for use in connection with a water supply system, but shall also be made available, as a State reservation, for recreational and other State uses consistent with its primary use, in accordance with rules and regulations to be promulgated by the Commissioner of Environmental Protection.

C. 58:21B-6 Payments in lieu of taxes; cost of relocating certain roads.

6. To the end that municipalities may not suffer loss of taxes by reason of the acquisition and ownership by the State of New Jersey of property therein, the State Treasurer upon certification of the Commissioner of Environmental Protection shall pay annually on October 1 to each municipality in which property is acquired as authorized pursuant to this act:

a. A sum equal to that last paid as taxes upon such land and improvements for the tax year immediately prior to its acquisition, which payments shall continue to be made annually until the year

in which actual construction of water supply facilities on the property is undertaken, and thereafter;

b. Beginning with the year in which actual construction of water supply facilities is undertaken on the property, and annually thereafter, a sum equal to the amount last paid as taxes upon such land alone, and in addition;

c. Beginning with the year in which such actual construction of water supply facilities is undertaken and continuing for a period of 12 years, a sum equal to the following percentages of the amount last paid as taxes upon improvements upon such land: 92% in the first year, 84% in the second year, 76% in the third year, 68% in the fourth year, 60% in the fifth year, 52% in the sixth year, 44% in the seventh year, 36% in the eighth year, 28% in the ninth year, 20% in the tenth year, 12% in the eleventh year, and 4% in the twelfth year.

All sums of money received by the respective municipalities as compensation for loss of tax revenue pursuant to this section shall be applied to the same purposes as is the tax revenue from the assessment and collection of taxes on real property of the said municipalities, and to accomplish this end such sums shall be apportioned in the same manner as the general tax rate of the municipality for the tax year preceding the year of receipt.

The State shall be reimbursed for payments required to be made by this section out of the proceeds received for the sale of water supplied by the facility or systems of which it may be a part.

The State Treasurer shall also pay to any county or municipality the cost of relocating any municipal or county roads made necessary by reason of the acquisition or use of property pursuant to this act.

7. This act shall take effect immediately.

Approved July 17, 1970.

CHAPTER 148

A SUPPLEMENT to "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:*

C. 40:37-95.10e Additional funds for land and improvements; maximum amount.

1. In any county which has adopted the provisions of the act of which this act is a supplement and in which bonds for county park purposes shall have been authorized and issued pursuant to P. L. 1966, chapter 144 (C. 40:37–95.10a to 40:37–95.10d), the board of chosen freeholders, in addition to any other funds or moneys provided for the purposes of said act, may provide additional funds for land and improvements by the commission or for the payment of notes previously authorized or issued to provide such funds, by issuance of additional bonds or other obligations of the county pursuant to the provisions of the Local Bond Law (N. J. S. 40A:2–1 et seq.) but in no case shall the amount of such additional issue or issues of bonds or other obligations, both authorized and outstanding at any one time, exceed in the aggregate the sum of $5,000,000.00, plus the amount of any funds on hand applicable to the payment of the principal of such outstanding bonds or other obligations.

C. 40:37-95.10f Submission of act to voters.

2. The provisions of this act shall remain inoperative in any such county until submitted to and approved by the legal voters of the county as hereinafter provided.

C. 40:37-95.10g Ballots.

3. Whenever the board of chosen freeholders of the county shall pass a resolution authorizing the submission of the question of the adoption or rejection of this act to the voters of the county, the county clerk shall cause the question to be printed upon the sample and official ballots for the ensuing general election, occurring not less than 40 days after the passage of the resolution, the following:

If you favor the proposition printed below make a cross ×, plus + or check √ in the square opposite the word "Yes." If you are opposed thereto make a cross ×, plus + or check √ in the square opposite the word "No."

	Yes.	Shall the supplement to "An act concerning county parks, playgrounds, and recreation places, and supplementing chapter 37 of Title 40 of the Revised Statutes" (P. L. 1970, c. 148), providing for the issuance of additional park bonds for land and improvements not exceeding in the aggregate the sum of $5,000,000.00 be adopted?
	No.	

In any county in which voting machines are used, the question shall be placed upon the official ballots to be used upon the voting machines without the foregoing instruction to the voters and shall be voted upon by the use of such machines without marking as aforesaid.

C. 40:37-95.10h Operative upon approval of voters by majority vote.

4. 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 same shall immediately become operative in the county voting thereon.

5. This act shall take effect immediately.

Approved July 22, 1970.

CHAPTER 149

AN ACT concerning fish stocking and supplementing chapter 5 of Title 23 of the Revised Statutes.

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

C. 23:5-33.1 Permit required for placement of fish or fish eggs; penalty.

1. Fish or fish eggs shall not be placed into, turned into, drained into, or placed where they can run, flow, wash or be emptied into, or where they can find their way into any of the fresh waters of the State unless a permit is first obtained from the division, under a penalty of $100.00 for each offense. No permit shall be required

to place fish or fish eggs in an aquarium or waters privately owned and having no inlet or outlet.

2. This act shall take effect immediately.

Approved July 24, 1970.

CHAPTER 150

AN ACT concerning fishing and supplementing article 2 of chapter 5 of Title 23 of the Revised Statutes.

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

C. 23:5-15.1 Possession of illegal bait, lures, etc.; penalty.

1. No person shall have in possession any natural bait, live or preserved, any metal, plastic or wooden lures, plugs, spinners, flies, or any such contrivance that might be attached to a line or placed upon a hook for the purpose of catching fish, other than those specified as legal while angling in waters designated as having such restrictions under the Fish and Game Code, under a penalty of $20.00 for each offense.

2. This act shall take effect January 1, 1971.

Approved July 24, 1970.

CHAPTER 151

AN ACT concerning removal of judges from office.

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

C. 2A:1B-1 "Judge" defined.

1. "Judge" as used herein means any judge of the superior court, county court, county district court, juvenile and domestic relations court and municipal court.

C. 2A:1B-2 Cause for removal.

2. A judge may be removed from office by the Supreme Court for misconduct in office, willful neglect of duty, or other conduct evidencing unfitness for judicial office, or for incompetence.

C. 2A:1B-3 Institution of removal proceedings.

3. A proceeding for removal may be instituted by either house of the Legislature acting by a majority of all its members, or the Governor, by the filing of a complaint with the clerk of the supreme court, or such proceeding may be instituted by the Supreme Court on its own motion.

C. 2A:1B-4 Prosecution of removal proceedings.

4. The Attorney General or his representative shall prosecute the proceedings unless the Supreme Court shall specially designate an attorney for that purpose.

C. 2A:1B-5 Suspension pending determination.

5. The Supreme Court may suspend a judge from office, with or without pay, pending the determination of the proceeding; provided, however, that a judge shall receive pay for the period of suspension exceeding 90 days.

C. 2A:1B-6 Preparation of defense; counsel; production of witnesses and evidence.

6. The judge shall be given a reasonable time to prepare his defense and shall be entitled to be represented by counsel. The prosecuting attorney and the judge shall have the right of compulsory process to compel the attendance of witnesses and the production of evidence at the hearing.

C. 2A:1B-7 Taking of evidence.

7. Evidence may be taken either before the Supreme Court sitting en banc, or before three justices or judges, or a combination thereof, specially designated therefor by the Chief Justice.

C. 2A:1B-8 Rules governing.

8. Except as otherwise provided in this act, proceedings shall be governed by rules of the Supreme Court.

C. 2A:1B-9 Removal.

9. If the Supreme Court finds beyond a reasonable doubt that there is cause for removal, it shall remove the judge from office. A judge so removed shall not thereafter hold judicial office.

C. 2A:1B-10 Suspension prior to hearing.

10. No hearing to remove a judge from office as provided for in this act shall be held until the cause for suspension, if the cause is a result of an independent civil, criminal or administrative action against the judge, is finally decided in a tribunal in which the judge had an opportunity to prepare his defense and was entitled to be represented by counsel.

C. 2A:1B-11 Impeachment proceedings.

11. The action of the Supreme Court may not extend further than removal from office, but proceedings under this act shall not preclude the institution of impeachment proceedings against a judge pursuant to Article VII, Section III of the Constitution or subjecting a judge to such criminal or penal proceedings as may be authorized by law.

12. This act shall take effect immediately.

Approved July 24, 1970.

CHAPTER 152

AN ACT concerning junkyards, and supplementing Title 27 of the Revised Statutes.

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

C. 27:5E-1 Short title.

1. This act shall be known as the "Junkyard Control Act."

C. 27:5E-2 Policy declaration.

2. The purposes of this act are to promote the public safety, health, welfare, convenience and enjoyment of public travel, to protect the public investment in public highways, and to preserve and enhance the scenic beauty of lands bordering public highways. It is hereby declared to be the public policy of this State to regulate and restrict the establishment, operation, and maintenance of junkyards in areas adjacent to the interstate and primary highway systems within this State.

C. 27:5E-3 Definitions.

3. As used in this act:

(a) "Junk" shall mean old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste, or junked, dismantled, or wrecked automobiles, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material.

(b) "Automobile graveyard" shall mean any establishment or place of business which is maintained, used, or operated, for storing, keeping, buying, or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts.

(c) "Junkyard" shall mean an establishment or place of business which is maintained, operated, or used for storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard, and the term shall include garbage dumps and sanitary fills.

(d) "Interstate system" means that portion of the National System of Interstate and Defense Highways located within this State, as officially designated, or as may hereafter be so designated, by the Commissioner of Transportation, and approved by the Secretary of Transportation, pursuant to the provisions of Title 23 of the United States Code.

(e) "Primary system" means that portion of connected main highways, as officially designated, or as may hereafter be so designated, by the Commissioner of Transportation, and approved by the Secretary of Transportation, pursuant to the provisions of Title 23 of the United States Code.

C. 27:5E-4 Location of junkyards.

4. No person shall establish, operate, or maintain a junkyard, any portion of which is within 1,000 feet of the nearest edge of the right-of-way of any interstate or primary highway, except the following:

(a) Those which are screened by natural objects, plantings, fences, or other appropriate means so as not to be visible from the main-traveled way of the interstate and primary systems, or otherwise removed from sight;

(b) Those located within areas which are zoned for industrial use under authority of law;

(c) Those located within unzoned industrial areas, which areas shall be determined from actual land uses and defined by regulations to be promulgated by the Commissioner of Transportation after public hearing.

(d) Those which are not visible from the main-traveled way of the system.

C. 27:5E-5 Screening of certain junkyards.

5. Any junkyard lawfully in existence on the effective date of this act which is within 1,000 feet of the nearest edge of the right-of-way and visible from the main-traveled way of any highway on the interstate or primary systems, shall be screened, if feasible, by the Department of Transportation at locations on the highway right-of-way or in areas acquired for such purposes outside the right-of-way so as not to make such a junkyard visible from the main-traveled

way of such highways. When the Commissioner of Transportation determines that it is in the best interest of the State he may acquire such lands, or interests in lands, as may be necessary to provide adequate screening of such junkyards.

C. 27:5E-6 Rules and regulations.

6. The Commissioner of Transportation shall have the authority to promulgate rules and regulations governing the location, planting, construction and maintenance, including the materials used, in screening or fencing required by this act.

C. 27:5E-7 Relocation, removal or disposal of junkyards.

7. When the Commissioner of Transportation determines that the topography of the land adjoining the highway will not permit adequate screening of such junkyards or determines that the screening of such junkyards would not be economically feasible, the Commissioner of Transportation shall have the authority to acquire by gift, purchase, exchange, or condemnation, such interests in lands as may be necessary to secure the relocation, removal, or disposal of the junkyards; and to pay for the costs of relocation, removal, or disposal, thereof.

C. 27:5E-8 Junkyards declared to be public nuisances.

8. Junkyards which do not conform to the requirements of this act are declared to be public nuisances. The Commissioner of Transportation may apply to the Superior Court, Chancery Division in the county in which said junkyards may be located for an injunction to abate such nuisance.

C. 27:5E-9 Construction of act.

9. Nothing in this act shall be construed to abrogate or affect the provisions of any lawful ordinance, regulation, or resolution of any county or municipality, which is more restrictive than the provisions of this act.

C. 27:5E-10 Certain agreements authorized.

10. The Commissioner of Transportation is hereby authorized to enter into agreements with the United States Secretary of Transportation as provided by Title 23, United States Code, relating to the control of junkyards in areas adjacent to the interstate and primary systems, and to take action in the name of the State to comply with the terms of such agreement.

C. 27:5E-11 Partial invalidity of act.

11. If any section, subsection or other provision of this act, or the application thereof to any person or circumstance is held

invalid, the remainder of this act and the application of such section, or other provision to other persons or circumstances shall not be affected thereby.

C. 27:5E-12 Penalty.

12. Whosoever shall hereafter establish and maintain any junkyards in violation of the provisions of this act shall, after conviction, be liable to a penalty of not less than $500.00 nor more than $1,000.00 for each instance of violation.

13. This act shall take effect immediately.

Approved July 24, 1970.

CHAPTER 153

AN ACT concerning the compensation to be paid to constables while attending the Superior and County Courts, in certain counties, and amending section 2A:11–47 of the New Jersey Statutes.

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

1. Section 2A:11–47 of the New Jersey Statutes is amended to read as follows:

Per diem of constable attending certain courts.

2A:11–47. Except as otherwise provided by law, the constables of the several counties shall receive for each day and every day they are engaged in attendance upon the Law Division of the Superior Court and the County Court in their respective counties, the sum of $5.00 or such greater sum not exceeding the sum of $18.00 as the boards of chosen freeholders of such respective counties may, by resolution, determine; which shall be in full and in lieu of all mileage or other allowances authorized prior to March 23, 1926.

2. This act shall take effect immediately.

Approved July 24, 1970.

CHAPTER 154

AN ACT to authorize the city of Hoboken in the county of Hudson to make permanent the appointment of Vincent Pasculli to the police department of the city of Hoboken.

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

1. Pursuant to the provisions of chapter 199 of the laws of 1948 (C. 1:6–10 et seq.), under which a petition for a special law has been filed with the Legislature, the city of Hoboken in the county of Hudson is authorized to make permanent the appointment of Vincent Pasculli to the police department of the city of Hoboken 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 of an ordinance of the city of Hoboken for the purpose of adopting same.

Approved July 24, 1970.

CHAPTER 155

AN ACT concerning qualifications of judges of the county district court and judges of the juvenile and domestic relations court, and supplementing chapters 4 and 6 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:6-8.1 Qualifications of judge.

1. Each judge of the county district court hereafter appointed shall, prior to his appointment, have been admitted to the practice of law in this State for at least 10 years.

C. 2A:4-4a Qualifications of judge.

2. Each judge of the juvenile and domestic relations court hereafter appointed shall, prior to his appointment, have been admitted to the practice of law in this State for at least 10 years.

3. This act shall take effect immediately.

Approved July 24, 1970.

CHAPTER 156

AN ACT concerning traffic regulation and amending R. S. 39:4–34.

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

1. R. S. 39:4–34 is amended to read as follows:

Pedestrians to cross within crosswalk or at right angles; facing traffic; sidewalks.

39:4–34. Where traffic is not controlled and directed either by a police officer or a traffic control signal, pedestrians shall cross the roadway within a crosswalk or, in the absence of a crosswalk, and where not otherwise prohibited, at right angles to the roadway, and when crossing at a point other than at a crosswalk shall yield the right of way to all vehicles on the roadway. It shall be unlawful for a pedestrian to cross any highway having roadways separated by a medial barrier, except where provision is made for pedestrian crossing. On all highways where there are no sidewalks or paths provided for pedestrian use, pedestrians shall, when practicable, walk only on the extreme left side of the roadway or its shoulder facing approaching traffic.

Where sidewalks are provided it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway.

2. This act shall take effect immediately.

Approved July 24, 1970.

CHAPTER 157

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 P. L. 1963, chapter 144 (C. 17:12B–26) is amended to read as follows:

C. 17:12B-26 Establishment and operation of section 25 branch offices; savings and loan districts; application to 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, three 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. No association shall establish a section 25 branch office unless the association shall first file written application with the commissioner for his approval. Before approving such application, the commissioner shall determine that:

(a) The association and the proposed branch meet all of the requirements of sections 25 and 26 of this act, and

(b) The establishment and operation of such branch office is in the public interest and will be of benefit to the area served by such branch office, and that

(c) Such branch office may be established without undue injury to any other association in the area in which it is proposed to locate such branch office, and that

(d) Conditions in the area to be served, afford reasonable promise of successful operation.

Within 10 days after the submission of any such application to the commissioner, the applying State association shall give notice by mail of such application to all associations having principal or branch offices within the municipality in which it is proposed to locate the branch office and outside of such municipality if within 2 miles of the place where it is proposed to locate such branch office. The notice shall be in a form approved by the commissioner, and shall include the name of the applying association and the street address and municipality where such branch office is to be located. Upon the request of the applying association, the commissioner shall furnish a written list showing the names and street addresses of all State associations to which such notice must be sent. The commissioner shall conduct such investigation or hearing or both, as he may deem to be advisable.

Not less than 30 days after mailing of the aforementioned notice and within 90 days thereafter, 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. This act shall take effect immediately.

Approved July 24, 1970.

CHAPTER 158

AN ACT to authorize the township of Parsippany-Troy Hills in the county of Morris to make permanent the appointment of Martin Intelli to the police department of the township of Parsippany-Troy Hills.

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

1. Pursuant to the provisions of chapter 199 of the laws of 1948 (C. 1:6–10 et seq.), under which a petition for a special law has been filed with the Legislature, the township of Parsippany-Troy Hills in the county of Morris is authorized to make permanent the appointment of Martin Intelli to the police department of the township of Parsippany-Troy Hills notwithstanding his height is less than the minimum height required for appointment thereto pursuant to the rules and regulations of the Civil Service Commission.

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 an ordinance of the township of Parsippany-Troy Hills for the purpose of adopting same.

Approved July 24, 1970.

CHAPTER 159

AN ACT to authorize the borough of Cresskill in the county of Bergen to make permanent the appointment of Michael Engel to the police department of the borough of Cresskill.

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

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 borough of Cresskill in the county of Bergen is authorized to make permanent the appointment of Michael Engel to the police department of the borough of Cresskill 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 of an ordinance of the borough of Cresskill for the purpose of adopting same.

Approved July 24, 1970.

CHAPTER 160

AN ACT concerning grand jury panels and amending N. J. S. 2A:71–2.

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

1. N. J. S. 2A:71–2 is amended to read as follows:

Drawing grand and petit jury panels.

2A:71–2. Immediately after the numbered pieces have been deposited in the proper boxes, the boxes shall be shaken so as to mix thoroughly the pieces therein. Thereupon and forthwith, the jury commissioners or one of them, in the presence of the assignment judge or the judge designated by him, shall draw singly from the grand jury box such number of pieces as the judge may direct and as each number is drawn, the name, occupation and place of abode of the person whose name is found on the grand jury list opposite the number shall be announced publicly. The persons whose names are announced shall constitute the panel of grand jurors for service for the county at the opening of the next ensuing stated session of the courts thereof.

In a similar manner and immediately thereafter, there shall be drawn singly from the petit jury box such number of pieces as

the judge shall direct, and as each number is drawn, the name, occupation and place of abode of the person whose name is found on the petit jury list opposite the number shall be announced publicly. The persons whose names are announced shall constitute the panel of petit jurors for service in the county for the next ensuing stated session of the courts therein, or for such part thereof as the assignment judge may direct.

2. This act shall take effect immediately.

Approved July 24, 1970.

CHAPTER 161

AN ACT to amend "An act providing for the establishment and operation by any life insurance company of variable contract accounts, the regulation thereof, and the investment of assets of such accounts," approved June 18, 1959 (P. L. 1959, c. 123) as said title was amended by chapter 200 of the laws of 1967.

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

1. Section 4 of P. L. 1959, c. 123 (C. 17:35A–9) is amended to read as follows:

C. 17:35A-9 Investments and liabilities.

4. (a) The assets held in a variable contract account, or any part thereof, may be invested in

(i) Common stock or shares of any investment company specified in the contract or contracts participating in such variable contract account, and registered under the Investment Company Act of 1940, whether or not such stock or shares satisfy the dividend or earnings history requirements now or hereafter contained in the provisions of Title 17 of the Revised Statutes that regulate investments by domestic life insurance companies; provided that, at the time of the first purchase of such stock or shares of any such investment company, the life insurance company which maintains such account, or a subsidiary or affiliate of such insurance company, shall be the investment manager or investment adviser of such investment company and, as long as such life insurance company which maintains such account, or any subsidiary or affiliate of such life insurance company, shall continue as such

investment manager or investment adviser, the investments acquired by such investment company shall be such as would be eligible for investment of variable contract account assets by domestic life insurance companies under the provisions of this section excluding this clause (i);

(ii) Other investments made eligible for investment by domestic life insurance companies by the provisions of Title 17 of the Revised Statutes that regulate investments by domestic life insurance companies, except for investments made eligible by the provision of chapter 24 of said Title which permits a domestic life insurance company to make loans or investments not otherwise expressly qualified or permitted up to 2% of total admitted assets, as such provision may be amended from time to time, or any similar or superseding provision corresponding in substance thereto; and

(iii) Investments authorized, specifically or by classes or otherwise by the commissioner as appropriate to the nature and purpose of such variable contract account;

provided that (A) any common stock or shares, other than common stock or shares referred to in clause (i) of this subsection issued by an open-end investment company, shall be (1) common stock or shares which are listed or admitted to trading on a securities exchange in the United States of America or Canada, or (2) common stock or shares which are included on the National Association of Securities Dealers' national price listings of "over-the-counter" securities, or (3) other common stock or shares which the commissioner shall have determined are publicly held and traded and as to which market quotations shall be available; (B) the quantitative investment limitations now or hereafter contained in Title 17 of the Revised Statutes regulating investment by domestic life insurance companies shall not be applicable to variable contract account investments, subject to the qualification that the provision contained in said Title limiting the percentage of voting stock of any one corporation that may be purchased or acquired by a domestic life insurance company, as such provision may be amended from time to time, or any similar or superseding provision corresponding in substance thereto, shall apply (subject to the provisions of section 3 of chapter 24 of said Title as such provisions may be amended from time to time, or any similar or superseding provisions corresponding in substance thereto), with respect to the aggregate of the voting stock of any one corporation held in all accounts of such life insurance company except

for all such stock that may be voted at the direction of a person or persons, other than such life insurance company or any subsidiary or affiliate of such life insurance company; and provided further that, subject to the next succeeding paragraph of this subsection, no domestic life insurance company shall purchase for any variable contract account any security (other than common stock or shares referred to in clause (i) of this subsection issued by an open-end investment company) of any corporation, if after such purchase more than 10% of the market value of the assets of such variable contract account would be invested in the securities of such corporation.

Notwithstanding the foregoing provisions of this section or any other provision of law, a domestic life insurance company may (i) invest the assets, or any part thereof, held in a variable contract account established and maintained solely for one or more group contracts in any investment or investments authorized by the contract or contracts participating in such account, subject only to clause (B) of the proviso in the next preceding paragraph of this subsection relating to the percentage of voting stock of any one corporation that may be purchased or acquired, and (ii) vote any stock or shares held in such an account in accordance with the instructions of such person or persons designated pursuant to such contract or contracts participating in such account. For the purpose of this paragraph, a group contract shall not include, (1) a contract which provides benefits to individuals based upon the investment results of the variable contract account in which such contract participates unless such contract implements a plan which covers at least 100 individuals at the time of execution of such contract and offers each individual covered by the plan one or more alternatives to having the contributions made by him, if any, under the plan credited to such account, if such crediting would affect his benefits under the plan; or, except with the consent of the commissioner, (2) a contract, the holder of which is an association of individuals or the representative thereof.

Except as otherwise provided in this subsection, the investments held in the variable contract accounts of any domestic life insurance company shall be disregarded in determining whether the other investments of such life insurance company comply with the provisions of Title 17 of the Revised Statutes that regulate investments by domestic life insurance companies as such provisions may be amended from time to time, or any similar or superseding provisions corresponding in substance thereto.

(b) Notwithstanding any other provision of law, in order to comply with the Investment Company Act of 1940, a domestic life insurance company may, with respect to any variable contract account or any portion thereof,

(i) Exercise any voting rights of any stock or shares in accordance with instructions from the persons having the beneficial interests in such account ratably according to their respective interests in such account, or

(ii) Establish a committee for such account, the members of which may be directors or officers or other employees of such such insurance company, or any combination thereof, who may be elected to such membership by the vote of the persons having the beneficial interests in such account ratably according to their respective interests in such account. Such committee may have the power, which may be exercisable alone or in conjunction with others, or which may be delegated to such insurance company or any other person, as investment manager or investment adviser, to authorize purchases and sales of investments for such account, provided that as long as such life insurance company or any subsidiary or affiliate of such life insurance company shall be the investment manager or investment adviser of such account, the investments of such account shall be eligible under the provisions of subsection (a) of this section. If compliance with the Investment Company Act of 1940 shall involve only a portion of a variable contract account, such insurance company may establish such a committee for only such portion, and its members may be elected by the vote of the persons having the beneficial interests in such portion. Any such committee for only a portion of a variable contract account may be given the further power to require the subdivision of such account into two accounts so that the portion of the account with respect to which such committee shall be acting shall constitute a separate variable contract account. If such committee shall so require, the insurance company shall segregate from the account being so subdivided a portion of each asset held with respect to the reserve liabilities of such account. Such portion shall be in the same proportion to the total of such asset as the reserve liability for the portion of the account with respect to which such committee is acting bears to the total reserve liability of such account; and notwithstanding any other provision of law, the assets so segregated shall be transferred to a separate variable contract account with respect to which such committee shall act.

(c) The investments and liabilities of a variable contract account shall at all times be clearly identifiable and distinguishable from the other investments and liabilities of the corporation. No sale, transfer or exchange of investments may be made between a variable contract account and any other investment account of the corporation, except with the prior consent of the commissioner, and no investments of a variable contract account shall be pledged or transferred as collateral for a loan.

(d) The term "Investment Company Act of 1940" as used in this section shall mean an Act of Congress approved August 22, 1940 entitled "Investment Company Act of 1940" as amended from time to time, or any similar statute enacted in substitution therefor.

2. This act shall take effect immediately.

Approved July 24, 1970.

CHAPTER 162

AN ACT to clarify the authority of any domestic life insurance company to enter into any transaction for the purchase, sale or distribution of securities and amending chapter 201 of the laws of 1967 (C. 17:24–17 et seq.).

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

1. Section 2 of P. L. 1967, chapter 201 (C. 17:24–18) is amended to read as follows:

C. 17:24-18 Restrictions on investments of life insurance companies.

2. No domestic life insurance company shall purchase more than 8% of any class of stock which entitled the holder thereof to vote at all elections of directors of any one corporation, unless it be a municipal corporation; or a corporation engaged primarily in a business involving the owning, developing or leasing of real property; or an investment company within the meaning of the Investment Company Act of 1940 (15 USCA 80a–1 et seq.) for which such life insurance company or its subsidiary is the investment manager or investment adviser, provided that such investment company shall not own, control or hold in its portfolio any investment which, if added to the other investments of such life insurance company, would result in such life insurance company holding more

than 8% of any class of stock which entitles the holder thereof to vote at all elections of directors of any one corporation; nor shall such life insurance company hold more than 8% of any such class of stock of any investment company pursuant to this section at any time when such life insurance company could not purchase such stock pursuant to the foregoing provisions of this section. Neither shall the amount invested by any such life insurance company in the voting stock of any one corporation exceed 2% of the total admitted assets of such life insurance company as of December 31 next preceding, nor shall the aggregate investment in the common stock of all corporations (exclusive of investments in separate accounts established pursuant to section 17:35A–6 and investments in the common stock of subsidiaries pursuant to section 4 hereof) valued at cost exceed 15% of such assets except that to the extent that such aggregate investment in stock exceeds 10% of such assets, further investments shall be subject to regulation by the commissioner under a formula which shall take into consideration the actual mandatory securities valuation reserve, as defined by the Committee on Valuation of Securities of the National Association of Insurance Commissioners, held by a company which is applicable to such stocks in the corresponding annual statement filed with the department, nor shall the amount invested in the evidences of indebtedness, preferred stock and receiver certificates of any one institution exceed 5% of such assets. Nothing herein contained shall prevent any such life insurance company from purchasing, investing in or otherwise acquiring the voting stock of certain corporations as hereinafter provided in this chapter.

No investment shall be made by any such life insurance company unless the same shall be authorized by the board of directors, or by a committee thereof charged with the duty of supervising such investment or shall be made in conformity with standards approved by the board of directors or by such committee.

No such life insurance company shall enter into any agreement to withhold from sale any of its property, jointly or severally enter into any agreement to purchase the unsold amount of securities which are the subject of an offering for sale to the public or otherwise to guarantee the sale of such securities.

Nothing contained in this section shall prevent any such life insurance company from distributing shares of an investment company within the meaning of the Investment Company Act of 1940 for which such life insurance company or its subsidiary is the investment manager or investment adviser.

Any life insurance company may enter into an agreement to acquire any investment permitted by law, directly with the issuer or owner thereof, and may participate with other investors provided that the obligations of such insurer and such other investors shall be several and not joint.

2. This act shall take effect immediately.

Approved July 24, 1970.

CHAPTER 163

AN ACT to authorize the township of Willingboro in the county of Burlington to make permanent the appointment of Leonard J. Muggleworth to the police department of the township of Willingboro.

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

1. Pursuant to the provisions of chapter 199 of the laws of 1948 (C. 1:6–10 et seq.), under which a petition for a special law has been filed with the Legislature, the township of Willingboro in the county of Burlington is authorized to make permanent the appointment of Leonard J. Muggleworth to the police department of the township of Willingboro 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 of an ordinance of the township of Willingboro for the purpose of adopting same.

Approved July 24, 1970.

CHAPTER 164

AN ACT to amend "An act concerning the use of certain mechanical devices designed to scare or repel marauding birds and other wildlife from the destruction of property, and supplementing chapter 4 of Title 23 of the Revised Statutes," approved May 5, 1964 (P. L. 1964, c. 37).

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

1. Section 2 of P. L. 1964, chapter 37 (C. 23:4–63.6) is amended to read as follows:

C. 23:4-63.6 Issuance of permits; cancellation; rules and regulations.

2. The Division of Fish, Game and Shell Fisheries is authorized to issue permits to the owners of lands used for agricultural purposes for the use of said devices and no such device shall be used by any person without first obtaining such permit. Whenever the governing body of any municipality adopts a resolution pointing to undue hardship on nearby residents as a result of the use of any such device, and requests that the division deny or cancel the right to use such device, the Director of the Division of Fish, Game and Shell Fisheries, after review of all available evidence, may deny or cancel a permit to use such device when he determines that the use thereof creates an undue hardship on nearby residents. In arriving at any such decision, the director may consult with any county or Statewide advisory group he may designate to advise him on such matters. The division shall promulgate rules and regulations governing the types and use of such devices as will insure the safety of the public.

2. This act shall take effect immediately.

Approved July 24, 1970.

CHAPTER 165

AN ACT to amend "An act concerning banking and banking institutions (Revision of 1948)," approved April 29, 1948 (P. L. 1948, c. 67), and to repeal section 114 thereof.

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

1. Section 11 of P. L. 1948, chapter 67 (C. 17:9A–11) is amended to read as follows:

C. 17:9A-11 Hearing on application for charter; approval.

11. Hearing on application for charter; approval.

A. At the time and place designated for the hearing, the incorporators shall file proof with the commissioner that the publication and mailing of the notice of application for charter have been made in the manner required by section 10. If the commissioner shall find that proper publication and mailing have been made, he shall proceed with the hearing on the application, and shall afford all those desirous thereof, an opportunity to be heard. In addition to the matters presented at the hearing, the commissioner shall consider such facts and circumstances as he may determine to be relevant as a result of an independent investigation made or caused to be made by him.

B. The commissioner shall, within 90 days after the hearing, approve or disapprove the application and shall file a written memorandum of his decision in the department in which he shall state the reasons for his decision.

C. If the certificate of incorporation states that the proposed bank or savings bank is to be authorized to exercise any of the powers specified in section 28 which are permitted to it under this act, the commissioner shall give special consideration to the following in determining whether to approve or disapprove the application for charter:

(1) The needs of the community for trust services, and the probable volume of trust business which will be available to the bank or savings bank;

(2) The nature of the supervision to be given to the proposed fiduciary activities;

(3) Whether the bank or savings bank has available competent legal counsel to advise and pass upon trust matters whenever necessary; and

(4) Any other matters which in the discretion of the commissioner are relevant.

D. If the commissioner shall determine, as a result of the hearing and of the independent investigation made or caused to be made by him

(1) That the interest of the public will be served to advantage by the establishment of the proposed bank or savings bank;

(2) That conditions in the locality in which the proposed bank or savings bank will transact business afford reasonable promise of successful operation;

(3) That the directors or managers designated in the certificate of incorporation possess the qualifications, experience and character required for the duties and responsibilities with which they will be charged;

(4) That no fees, commissions, or other compensation have been paid for the promotion of the bank or savings bank, or for the sale of the stock of the bank, or for obtaining subscriptions for the capital deposits of the savings bank; and

(5) That, in the case of a bank, the entire capital stock has been subscribed for, and that each subscriber has undertaken in writing to pay in cash, upon approval according to law of the certificate of incorporation, his proportionate share of the capital stock, surplus and reserve fund for organization expense, specified in the certificate of incorporation; or

(6) That, in the case of a savings bank, the capital deposits have been subscribed in full, and each subscriber has undertaken in writing to pay in cash, upon approval according to law of the certificate of incorporation, his proportionate share of the capital deposits;

and if the certificate of incorporation of the proposed bank or savings bank states that it is to be authorized to exercise any of the powers specified in section 28 which are permitted to it under this act,

(7) That, in the case of a bank, the capital stock is not less than $500,000.00; or that, in the case of a savings bank, the capital deposits are not less than $500,000.00; and

(8) That, having given consideration to the matters specified in subsection C of this section, the bank or savings bank should be authorized to exercise such stated powers;

he shall approve the application.

2. Section 14 of P. L. 1948, chapter 67 (C. 17:9A–14) is amended to read as follows:

C. 17:9A-14 Certificate of authority.

14. Certificate of authority.

A. When the bank or savings bank shall have proved to the satisfaction of the commissioner, by affidavit of two of its officers, and when the commissioner shall have verified by examination that

(1) The certificate of incorporation has been filed as specified in section 12;

(2) In the case of a bank, the entire capital stock, surplus, and reserve fund for organization expense, stated in the certificate of incorporation, have been fully paid in cash, unconditionally and without reservation; or

(3) In the case of a savings bank, the entire capital deposits stated in the certificate of incorporation have been fully paid in cash, unconditionally and without reservation; and

(4) The cash paid in for the capital stock and surplus or capital deposits, as the case may be, is on deposit in a banking institution in this State, without offset, claim or demand whatsoever, and subject to withdrawal upon demand,

and when the bank or savings bank shall have proved to the satisfaction of the commissioner that the proposed officers who will have control or supervision of the bank's operations possess the qualifications, experience and character required for the duties and responsibilities with which they will be charged, the commissioner shall issue a certificate of authority to the bank or savings bank wherein it shall be stated that the bank or savings bank therein named has complied with the provisions of this act and is authorized to begin the transaction of the business specified in the certificate of incorporation. A copy of the certificate of authority shall be filed in the department.

B. Upon the issuance of the certificate of authority, the bank or savings bank shall be authorized to begin the transaction of business.

3. Section 23 of P. L. 1948, chapter 67 (C. 17:9A–23) is amended to read as follows:

C. 17:9A-23 Interchange of principal and branch offices.

23. Interchange of principal and branch offices.

A bank or savings bank may, without satisfying the requirements of section 22, change the location of its principal office to a location then occupied by a branch office maintained by it. After such a change, the bank or savings bank may maintain a branch office at the location formerly occupied by its principal office, or it may dis-

continue business at such location. Such bank or savings bank shall file a certificate of such change in the department within 1 week from the date such change is made. A change in location effected pursuant to this section shall not be subject to the limitations imposed by subsections C or D of section 19. No change in location shall be made under this section without prior written approval of the commissioner which the commissioner shall not withhold unless he shall find that such change will not be in the public interest.

4. Section 37 of P. L. 1948, chapter 67 (C. 17:9A–37) is amended to read as follows:

C. 17:9A-37 Participations in common trust fund.

37. Participations in common trust fund.

A. Subject to the limitations of this article, a bank may create and maintain one or more common trust funds, and may, without order or judgment of any court or officer, invest in cash all or any part of the funds of any one or more trust estates in any one or more such common trust funds.

B. Where there is a cofiduciary, the bank shall acquire no participation in a common trust fund without the prior written consent of the cofiduciary, who is hereby authorized to give such consent. Such participation shall be withdrawn within 3 months after the written request of a cofiduciary for such withdrawal.

C. Investment of funds of a trust estate in a common trust fund or funds may be made as provided in this article, notwithstanding that the trust instrument became operative before the effective date of this act, and notwithstanding that the trust instrument, regardless of the date of its effectiveness, does not specifically authorize such an investment; but no investment shall be made in a common trust fund contrary to the express provisions of the trust instrument.

D. No bank shall invest any of its own funds in a common trust fund.

E. Each common trust fund shall be established and maintained in accordance with a written plan, so as to qualify as a common trust fund under Federal revenue laws, and, to that end, each bank in establishing and maintaining a common trust fund shall conform with and be subject to the rules and regulations, prevailing from time to time, of the Board of Governors of the Federal Reserve System or the Comptroller of the Currency pertaining to the collective investment of trust funds by national banks.

F. (Deleted by amendment.)

G. When two or more banks are subsidiaries of the same corporation, any such bank may, without order or judgment of any

court or officer, invest in cash all or any part of the funds of any one or more trust estates in any one or more common trust funds created and maintained pursuant to this article by any one or more such other subsidiary banks. All the provisions of this article shall apply to the banks making and receiving investments pursuant to this subsection as though such banks were a single corporate entity. "Subsidiary" as used in this section means a bank at least 90% of whose issued and outstanding stock is owned by a corporation organized under the laws of this State.

5. Section 84 of P. L. 1948, chapter 67 (C. 17:9A–84) is amended to read as follows:

C. 17:9A-84 List of stockholders.

84. List of stockholders.

A. The officer having charge of the stock transfer books for shares of stock of a bank shall make, or cause to be made, and certify a complete list of the stockholders entitled to vote at a stockholder's meeting or any adjournment thereof. Such list shall

(1) Be arranged alphabetically, within each class and series, with the address of, and the number of shares held by, each stockholder;

(2) Be produced at the time and place of the meeting;

(3) Be subject to the inspection of any stockholder during the whole time of the meeting; and

(4) Be prima facie evidence as to who are the stockholders entitled to examine such list or to vote at any meeting.

B. If the requirements of this section have not been complied with, the meeting shall, on demand of any stockholder 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.

C. (Deleted by amendment.)

D. (Deleted by amendment.)

E. (Deleted by amendment.)

6. Section 97 of P. L. 1948, chapter 67 (C. 17:9A–97) is amended to read as follows:

C. 17:9A-97 Inspection of books and records.

97. Inspection of books and records.

A. Every bank shall keep books and records of account and minutes of the proceedings of its stockholders, board of directors,

and executive committee if any. The bank shall keep at its principal office, or at the office of its transfer agent in this State, a record or records containing the names and addresses of all stockholders, the number, class and series of shares held by each and the dates when they respectively became the owners of record thereof. 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 bank shall convert into written form without charge any such records not in such form at the written request of any person entitled to inspect them. Any person who has been a stockholder of record of a bank for at least 6 months immediately preceding his demand, or any person holding, or so authorized in writing by the holders of, at least 5% of the outstanding stock of a bank, upon at least 5 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 stockholders and record of stockholders and to make extracts therefrom at the place where such minutes and record are kept.

B. A stockholder whose demand has been refused by a bank may apply to the commissioner for an order directing the bank to permit such an examination or the making of such an extract. The application to the commissioner shall be in duplicate, shall be verified, and shall state the stockholder's name and address; the number of shares held by him; the name and address of counsel representing him, if any; the name and address of the principal office of the bank; and the reason for the demand for such examination or for the making of such extract. If, upon reading the application, the commissioner shall be satisfied that the purpose for which it is made is a proper one and is made in good faith, he shall, within 5 days after the receipt of the demand, mail a copy thereof to the bank, together with an order directing the bank to show cause why the demand should not be allowed. The commissioner shall, within the same period, mail a copy of the order to show cause to the demanding stockholder.

C. The order to show cause shall be returnable before the commissioner not less than 5 and not more than 10 days after its date, and, upon the return day, the commissioner shall hear such evidence and consider such arguments of the parties or their counsel as he shall deem necessary to a fair and equitable determination. The commissioner shall, within 5 days from the return day of the order to show cause, make an order allowing or denying the demand, as

the case may be, and he shall, within the same period, mail a copy of his order to the stockholder and to the bank. If, from an inspection of the demand, the commissioner shall be satisfied that it is not made for a proper purpose or is not made in good faith, he shall forthwith make and mail to the stockholder an order denying the demand, stating his reasons for such denial.

D. The commissioner may, in his discretion, in lieu of ordering the bank to permit such examination or the making of such extract, require the bank to prepare envelopes addressed to the stockholders, to be mailed by the bank after the insertion therein of such matters as the stockholder shall furnish the bank after first having obtained approval by the commissioner of the sending of such matter. The cost of the preparation of such matter and the expense of mailing shall be borne by the stockholder unless the commissioner shall, in his discretion, and upon good cause shown, direct that the expense be borne by the bank.

E. Any order of the commissioner other than an order to show cause, made pursuant to this section, shall be subject to review, hearing and relief in the Superior Court in a proceeding in lieu of prerogative writ. The commissioner's failure to act within the periods limited by this section shall be deemed to be a final order denying the application.

F. Nothing herein contained shall impair the power of any court, upon proof by a stockholder of proper purpose, irrespective of the period of time during which said stockholder shall have been a stockholder of record, and irrespective of the number of shares held by him, to compel the production for examination by such stockholder of the books and records of account, minutes and record of stockholders of a bank.

7. Section 98 of P. L. 1948, chapter 67 (C. 17:9A–98) is amended to read as follows:

C. 17:9A-98 Stock certificates; transfers of stock; facsimile signatures.

98. Stock certificates; transfers of stock; facsimile signatures.

A. Every bank shall issue to each of its stockholders a certificate or certificates signed by, or in the name of the bank 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, or by the cashier or an assistant cashier, and may be sealed with the seal of the bank or a facsimile thereof. If the certificate is countersigned by a transfer agent or registrar, who is not an officer or employee of the bank, any and all other sig-

natures 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 bank with the same effect as if he were such officer, transfer agent or registrar at the date of its issue.

B. Shares of the capital stock of a bank shall be personal property and shall be held and transferred as provided in chapter 8 of Title 12A of the New Jersey Statutes.

C. 17:9A-114 Repealed.

8. Section 114 of "An act concerning banking and banking institutions (Revision of 1948)," approved April 29, 1948 (P. L. 1948, c. 67) is repealed.

9. Section 137, of P. L. 1948, chapter 67 (C. 17:9A–137) is amended to read as follows:

C. 17:9A-137 Submission of agreement to stockholders; filing.

137. Submission of agreement to stockholders; filing.

A. If the commissioner approves the merger agreement, it shall, within 180 days after the date of such approval, be submitted to the stockholders of each of the banks which are parties to the agreement, at separate meetings called for that purpose upon at least 20 days' notice given in the manner specified in section 81. A copy of the merger agreement shall be mailed to each stockholder of each of the banks which are parties to the agreement with the notice of the stockholders' meetings.

B. If the agreement is approved by the stockholders of each bank holding at least ⅔ of the capital stock entitled to vote, that fact shall be certified as to each bank by its president or a vice-president and the certifications shall be attached to the agreement. The agreement shall then be filed in the department, and thereupon it shall become effective.

10. Section 250 of P. L. 1948, chapter 67 (C. 17:9A–250) is amended to read as follows:

C. 17:9A-250 Actions against directors, managers, officers, or employees; indemnification.

250. Actions against directors, managers, officers, or employees; indemnification.

A. As used in this section

(1) "Corporate agent" means any person who is or was a director, officer, employee or agent of the indemnifying bank

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 bank, or the legal representative of any such director, officer, trustee, employee or agent;

(2) "Other enterprise" means any domestic or foreign corporation, other than the indemnifying bank, and any partnership, joint venture, sole proprietorship, trust or other enterprise, whether or not for profit, served by a corporate agent;

(3) "Expenses" means reasonable costs, disbursements and counsel fees;

(4) "Liabilities" means amounts paid or incurred in satisfaction of settlements, judgments, fines and penalties;

(5) "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;

(6) "Bank" except as otherwise expressly provided, includes savings bank;

(7) "Directors" includes directors of a bank other than a savings bank and managers of a savings bank.

B. Any bank 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 bank, if

(1) 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 bank;

(2) 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 subdivisions (1) and (2) of this subsection.

C. Any bank 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 bank to procure a judgment 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 bank. 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.

D. Any bank 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 B and C of this section or in defense of any claim, issue or matter therein.

E. Any indemnification under subsection B of this section, and, unless ordered by a court, under subsection C of this section, may be made by the bank 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 B of this section or subsection C of this section. 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 stockholders, in the case of a bank which is not a savings bank, and by the commissioner, in the case of a savings bank.

F. Expenses incurred by a corporate agent in connection with a proceeding may be paid by the bank 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.

G. (1) If a bank upon application of a corporate agent has failed or refused to provide indemnification as required under subsection D of this section or permitted under subsections B, C and F of this section, a corporate agent may apply to a court for an award of indemnification by the bank, and such court

(2) May award indemnification to the extent authorized under subsections B and C of this section and shall award indemnification

to the extent required under subsection D of this section, notwithstanding any contrary determination which may have been made under subsection E of this section; and

(3) May allow reasonable expenses to the extent authorized by, and subject to the provisions of, subsection F of this section, 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.

(4) Application for such indemnification may be made

(a) In the civil action in which the expenses were or are to be incurred or other amounts were or are to be paid; or

(b) 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.

(5) 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 bank. The court may also direct that notice shall be given at the expense of the bank to the stockholders of a bank other than a savings bank and such other persons as it may designate in such manner as it may require.

H. 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, bylaw, agreement, vote of stockholders of a bank other than a savings bank, or otherwise.

I. Any bank 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 bank would have the power to indemnify him against such liability under the provisions of this section.

J. The powers granted by this section may be exercised by a bank notwithstanding the absence of any provision in its certificate of incorporation or bylaws authorizing the exercise of such powers.

11. Section 34 of P. L. 1948, chapter 67 (C. 17:9A–34) is amended to read as follows:

C. 17:9A-34 Proof of qualification and security.

34. Proof of qualification and security.

A. As a prerequisite to its appointment as a fiduciary by any court or officer of this State, a qualified bank shall present to the court or officer an affidavit made by its president or a vice-president and its trust officer or an assistant trust officer that the bank is a qualified bank authorized to exercise the powers specified in section 28, and that its authority so to act has not been revoked and that there is no action pending in any court or before any officer to revoke it.

B. In those cases in which a qualified bank shall be required to give security and a fund maintained pursuant to section 31 shall be offered by the bank as such security, the affidavit presented pursuant to subsection A of this section shall also set forth

(1) The value of the investments included in the fund created and deposited pursuant to section 31 as of a date not more than 30 days prior to the date of such affidavit;

(2) The maximum amount which the said fund so deposited will secure, as provided in subsection A of section 31; and

(3) That the aggregate value on the books of the qualified bank of all the assets administered by the bank in fiduciary capacities under appointment by a court or officer of this State with respect to which its fiduciary obligations are secured by said fund, including the value of the assets to be administered following the pending appointment, will not exceed the amount specified in the next preceding paragraph.

There shall be annexed to such affidavit a statement of the assets and liabilities of the bank, which shall be a copy of the last such statement published pursuant to law. In lieu of items (1), (2) and (3), such affidavit may state that the value of the investments included in the fund created and deposited pursuant to section 31 is $500,000.00 or more.

12. This act shall take effect on the thirtieth day following its approval.

Approved July 24, 1970.

CHAPTER 166

AN ACT concerning transcript fees in the courts and amending section 2A:11–15 of the New Jersey Statutes.

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

1. Section 2A:11–15 of the New Jersey Statutes is amended to read as follows:

Transcript; fees.

2A:11–15. (a) When a transcript of the stenographic record in any court or in any other proceeding recorded at the direction of the Supreme Court is made by a reporter appointed under N. J. S. 2A:11–11 et seq., at the request of any person, the original and copies thereof shall be prepared and paid for at the rate of $0.40 for each folio of the original and $0.10 for each of the copies. If the transcript is furnished to a judge of the court, by his order, the reporter shall be paid therefor at the same rates, and such fees shall be paid for in the same manner and from the same sources as the reporter's salary or per diem fees are paid.

(b) Except as to transcripts that are to be paid for by the State or county, the reporter may require any person requesting a transcript to prepay the estimated fee therefor in advance of delivery of the transcript.

2. This act shall take effect July 1, 1970.

Approved July 24, 1970.

CHAPTER 167

AN ACT to authorize the borough of Sea Bright in the county of Monmouth to make permanent the appointments of Harry J. Lake and Louis Schuff to the police department of the borough of Sea Bright.

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

1. The borough of Sea Bright in the county of Monmouth is authorized to make permanent the appointments of Harry J. Lake and Louis Schuff to the police department of Sea Bright notwithstanding that the ages of Harry J. Lake and Louis Schuff are,

respectively, greater than the maximum age limit for appointment thereto as 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 an ordinance of the borough of Sea Bright for the purpose of adopting same.

Approved July 31, 1970.

CHAPTER 168

AN ACT concerning certain municipalities subject to the "Optional Municipal Charter Law" and amending chapter 69 of the laws of 1963.

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

1. Section 1 (C. 40:69A–60.1) of P. L. 1963, chapter 69 is amended to read as follows:

C. 40:69A-60.1 Mayor to appoint certain personnel.

1. The mayor of any municipality having a population of more than 100,000 which has adopted or shall hereafter adopt the form of government designated as "Mayor-Council Plan C" provided for in article 5 of the act of which this act is a supplement, may appoint one or 2 deputy mayors, a personal secretary, an executive secretary, and aides not exceeding 5 in number, who shall serve, and be removable at the pleasure of the mayor, and who shall serve in the unclassified service of the civil service of the city and shall receive such salary as shall be fixed by ordinance.

2. Section 2 (C. 40:69A–60.2) of P. L. 1963, chapter 69 is amended to read as follows:

C. 40:69A-60.2 Mayor to prescribe powers and duties.

2. The mayor shall prescribe, in writing, the powers and duties of the deputy or deputies, personal secretary, executive secretary, and aides to the mayor.

3. This act shall take effect immediately.

Approved July 31, 1970.

CHAPTER 169

AN ACT to amend "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," approved November 26, 1968 (P. L. 1968, c. 356).

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. 30:11-13 Investigation; issuance of license; nontransferable or nonassignable; posting; rules, regulations and standards; spiritual treatment.

3. Upon receipt of an application for license and a license fee of $25.00, and an examination fee of $50.00, the department shall cause an investigation to be made of the applicant 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.

2. This act shall take effect immediately.

Approved July 31, 1970.

CHAPTER 170

AN ACT to authorize the township of Lower in the county of Cape May to make permanent the appointment of William T. Halburner to the police department of the township of Lower.

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

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 Lower in the county of Cape May is authorized to make permanent the appointment of William T. Halburner to the police department of Lower 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 of an ordinance of the township of Lower for the purpose of adopting same.

Approved July 31, 1970.

CHAPTER 171

AN ACT to authorize the borough of Bradley Beach in the county of Monmouth to make permanent the appointment of Harry Holmes and Marvin Rosen to the police department of the borough of Bradley Beach.

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

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 borough of Bradley Beach in the county of Monmouth is authorized to make permanent the appointment of Harry Holmes and Marvin Rosen to the police department of Bradley

Beach 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 an ordinance of the borough of Bradley Beach for the purpose of adopting same.

Approved July 31, 1970.

CHAPTER 172

AN ACT to authorize the borough of Hightstown in the county of Mercer to make permanent the appointment of James Allen Jackson to the police department of the borough of Hightstown.

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

1. Pursuant to the provisions of chapter 199 of the laws of 1948 (C. 1:6–10 et seq.), under which a petition for a special law has been filed with the Legislature, the borough of Hightstown in the county of Mercer is authorized to make permanent the appointment of James Allen Jackson to the police department of the borough of Hightstown 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 of an ordinance of the borough of Hightstown for the purpose of adopting same.

Approved July 31, 1970.

CHAPTER 173

AN ACT relating to salaries of the mayor and councilmen in boroughs in counties of the fifth class and amending R. S. 40:87–60.

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

1. R. S. 40:87–60 is amended to read as follows:

Salaries of officers generally.

40:87–60. The salaries of the mayor and councilmen shall be governed by article 6 of chapter 46 of this Title (§ 40:46–23 et seq.), except in boroughs in counties of the first class having less than 800,000 inhabitants, in which boroughs they may be fixed by ordinance at not in excess of $1,500.00 per year for the mayor and $1,000.00 per year for each councilman, and except in boroughs in counties of the second class having less than 265,000 inhabitants and in counties of the third class, in which boroughs they may be fixed by ordinance at an annual salary or at a rate not in excess of $15.00 for the mayor and $10.00 for each councilman, for each day actually engaged in discharging the duties of their respective offices, but, in either case, not to exceed $1,500.00 per year for the mayor and $1,000.00 per year for each councilman, and except in boroughs in counties of the fourth, fifth and sixth class, in which boroughs they shall be fixed by ordinance as in the case of other salaries. All other officers shall be paid such salary or compensation as the council may by ordinance fix.

2. This act shall take effect immediately.

Approved July 31, 1970.

CHAPTER 174

AN ACT relating to Rutgers, The State University, and amending N. J. S. 18A:65–25.

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

1. N. J. S. 18A:65–25 is amended to read as follows:

Authority and responsibility of board of governors.

18A:65–25. The board of governors shall have general supervision over and be vested with the conduct of the university. It shall have the authority and responsibility to:

a. Determine policies for the organization, administration and development of the university;

b. Study the educational and financial needs of the university, annually acquaint the Governor and Legislature with the condition of the university, and prepare and, jointly with the Board of Higher Education, present the annual budget to the Governor and Legislature, in accordance with law;

c. Disburse all moneys appropriated to the university by the Legislature, moneys received from tuition, fees, auxiliary services and other sources, and from or by direction of the board of trustees;

d. Direct and control expenditure and transfer of funds appropriated to the corporation and the university by the State in accordance with the provisions of the State budget and appropriation acts of the Legislature; and, as to funds received from the trustees and other sources, direct and control expenditures and transfers in accordance with the terms of any applicable trusts, gifts, bequests, or other special provisions, reporting changes and additions thereto and transfers thereof to the Director of the Division of Budget and Accounting in the State Department of the Treasury. All accounts of the university shall be subject to audit by the State at any time.

e. Borrow money for the needs of the corporation and the university, as deemed requisite by the board, in such amounts and for such time and upon such terms as may be determined by the board, with the consent and advice of the board of trustees; provided,

that no such borrowing shall be deemed or construed to create or constitute a debt, liability, or a loan or pledge of the credit, or be payable out of property or funds (other than moneys appropriated for that purpose) of the State;

f. 1. Purchase all lands, buildings, equipment, materials and supplies; and

2. Employ architects to plan buildings; secure bids for the construction of buildings and for the equipment thereof; make contracts for the construction of buildings and for equipment; and supervise the construction of buildings;

g. Manage and maintain, and provide for the payment of all charges on and expenses in respect of, all properties utilized by the university;

h. In accordance with the provisions of the budget, have the sole power (subject to the provisions of section 18A:65–31) to elect, appoint, remove, promote or transfer all corporate, official, educational and civil administrative personnel, and fix and determine their salaries in accordance with salary schedules adopted by the board of governors and approved by the Board of Higher Education. Such salary schedules shall prescribe qualifications for the various classifications and shall limit the percentage of the educational staff that may be appointed or promoted to any given classification;

i. In accordance with the provisions of the budget, appoint, remove, promote and transfer all other officers, agents, or employees, assign their duties, determine their salaries, and prescribe qualifications for all positions, and in accordance with the salary schedules of the State Civil Service Commission wherever possible; and

j. Authorize any new educational department or school which will require, at the time of establishment, or which may thereafter require, an additional expenditure of money beyond that appropriated, if the establishment thereof is approved by the Board of Higher Education and provision is made therefor in the annual or a supplemental appropriation act or a special act of the Legislature or otherwise.

2. This act shall take effect immediately.

Approved July 31, 1970.

CHAPTER 175

A SUPPLEMENT to "An act relating to public buildings and making appropriations for construction, reconstruction, development, extension, improvement and equipment of public buildings, all for health and welfare purposes," approved February 13, 1969 (P. L. 1969, c. 4).

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

1. There is hereby appropriated to the Department of Institutions and Agencies, from the Public Buildings Construction Fund the sum of $26,087,742.00 or so much thereof as may be necessary, for construction, reconstruction, development, extension, improvement and equipment of public buildings, on the following projects, which are hereby approved, for the purposes indicated:

Institution	Projects
Ancora State Hospital	New shop and storeroom
Annandale Reformatory	Renovate cottages
Glen Gardner	Infirmary and Laboratory
	Replace steam lines
	Addition to power plant
	Renovation, old building
	Renovation of utilities
	Fire proofing
Hunterdon State School	New cottages
Jamesburg State Home	Renovate school building
	Replace guidance unit
Trenton State Hospital	Children's Unit
	Ward 10B East and West
	Drake Building Center Main
Vineland Soldiers Home	100-bed infirmary
Vineland State School	Food service building
	Add utilities
	New cottages
Woodbine Colony	New cottages
	Add utilities
Various Institutions	Employee housing
Trenton and Vineland	Residential units for hard to place children

2. This act shall take effect immediately.

Approved July 31, 1970.

CHAPTER 176

AN ACT to authorize the borough of Keyport in the county of Monmouth to make permanent the appointment of Jay Baker to the police department of the borough of Keyport.

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

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 borough of Keyport in the county of Monmouth is authorized to make permanent the appointment of Jay Baker to the police department of Keyport 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 of an ordinance of the borough of Keyport for the purpose of adopting same.

Approved August 7, 1970.

CHAPTER 177

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 1 of P. L. 1938, chapter 342 (C. 45:8–27) is amended to read as follows:

C. 45:8-27 License required; display of license; exceptions; corporations, firms, partnerships and associations.

1. In order to safeguard life, health and property, and promote the public welfare, any person practicing or offering to practice professional engineering or professional land surveying in this State shall hereafter be required to submit evidence that he is qualified so to practice and shall be licensed as hereinafter provided. After the date upon which this chapter becomes effective, it shall be unlawful for any person to practice or to offer to practice engineering or land surveying in this State, or to use the title professional engineer or land surveyor or any other title, sign, card or device in such manner as to tend to convey the impression that such person is practicing engineering or land surveying or is a professional engineer or land surveyor, unless such person is duly licensed under the provisions of this chapter. Every holder of a license shall display it in a conspicuous place in his principal office, place of business or employment.

No corporation, firm, partnership or association shall be granted a license under this chapter. No corporation, firm, partnership or association shall use or assume a name involving the word "engineers" or "engineering" or any modification or derivative of such terms, unless an executive officer, if a corporation, or a member, if a firm, partnership or association, shall be a licensed professional engineer of the State of New Jersey.

No corporation, firm, partnership or association shall use or assume a name involving the words "surveyors," "land surveyors," "surveying," or "land surveying," or any modification or derivative of such terms, unless an executive officer, if a corporation, or a member, if a firm, partnership, or association, shall be a licensed land surveyor of the State of New Jersey.

No corporation, firm, partnership or association shall practice or offer to practice engineering or land surveying in this State unless the person or persons in responsible charge of engineering or land surveying work shall be so licensed to practice in this State. The person or persons carrying on the actual practice of professional engineering or land surveying on behalf of or designated as "engineers" or "surveyors" or "professional engineers" or "land surveyors," with or without qualifying or characterizing words, by any such corporations, firms, partnerships or associations, shall be licensed to practice professional engineering or land surveying as provided in this chapter.

Nothing in this act shall be construed as requiring licensing for the purpose of practicing professional engineering or land survey-

ing by any person, firm, or corporation upon property owned or leased by such person, firm or corporation, unless the same involves the public safety, public health or public welfare.

2. Section 2 of P. L. 1938, chapter 342 (C. 45:8–28) is amended to read as follows:

C. 45:8-28 Definitions.

2. Definitions. (a) The term "professional engineer" within the meaning and intent of this chapter shall mean a person who by reason of his special knowledge of the mathematical and physical sciences and the principles and methods of engineering analysis and design, acquired by professional education and practical experience, is qualified to practice engineering as hereinafter defined as attested by his license as a professional engineer.

(b) The terms "practice of engineering" or "professional engineering" within the meaning and intent of this chapter shall mean any professional service or creative work requiring engineering education, training, and experience and the application of special knowledge of the mathematical, physical and engineering sciences to such professional services or creative work as consultation, investigation, evaluation, planning, design or general supervision of construction or operation for the purpose of assuring compliance with plans, specification and design in connection with any public or private engineering or industrial project. The practice of professional engineering shall not include the work ordinarily performed by persons who operate or maintain machinery or equipment. The provisions of this chapter shall not be construed to prevent or affect the employment of architects in connection with engineering projects within the scope of the act to regulate the practice of architecture and all the amendments and supplements thereto.

A person shall be construed to practice or offer to practice engineering, within the meaning and intent of this chapter, who practices any branch of the profession of engineering; or who, by verbal claim, sign, advertisement, letterhead, card, or in any other way represents himself to be a professional engineer, or through the use of some other title implies that he is a professional engineer; or who represents himself as able to perform, or who does perform any engineering service or work or any other professional service recognized by the professional engineer or by educational authorities as professional engineering.

(c) The term "engineer-in-training" as used in this chapter shall mean a person who is a potential candidate for license as a

professional engineer who is a graduate in an approved engineering curriculum of 4 years or more from a school or college accredited by the board as of satisfactory standing, or a person who, in lieu of such graduation has had 4 years or more of experience in engineering work of a character satisfactory to the board; and who, in addition, has successfully passed an examination in the fundamental engineering subjects, as defined elsewhere herein.

(d) The term "land surveyor" as used in this chapter shall mean a person who engages in the practice of land surveying as hereinafter defined.

(e) The practice of land surveying within the meaning and intent of this chapter includes surveying of areas for their correct determination and description and for conveyancing, and for the establishment or re-establishment of land boundaries and the plotting of lands and subdivisions thereof, and such topographical survey and land development as is incidental to the land survey.

(f) The term "board" as used in this chapter shall mean the State Board of Professional Engineers and Land Surveyors.

(g) The term "responsible charge" as used in this chapter shall mean a degree of competence and accountability acquired by technical education, engineering practice and experience of a professional character sufficient to qualify an individual to engage personally and independently in the control and direction of investigation, design, construction or operation of engineering works requiring professional skill, initiative and independent judgment.

3. Section 13 of P. L. 1938, chapter 342 (C. 45:8–39) is amended to read as follows:

C. 45:8-39 Practice without license and other violations; penalties; actions for penalties.

13. a. Any person who, hereafter, is not legally authorized to practice professional engineering or land surveying in this State according to the provisions of this act, who shall so practice or offer so to practice in this State, except as provided in section 14 of this act, or any person presenting or attempting to file as his own the certificate of license of another, or who shall give false or forged evidence of any kind to the board, or to any member or representative thereof, in obtaining a certificate of license, or who shall falsely impersonate another licensed practitioner of like or different name, or who shall use or attempt to use an expired certificate of license, or an unexpired and revoked certificate of license, or who shall use the title "Engineer-in-Training" without holding a valid certificate of registration issued by the board, or who shall otherwise violate

any of the provisions of this act, shall be subject to a penalty of not more than $200.00 for the first offense and not more than $500.00 for each and every subsequent offense. The penalties provided for by this section shall be sued for and recovered in civil actions by the State Board of Professional Engineers and Land Surveyors.

b. No person, firm, partnership, association or corporation shall bring or maintain any action in the courts of this State for the collection of compensation for services constituting the practice of engineering or land surveying without alleging and proving that he was duly licensed in accordance with this chapter at the time the alleged cause of action arose.

c. Every County Court and every county district court, within their respective territorial jurisdictions, shall have jurisdiction of actions for penalties under this act.

4. This act shall take effect immediately.

Approved August 13, 1970.

CHAPTER 178

AN ACT to validate certain proceedings for the issuance of bonds of school districts and any bonds or other obligations issued or to be issued in pursuance of 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 election for the authorization or issuance of bonds of the school district, and any bonds or other obligations of the school district issued or to be issued in pursuance of a proposal adopted by the legal voters at such election, are hereby ratified, validated and confirmed, notwithstanding that notices relating to such election were not published as required by the provisions of the "Absentee Voting Law (1953)" (P. L. 1953, c. 211, C. 19:57–1 et seq.) as amended, or notwithstanding that the adoption of such proposal authorized the board of education to issue bonds the principal amount of which, added to the amount of all 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 restric-

tion prescribed by section 18A:24–19 of the New Jersey Statutes and such proposal did not disclose or correctly disclose the effect thereof on the borrowing margin of any municipality comprised within the school district in compliance with the provisions of sections 18A:24–20 and 18A:24–22 of the New Jersey Statutes; provided, however, that any applications received by the secretary of the board of education of the school district for military service ballots or civilian absentee ballots for such election were forwarded to the clerk of the county in which such school district is located; and provided further, that supplemental debt statements were prepared, sworn to and filed as required by sections 18A:24–16 and 18A:24–17 of the New Jersey Statutes; and provided further, that no action, suit or other proceeding of any nature to contest the validity of such 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 August 13, 1970.

CHAPTER 179

AN ACT to validate certain proceedings for the issuance of bonds and 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 county or by any officials thereof for or in connection with the authorization or issuance of bonds or notes of the municipality or county pursuant to the Local Bond Law (section 40A:2–1 to section 40A:2–64, inclusive, of the New Jersey Statutes) and any ordinance with respect to such bonds or notes heretofore adopted and any bonds or notes of the municipality or county 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 prepared and filed in the office of the clerk of the municipality prior to first reading of the ordinance authorizing said bonds or notes or in the

office of the Director of the Division of Local Finance, in the Department of Community Affairs prior to final passage of said ordinance; provided, however, 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. This act shall take effect immediately.

Approved August 13, 1970.

CHAPTER 180

AN ACT concerning manner, means and times of hunting, and supplementing article 2 of chapter 4 of Title 23 of the Revised Statutes.

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

C. 23:4-24.2 Shooting or taking game bird or animal from tree or structure within 300 feet of baited area.

1. No person shall, except under emergency conditions authorized by the Division of Fish and Game, kill, destroy, injure, shoot, shoot at, take, wound, or attempt to take, kill, or wound a game bird or game animal, or have in his possession or control any firearm or other weapon of any kind, while elevated in a standing tree, or in a structure of any kind within 300 feet of a baited area under a penalty of $50.00 for each offense.

C. 23:4-24.3 "Baited area" defined.

2. For the purpose of this act, "baited area" shall mean the presence of placed, exposed, deposited, distributed, or scattered agricultural products, salt, or other edible lure whatsoever capable of attracting, or enticing such birds or animals. Growing and unharvested crops shall not be considered baiting or feeding game birds or game animals.

3. This act shall take effect immediately.

Approved August 13, 1970.

CHAPTER 181

A SUPPLEMENT to "An act relating to public buildings and making appropriations for construction, reconstruction, development, extension, improvement and equipment of public buildings, all for education purposes," approved May 14, 1969 (P. L. 1969, c. 46).

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

1. There is hereby appropriated to the State Department of Education, from the Public Buildings Construction Fund, the sum of $2,255,910.00 or so much thereof as may be necessary, for buildings, structures, facilities and equipment required for the operation of vocational education programs, on the following projects, which are hereby approved, for the purposes indicated:

A. CALENDAR 1970—PLANNING AND DEVELOPMENT FUNDS

Atlantic County Vocational	
Bergen County Vocational	
Burlington County Vocational	
Camden County Vocational	
Lower Camden County Vocational	
Cape May County Vocational	
Cumberland County Vocational	
Gloucester County Vocational	
North Hunterdon Regional Vocational	
Hunterdon Central Vocational	
Mercer County Vocational	
Middlesex County Vocational	
Monmouth County Vocational	
Morris County Vocational	
Ocean County Vocational	
Passaic County Vocational	
Somerset County Vocational	
Sussex County Vocational	
Union County Vocational	
Union Township Vocational	
Thomas A. Edison (Elizabeth) Vocational	
Linden Vocational	
Warren County Vocational	
	$290,934

B. Calendar 1970—Construction Costs

Camden County Vocational
Lower Camden County Vocational
Cape May County Vocational
Cumberland County Vocational
North Hunterdon Regional Vocational
Hunterdon Central Vocational
Middlesex County Vocational
Monmouth County Vocational
Ocean County Vocational
Passaic County Vocational
Somerset County Vocational
Sussex County Vocational
Union County Vocational
Union Township Vocational
Thomas A. Edison (Elizabeth) Vocational
Linden Vocational
Warren County Vocational

$1,136,468

C. Calendar 1970—Site Improvement

Atlantic County Vocational
Bergen County Vocational
Burlington County Vocational
Lower Camden County Vocational
Cape May County Vocational
Cumberland County Vocational
Gloucester County Vocational
North Hunterdon Regional Vocational
Middlesex County Vocational
Monmouth County Vocational
Morris County Vocational
Ocean County Vocational
Somerset County Vocational
Sussex County Vocational
Union County Vocational
Union Township Vocational
Thomas A. Edison (Elizabeth) Vocational
Linden Vocational

$191,771

D. CALENDAR 1970—EQUIPMENT

Burlington County Vocational	
Camden County Vocational	
Lower Camden County Vocational	
Camden City Vocational	
Cape May County Vocational	
North Hunterdon Regional Vocational	
Hunterdon Central Vocational	
Middlesex County Vocational	
Monmouth County Vocational	
Passaic County Vocational	
Somerset County Vocational	
Sussex County Vocational	
Union County Vocational	
Union Township Vocational	
Warren County Vocational	
	$636,737
	$2,255,910

2. This act shall take effect immediately.
Approved August 13, 1970.

CHAPTER 182

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;
Municipal clerks and clerks of boards of chosen freeholders;
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 August 19, 1970.

CHAPTER 183

AN ACT requiring certain reports by the New Jersey Expressway Authority and supplementing 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-38.1 Reports.

1. Notwithstanding any inconsistent provisions of the act hereby supplemented or any other law, the New Jersey Expressway Authority shall submit to the Governor, the Chairmen of the Appropriations Committees of the Senate and General Assembly, and the Director of the Division of Budget and Accounting of the Department of the Treasury, the following reports:

a. Within 90 days after the end of each of its fiscal years, a complete and detailed report of (1) its operations and accomplishments during said year; (2) its receipts and disbursements, or revenues and expenses, during said year in accordance with the categories or classifications established by the authority for its own operating and capital outlay purposes and in accordance with such other categories and classifications as may be designated by

any of the persons enumerated in section 1 of this act; (3) its assets and liabilities at the end of said year, including the status of reserve, depreciation, special or other funds and including the receipts and payments of these funds; (4) a schedule of its bonds and notes outstanding at the end of said year, together with a statement of the amounts redeemed and incurred; and (5) a listing of all contracts exceeding $100,000.00 entered into during said year;

b. Before the close of each of its fiscal years, a complete and detailed report of its operating and capital construction budget, in the form and detail established by the authority for its own operating and capital outlay budget and in such form and detail as may be designated by any of the persons enumerated in section 1 of this act for the next succeeding fiscal year, including its receipts and disbursements, or revenues and expenses, for the prior fiscal year and its estimated receipts and disbursements, or revenues and expenses, for said year and for the succeeding fiscal year.

2. This act shall take effect immediately.

Approved August 19, 1970.

CHAPTER 184

AN ACT requiring certain reports by the New Jersey Turnpike Authority and supplementing the "New Jersey Turnpike Authority Act of 1948," approved October 27, 1948 (P. L. 1948, c. 454).

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

C. 27:23-3.2 Reports.

1. Notwithstanding any inconsistent provisions of the act hereby supplemented or any other law, the New Jersey Turnpike Authority shall submit to the Governor, the Chairmen of the Appropriations Committees of the Senate and General Assembly, and the Director of the Division of Budget and Accounting of the Department of the Treasury, the following reports:

a. Within 90 days after the end of each of its fiscal years, a complete and detailed report of (1) its operations and accomplishments during said year; (2) its receipts and disbursements, or revenues and expenses, during said year in accordance with the

categories or classifications established by the authority for its own operating and capital outlay purposes and in accordance with such other categories and classifications as may be designated by any of the persons enumerated in section 1 of this act; (3) its assets and liabilities at the end of said year, including the status of reserve, depreciation, special or other funds and including the receipts and payments of these funds; (4) a schedule of its bonds and notes outstanding at the end of said year, together with a statement of the amounts redeemed and incurred; and (5) a listing of all contracts exceeding $100,000.00 entered into during said year;

b. Before the close of each of its fiscal years, a complete and detailed report of its operating and capital construction budget, in the form and detail established by the authority for its own operating and capital outlay budget and in such form and detail as may be designated by any of the persons enumerated in section 1 of this act for the next succeeding fiscal year, including its receipts and disbursements or revenues and expenses, for the prior fiscal year and its estimated receipts and disbursements, or revenues and expenses, for said year and for the succeeding fiscal year.

2. This act shall take effect immediately.

Approved August 19, 1970.

CHAPTER 185

AN ACT requiring certain reports by the New Jersey Highway Authority and supplementing "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-19.1 Reports.

1. Notwithstanding any inconsistent provisions of the act hereby supplemented or any other law, the New Jersey Highway Authority shall submit to the Governor, the Chairmen of the Appropriations Committees of the Senate and General Assembly, and the Director of the Division of Budget and Accounting of the Department of the Treasury, the following reports:

a. Within 90 days after the end of each of its fiscal years, a complete and detailed report of (1) its operations and accomplishments

during said year; (2) its receipts and disbursements, or revenues and expenses, during said year in accordance with the categories or classifications established by the authority for its own operating and capital outlay purposes and in accordance with such other categories and classifications as may be designated by any of the persons enumerated in section 1 of this act; (3) its assets and liabilities at the end of said year, including the status of reserve, depreciation, special or other funds and including the receipts and payments of these funds; (4) a schedule of its bonds and notes outstanding at the end of said year, together with a statement of the amounts redeemed and incurred; and (5) a listing of all contracts exceeding $100,000.00 entered into during said year;

b. Before the close of each of its fiscal years, a complete and detailed report of its operating and capital construction budget, in the form and detail established by the authority for its own operating and capital outlay budget and in such form and detail as may be designated by any of the persons enumerated in section 1 of this act for the next succeeding fiscal year, including its receipts and disbursements, or revenues and expenses, for the prior fiscal year and its estimated receipts and disbursements, or revenues and expenses, for said year and for the succeeding fiscal year.

2. This act shall take effect immediately.

Approved August 19, 1970.

CHAPTER 186

AN ACT concerning licensed game preserves and amending sections 23:3–29, 23:3–32 and 23:3–37 of the Revised Statutes.

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

1. Section 23:3–29 of the Revised Statutes is amended to read as follows:

License.

23:3–29. A person desiring to engage in the business of raising and selling game birds or game animals, or both, in a wholly inclosed preserve of which he is the owner or lessee, or to have in

captivity game birds or game animals, shall immediately apply in writing to the division for a license to do so. The license fee shall be $5.00 per annum for each of the above purposes. A person desiring to propagate pheasants, partridge, wild turkey or quail, or any of them, in a semiwild state on lands of which he is the owner or lessee, shall apply in writing to the division for a license to do so. The license fee shall be $25.00 per annum.

The division, when it appears that the application is made in good faith, shall, upon the payment of the fee for each license, issue to the applicant such of the following license or licenses as may be applied for:

a. Propagating license permitting the licensee to propagate game birds or game animals, or both, in the wholly inclosed preserve the location of which is stated in the license and the application therefor, and to sell such propagated game birds or game animals, or both, and ship them from the State alive at any time and to kill the same and sell the carcasses for food subject to the conditions prescribed by sections 23:3–28 to 23:3–39 of this Title;

b. License to propagate pheasants, partridge, wild turkey or quail, or any of them, in a semiwild state on lands of which the applicant is the owner or lessee, when the applicant shall have released during the month of October, in the presence of the conservation officer, of the species for which the applicant desires to be licensed, one bird for each 5 acres of land described in the the application and license;

c. License to keep game birds and animals in captivity; or

d. A person desiring to operate a "commercial pheasant, wild turkey, quail and partridge-shooting preserve" on lands of which he is the owner or bona fide lessee shall apply in writing to the division for a license so to do. The license fee shall be $100.00 per annum and the form of the application and license shall be determined by the division.

The division may, upon payment of the fee, issue to the applicant such a license when it appears that:

(1) The operation of such shooting preserve shall not conflict with a prior reasonable public interest; and

(2) The applicant shall produce evidence satisfactory to the division that he has released on lands described in the application and license, of the species for which he desires to be licensed, a total of at least 10 female and 2 male pheasants or 6 female and 6 male quail or partridge for the first 100 acres of land or portion thereof,

or a proportionate number of birds for any acreage in excess of the first 100 acres, prior to May 1 in the year for which the license is to be issued; and

(3) The applicant shall have produced evidence satisfactory to the division that he will raise or purchase for liberation and liberate on the shooting preserve a total of at least 500 pheasants, quail and partridge or combination thereof between September 1 of the year for which the license was issued and the following March 15.

2. Section 23:3–32 of the Revised Statutes is amended to read as follows:

Pheasants, wild turkeys, partridge and quail; killing and shipping; tags; commercial preserves.

23:3–32. No pheasants, wild turkeys, partridge or quail propagated in a semiwild state shall be sold. No such pheasants, wild turkeys, partridge or quail shall be possessed or transported outside of licensed areas unless each bird shall have been tagged with the special tag prescribed by sections 23:3–28 to 23:3–39 of this Title. Except as to the additional tags hereinafter provided for, no licensee raising pheasants, partridge or quail in a semiwild state shall procure from the division during any year of operation more tags to be affixed to the dead bodies of pheasants, partridge or quail propagated in a semiwild state than the number equal to ⅘ of the number of pheasants, partridge or quail released during the month of October in each year. Additional tags may be provided to any licensee in the same ratio for any birds released subsequent to October in the license year. The tags shall be of a special kind provided for the purpose. The number of birds taken in any year, either alive or dead, on lands on which pheasants, wild turkeys, partridge or quail are propagated in a semiwild state shall not exceed the number of tags obtained from the division. Pheasants, wild turkeys, and partridge propagated in a semiwild state may be taken by shooting only from 9:00 A. M. on November 10 or such opening date as may otherwise be prescribed by the State Fish and Game Code to January 20, except where the licensee shall have produced evidence satisfactory to the division that he has liberated on the land during the year covered by his license, or that he has in his possession on the land or in some other designated place or places and will liberate on the land prior to February 28 a total of at least 100 pheasants and partridge or combination thereof for any

acreage up to 100 acres and at least one pheasant or partridge for each additional acre, in addition to those birds released during the month of October, in which case the licensee or any person or persons authorized by him so to do may take pheasants, wild turkeys and partridge by shooting from 9:00 A. M. on November 10 or such opening date as may otherwise be prescribed by the State Fish and Game Code to the next following February 28, both inclusive, and during any further period, not exceeding 31 days, which the Commissioner of Conservation and Economic Development may, from time to time, designate for that purpose upon the recommendation of the Director of the Division of Fish and Game of the Department of Conservation and Economic Development on the land described in his license. The number of pheasants, wild turkeys, quail, and partridge so taken by shooting shall not exceed ⅘ of the total number of pheasants, wild turkeys, quail, and partridge liberated on said land during the year covered by such license. Section 23:4–24 of this Title relating to hunting on Sunday shall not apply to any person authorized to shoot pheasants, wild turkeys, quail, and partridge under sections 23:3–28 to 23:3–39 of this Title. Quail propagated in a semiwild state may be taken by shooting only from 9:00 A. M. on November 10 or such opening date as may otherwise be prescribed by the State Fish and Game Code to the next following February 28, both days inclusive, and during any further period, not exceeding 31 days, which the Commissioner of Conservation and Economic Development may, from time to time, designate for that purpose upon the recommendation of the Director of the Division of Fish and Game of the Department of Conservation and Economic Development. No pheasants, wild turkeys, partridge or quail propagated in a semiwild state shall be trapped without the written permission of the division.

Under a "commercial pheasant, wild turkey, quail and partridge-shooting preserve" license, pheasants, wild turkeys, quail and partridge may be taken by shooting only on lands described in the application and license, without regard to sex and daily bag limit, by fully licensed hunters authorized by the licensee to shoot on said land between September 1 and the following March 15, both dates inclusive and during any further period, not exceeding 31 days, which the Commissioner of Conservation and Economic Development may, from time to time, designate for that purpose upon the recommendation of the Director of the Division of Fish and Game of the Department of Conservation and Economic Development.

No pheasants, wild turkeys, quail or partridge shall be possessed or transported outside the licensed area, unless each bird shall have been tagged with a suitable tag or seal supplied by the division, and no licensee shall receive from the division, during any year of operation, more tags to be affixed to the bodies of pheasants, quail and partridge than 4 times the number of female pheasants, quail and partridge released prior to May 1 in each year, in addition to one tag for each pheasant, wild turkey, quail and partridge liberated during the shooting period hereinbefore specified.

3. Section 23:3–37 of the Revised Statutes is amended to read as follows:

License displayed; records kept; certified copy sent to division.

23:3–37. Each holder of a propagating license shall keep the license prominently displayed at the place of business specified therein, and shall keep accurate written records which shall include the total number of each species of game birds or animals possessed on the date of application for the license, the number of each species subsequently propagated or acquired by purchase or gift, and the name and address of each person or corporation from whom or to whom game birds or animals were purchased or sold alive or sold for food, and the date of each transaction. The holder of a semiwild or commercial shooting preserve shall keep such records as may be prescribed by the division. These records shall be kept permanently on the premises stated in the license and shall be open for inspection by any duly authorized representative of the division at all reasonable times. Each holder of a propagating license shall send a certified copy of these records for the previous license year to the division not later than March 31. The division shall furnish the forms on which these records are to be kept.

4. This act shall take effect January 1, 1971.

Approved August 19, 1970.

CHAPTER 187

AN ACT concerning qualifications for appointment of officers or members of the police force or paid fire department in municipalities under certain circumstances 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. 40:47-3.6 Appointment of veterans of the armed forces under certain circumstances.

1. Any person who has served in the military or naval service of the United States and been discharged or released from such service under conditions other than dishonorable within 6 months prior to making application to any municipality for appointment as a member of the police or fire department thereof, may be appointed a member of such police or fire department if otherwise qualified notwithstanding that he is not and has not been a resident of said municipality for 6 months preceding his appointment; provided, at the time of making application for appointment said person signs a notice of intention and agreement to become a resident of the municipality within 6 months from the date of appointment.

In the event such a person fails to become a resident of the municipality within the aforementioned 6-month period, upon the anniversary date thereof he shall cease to be a member of said police or fire department. The governing body shall cause to be served on the officer or member at least 15 days before the expiration of the period of nonresidency permitted, a notice that he is required to become a resident of the municipality within the time mentioned, and in the event such notice is not given for the officer or member to become a resident of the municipality the time for the officer or member to become a resident of the municipality is extended until such notice is given.

2. This act shall take effect immediately.

Approved August 19, 1970.

CHAPTER 188

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.

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 and actions between landlord and tenant where the matter in dispute is the return of all or part of a security deposit, 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 or $500.00 if matter in dispute is a security deposit. 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 or $500.00 if the matter in dispute is a security deposit, either plaintiff or defendant may recover in the division of small claims of the county district court a sum not ex-

ceeding $200.00 or $500.00 in the matter of a security deposit, 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 or $500.00 in the matter of a security deposit 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 August 19, 1970.

CHAPTER 189

AN ACT to amend "An act fixing the compensation of guards, keepers, orderlies and industrial officers in the county jails, houses of detention and penitentiaries in certain counties of the first class," approved June 8, 1966 (P. L. 1966, c. 68).

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

1. Section 1 of P. L. 1966, chapter 68 (C. 30:8–13.4) is amended to read as follows:

C. 30:8-13.4 Salaries of certain employees in certain first-class counties.

1. Notwithstanding the provisions of any other law, the salaries of the guards, keepers, industrial officers and guard orderlies, correction officers, employed in the jails, houses of detention and penitentiaries in counties of the first class having less than 700,000 inhabitants, shall be fixed by the board of chosen freeholders.

This section shall not be construed to permit the decrease of any salaries now authorized by law to be paid to any of the guards, keepers, industrial officers, correction officers, and guard orderlies, affected by this section nor decrease the amount of each increment now being paid.

2. This act shall take effect immediately.

Approved August 19, 1970.

CHAPTER 190

AN ACT concerning the salaries of court attendants in certain first-class counties, and amending N. J. S. 2A:11–34.

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

1. N. J. S. 2A:11–34 is amended to read as follows:

Salaries of court attendants in certain first-class counties.

2A:11–34. In counties of the first class having between 700,000 and 800,000 inhabitants the compensation of the court attendants attached, or assigned to the Superior Court, the County Courts, the juvenile and domestic relations court and to the grand jury, and to the various bureaus and departments in the office of the sheriffs of said counties, or to such executive or official as may be in charge of such duties, shall be not less than $4,500.00 per annum and shall not exceed $6,000.00 per annum, and in counties of the first class having less than 700,000 inhabitants the compensation of said court attendants shall be fixed by the board of chosen freeholders, and shall be paid in equal semimonthly installments by the county treasurer of each of such counties from the judiciary fund of the county.

This section shall not be construed as permitting the decrease of any salaries authorized by law to be paid to any court attendant.

2. This act shall take effect immediately.

Approved August 19, 1970.

CHAPTER 191

AN ACT to authorize the borough of Alpine in the county of Bergen to make permanent the appointment of James Jordan to the police department of the borough of Alpine.

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

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 borough of Alpine in the county of Bergen is authorized to make permanent the appointment of James Jordan

to the police department of Alpine 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 of an ordinance of the borough of Alpine for the purpose of adopting same.

Approved August 19, 1970.

CHAPTER 192

AN ACT to authorize the borough of Beachwood in the county of Ocean to make permanent the appointment of Walter P. Kubiak to the police department of the borough of Beachwood.

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

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 borough of Beachwood in the county of Ocean is authorized to make permanent the appointment of Walter P. Kubiak to the police department of Beachwood 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 of an ordinance of the borough of Beachwood for the purpose of adopting same.

Approved August 19, 1970.

CHAPTER 193

AN ACT to amend "An act relating to, regulating and providing for the government of cities of the second class which now have or may hereafter have a population of less than 20,000," approved April 23, 1907 (P. L. 1907, c. 99).

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

1. Section 94 of chapter 99 of the laws of 1907 is amended to read as follows:

Contracts involving expenditures of certain amounts; procedures.

94. In contracting for any public work or the purchase of any supplies or materials involving an expenditure of $2,500.00 or more, for such city or by or for any of the city departments, sub-departments or municipal officers not embraced in a department, or by or for special commissions or boards, unless otherwise provided for in this act, proposals for the same shall be first advertised for in 2 or more daily or weekly newspapers published in such city, for not less than 3 nor more than 20 days and for not less than 3 insertions of such advertisement. Contracts for expenditures of the city moneys for any public work or for the purchase of supplies or materials for any department of less than $2,500.00, shall be made by city council either at a regular or special session thereof in such manner as it may prescribe either by resolution or ordinance, but every such contract shall be approved by the mayor, or, if disapproved by him, by 5/7 of the entire members of city council.

2. This act shall take effect immediately.

Approved August 20, 1970.

CHAPTER 194

AN ACT to authorize the township of Riverside in the county of Burlington to make permanent the appointment of Leonard W. Bucher and Leroy R. Martin to the police department of the township of Riverside.

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

1. Pursuant to the provisions of chapter 199 of the laws of 1948 (C. 1:6–10 et seq.), under which a petition for a special law has been filed with the Legislature, the township of Riverside in the county of Burlington is authorized to make permanent the appointment of Leonard W. Bucher and Leroy R. Martin to the police department of the township of Riverside notwithstanding their respective 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 an ordinance of the township of Riverside for the purpose of adopting same.

Approved August 21, 1970.

CHAPTER 195

AN ACT concerning reporting of epileptiform seizures, repealing R. S. 26:5–1 through R. S. 26:5–13 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. 39:3-10.4 Report to director by physicians of persons subject to epileptiform seizures.

1. Each physician treating any person 16 years of age or older for recurrent convulsive seizures or for recurrent periods of uncon-

sciousness or for impairment or loss of motor coordination due to conditions such as, but not limited to, epilepsy in any of its forms, when such conditions persist or recur despite medical treatments, shall, within 24 hours after his determination of such fact, report the same to the Director of the Division of Motor Vehicles. The director, in consultation with the State Commissioner of Health, shall prescribe and furnish the forms on which such reports shall be made.

C. 39:3-10.5 Report by drivers' license applicants subject to epileptiform seizures.

2. Each person subject to recurrent convulsive seizures or recurrent periods of unconsciousness or impairment or loss of motor coordination due to conditions such as, but not limited to, epilepsy in any of its forms, shall at the time of his initial application for a driver's license or any subsequent application for a renewal thereof or at such other time as prescribed by the Director of the Division of Motor Vehicles, report the existence of such conditions to the Director of the Division of Motor Vehicles in a manner to be prescribed by the director.

C. 39:3-10.6 Procedure for evaluation and screening of persons subject to epileptiform seizures.

3. In order to be assured that no person is unwarrantedly denied the privilege of operating a motor vehicle in this State because of reports submitted under the provisions of this act, the Director of the Division of Motor Vehicles, in consultation with the State Commissioner of Health, shall establish a procedure for evaluation and screening of cases so reported.

C. 39:3-10.7 Confidentiality of reports of persons subject to epileptiform seizures.

4. Reports submitted pursuant to the provisions of this act shall be for the information of the Director of the Division of Motor Vehicles in enforcing State motor vehicle laws and shall be kept in the confidence of the Division of Motor Vehicles and shall not be revealed or used by the division in any manner or any circumstances except for the purpose of determining the eligibility of any person to operate a motor vehicle on the highways of this State.

C. 39:3-10.8 Violations of provisions requiring reports of persons subject to epileptiform seizures.

5. Any person who is guilty of a violation of section 1 of this act shall be subject to a fine of $50.00 for each violation. Any person who is guilty of a violation of section 2 of this act shall be subject to a fine of $50.00 and, in the discretion of the Director of

the Division of Motor Vehicles, to suspension or revocation of his driving privileges in accordance with the procedures prescribed by R. S. 39:5–30.

Repealer.

6. R. S. 26:5–1 to R. S. 26:5–13, inclusive, are repealed.

7. This act shall take effect immediately.

Approved September 4, 1970.

CHAPTER 196

AN ACT to authorize the borough of Stanhope in the county of Sussex to make permanent the appointment of Robert Morgan to the police department of the borough of Stanhope.

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

1. The borough of Stanhope in the county of Sussex is authorized to make permanent the appointment of Robert Morgan to the police department of Stanhope notwithstanding that the age of Robert Morgan is greater than the maximum age limit for appointment thereto as 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 an ordinance of the borough of Stanhope for the purpose of adopting same.

Approved September 4, 1970.

CHAPTER 197

AN ACT concerning the "Teachers' Pension and Annuity Fund-Social Security Integration Law" and supplementing 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. The provisions of subsection b. of N. J. S. 18A:66–53 notwithstanding, any member on an official leave of absence during any part of the period from January 1, 1970 to March 31, 1970 may elect the additional death benefit coverage provided in subsection b. of N. J. S. 18A:66–53 by filing an application within the 3-month period following the effective date of this supplemental act or within the 3-month period following his return to active work, but not later than June 30, 1971.

2. This act shall take effect immediately.

Approved September 4, 1970.

CHAPTER 198

AN ACT concerning fishing licenses and supplementing article 1 of chapter 3 of Title 23 of the Revised Statutes.

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

C. 23:3-4.10 Fishing licenses for residents of certain labor camps.

1. The division may, in its discretion, issue a resident's fishing license or resident's family fishing license to a citizen of the United States above 14 years of age who is a resident of an approved migrant labor camp or farm labor camp, as defined in P. L. 1945, chapter 71, as amended (C. 34:9A–2) and may appoint special licensing agents for issuance of such licenses.

2. This act shall take effect immediately.

Approved September 11, 1970.

CHAPTER 199

AN ACT concerning residence requirements for residents' licenses issued by the Division of Fish and Game and amending R. S. 23:3–4.

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

1. R. S. 23:3–4 is amended to read as follows:

Licenses; residents', nonresidents' and aliens'; fees; term of licenses.

23:3–4. The licenses issued under this article shall be as follows:

a. A license issued to citizens of the United States above 14 years of age, who have an actual and bona fide domicile in this State at the time of the application for the license and who have had an actual and bona fide domicile in this State for at least 6 months immediately prior thereto. These licenses shall be of four kinds and designated as the residents' firearm hunting and trapping license, the residents' bow and arrow license, the residents' fishing license and the residents' family fishing license. The Fish and Game Council in the Division of Fish and Game of the Department of Conservation and Economic Development shall have the authority to adopt and promulgate regulations for said family fishing licenses.

The residents' firearm hunting and trapping license shall authorize its holder to trap and to hunt with hounds and firearms only, and a fee of $5.00 and an issuance fee of $0.15 shall be charged therefor. The residents' bow and arrow license shall authorize its holder to hunt with bow and arrow only, and a fee of $5.00 and an issuance fee of $0.15 shall be charged therefor. The residents' fishing license shall authorize its holder to fish only, and a fee of $4.00 and an issuance fee of $0.15 shall be charged therefor except that in any case where the applicant is 70 or more years of age and is otherwise qualified no fee shall be charged. The residents' family fishing license shall authorize the parents or guardians and their children, foster children or wards between the ages of 14 and 18, named therein, to fish only. The fee for the parent license permitting fishing only by the father or mother, or both, or the guardian

shall be $8.00 with an issuance fee of $0.15; and each child, foster child or ward named therein shall be required to have and shall be issued an individual supplementary license as a member of such family at a fee of $1.00 and an issuance fee of $0.15. The license shall be invalid from the date of its issuance when issued to a person not entitled thereto hereunder. Any person, a resident of this State, who is afflicted with total blindness, upon application to the Division of Fish and Game shall be entitled to a residents' fishing license without fee or charge.

b. A license issued to a person above 14 years of age not entitled to a residents' license, authorizing him to trap and to hunt. These licenses shall be designated as the nonresidents' and aliens' firearm hunting and trapping license, and the nonresidents' and aliens' bow and arrow license. The fee for each of these licenses shall be $15.00, and an issuance fee of $0.15.

c. A license issued to a person above 14 years of age not entitled to a residents' license, authorizing him to fish only. These licenses shall be designated as the nonresidents' and aliens' fishing license and the nonresidents' and aliens' 3-day vacation fishing license valid for a period of 3 consecutive days and only obtainable after June 1 of each year. The fee for these licenses shall be $7.00 for the annual fishing license, together with an issuance fee of $0.15, and $3.50 and an issuance fee of $0.15 for the 3-day vacation fishing license.

Every license issued hereunder shall be void after December 31 next succeeding its issuance excepting the nonresidents' 1-day hunting license which shall expire on the date of issuance, and the nonresidents' and aliens' 3-day fishing license which is valid only for 3 consecutive days after date of issuance.

2. This act shall take effect immediately.

Approved September 11, 1970.

CHAPTER 200

AN ACT to amend the title of "An act relating to financing the purchase of certain motor vehicles secured by a purchase money chattel mortgage and supplementing Title 17 of the Revised Statutes," approved August 9, 1961 (P. L. 1961, c. 95), so that the same shall read "An act relating to financing the purchase of certain motor vehicles secured by purchase money security interests and supplementing the "Retail Installment Sales Act of 1960," approved June 9, 1960 (P. L. 1960, c. 40)," and amending 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 P. L. 1961, chapter 95 is amended to read as follows: An act relating to financing the purchase of certain motor vehicles secured by purchase money security interests and supplementing the "Retail Installment Sales Act of 1960," approved June 9, 1960 (P. L. 1960, c. 40).

2. Section 1 of P. L. 1961, chapter 95 (C. 17:16C–40.1) is amended to read as follows:

C. 17:16C-40.1 Loan secured by purchase money security interest to finance purchase of motor vehicle.

1. A sales finance company licensed under the provisions of the "Retail Installment Sales Act" of 1960 (P. L. 1960, c. 40), as amended and supplemented, or any act replacing or succeeding thereto which regulates "retail installment sales," may loan to any one person any sum of money up to a maximum of $5,000.00 secured by a purchase money security interest to finance the purchase of a passenger motor vehicle not intended to be used for the transportation of passengers for hire or upon a contract basis. The principal amount of such loan may be repaid in not more than 36 substantially equal monthly installments. The sales finance company may charge interest at a rate not exceeding $6.00 per $100.00 per year. Such interest shall be computed on the full amount of such loan for the period from the making of the loan to the date of maturity of the final installment, and shall be added to the principal amount of the loan. For the purpose of this act, a purchase money security interest is hereby defined to be a security

interest taken by a sales finance company, pursuant to the provisions of chapter 9 of Title 12A of the New Jersey Statutes, in connection with and as security for an advance of money on behalf of a retail buyer of a motor vehicle to the motor vehicle dealer in payment of the unpaid balance of the cash purchase price.

3. This act shall take effect immediately.

Approved September 11, 1970.

CHAPTER 201

AN ACT concerning certain exempt firemen, and amending R. S. 40:47–53.

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

1. R. S. 40:47–53 is amended to read as follows:

Persons entitled to exempt fireman's certificate.

40:47–53. A fireman, a member of any fire department of this State under municipal control, shall be entitled to receive an exempt fireman's certificate as herein provided, when from the records of said department, filed with the clerk of said municipality as hereinafter provided, it appears that at the time said fireman was appointed, confirmed or elected a fireman by the governing body of said municipality he was a resident of the municipality, a citizen of the United States, of good moral character, between the ages of 21 and 40, except as to a fireman appointed, confirmed or elected during the emergency war years from December 7, 1941, to January 1, 1946, this age limitation shall be extended to 45 years, and that during 7 years he has performed 60% of fire duty in that department during each of said 7 years. For the purposes of this section, time spent by any fireman in the active military or naval service of the United States, heretofore and subsequent to July 1, 1940, or heretofore subsequent to said date and hereafter in time of war, shall be considered as time spent in fire duty.

2. This act shall take effect immediately.

Approved September 11, 1970.

CHAPTER 202

AN ACT concerning the protection of the Delaware river shore in the township of Pennsville in Salem county, supplementing chapter 52 of the laws of 1940, and making an appropriation therefor.

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 Environmental Protection is authorized and empowered hereby to undertake the construction, reconstruction and repair of revetments in the township of Pennsville, Salem county, which are necessary in order to protect the shore of the township of Pennsville fronting on the Delaware river; provided, however, the township of Pennsville shall acquire and make available without cost to the State of New Jersey all lands, easements and rights-of-way required for said construction, reconstruction and repair and future maintenance of the shore protection work. All shore protection work hereunder shall be constructed under contract with and under the supervision of the Department of Environmental Protection.

2. The sum of $200,000.00 is hereby appropriated out of the general treasury to the Department of Environmental Protection for the purpose of carrying out the provisions of this act.

3. This act shall take effect immediately.

Approved September 11, 1970.

CHAPTER 203

AN ACT to authorize the city of Ocean City in the county of Cape May to make permanent the appointment of Robert Robbins to the police department of the city of Ocean City.

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

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 city of Ocean City in the county of Cape May is authorized to make permanent the appointment of Robert Robbins to the police department of Ocean City 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 of an ordinance of the city of Ocean City for the purpose of adopting same.

Approved September 11, 1970.

CHAPTER 204

A SUPPLEMENT to "An act making appropriations for the support of the State Government and the several public purposes for the fiscal year ending June 30, 1971, 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 State Fund for the purposes herein specified:

STATE AID

DEPARTMENT OF EDUCATION

500-150. EDUCATIONAL PURPOSES—STATE AID

For additional State school lunch aid $2,000,000

2. This act shall take effect July 1, 1970.

Approved September 14, 1970.

CHAPTER 205

AN ACT supplementing Title 17 of the Revised Statutes, to define and regulate secondary mortgage loans and to repeal "An act to define and regulate secondary mortgage loans," approved June 9, 1965 (P. L. 1965, c. 91).

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

C. 17:11A-34 Short title.

1. This act shall be known as the "Secondary Mortgage Loan Act."

C. 17:11A-35 Definitions.

2. As used in this act, the following words and terms shall have the following meanings unless the context otherwise requires:

a. "Secondary mortgage loan" means a loan made to an individual, association, joint venture, partnership, limited partnership, limited partnership association, or any other group of individuals however organized, except a corporation, which is secured in whole or in part by a lien upon any interest in real property created by a security agreement, including a mortgage, indenture, or any other similar instrument or document, which real property is subject to one or more prior mortgage liens and which is used as a dwelling, including a dual purpose or combination type dwelling which is also used as a business or commercial establishment, and has accommodations for not more than 4 families, except that a loan which: (1) is to be repaid in 90 days or less; (2) is taken as security for a home repair contract executed in accordance with the provisions of chapter 41, P. L. 1960; (3) is at an interest rate which is not in excess of the usury rate in existence at the time the loan is made, as established in accordance with the law of this State, and on which loan the borrower has not agreed to pay, directly or indirectly, any charge, cost, expense or any fee whatsoever other than said interest; or (4) is the result of the private sale of a dwelling if title to the dwelling is in the name of the seller and the seller has resided in said dwelling for at least one year if the buyer is purchasing said dwelling for his own residence and, as part of the purchase price, executes a secondary mortgage in favor of the seller; shall not be subject to the provisions of this act.

b. "Borrower" means any person applying for a secondary mortgage loan, whether or not the loan is granted, and any person who has actually obtained such a loan.

c. "Licensee" means a person who is required to be licensed by section 3 of this act.

d. "Person" means an individual, association, joint venture, partnership, limited partnership, limited partnership association, corporation or any other group of individuals however organized.

e. "Commissioner" means the Commissioner of Banking of New Jersey including his deputies, or any other salaried employee of the Department of Banking appointed or designated by the commissioner to perform the functions required for the administration or enforcement of this act.

C. 17:11A-36 License required; exceptions.

3. No person shall engage in the secondary mortgage loan business in this State unless such person shall first obtain a license under this act. For the purpose of this act, a person is deemed to be engaged in the secondary mortgage loan business in this State if: (a) such person advertises, causes to be advertised, solicits, negotiates, offers to make or makes a secondary mortgage loan in this State, whether directly or by any person acting for his benefit; or (b) such person becomes the subsequent holder of a promissory note or mortgage, indenture or any other similar instrument or document received in connection with a secondary mortgage loan. A real estate broker licensed pursuant to the provisions of the law of this State or an attorney authorized to practice law in this State shall not be required to obtain a license to negotiate a secondary mortgage loan in the normal course of the business of a real estate broker or attorney.

C. 17:11A-37 Application for license; form, contents.

4. a. An application for a secondary mortgage loan license shall be on a form provided by the commissioner. The application shall set forth the name and resident address of the applicant and, if the applicant is other than an individual or corporation, of each partner or member, and if the applicant is a corporation, of each officer, director and the registered agent. The application shall also set forth the address or addresses where the secondary mortgage loan business is to be conducted in this State.

b. The application shall demonstrate that the applicant has liquid assets available for the purpose of making secondary mortgage loans and a net worth of at least $50,000.00.

c. The application shall contain such other information as the commissioner shall require in order to carry out the purposes of this act.

d. If the applicant intends to conduct business under a trade name, a certified copy of the applicant's trade name certificate as required by the law of this State shall accompany the application.

e. If the applicant is a foreign corporation, said corporation shall be authorized to do business in this State in accordance with the law of this State regulating corporations.

f. Applicants for a secondary mortgage loan license shall file with the application an irrevocable consent, duly acknowledged, that suits and actions may be commenced against such licensee in the courts of this State by the service of process or any pleading upon the commissioner, in the usual manner provided for service of process and pleadings by the statutes and Court Rules of this State. Said consent shall provide that such service shall be as valid and binding as if service had been made personally upon the licensee in this State. In all cases where process or pleadings are served upon the commissioner pursuant to the provisions of this section, such process or pleadings shall be served in duplicate, one of which shall be filed in the office of the commissioner and the other shall be forwarded by the commissioner, by certified or registered mail, return receipt, to the last known principal place of business of the licensee to whom such process or pleadings is directed.

C. 17:11A-38 License fee; renewal.

5. An applicant shall pay to the commissioner at the time the application is filed, and annually thereafter upon renewal, a license fee of $200.00 for his principal place of business and an additional $50.00 for each branch office in this State.

C. 17:11A-39 Action by commissioner on application.

6. Within 60 days after an application is received, the commissioner shall determine whether a license should be issued. The commissioner may refuse to issue a license for any reason for which he may suspend, revoke or refuse to renew a license as provided for by section 23a of this act.

C. 17:11A-40 Duties of commissioner upon denial of license.

7. If the commissioner refuses to issue a license, he shall notify the applicant, in writing, of his denial, the reason therefor and of the applicant's right to request a hearing; provided, however, that no such request shall be binding on the commissioner unless the

request is made, in writing, within 10 days after receipt of the commissioner's notice. If the applicant requests a hearing, the commissioner shall hold a hearing within 10 days after receipt of the applicant's request, and within 20 days after the hearing he shall render a decision, in writing, which shall set forth his findings and conclusions, a copy of which shall be sent to the applicant. Registered or certified mail, return receipt, shall be utilized by the commissioner to transmit any notice or decision to the applicant, which shall be mailed to the applicant's principal place of business in this State, as set forth in the application. If the applicant does not request a hearing or if, after a hearing, the commissioner still refuses to issue a license to the applicant, the amount paid as a license fee shall be refunded to the applicant but the application and all supplemental schedules, instruments or documents filed with the application shall remain in the custody of the commissioner.

C. 17:11A-41 Contents of license.

8. Each license issued by the commissioner shall specify:

a. The name and address of the licensee, the address so specified to be that of the licensee's principal place of business, or branch office, in this State.

b. The licensee's reference number, which may remain the same from year to year despite variations in annual license numbers which may result from the renewal of licenses by mechanical techniques.

c. Such other information as the commissioner shall require in order to carry out the purposes of this act.

C. 17:11A-42 Expiration date and invalidity of license.

9. A license issued by the commissioner shall:

a. Expire on December 31 of each year. No refund in the amount of the license fee shall be made if the license is issued for less than 12 months or if the license is voluntarily surrendered to or suspended or revoked by the commissioner prior to its expiration date.

b. Be invalid, in the event the licensee is a corporation, if the licensee's corporate charter is voided in accordance with the provisions of any law of this or any other State.

C. 17:11A-43 License not assignable or transferable.

10. A license shall not be assignable or transferable by operation of law or otherwise.

C. 17:11A-44 Licensee's authority; amount and computation of interest; special advisory board; membership, terms, vacancies, compensation, meetings, secretary, access to records, liability.

11. a. A licensee shall have authority to make a secondary mortgage loan, repayable in installments, and may charge, contract for and receive thereon interest at an annual percentage rate not exceeding 15%, computed by the actuarial method (United States rule) and; provided further, the Commissioner of Banking, 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 interest which may be taken for any such loan shall be more than 15% per annum but not more than 18% per annum, as shall be prescribed in such regulation.

(1) No interest shall be paid, deducted, or received in advance. Interest shall not be compounded and shall be computed only on unpaid principal balances. For the purposes of computing interest, whether at the maximum rate or less, a month shall be considered a calendar month and where a fraction of a month is involved a day shall be considered 1/30 of a month.

b. In making, amending, and rescinding regulations pursuant to the preceding provision, the Commissioner of Banking 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.

c. The special advisory board herein provided for shall consist of the Commissioner of Banking, who shall be ex-officio chairman of the board, and 5 members appointed by the Governor with the advice and consent of the Senate. Any appointed member of the board may be removed from office by the Governor whenever, in his judgment, the public interest may so require. Each of the 5 appointed members shall have had, at the time of his appointment,

practical experience in consumer financing or fields so related thereto as to qualify each as an authority for the purpose of advising the Commissioner of Banking regarding the interest which may be taken for any secondary mortgage loan. At no time shall there be more than a single representative on the board from any one institution or group of institutions.

d. Each member of the board shall hold office for a term of 2 years, and thereafter until his successor is appointed and has qualified, subject to removal by the Governor pursuant to the preceding provision. Members of the board shall be eligible for reappointment in the same manner as the initial appointment of members of the board as provided for heretofore. Any vacancies in the board shall be filled for the unexpired portion of the term in the same manner as for a full term.

e. The members of the special advisory board shall serve without compensation, but shall be reimbursed for their actual and necessary expenses in attending meetings of the board. All claims for reimbursement shall be submitted in the form and manner prescribed for like claims of the Commissioner of Banking.

f. The board shall meet at least semiannually, at such times and places in the State as it may determine. The commissioner may call such other meetings as he may deem necessary, and he shall call a meeting when requested by 2 or more members of the board. At least 3 days notice of every meeting shall be given to each member of the board personally, or by mail, telephone, or telegraph. Four members of the board shall constitute a quorum.

g. The special advisory board shall elect a secretary who may be an employee of the Department of Banking but who shall receive no extra compensation for serving as secretary. The secretary shall keep an accurate record of all meetings of the board and shall perform such other duties as may be prescribed by the board.

h. For the purpose of discharging its duties, the board shall have access to all relevant records in the Department of Banking, including reports and confidential communications, but each member of the board shall treat all information so obtained as confidential and shall not reveal any such information to any person other than another member of the board.

i. No member of the board, including the Commissioner of Banking, shall be personally liable for any act done or omitted in connection with the performance of his duties under this act.

j. At the initial meeting of the special advisory board, the members shall agree, by majority vote, to the procedure by which rec-

ommendations will be made to the commissioner concerning the interest rate to be established pursuant to this act.

C. 17:11A-45 Licensee's responsibilities.

12. A secondary mortgage loan licensee shall:

a. Maintain at least one licensed place of business in this State.

b. Conspicuously display his license at each licensed place of business.

c. Keep on file with the commissioner a corporate surety bond in the principal sum of $5,000.00. Said bond shall be in the form required by the commissioner and shall be issued by a surety company authorized to transact business in this State. The bond shall run to the State and shall be conditioned that the licensee will comply with the provisions of this act. The aggregate liability of the surety on the bond shall in no event exceed the amount of said bond.

d. Maintain a net worth of $50,000.00 at all times.

e. Maintain at his place of business in this State an original or true copy of the following instruments, documents, accounts, books and records:

(1) Promissory note evidencing each borrower's secondary mortgage loan indebtedness.

(2) Mortgage, indenture or any other similar instrument or document which creates a lien on the real property which is taken as security for a secondary mortgage loan.

(3) Credit life and accident and health insurance policy or a certificate of insurance where such insurance is obtained in accordance with section 16 of this act.

(4) Closing statement for each secondary mortgage loan.

(5) Appraisal or search, where utilized.

(6) Individual ledger card or any other form of record which shows all installment payments made by the borrower and all other charges or credits to the borrower's account.

(7) Individual file in which the borrower's application for a loan and any correspondence, including collection letters, memorandums, notes or any other written information pertaining to the borrower's account, shall be kept.

(8) General ledger, cash receipts and disbursements register, check book, canceled checks and such other accounts, books or records as shall be required by the commissioner in order to ascertain whether the licensee has been conducting his secondary mortgage loan business in full compliance with the provisions of this act.

All of the aforementioned instruments, documents, accounts, books and records shall be kept separate and apart from the records of any other business conducted by the licensee and shall be preserved and kept available for investigation or examination by the commissioner for at least 2 years after a secondary mortgage loan has been paid in full. The provisions of this section shall not apply to any instrument, document, account, book or record which is assigned, sold or transferred to another secondary mortgage loan licensee nor shall the 2-year requirement apply to an instrument or document which must be returned to the borrower at the time a secondary mortgage loan is paid in full.

f. Annually, before February 1, file a report with the commissioner which shall set forth such information as the commissioner shall require concerning the business conducted as a licensee during the preceding calendar year. The report shall be in writing, under oath and on a form provided by the commissioner.

g. Be subject to an examination by the commissioner, at least once a year, at which time the commissioner shall have free access, during regular business hours, to the licensee's place or places of business in this State and to all instruments, documents, accounts, books and records which pertain to the licensee's secondary mortgage loan business. The cost of any such examination shall be borne by the licensee.

h. In the event a borrower's application for a secondary mortgage loan is denied, notify the borrower, in writing, of said denial and, provided further, the name of any such borrower or a list of any such borrowers shall not be referred by the licensee, in any manner whatsoever, to any other lender, retail seller of personal property or services or to any other person, whether in this or any other State.

i. If a secondary mortgage loan is not consummated, return all documents executed by or belonging to the borrower.

j. Give to the borrower, without charge, a copy of every instrument, document or other writing the borrower signs.

k. Give to the borrower, without charge, written evidence of credit life and accident and health insurance, if any, in accordance with regulations promulgated by the commissioner pursuant to chapter 169, P. L. 1958.

l. Give to the borrower, without charge, at the time a secondary mortgage loan is made, a closing statement which itemizes the individual amounts disbursed to or on behalf of the borrower, including, but not limited to, the premium for credit life and accident

and health insurance, if any, the total amount of the funds so disbursed, the amount of the interest charge, total amount of the loan, the amount, number and due date of the installment payments and the interest charge expressed as an annual percentage rate.

m. When a payment is made in cash on account of a secondary mortgage loan, give to the borrower, without charge, at the time such payment is actually received, a written receipt which shall show the name and address of the licensee, the name and address of the borrower, account number or other identification mark or symbol, date, amount paid and the unpaid balance of the account prior to and after the cash payment.

n. Upon written request from the borrower, give or forward to the borrower, without charge, within 5 days from the date of receipt of such request, a written statement of the borrower's account which shall show the dates and amounts of all installment payments credited to the borrower's account, the dates, amounts and an explanation of all other charges or credits to the account and the unpaid balance thereof. A licensee shall not be required to furnish more than 2 such statements in any 12-month period.

o. When a secondary mortgage loan is paid in full:

(1) Refund to the borrower, in accordance with regulations promulgated by the commissioner pursuant to chapter 169, P. L. 1958, any unearned portion of the premium for credit life and accident and health insurance, if a premium for such insurance was disbursed on behalf of the borrower at the time the secondary mortgage loan was originally made.

(2) Stamp or write on the face of the promissory note evidencing the borrower's secondary mortgage loan indebtedness "Paid in Full" or "Cancelled," the date paid and the name and address of the licensee and, within 10 days, return the promissory note to the borrower.

(3) Release, at the expense of the licensee, any lien on real property and cancel the same of record and, at the time the promissory note evidencing the borrower's secondary mortgage loan indebtedness is returned, deliver to the borrower such good and sufficient assignments, releases or any other certificate, instrument or document as may be necessary to vest the borrower with complete evidence of title, insofar as the applicable secondary mortgage loan is concerned, to the real property.

C. 17:11A-46 Prohibited actions.

13. A secondary mortgage loan licensee shall not:

a. Transact any business subject to the provisions of this act under any other name or at any other location except that designated in his license. For the purpose of this section, the transaction of business includes, but is not limited to, the signing of any instrument, document or any other form by the borrower, except that a borrower's application for a secondary mortgage loan need not be signed in the office of the licensee. A licensee who changes his name or place of business shall immediately notify the commissioner who shall issue a certificate to the licensee, which shall specify the licensee's new name or address.

b. Photocopy or otherwise reproduce his license.

c. Request that a borrower incorporate in connection with a secondary mortgage loan or aid or abet such a scheme.

d. Make a secondary mortgage loan which has been referred by a retail seller, who, in connection with such referral, has required the borrower to purchase personal property or services or has indicated that such purchase is necessary as a condition precedent for such loan.

e. Charge an application fee or make any other charge or accept an advance deposit prior to the time a secondary mortgage loan is closed.

f. Make a secondary mortgage loan until such time as the licensee has obtained:

(1) A written statement signed by the borrower that the holder of every other existing mortgage on the real property offered as security for the secondary mortgage loan has declined to make a loan in the desired amount or;

(2) A written statement signed by the borrower that the terms offered by the holder of every other existing mortgage on the real property offered as security for the secondary mortgage loan are not acceptable to the borrower.

g. Require or accept from a borrower any collateral or security for a secondary mortgage loan other than a mortgage, indenture or any other similar instrument or document which creates a lien upon any real property.

h. Contract for, charge, receive or collect directly or indirectly, any of the following in connection with a secondary mortgage loan: a charge for appraisal service; search; broker's or finder's fee; commission; discount; expense; examination fee; fine; interest;

penalty; points; premium, or any other thing of value other than the charges authorized by this act, except the expenses incurred on actual sale of the real property in foreclosure proceedings or upon the entry of judgment, which are otherwise authorized by law; provided, however, a licensee may require a borrower to pay a reasonable legal fee at the time of the execution of the secondary mortgage loan, provided any such legal fee shall represent a charge actually incurred in connection with said secondary mortgage loan and shall not be paid to a person except an attorney authorized to practice law in this State; provided, further, that such legal fee shall be evidenced by a statement from such attorney issued to the licensee.

i. Assign, sell or transfer a secondary mortgage loan to a person other than another secondary mortgage loan licensee.

j. Solicit business through any other person by paying, directly or indirectly, for such business referred to the licensee by any such person.

k. Solicit business, directly or indirectly, for any other licensee, lender, retail seller of personal property or services or for any other person, whether in this or any other State.

l. Advertise, cause to be advertised or otherwise solicit whether orally, in writing, by telecast, by broadcast or in any other manner:

(1) That he is licensed by, or that his business is under the supervision of, the State of New Jersey or the Department of Banking, except that a licensee may advertise that he is "licensed pursuant to the Secondary Mortgage Loan Act"; provided, however, that for the purpose of raising capital, no such advertisement shall be permitted if it is to be used in connection with a public solicitation for such funds.

(2) Any name, address or telephone number other than the licensee's own name, address and telephone number in this State.

(3) The word "bank" or any term inferring that the licensee is or is associated with a bank.

(4) The amount of the interest to be charged, unless such charge is also expressed as an annual percentage rate.

(5) Any statement or representation which is false, misleading or deceptive and, provided further, a written or other visual advertisement shall include the licensee's name, address and telephone number in this State and the phrase "Secondary Mortgage Loans" in 10-point bold type or larger.

C. 17:11A-47 Borrower's right to counsel; notice.

14. Every borrower shall have the right to be represented by an attorney of his own choosing at the time a secondary mortgage loan is closed and shall be advised of such right, in writing, at least 4 days prior to the execution of the secondary mortgage loan.

C. 17:11A-48 Prohibited fees.

15. A borrower shall not be required to pay, directly or indirectly, to a licensee or any other person, a broker's or finder's fee, commission, discount, points or premium for obtaining, procuring or the placing of a secondary mortgage loan.

C. 17:11A-49 Purchase of loan insurance.

16. A borrower shall not be compelled to purchase credit life or accident and health insurance in connection with a secondary mortgage loan. If, however, the borrower elects to obtain such insurance, he shall, in a separate instrument, consent thereto, in writing, and, provided further:

a. The insurance shall be obtained in accordance with chapter 169, P. L. 1958, and the regulations promulgated by the commissioner pursuant thereto.

b. For the purpose of this section, the word "debtor" as defined in chapter 169, P. L. 1958, means, if more than one person is obligated for the payment of a secondary mortgage loan, the person whose signature appears on the first line provided for the signatures of borrowers on a promissory note evidencing the borrower's indebtedness, said person to be the only person for whom such insurance is obtained.

c. The premium for any such insurance shall be deducted from the amount of the secondary mortgage loan requested by the borrower.

d. Nothing in this act or in any other law of this State shall prohibit a licensee or any employee, affiliate, subsidiary, or associate of said licensee, from collecting the premium or identifiable charge for insurance permitted by this act and from receiving or retaining any dividend, or any other gain or advantage resulting from such insurance; subject, however, to the authority of the commissioner to promulgate such rules and regulations with regard to such dividend, gain or advantage as he may deem necessary, including the authority to reduce the rate of interest to be charged by a particular licensee to borrowers in consideration of the benefit to said licensee from such dividend, gain or advantage.

C. 17:11A-50 Penalty fee prohibited.

17. Notwithstanding any agreement between a licensee and a borrower to the contrary, a borrower shall not be required to pay a penalty fee for prepaying a secondary mortgage loan in full prior to maturity.

C. 17:11A-51 Contents of instruments evidencing loan.

18. An instrument evidencing a secondary mortgage loan shall:

a. Be in the form of a promissory note which shall be identifiable by the use of the words "Secondary Mortgage Loan" printed prominently, in 14-point bold type or larger, centered and at the top of the promissory note and, directly underneath, in 8-point bold type or larger, the statement, "This promissory note is subject to the provisions of the Secondary Mortgage Loan Act."

b. Provide for the payment, in full, of the total amount of the secondary mortgage loan in substantially equal payment periods, measured in terms of weeks or months, and installment payment amounts, except that the initial payment period may be deferred for 60 days and, provided further, when appropriate for the purpose of facilitating payment in accordance with the borrower's intermittent income, a promissory note may provide an installment schedule which reduces or omits payments over any period or periods of time during which period or periods the borrower's income is reduced or suspended, and the final installment may be $1.00 more or less than the amount of all other regular installment payments.

c. Contain the following notice printed prominently, in red, in the identical form indicated below, in 10-point bold type or larger, directly above the space provided for the signature of the borrower.

"NOTICE TO BORROWER

Read this promissory note before you sign.

Do not sign this promissory note if it contains blank spaces.

This promissory note is secured by a secondary mortgage on your real property."

d. Be completed in full before it is signed by the borrower. In the event that it is unnecessary to fill in a blank space provided for in any instrument, the figure -0-, a dash, line or the word "none" shall be inserted in such blank space.

C. 17:11A-52 Prohibited provisions of loan.

19. No writing of any kind executed in connection with a secondary mortgage loan shall contain:

a. An agreement whereby the borrower waives any rights accruing to him under the provisions of this act or any other law of this State.

b. A power of attorney to confess judgment or any other power of attorney.

c. An assignment of or order for the payment of any salary, wages, commissions or any other compensation for services, or any part thereof, earned or to be earned.

d. An agreement to pay any amount other than the unpaid balance of the promissory note or any other charge authorized by this act.

e. A provision relieving the licensee from liability for any claim, or from any legal remedy, which the borrower may have against said licensee under the terms of the promissory note.

f. A provision whereby the borrower waives any right of action against the licensee, a subsequent holder or any person acting on the licensee's or holder's behalf for any illegal act committed in the collection of payments under the promissory note.

g. An acceleration clause under which the unpaid balance of the promissory note not yet matured or any part thereof may be declared due and payable because the licensee or subsequent holder deems himself to be insecure.

C. 17:11A-53 Authorized collection fees; conditions.

20. A promissory note may provide for the payment of attorney fees in the event it becomes necessary to refer the promissory note to an attorney for collection; provided, however, that any such provision shall be void and unenforceable unless:

a. The promissory note is referred to an attorney authorized to practice law in this State.

b. The attorney to whom the promissory note is referred is not a partner, officer, director or employee, whether salaried or commissioned, of the licensee.

c. Suit is actually filed by the attorney to whom the promissory note is referred and subsequently decided in favor of the licensee, in which event such attorney fees shall not exceed 15% of the first $500.00, 10% of the next $500.00 and 5% of any excess amount due and owing under the promissory note and, provided further that at least 15 days prior to the commencement of the suit, the licensee or his attorney shall send to the borrower, by certified or registered mail, return receipt, at his last known address, a statement of his intention to sue, which statement shall also specify the amount of principal, interest and any other charge due and owing to the licensee.

d. In any proceeding to satisfy a judgment by the sale of the real property securing a secondary mortgage loan, a credit for the fair market value of such property shall be afforded to the borrower.

New Jersey State Library

C. 17:11A-54 Commissioner's authority.

21. The commissioner shall have authority to:

a. Make, enforce, alter, modify, amend, or repeal rules and regulations to effectuate the purposes of this act and to establish and maintain ethical, fair, equitable and honest business standards for persons who are subject to any provision of this act.

b. Examine any instrument, document, account, book, record or file of a licensee or any other person, or make such other investigations as he shall deem necessary to administer the provisions of this act.

c. Conduct administrative hearings on any matter pertaining to this act, issue subpœnas to compel the attendance of witnesses and the production of instruments, documents, accounts, books and records at any such hearing, which may be retained by the commissioner until the completion of all proceedings in connection with which they were produced, and administer oaths and affirmations to any person whose testimony is required. In the event a person fails to comply with a subpœna issued by the commissioner or to testify on any matter concerning which he may be lawfully interrogated, on application by the commissioner, the Superior Court may issue an order requiring the attendance of such person, the production of instruments, documents, accounts, books or records or the giving of testimony.

C. 17:11A-55 Surrender of license; affect upon liability.

22. A licensee may surrender his license to the commissioner by delivering his license to the commissioner with written notice that the license is being voluntarily surrendered but such an action by a licensee shall not affect the licensee's civil or criminal liability for acts committed prior to the date on which the license was surrendered.

C. 17:11A-56 Suspension, revocation or refusal to renew license; notice; hearing; reinstatement or renewal of license.

23. a. The commissioner may suspend, revoke or refuse to renew any license issued pursuant to this act after giving 10 days written notice forwarded to the licensee's principal place of business, by registered or certified mail, return receipt, stating the contemplated action and the reason therefor, if he shall find, after the licensee has had an opportunity to be heard, that the licensee has:

(1) Made any material misstatement in his application.

(2) Misrepresented, deceived, concealed, suppressed, omitted or otherwise failed to disclose any information required to be stated

or furnished to a borrower under the provisions of this act or any other law of this State.

(3) Failed to comply with or violated any provision of this act or any rule or regulation promulgated by the commissioner pursuant thereto.

(4) Failed to perform a written agreement with a borrower.

(5) Otherwise demonstrated a lack of financial responsibility, unworthiness, bad faith or dishonesty.

The hearing and notice provisions of this section shall not apply in the event the licensee is a corporation if the licensee's corporate charter is voided in accordance with the provisions of any law of this or any other State, in which event the commissioner may suspend or revoke the license forthwith.

b. The commissioner may subsequently reinstate a license which has been suspended or revoked or renew a license which he had previously refused to renew if the condition which warranted the original action has been corrected, and he has reason to believe that such condition is not likely to occur again and that the licensee is worthy of such reinstatement.

C. 17:11A-57 Applicability of provisions of act.

24. The provisions of this act shall apply to any secondary mortgage loan:

a. Advertised, caused to be advertised, solicited, negotiated, offered, or otherwise transacted within this State, in whole or in part, whether by the ultimate lender or any other person.

b. Made or executed within this State.

c. Notwithstanding the place of execution, which is secured by real property located in this State.

C. 17:11A-58 Compliance of loan with provisions of act.

25. Any obligation on the part of a borrower arising out of a secondary mortgage loan shall be void and unenforceable unless such secondary mortgage loan was executed in full compliance with the provisions of this act.

C. 17:11A-59 Violations; penalties.

26. a. Any person who engages in the secondary mortgage loan business in this State without having first obtained a license as required by section 3 of this act shall be liable for a penalty of not more than $1,000.00 for each offense. For the purpose of this subsection, each loan made without a license shall constitute a separate offense.

b. Any person, including any licensee or any partner, officer, director or employee, whether salaried or commissioned, of such li-

censee, or any other person representing a licensee, whether directly or indirectly, who violates any provision of this act or any rule or regulation promulgated in connection therewith, shall be liable for a penalty, in addition to all other penalties or forfeitures imposed by this or any other law, of not more than $1,000.00 for each offense. Any person who shall aid or abet such a violation shall be equally liable for such a penalty as may be imposed upon a principal violator. For the purpose of this subsection, a violation of any section of this act or any rule or regulation promulgated by the commissioner pursuant thereto shall constitute a separate offense. The commissioner, in his discretion, is hereby authorized and empowered to compromise and settle any claim for a penalty under this subsection for an amount that appears appropriate and equitable under all of the circumstances.

c. The penalties provided for in this section, if not voluntarily paid to the commissioner, shall be collected in a civil action brought in the name of the commissioner pursuant to the provisions of the Penalty Enforcement Law, L. 1948, chapter 253, 1 et seq., Revised Statutes 2A:58–1 et seq.

C. 17:11A-60 Construction of act.

27. a. Nothing contained in this act shall be construed to impair or affect any rights of a borrower, civil or criminal liabilities of a licensee or administrative proceedings by the commissioner which hereafter may arise as the result of a secondary mortgage loan made under chapter 91, P. L. 1965, and, provided further, nothing contained in this act shall be construed to impair or affect an obligation of a borrower for a secondary mortgage loan executed prior to the effective date of this act, provided such secondary mortgage loan was lawfully executed in accordance with the provisions of chapter 91, P. L. 1965.

b. A licensee licensed pursuant to the provisions of chapter 91, P. L. 1965, on the date this act takes effect shall continue as a licensee under this act for the year ending December 31, 1970, at which time the licensee shall renew his license under the provisions of this act, if the licensee intends to continue to engage in the secondary mortgage loan business.

C. 17:11A-61 Construction of act.

28. Nothing in this act shall be construed as expanding or restricting the powers otherwise conferred by law upon financial institutions, such as State and National banks, State and Federal savings and loan associations, savings banks and insurance companies, to engage in the secondary mortgage business as defined in section 3,

and no such financial institution, in exercising any power otherwise so conferred upon it, shall be subject to any provision of this act.

C. 17:11A-62 Partial invalidity.

29. If any provision or section of this act or any provision or section of any subsequent amendments or supplements to this act shall be held to be unconstitutional, said provision or section shall be exscinded and the remainder of the provisions and sections of the act as amended or supplemented shall be and remain valid with the same effect as if said provision or section so held to be unconstitutional had never been a part of the act.

C. 17:11A-63 Repealer.

30. "An act to define and regulate secondary mortgage loans," approved June 9, 1965 (P. L. 1965, c. 91) is repealed.

31. This act shall take effect on the sixtieth day following the date on which it is enacted.

Approved September 23, 1970.

CHAPTER 206

AN ACT to provide a special charter for the town of Hackettstown, in the county of Warren.

WHEREAS, The mayor and council of the town of Hackettstown have prepared and recommended the enactment of a special charter for the town of Hackettstown, in the county of Warren; and

WHEREAS, The mayor and council of the town of Hackettstown have duly petitioned the Legislature for the enactment of a special charter pursuant to the provisions of section 1 of chapter 199 of the laws of 1948, as amended, and in accordance with the requirements of Article IV, Section VII, paragraph 10 of the Constitution of 1947; now therefore,

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

ARTICLE 1
GENERAL PROVISIONS

1.1. Short title. This act shall be known and may be cited as the Hackettstown Charter (1970).

1.2. Definitions. For the purposes of this act, unless otherwise required by the context:

(a) "Mayor" shall mean the chief executive officer of the town elected pursuant to the charter.

(b) "Council" shall mean the town council of the town of Hackettstown elected pursuant to the charter.

(c) "Councilman" shall mean those members of the council other than the mayor.

(d) "Officers" shall mean any department head on the full or part-time payroll of the town.

(e) "Employee" shall mean any person on the full- or part-time payroll of the town other than an officer.

(f) "Charter" shall mean this act, and any amendment or supplement hereto, and any general law not inconsistent herewith which may be applicable to the town.

(g) "Town" shall mean the town of Hackettstown, in the county of Warren.

(h) "General law" shall be deemed to be any law not inconsistent with this act, heretofore or hereafter enacted, which is by its terms applicable or available to all municipalities, and the following additional laws, whether or not such additional laws are so applicable or available to all municipalities: laws relating to taxation, local courts, education, health, public authorities serving more than one municipality, and municipalities in unsound financial condition.

1.3. Powers generally. (a) In addition to such other powers as may be delegated by general law, and without limitation thereto, and notwithstanding the provisions of chapter 123 through chapter 141 of Title 40 of the New Jersey Revised Statutes (R. S. 40:123–1 through R. S. 40:141–1), the town shall have full power to:

(1) Organize and regulate its internal affairs, establish, alter, and abolish offices, positions and employments and to define the functions, powers and duties thereof and fix their term, tenure and compensation; and to effectutate these ends and purposes to adopt an administrative code not in conflict with the charter and the general law;

(2) Adopt and enforce local police ordinances of all kinds and impose fines, penalties and sentences as provided by general law;

(3) Construct, acquire, operate or maintain any and all public improvements, projects or enterprises for any public purpose;

(4) Sue and be sued, to have a corporate seal, to contract, to buy, sell, lease, hold and dispose of real and personal property, to appropriate and expend moneys, and to adopt, amend and repeal such ordinances and resolutions as may be required for the good government thereof;

(5) Exercise powers of condemnation, borrowing and taxation in the manner provided by general law;

(6) Exercise all powers of local government in such manner as its governing body may determine.

1.4. Construction of powers generally. The general grant of municipal powers contained in this act is intended to confer the greatest power of local self-government consistent with the Constitution of this State. Any specific enumeration of municipal powers contained in this act or in any general law shall not be construed in any way to limit the general grant of powers contained in this act, and any such specifically enumerated municipal powers shall be construed as in addition and supplementary to the powers conferred in general terms by this act.

1.5. Intergovernmental relations. The town may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one or more States, political subdivisions or agencies thereof, the United States of America or any agency thereof.

1.6. This act is controlling. The provisions of articles 1, 2, 3, 4 and 5 of this act shall control, notwithstanding the provisions of chapter 123 through chapter 141 of Title 40 of the New Jersey Revised Statutes (R. S. 40:123–1 through R. S. 40:141–1).

Article 2

Governing Body

2.1. Mayor-council governmental form. (a) The town shall be governed by an elected mayor and council who shall be chosen in the manner and for the terms hereinafter provided, and by such other officers and employees as may be duly appointed pursuant to this charter, general law or ordinance.

(b) The mayor and council members shall have been citizens, residents and registered voters of the town for at least 2 years immediately preceding their respective elections.

2.2. Council membership. The town shall be governed by a governing body consisting of a six-member council, elected at large, and the mayor, elected at large.

2.3. Mayor; council; election, term, continuation in office. (a) The mayor shall be elected at large by the voters of the town at the general election to be held on the first Tuesday after the first Monday in November, or at such other times as may be provided by law for holding general elections, and shall serve for a term of 3 years, beginning January 1 next following his election and until the election and qualification of his successor.

(b) Members of the council shall be elected at large by the voters of the town for a term of 3 years, beginning January 1 next following their respective elections, at the general election to be held on the first Tuesday after the first Monday in November, or at such other times as may be provided by law for holding general elections. Each councilman shall serve until the election and qualification of their respective successors.

(c) On the date on which this act shall become operative the then mayor and council members shall continue to hold office for the remainder of their unexpired terms until their successors shall have been elected in the regular municipal elections.

2.4. Vacancies. Vacancies in any elective office shall be filled for the remainder of the unexpired term at the next general election occurring not less than 60 days after the occurrence of the vacancy. The council shall fill the vacancy temporarily by appointment to serve until the qualification of the person so elected.

Article 3
Town Council

3.1. Powers. (a) The council shall exercise the legislative power of the town and shall have and exercise all other powers of local government not otherwise allocated by this charter except as may be otherwise provided by general law.

(b) The council, in addition to such other powers and duties as may be conferred upon it by this charter or otherwise by general law, may require any officer, in its discretion, to prepare and submit sworn statements regarding his official duties in the performance thereof and otherwise to investigate the conduct of any department, office or agency of the municipal government.

3.2. Procedure and legislation. (a) The council shall conduct a regular public meeting at least once a month at such time as the council shall prescribe by rule. The mayor may, and upon written request of four councilmen shall, call a special public meeting of the council at any time. Notice of such special public meeting shall be given as may be provided by ordinance.

(b) Four councilmen shall be required to make a quorum whether the mayor is present or not.

(c) The council shall organize at its first meeting after the first of the year and shall determine its own rules of procedure not inconsistent with this charter or any other statute or ordinance.

(d) All ordinances shall be adopted and published in the manner provided by general law; provided, however, that any ordinance may incorporate by reference any standard technical regulations or code, official or unofficial, which need not be so published whenever 10 copies of said regulations or code have been placed on file in the office of the town clerk and in the office of the body or department charged with the enforcement of said ordinance for the examination of the public so long as said ordinance is in effect.

(e) The mayor shall not vote except to cast the deciding vote in case of a tie and shall not be counted as part of the governing body in determining in accordance with any general law or bond law whether or not a particular ordinance has been adopted by a certain percentage of the governing body, except in the case where he actually casts a vote in case of a tie.

Article 4
Mayor

4.1. Powers and duties. (a) The executive power of the town shall be vested in the mayor, except as may be expressly delegated by ordinance.

(b) The mayor shall enforce the charter and ordinances of the town and all general laws applicable thereto.

(c) The mayor shall preside over meetings of the council, but shall not vote except in case of a tie to cast the deciding vote, and appoint committees of the council.

(d) Ordinances adopted by the council shall be submitted to the mayor, and he shall, within 10 days after receiving any ordinance, either approve the ordinance by affixing his signature thereto or return it to the council by delivering it to the town clerk, together with a statement setting forth his objections thereto or to any item or part thereof. No ordinances or any item or part thereof shall take effect without the mayor's approval unless the mayor fails to return an ordinance to the council within 10 days after it has been presented to him, or unless council, upon consideration thereof, on or after the third day following its return by the mayor shall by a vote of four affirmative votes by four councilmen resolve to over-ride the mayor's veto.

(e) The mayor shall perform the following duties except as they may be expressly delegated by ordinance:

(1) Direct and supervise the administration of the departments of the town government, except as otherwise provided by general law or ordinance;

(2) Provide for the organization of the work of the departments, subject to the requirements of an administrative code as hereinbefore provided in this charter to be adopted by the town council;

(3) Review the administration and operation of each of the departments and recommend to the council from time to time such measures as he may deem necessary or desirable for the purpose of improving the efficiency and the economy of the town government;

(4) Review, analyze or forecast trends in town services and finance, and report and recommend thereon to the council;

(5) Prepare an annual current expense budget and an annual capital budget for consideration by the council and recommend long-range capital improvement programs;

(6) Enforce and execute the provisions of the charter and all other laws, resolutions and ordinances;

(7) Perform such other functions and duties as may be prescribed by ordinance or resolution.

(f) The mayor shall annually report to the council and the public on the work of the previous year and on the condition and requirements of the town government and shall, from time to time, make such recommendations for action by the council as he may deem necessary or advisable.

(g) The mayor shall, with the advice and consent of the council, make all appointments for which no other provision is made by this charter or by general law.

(h) The mayor shall have the power to remove all officers and employees with cause and with the advice and consent of the council.

(i) No action taken by the mayor pursuant to subsections (g) and (h) of section 4.1 shall be taken in a manner inconsistent with the provisions of Title 11 of the New Jersey Statutes, where applicable.

(j) The council shall designate at the organization meeting of the council a member of the council and an alternate, also a member of the council, to act as mayor whenever the mayor shall be prevented

by absence from the municipality, disability, or other cause from attending to the duties of his office. During such time the person so designated as the mayor shall possess all the rights, powers and duties of the mayor and shall have the voting powers of the mayor.

ARTICLE 5

ADMINISTRATION

5.1. Organization. (a) All executive and administrative functions, powers and duties of the town, except as otherwise expressly provided by the charter, shall be allocated and assigned by ordinance among and within departments, boards, or other administrative agencies so far as practical according to major purpose. The head of each department shall be a single executive who shall be appointed by the mayor with the approval of the council. A department head may be removed by the mayor for cause, with the approval of the mayor and council, upon notice and an opportunity to be heard.

(b) All departments, boards or other administrative agencies shall keep, maintain and have available for examination by council all records, reports, publications, documents and papers pertaining to the operation and function of such departments, boards or administrative agencies and shall, upon request of council, furnish such information as council may from time to time direct.

(c) Department heads shall promulgate rules and regulations with respect to their departments and shall, with the approval of the mayor, appoint employees within their respective departments and may remove such employees subject to the provisions of the general law and ordinances; provided, however, that council may provide by ordinance for the appointment and removal of specific boards or commissions by the mayor.

5.2. Budget. (a) The town budget shall be prepared by the mayor. The mayor shall require all department heads to submit requests for appropriations for the ensuing budget year, and to appear before the mayor upon his request.

(b) The mayor shall submit to the council his recommended budget, together with such explanatory comment or statement as he may deem desirable. The budget shall be in such form as is required by law for municipal budgets and shall, in addition, have appended thereto a detailed analysis of the various items of expenditure and revenue. The council may add or delete, increase or reduce, any items in the budget by a vote of a majority of the council.

(c) The council shall, where practicable, provide for the maintenance of a system of work programs and periodic allotments for operation of the budget. It shall be the duty of the officer or department administering any such program to develop and report appropriate unit costs or budgeted expenditures.

ARTICLE 6

TRANSITION

6.1. Schedule of installation of provisions of act. In the event of the adoption of this act by a majority of the voters of the town of Hackettstown, in the county of Warren, the first election shall take place on the first Tuesday after the first Monday in November, pursuant to the provisions of section 2.4.

6.2. Corporate status. Upon the adoption of this act by the voters in the manner hereinafter provided in article 7, the inhabitants of the town of Hackettstown, in the county of Warren, within the corporate limits as heretofore or hereafter established, shall be and remain a body politic and corporate, with perpetual succession. The corporate name shall be: THE TOWN OF HACKETTSTOWN. The town shall be governed by the provisions of this act, and by such provisions of general law heretofore or hereafter enacted which are not inconsistent with the provisions of this act.

6.3. Charter and ordinances. On the date on which this act shall become operative, any charter heretofore adopted by the town shall be superseded. All ordinances and resolutions of the town, to the extent that they are not inconsistent with this act, shall remain in full force and effect.

6.4. Continuation of offices, employments and agencies. On the date on which this act shall become operative, all persons holding offices or employment under the town government shall continue in their respective offices and employment for the remainder of their unexpired terms or under such tenure and employment rights as they may then have, subject to law; and all boards, bodies, agencies and instrumentalities of the town shall also continue, and the members thereof shall also continue for the remainder of their unexpired terms.

6.5. Pending proceedings. All actions and proceedings of a legislative, executive or judicial character which are pending upon the operative date of this act shall continue, and the appropriate agency, officer or employee under this act shall be substituted for the agency, officer or employee theretofore exercising or discharg-

ing the function, power or duty involved in such action or proceeding.

ARTICLE 7

ADOPTION OF CHARTER BY VOTERS

7.1. Act operative only after adoption by voters. This act shall become operative only after it is adopted by vote of the legally qualified voters of the town of Hackettstown, in the county of Warren.

7.2. Submission of question of adoption. The question of the adoption of this act shall be submitted to the vote of the legally qualified voters of the town of Hackettstown, in the county of Warren, at the next general election to be held not less than 40 days after the passage of this act.

7.3. Ballots. (a) 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 a special charter for the town of Hackettstown in the county of Warren' be adopted?"
	No.	

7.4. This act shall take effect immediately but shall remain inoperative, except for the provisions of this article 7, unless and until at such election a majority of all the votes cast both for and against the adoption of this act shall be cast in favor of the adoption thereof.

Approved September 23, 1970.

CHAPTER 207

AN ACT to authorize the borough of Brielle in the county of Monmouth to make permanent the appointment of William T. Harvey to the police department of the borough of Brielle.

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

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 borough of Brielle in the county of Monmouth is authorized to make permanent the appointment of William T. Harvey to the police department of Brielle 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 of an ordinance of the borough of Brielle for the purpose of adopting same.

Approved September 30, 1970.

CHAPTER 208

AN ACT to authorize the township of Lakewood in the county of Ocean to make permanent the appointment of Ronald J. Patterson to the police department of the township of Lakewood.

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

1. The township of Lakewood in the county of Ocean is authorized to make permanent the appointment of Ronald J. Patterson to the police department of the township of Lakewood notwithstanding the inability of Ronald J. Patterson to pass the "chin up" requirement for appointment thereto pursuant to the rules and regulations of the Civil Service Commission.

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 Lakewood for the purpose of adopting same.

Approved September 30, 1970.

CHAPTER 209

AN ACT relating to cooperation between counties and municipalities and authorities created thereby under the "sewerage authorities law" and the "municipal utilities authorities law," amending P. L. 1946, c. 138 and P. L. 1957, c. 183 and validating, ratifying and confirming certain actions and proceedings heretofore taken by counties and municipalities with the consent and approval by such authorities.

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

1. Section 9 of P. L. 1946, c. 138 (C. 40:14A–9) is amended to read as follows:

C. 40:14A-9 Appropriations by local unit to sewerage authority; authorization of improvements.

9. a. Any local unit shall have power, in the discretion of its governing body, to appropriate moneys for the purposes of the sewerage authority, and to loan or donate such moneys to the sewerage authority in such installments and upon such terms as may be agreed upon between such local unit and the sewerage authority.

b. Subject to section 29 of this act (C. 40:14A–29), any local unit shall have the power to authorize as a general improvement or, in the case of a local unit which is a municipality, as a local improvement the construction and financing of any facilities for the collection, treatment and disposal of sewage arising within a district. Subject to the consent and approval of the sewerage

authority, such facilities may be operated by the local unit and the local unit may fix rates and charges for the use thereof, in addition to the payment of special assessments levied by a municipality against lands and real estate specially benefited by such improvements. As provided in section 22 of this act (C. 40:14A–22), such facilities may be acquired and operated by the sewerage authority as part of the sewerage system, notwithstanding that special assessments may be or may have been levied for such improvements by a municipality.

Validation.

2. All actions and proceedings authorized by section 1 of this act heretofore made and undertaken by a local unit with the consent and approval of a sewerage authority, including assessments as a local improvement by a municipality levied against lands and real estate specially benefited by such improvements, are validated, ratified and confirmed.

3. Section 24 of P. L. 1957, c. 183 (C. 40:14B–24) is amended to read as follows:

C. 40:14B-24 Appropriations by local unit to municipal authority; authorization of improvements.

24. a. Any local unit shall have power, in the discretion of its governing body, to appropriate moneys for the purposes of the municipal authority, and to loan or donate such moneys to the municipal authority in such installments and upon such terms as may be agreed upon between such local unit and the municipal authority.

b. Subject to section 61 of this act (C. 40:14B–60), any local unit shall have the power to authorize as a general improvement or, in the case of a local unit which is a municipality, as a local improvement the construction and financing of any facilities for the collection, treatment and disposal of sewage arising within a district, or any facilities for the distribution of water within a district. Subject to the consent and approval of the municipal authority, such facilities may be operated by the local unit and the local unit may fix rates and charges for the use thereof, in addition to the payment of any special assessments levied by a municipality against lands and real estate specially benefited by such improvements. As provided in section 48 of this act (C. 40:14B–48), such facilities may be acquired and operated by the municipal authority as a part of the utility system, notwithsanding that special assessments may be or may have been levied for such improvements by a municipality.

Validation.

4. All actions and proceedings authorized by section 3 of this act made and undertaken by a local unit with the consent and approval of a municipal authority, including assessments as a local improvement levied by a municipality against lands and real estate specially benefited by such improvements, are validated, ratified and confirmed.

5. This act shall take effect immediately.

Approved September 30, 1970.

CHAPTER 210

AN ACT concerning landlord and tenant, supplementing chapter 42 of Title 2A of the New Jersey Statutes and repealing "An act relating to disorderly persons and supplementing chapter 170 of Title 2A of the New Jersey Statutes," approved October 5, 1967 (P. L. 1967, c. 215).

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

C. 2A:42-10.10 Notice to quit or action to recover premises prohibited under certain circumstances.

1. No landlord of premises or units to which this act is applicable shall serve a notice to quit upon any tenant or institute any action against a tenant to recover possession of premises, whether by summary dispossess proceedings, civil action for the possession of land, or otherwise:

a. As a reprisal for the tenant's efforts to secure or enforce any rights under the lease or contract, or under the laws of the State of New Jersey or its governmental subdivisions, or of the United States; or

b. As a reprisal for the tenant's good faith complaint to a governmental authority of the landlord's alleged violation of any health or safety law, regulation, code or ordinance, or State law or regulation which has as its objective the regulation of premises used for dwelling purposes; or

c. As a reprisal for the tenant's being an organizer of, a member of, or involved in any activities of, any lawful organization; or

d. On account of the tenant's failure or refusal to comply with the terms of the tenancy as altered by the landlord, if the landlord shall have altered substantially the terms of the tenancy as a reprisal for any actions of the tenant set forth in subsection a, b, and c of section 1 of this act. Substantial alteration shall include the refusal to renew a lease or to continue a tenancy of the tenant without cause.

Under subsection b of this section the tenant shall originally bring his good faith complaint to the attention of the landlord or his agent and give the landlord a reasonable time to correct the violation before complaining to a governmental authority.

A landlord shall be subject to a civil action by the tenant for damages and other appropriate relief, including injunctive and other equitable remedies, as may be determined by a court of competent jurisdiction in every case in which the landlord has violated the provisions of this section.

C. 2A:42-10.11 Judgment for tenant under certain circumstances.

2. In any action brought by a landlord against a tenant to recover possession of premises or units to which this act is applicable, whether by summary dispossess proceedings, civil action for the possession of land, or otherwise, judgment shall be entered for the tenant if the tenant shall establish that the notice to quit, if any, or the action to recover possession was intended for any of the reasons set forth in subsections a, b, c, or d of section 1 of this act.

C. 2A:42-10.12 Rebuttable presumption created under certain circumstances.

3. In any action or proceeding instituted by or against a tenant, the receipt by the tenant of a notice to quit or any substantial alteration of the terms of the tenancy without cause after:

a. The tenant attempts to secure or enforce any rights under the lease or contract, or under the laws of the State of New Jersey, or its governmental subdivisions, or of the United States; or

b. The tenant, having brought a good faith complaint to the attention of the landlord and having given him a reasonable time to correct the alleged violation, complains to a governmental authority with a report of the landlord's alleged violation of any health or safety law, regulation, code or ordinance; or

c. The tenant organizes, becomes a member of, or becomes involved in any activities of, any lawful organization; or

d. Judgment under section 2 of this act is entered for the tenant in a previous action for recovery of premises between the parties; shall create a rebuttable presumption that such notice or alteration is a reprisal against the tenant for making such attempt, report, complaint, or for being an organizer of, a member of, or involved in any activities of, any lawful organization. No reprisal shall be presumed under this section based upon the failure of a landlord to renew a lease or tenancy when so requested by a tenant if such request is made sooner than 90 days before the expiration date of the lease or tenancy, or the renewal date set forth in the lease agreement, whichever later occurs.

C. 2A:42-10.13 Applicability of act.

4. This act shall apply to all rental premises or units used for dwelling purposes except owner-occupied premises with not more than two rental units.

Repealer.

5. Chapter 215 of the laws of 1967 (C. 2A:170–92.1) is hereby repealed.

C. 2A:42-10.14 Severability of act.

6. If any provision of this act or the application thereof to any person or circumstances or the exercise of any power or authority thereunder is held invalid or contrary to law, such holding shall not affect other provisions or applications of the act which can be given effect without the invalid provisions or applications or affect other exercises of power or authority under said provisions not contrary to law, and to this end the provisions of this act are declared to be severable.

7. This act shall take effect immediately.

Approved September 30, 1970.

CHAPTER 211

AN ACT authorizing the appointment of special police by educational institutions and repealing sections 15:11–16 through 15:11–20, inclusive, of the Revised Statutes.

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

C. 18A:6-4.2 Authority to appoint policemen.

1. The governing body of any institution of higher education, academy, school or other institution of learning may appoint such persons as the governing body may designate to act as policemen for the institution.

C. 18A:6-4.3 Applications; investigation; approval; issuance of commission.

2. All applications shall, in the first instance, be made to the chief of police of the municipality in which the institution is located, except that where the municipality does not have an organized full time police department or where the institution is located within more than one municipality, application shall be made to the Superintendent of State Police. The chief of police or the superintendent, as the case may be, shall investigate and determine the character, competency, integrity and fitness of the person or persons designated in the application. If the application is approved by the chief of police or the superintendent, the approved application shall be returned to the institution which shall issue a commission to the person appointed, a copy of which shall be filed in the office of the superintendent and with the chief of police of the municipality or municipalities in which such institution is located.

C. 18A:6-4.4 Completion of police training course; exception.

3. Every person so appointed and commissioned shall, within 1 year of the date of his commission, successfully complete a police training course at a school approved and authorized by the Police Training Commission; provided, however, that the Police Training Commission may, in its discretion, except from the requirements of this section any person who demonstrates to the commission's satisfaction that he has successfully completed a police training course conducted by any Federal, State or other public or private agency, the requirements of which are substantially equivalent to the requirements of that at a school approved by the commission.

C. 18A:6-4.5 Powers of appointees.

4. Every person so appointed and commissioned shall, while on duty, within the limits of the property under the control of the respective institutions and on contiguous streets and highways, possess all the powers of policemen and constables in criminal cases and offenses against the law.

C. 18A:6-4.6 Name plate and shield to be worn.

5. Each policeman, when on duty, except when employed as a detective, shall wear in plain view a name plate and a metallic shield or device with the word "police" and the name or style of the institution for which he is appointed inscribed thereon.

C. 18A:6-4.7 Enforcement of certain laws; issuance of traffic tickets and summonses.

6. In connection with traffic and parking violations, the policemen appointed pursuant to this act shall, while on duty and within the territorial limits of the municipalities in which the respective institutions are located, and with the concurrence of the chiefs of police of such municipalities have the power to enforce the laws regulating traffic and the operation of motor vehicles. Such policemen shall have authority to issue and use traffic tickets and summonses of the type now used by the New Jersey State Police with such changes as are necessitated by reason of this act. Upon the issuance of any traffic or parking ticket or summons, the same procedure shall be followed as now prevails in connection with the use of traffic and parking violation tickets by the municipalities of this State.

C. 18A:6-4.8 Certain provisions not applicable.

7. The provisions of N. J. S. 2A:151–41 shall not apply to any policemen appointed pursuant to the provisions of this act.

C. 18A:6-4.9 Repealer.

8. Sections 15:11–16 through 15:11–20, inclusive, of the Revised Statutes are hereby repealed; provided, however, that such repeal shall not affect the continuance in office, position or employment of any person heretofore appointed pursuant to such sections.

C. 18A:6-4.10 Construction of act.

9. Nothing in this act shall be construed to limit or impair the rights of any State, county or municipal law enforcement officer in the performance of his duties.

C. 18A:6-4.11 Partial ineffectiveness of act.

10. If any provision of this act shall be adjudged by any court of competent jurisdiction to be ineffective, such determination shall

not affect or impair the remaining provisions thereof but shall be confined in its operation to the provisions directly involved in a controversy in which said determination shall have been rendered.

11. This act shall take effect immediately.

Approved October 8, 1970.

CHAPTER 212

AN ACT concerning the Interstate Sanitation Commission, amending the Tri-State Compact on water pollution, and repealing section 6 of P. L. 1935, chapter 321 (R. S. 32:18–22).

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

1. The Tri-State Compact compiled in chapter 18 of Title 32 of the Revised Statutes is amended by adding at the end thereof a new article to be Article XVII to read as follows:

C. 32:18-23 Development of additional classifications of waters and effluent standards.

ARTICLE XVII

(1) In addition to, or in substitution for, the classifications of waters set forth in Articles VI and VII of this compact and the effluent standards made applicable thereto, the commission may develop and, after public hearing place in force other classifications of waters and effluent standards within the district. Such classifications shall be on the basis of present or intended uses of the waters in question and shall be accompanied by requirements governing the quality of effluents, receiving waters, or both, as the public interest may make appropriate.

Classifications, standards, and requirements adopted pursuant to this article shall be developed and may be revised with due consideration for uniformity of requirements relating to the quality of effluents and receiving waters within the same classification in all parts of the district.

Classifications made pursuant to this article shall be governed by and shall implement any water and related land resource plans, water use plans or pollution control plans adopted by appropriate agencies of the signatory states, acting singly or in concert, or through joint intergovernmental agencies. Any exercise of au-

thority by the commission pursuant to this article shall be subject to any procedural requirements, if applicable, that may be contained in Federal law.

Nothing contained in this article shall be construed to abridge or limit any power otherwise existing of a signatory state to make and enforce classifications, standards, and requirements for effluents and receiving waters.

Repealer.

2. Section 6 of P. L. 1935, chapter 321 (R. S. 32:18–22) is repealed.

3. Legislation substantially similar to this act having been adopted by the States of New York and Connecticut, this act shall take effect immediately.

Approved October 13, 1970.

CHAPTER 213

AN ACT concerning qualifications of certain persons for admission to a civil service examination for the position of sheriff's officer.

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

1. Any sheriff's officer who has so served for 3 or more years under a temporary or provisional appointment prior to March 9, 1970 may be admitted to a civil service examination for permanent appointment to the position of sheriff's officer regardless of the fact that his age exceeds the maximum fixed by the Civil Service Department for candidates for such position.

2. Upon passing said examination, which shall be conducted by the Civil Service Department within 30 days of the effective date of this act, such sheriff's officers so employed on a temporary or provisional basis for 3 or more years prior to March 9, 1970, shall be placed in the classified service of the civil service, with permanent status effective as of March 10, 1970.

3. This act shall take effect immediately.

Approved October 13, 1970.

CHAPTER 214

AN ACT concerning the acquisition of land by condemnation instituted by the Director of the Division of Purchase and Property or the board of trustees of a State college.

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

C. 20:1-3.11 Acquisition of land by the Director of the Division of Purchase and Property or the board of trustees of a State college.

1. Whenever authorized by law to acquire lands or rights therein, whether for the immediate or future use of the State, the Director of the Division of Purchase and Property or the board of trustees of a State college may acquire such lands or rights therein by gift, devise or purchase, or by condemnation in the manner provided in chapter 1 of Title 20, Eminent Domain, of the Revised Statutes, except as otherwise provided by this act.

Upon the institution of an action to fix the compensation to be paid, or at any time thereafter, the director or the board, as the case may be, may file with the Clerk of the Superior Court a declaration of taking, declaring that the possession of one or more of the tracts or parcels of property described in the petition is thereby being taken by and for the use of the State or the college. The declaration of taking shall be sufficient if it sets forth (1) a description of each tract or parcel of property to be taken; (2) a statement of the estate or interest in the said property being taken; and (3) a statement of the sum of money estimated by the director or the board to be just compensation for the taking. Upon the filing of said declaration, the director or the board shall deposit with the Clerk of the Superior Court the amount of the estimated compensation stated in said declaration.

Upon the filing of the declaration and the depositing with the Clerk of the Superior Court of the amount of the estimated compensation as stated in the declaration, the State or the college, without other process or proceedings shall be entitled to the exclusive possession and use of each tract or parcel of property described in the declaration and may forthwith enter into and take possession of said property, it being the intent of this provision that the action to fix the compensation to be paid or any other proceeding relating to the taking of such property or entering therein shall not delay the taking of possession and the use thereof by the State or the

college. The director or the board shall not abandon any condemnation proceeding subsequent to the date upon which the State or the college has taken possession of the property as herein provided.

In the event that any party in possession fails to peaceably surrender the premises condemned within 30 days after service upon him of the notice set forth below, then, upon affidavit of the director or the board, a writ of possession shall issue forthwith from the Clerk of the Superior Court.

The director or the board shall cause notice of the filing of said declaration and the making of said deposit to be served upon each party to the action to fix the compensation to be paid, who resides in this State, either personally or by leaving a copy thereof at his residence, and upon each such party who resides out of the State by mailing 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 the newspaper published or circulating in the county or counties in which the property is located. Such service, mailing or publishing shall be made within 20 days after the filing of the declaration. Upon the application of any party in interest and after notice to other parties in interest, including the director or the board and the Director of the Division of Taxation, Department of the Treasury, the Superior Court may direct that the money deposited with the Clerk of the Superior Court or any part thereof to be paid forthwith, without deduction of any fees or commissions, to the person or persons entitled thereto for or on account of the just compensation to be awarded in such action; provided, that each person shall have filed with the Clerk of the Superior Court a consent in writing that, in the event the award in the action shall be less than the amount deposited, the court, after such notice as the court prescribes and a hearing, may determine the liability, if any, for the return of such difference or any part thereof and enter judgment therefor. In no event shall more than 75% of the money on deposit be paid unless the party in possession shall have vacated the premises condemned.

If the amount of the award as finally determined by the court shall exceed the amount so deposited, the person or persons to whom the award is payable shall be entitled to recover from the State or the college 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 the making of 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 director or the board unless the amount of the deposit or any part thereof shall have theretofore been distributed, in which event the court, upon application of the director or the board and notice to all parties interested in the award and affording them an opportunity to be heard, shall enter judgment in favor of the State or the college for such difference against the party or parties liable for the return thereof.

2. This act shall take effect immediately.

Approved October 13, 1970.

CHAPTER 215

AN ACT concerning a plan for the providing and apportionment of insurance coverage in certain cases and supplementing Title 17 of the Revised Statutes.

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

C. 17:29D-1 Establishment of plan for apportionment of insurance coverage in certain cases.

1. The Commissioner of Insurance may adopt, issue and promulgate rules and regulations establishing a plan for the providing and apportionment of insurance coverage for applicants therefor who are in good faith entitled to, but are unable to procure the same, through ordinary methods. Every insurer admitted to transact and transacting any line, or lines, of insurance in the State of New Jersey shall participate in such plan and provide insurance coverage to the extent required in such rules and regulations.

Prior to the adoption or amendment of such rules and regulations, the commissioner shall consult with such members of the insurance industry as he deems appropriate. Such consultation shall be in addition to any otherwise required public hearing or notice with regard to the adoption or amendment of rules and regulations.

2. This act shall take effect immediately.

Approved October 13, 1970.

CHAPTER 216

AN ACT concerning fire districts, and amending R. S. 40:151–30.

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

1. R. S. 40:151–30 is amended to read as follows:

Purchase of lands, buildings and equipment; bonds; limitation; procedure.

40:151–30. The fire commissioners in any fire district created by the township committee may purchase motor, horse-drawn or steam fire engines or other appliances or apparatus for the extinguishment of fires, and may purchase lands and erect buildings for the housing of said apparatus and appliances, at a cost not exceeding $60,000.00 or 2% of the assessed valuation of the district, whichever is larger, said money having been first raised and accumulated as provided in sections 40:151–31 to 40:151–34 of this Title.

2. This act shall take effect immediately.

Approved October 13, 1970.

CHAPTER 217

AN ACT concerning insurance to improve the stability and availability of insurance protection for the public and repealing R. S. 17:29–7 and R. S. 17:29–10.

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

C. 17:22-6.14a Rates of commission to be set forth in contracts; exceptions; termination of contracts.

1. Contracts between insurance companies and agents for the appointment of the agent as the representative of the company shall set forth the rates of commission to be paid to the agent for each class of insurance within the scope of such appointment written on all risks or operations in this State except:

(a) Reinsurance.

(b) Life insurance.

(c) Annuities.

(d) Accident and health insurance.

(e) Title insurance.

(f) Mortgage guaranty insurance.

(g) Hospital service or medical service corporations, investment companies, mutual benefit associations, or fraternal beneficiary associations.

Said rates of commission shall continue in force and effect unless changed by mutual written consent or until termination of said contract as hereinafter provided.

Termination of any such contract shall become effective after not less than 90 days' notice in writing given by the company to the agent and the company shall renew all contracts of insurance for such agent for said company during a period of 6 months from the effective date of such termination, but in the event any risk shall not meet current underwriting standards of said company, that company may decline its renewal, provided that the company shall give the agent not less than 60 days' notice of its intention not to renew said contract of insurance. No new business nor increases in liability on renewal or in force business shall be written by the agent for the company after notice of termination without written approval of the company.

Commissions may only be changed by mutual written consent between agent and company. Failure to achieve such mutual consent shall require that the agent's contract be terminated as hereinabove provided. The rate of commissions being paid on each class of insurance on the date of enactment hereof shall be deemed to be pursuant to the existing contract between agent and company.

During the term of said contract the company shall not refuse to renew such business from the agent as would be in accordance with said company's current underwriting standards.

The provisions of this section shall not apply to those contracts in which the agent agrees to represent exclusively one company or a group of companies under common management or to the termination of an agent's contract for insolvency, abandonment, gross and willful misconduct, or failure to pay over to the company moneys due to the company after his receipt of a written demand therefor, or after revocation of the agent's license by the Commissioner of Insurance.

The commissioner, on the written complaint of any insurer or agent licensed in this State, stating that there has been a violation of this section, or when he deems it necessary without a complaint, shall inquire whether there has been any violation of this section in the commissions paid or payable on the risks in this State.

All existing contracts between agent and company presently in effect in the State of New Jersey are subject to all provisions of this statute.

C. 17:22-6.14b Severability of act.

2. If any section, subsection, subdivision, paragraph, sentence or clause of this act is held invalid or unconstitutional, such decision shall not affect the remaining portions of this act, and to this end the provisions of this act are declared to be severable.

Repealer.

3. R. S. 17:29–7 and R. S. 17:29–10 are repealed.

4. This act shall take effect immediately.

Approved October 13, 1970.

CHAPTER 218

AN ACT to amend "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 seven 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, certificates 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, certificates 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 deposit its funds in national banks, banks, savings and loan associations organized under the laws of the State of New Jersey and Federal savings and loan associations, 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;

(g) To have and exercise all the powers of corporations organized under Title 14 of the Revised Statutes not inconsistent with this act;

(h) To act as the fiscal agent for the Federal Government, the State of New Jersey, or any of the subdivisions thereof;

(i) 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.);

(j) 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; 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 except as provided in bylaws of the credit union; 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, unless such loans are fully secured, 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 comaker or endorser of any member loan except as provided in the bylaws of the credit union.

(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 7 of the act of which this act is amendatory (C. 17:13–32) is amended to read as follows:

C. 17:13-32 Meetings; notice; board of directors; quorum; voting.

7. The first meeting of the members of each credit union incorporated under the provisions of this act shall be called within 10 days after filing of the certificate of incorporation by a notice signed by a majority of the incorporators designating the time, place and purpose of the meeting, which notice shall be given personally or by mail to each of the members proposed in the certificate of incorporation at their respective addresses as shown by said certificate of incorporation. Such notices shall be given at least 5 days before the date on which the first meeting shall be held; provided, however, that immediate notice of any meeting held pursuant to the provisions of this act may be waived in writing by a waiver of notice signed by all of the persons entitled to receive the same and any meeting may be held at the time and place and for the purpose fixed in such waiver of notice. At such first meeting or any adjournment thereof the members present by majority vote and without regard to shares held by each shall elect from their number a board of directors, not less than seven in number, a majority of whom shall be residents of the State of New Jersey and shall transact such other business as may properly come before them. An annual meeting of the members of each such credit union shall be held in the first quarter of each year on a date to be designated by the board of directors for the election of directors and the transaction of such other business as may properly come before such meeting. Notice of such meeting shall be given to the members of such credit union in the manner prescribed in the bylaws. The bylaws of each such credit union shall prescribe the number of members necessary to a quorum at any such meeting but less than a quorum shall have power to adjourn any such meeting from time to time. Regular and special meetings of members may be held in the manner prescribed in the bylaws. At all member meetings a member shall have but a single vote without regard to the number of shares such member may own. No member shall be entitled to cast his vote by proxy at any regular or special meeting of members; provided, however, that a member other than a natural person shall have the right to cast a single vote through a delegated agent.

4. 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; shares; termination of membership; contract of membership; special reserve account; joint tenancy account; payment.

12. (a) Any person may become a member of any such credit union upon 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 bylaws and compliance with any other qualifications required by the bylaws; 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 two-thirds 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 bylaws, 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 bylaws are concerned by an amendment of its bylaws or the adoption of new bylaws in whole or in part and no such change in its certificate of incorporation, in the laws governing it or in its bylaws 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 two 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 two or more persons, their legal representatives, and all others claiming by, from, through or under them, or any of them.

5. 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 or from undivided profits.

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 withdrawn during the dividend period shall receive a proportionate part of said dividend based on the number of months of the dividend period that the shares have been in the credit union, provided that the member's account has not been closed because of withdrawal. 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.

6. 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 Member loans.

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 bylaws 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, and no loan shall be made to any member which would exceed 2½% of the credit union's shares and reserves, or $2,500.00, whichever is less, unless such excess over 2½% or $2,500.00 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 bylaws.

(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.

7. Section 19 of the act of which this act is amendatory (C. 17:13–44) is amended to read as follows:

C. 17:13-44 Reserves.

19. At least 15% of the net earnings of each dividend period, before the declaration of any dividends, shall be set aside, subject to terms and conditions specified in the bylaws, as a reserve; provided, however, that when the regular reserve thus established shall equal 10% of the total amount of unpaid balances of loans, other than loans to other credit unions, no further transfer of net earnings to such regular reserve shall be required except that such amounts not in excess of 15% of the net earnings as may be needed to maintain this 10% ratio shall be transferred. Any such credit union shall have the additional right, by transfer from undivided profits, to create specific reserves to provide against any contingency or loss anticipated by the board of directors. A central credit union organized under the provisions of 17:13–73 shall set aside in its regular reserve account 5% of the net earnings of each dividend period; provided, however, that when the regular reserve account shall equal 10% of the total amount of unpaid balances of loans to natural members, no further transfer of net earnings shall be required except that such amounts not in excess of 5% of the net earnings as may be needed to maintain this 10% ratio shall be transferred.

8. This act shall take effect immediately.

Approved October 16, 1970.

CHAPTER 219

AN ACT concerning the courts, repealing N. J. S. 2A:171–3 and supplementing Title 2A of the New Jersey Statutes.

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

C. 2A:15-21.1 Service on Sundays.

1. It shall be lawful for a person to serve or execute, or cause to be served or executed, on Sunday, any writ, process, warrant, order or judgment in any civil or criminal action and such service or execution shall be valid and effectual for all purposes to the same extent as if said service or execution had been made on a day of the week other than Sunday.

Repealer.

2. N. J. S. 2A:171–3 is repealed.

3. This act shall take effect immediately.

Approved October 16, 1970.

CHAPTER 220

AN ACT concerning toy caps and amending R. S. 21:3–2.

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

1. R. S. 21:3–2 is amended to read as follows:

Sale, possession or use prohibited; exceptions.

21:3–2. It shall be unlawful for any person to offer for sale, expose for sale, sell, possess or use, or explode any blank cartridge, toy pistol, toy cannon, toy cane or toy gun in which explosives are used; the type of balloon which requires fire underneath to propel the same; firecrackers; torpedoes; skyrockets, Roman candles, bombs, sparklers or other fireworks of like construction, or any fireworks containing any explosive or inflammable compound or any tablets or other device commonly used and sold as fireworks containing nitrates, chlorates, oxalates, sulphides of lead, barium, antimony, arsenic, mercury, nitroglycerine, phosphorus or any compound containing any of the same or other explosives, or any substance or combination of substances, or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, other than aviation and railroad signal light flares, except (a) that it shall be lawful for any person to offer for sale, expose for sale, sell, possess or use, or explode any toy pistol, toy cane, toy gun, or other device in which paper or plastic caps containing .25 grain or less of explosive compound per cap are used, providing they are so constructed that the hand cannot come in contact with the cap when in place for use, and toy pistol paper or plastic caps which contain less than .20 grain of explosive mixture per cap and (b) as in this chapter further provided.

2. This act shall take effect immediately.

Approved October 16, 1970.

CHAPTER 221

AN ACT establishing the salary range for the Director of the Division of Alcoholic Beverage Control in the Department of Law and Public Safety and supplementing P. L. 1969, c. 194.

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

C. 52:14-15.104b Director of Division of Alcoholic Beverage Control; salary range.

1. The salary range for the following enumerated position in the Department of Law and Public Safety is fixed and established as follows in lieu of the salary range specified in the act to which this act is a supplement:

Title	Minimum	Maximum
Director of the Division of Alcoholic Beverage Control	$26,204.00	$34,064.00

2. The provisions of this act shall become operative at the beginning of the biweekly pay period next following enactment.

3. This act shall take effect immediately.

Approved October 16, 1970.

CHAPTER 222

AN ACT concerning the Director of the Division of Alcoholic Beverage Control in the Department of Law and Public Safety and amending the "Department of Law and Public Safety Act of 1948," approved October 15, 1948 (P. L. 1948, c. 439).

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

1. Section 16 of P. L. 1948, c. 439 (C. 52:17B–16) is amended to read as follows:

C. 52:17B-16 Director of Division of Alcoholic Beverage Control.

16. The Division of Alcoholic Beverage Control shall be headed by a director, who shall be a person qualified by training and experience to direct the work of such division. The director of such division shall be appointed by the Governor, with the advice and

consent of the Senate, and shall serve during the term of office of the Governor appointing him and until the director's successor is appointed and has qualified; provided, however, that the person in office as State Commissioner of Alcoholic Beverage Control on December 31, 1948, shall hold the office of Director of the Division of Alcoholic Beverage Control established hereunder for the unexpired period of the term for which he was appointed as State Commissioner of Alcoholic Beverage Control, and until his successor is appointed and qualifies. The Director of the Division of Alcoholic Beverage Control shall receive such salary as shall be provided by law and shall devote his entire time and attention to the duties of his office and shall not while in office engage in any other gainful pursuit. He may be removed from office by the Governor, for cause, upon notice and opportunity to be heard.

2. This bill shall take effect immediately.

Approved October 16, 1970.

CHAPTER 223

AN ACT to authorize the township of Burlington in the county of Burlington to make permanent the appointment of George A. Conlin to the police department of the township of Burlington.

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

1. The township of Burlington in the county of Burlington is authorized to make permanent the appointment of George A. Conlin to the police department of the township of Burlington notwithstanding that the height of George A. Conlin is less than the minimum height required for appointment thereto pursuant to the rules and regulations of the Civil Service Commission.

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 Burlington for the purpose of adopting same.

Approved October 16, 1970.

CHAPTER 224

AN ACT to authorize the borough of Longport in the county of Atlantic to make permanent the appointments of Joseph A. Melchionna and George F. Campbell to the police department of the borough of Longport.

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

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 borough of Longport in the county of Atlantic is authorized to make permanent the appointments of Joseph A. Melchionna and George F. Campbell to the police department of the borough of Longport 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 an ordinance of the borough of Longport for the purpose of adopting same.

Approved October 16, 1970.

CHAPTER 225

AN ACT to validate certain proceedings for the issuance of 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 authoriza-

tion or issuance of bonds or notes of the municipality and any 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 any such ordinance authorizing the issuance of such bonds or notes failed to state that the issuance of obligations authorized therein was permitted by an exception to the debt limitations prescribed by N. J. S. 40A:2–6 as required by N. J. S. 40A:2–12; or notwithstanding that a notice of election to confirm an ordinance was not published as required by N. J. S. 18A:24–29, of Title 18A, Education; provided, however, that prior to final adoption of any such ordinance by the governing body of a municipality, the consent of the Local Finance Board required by N. J. S. 18A:24–27 shall have been endorsed upon a certified copy thereof; and provided further, that such notice of election to confirm the ordinance shall have been published at least 5 days prior to the election; and provided further, that no action, suit or other proceeding of any nature to contest the validity of such proceedings or ordinance have 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, are instituted within 30 days after the effective date of this act.

2. This act shall take effect immediately.

Approved October 16, 1970.

CHAPTER 226

AN ACT pertaining to the control of dangerous substances and amending and repealing parts of the statutory law.

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

ARTICLE 1. SHORT TITLE; DEFINITIONS

C. 24:21-1 Short title.

1. Short Title. This act shall be known and may be cited as the "New Jersey Controlled Dangerous Substances Act."

C. 24:21-2 Definitions.

2. Definitions. As used in this act:

"Administer" means the direct application of a controlled dangerous substance, whether by injection, inhalation, ingestion, or any other means, to the body of a patient or research subject by: (1) a practitioner (or, in his presence, by his lawfully authorized agent), or (2) the patient or research subject at the lawful direction and in the presence of the practitioner.

"Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, or dispenser but does not include a common or contract carrier, public warehouseman, or employee thereof.

"Bureau of Narcotics and Dangerous Drugs" means the Bureau of Narcotics and Dangerous Drugs, United States Department of Justice.

"Commissioner" means the State Commissioner of Health.

"Controlled dangerous substance" means a drug, substance, or immediate precursor in Schedules I through IV of article 2 of this act. The term shall not include distilled spirits, wine, malt beverages, as those terms are defined or used in R. S. 33:1–1 et seq., or tobacco and tobacco products.

"Counterfeit substance" means a controlled dangerous substance which, or the container or labeling of which, without authorization, bears the trademark, trade name, or other identifying mark, imprint, number or device, or any likeness thereof, of a manufacturer, distributor, or dispenser other than the person or persons who in fact manufactured, distributed or dispensed such substance and which thereby falsely purports or is represented to be the product of, or to have been distributed by, such other manufacturer, distributor, or dispenser.

"Deliver" or "delivery" means the actual, constructive, or attempted transfer from one person to another of a controlled dangrous substance, whether or not there is an agency relationship.

"Dispense" means to deliver a controlled dangerous substance to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, including the prescribing, administering, packaging, labeling, or compounding necessary to prepare the substance for that delivery. "Dispenser" means a practitioner who dispenses.

"Distribute" means to deliver other than by administering or dispensing a controlled dangerous substance. "Distributor" means a person who distributes.

"Drugs" means (a) substances recognized in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, or official National Formulary, or any supplement to any of them; and (b) substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals; and (c) substances (other than food) intended to affect the structure or any function of the body of man or other animals; and (d) substances intended for use as a component of any article specified in subsections (a), (b) and (c) of this section; but does not include devices or their components, parts, or accessories.

"Drug dependent person" means a person who is using a controlled dangerous substance and who is in a state of psychic or physical dependence, or both, arising from the use of that controlled dangerous substance on a continuous basis. Drug dependence is characterized by behavioral and other responses, including but not limited to a strong compulsion to take the substance on a recurring basis in order to experience its psychic effects, or to avoid the discomfort of its absence.

"Marihuana" means all parts of the plant Cannabis sativa L., whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds or resin, but shall not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of such plant which is incapable of germination.

"Manufacture" means the production, preparation, propagation, compounding, conversion or processing of a controlled dangerous substance, either directly or by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container, except that this term does not include the preparation or compounding of a controlled dangerous substance by an individual for his own use or the preparation, compounding, packaging, or labeling of a controlled dangerous substance: (1) by a practitioner as an incident to his administering or dispensing of a controlled dangerous substance in the course of his professional practice, or (2) by a practitioner (or under his

supervision) for the purpose of, or as an incident to, research, teaching, or chemical analysis and not for sale.

"Narcotic drug" means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(a) Opium, coca leaves, and opiates;

(b) A compound, manufacture, salt, derivative, or preparation of opium, coca leaves, or opiates;

(c) A substance (and any compound, manufacture, salt, derivative, or preparation thereof) which is chemically identical with any of the substances referred to in subsections (a) and (b), except that the words "narcotic drug" as used in this act shall not include decocainized coca leaves or extracts of coca leaves, which extracts do not contain cocaine or ecgonine.

"Official written order" means an order written on a form provided for that purpose by the Attorney General of the United States or his delegate, under any laws of the United States making provision therefor, if such order forms are authorized and required by the Federal law, and if no such form is provided, then on an official form provided for that purpose by the State Department of Health.

"Opiate" means any dangerous substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having such addiction-forming or addiction-sustaining liability. It does not include, unless specifically designated as controlled under section 3 of this act, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). It does include its racemic and levorotatory forms.

"Opium poppy" means the plant of the species Papaver somniferum L., except the seeds thereof.

"Person" means any corporation, association, partnership, trust, other institution or entity or one or more individuals.

"Pharmacist" means a registered pharmacist of this State.

"Pharmacy owner" means the owner of a store or other place of business where controlled dangerous substances are compounded or dispensed by a registered pharmacist; but nothing in this chapter contained shall be construed as conferring on a person who is not registered or licensed as a pharmacist any authority, right or privilege that is not granted to him by the pharmacy laws of this State.

"Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

"Practitioner" means a physician, dentist, veterinarian, scientific investigator, laboratory, pharmacy, hospital or other person licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to, or administer a controlled dangerous substance in the course of professional practice or research in this State.

(a) "Physician" means a physician authorized by law to practice medicine in this or any other State and any other person authorized by law to treat sick and injured human beings in this or any other State and

(b) "Veterinarian" means a veterinarian authorized by law to practice veterinary medicine in this State.

(c) "Dentist" means a dentist authorized by law to practice dentistry in this State.

(d) "Hospital" means any Federal institution, or any institution for the care and treatment of the sick and injured, operated or approved by the appropriate State department as proper to be entrusted with the custody and professional use of controlled dangerous substances.

(e) "Laboratory" means a laboratory to be entrusted with the custody of narcotic drugs and the use of controlled dangerous substances for scientific, experimental and medical purposes and for purposes of instruction approved by the State Department of Health.

"Production" includes the manufacture, planting, cultivation, growing, or harvesting of a controlled dangerous substance.

"Immediate precursor" means a substance which the State Department of Health has found to be and by regulation designates as being the principal compound commonly used or produced primarily for use, and which is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled dangerous substance, the control of which is necessary to prevent, curtail, or limit such manufacture.

"State" means the State of New Jersey.

"Ultimate user" means a person who lawfully possesses a controlled dangerous substance for his own use or for the use of a member of his household or for administration to an animal owned by him or by a member of his household.

ARTICLE 2. STANDARDS AND SCHEDULES

C. 24:21-3 Authority to control.

3. Authority to control. a. The commissioner shall administer the provisions of this act and may add substances to or delete or reschedule all substances enumerated in the schedules in sections 5 through 8 of this act. In determining whether to control a substance, the commissioner shall consider the following:

(1) Its actual or relative potential for abuse;

(2) Scientific evidence of its pharmacological effect, if known;

(3) State of current scientific knowledge regarding the substance;

(4) Its history and current pattern of abuse;

(5) The scope, duration, and significance of abuse;

(6) What, if any, risk there is to the public health;

(7) Its psychic or physiological dependence liability; and

(8) Whether the substance is an immediate precursor of a substance already controlled under this article.

After considering the above factors, the commissioner shall make findings with respect thereto and shall issue an order controlling the substance if he finds that the substance has a potential for abuse.

b. If the commissioner designates a substance as an immediate precursor, substances which are precursors of the controlled precursor shall not be subject to control solely because they are precursors of the controlled precursor.

c. If any substance is designated, rescheduled or deleted as a controlled dangerous substance under Federal law and notice thereof is given to the commissioner, the commissioner shall similarly control the substance under this act after the expiration of 30 days from publication in the Federal Register of a final order designating a substance as a controlled dangerous substance or rescheduling or deleting a substance, unless within that 30-day period, the commissioner objects to inclusion, rescheduling, or deletion. In that case, the commissioner shall cause to be published in the New Jersey Register and made public the reasons for his objection and shall afford all interested parties an opportunity to be heard. At the conclusion of any such hearing, the commissioner shall publish and make public his decision, which shall be final unless the substance is specifically otherwise dealt with by an act of the Legislature. Upon publication of objection to inclusion or rescheduling under this act by the commissioner, control of such substance under this section shall automatically be stayed until such time as the commissioner makes public his final decision.

The Commissioner of Health may by regulation exclude any nonnarcotic substance from a schedule if such substance may, under the provisions of Federal or State law, be lawfully sold over the counter without a prescription, unless otherwise controlled pursuant to rules and regulations promulgated by the department.

d. The State Department of Health shall update and republish the schedules in sections 5 through 8 on a semiannual basis for 2 years from the effective date of this act and thereafter on an annual basis.

C. 24:21-4 Schedules of controlled substances.

4. Schedules of controlled substances. The schedules contained in sections 5 through 8 of this act include the controlled dangerous substances listed or to be listed by whatever official name, common or usual name, chemical name, or trade name designated.

C. 24:21-5 Schedule I.

5. Schedule I. a. Tests. The commissioner shall place a substance in Schedule I if he finds that the substance: (1) has high potential for abuse; and (2) has no accepted medical use in treatment in the United States; or lacks accepted safety for use in treatment under medical supervision.

b. The controlled dangerous substances listed in this section are included in Schedule I, subject to any revision and republishing by the commissioner pursuant to section 3d, and except to the extent provided in any other schedule.

c. Any of the following opiates, including their isomers, esters, and ethers, unless specifically excepted, whenever the existence of such isomers, esters, ethers and salts is possible within the specific chemical designation:

(1) Acetylmethadol
(2) Allylprodine
(3) Alphacetylmethadol
(4) Alphameprodine
(5) Alphamethadol
(6) Benzethidine
(7) Betacetylmethadol
(8) Betameprodine
(9) Betamethadol
(10) Betaprodine
(11) Clonitazene
(12) Dextromoramide
(13) Dextrorphan

(14) Diampromide
(15) Diethylthiambutene
(16) Dimenoxadol
(17) Dimepheptanol
(18) Dimethylthiambutene
(19) Dioxaphetyl butyrate
(20) Dipipanone
(21) Ethylmethylthiambutene
(22) Etonitazene
(23) Etoxeridine
(24) Furethidine
(25) Hydroxypethidine
(26) Ketobemidone
(27) Levomoramide
(28) Levophenacylmorphan
(29) Morpheridine
(30) Noracymethadol
(31) Norlevorphanol
(32) Normethadone
(33) Norpipanone
(34) Phenadoxone
(35) Phenampromide
(36) Phenomorphan
(37) Phenoperidine
(38) Piritramide
(39) Proheptazine
(40) Properidine
(41) Racemoramide
(42) Trimeperidine.

d. Any of the following narcotic substances, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:

(1) Acetorphine
(2) Acetylcodone
(3) Acetyldihydrocodeine
(4) Benzylmorphine
(5) Codeine methylbromide
(6) Codeine-N-Oxide
(7) Cyprenorphine
(8) Desomorphine
(9) Dihydromorphine

(10) Etorphine
(11) Heroin
(12) Hydromorphinol
(13) Methyldesorphine
(14) Methylhydromorphine
(15) Morphine methylbromide
(16) Morphine methylsulfonate
(17) Morphine-N-Oxide
(18) Myrophine
(19) Nicocodeine
(20) Nicomorphine
(21) Normorphine
(22) Phoclodine
(23) Thebacon.

e. Any material, compound, mixture or preparation which contains any quantity of the following hallucinogenic substances, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) 3,4-methylenedioxy amphetamine
(2) 5-methoxy-3,4-methylenedioxy amphetamine
(3) 3,4,5-trimethoxy amphetamine
(4) Bufotenine
(5) Diethyltryptamine
(6) Dimethyltryptamine
(7) 4-methyl-2, 5-dimethoxylamphetamine
(8) Ibogaine
(9) Lysergic acid diethylamide
(10) Marihuana
(11) Mescaline
(12) Peyote
(13) N-ethyl-3-piperidyl benzilate
(14) N-methyl-3-piperidyl benzilate
(15) Psilocybin
(16) Psilocyn
(17) Tetrahydrocannabinols.

C. 24:21-6 Schedule II.

6. Schedule II. a. Tests. The commissioner shall place a substance in Schedule II if he finds that the substance: (1) has high potential abuse; (2) has currently accepted medical use in treatment in the United States, or currently accepted medical use with severe restrictions; and (3) abuse may lead to severe psychic or physical dependence.

b. The controlled dangerous substances listed in this section are included in Schedule II, subject to any revision and republishing by the commissioner pursuant to section 3d, and except to the extent provided in any other schedule.

c. Any of the following substances except those narcotic drugs listed in other schedules whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by combination of extraction and chemical synthesis:

(1) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate.

(2) Any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in clause 1, except that these substances shall not include the isoquinaline alkaloids of opium.

(3) Opium poppy and poppy straw.

(4) Coca leaves and any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, except that the substances shall not include decocainized coca leaves or extractions which do not contain cocaine or ecogine.

d. Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters and ethers, unless specifically excepted, whenever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation:

(1) Alphaprodine
(2) Anileridine
(3) Bezitramide
(4) Dihydrocodeine
(5) Diphenoxylate
(6) Fentanyl
(7) Isomethadone
(8) Levomethorphan
(9) Levorphanol
(10) Metazocine
(11) Methadone
(12) Methadone—Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenyl butane
(13) Moramide—Intermediate, 2-methyl-3-morpholino-1, 1-diphenyl-propane-carboxylic acid
(14) Pethidine

(15) Pethidine—Intermediate—A, 4-cyano-1-methyl-4-phenylpiperidine

(16) Pethidine—Intermediate—B, ethyl-4-phenylpiperidine-4-carboxylate

(17) Pethidine—Intermediate—C, 1-methyl-4-phenylpiperidine-4-carboxylic acid

(18) Phenazocine

(19) Piminodine

(20) Racemethorphan

(21) Racemorphan.

C. 24:21-7 Schedule III.

7. Schedule III. a. Tests. The commissioner shall place a substance in Schedule III if he finds that the substance: (1) has a potential for abuse less than the substances listed in Schedules I and II; (2) has currently accepted medical use in treatment in the United States; and (3) abuse may lead to moderate or low physical dependence or high psychological dependence.

b. The controlled dangerous substances listed in this section are included in Schedule III, subject to any revision and republishing by the commissioner pursuant to section 3d, and except to the extent provided in any other schedule.

c. Any material, compound, mixture, or preparation which contains any quantity of the following substances having a potential for abuse associated with a stimulant effect on the central nervous system:

(1) Amphetamine, its salts, optical isomers, and salts of its optical isomers.

(2) Phenmetrazine and its salts.

(3) Any substance which contains any quantity of methamphetamine, including its salts, isomers, and salts of isomers.

(4) Methylphenidate.

d. Any material, compound, mixture, or preparation which contains any quantity of the following substances having a potential for abuse associated with a depressant effect on the central nervous system:

(1) Any substance which contains any quantity of a derivative of barbituric acid, or any salt of a derivative of barbituric acid, except those substances which are specifically listed in other schedules

(2) Chloral betaine

(3) Chloral hydrate

(4) Chlorhexadol
(5) Ethchlorvynol
(6) Ethinamate
(7) Glutethimide
(8) Lysergic acid
(9) Lysergic acid amide
(10) Methyprylon
(11) Pareldehyde
(12) Petrichloral
(13) Phencyclidine
(14) Sulfondiethylmethane
(15) Sulfonethylmethane
(16) Sulfonmethane.

e. Nalorphine.

f. Any material, compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, or any salts thereof:

(1) Not more than 1.80 grams of codeine or any of its salts per 100 milliliters or not more than 90 milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium.

(2) Not more than 1.80 grams of codeine or any of its salts per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amount.

(3) Not more than 300 milligrams of dihydrocodeinone or any of its salts per 100 milliliters or not more than 15 milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium.

(4) Not more than 300 milligrams of dihydrocodeinone or any of its salts per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

(5) Not more than 1.80 grams of dihydrocodeine or any of its salts per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

(6) Not more than 300 milligrams of ethylmorphine or any of its salts per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

(7) Not more than 500 milligrams of opium or any of its salts per 100 milliliters or per 100 grams, or not more than 25 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

(8) Not more than 50 milligrams of morphine or any of its salts per 100 milliliters or per 100 grams with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

g. The commissioner may by regulation except any compound, mixture, or preparation containing any stimulant or depressant substance listed in subsections a. and b. of this schedule from the application of all or any part of this act if the compound, mixture, or preparation contains one or more active medicinal ingredients not having a stimulant or depressant effect on the central nervous system; provided, that such admixtures shall be included therein in such combinations, quantity, proportion, or concentration as to vitiate the potential for abuse of the substances which do have a stimulant or depressant effect on the central nervous system.

C. 24:21-8 Schedule IV.

8. Schedule IV. a. Tests. The commissioner shall place a substance in Schedule IV if he finds that the substance: (1) has low potential for abuse relative to the substances listed in Schedule III; (2) has currently accepted medical use in treatment in the United States; and (3) has limited physical dependence or psychological dependence liability relative to the substances listed in Schedule III.

b. The controlled dangerous substances listed in this section are included in Schedule IV.

c. Any compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, which shall include one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture, or preparation, valuable medicinal qualities other than those possessed by the narcotic drug alone:

(1) Not more than 200 milligrams of codeine or any of its salts per 100 milliliters or per 100 grams;

(2) Not more than 100 milligrams of dihydrocodeine or any of its salts per 100 milliliters or per 100 grams;

(3) Not more than 50 milligrams of ethylmorphine or any of its salts per 100 milliliters or per 100 grams;

(4) Not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit;

(5) Not more than 100 milligrams of opium or any of its salts per 100 milliliters or per 100 grams.

ARTICLE 3. REGULATION OF MANUFACTURE, DISTRIBUTION AND DISPENSING OF CONTROLLED DANGEROUS SUBSTANCES

C. 24:21-9 Rules and regulations.

9. Rules and regulations. The commissioner is authorized to promulgate rules and regulations and to charge reasonable fees relating to the registration and control of the manufacture, distribution, and dispensing of controlled dangerous substances within this State.

C. 24:21-10 Registration requirements.

10. Registration requirements. a. Every person who manufactures, distributes, or dispenses any controlled dangerous substance within this State or who proposes to engage in the manufacture, distribution, or dispensing of any controlled dangerous substance within this State, shall obtain annually a registration issued by the State Department of Health in accordance with the rules and regulations promulgated by it.

b. Persons registered by the commissioner under this act to manufacture, distribute, dispense, or conduct research with controlled dangerous substances are authorized to possess, manufacture, distribute, dispense, or conduct research with those substances to the extent authorized by their registration and in conformity with the other provisions of this article.

c. The following persons shall not be required to register and may lawfully have under their control or possess controlled dangerous substances under the provisions of this act; provided, however, that nothing in this section shall be construed as conferring on a person who is not registered or licensed as a practitioner or as a pharmacist any authority, right or privilege that is not granted him by the laws of this State:

(1) An agent, or an employee thereof, of any registered manufacturer, distributor, or dispenser of any controlled dangerous substance if such agent is acting in the usual course of his business or employment;

(2) A common carrier or warehouseman, or an employee thereof, whose possession of any controlled dangerous substance is in the usual course of his business or employment;

(3) An ultimate user or a person in possession of any controlled dangerous substance pursuant to a lawful order of a practitioner or in lawful possession of a Schedule IV substance;

(4) Peace officers or employees in the performance of their official duties requiring possession or control of controlled dangerous

substances; or to temporary incidental possession by employees or agents of persons lawfully entitled to possession, or by persons whose possession is authorized for the purpose of aiding peace officers in performing their official duties.

d. The commissioner may, by regulation, waive the requirement for registration of certain manufacturers, distributors, or dispensers if he finds it consistent with the public health and safety.

e. A separate registration shall be required at each principal place of business or professional practice where the applicant manufactures, distributes, or dispenses controlled dangerous substances.

f. The commissioner is authorized to inspect the establishment of a registrant or applicant for registration in accordance with the rules and regulations promulgated by him.

C. 24:21-11 Registration.

11. Registration. a. The State Department of Health shall not register an applicant to manufacture or distribute controlled dangerous substances included in Schedules I through IV of article 2 of this act unless it determines that the issuance of such registration is consistent with the public interest. In determining the public interest, the following factors shall be considered:

(1) Maintenance of effective controls against diversion of particular controlled dangerous substances into other than legitimate medical, scientific, or industrial channels;

(2) Compliance with applicable State and local laws;

(3) Any convictions of the applicant under any Federal and State laws relating to any controlled dangerous substance;

(4) Past experience in the manufacture of controlled dangerous substances, and the existence in the applicant's establishment of effective controls against diversion;

(5) Furnishing by the applicant false or fraudulent material in any application filed under this act;

(6) Suspension or revocation of the applicant's Federal registration to manufacture, distribute, or dispense controlled dangerous substances as authorized by Federal law; and

(7) Such other factors as may be relevant to and consistent with the public health and safety.

b. Registration granted under subsection a. of this section shall not entitle a registrant to manufacture and distribute controlled dangerous substances in Schedule I or II other than those specified in the registration.

c. Practitioners shall be registered to dispense substances in Schedules II through IV if they are authorized to dispense or conduct research under the law of this State. The commissioner need not require separate registration under this article for practitioners engaging in research with nonnarcotic controlled dangerous substances in Schedules II through IV where the registrant is already registered under this article in another capacity. Practitioners registered under Federal law to conduct research in Schedule I substances are permitted to conduct research in Schedule I substances within this State upon furnishing the commissioner evidence of that Federal registration.

d. Compliance by manufacturers and distributors with the provisions of the Federal law respecting registration (excluding fees) entitles them to be registered under this act.

e. The State Department of Health shall initially permit persons to register who own or operate any establishment engaged in the manufacture, distribution or dispensing of any controlled dangerous substances prior to the effective date of this act and who are registered or licensed by the State.

C. 24:21-12 Denial, revocation or suspension of registration.

12. Denial, revocation, or suspension of registration. a. A registration pursuant to section 11 to manufacture, distribute, or dispense a controlled dangerous substance, may be suspended or revoked by the commissioner upon a finding that the registrant:

(1) Has materially falsified any application filed pursuant to this act or required by this act; or

(2) Has been convicted of an indictable offense under this act or any law of the United States, or of any State, relating to any substance defined herein as a controlled dangerous substance; or

(3) Has violated or failed to comply with any duly promulgated regulation of the commissioner and such violation or failure to comply reflects adversely on the licensee's reliability and integrity with respect to controlled dangerous substances; or

(4) Has had his Federal registration suspended or revoked by competent Federal authority and is no longer authorized by Federal law to engage in the manufacturing, distribution, or dispensing of controlled dangerous substances; or

(5) Has had his registration suspended or revoked by competent authority of another state for violation of its laws or regulations comparable to those of this State relating to the manufacture, distribution or dispensing of controlled dangerous substances.

b. The commissioner may limit revocation or suspension of a registration to the particular controlled dangerous substance with respect to which grounds for revocation or suspension exist.

c. Before taking action pursuant to this section or pursuant to a denial of registration under section 11, the commissioner shall serve upon the applicant or registrant an order to show cause why registration should not be denied, revoked, or suspended. The order to show cause shall contain a statement of the basis thereof and shall call upon the applicant or registrant to appear before the commissioner at a time and place stated in the order, but in no event less than 30 days after the date of receipt of the order unless an earlier date is requested by the applicant or registrant and agreed to by the commissioner. Proceedings to deny, revoke, or suspend shall be conducted pursuant to this section in accordance with the provisions of the "Administrative Procedure Act" (C. 52:14B–1 et seq.). Such proceedings shall be independent of, and not in lieu of, criminal prosecutions or other proceedings under this act or any law of the State.

d. The commissioner may, in his discretion, suspend any registration simultaneously with the institution of proceedings under this section in cases where he finds that there is an imminent danger to the public health or safety. Such suspensions shall continue in effect until the conclusion of such proceedings, including judicial review thereof, unless sooner withdrawn by the commissioner or dissolved by a court of competent jurisdiction.

e. In the event the commissioner suspends or revokes a registration granted under section 11, all controlled dangerous substances owned or possessed by the registrant pursuant to such registration at the time of suspension or the effective date of the revocation order, as the case may be, may in the discretion of the commissioner be placed under seal. No disposition may be made of substances under seal until the time for taking an appeal has elapsed or until all appeals have been concluded unless a court, upon application therefor, orders the sale of perishable substances and the deposit of the proceeds of the sale with the court. Upon a revocation order becoming final, all such controlled dangerous substances may be forfeited to the State.

f. The commissioner shall promptly notify the Bureau of Narcotics and Dangerous Drugs of all orders suspending or revoking registration and all forfeitures of controlled dangerous substances.

C. 24:21-13 Records of registrants.

13. Records of registrants. Persons registered to manufacture, distribute, or dispense controlled dangerous substances under this act shall keep records and maintain inventories in conformance with the recordkeeping and inventory requirements of Federal law and with such additional rules as may be issued by the commissioner.

C. 24:21-14 Order forms.

14. Order forms. a. Controlled dangerous substances in Schedule I and II shall be distributed only by a registrant, pursuant to an official written order form, clearly identifying it as covering or relating to Schedule I and Schedule II, or either thereof, controlled dangerous substances and bearing the registration number of the registrant. Except as provided herein, compliance with Federal law respecting order forms shall be deemed compliance with this section.

b. A pharmacist, only upon an official written order, may sell to a practitioner in quantities not exceeding one ounce at any one time, aqueous or oleaginous solutions compounded by him of which the content of narcotic drugs or other controlled dangerous substances does not exceed a proportion greater than 20% of the complete solution, to be used for medical purposes.

c. An official written order for any controlled dangerous substance in Schedule I or Schedule II shall be signed in triplicate by the person giving said order or by his duly authorized agent. The original and triplicate shall be presented to the person who sells or dispenses the controlled dangerous substance or substances named therein. In the event of the acceptance of such order by said person, except as may be otherwise required by rule, regulation, or order of the commissioner, each party to the transaction shall preserve his copy of such order for a period of 2 years, in such a way as to be readily accessible for inspection by any public officer or employee engaged in the enforcement of this chapter.

C. 24:21-15 Prescriptions.

15. Prescriptions. a. Except when dispensed directly in good faith by a practitioner, other than a pharmacist, in the course of his professional practice only, to an ultimate user, no controlled dangerous substance included in Schedule II, which is a prescription drug as defined in R. S. 45:14–14 may be dispensed without the written prescription of a practitioner; provided that in emergency situations, as prescribed by the State Department of Health by

regulation, such drug may be dispensed upon oral prescription reduced promptly to writing and filed by the pharmacist, if such oral prescription is authorized by Federal law. Prescriptions shall be retained in conformity with the requirements of section 13 of this act. No prescription for a Schedule II substance may be refilled.

b. Except when dispensed directly in good faith by a practitioner, other than a pharmacist, in the course of his professional practice only, to an ultimate user, no controlled dangerous substance included in Schedule III which is a prescription drug as defined in R. S. 45:14–14 may be dispensed without a written or oral prescription. Such prescription may not be filled or refilled more than six months after the date thereof or be refilled more than five times after the date of the prescription, unless renewed by the practitioner.

c. No controlled dangerous substance included in Schedule IV may be distributed or dispensed other than for a valid and accepted medical purpose.

d. A practitioner other than a veterinarian who prescribes a controlled dangerous substance in good faith and in the course of his professional practice may administer the same or cause the same to be administered by a nurse or intern under his direction and supervision.

e. A veterinarian who prescribes a controlled dangerous substance not for use by a human being in good faith and in the course of his professional practice may administer the same or cause the same to be administered by an assistant or orderly under his direction and supervision.

f. A person who has obtained a controlled dangerous substance from the prescribing practitioner for administration to a patient during the absence of the practitioner shall return to the practitioner any unused portion of the substance when it is no longer required by the patient or when its return is requested by the practitioner.

g. Whenever it appears to the State Department of Health that a drug not considered to be a prescription drug under existing State law should be so considered because of its abuse potential, it shall so advise the State Board of Pharmacy and furnish to it all available data relevant thereto.

ARTICLE 4. LABELS AND CONTAINERS

C. 24:21-16 Form of label on containers of manufacturers and wholesalers; altering or removing label.

16. Form of label on containers of manufacturers and wholesalers; altering or removing label. Whenever a manufacturer sells or dispenses a controlled dangerous substance in a package prepared by him, he shall securely affix to each package in which that substance is contained a label showing in legible English the name and address of the vendor and the quantity, kind and form of the substance contained therein. Whenever a wholesaler sells or dispenses a controlled dangerous substance in any package or shipping container other than the package in which received from the manufacturer, he shall securely affix to such package a label showing in legible English his name and address.

No person except a pharmacist for the purpose of filling a prescription under this act, shall alter, deface or remove any label so affixed by the manufacturer.

C. 24:21-17 Form of label to be used by pharmacists; altering or removing label.

17. Form of label to be used by pharmacists; altering or removing label. Whenever a pharmacist sells or dispenses any controlled dangerous substance on a prescription issued by a practitioner he shall affix to the container in which such drug is sold or dispensed, a label showing his own name, address, and registry number, or the name, address, and registry number of the pharmacist or pharmacy owner for whom he is lawfully acting; the name and address of the patient or, if the patient is an animal, the name and address of the owner of the animal and the species of the animal; the name, address and registry number of the practioner by whom the prescription was written; such directions as may be stated on the prescription and such directions as may be required by rules or regulations promulgated by the commissioner.

No person shall alter, deface, or remove any label so affixed as long as any of the original contents remain.

C. 24:21-18 Drug to be kept in original container.

18. Drug to be kept in original container. An individual to whom or for whose use any controlled dangerous substance has been prescribed, sold or dispensed, by a practitioner and the owner of any animal for which any such substance has been prescribed, sold, or dispensed by a veterinarian, may lawfully possess it only in the container in which it was delivered to him by the person selling or dispensing the same.

ARTICLE 5. OFFENSES AND PENALTIES

C. 24:21-19 Prohibted acts A.; manufacturing, distributing, or dispensing; penalties.

19. Prohibited acts A.—Manufacturing, distributing, or dispensing—Penalties. a. Except as authorized by this act, it shall be unlawful for any person:

(1) To manufacture, distribute, or dispense, or to possess or have under his control with intent to manufacture, distribute, or dispense, a controlled dangerous substance; or

(2) To create, distribute, or possess or have under his control with intent to distribute, a counterfeit controlled dangerous substance.

b. Any person who violates subsection a. with respect to:

(1) A substance classified in Schedules I or II which is a narcotic drug is guilty of a high misdemeanor and shall be punished by imprisonment for not more than 12 years, a fine of not more than $25,000.00, or both; or

(2) Any other controlled dangerous substance classified in Schedules I, II, or III is guilty of a high misdemeanor and shall be punished by imprisonment for not more than five years, a fine of not more than $15,000.00, or both; or

(3) A substance classified in Schedule IV is guilty of a misdemeanor and shall be punished by imprisonment for not more than 1 year, a fine of not more than $5,000.00, or both.

C. 24:21-20 Prohibited acts B.; possession, use or being under influence; penalties.

20. Prohibited acts B.—Possession, use or being under influence —Penalties. a. It is unlawful for any person, knowingly or intentionally, to obtain, or to possess, actually or constructively, a controlled dangerous substance unless such substance was obtained directly, or pursuant to a valid prescription or order from a practitioner, while acting in the course of his professional practice, or except as otherwise authorized by this act. Any person who violates this section with respect to:

(1) A substance classified in Schedule I or II which is a narcotic drug and any other controlled dangerous substance classified in Schedule I, II or III, is guilty of a high misdemeanor and shall be punished by imprisonment for not more than 5 years, a fine of not more than $15,000.00, or both, except as provided in subsection a.(3) below;

(2) Any controlled dangerous substance classified in Schedule IV is guilty of a misdemeanor and shall be punished by imprisonment

of not more than 1 year, a fine of not more than $5,000.00, or both; or

(3) Possession of more than 25 grams of marihuana, or more than 5 grams of hashish is guilty of a high misdemeanor and shall be punished by imprisonment for not more than 5 years, a fine of not more than $15,000.00, or both; provided, however, that any person who violates this section with respect to 25 grams or less of marihuana, or 5 grams or less of hashish is a disorderly person.

b. Any person who uses or who is under the influence of any controlled dangerous substance, as defined in this act, for a purpose other than the treatment of sickness or injury as prescribed or administered by a person duly authorized by law to treat sick and injured human beings, is a disorderly person.

In a prosecution under this subsection, it shall not be necessary for the State to prove that the accused did use or was under the influence of any specific narcotic drug or drugs, but it shall be sufficient for a conviction under this subsection for the State to prove that the accused did use or was under the influence of some controlled dangerous substance or counterfeit controlled dangerous substance as defined in this act, by proving that the accused did manifest physical and physiological symptoms or reactions caused by the use of any controlled dangerous substance.

c. In addition to the general penalty prescribed for a disorderly person's offense pursuant to N. J. S. 2A:169–4, every person adjudged a disorderly person for a violation of this subsection shall, at the discretion of the sentencing judge, forthwith forfeit his right to operate a motor vehicle over the highways of this State for a period of not more than 2 years from the date of his conviction and until such privilege shall be restored to him by the Director of Motor Vehicles upon application to and after certification by a physician to the director that such person is no longer a drug dependent person within the meaning of this act. The court before whom any person is convicted of a violation of this section shall cause a report of such conviction to be filed with the Director of Motor Vehicles.

C. 24:21-21 Prohibited acts C.; records and order forms of registered manufacturers and distributors; penalties.

21. Prohibited acts C.—Records and order forms of registered manufacturers and distributors—Penalties. a. It shall be unlawful for any person:

(1) Who is subject to the requirements of article 3 of this act to distribute or dispense a controlled dangerous substance in violation of section 14;

(2) Who is a registrant, to manufacture, distribute, or dispense a controlled dangerous substance not authorized by his registration;

(3) To omit, remove, alter, or obliterate a symbol, label or mark required by Federal or State law;

(4) To refuse or fail to make, keep or furnish any record, notification, order form, statement, invoice or information required under this act;

(5) To refuse, any entry into any premises or inspection authorized by this act; or,

(6) Knowingly to keep or maintain any store, shop, warehouse, dwelling house, building, vehicle, boat, aircraft, or any place whatever, which is resorted to by persons using controlled dangerous substances in violation of this act for the purpose of using such substances, or which is used for the keeping or selling of the same in violation of this act.

b. Any person who violates this section shall be subject to a fine of not more than $25,000.00; provided, that if the violation is prosecuted by an accusation or indictment which alleges that the violation was committed knowingly or intentionally, and the trier of fact specifically finds that the violation was committed knowingly or intentionally, such person is guilty of a high misdemeanor and shall be punished by imprisonment for not more than 3 years, or by a fine of not more than $25,000.00, or both.

C. 24:21-22 Prohibited acts D.; fraud or misrepresentation by registered manufacturers or distributors; penalties.

22. Prohibited acts D.—Fraud or misrepresentation by registered manufacturers or distributors—Penalties. a. It shall be unlawful for any person knowingly or intentionally:

(1) Who is a registrant to distribute a controlled dangerous substance classified in Schedule I or II, in the course of his legitimate business, except pursuant to an order form as required by section 14 of this act;

(2) To use in the course of the manufacture or distribution of a controlled dangerous substance a registration number which is fictitious, revoked, suspended or issued to another person;

(3) To acquire or obtain possession of a controlled dangerous substance by misrepresentation, fraud, forgery, deception or subterfuge;

(4) To furnish false or fraudulent material information in, or omit any material information from, any application, report, or other document required to be kept or filed under this act, or any record required to be kept by this act; or

(5) To make, distribute, or possess any punch, die, plate, stone, or other thing designed to print, imprint, or reproduce the trademark, trade name, or other identifying mark, imprint, or device of another or any likeness of any of the foregoing upon any drug or container or labeling thereof so as to render such drug a counterfeit controlled dangerous substance.

b. Any person who violates this section shall be punished by imprisonment for not more than 3 years, or by a fine of not more than $30,000.00, or both.

C. 24:21-23 General penalty.

23. General Penalty. Any person who violates any provision of this act for which no specific penalty is provided shall be guilty of a misdemeanor.

C. 24:21-24 Attempt, endeavor and conspiracy.

24. Attempt, Endeavor and Conspiracy. a. Any person who attempts, endeavors or conspires to commit any offense defined in this act is punishable by imprisonment or fine or both which may not exceed the maximum punishment prescribed for the offense, the commission of which was the object of the endeavor or conspiracy.

b. Information communicated to a practitioner in an effort unlawfully to obtain or procure the administration of a controlled dangerous substance shall not be a privileged communication.

C. 24:21-25 Additional penalties.

25. Additional penalties. Any penalty imposed for violation of this act shall be in addition to, and not in lieu of, any civil or administrative penalty or sanction authorized by law. In any case where a violation of this act is a violation of a Federal law or the law of another state, the conviction or acquittal under Federal law or the law of another state for the same act is a bar to prosecution in this State.

C. 24:21-26 Distribution to persons under age 18.

26. Distribution to persons under age 18. a. Any person who is at least 18 years of age who violates subsection 19 a. (1) by distributing a substance listed in Schedules I or II which is a narcotic drug to a person 17 years of age or younger who is at least 3 years his junior is punishable by a term of imprisonment of up to twice that authorized by subsection 19 b. (1), (2) or (3) or by the fine authorized by subsection 19 b. (1), or by both.

b. Any person who is at least 18 years of age who violates subsection 19 a. (1) by distributing any other controlled dangerous

substance listed in Schedules I, II, III or IV to a person 17 years of age or younger who is at least 3 years his junior is punishable by a term of imprisonment up to twice that authorized by subsections 19 b. (2) or (3), or by the fine authorized by subsections 19 b. (2) or (3), or both.

C. 24:21-27 Conditional discharge for certain first offenses; expunging of records.

27. Conditional discharge for certain first offenses; expunging of records. Whenever any person who has not previously been convicted of any offense under the provisions of this act or, subsequent to the effective date of this act, under any law of the United States, this State or of any other state, relating to narcotic drugs, marihuana, or stimulant, depressant, or hallucinogenic drugs, pleads guilty to or is found guilty of any offense under subsections 20 a. (2) and (3) and b., the court may, without entering a judgment of conviction and with the consent of such person, after proper reference to the Controlled Dangerous Substances Registry, as established and defined in the Controlled Dangerous Substances Registry Act, place such person on probation upon such reasonable terms and conditions as it may require, or as otherwise provided by law. Upon violation of a term or condition of probation, the court may enter an adjudication of guilt and proceed as otherwise provided. Upon fulfillment of the terms and conditions of probation, the court shall discharge such person and dismiss the proceedings against him. Discharge and dismissal under this section shall be without court adjudication of guilt and shall not be deemed a conviction for purposes of disqualifications or disabilities, if any, imposed by law upon conviction of a crime or disorderly person offense, but shall be reported by the clerk of the court pursuant to the Controlled Dangerous Substances Registry Act. Discharge and dismissal under this section may occur only once with respect to any person.

C. 24:21-28 Expunging of records of young offenders placed on probation.

28. Expunging of records of young offenders placed on probation. After a period of not less than 6 months, which shall begin to run immediately upon the expiration of a term of probation imposed upon any person under this act, such person, who at the time of the offense was 21 years of age or younger, may apply to the court for an order to expunge from all official records, except from those records maintained under the Controlled Dangerous Substances Registry, as established and defined in the Controlled Dangerous Substances Registry Act of 1970, all recordations of his arrest, trial

and conviction pursuant to this section. If the court determines, after a hearing and after reference to the Controlled Dangerous Substances Registry, that such person during the period of such probation and during the period of time prior to his application to the court under this section has not been guilty of any serious or repeated violation of the conditions of such probation, it shall enter such order. The effect of such order shall be to restore such person, in the contemplation of the law, to the status he occupied prior to such arrest and trial. No person as to whom such order has been entered shall be held thereafter under any provision of any law to be guilty of perjury or otherwise giving a false statement by reason of his failures to recite or acknowledge such arrest or trial in response to any inquiry made of him for any purpose.

C. 24:21-29 Second or subsequent offenses.

29. Second or subsequent offenses. a. Any person convicted of any offense under this act, if the offense is a second or subsequent offense, shall be punished by a term of imprisonment of up to twice that otherwise authorized, by up to twice the fine otherwise authorized, or by both; provided, however, that this section shall not apply to section 20 a. (2) and (3) and b. offenses.

b. For purposes of this section, an offense shall be considered a second or subsequent offense, if, prior to the commission of the offense, the offender has at any time been convicted of an offense or offenses under this act or under any law of the United States or of any state relating to narcotic drugs, marihuana, depressant, stimulant, or hallucinogenic drugs.

C. 24:21-30 Thefts of large quantities of controlled dangerous substances from legitimate registrants.

30. Thefts of large quantities of controlled dangerous substances from legitimate registrants. Notwithstanding any other provisions of this article 5, any person who by misrepresentation, fraud, forgery, deception, subterfuge, or by force of arms obtains a controlled dangerous substance or substances in excess of one kilogram from a legitimate registrant or from a common carrier legitimately transporting such substance or substances in the ordinary course of business is guilty of a high misdemeanor and shall be punished by imprisonment of not more than 12 years, or by a fine of not more than $25,000.00, or both.

ARTICLE 6. ENFORCEMENT AND ADMINISTRATIVE PROVISIONS

C. 24:21-31 Powers of enforcement personnel.

31. Powers of enforcement personnel. a. It is hereby made the duty of the State Department of Health, its officers, agents, inspectors and representatives, and of all peace officers within the State, and of the Attorney General and all county prosecutors, to enforce all provisions of this act, except those specifically delegated, and to cooperate with all agencies charged with the enforcement of the laws of the United States, of this State, and of all other states, relating to narcotic drugs or controlled dangerous substances, and it shall be the duty of the Board of Pharmacy in the Division of Professional Boards in the Department of Law and Public Safety, its officers, agents, inspectors and representatives also to assist the State Department of Health, peace officers and county prosecutors in the enforcement of all provisions of this act relating to the handling of controlled dangerous substances by pharmacy owners and pharmacists.

b. Authority is hereby granted to the Commissioner of Health:

(1) To promulgate all necessary rules and regulations for the efficient enforcement of this act;

(2) To promulgate, insofar as applicable, regulations from time to time promulgated by the Attorney General of the United States;

(3) To promulgate an order relative to any controlled dangerous substance under this act when the delay occasioned by acting through promulgation of a regulation would constitute an imminent danger to the public health or safety.

(a) An order of the commissioner shall take effect immediately, but it shall expire 120 days after promulgation thereof. Rules and regulations pursuant to such order may be adopted and promulgated by the commissioner but they shall not take effect until he has given due notice of his intention to take such action and has held a public hearing.

(b) Any person who denies that a drug or pharmaceutical preparation is properly subject to an order by the commissioner which applies the provisions of this act to such drug or pharmaceutical preparation, may apply to the commissioner for a hearing which must be afforded, except where a drug or pharmaceutical preparation has been the subject of a prior hearing or determination by the commissioner, in which case a hearing shall be discretionary with the commissioner. In such case a decision must be rendered by the commissioner or his designee within 48 hours of the request for a hearing. If the petitioning

party is aggrieved by the decision, he shall have the right to apply for injunctive relief against the order. Jurisdiction for such injunctive relief shall be in the Superior Court of New Jersey by way of summary proceedings.

c. In addition to the powers set forth in subsection a. of this section, any officer or employee of the State Department of Health designated by the commissioner may:

(1) Execute search warrants, arrest warrants, administrative inspection warrants, subpœnas, and summonses issued under the authority of this State;

(2) Make seizures of property pursuant to the provisions of this act; and

(3) Perform such other law enforcement duties as may be designated by the commissioner with the approval of the Attorney General.

C. 24:21-32 Administrative inspections and warrants.

32. Administrative inspections and warrants. a. Issuance and execution of administrative inspection warrants shall be as follows:

(1) Any judge of a court having jurisdiction in the municipality where the inspection or seizure is to be conducted, may, upon proper oath or affirmation showing probable cause, issue warrants for the purpose of conducting administrative inspections authorized by this act or regulations thereunder, and seizures of property appropriate to such inspections. For the purposes of this section, "probable cause" means a valid public interest in the effective enforcement of the act or regulations sufficient to justify administrative inspection of the area, premises, building or conveyance in the circumstances specified in the application for the warrant;

(2) A warrant shall issue only upon an affidavit of an officer or employee duly designated and having knowledge of the facts alleged, sworn to before the judge and establishing the grounds for issuing the warrant. If the judge is satisfied that grounds for the application exist or that there is probable cause to believe they exist, he shall issue a warrant identifying the area, premises, building, or conveyance to be inspected, the purpose of such inspection, and, where appropriate, the type of property to be inspected, if any. The warrant shall identify the item or types of property to be seized, if any. The warrant shall be directed to a person authorized by section 31 to execute it. The warrant shall state the grounds for its issuance and the name of the person or persons whose affidavit has been taken in support thereof. It shall command the person to whom it is directed to inspect the area, premises, building, or con-

veyance identified for the purpose specified, and where appropriate, shall direct the seizure of the property specified. The warrant shall direct that it be served during normal business hours. It shall designate the judge to whom it shall be returned;

(3) A warrant issued pursuant to this section must be executed and returned within 10 days of its date. If property is seized pursuant to a warrant, the person executing the warrant shall give to the person from whom or from whose premises the property was taken a copy of the warrant and a receipt for the property taken or shall leave the copy and receipt at the place from which the property was taken. The return of the warrant shall be made promptly and shall be accompanied by a written inventory of any property taken. The inventory shall be made in the presence of the person executing the warrant and of the person from whose possession or premises the property was taken, if they are present, or in the presence of at least one credible person other than the person executing the warrant. The clerk of the court, upon request, shall deliver a copy of the inventory to the person from whom or from whose premises the property was taken and to the applicant for the warrant; and

(4) The judge who has issued a warrant under this section shall attach to the warrant a copy of the return and all papers filed in connection therewith and shall cause them to be filed with the court which issued such warrant.

b. The commissioner is authorized to make administrative inspections of controlled premises in accordance with the following provisions:

(1) For the purposes of this article only, "controlled premises" means:

(a) Places where persons registered or exempted from registration requirements under this act are required to keep records, and

(b) Places including factories, warehouses, establishments, and conveyances where persons registered or exempted from registration requirements under this act are permitted to hold, manufacture, compound, process, sell, deliver, or otherwise dispose of any controlled dangerous substance.

(2) When so authorized by an administrative inspection warrant issued pursuant to subsection a.(1) of this section an officer or employee designated by the commissioner upon presenting the warrant and appropriate credentials to the owner, operator, or agent in charge, shall have the right to enter controlled premises for the purpose of conducting an administrative inspection.

(3) When so authorized by an administrative inspection warrant, an officer or employee designated by the commissioner shall have the right:

(a) To inspect and copy records required by this act to be kept;

(b) To inspect, within reasonable limits and in a reasonable manner, controlled premises and all pertinent equipment, finished and unfinished material, containers and labeling found therein, and, except as provided in subsection b. (5) of this section, all other things therein including records, files, papers, processes, controls, and facilities bearing on violation of this act; and

(c) To inventory any stock of any controlled dangerous substance therein and obtain samples of any such substance.

(4) This section shall not be construed to prevent entries and administrative inspections (including seizures of property) without a warrant:

(a) With the consent of the owner, operator or agent in charge of the controlled premises;

(b) In situations presenting imminent danger to health or safety;

(c) In situations involving inspection of conveyances where there is reasonable cause to believe that the mobility of the conveyance makes it impracticable to obtain a warrant;

(d) In any other exceptional or emergency circumstance where time or opportunity to apply for a warrant is lacking; and,

(e) In all other situations where a warrant is not constitutionally required.

(5) Except when the owner, operator, or agent in charge of the controlled premises so consents in writing, no inspection authorized by this section shall extend to:

(a) Financial data;
(b) Sales data other than shipment data;
(c) Pricing data;
(d) Personnel data; or
(e) Research data.

C. 24:21-33 Injunctions.

33. Injunctions. The Superior Court shall have jurisdiction in accordance with the rules of court to enjoin violations of this act.

C. 24:21-34 Cooperative arrangements.

34. Cooperative arrangements. a. The commissioner may cooperate with Federal and other State agencies in discharging his responsibilities concerning traffic in dangerous substances and in suppressing the abuse of dangerous substances. To this end, he is authorized to:

(1) Except as otherwise provided by law, arrange for the exchange of information between government officials concerning the use and abuse of dangerous substances; provided, however, that in no case shall any officer having knowledge by virtue of his office of any such prescription, order or record divulge such knowledge, except in connection with a prosecution or proceeding in court or before a licensing board or officer to which prosecution or proceeding the person to whom the records relate, is a party;

(2) Coordinate and cooperate in training programs on dangerous substances law enforcement at the local and State levels;

(3) Conduct programs of eradication aimed at destroying wild or illicit growth of plant species from which controlled dangerous substances may be extracted.

b. Results, information, and evidence received from the Bureau of Narcotics and Dangerous Drugs relating to the regulatory functions of this act, including results of inspections conducted by that agency, may be relied upon and acted upon by the commissioner in conformance with his regulatory functions under this act.

C. 24:21-35 Nuisances and forfeitures.

35. Nuisances and Forfeitures. a. The maintenance of any building, conveyance or premises whatever which is resorted to by persons for the unlawful manufacture, distribution, dispensing, administration or use of controlled dangerous substances shall constitute the keeping of a common nuisance.

b. The following shall be subject to forfeiture and no property right shall exist in them:

(1) All controlled dangerous substances which have been manufactured, distributed, dispensed or acquired in violation of the provisions of this act;

(2) All raw materials, products and equipment of any kind which are used, or intended for use, in manufacturing, compounding, processing, delivering, importing, or exporting any controlled dangerous substance in violation of the provisions of this act;

(3) All property which is used or intended for use, as a container for property described in subsections b. (1) and (2) above;

(4) All conveyances including aircraft, vehicles, or vessels, which are used or intended for use, to transport, or in any manner to facilitate the transportation, for the purpose of sale or receipt of property described in b. (1) or (2) above, except that:

(a) No conveyance used by any person as a common carrier in the transaction of business as a common carrier shall be forfeited under the provisions of this chapter unless it shall appear that the owner or other person in charge of such conveyance was a consenting party or privy to a violation of this act, and

(b) No conveyance shall be forfeited under the provisions of this section by reason of any act or omission, established by the owner thereof to have been committed or omitted without the knowledge or consent of such owner, and by any person other than such owner while such conveyance was unlawfully in the possession of a person other than the owner in violation of the criminal laws of the United States, or of any state, and

(5) All books, records, and research, including formulas, microfilm, tapes, and data which are used, or intended for use, in violation of this act.

c. Any property subject to forfeiture under this act may be seized by the State or any person charged with enforcement of this act, upon process issued by any court of competent jurisdiction over the property except that seizure without such process may be made when:

(1) It is not inconsistent with the Constitution of this State and the United States;

(2) The property subject to seizure has been the subject of a prior judgment in favor of the State in a criminal injunction or forfeiture proceeding under this act;

(3) The commissioner or any other person charged with enforcement of this act has probable cause to believe that the property is directly or indirectly dangerous to health or safety; or

(4) The commissioner or any other person charged with enforcement of this act has probable cause to believe that the property has been used or intended to be used in violation of this act.

In the event of seizure pursuant to paragraphs (3) and (4) of this subsection, proceedings under subsection d. of this section shall be instituted promptly.

d. Property taken or detained under this section shall not be repleviable, but shall be deemed to be in the custody of the State or political subdivision, acting as agent for the State, whichever

may have seized said property, and subject only to the orders and decrees of the court or the official having jurisdiction thereof. Whenever property is seized under the provisions of this act, the State may:

(1) Place the property under seal;

(2) Remove the property to a place designated by it; or

(3) Require that the political subdivision or State take custody of the property and remove it to an appropriate location for disposition in accordance with law.

e. Whenever any property, including motor vehicles and other conveyances, is forfeited under this act, it shall be forthwith deposited in the custody of the Director of the Division of Purchase and Property, State Department of the Treasury, whereupon disposition of such property shall be carried out in the following manner:

(1) Any State agency or bureau, or any county or municipality, having a demonstrated need for specific property or classes of property, subject to forfeiture under this act, shall make application for such property to the Director of the Division of Budget and Accounting, State Department of the Treasury, and shall clearly set forth in the application his or its need for the property and the use to which such property will be put; and

(2) The Director of the Division of Budget and Accounting shall review all applications for such property submitted pursuant to subsection e. (1) of this section, and shall make a determination based on necessity and advisability, as to final disposition, and shall so notify the applicant and the Director of Purchase and Property, subject to such rules and regulations as may be required.

(3) In the event no application or disposition is made under (1) or (2) above the Director of Purchase and Property shall dispose of such property in the manner authorized by law for disposal of surplus property.

f. All substances listed in Schedule I that are possessed, transferred, sold, or offered for sale in violation of the provisions of this act shall be deemed contraband and seized and summarily forfeited to the State of New Jersey. Similarly, all substances listed in Schedule I, the owners of which are unknown, shall be deemed contraband and summarily forfeited to the State of New Jersey.

(1) All species of plants from which controlled substances in Schedules I and II may be derived which have been planted or cultivated in violation of this act, or of which the owners or cultiva-

tors are unknown, or which are wild growths, may be seized and summarily forfeited to the State of New Jersey.

(2) The failure upon demand by the commissioner, or his duly authorized agent, of the person in occupancy or in control of land or premises upon which such species of plants are growing or being stored, to produce an appropriate registration, or proof that he is the holder thereof, shall constitute authority for the seizure and forfeiture.

g. Whenever any property is subject to forfeiture under this act, such forfeiture may be enforced by a civil action, commenced by the seizing authority in the name of the State of New Jersey and against the property sought to be forfeited.

(1) Complaint. The complaint shall be verified on oath or affirmation. It shall describe with reasonable particularity the property that is the subject matter of the action and the place of seizure and shall contain such allegations as may be required by this act.

(2) Process. Upon the filing of the complaint, the clerk shall forthwith issue a warrant for the seizure of the property that is the subject matter of the action and deliver it to the sheriff for service.

(3) Notice. The notice requirements of the Rules of Court for an in rem action shall be followed.

(4) Claim and answer. The claimant of property that is the subject of an action under this section shall file his claim within 10 days after the execution of process, or within such additional time as may be allowed by the court, and shall serve his answer within 20 days after the filing of the claim. The claim shall be verified on oath or affirmation, and shall state the interest in the property by virtue of which the claimant demands its restitution and the right to defend the action. If the claim is made on behalf of the person entitled to possession by an agent, bailee or attorney, it shall state that he is duly authorized to make the claim. At the time of answering the claimant shall also serve answers to any interrogatories served with the complaint.

C. 24:21-36 Reports of convictions of manufacturers and practitioners.

36. Reports of conviction of manufacturers and practitioners. Whenever a manufacturer or practitioner is convicted of violating any provision of this act or of a rule or regulation issued therunder, the court shall cause a copy of the judgment and sentence and opinion of the court, if any, to be sent to the State Department or professional board, as the case may be, by which the defendant was registered or licensed.

C. 24:21-37 Burden of proof; liabilities; immunity.

37. Burden of proof; liabilities; immunity. a. It shall not be necessary for the State to negate any exemption or exception set forth in this act in any complaint, information, indictment or other pleading or in any trial, hearing, or other proceeding under this act, and the burden of proof of any such exemption or exception shall be upon the person claiming its benefit.

b. In the absence of proof that a person is the duly authorized holder of an appropriate registration or order form issued under this act, he shall be presumed not to be the holder of such registration or form, and the burden of proof shall be upon him to rebut such presumption.

c. No liability shall be imposed by virtue of this act upon any duly authorized State officer, engaged in the enforcement of this act, who shall be engaged in the enforcement of any law or municipal ordinance relating to controlled dangerous substances.

C. 24:21-38 Judicial review.

38. Judicial review. All final determinations, findings and conclusions of the commissioner under this act shall be final and conclusive decisions of the matters involved, subject to the provisions for judicial review provided by the Rules of Court.

Article 7. Miscellaneous

C. 24:21-39 Reports by practitioners of drug dependent persons.

39. Reports by practitioners of drug dependent persons. Every practitioner, within 24 hours after determining that a person is a drug dependent person by reason of the use of a controlled dangerous substance for purposes other than the treatment of sickness or injury prescribed and administered as authorized by law, shall report such determination verbally or by mail to the Commissioner of the State Department of Health. Such a report by a physician shall be confidential and shall not be admissible in any criminal proceeding. The commissioner, in his discretion, may also treat any other reports submitted under this section as confidential if he determines that it is in the best interest of the drug dependent person and the public health and welfare. A practitioner who fails to make a report required by this section is a disorderly person.

C. 24:21-40 Pending proceedings.

40. Pending proceedings. a. Prosecutions for any violation of law occurring prior to the effective date of this act shall not be affected or abated by the repealers contained in section 47 of this act.

b. Civil seizures or forfeitures and injunctive proceedings commenced prior to the effective date of this act shall not be affected or abated by the repealers contained in section 47 of this act.

c. All administrative proceedings pending before any enforcing authority on the effective date of this act shall be continued and brought to final determination in accord with laws and regulations in effect prior to the effective date of this act. Such drugs placed under control prior to the effective date of this act which are not listed within Schedules I through IV shall automatically be controlled and listed in the appropriate schedule.

d. The provisions of this act shall be applicable to violations of law, seizures and forfeiture, injunctive proceedings, administrative proceedings and investigations which occur following its effective date.

C. 24:21-41 Continuation of regulations.

41. Continuation of regulations. Any orders, rules and regulations which have been promulgated under any law affected by this act and which are in effect on the day preceding the effective date of this act shall continue in effect until modified, superseded or repealed by the State Department of Health.

C. 24:21-42 Uniformity of interpretation.

42. Uniformity of interpretation. This act shall be so construed as to effectuate its general purpose to make uniform the law of those states which enact it.

C. 24:21-43 Severability of act.

43. Severability. If any clause, sentence, subdivision, paragraph, section or part of this act be adjudged to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, subdivision, paragraph, section or part thereof directly involved in the case in which said judgment shall have been rendered.

44. Section 1 of P. L. 1962, chapter 113 (C. 2A:170–77.8) is amended to read as follows:

C. 2A:170-77.8 Unlawful possession of prescription legend drugs.

1. Except as hereinafter provided, any person who uses or is under the influence of, or who possesses or has under his control, in any form, any prescription legend drug which is not a narcotic, depressant or stimulant drug or controlled dangerous substance within the meaning of existing law, unless obtained from, or on a

valid prescription of, a duly licensed physician, veterinarian or dentist, is a disorderly person.

In a prosecution under this act, it shall not be necessary for the State to prove that the accused did use or was under the influence of any specific drug or drugs, but it shall be sufficient for a conviction under this act for the State to prove that the accused did use or was under the influence of some drug or drugs as aforesaid by proving that the accused did manifest physical and physiological symptoms or reactions caused by the use of any such drug.

45. Section 2 of P. L. 1962, chapter 113 (C. 2A:170–77.9) is amended to read as follows:

C. 2A:170-77.9 Unlawful sale of prescription legend drugs.

2. Except as hereinafter provided, any person who sells, dispenses or gives away, in any form, any prescription legend drug which is not a narcotic, depressant or stimulant drug or controlled dangerous substance within the meaning of existing law, is a disorderly person.

C. 24:21-44 Study and review of certain penalties by Legislature.

46. Within 1 year after the date the Federal Commission on Marihuana and Drug Abuse submits its report to the President and the United States Congress, the Legislature shall conduct a comprehensive study and review of the penalties established in this act concerning offenses relating to the use and possession of marihuana.

C. 24:21-45 Repealer.

47. The following acts and parts of acts are repealed:

R. S. 24:18–1 to 24:18–7, 24:18–9 to 24:18–16, 24:18–18 to 24:18–28, 24:18–30 to 24:18–48 (constituting the remaining sections in chapter 18 of Title 24 of the Revised Statutes not previously repealed); P. L. 1953, chapter 190 (C. 24:18–24.1, 24:18–24.2); P. L. 1951, chapter 57 (C. 24:18–38.1 to 24:18–38.3); P. L. 1966, chapter 314, sections 1–3 (C. 24:6C–1 to 24:6C–3); N. J. S. 2A:170–8.

48. Effective date. This act shall take effect on the ninetieth day following the date of its enactment.

Approved October 19, 1970.

CHAPTER 227

AN ACT to establish a Controlled Dangerous Substances Registry in the State Department of Health, supplementing P. L. 1969, chapter 152 (C. 26:2G–1 et seq.), amending section 3 of P. L. 1952, chapter 9 and section 2 of P. L. 1967, chapter 298, and making an appropriation.

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

C. 26:2G-17 Short title.

1. This act shall be known and may be cited as the "Controlled Dangerous Substances Registry Act of 1970."

C. 26:2G-18 Registry established; Division's duties.

2. a. There is hereby established in the Division of Narcotic and Drug Abuse Control of the Department of Health a State-wide narcotics and drug abuse registry which may be referred to as the Controlled Dangerous Substances Registry.

b. In connection with said registry the division shall:

(1) Collect appropriate data from physicians, dentists, veterinarians and other persons authorized to administer, diagnose or professionally use narcotic, depressant, stimulant or hallucinogenic drugs, substances or compounds; from hospitals, clinics, dispensaries, treatment facilities and institutions which minister to, serve or treat persons having physical or psychological narcotic or drug abuse problems, or both; from all public officials, including educational personnel, having duties to perform with respect to the use or abuse of narcotic, depressant, stimulant or hallucinogenic drugs, substances or compounds or educational functions related thereto; and from such other persons or agencies as the division may require by order, rule or regulation as may be necessary for purposes of securing information vital to the establishment and maintenance of the registry;

(2) Undertake programs of study, research and analysis as to the dimensions and scope of the use or abuse of narcotic, depressant, stimulant or hallucinogenic drugs, substances or compounds in the State and of the effectiveness of various treatment concepts;

(3) Maintain centralized and computerized collections of all data relating thereto and undertake systematic and continuing study

and evaluation of programs relating to narcotics and drug abuse control;

(4) Compare results of various treatment concepts and modalities and submit periodic reports thereon to the Governor, the Legislature and the department;

(5) Undertake programs of multiple data analysis and submit and disseminate information and periodic reports in such appropriate form, and subject to the provisions of section 3 hereof regarding confidential information as to individual reports, as will tend to guide narcotics and drug treatment and control efforts of all branches of State and local government, and to educate the public as to problems of narcotics and drug abuse; and

(6) Cooperate to the extent permitted by law in the exchange of statistical information with all agencies charged with the enforcement of the laws of the United States, of this State, and of all other states, relating to narcotics, depressant, stimulant or hallucinogenic drugs, substances or compounds.

C. 26:2G-19 Use of registry; limitations.

3. a. Neither the Commissioner of the Department of Health nor any other officer or employee of the department, division or any bureau or agency thereof, may, except as provided in this act:

(1) Use the registry information furnished under the provisions of this act for any purpose other than the statistical purposes for which it is supplied; or

(2) Make any publication whereby registry data furnished under this act by any particular person or source can be identified or identifies a particular person who is the subject of a report; or

(3) Permit anyone, other than the officers and employees of the division or bureau or agency thereof, a judge of a court of competent jurisdiction in determining prior offenses or in connection with sentencing or with a proceeding authorized by law to expunge the record of a conviction; the Attorney General or a county prosecutor in connection with a determination as to instances of prior offenses; or the probation officers of the several counties, to examine or to obtain copies of the individual reports in the registry, except as provided in this act.

No department, division, bureau, agency, officer or employee of the State, except the commissioner and director in carrying out the purposes of this act, shall require from the division, for any reason, copies of registry reports which have been retained by any such person or source. Copies of registry reports which have been

so retained shall be immune from legal process, and, except as otherwise provided, shall not, without the consent of the person or source concerned, be admitted as evidence or used for any purpose in any action, suit, or other judicial or administrative proceeding.

C. 26:2G-20 Liability for damages.

4. No person may be held liable for damages or otherwise prejudiced in any manner by reason of furnishing information or data pertaining to narcotic, depressant, stimulant or hallucinogenic drugs, substances or compounds to the Division of Narcotic and Drug Abuse Control in connection with the registry established by this act.

5. There is hereby appropriated from the General Treasury to the Division of Narcotic and Drug Abuse Control the sum of $50,000.00 to carry out the purpose of this act for the fiscal year ending June 30, 1971.

6. Section 3 of P. L. 1952, chapter 92 (C. 53:1–18.3) is amended to read as follows:

C. 53:1-18.3 Reports on narcotic or dangerous drug cases.

3. It shall be the duty of the Superintendent of the State Police:

a. To compile and report annually to the Governor and to the Legislature the results of the reports of the arrests of all persons and the disposition of all cases involving offenses relating to narcotic or dangerous drugs, substances or compounds within the preceding year and to furnish quarterly reports of a like nature during the interim periods.

b. To provide on a continuing basis to the Division of Narcotic and Drug Abuse Control of the State Department of Health such information as the director thereof shall require from time to time on forms prescribed by the State Department of Health for use in connection with the registry established by this act.

7. Section 2 of P. L. 1967, chapter 298 (C. 53:1–18.5) is amended to read as follows:

C. 53:1-18.5 "Dangerous drugs" defined.

2. As used in the act of which this act is amendatory and supplementary "dangerous drugs, substances or compounds" means and includes any of the following in any form: any depressant, stimulant or hallucinogenic drug, substance or compound as defined pursuant to section 1 of chapter 314 of the laws of 1966 (C. 24:6C–1) or the New Jersey Controlled Dangerous Substances

Act or any prescription legend drug which is not a narcotic drug within the meaning of chapter 18 of Title 24 of the Revised Statutes or the New Jersey Controlled Dangerous Substances Act, unless obtained from, or on a valid prescription of, and used as prescribed by, a duly licensed physician, veterinarian or dentist.

8. This act shall take effect immediately.

Approved October 19, 1970.

CHAPTER 228

AN ACT making an appropriation to the Department of Education for the supervision of teacher training programs and instructional programs in connection with drug education programs and students in the elementary and secondary schools of this State, to provide for community educational programs concerning narcotics and dangerous drugs, and supplementing "An act making appropriations for the support of the State Government and the several public purposes for the fiscal year ending June 30, 1971, and regulating the disbursement thereof," approved June 15, 1970 (P. L. 1970, c. 96).

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

1. There is hereby appropriated from the General Treasury to the Department of Education the sum of $100,000.00 for the following purposes:

(a) For the supervision of teacher training projects and instructional programs in connection with drug education programs for the elementary and secondary schools of this State;

(b) For the implementation and supervision of community oriented programs of drug education for parents, and school and local governmental officials and employees; and

(c) For the acquisition, equipment and operation of one or more mobile classrooms to be utilized by the department for the purpose of providing programs of drug education.

2. This act shall take effect immediately.

Approved October 19, 1970.

CHAPTER 229

AN ACT making appropriations to the Department of Education for operational grants to school districts for the additional expenses incurred in the operation of drug education programs in secondary schools, and for the implementation of teacher training programs and the acquisition of audio-visual equipment in connection therewith, and supplementing "An act making appropriations for the support of the State Government and the several public purposes for the fiscal year ending June 30, 1971, and regulating the disbursement thereof," approved June 15, 1970 (P. L. 1970, c. 96).

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 EDUCATION

(a) For operational grants to school districts for the additional expenses incurred in the operation of drug education programs in secondary schools to be allocated to each participating district on the basis of the secondary school enrollment therein as of September 30, 1970, and the relative program needs of such district, according to such formula as the commissioner shall determine	$200,000 00
(b) For the implementation of teacher training programs pursuant to "An act providing for drug education programs for teachers and pupils as part of their curriculum in certain cases, and supplementing Title 18A of the New Jersey Statutes," approved June 3, 1970 (P. L. 1970, c. 85)	$25,000 00
(c) For the acquisition of audio-visual equipment, including tapes, films, books, printed matter or other multimedia materials and equipment by the Department of Education to be used for conducting programs of drug education, and for assisting and supervising school districts in such programs	$15,000 00
Total	$240,000 00

2. This act shall take effect immediately.

Approved October 19, 1970.

CHAPTER 230

AN ACT concerning the establishment and operation of vocational education pilot projects in New Jersey school districts 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:35-4.2 Vocational education projects.

1. That the Commissioner of Education and the State Board of Education shall have the authority and responsibility under this act to establish and operate a Career Development Program comprised of pilot vocational education projects.

2. There is hereby appropriated to the Department of Education pursuant to all the restrictions contained in the Annual Appropriations Act the sum of $318,000.00 to effectuate the purposes of this act.

3. This act shall take effect immediately.

Approved October 19, 1970.

CHAPTER 231

AN ACT to amend and supplement "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 2, 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 2 of chapter 49 of the laws of 1961 (C. 52:14–17.26) is amended to read as follows:

C. 52:14-17.26 Definitions.

2. As used in this act

(a) The term "State" means the State of New Jersey.

(b) The term "commission" means the State Health Benefits Commission, created by section 3 of this act.

(c) The term "employee" means an appointive or elective officer or full-time employee of the State of New Jersey. For the purposes of this act an employee of Rutgers, The State University of New Jersey, shall be deemed to be an employee of the State. For the purposes of this act the term "employee" shall not include persons employed on a short-term, seasonal, intermittent or emergency basis, persons compensated on a fee basis, persons having less than 2 months of continuous service or persons whose compensation from the State is limited to reimbursement of necessary expenses actually incurred in the discharge of their official duties. An employee paid on a 10-month basis, pursuant to an annual contract, will be deemed to have satisfied the 2-month waiting period if he begins employment at the beginning of the contract year. The term "employee" shall also not include persons, active or retired, who are otherwise eligible for benefits under this act but who, although they meet the age eligibility requirement of the Federal Medicare program, are not covered by the complete Federal program. A determination by the commission that a person is an eligible employee within the meaning of this act shall be final and shall be binding on all parties.

(d) The term "dependents" means an employee's spouse and the employee's unmarried children under the age of 23 years who live with the employee in a regular parent-child relationship. "Children" shall include stepchildren, legally adopted children and foster children provided they are reported for coverage and are wholly dependent upon the employee for support and maintenance. A spouse or child enlisting or inducted into military service shall not be considered a dependent during such military service. The term "dependents" shall not include spouses of persons, active or retired, who are otherwise eligible for the benefits under this act but who, although they meet the age eligibility requirement of the Federal Medicare program, are not covered by the complete Federal program.

(e) The term "carrier" means a voluntary association, corporation or other organization which is lawfully engaged in providing or paying for or reimbursing the cost of, personal health services, including hospitalization, medical and surgical services, under insurance policies or contracts, membership or subscription contracts, or the like, in consideration of premiums or other periodic charges payable to the carrier.

2. Section 3 of chapter 49 of the laws of 1961 (C. 52:14–17.27) is amended to read as follows:

C. 52:14-17.27 State Health Benefits Commission; establishment of program; rules and regulations; legal advisor.

3. There is hereby created a State Health Benefits Commission, consisting of the State Treasurer, the Commissioner of Insurance and the President of the Civil Service Commisison. The treasurer shall be chairman of the commission and the health benefits program authorized by this act shall be administered in the Treasury Department. The Director of the Division of Pensions shall be the secretary of the commission. The commission shall establish a health benefits program for the employees of the State, the cost of which shall be paid as specified in section 6 of this act. The commission shall establish rules and regulations as may be deemed reasonable and necessary for the administration of this act.

The Attorney General shall be the legal advisor of the commission.

3. Section 5 of chapter 49 of the laws of 1961 (C. 52:14–17.29) is amended to read as follows:

C. 52:14-17.29 Coverages.

5. (A) The contract or contracts purchased by the commission pursuant to section 4 shall provide 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. Such basic benefits shall 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 extended 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 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 $25,000.00 shall be paid for major medical expense benefits with respect to any one person for any one calendar year and not more than $100,000.00 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 these maximums may be reapplied to a covered person in amounts not to exceed $2,000.00 a year. Maximums of $10,000.00 per calendar year and $20,000.00 for the entire period of the person's coverage under the plan shall apply to eligible expenses incurred because of mental illness or functional nervous disorders, and such may be reapplied to a covered person. For retired employees, the maximum lifetime benefit for each person shall be the unused balance of the lifetime maximum remaining while in active service or $20,000.00, whichever is less, with a minimum benefit of $5,000.00. 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.

Any service determined by regulation of the commission to be an "eligible medical service" under the major medical expense bene-

fits 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 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.

4. Section 6 of chapter 49 of the laws of 1961 (C. 52:14–17.30) is amended to read as follows:

C. 52:14-17.30 Paymend of premium; dependents' coverage; health benefits fund.

6. (A) For each active covered State employee the State, from funds appropriated therefor, shall pay the premium or periodic charges for the benefits provided under the contract in amounts equal to the premium or periodic charges for the benefits provided under such a contract covering the employee alone and shall reimburse the active employee for his premium charges under Part B of the Federal Medicare program covering the employee and the employee's spouse.

(B) An employee may, on an optional basis, enroll his dependents for coverage under the contract subject to such regulations and conditions as the commission and the carrier may prescribe. The amount of the total premium or periodic charge for such contract in excess of the amount paid by the State under subsection (A) of this section shall be the sole responsibility of the employee who, at the time of such enrollment, shall authorize the State to withhold the amount of such excess, on an advance basis, from his wages or salary. There is hereby created a health benefits fund consisting of all such withholdings from wages or salaries of employees. All such withholdings shall be remitted to such fund. Said fund shall be used to pay the portions of the premiums or periodic charges for which the employee is responsible under this act. Whenever any dividend or retrospective rate credit is declared or allowed by a carrier under a contract, the commission shall determine, in an equitable manner, the amount thereof attributable to the dependents' coverage and shall credit said fund with such amount.

5. Section 7 of chapter 49 of the laws of 1961 (C. 52:14–17.31) is amended to read as follows:

C. 52:14-17.31 Effective date of coverage; rules and regulations; furnishing of information to Division of Pensions.

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 Division of Pensions, 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 division written notice of that fact in such form as the division 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.

6. Section 7 of chapter 125 of the laws of 1964 (C. 52:14–17.38) is amended to read as follows:

C. 52:14-17.38 Certification of premium rates and charges to participating employers; remission of contributions; reimbursement for premium charges under Medicare.

7. The Division of Pensions shall certify to the certifying agent of each employer electing participation under the program the premium rates and periodic charges applicable to the coverage provided for employees and dependents. The participating employer shall remit to the division all contributions to premiums and periodic charges in advance of their due dates, subject to the rules and regulations of the commission.

The employer shall reimburse the active employee for his premium charges under Part B of the Federal Medicare program covering the employee and the employee's spouse.

7. Section 12 of chapter 125 of the laws of 1964 (C. 52:14–17.43) is amended to read as follows:

C. 52:14-17.43 Duties of certifying agent of participating employer.

12. The certifying agent of each participating employer shall submit to the Division of Pensions such information and shall cause to be performed in respect to each of the employees of such employer such duties as would be performed by the State in connection with the program. The division shall have the power and authority to make such verification of the employment and other records of any participating employer as the division may deem necessary in connection with the program.

C. 52:14-17.32b Cessation of active full-time employment.

8. The cessation of active full-time employment shall be deemed to occur on the last day of the coverage period for which premiums have been paid and such premiums will be required if the employee receives payment for any service rendered in the coverage period.

C. 52:14-17.32c Coverage of certain employees paid on 10-month basis.

9. For purposes of State and local employer coverage, an employee paid on a 10-month basis, pursuant to an annual contract, and who terminates his service with the employer at the end of the contract year, having served during all of the months of the year as prescribed by his contract, shall be entitled to coverage comparable to that of an employee paid on a 12-month basis. Coverage for these employees and their dependents will continue during the 2 months of the year in which they are not paid provided that proper payment is made for dependent coverage as may be required by the State or participating employer.

10. This act shall take effect immediately.

Approved October 22, 1970.

CHAPTER 232

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 P. L. 1964, c. 125, and supplementing "An act making appropriations for the support of the State Government and the several public purposes for the fiscal year ending June 30, 1971, and regulating the disbursement thereof," approved June 15, 1970 (P. L. 1970, c. 96).

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

1. Section 6 of P. L. 1961, c. 49 (C. 52:14–17.30) is amended to read as follows:

C. 52:14-17.30 Payment of premium; dependents' coverage; health benefits fund.

6. (A) For each active covered State employee the State, from funds appropriated therefor, shall pay the premium or periodic charges for the benefits provided under the contract in amounts equal to the premium or periodic charges for the benefits provided

under such a contract covering the employee alone plus the amounts equal to any increase in the premiums or periodic charges for dependent coverage effective on or after August 1, 1970 and shall reimburse the active employee for his premium charges under Part B of the Federal Medicare program covering the employee and the employee's spouse.

(B) An employee may, on an optional basis, enroll his dependents for coverage under the contract subject to such regulations and conditions as the commission and the carrier may prescribe. The amount of the total premium or periodic charge for such contract in excess of the amount paid by the State under subsection (A) of this section shall be the sole responsibility of the employee who, at the time of such enrollment, shall authorize the State to withhold the amount of such excess, on an advance basis, from his wages or salary. There is hereby created a health benefits fund consisting of all such withholdings from wages or salaries of employees. All such withholdings shall be remitted to such fund. Said fund shall be used to pay the portions of the premiums or periodic charges for which the employee is responsible under this act. Whenever any dividend or retrospective rate credit is declared or allowed by a carrier under a contract, the commission shall determine, in an equitable manner, the amount thereof attributable to the dependents coverage and shall credit said fund with such amount.

2. There is appropriated for the purposes of this act to June 30, 1971 the sum of $1,300,000.00 or so much thereof as may be necessary.

3. This act shall take effect immediately and become operative with respect to an employee at the beginning of his second biweekly pay period or the calendar month occurring next thereafter in the case of an employee reported on a monthly basis, as the case may be.

Approved October 22, 1970.

CHAPTER 233

AN ACT establishing a Permanent Commission on State School Support and making an appropriation therefor.

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

C. 52:9N-1 Legislature's findings.

1. The Legislature finds (a) that the State Aid to School Districts Study Commission in its final report of December 19, 1968, to the Governor and Legislature, entitled "A Commitment to New Jersey's Children—A State School Support Program for New Jersey," recommending a new revised formula for the distribution of State aid moneys among the several school districts also recommended the establishment of a permanent legislative commission (1) to conduct a continuing study of the operation of said new formula for the purpose of recommending from time to time such changes as may be necessary and desirable to meet changing conditions, including but not limited to a study of financial aid to pupils attending nonpublic schools; (2) to study immediately and make recommendations regarding the practicability and desirability of changes in the amount and types of State aid for pupils attending both public and nonpublic schools, for purposes of pupil transportation, special education, school building construction, pre-kindergarten education, and summer school programs; and (3) in cooperation with the Commission on State Tax Policy, to study the use of income as a basis for measuring the ability of school districts in the allocation of State support and the impact of heavy municipal and county nonschool expenditures on the local school tax base; (b) and that the adoption of said new revised formula in the "State School Incentive-Equalization Aid Law" should be accompanied by the establishment of such a Permanent Commission on State School Support to implement fully the recommendations of said commission.

C. 52:9N-2 Commission created; membership, terms, vacancies.

2. There is hereby created a commission to be known as the "Permanent Commission on State School Support." The commission shall consist of 12 members, 4 to be appointed by the President of the Senate, at least 2 of whom shall be members of the Senate, 4 to be appointed by the Speaker of the General Assembly, at least 2 of whom shall be members of the General

Assembly and 4 to be appointed by the Governor from among the citizens of the State. No more than 2 of each group of 4 shall be of the same political party. Each member shall serve for a term of 2 years from the date of his appointment and until his successor is appointed and qualified. Vacancies resulting from causes other than by expiration of term shall be filled for the unexpired term only and shall be filled in the same manner as the original appointments were made.

C. 52:9N-3 Compensation.

3. All 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. 52:9N-4 Officers.

4. The commission shall select from among its members a chairman and a vice-chairman and also shall select a secretary who need not be a member of the commission.

C. 52:9N-5 Duties and powers.

5. The commission is authorized, empowered and directed (a) to conduct a continuous study of the operation of the "State School Incentive-Equalization Aid Law" and to recommend from time to time such changes in said law as it deems practicable and desirable for the maintenance and support of a thorough and efficient system of free public schools; (b) to conduct an immediate study of the practicability and desirability of changes in the amount and types of State aid for the purposes of pupil transportation, special education, school building construction, pre-kindergarten education and summer school programs; and (c) in cooperation with the Commission on State Tax Policy to study the use of income as a basis for measuring the ability of school districts in the allocation of State support and the impact of heavy municipal and county and other nonschool expenditures on the local school tax base.

C. 52:9N-6 Annual report.

6. The commission shall report its findings and recommendations to the Governor and the Legislature annually on the second Tuesday in January and at such other times as it deems necessary or desirable.

C. 52:9N-7 Hearings; attendance of witnesses; production of records; services of governmental agencies; employment of personnel.

7. The commission may hold hearings in any part of the State and by its subpœna may compel the attendance of witnesses and the production of books, papers and records. It shall be entitled

to the assistance and services of any State, county, municipal and school district employees as may be required, particularly the personnel of the Department of Education, and the commission may employ such competent counsel, expert advisors on the subject of school financing and taxation, and such other assistants as may be required for the proper accomplishment of the purposes of this act; provided, that the compensation to be paid to such counsel, advisors and assistants shall be within the limits of the appropriation made therefor.

8. There is appropriated for the purposes of this act the sum of $25,000.00.

9. This act shall take effect immediately.

Approved October 26, 1970.

CHAPTER 234

AN ACT concerning State aid to education, supplementing article 1 of chapter 58 of Title 18A of the New Jersey Statutes, amending sections 18A:58–1, 18A:58–2, 18A:58–3, 18A:58–4, 18A:58–5, 18A:58–5.2, 18A:58–8, 18A:58–10, 18A:58–21, 18A:58–23, 18A:58–24 and 18A:48–1 of the New Jersey Statutes, and repealing sections 18A:58–6.1 and 18A:58–12 of the New Jersey Statutes, and section 1 of P. L. 1968, chapter 301 (C. 18A:58–6.2).

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

1. N. J. S. 18A:58–1 is amended to read as follows:

Short title.

18A:58–1. This article shall be known as the "State School Incentive Equalization Aid Law."

2. N. J. S. 18A:58–2 is amended to read as follows:

Definitions.

18A:58–2. For the purposes of this article, unless the context clearly requires a different meaning:

"Resident enrollment" shall mean the number of full-time pupils who are residents of the district and are enrolled in day schools on the last school day of September or on the last school

day of May during the school year in which calculation of aid is made and are attending the public schools of the district or a school district or State college demonstration school to which the district of residence pays tuition; provided, that no district shall count in its enrollment any pupil regularly attending on a full-time basis a county vocational school in the same county.

"Weighted pupils" shall mean the number of resident pupils multiplied by the following units:

Kindergarten pupils	.75	units
Elementary pupils (grade 1 through grade 6)	1.0	units
Seventh and eighth-grade pupils not in approved middle schools or junior high schools approved by the Commissioner of Education	1.15	units
Pupils in approved middle schools and in approved junior high schools	1.25	units
Five and 6-year high school pupils (equated to full-time)	1.275	units
Senior and 4-year high school pupils (equated to full-time)	1.3	units
Vocational school pupils in vocational schools or classes (equated to full-time)	2.0	units
Evening school pupils (equated to full-time)	1.0	units
Accredited evening high school pupils and pupils in post-graduate high school classes (equated to full-time)	1.3	units

"AFDC children" shall mean the children aged 5 to 17 inclusive, in families residing in the school district and receiving aid through payments under a program of aid to families with dependent children certified to the commissioner by the Department of Institutions and Agencies. Each such child shall be weighted by an additional .75 units in counting the number of weighted children for the school district. With respect to regional school districts and their component districts, AFDC children shall be allocated among the regional district and its component districts in proportion to the number of resident pupils in each of them as determined from the enrollment on the last school day of September.

"Classification of school districts" shall mean the classification of school districts to be established pursuant to N. J. S. 18A:58–3 in one of the following categories:

a. Nonoperating district, being one which operates no schools of its own;

b. Basic district, being one in which one or more schools are operated and which meets all basic requirements of school law;

c. Limited district, being a basic district which meets such other criteria as shall be prescribed by law;

d. Intermediate district, being a district which meets all requirements of a limited district and which meets such other additional criteria as shall be prescribed by law;

e. Precomprehensive district, being a district which meets all requirements of an intermediate district and which meets such other additional criteria as shall be prescribed by law; or

f. Comprehensive district, being a district which meets all requirements of a precomprehensive district and which operates educational programs characterized by their diversity and high quality as prescribed for such classification by law.

"Equalized valuations" shall mean the equalized valuation of the taxing district or taxing districts as certified by the Director of the Division of Taxation on October 1 for the year in which the calculation of aid is made. In the event that the equalized table certified by the Director of the Division of Taxation shall be revised by the Division of Tax Appeals on or before January 15 of the next succeeding year, such revised valuation shall be used in any recomputation of aid.

"State average valuation per weighted resident pupil" shall mean the quotient resulting from dividing the total equalized valuations in the State of New Jersey as certified by the Director of the Division of Taxation on October 1 by the total number of weighted pupils of the State enrolled on the last school day of September.

"Minimum support aid" shall mean the product of the number of resident weighted pupils of the school district and one of the following rates:

Not less than $100.00 in a nonoperating district,
Not less than $110.00 in a basic district,
Not less than $122.50 in a limited district,
Not less than $135.00 in an intermediate district,
Not less than $147.50 in a precomprehensive district, or
Not less than $160.00 in a comprehensive district.

"School district guaranteed valuation" shall mean the product of the number of resident weighted pupils of the school district and one of the following rates:

Not less than $30,000.00 in a basic district,
Not less than $33,750.00 in a limited district,

Not less than $37,500.00 in an intermediate district,
Not less than $41,250.00 in a precomprehensive district, or
Not less than $45,000.00 in a comprehensive district.

"Current expense budget cost" shall mean the total appropriation for current expenses 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.

"Net operating budget" shall mean the balance after deducting all estimated revenue from the current expense budget, except the amount to be raised by local taxation and incentive equalization aid apportioned.

"Approved special class" shall mean a class for physically handicapped or mentally retarded children, and all other classes for atypical pupils approved by the commissioner.

"Atypical pupils" shall mean pupils who are physically handicapped or mentally retarded and who are not accommodated through the school facilities usually provided for normal pupils.

"Evening school pupils" shall mean pupils enrolled in evening schools, except in classes for foreign-born residents, or in vocational schools, or in accredited evening high schools, or in schools known as adult schools.

"Accredited evening high school pupils" shall mean pupils enrolled in an approved evening high school.

"Vocational school pupils" shall mean pupils enrolled in courses of study for vocational education approved by the State board. No district shall count in its enrollment any pupil regularly attending on a full-time basis a county vocational school in the same county regardless of whether or not tuition is paid for such pupil, but such pupil shall be weighted and counted in the determination of State aid in the county vocational school operating a full-time program.

"Aid per resident weighted pupil" shall mean the quotient resulting from dividing the sum of the minimum support aid and the incentive equalization aid allocated to the school district by the number of weighted pupils on the last school day of September.

"Day school cost per pupil" shall mean the mean annual current operating cost of educating pupils, as determined by the commissioner with the approval of the board.

"Aid per resident pupil" shall mean the quotient resulting from dividing the sum of the minimum support aid and the incentive equalization aid allocated to the district by the number of resident pupils enrolled on the last school day of September.

"State aid" shall mean the sum of minimum support aid, incentive equalization aid, transportation reimbursement, atypical pupil reimbursement, county aid and county vocational school aid, as determined pursuant to this article.

3. N. J. S. 18A:58–3 is amended to read as follows:

Classification of school districts.

18A:58–3. For the purpose of computing State aid, the commissioner, with the approval of the State board, taking into consideration the quality of the educational program of the districts, shall formulate recommended criteria and standards to be used in judging what shall constitute a nonoperating district, a basic district, a limited district, an intermediate district, a precomprehensive district and a comprehensive district. Such recommended criteria and standards shall be reported to the Permanent Commission on State School Support which shall review the same and submit such criteria and standards as it shall approve to the Legislature for enactment by law. Criteria and standards enacted by law shall be subject to annual review by the commissioner, the State board and the Permanent Commission on State School Support which shall from time to time recommend to the Legislature such changes therein as it shall deem appropriate. On or before July 31, 1971 and in each year thereafter the secretary of the board of each district, other than a nonoperating district with the approval of the superintendent of schools, or if there be no superintendent of schools with the approval of the county superintendent of schools, shall file a report with the commissioner on forms provided by him requesting classification as a basic district, or as a limited district, or as an intermediate district, or as a precomprehensive district or as a comprehensive district. Any school board in requesting classification for the school year 1972-73 and thereafter shall develop and present in its report an educational plan based upon a complete assessment of the educational needs of the community it serves and a course of action for their fulfillment in addition to meeting criteria and standards prescribed by law. All reports, with supporting evidence, shall describe the program of the district which will be in effect during the school year for which the classification and calculation of State aid will be made and shall contain a written statement of the board's

philosophy and objectives of education as well as the board's proposed program of evaluation. The commissioner shall review the reports with the supporting evidence and supervisory recommendations and recommend to the State board the classification of the school district as a basic district, or as a limited district, or as an intermediate district, or as a precomprehensive district or as a comprehensive district, and the State board shall classify said district and shall so notify the secretary of the board of education on or before October 1 of the year of filing. Any request for review of such classification by the State board and for a hearing thereon, if requested, shall be filed with the commissioner within 10 days after the receipt of the notice of classification.

4. N. J. S. 18A:58–4 is amended to read as follows:

Annual reports of enrollment and budget.

18A:58–4. Annually, on or before October 15, the secretary of the board of education, with the approval of the superintendent of schools, or if there be no superintendent of schools with the approval of the county superintendent of schools, shall file with the commissioner a report stating the number of pupils enrolled by grade on the last school day of September and the estimated budget for the ensuing school year. On or before June 15, a similar report stating the number of pupils enrolled by grade on the last school day of May shall be filed. Such reports shall be certified under the penalties of perjury as true to the best of the knowledge and belief of the persons making them.

5. N. J. S. 18A:58–5 is amended to read as follows:

Minimum support aid; incentive equalization aid.

18A:58–5. a. Minimum support aid shall be paid annually to each school district.

b. Incentive equalization aid shall be paid annually in accordance with the following calculations:

(1) A guaranteed valuation for each school district shall be determined and compared with the equalized valuations of the district. If the guaranteed valuations are less than the equalized valuations for the district, no incentive equalization aid shall be paid.

(2) If the guaranteed valuations are greater than the equalized valuations of the district, incentive equalization aid shall be determined as follows: (a) Divide the amount of the net operating budget by the guaranteed valuations to establish a rate to be applicable to local tax requirements and incentive equalization aid.

(b) Multiply said rate by the equalized valuations of the district to obtain the local tax requirement. (c) Multiply said rate by the excess of the guaranteed valuations over the equalized valuations to obtain the incentive equalization aid.

If such incentive equalization aid plus the minimum support shall be greater than the local tax requirement, the commissioner shall review each item of appropriation within the budget of the district.

6. N. J. S. 18A:58–5.2 is amended to read as follows:

Amount of additional aid payable.

18A:58–5.2. For each such pupil residing on property owned by the State the amount of such special additional State aid so payable to the district shall be the difference between the cost per pupil for current expenses excluding transportation, and the aid per resident pupil to which the district is entitled.

7. N. J. S. 18A:58–8 is amended to read as follows:

County vocational schools.

18A:58–8. Each county vocational school board operating a full-time day school program shall be paid the higher of either the sum of $320.00 per pupil or two times the average per resident pupil aid payable to the districts within the county. For pupils attending a day school program in a county vocational school on a part-time basis, the county vocational school board shall be paid a proportionate amount of the aid provided in this section. The commissioner, with the approval of the State board, shall promulgate rules for the counting of pupils in resident enrollment on a full-time day school basis in the county vocational schools.

8. N. J. S. 18A:58–10 is amended to read as follows:

Recalculation of State aid.

18A:58–10. Whenever the local current expenses tax appropriation in any district is reduced by the board of education, the board of school estimate, the governing body of the municipality, or the commissioner to an amount less than local tax requirement determined by the commissioner in the computation of the incentive equalization aid, the commisisoner shall recalculate the State aid applicable to the district.

C. 18A:58-6.3 Recomputation of State aid under certain circumstances; formula.

9. On or before June 30 of each year, the commissioner shall recompute the aid in any district in which the enrollment on the

last school day of May exceeds the enrollment on the last school day of September of the current school year. The district shall be entitled to additional aid determined by multiplying the increased enrollment by the same aid per resident weighted pupil as previously calculated on the basis of enrollment of the last school day of September. Such additional aid shall be paid in the second succeeding school year following the school year in which the calculation is made.

In computing State aid for the second fiscal year following the first payment of aid under this article and each year thereafter, the commissioner shall annually increase or decrease both the school district guaranteed valuation and the minimum support aid for a basic district, a limited district, an intermediate district, a pre-comprehensive district and a comprehensive district. This shall be done by increasing or decreasing the school district guaranteed valuation by the percent of change in State average valuation per weighted resident pupil in each year of calculation over that of the base year which shall be the fiscal year following the first payment of aid under this article and the minimum support aid by the percent of change in the day school cost per pupil of the year prior to the year of calculation of aid under this article over that of the base year which shall be the fiscal year in which the first payment of aid is made under this article.

10. N. J. S. 18A:58–21 is amended to read as follows:

Definitions.

18A:58–21. For the purposes of this article, unless the context clearly requires a different meaning:

"Resident enrollment" shall mean the number of full-time pupils who are residents of the district and 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 schools of the district or a school district or State college demonstration school to which the district of residence pays tuition; provided that no district shall count in its enrollment any pupil regularly attending on a full-time basis a county vocational school in the same county.

"Weighted pupils" shall mean the number of resident pupils multiplied by the following units:

Kindergarten pupils	.75	units
Elementary pupils (grade 1 through grade 6)	1.0	units

Seventh and eighth grade pupils not in approved middle schools or junior high schools approved by the Commissioner of Education	1.15	units
Pupils in approved middle schools and in approved junior high schools	1.25	units
Five and 6-year high school pupils	1.275	units
Senior and 4-year high school pupils	1.3	units
Vocational school pupils in vocational schools or classes (equated to full-time)	2.0	units
Evening school pupils (equated to full-time)	1.0	units
Accredited evening high school pupils and pupils in post graduate high school classes (equated to full-time)	1.3	units

"AFDC children" shall mean the children aged 5 to 17, inclusive, in families residing in the school district and receiving aid through payments under a program of aid to families with dependent children certified to the commissioner by the Department of Institutions and Agencies. Each such child shall be weighted by an additional .75 units in counting the number of weighted children for the school district. With respect to regional school districts and their component districts, AFDC children shall be allocated among the regional district and its component districts in proportion to the number of resident pupils in each of them as determined from the enrollment on the last school day of September.

"Building aid allowance" shall mean a school district's annual building aid allowance as computed and determined pursuant to this article.

"Capital foundation program" shall mean the amount annually determined pursuant to section 18A:58–23.

"Capital reserve fund" shall mean a fund by that designation established by the State Treasurer for each school district which elects to appropriate moneys into such fund pursuant to this article. The State Treasurer shall not be required to segregate the fund for each such school district; provided, however, that each district's share shall be shown separately in the records of the State Treasurer.

11. N. J. S. 18A:58–23 is amended to read as follows:

Capital foundation program.

18A:58–23. The capital foundation program shall be computed annually for each school district as the sum of the amount ap-

propriated by or for the school district in each school budget or in a municipal budget for purposes of (1) debt service, (2) capital outlay and (3) net addition to its capital reserve fund, but not exceeding $45.00 per weighted pupil in resident enrollment.

12. N. J. S. 18A:58–24 is amended to read as follows:

Local share.

18A:58–24. a. There shall be deducted from the amount of the capital foundation program of each district a local share equal to $0.075 per $100.00 (¾ mill per $1.00) upon the equalized full valuation of the taxing district or districts within the school district, as certified by the Director of the State Division of Taxation to the commissioner, pursuant to law, for the year in which the calculation is required to be made. The remainder shall constitute the district's building aid allowance.

b. With respect to regional school districts and their component districts, however, the equalized valuations as certified by the Director of Taxation as described above shall be allocated among the regional district and its component districts in proportion to the number of pupils in each of them as determined for the foundation program.

13. N. J. S. 18A:48–1 is amended to read as follows:

Public evening schools; establishment; number and duration of sessions.

18A:48–1. The board of education of any school district may establish and maintain public evening schools for the instruction of persons over 12 years of age who are residents of the district. Unless such evening schools are maintained for at least 64 evening sessions of at least 2 hours each in each year and at least 3 evening sessions each week, the amount of State school aid payable to such district for the ensuing year shall be determined without including therein any sum for evening school pupils of the district.

Repealer.

14. N. J. S. 18A:58–6.1 and 18A:58–12, and section 1 of P. L. 1968, chapter 301 (C. 18A:58–6.2) are hereby repealed.

C. 18A:58-18.1 Apportionment of State aid under certain circumstances.

15. There is hereby appropriated for the purposes of this chapter such sums as may be included in any annual or supplemental appropriation act. In the event that the sums appropriated

in any fiscal year are insufficient to carry out in full the provisions of articles 1 and 2 of chapter 58 of Title 18A of the New Jersey Statutes as amended and supplemented by this act with respect to minimum support aid, incentive equalization aid and county vocational school aid, the commissioner, with the approval of the State board, shall apportion said sums among the school districts in proportion to the State aid each district would be allocated if the full amount were appropriated; provided, however, that no school district shall be apportioned for minimum support aid, incentive equalization aid and county vocational school aid an amount less than the per pupil aid, excluding transportation aid and atypical aid, it received for the State fiscal year 1970-71; provided, further, that for the 1971-72 fiscal year, aid shall be calculated for each school district on the basis of the amount of aid which would have been received during the 1971-72 school year based on the formula in effect on January 1, 1970, plus 20% of the difference between that aid and the amount required to carry out in full the provisions of articles 1 and 2 of chapter 58 of Title 18A of the New Jersey Statutes as amended and supplemented by this act.

16. Notwithstanding the classification of school districts defined in N. J. S. 18A:58–2, for the school year 1971-72 all districts other than nonoperating districts shall be designated as basic districts for the purpose of calculating minimum support aid and incentive equalization aid.

17. This act shall take effect July 1, 1971.

Approved October 26, 1970.

CHAPTER 235

AN ACT authorizing the Commissioner of Education to enter into contracts for the purchase of secular educational services from nonpublic schools in this State and making an appropriation therefor.

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

C. 18A:58-38 Short title.

1. This act shall be known and may be cited as the "Nonpublic Elementary and Secondary Education Act."

C. 18A:58-39 Legislature's findings.

2. It is hereby determined and declared as a matter of legislative finding—

a. That a crisis in elementary and secondary education exists in the Nation and in the State involving (1) the new recognition of our intellectual and cultural resources as prime national assets and of the national imperative now to spur the maximum educational development of every young American's capacity; (2) rapidly increasing costs occasioned by the rise in school population, consequent demands for more teachers and facilities, new but costly demands, in the endeavor for excellence, upon education generally; the general impact of inflation upon the economy; and the struggle of the State, commonly with many other states, to find sources by which to finance education, while also attempting to bear the mounting financial burden of the many other areas of modern state governmental responsibility;

b. That nonpublic education in the State today, as during the recent past decades, bears the burden of educating more than 20% of all elementary and secondary school pupils in New Jersey; that the requirements of the compulsory school attendance laws of the State are fulfilled through nonpublic education;

c. That the elementary and secondary education of children is today recognized as a public welfare purpose; that nonpublic education, through providing instruction in secular subjects, makes an important contribution to the achieving of such public welfare purpose; that the governmental duty to support the achieving of public welfare purposes in education may be in part fulfilled through government's support of those purely secular educational objectives achieved through nonpublic education;

d. That freedom to choose nonpublic education, meeting reasonable state standards, for a child is a fundamental parental liberty and a basic right;

e. That the State has the right and freedom, in the fulfillment of its duties, to enter into contracts for the purchase of needed services with persons or institutions whether public or nonpublic, sectarian or nonsectarian;

f. That, should a majority of parents of the present nonpublic school population desire to remove their children to the public schools of the State, an intolerable added financial burden to the public would result, as well as the long term impairment of education in New Jersey; that such hazard to the education of children may be substantially reduced and all education in the State im-

proved through the purchase herein provided of secular educational services from New Jersey nonpublic schools.

C. 18A:58-40 Definitions.

3. As used in this act:

"Board" means the State Board of Education.

"Commissioner" means the State Commissioner of Education.

"Nonpublic school" means an elementary or secondary school within the State, other than a public school, offering education for grades kindergarten through 12, or any combination of them, wherein any child may legally fulfill compulsory school attendance requirements.

"Approved nonpublic school" means a nonpublic school approved by the commissioner in accordance with the provisions of this act and eligible for reimbursement under this act.

"Student" means any child who is a permanent resident of the State and who is enrolled as a full-time pupil in an approved nonpublic school in grades kindergarten through 12. A child who boards at a school but has no other residence in the State shall not be deemed to be a permanent resident of the State within the meaning of this act.

"Secular educational services" means providing instruction in a secular subject.

"Secular subject" means any course which is presented in the curricula of the public schools of this State. Such a course, if taught in a nonpublic school shall be a "secular subject" if the textbooks used for such course are the same as those in use or have been used within 5 years in a public school, or are approved by the commissioner and if the subject matter does not promote or prefer any religion or denominational tenets or doctrine. A secular subject shall not include any instruction in religious or denominational tenets, doctrine or worship.

"Teacher" means a person instructing secular subjects and shall not mean a person who is devoting more than 50% of his time to the performance of the duties of a school superintendent, principal, department head or administrator.

C. 18A:58-41 Administration and implementation of act; appointment of certain personnel.

4. This act shall be administered by the commissioner in accordance with policies formulated and regulations adopted by the board for the administration and implementation of this act. The commissioner is authorized to make contracts, execute instruments,

and to do all things necessary and convenient to administer this act. He is further authorized to appoint a director of nonpublic school secular education, who shall be in the unclassified civil service of the State and, within the limit of available appropriations, such other necessary personnel as shall be approved by the board, to assist him in the administration of this act.

C. 18A:58-42 Authority to purchase secular educational services; limitations.

5. The commissioner may contract with a corporation, association or other entity operating an approved nonpublic school to purchase secular educational services for students, and to pay the cost of said services. The cost of secular educational services contracted for shall be limited, subject to the availability of appropriations, to the following:

a. Not more than 20% of the salaries of teachers teaching secular subjects;

b. Not more than $10.00 per student enrolled in grades kindergarten through eight and $15.00 per student enrolled in grades nine through 12, to be used exclusively for the purchase of textbooks for the teaching of secular subjects.

C. 18A:58-43 "Salaries of teachers" defined.

6. The salaries of teachers in nonpublic schools for purposes of reimbursement under this act shall mean and be limited as follows:

a. Salaries shall mean the base amount in dollars actually paid by a nonpublic school to nonpublic school teachers and shall not include allowances, contributions or credits for medical, health, hospitalization or life insurance, retirement or pension purposes, the cost of additional teacher training or education, or for any other fringe benefit.

b. Salaries of nonpublic school teachers having a bachelor's degree, a master's degree, sixth year of study, or doctorate degree shall be reimbursable only up to and not in excess of the average minimum salaries in the State on salary schedules of public school teachers having comparable degrees of hours of study, as determined by the commissioner.

c. The salary of a teacher in a nonpublic school who teaches secular subjects and performs administrative or other duties shall be apportioned on the basis of the number of hours spent in each of such categories and reimbursement shall be made on the basis of the portion of salary attributable to the teaching of secular subjects, except that no reimbursement shall be made to a person devoting more than 50% of his time to the performance of the duties of a school superintendent, principal, department head or administrator.

d. For each nonpublic school, the number of teachers whose salaries are reimbursable under this act, shall not exceed $\frac{1}{25}$ of the number of full-time students enrolled in the school.

C. 18A:58-44 Teacher's salary reimbursable; limitation.

7. The salary of any teacher in a nonpublic school shall be reimbursable only for the secular subjects taught.

C. 18A:58-45 Teachers in nonpublic school not deemed employees of State.

8. Teachers in the nonpublic school shall not, by reason of any provisions of this act, be deemed to be employees of the State or any public board of education or be entitled to any of the rights of public school teachers as provided under any law of this State or in any rule or regulation promulgated pursuant to any law of this State.

C. 18A:58-46 Cost of certain textbooks reimbursable.

9. Textbooks, the cost of which are reimbursable under this act, shall mean any textbooks which are in use or have been used within 5 years of September 15 of the year for which reimbursement is sought, in any public school in the State. A nonpublic school seeking reimbursement for a textbook which is not or has not been in such use, may submit said textbook to the commissioner, and if he approves the same as complying with the provisions and purposes of this act, its cost shall be reimbursable under this act.

C. 18A:58-47 Sharing of facilities and personnel.

10. The commissioner shall encourage boards of education of public schools and governing board of nonpublic schools to share facilities and personnel on a voluntary basis. No public school student shall be required to attend classes and no public school teacher shall be required to teach, in a nonpublic school.

C. 18A:58-48 Requirements for approval for reimbursement.

11. In order to be approved for reimbursement under this act, a nonpublic school shall meet and, as a condition of approval, continue to meet the following requirements:

a. The school shall be approved by the commissioner as providing the secular educational courses required by law;

b. The school shall not be operated for profit;

c. No reimbursement shall be made to any school in which the annual cost of education per student in such school exceeds the annual cost of education per student in the public school district in which the school is located;

d. The school shall file annually with the commissioner a certificate of compliance with Title VI of the Civil Rights Act of 1964 (Public Law 88–352), as amended;

e. The nonpublic school shall not engage specifically in educating students to become ministers of religion or to enter upon some other religious vocation;

f. A nonpublic school shall not be reimbursed under this act for educational services for which it receives state aid for rendering such services to "children requiring special education," as defined in N. J. S. 18A:46–2.

C. 18A:58-49 Visitation and inspection of nonpublic schools.

12. The commissioner shall make provision for visitation and inspection of any nonpublic school which applies for approval under this act and for the visitation and inspection thereafter as often as may be necessary to assure that said school satisfied the requirements of this act.

C. 18A:58-50 Increase in reimbursement under certain circumstances.

13. A nonpublic school which has enrolled as students children determined by the commissioner to be educationally deprived pursuant to rules and regulations promulgated by the board, shall be entitled to an increase in the percentage of teacher salaries reimbursable under this act, as follows: If at least ⅓ of the nonpublic full-time student enrollment consists of educationally deprived children, the school shall be reimbursed in an amount not exceeding 50% of the salaries of the teachers qualifying under this act; if at least ⅔ of the nonpublic full-time student enrollment consists of educationally deprived children, the school shall be reimbursed in an amount not exceeding 60% of the salaries of teachers qualifying under this act.

C. 18A:58-51 Adoption of regulations; furnishing of records and information; audit.

14. The board shall adopt regulations to effectuate the purposes of this act and, notwithstanding the provisions of N. J. S. 18A:6–4, may require nonpublic schools to furnish such records and information including, without limitation, anticipated school enrollment, teacher salaries and textbook costs. The commissioner, at regular intervals, shall require of each nonpublic school an audit of all financial and other records which relate to the secular educational services for which reimbursement is claimed under this act, and shall not authorize payment for any services supplied by any such school if he finds that the cost thereof is excessive or the services have been rendered in violation of this act.

C. 18A:58-52 Reimbursement procedure.

15. Requests for reimbursement and the payment for the purchase of secular educational services hereunder shall be made on

such forms and under such conditions as the commissioner shall prescribe. Reimbursement payment shall be made by the commissioner in three installments, payable on the last day of November, March and June of each school year and shall be based on such records and other information for the preceding school year as the commissioner shall require, including, without limitation, school enrollment, teacher salaries and textbook costs.

C. 18A:58-53 Notice of denial of approval for reimbursement; hearing.

16. Any applying nonpublic school denied approval for reimbursement under this act shall be given written notice of such denial by the commissioner by registered or certified mail stating the reasons for such denial. The applicant may within 15 days of the date of the mailing of said notice make a request in writing by registered or certified mail directed to the commissioner for a hearing on said denial. The commissioner shall notify the applicant in writing, within 10 days of the receipt of the request, of the place and date of hearing, which hearing shall be held not less than 30 days from the date of mailing of said notice. The hearing may be conducted by the commissioner or by a hearing officer designated by him. Such hearing shall be conducted in accordance with the provisions of the "Administrative Procedure Act" (P. L. 1968, c. 410) (C. 52:14B–1 et seq.).

C. 18A:58-54 Apportionment of payments under certain circumstances.

17. In the event that in any fiscal year the amount appropriated is insufficient to carry out the purpose of this act, the commissioner shall pay, first, the cost of administration of this act; second, the valid claims of each approved nonpublic school for reimbursement for textbooks hereunder; and third, shall pay the remaining amount of valid claims of each approved nonpublic school for reimbursement for secular educational services rendered hereunder in the proportion that the balance of the amount appropriated bears to the total remaining amount of the valid claims of all approved nonpublic schools in the fiscal year and subject to the provisions of section 13 of this act.

C. 18A:58-55 Partial invalidity.

18. If any part of this act shall be held invalid, such holding shall not affect the validity of the remaining parts of this act. If a part of this act is invalid in one or more of its applications, the remaining parts of this act shall remain in effect in all valid applications that are severable from the invalid applications.

C. 18A:58-56 Certain sums not "public funds" or "State appropriations."

19. Sums paid to nonpublic schools under this act shall not constitute "public funds" within the meaning of N. J. S. 18A:1-1 or "State appropriations" within the meaning of N. J. S. 18A:4-23.

C. 18A:58-57 Definition of "private school" or "public school" not affected.

20. Nothing in this act shall affect the definition of "private school" or "public school" as the same are defined in N. J. S. 18A:1-1.

C. 18A:58-58 Powers and duties of board and commissioner.

21. Except as specifically provided in this act nothing in this act shall expand or diminish the powers and duties of the State Board of Education and the commissioner with respect to any nonpublic school as prescribed by Title 18A of the New Jersey Statutes.

22. There is hereby appropriated to the Department of Education for the purposes of this act the sum of $9,500,000.00 for the fiscal year commencing July 1, 1971.

23. This act shall take effect July 1, 1971.

Approved October 26, 1970.

CHAPTER 236

AN ACT concerning security for deposits of governmental units in banks, savings banks and savings and loan associations.

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

C. 17:9-41 Definitions.

1. In this act, unless the context otherwise requires:

"Association" means any State or Federally chartered savings and loan association;

"Capital funds" means (a) in the case of a State bank or national bank the aggregate of the capital stock, surplus and undivided profits of the bank; (b) in the case of a savings bank the aggregate of the capital deposits, if any, and the surplus of the savings bank; and (c) in the case of an association, the aggregate of all reserves required by any law or regulations, and the undivided profits, if any, of the association;

"Commissioner" means the Commissioner of Banking;

"Defaulting depository" means a public depository as to which an event of default has occurred;

"Eligible collateral" means obligations of or guaranteed by the United States, obligations of or guaranteed by the State of New Jersey, obligations of governmental units, including, but not limited to, capital notes, bond anticipation notes, tax anticipation notes and temporary notes or loan bonds, and any other obligations now or hereafter authorized by law as security for public deposits;

"Event of default" means issuance of an order of a supervisory authority or of a receiver restraining a public depository from making payments of deposit liabilities;

"Governmental unit" means any county, municipality, school district or any public body corporate and politic created or established under any law of this State by or on behalf of any one or more counties or municipalities, or any board, commission, department or agency of any of the foregoing having custody of funds;

"Maximum liability" of a public depository means, with respect to any event of default, a sum equal to 5% of the average daily balance of collected public funds held on deposit by the depository during the 6-month period ending on the last day of the month next preceding the occurrence of such event of default;

"Net deposit liability" means the deposit liability of a defaulting depository to a governmental unit after deduction of any deposit insurance with respect thereto;

"Public depository" means a State bank, a national bank, a savings bank or an association located in this State, the deposits of which are insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation, as the case may be, and which receives or holds public funds on deposit;

"Public funds" means the funds of any governmental unit;

"Valuation date" means December 31 and June 30.

C. 17:9-42 Security of public funds.

2. No governmental unit shall deposit public funds in a public depository unless such funds are secured in accordance with this act.

C. 17:9-43 Commissioner's powers.

3. The commissioner shall have power

a. To require any public depository to furnish such information and furnish such reports dealing with public funds on deposit therein as the commissioner shall request. Any public depository which refuses or neglects to give any information so requested may be excluded by the commissioner from the right to receive public funds for deposit until such time as the commissioner shall

acknowledge that such depository has furnished the information requested;

b. To take such action as he deems best for the protection, collection, compromise, or settlement of any claim arising in case of an event of default;

c. To fix the date on which any event of default shall be deemed to have occurred, taking into consideration the orders, rules and regulations of any supervisory authority as they affect the failure or inability of a public depository to repay public funds held on deposit;

d. Upon the happening of an event of default, to take possession of and liquidate the collateral of the defaulting depository maintained pursuant to section 4 of this act;

e. To do all acts required to carry out the purposes of this act and, to that end, to make, amend and repeal regulations consistent with this act.

C. 17:9-44 Eligible collateral requirements.

4. a. Every public depository having public funds on deposit therein shall, as security for such deposits, maintain eligible collateral having a market value at least equal to 5% of the average daily balance of collected public funds on deposit during the 6-month period ending on the next preceding valuation date. In the case of any public depository which has not held public funds on deposit for all of such 6-month period, the commissioner shall prescribe the amount of eligible collateral required to be maintained. Depositories shall have the right to make substitutions of eligible collateral at any time. The income from eligible collateral shall belong to the public depository without restriction.

b. No public depository shall at any time receive and hold on deposit for any period in excess of 15 days public funds of a governmental unit or governmental units which, in the aggregate, exceed 75% of the capital funds of the depository, unless such depository shall, in addition to the security required to be maintained under paragraph a. of this section, secure such excess by eligible collateral with a market value at least equal to 100% of such excess.

c. All collateral required to be maintained shall be deposited with the Federal Reserve Bank of New York, the Federal Reserve Bank of Philadelphia, the Federal Home Loan Bank of New York, as the case may be, or with any other banking institution located in this State or a contiguous state which is a member of the Federal Reserve System and has capital funds of not less than $25,000,000.00.

d. The market value of eligible collateral maintained pursuant to this section on any valuation date shall be presumed to be the market value of such collateral until the next succeeding valuation date.

C. 17:9-45 Commissioner's procedure in event of default.

5. When the commissioner determines that an event of default has occurred, he shall proceed in the following manner:

a. Within 20 days after the occurrence of the event of default, he shall ascertain the amount of public funds on deposit in the defaulting depository as disclosed by its records and the amount thereof covered by federal deposit insurance and certify the amounts thereof to each affected governmental unit;

b. Within 10 days after receipt of such certification, each such governmental unit shall furnish to the commissioner verified statements of its public deposits in such defaulting depository as disclosed by its records;

c. Upon receipt of such certificate and statements, he shall ascertain and fix the amount of such public funds on deposit in such defaulting depository, net after deduction of any deposit insurance;

d. He shall ascertain the amount derived or to be derived from the liquidation of the collateral maintained by the defaulting depository pursuant to section 4 of this act, and shall distribute such proceeds pro rata among the governmental units affected to the extent necessary to satisfy the net deposit liabilities to such governmental units;

e. If the proceeds of the sale of the collateral of a defaulting depository which is a State bank, a national bank or a savings bank are insufficient to pay in full the net deposit liability of such depository to all affected governmental units, he shall assess the deficiency against all other such public depositories having public funds on deposit as of the occurrence of the event of default in the proportion that the maximum liability of each such other public depository bears to the aggregate of the maximum liabilities of all such other depositories, but no such assessment shall exceed the maximum liability of any such other depository;

f. If the proceeds of the sale of the collateral of a defaulting depository which is an association are insufficient to pay in full the net deposit liability of such depository to all affected governmental units, he shall assess the deficiency against all such other public depositories having public funds on deposit as of the occurrence of the event of default in the proportion that the maximum liability of each such other public depository bears to the aggregate

of the maximum liabilities of all such other depositories, but no such assessment shall exceed the maximum liability of any such other depository;

g. Assessments so made by the commissioner shall be payable on the fifth day following the demand therefor by the commissioner. On default of such payment by any such other public depository, the commissioner shall take possession of and liquidate so much of the eligible collateral maintained by such depository as shall be necessary to satisfy the assessment so made. If the proceeds of the liquidation of the eligible security are insufficient to pay such assessment in full, the commissioner may sue to recover the amount of the deficiency within the limits of the depository's maximum liability.

h. All sums so collected by the commissioner shall be paid by him to the governmental units having deposits in the defaulting depository in the proportion that the net deposit liability to each such governmental unit bears to the aggregate of the net deposit liabilities to all such governmental units;

i. No State bank, national bank or savings bank shall be liable with respect to the occurrence of an event of default of an association, and no association shall be liable with respect to the occurrence of an event of default of a State bank, a national bank or a savings bank.

C. 17:9-46 Disposition of sums received from defaulting depository; expense of claim enforcement.

6. Upon payment to a governmental unit, the commissioner shall be subrogated to all of such governmental unit's right, title and interest against the defaulting depository. All sums received from any distribution of any liquidation of the defaulting depository shall be paid to the affected governmental units to the extent of any unpaid net deposit liability and the balance shall be paid to the public depositories against which assessments were made, in proportion to such assessments. If the commissioner incurs expense in enforcing any such claim, the amount thereof shall be paid as a liquidation expense of the defaulting depository.

C. 17:9-47 Provisions operative on December 1, 1970; regulations authorized.

7. The provisions of this act shall become operative on December 1, 1970, but the commissioner may issue appropriate regulations in advance thereof.

C. 17:9-48 Short title.

8. This act shall be known and may be cited as the "Governmental Unit Deposit Protection Act."

9. This act shall take effect immediately.

Approved October 27, 1970.

CHAPTER 237

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. 54:4-23.13b Notice of disallowance of claim; right to appeal.

1. Where an application for valuation hereunder has been filed by the owner of land within the time provided herein, the assessor of the taxing district in which such land is situated shall, on or before November 1 of the pretax year, forward to such owner a notice of disallowance by regular mail when a claim has been disallowed. The assessor shall set forth the reason or reasons therefor together with a statement notifying the landowner of his right to appeal such determination to the county board of taxation on or before August 15 of the tax year.

2. This act shall take effect immediately and shall be applicable with respect to applications for the tax year 1971 and thereafter.

Approved October 28, 1970.

CHAPTER 238

AN ACT concerning compensation and amending section 18A:29–3 of the New Jersey Statutes.

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

1. Section 18A:29–3 of the New Jersey Statutes is amended to read as follows:

Summer payment plan; deposit of deductions.

18A:29–3. Whenever persons employed for an academic year by a board of education shall indicate in writing their desire to participate in a summer payment plan, and such board of education approves such participation, then, and thereupon, the proper disbursing officer of the board of education, under such rules as may be promulgated by the commissioner with the approval of the State board, is hereby empowered and directed to deduct and withhold an

amount equal to 10% of each semimonthly or monthly salary installment, from the payments of the salaries made to such employees as shall participate in such plan and the accumulated deductions for any academic year shall be paid to the employee or his estate under such rules as may be established by the board of education in one of the following ways: (1) at the end of the academic year; (2) in one or more installments after the end of the academic year but prior to September 1; (3) upon death or termination of employment if earlier. Such deductions may be deposited by the board of education in an interest bearing account in any financial institution having its principal office in the State of New Jersey.

2. This act shall take effect immediately.

Approved October 28, 1970.

CHAPTER 239

AN ACT making an appropriation toward the expenses of the Morris Knolls 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 Morris Knolls High School in connection with the participation by Morris Knolls 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 7-11, 1970, in St. Petersburg, Florida.

2. This act shall take effect immediately.

Approved October 28, 1970.

CHAPTER 240

AN ACT concerning municipalities, and amending section 40:46–14 of the Revised Statutes.

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

1. Section 40:46–14 of the Revised Statutes is amended to read as follows:

Vacancies; how caused; filling.

40:46–14. Whenever an officer of a municipality shall cease to be a bona fide resident therein, or whenever the resignation of any such officer shall have been accepted by the proper authority, a vacancy in his office shall immediately exist, and he shall not exercise any of the duties of the office theretofore held by him. The municipality, by its proper authority, shall immediately proceed to fill the vacancy in the manner and form prescribed by law.

Nothing herein contained shall be construed to prevent a nonresident of any municipality from holding office as counsel, attorney, engineer, health officer, auditor or comptroller of such municipality, nor shall such offices be deemed vacant by reason of the removal or nonresidence of any such counsel, attorney, engineer, health officer, auditor or comptroller.

2. This act shall take effect immediately.

Approved October 28, 1970.

CHAPTER 241

AN ACT concerning fire districts and amending section 40:151–1 of the Revised Statutes.

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

1. Section 40:151–1 of the Revised Statutes is amended to read as follows:

Creation of fire district by township committee; powers; formation of volunteer fire company.

40:151–1. Whenever the township fails to appropriate money or provide means for protection against fire, the township committee

upon the application of at least 20 freeholders of any village or district therein, shall set off by metes and bounds such village or part of the township as may be desired, into a fire district, and such village or part of the township so set off shall have all the rights and powers to provide means for protection against fires, conferred upon townships by sections 40:149–4 to 40:149–9 of this Title.

Thereafter, any persons desiring to form a volunteer fire company to be located within or otherwise servicing the area encompassing said fire district or other type of volunteer organization which has as its objective the prevention of fires or regulation of fire hazards to life and property within the area encompassing said fire district shall first present to the Board of Fire Commissioners a written application for the organization of such company. Such application shall be in the form of a duly verified petition signed by them stating the kind of company which they desire to organize, the name or title thereof, the number and names of the proposed members thereof, and their places of residence. The Board of Fire Commissioners, after considering such application and approving the members of the proposed company, if deemed necessary and for the best interests of such district, may by resolution grant the petition and constitute such applicants a volunteer fire company of the district. Any volunteer fire company in existence on the effective date of this act and located within such a fire district but not recognized by the Board of Fire Commissioners of that fire district shall submit an application for approval as aforesaid within 90 days after the effective date of this act, and unless approved by the Board of Fire Commissioners shall not thereafter be permitted to operate as a volunteer fire company within the fire district.

2. This act shall take effect immediately.

Approved October 28, 1970.

CHAPTER 242

AN ACT concerning the construction or acquisition of solid waste disposal facilities by counties separately or jointly with municipalities located therein and supplementing the "Incinerator Authorities Law," approved September 1, 1948 (P. L. 1948, c. 348, C. 40:66A–1 et seq.).

WHEREAS, It has been found and determined that many counties in the State of New Jersey contain areas and municipalities which do not have adequate regional or comprehensive solid waste disposal facilities or which have such limited or local facilities which are presently inadequate and insufficient to meet the needs of such counties and areas and municipalities therein; and

WHEREAS, It is the objective of both the Federal Government and the State Department of Environmental Protection of New Jersey to initiate and encourage regional solid waste disposal facilities for the purpose of the treatment and disposal of domestic and industrial solid wastes; and

WHEREAS, It is essential for the health, safety and welfare of the inhabitants of such counties and the areas and municipalities therein that improved, enlarged or new solid waste disposal facilities be constructed or acquired in such areas or municipalities not now being served by such facilities or that existing facilities which may be inadequate be improved and extended where required; and

WHEREAS, The cost of such construction of solid waste disposal facilities or the construction of additions, extensions or improvements to existing facilities in many of such areas or municipalities would, if financed by such areas, regions or municipalities on an individual basis, be prohibitive and exorbitant; and

WHEREAS, There is a pressing need for counties to aid the inhabitants of such areas, regions and municipalities therein by constructing or acquiring new or improved solid waste disposal facilities, or parts thereof, where required, or by constructing or acquiring additions, extensions and improvements to existing solid waste disposal facilities, or parts thereof, where required, and to finance the cost of any such acquisition or construction either alone or jointly with any municipality or municipalities,

joint meetings or incinerator authorities therein by the issuance of bonds of such counties; now, therefore,

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

C. 40:66A-31.1 Short title.

1. This act shall be known and may be cited as the "County Solid Waste Disposal Financing Law."

C. 40:66A-31.2 Policy declaration.

2. 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, treatment and disposal of solid waste and other refuse matter on a regional or multi-unit basis.

C. 40:66A-31.3 Definitions.

3. As used in this act, unless a different meaning clearly appears from the context:

(1) The word "county" shall mean any of the several counties of the State operating under the authority granted by this act.

(2) The term "board of chosen freeholders" or the word "board" shall mean the board of chosen freeholders of any county operating under the powers granted by this act.

(3) The term "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 a county, municipality or incinerator authority, including incinerators, sanitary landfills or other plants and property for the treatment and disposal of solid waste and all other real and personal rights therein and appurtenances necessary or useful and convenient for the collection, treatment or disposal in a sanitary manner of solid waste (but not including sewage).

(4) The word "facilities" when used alone, shall mean both such incinerators and sanitary landfills, or either of them as the context shall require.

(5) The word "cost" as applied to solid waste disposal facilities or extensions or additions thereto, shall include the cost of construction, reconstruction or improvement, the cost of all labor, materials, machinery and equipment, the cost of all lands, property, rights, easements and franchises acquired, financing charges, interest on bonds issued to finance such facilities prior to and during construction and for 1 year after completion of construction, cost of plans

and specifications, surveys of estimates of costs and of revenues, cost of engineering and legal services, and all other expenses necessary or incident to determining the feasibility or practicability of such construction, reconstruction or improvement, administrative expense and such other expense as may be necessary or incident to the construction or acquisition of such facilities, and the financing herein authorized. Any obligation or expense incurred by the county in connection with any of the foregoing items of cost prior to the issuance of bonds or notes as authorized herein may be regarded as part of such cost and reimbursed to the county out of the proceeds of bonds issued under the provisions of this act.

(6) The term "general obligation bonds" shall mean general obligations of the county which are payable from unlimited ad valorem taxes or from such taxes and additionally secured by a pledge of solid waste disposal facilities service charges as may be established.

(7) The term "solid waste" shall mean any refuse matter, trash or garbage from residences, manufacturing and industrial plants, 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 sewerage system.

(8) The word "commissioner" shall mean the State Commissioner of Environmental Protection.

C. 40:66A-31.4 Authority and powers of county.

4. Any county in the State which may hereafter come under the provisions of this act as hereinafter provided is hereby authorized and empowered:

(1) To purchase, construct, improve, extend, enlarge or reconstruct garbage disposal facilities within such county either alone or jointly with any municipality, joint meeting or incinerator authority located within such county, and in accordance with applicable law, rules, regulations or orders, to operate, manage and control all or part of such solid waste disposal facilities so purchased or constructed and all properties pertaining thereto, and to furnish and supply the services of its solid waste disposal facilities to any municipalities within such county. No county shall furnish any of the facilities provided by this article to any property already being furnished like facilities by any municipality, joint meeting or incinerator authority, without the express consent of such joint meeting or incinerator authority or the governing body having general legislative authority in the government of such municipality;

(2) To issue general obligation bonds of the county to pay all or part of the cost of such purchase, construction, improvement, extension, enlargement or reconstruction of such facilities;

(3) To fix and collect rates, fees, rents and other charges for the services and facilities furnished by any such county solid waste disposal facilities;

(4) To receive and accept from the State, Federal Government or any agency thereof grants for or in aid of the planning, purchase, construction, extension, enlargement or reconstruction, or financing of any of such facilities and to receive and accept 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;

(5) To acquire in the name of the county by gift, purchase as hereinafter provided, or by the exercise of the right of eminent domain, such lands and rights and interests therein, within the county, other than that owned by any governmental unit or political subdivision thereof without its express consent, and to acquire such personal property, as it may deem necessary for the purchase, construction, improvement, extension, enlargement or reconstruction, or for the efficient operation of any facilities purchased or constructed under the provisions of this act and to hold and dispose of all real and personal property under its control;

(6) To make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this act and to employ such consulting and other engineers, superintendents, managers, attorneys, financial or other consultants or experts and such other employees and agents as it may deem necessary in its judgment and to fix their compensation;

(7) Subject to the provisions and restrictions as may be set forth in the ordinance hereinafter mentioned authorizing or securing any bonds issued under the provisions of this act, to enter into contracts with the government of the United States or any agency or instrumentality thereof or with any other county or with any municipality, private corporation, copartnership, association, or individual providing for or relating to the collection, treatment and disposal of solid waste, which contracts may provide for the furnishing of solid waste disposal facilities either by or to the county, or the joint construction or operation of solid waste disposal facilities;

(8) To acquire by gift or purchase at a price to be mutually agreed upon, any of the facilities or portions thereof, provided for by this act, which shall, prior to such acquisition, have been owned by any private person, group, firm, partnership, association or corporation; provided, however, if the price for same cannot be agreed upon, the price shall be determined by an arbitration board consisting of three persons, one of whom shall be selected by the board of chosen freeholders, one shall be appointed by the private company or corporation, and the two persons so selected shall select a third member of said board; and provided, further, that in the event said board cannot agree as to the price to be paid by the said board of chosen freeholders, then the board of chosen freeholders shall exercise the right of eminent domain in the manner provided by law.

C. 40:66A-31.5 Exercise of powers by board of freeholders; commissioner's approval.

5. Whenever the board of chosen freeholders of any of the several counties of the State by resolution chooses to exercise the powers granted by this act it shall submit such resolution to the State Commissioner of Environmental Protection, and it shall make or cause to be made such surveys, investigations, studies, borings, maps, plans, drawings, and estimates of costs and of revenues as the commissioner may deem necessary relating to the type of disposal and treatment and estimate or cost of such solid waste disposal facilities, the purchase of construction of which shall be deemed by the board to be desirable and also relating to the solid waste disposal facilities, if any, or part thereof the board deems necessary to purchase or construct, to protect the health, safety, and welfare of the inhabitants of the county.

The obtaining of such surveys, investigations, studies, borings, maps, plans, drawings and estimates is hereby declared to be a county purpose and the costs thereof may be paid out of the general funds of the county, but shall be reimbursed to the county from the proceeds of any bonds issued pursuant to this act, or the proceeds of any grants for this purpose from the State, Federal Government or any agency thereof.

The results of such surveys, investigations, studies, borings, maps, plans, drawings and estimates required by the commissioner shall be submitted to the commissioner for approval. No county may proceed to exercise any of the powers granted by this act without first having obtained the approval of the commissioner.

All public or private property damaged or destroyed in carrying out the powers granted by this act shall be restored or repaired and placed in its original condition as nearly as practicable or adequate compensation made therefor out of the funds provided by this act.

C. 40:66A-31.6 Issuance of bonds.

6. The board of chosen freeholders is hereby authorized to provide by ordinance at one time or from time to time for the issuance of general obligation bonds of the county for the purpose of paying all or part of the cost of any solid waste disposal facilities constructed, acquired, improved, extended, enlarged or reconstructed pursuant to this act. The bonds of each issue shall be issued pursuant to the provisions of the Local Bond Law, constituting chapter 2 of Title 40A of the New Jersey Statutes.

The proceeds of such bonds shall be used solely for the payment of costs of the solid waste disposal facilities for the purchase, construction, reconstruction, enlargement or improvement of which such bonds shall have been authorized.

The board of chosen freeholders may also pledge to the payment of any or all of such bonds so issued all or any part of the revenues derived by the county from the operation or rental of its solid waste disposal facilities.

C. 40:66A-31.7 Authority to negotiate and enter into contracts with governmental agencies and private disposal companies.

7. A county may negotiate and enter into contracts, with municipalities within or adjoining its boundaries, joint meetings, incinerator authorities and on uniform terms with all private solid waste disposal companies operating in the county or proposing to operate therein and in an adjoining county or counties, or either thereof, and may negotiate and enter into like contracts with any other municipality or on such uniform terms with any private solid waste disposal company which might advantageously use the solid waste disposal facilities of the county, 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 boundaries who or which shall be discharging solid waste which cannot conveniently be disposed of through the solid waste disposal system of any municipality or private solid waste disposal company.

C. 40:66A-31.8 Rates or rentals for use of services.

8. After the commencement of operation of solid waste disposal facilities, the county may prescribe and change from time to time rates or rentals to be charged for the use of the services of such

facilities. Such rates or rentals being in the nature of use or service charges or annual rental charges, shall be uniform and equitable for the same type and class of use or service of such facilities. Such rates or rentals and types and classes of use and service may be based on such factors as the board of chosen freeholders of the county shall deem proper and equitable.

C. 40:66A-31.9 Financing cost of construction or acquisition of facilities.

9. If a county, pursuant to agreement with a municipality or municipalities therein, joint meetings or incinerator authorities, shall construct or acquire solid waste disposal facilities which will benefit such municipality or municipalities, joint meetings or incinerator authorities, such county may either (1) bear the entire cost of the construction or acquisition of such facilities by itself, or (2) share the cost of the construction or acquisition of such improvements with the municipality or municipalities, joint meetings or incinerator authorities. The county may issue its bonds for all or part of the cost of the construction or acquisition of such facilities. If the cost thereof is to be shared by such municipality or municipalities, joint meetings or incinerator authorities, the county may issue its bonds for its share of such cost and such municipality or municipalities, joint meetings or incinerator authorities, may issue their bonds for their share of such cost, or the county may issue its bonds for all of the cost of such facilities, and the share of such cost to be borne by such municipality or municipalities, joint meetings or incinerator authorities shall be repaid to the county by such municipality or municipalities, joint meeting or incinerator authority in annual installments over a period not exceeding 40 years as shall be agreed upon between the county and such municipality or municipalities, joint meeting or incinerator authority. The amount of said annual installments shall include interest at such rate or rates as the county and such municipality or municipalities, joint meeting or incinerator authority shall agree upon, and the county and such municipality or municipalities, joint meeting or incinerator authority are hereby authorized to enter into agreements relating to such facilities which agreements shall have such terms and conditions as shall be deemed necessary and proper by such county and such participating municipality or municipalities, joint meeting or incinerator authority. Such agreements shall be authorized by a resolution duly adopted by the board of chosen freeholders of the county and by an ordinance duly adopted by the governing body of such municipality, municipalities, joint meeting

or incinerator authority. Such annual payments received by a county from such municipality, municipalities, joint meeting or incinerator authority may also include an additional annual amount as shall be agreed upon for the payment of the agreed share of the cost of operation and maintenance and improvement or enlargement of such facilities. Notwithstanding any provisions of any other law or laws now existing or hereafter enacted, none of such annual payments to be made by such municipality, municipalities, joint meeting or incinerator authority to such county shall be included in any computation of gross or net indebtedness required under any such other law or laws.

Notwithstanding any provisions of any other law or laws now existing or hereafter enacted, the amount of any bonds issued by a county to finance the share of any municipality, municipalities, joint meeting or incinerator authority of the cost of the construction or acquisition of such facilities shall not be included in any computation of gross or net indebtedness under any such other law or laws as long as such county and such municipality, municipalities, joint meeting or incinerator authority have entered into an agreement pursuant to this section under which the share of such municipality, municipalities, joint meeting or incinerator authority shall be repaid to such county as provided in this section.

C. 40:66A-31.10 Ordinance of governing body authorizing entry into certain contracts; contracts between private companies and county.

10. Any municipality, joint meeting or incinerator authority with which a county is authorized to contract under the terms and provisions of this act shall have power, by ordinance duly adopted by its governing body to authorize its proper officials to enter into and execute for it a contract, for such periods of time and under such terms as are deemed proper and necessary, with a county, for the treatment and disposal of all or any specified part of the solid waste arising or collected in or by such municipality, joint meeting or incinerator authority, by the solid waste disposal facilities of such county and such contract shall be valid and binding upon the municipality, joint meeting or incinerator authority notwithstanding that no appropriation was made or provided to cover the estimated cost of such contract, and the governing body of the municipality, joint meeting or incinerator authority shall have full power and authority to do and perform all acts and things on the part of the municipality, joint meeting or incinerator authority to be done and performed under the terms and provisions of such contract. Any private solid waste or incinerator company

or industry shall likewise have power to enter into a contract with a county for the treatment and disposal of the solid waste or the waste collected or discharged by it by the solid waste disposal facilities of a county.

C. 40:66A-31.11 Bonds as legal investments.

11. 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, bankers, trust companies, savings banks and institutions, building and loan associations, savings and 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 fund moneys or other funds belonging to them or within their control in any bonds of a county authorized pursuant to this act, and such bonds are hereby made and shall be authorized security for any and all public deposits. Any such bonds and the interest thereon shall be exempt from taxation except for transfer and inheritance taxes.

C. 40:66A-31.12 Payments to county by governmental agencies; interest charge.

12. The chief fiscal officer of each municipality, joint meeting or incinerator authority which shall have entered into a contract pursuant to this act, shall cause to be paid to the county, at such times to be agreed upon, the amount of money certified to the municipality, joint meeting or incinerator authority by the county pursuant to this act. The power and obligation of such municipality, joint meeting or incinerator authority to provide for and make all such payments shall be unlimited and the sums necessary for such payment shall be included in each annual budget of such municipality, joint meeting or incinerator authority and such municipality, joint meeting or incinerator authority shall be irrevocably and unconditionally obligated to levy ad valorem taxes on all taxable property therein or service charges for users, as the case may be, without limit as to rate or amount to the full extent necessary to make all such payments in full as the same become due. If any part of the amount certified to a municipality, joint meeting or incinerator authority by a county, pursuant to this act, shall remain unpaid for 30 days following the date fixed for payment by the contract, the municipality, joint meeting or incinerator authority thus in default shall be charged with and liable for, and the chief fiscal officer thereof shall pay to such county interest upon the amount unpaid at the rate of 8% per annum.

C. 40:66A-31.13 Payments to county by private companies; lien.

13. Each private solid waste or incinerator company or industry which shall have entered into a contract with a county pursuant to this act, shall pay at such times as shall be provided in such contract to the contracting county, the sum of money certified to it by such county pursuant to this act, on or before the date provided for such payment in such contract. Any such sum of money so certified by a county shall be a lien in favor of such county on and against the property of such private solid waste or incinerator company or industry. If such sum of money or any part thereof is not paid to the contracting county on or before such contract payment date, such county shall make and record, in the same manner as conveyances of interest in real property are recorded, a certificate setting forth the facts and giving notice of the existence and amount of such lien remaining unsatisfied. So far as permitted by law, such lien shall have priority over all other liens theretofore or thereafter attaching except those of Federal, State and local taxes.

C. 40:66A-31.14 Construction and severability of act.

14. The object and design of this act being the protection and preservation of public health, safety and welfare, this act shall be liberally construed and the powers granted and the duties imposed by this act shall be construed to be independent and severable. If any one or more sections, clauses, sentences or parts of this act shall for any reason be questioned in any court, and shall be adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remaining provisions thereof, but shall be confined in its operation to the specific provisions so held unconstitutional or invalid.

C. 40:66A-31.15 Establishment of competitive disposal system.

15. In the event an incinerator authority has been established in a county pursuant to the provisions of chapter 348 of the laws of 1948 (C. 40:66A–1 et seq.), the "incinerator authorities law," no county shall establish any competitive solid waste disposal system within such county under the provisions of this act without the consent of such existing authority.

16. This act shall take effect immediately.

Approved October 28, 1970.

CHAPTER 243

AN ACT to amend the "Farmland Assessment Act of 1964," approved May 11, 1964 (P. L. 1964, c. 48) and repealing section 17 thereof.

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

1. Section 6 of P. L. 1964, chapter 48 (C. 54:4–23.6) is amended to read as follows:

C. 54:4-23.6 Qualifications for valuation, assessment and taxation as land actively devoted to agricultural or horticultural use.

6. Land which is actively devoted to agricultural or horticultural use shall be eligible for valuation, assessment and taxation as herein provided when it meets the following qualifications:

(a) It has been so devoted for at least the 2 successive years immediately preceding the tax year for which valuation under this act is requested;

(b) The area of such land is not less than 5 acres when measured in accordance with the provisions of section 11 hereof; and

(c) Application by the owner of such land for valuation hereunder is submitted on or before August 1 of the year immediately preceding the tax year to the assessor of the taxing district in which such land is situated on the form prescribed by the Director of the Division of Taxation.

2. Section 8 of P. L. 1964, chapter 48 (C. 54:4–23.8) is amended to read as follows:

C. 54:4-23.8 Roll-back taxes; determination of amounts.

8. When land which is in agricultural or horticultural use and is being valued, assessed and taxed under the provisions of this act, is applied to a use other than agricultural or horticultural, it shall be subject to additional taxes, hereinafter referred to as roll-back taxes, in an amount equal to the difference, if any, between the taxes paid or payable on the basis of the valuation and the assessment authorized hereunder and the taxes that would have been paid or payable had the land been valued, assesed and taxed as other land in the taxing district, in the current tax year (the year of change in use) and in such of the 2 tax years immediately preceding, in which the land was valued, assessed and taxed as herein provided.

If in the tax year in which a change in use of the land occurs, the land was not valued, assessed and taxed under this act, then such land shall be subject to roll-back taxes for such of the 2 tax years, immediately preceding, in which the land was valued, assessed and taxed hereunder.

In determining the amounts of the roll-back taxes chargeable on land which has undergone a change in use, the assessor shall for each of the roll-back tax years involved, ascertain:

(a) The full and fair value of such land under the valuation standard applicable to other land in the taxing district;

(b) The amount of the land assessment for the particular tax year by multiplying such full and fair value by the county percentage level, as determined by the county board of taxation in accordance with section 3 of P. L. 1960, chapter 51 (C. 54:4–2.27);

(c) The amount of the additional assessment on the land for the particular tax year by deducting the amount of the actual assessment on the land for that year from the amount of the land assessment determined under (b) hereof; and

(d) The amount of the roll-back tax for that tax year by multiplying the amount of the additional assessment determined under (c) hereof by the general property tax rate of the taxing district applicable for that tax year.

C. 54:4-23.17 Repealed.

3. Section 17 of P. L. 1964, chapter 48 (C. 54:4–23.17) is repealed.

4. This act shall take effect January 1, 1971.

Approved October 28, 1970.

CHAPTER 244

AN ACT to amend "An act to provide for the issuance by banks of convertible and nonconvertible capital notes and debentures, and supplementing 'An act concerning banking and banking institutions (Revision of 1948),' approved April 29, 1948 (P. L. 1948, c. 67)," approved September 6, 1966 (P. L. 1966, c. 272).

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

1. Section 12 of P. L. 1966, c. 272 (C. 17:9A–131.31) is amended to read as follows:

C. 17:9A-131.31 Application of act.

12. This act shall not apply to any borrowing by a bank, however evidenced, which is payable in 1 year or less from the date of such borrowing nor shall the provisions of section 4, 9 and 10 of this act apply to any obligation issued by a bank to evidence a loan or loans made to such bank by the New Jersey Mortgage Finance Agency pursuant to the New Jersey Mortgage Finance Agency Law, P. L. 1970, c. 38.

2. This act shall take effect immediately.

Approved October 28, 1970.

CHAPTER 245

AN ACT concerning the carrying of weapons without a permit by licensed retail dealers in firearms and certain of their employees and amending New Jersey Statutes 2A:151–43.

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

1. 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, retail dealers, 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;

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; or

u. Licensed retail dealers in firearms and their registered employees during the course of their normal business while traveling to and from their place of business and other places for the purpose of demonstration, exhibition or delivery in connection with a sale; provided any such weapon so carried shall be unloaded and wrapped in a case, box or other container.

2. This act shall take effect immediately.

Approved October 28, 1970.

CHAPTER 246

AN ACT in relation to the liability of a parent or guardian of an infant who injures property of certain public utilities.

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

C. 2A:53A-16 Liability of parents for willful injury of property of certain public utilities by infant.

1. The parents of any infant who shall maliciously or willfully injure any property of a railroad, street railway, traction railway or autobus public utility shall be liable for damages in the amount of the injury to a limit of $1,000.00, to be collected by the public utility in any court of competent jurisdiction, together with costs of suit.

C. 2A:53A-17 Application of act.

2. This act shall not apply to parents whose parental custody and control of such infant has been removed by court order, decree, judgment, military service, or marriage of such infant.

3. This act shall take effect immediately.

Approved October 28, 1970.

CHAPTER 247

AN ACT respecting the operation and licensing of commercial fishing preserves and supplementing Title 23 of the Revised Statutes.

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

C. 23:3-62 "Fishing preserve waters" defined.

1. "Fishing preserve waters" means any artificial or man-made body of water, not to exceed 10 acres in size, lying wholly within the boundaries of lands owned by one individual, operated for the purpose of permitting the owner to provide fishing facilities to fishermen. Such waters shall not include natural streams, natural ponds or waters impounded by the damming of natural streams. The sources of water for such ponds shall be limited to surface runoff, natural springs or driven wells. Any outfall from the "fishing preserve waters" must be so constructed as to prevent the passage of fish from or to that body of water.

C. 23:3-63 Fishing preserve license; application, issuance, expiration, contents, fee, revocation or suspension.

2. (a) The division may, in its discretion, after application on forms furnished by it, issue to an owner of such fishing preserve waters a fishing preserve license permitting the holder thereof to manage such fishing preserve waters and to possess, propagate and rear, and to take or permit others to take therefrom, fish therein legally propagated or acquired. Such license shall expire on December 31 in the year it was issued unless previously revoked. A separate license is required for each body of water defined herein as fishing preserve waters. Two or more ponds under one ownership, supplied by one common water source and located on one continuous parcel of land, shall be considered as one body of water requiring one license.

(b) The license so issued shall: contain the name of the town and county in which such fishing preserve waters are located; specify the species of fish authorized to be stocked therein; authorize the licensee to stock, propagate, raise and release such fish in such licensed fishing preserve waters and to buy, sell or otherwise traffic in fish taken therefrom; specify the manner of tagging fish taken from the licensed waters; specify the means of acquisition of fish stocked therein.

(c) The license may also: authorize the licensee to control undesirable protected fish, wildlife and insects and specify means of control of same; specify such other restrictions and controls for the management of fishing preserve waters as in the judgment of the division may be deemed advisable for proper fish management.

(d) The fee for the license shall be $150.00 per year, payable at the time application is made.

(e) The division may for cause, revoke or suspend the license of any licensee.

C. 23:3-64 Fishing by licensee or members of immediate family.

3. A licensee or any member of his immediate family may, without license issued under Revised Statutes 23:3–1, or other license or permit to take fish by net or device, take fish of any size, in any manner, at any time permitted by the preserve license.

C. 23:3-65 Sale or taking of fish from licensed preserve waters.

4. (a) Any licensee, during the term of his license may sell fish taken from the licensed fishing preserve waters and may grant permission to other persons to take fish in or from the licensed fishing preserve waters and to charge a fee for such fishing or for the fish taken, or if a club, to impose dues permitting such angling by members of such club.

(b) Persons to whom such permission to fish is granted, or who have paid for the privilege of fishing the licensed waters, or dues-paying members of a club which is a licensee, may fish in such waters without a license issued under Revised Statutes 23:3–1, or other license.

(c) The licensee may prescribe such restrictions or limitations as he sees fit with respect to the size of fish, limits of catch, open season, and manner of taking fish from the licensed waters. Except as specifically noted in the license, the provisions of chapter 3, 5 or 6 of Title 23 of the Revised Statutes shall not be applicable to fishing in such licensed fishing preserve waters.

C. 23:3-66 Tagging of fish.

5. (a) All fish stocked in the waters of the fishing preserve in accordance with paragraph (b) of section 2 of this act that are taken from the licensed fishing preserve waters, shall be immediately tagged as prescribed in the license or by order of the division. Such tags shall be furnished by the division and sold to the licensee at the cost of $0.05 per tag.

(b) The tag so affixed shall not be removed from the fish until the same is finally prepared for consumption.

(c) No fish, required to be tagged as specified in paragraph (a) of this section, taken pursuant to this act, shall be possessed off the premises of the fishing preserve without such tag, and no person shall sell such fish without such tag attached, except for scientific, exhibition or stocking purposes.

(d) Fish taken from such fishing preserves and tagged as provided in this section, may be possessed, bought, sold and offered for sale, and transported without restriction. Fish raised or possessed under license issued under this act may be sold at any time for scientific, exhibition, propagation or stocking purposes.

C. 23:3-67 Records and reports.

6. The holder of a fishing preserve license shall keep such records as the division may require and make annual reports, verified by affidavit of the licensee, to and upon forms furnished by the division. The records shall be continuous and shall be kept on the licensed premises, and the licensee shall allow any representative of the division to enter upon the premises and inspect his operations and records.

C. 23:3-68 Use of fish toxins.

7. The division may, by special permit or authorization contained in the license, authorize the licensee to use fish toxins in the management of the licensed waters, but unless so specifically authorized by permit or license, no toxins or poisons may be introduced into the licensed waters.

C. 23:3-69 Certain rights or liabilities not affected; exception.

8. Nothing in this act shall abridge, alter or affect the rights or liabilities, riparian or otherwise, that would otherwise exist or accrue by reason of the impounding of the water, except that fishing preserve waters are waters of the State within the meaning of the Public Health Laws.

C. 23:3-70 Rules and regulations.

9. The division may make such rules and regulations with respect to the management and operation of fishing preserves, not inconsistent with the provisions of this act, as it shall deem necessary and proper to carry into effect the provisions of this act.

C. 23:3-71 Penalty.

10. Any person who violates any of the provisions of this act shall be liable to a penalty of not less than $100.00 or more than $1,000.00 for each offense.

11. This act shall take effect immediately.

Approved October 28, 1970.

CHAPTER 248

AN ACT to provide for the establishment of county offices on aging and for State aid for the operations thereof.

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

C. 40:23-6.38 Legislature's findings.

1. The Legislature hereby finds and declares that:

(a) There are nearly 700,000 people over the age of 65 in this State, and that these citizens, now numbering almost 10% of the State's population, are of special concern because their numbers are growing faster than the rest of the population and because, increasingly there is no room for them in the labor market.

(b) During the last century life expectancy has been lengthened by 20 years. Since 1900 the total population of New Jersey has doubled but our senior population has quadrupled. With the lengthening of life expectancy has come the impact of technology which permits earlier retirement and makes employment opportunities unavailable for much of the older population.

(c) The result of these changes is that many older people are socially isolated and economically deprived. Lack of preparation for changed family relationships and social situations create crises for which assistance is not readily available. Many such crises can be averted if the problems of aging are anticipated and made the subject of prior planning.

(d) A central place is needed, therefore, where older citizens facing such situations can turn for assistance through information on community resources. Those who need such information vary from the middle-aged unemployed to the recent retiree and the helpless aged, from the affluent to the very poor, from the rural citizen to the urban and suburban resident, from the learned to the uneducated.

(e) Efforts to avert crises among this expanding segment of the population must have two major goals: the development of an understanding of the nature of aging so that people may grow old with dignity and independence; and, the ready identification and availability of community resources for older people, to whom they are often inaccessible or nonexistent. These resources need to be identified, expanded and made more immediately available to those who need them.

(f) While the Government of the State of New Jersey has recognized some of its special responsibilities in this area by creating the State Division on Aging, it has become apparent that this agency will function more effectively by providing a means by which it can achieve a closer relationship with the people it seeks to help, and through which it can increase access to desirable programs.

(g) It is apparent, therefore, that channels for the distribution of information on the resources available to older people, should be established throughout the State so as to be conveniently available to all segments of our older population, and that they should be maintained by county governments.

C. 40:23-6.39 Authority to establish county office on aging.

2. The board of chosen freeholders of any county may by resolution establish a county office on aging.

C. 40:23-6.40 Powers and duties.

3. Each county office on aging shall have the power and duty and it shall be the function of said office to:

(a) Maintain a central source of information on programs and services for older people;

(b) Circulate current knowledge related to aging to the public at large and to individuals and groups to which such knowledge would be of benefit;

(c) Stimulate expansion of existing services to more adequately meet the needs of older people and, where desirable, encourage new programs to meet these needs.

C. 40:23-6.41 Executive director.

4. The board of chosen freeholders shall appoint an executive director, who shall be a person qualified by training and experience to direct the work of such office, to administer the work of the county office on aging.

C. 40:23-6.42 Receipt and expenditure of moneys.

5. The board of chosen freeholders may receive and expend moneys from the State, Federal Government or private individuals, corporations or associations thereof, to meet the expenses of the county office on aging.

C. 40:23-6.43 Amount and payment of State aid; commissioner's approval.

6. There shall be appropriated and paid annually to each county office on aging, subject to the approval of the Commissioner of the Department of Community Affairs, an amount equal to one-half

of the amount of annual expense of the county office on aging; provided, however, that no county shall receive more than $20,000.00 in State aid hereunder in any calendar year. Payments shall be made by the State Treasurer, upon certificate of the Commissioner of the Department of Community Affairs and warrant of the Director of the Division of Budget and Accounting, on or before December 31 of each calendar year. This payment shall constitute reimbursement to the county for the State aid portion of the annual expense of each county office on aging during the year in which the payment is made.

C. 40:23-6.44 Rules and regulations.

7. The Director of the Division on Aging shall issue and promulgate rules and regulations for the proper control and management of activities of the county offices on aging, for the certification of persons to hold the position of executive director and for the administration of grant funds available for the purposes of this act, and may issue and promulgate such other rules and regulations necessary to carry out the purposes of this act.

8. This act shall take effect January 1, 1971.

Approved October 28, 1970.

CHAPTER 249

AN ACT to authorize the borough of East Rutherford in the county of Bergen to make permanent the appointment of Jerome Winston to the police department of the borough of East Rutherford.

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

1. The borough of East Rutherford in the county of Bergen is authorized to make permanent the appointment of Jerome Winston to the police department of the borough of East Rutherford notwithstanding that the height of Jerome Winston is less than the minimum height required for appointment thereto pursuant to the rules and regulations of the Civil Service Commission.

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 East Rutherford for the purpose of adopting same.

Approved October 28, 1970.

CHAPTER 250

AN ACT concerning municipalities and amending R. S. 40:60–39 and 40:60–40.

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

1. Section 40:60–39 of the Revised Statutes is amended to read as follows:

Transfer of municipal lands for school purposes; prior dedication; effect.

40:60–39. When the governing body of a municipality shall determine that all or any part of a tract of land with or without buildings erected thereon, owned by the municipality, is no longer desirable, necessary or required for other public purposes, it may transfer and convey such land or any portion thereof, with or without improvements thereon, to the board of education in the municipality or a regional board of education of a regional school district or a consolidated board of education of a consolidated school district of which the municipality is a constituent part, or the board of education of any county vocational school of the county in which the municipality is situate, for a nominal consideration to be used for public purposes connected with the district board of education or the regional board of education or the consolidated board of education, or the board of education of any county vocational school of the county in which the municipality is situate. A prior dedication or use for park purposes of such land or any part thereof shall not be deemed to preclude a transfer and conveyance thereof under the provisions of this section.

2. Section 40:60–40 of the Revised Statutes is amended to read as follows:

Method of conveyance; acceptance.

40:60–40. No transfer or conveyance of such land or property as provided in section 40:60–39 of this Title shall be made until the

governing body of the municipality shall have adopted a resolution declaring the property to be no longer desirable or necessary or required for other public purposes, and authorizing the conveyance thereof for public purposes by deed executed by the proper officers of the municipality under the municipal seal, nor until the board of education in said municipality or the regional board of education or the consolidated board of education, or the board of education of any county vocational school of the county in which the municipality is situate, to whom such conveyance is to be made, shall have adopted a resolution requesting or approving the conveyance of such lands or property for such public purposes.

3. This act shall take effect immediately.

Approved October 28, 1970.

CHAPTER 251

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 1970 but not in sufficient time to permit taxpayers to make applications prior to October 1, 1969, for the valuation, assessment and taxation of their lands for the tax year 1970 on the basis of being actively devoted to agricultural or horticultural use, any such application filed with the assessor since October 1, 1969, 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 1970, 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 1970 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 October 28, 1970.

CHAPTER 252

A SUPPLEMENT to "An act relating to public buildings and making appropriations for construction, reconstruction, development, extension, improvement and equipment of public buildings, all for education purposes," approved April 2, 1969 (P. L. 1969, c. 13).

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

1. There is hereby appropriated to the Department of Higher Education from the Public Buildings Construction Fund the sum of $12,953,000.00, or that portion thereof as may be required, for land acquisition and the planning, construction, rehabilitation and equipping of facilities, services, and buildings at the various public institutions of higher education. The appropriations will fund the foregoing types of projects approved by the Board of Higher Education in the amounts and at the institutions as follows:

Institution	Amount
Jersey City State College—Classroom Building	$3,193,000
Montclair State College—Mathematics and Science Building	3,760,000
Ramapo College of New Jersey—Phase I facilities and land acquisition	4,000,000
Richard Stockton State College—Phase I facilities and land acquisition	2,000,000
Total appropriation	$12,953,000

2. This act shall take effect immediately.

Approved October 28, 1970.

CHAPTER 253

AN ACT authorizing a loan to the New Jersey State Area Redevelopment Fund pursuant to the provisions of chapter 37 of Title 2A of the New Jersey Statutes.

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

1. From the fund established by N. J. S. 2A:37–41, the State Treasurer is hereby authorized to lend the New Jersey State Area Redevelopment Fund an additional sum not exceeding $500,000.00 to carry out the purposes of chapter 204 of the laws of 1962 (C. 13:1B–15.13 et seq.). Any such loan shall be repaid in not more than 30 years and shall bear interest at the same rate charged to borrowers from the New Jersey State Area Redevelopment Fund by the New Jersey Area Redevelopment Authority.

2. This act shall take effect immediately.

Approved October 29, 1970.

CHAPTER 254

AN ACT to provide for the examination and promotion of certain policemen and firemen in cities of the first class, and amending section 11:27–12 of the Revised Statutes.

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

1. Section 11:27–12 of the Revised Statutes is amended to read as follows:

Examination and promotion of certain policemen and firemen in first-class cities.

11:27–12. A member of the police or fire department in a city of the first class who is a veteran as such term is defined in section 11:27–1 of this Title shall be entitled to be admitted to examination for promotion to a superior rank and upon successfully passing such examination shall be entitled to appointment in such superior rank, notwithstanding the fact that such person may not have held the position or rank held or occupied by him at the time of taking the examination for a period of 2 years, if he has or shall have held or occupied the same for a period of 1 year.

2. This act shall take effect immediately.

Approved November 2, 1970.

CHAPTER 255

AN ACT providing for the issuance of temporary real estate broker's licenses in certain cases, supplementing chapter 15 of Title 45 of the Revised Statutes and repealing P. L. 1943, chapter 60 and P. L. 1945, chapter 223.

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

C. 45:15-11.3 Issuance of temporary broker's license under certain circumstances; duration.

1. In the event of the death of a licensed real estate broker where no other member or officer in the agency, copartnership, association or corporation of which he was a member or officer is the holder of a broker's license or where an individual broker dies leaving no employee holding a real estate broker's license, then the Real Estate Commission may issue a temporary broker's license on a special form to another person for the purpose of enabling such other person to continue the real estate activities upon behalf of and under the same designation of said agency, copartnership, association, corporation or individual, as the case may be, upon the filing of an application, together with payment of the regular license fee; provided such other person has been the holder of a real estate salesman's license for at least 2 years immediately preceding the date of the application and provided that said application shall have been made within 30 days from date of the demise of said broker.

Such temporary license shall continue only until the licensee is afforded an opportunity of pursuing the approved broker's course in accordance with the provisions of paragraph (B) of section 1 of chapter 227 of the laws of 1966 (C. 45:15–10.1) and qualifying by examination. Such license may be issued and effective for a period of 6 months from the date of issuance. Such temporary license shall not be extended or renewed.

C. 45:15-11.1 and C. 45:15-11.2 Repealed.

2. Chapter 60 of the laws of 1943 and chapter 223 of the laws of 1945 are repealed.

3. This act shall take effect immediately.

Approved November 2, 1970.

CHAPTER 256

AN ACT concerning education, relating to classes and facilities for handicapped children and State aid therefor, and amending sections 18A:46–14, 18A:46–15, 18A:46–20 and 18A:46–28 of the New Jersey Statutes.

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

1. N. J. S. 18A:46–14 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.

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. N. J. S. 18A:46–15 is amended to read as follows:

Facilities and programs; approval and review by commissioner.

18A:46–15. a. The commissioner with the consent of the State board shall, according to the rules and regulations prescribed by him and approved by the State board, approve all special facilities and education programs which meet the requirements of this chapter. He shall from time to time, by the use of available members of his staff, by the publication of bulletins, and by any other means available to him assist boards of education in formulating programs required under this chapter.

b. The commissioner shall continually review the operation of the programs of special education required under this chapter and whenever in any area or region of this State, in his judgment, handicapped children of one or more disability groups, as classified under N. J. S. 18A:46–8, are not receiving satisfactory education programs, despite the operation of facilities and programs approved by him pursuant to subsection a. of this section, he shall, with the consent of the State board, order the establishment of a special class or classes for such group or groups in such area or region, either using the facilities to be provided by one or more boards of education, pursuant to N. J. S. 18A:46–20 b, or the facilities of one or more jointure commissions by directing one or more boards of education not members to become contracting districts of any thereof under N. J. S. 18A:46–28 c.

c. The commissioner shall continually review the operation of such class or classes and in case the operation of any of such classes is not satisfactory to him he shall, with the consent of the State board, take such steps available under this chapter as may seem necessary to improve such operation including the use of different receiving districts and sending districts and the use of different jointure commissions or the addition or withdrawal of districts to or from existing jointure commissions.

3. N. J. S. 18A:46–20 is amended to read as follows:

Receiving pupils from other districts.

18A:46–20. The commissioner may, in his discretion, with the approval of the State board:

a. Require any board of education, having the necessary facilities to provide the services required to be provided by this chapter, to receive pupils requiring such services from other districts; or

b. Require any board of education not having the necessary facilities to provide the facilities and services required to be provided pursuant to N. J. S. 18A:46–15b and to receive pupils requiring such services from other districts.

4. N. J. S. 18A:46–28 is amended to read as follows:

Withdrawal or joinder of districts.

18A:46–28. In accordance with rules of the State board:

a. A contracting district may withdraw from the commission;

b. An additional district may become a contracting district for the commission;

c. An additional district shall become a contracting district for the commission when so directed by the commissioner, pursuant to N. J. S. 18A:46–15b or N. J. S. 18A:46–15c;

d. A contracting district shall withdraw from the commission when directed by the commissioner pursuant to N. J. S. 18A:46–15c.

5. This act shall take effect immediately.

Approved November 2, 1970.

CHAPTER 257

AN ACT making an appropriation to the Family Court Study Commission constituted under Joint Resolution Number 12 of 1968.

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

1. There is hereby appropriated from the General Treasury to the Family Court Study Commission, constituted under Joint Resolution No. 12 of 1968, the sum of $5,000.00 for the fiscal year ending June 30, 1971.

2. This act shall take effect immediately.

Approved November 2, 1970.

CHAPTER 258

AN ACT to amend the title of "An act creating a permanent legislative commission to be known as the State Rules of Evidence Review Commission," approved July 19, 1968 (P. L. 1968, c. 183), so that the same shall read "An act creating a permanent legislative commission to be known as the State Rules of Court Review Commission," 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 P. L. 1968, chapter 183 is amended to read as follows: An act creating a permanent legislative commission to be known as the State Rules of Court Review Commission.

2. Section 1 of P. L. 1968, chapter 183 (C. 2A:84A–39.1) is amended to read as follows:

C. 2A:84A-39.1 State Rules of Court Review Commission; membership, terms.

1. There is hereby created a permanent State Rules of Court Review Commission which shall consist of 10 members, five to be appointed by the President of the Senate and five to be appointed by the Speaker of the General Assembly. Of those members appointed by the President of the Senate, two shall be members of the Senate and three shall be citizens of the State. Of those members appointed by the Speaker of the General Assembly, two shall be members of the General Assembly and three 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.

3. Section 3 of P. L. 1968, chapter 183 (C. 2A:84A–39.3) is amended to read as follows:

C. 2A:84A-39.3 Duties of commission; recommendations.

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, as well as any rule of court in effect, or proposed, which the commission considers may call for legislative action to aid in the achievement of the intended purpose, or the solution of a problem, by means of amendatory, supplemental, revisory or new legislation.

4. This act shall take effect immediately.

Approved November 2, 1970.

CHAPTER 259

AN ACT concerning county investigators, and amending N. J. S. 2A:157–12.

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

1. N. J. S. 2A:157–12 is amended to read as follows:

County investigators in second-class counties.

2A:157–12. In counties of the second class there may be appointed not in excess of 9 county investigators, who shall be paid annual salaries of not less than $6,500.00.

Not more than 6 county investigators in counties of the second class with populations of 400,000 inhabitants or less, and not more than 21 county investigators in counties of the second class with populations in excess of 400,000 inhabitants, in addition to those provided for in this section may be appointed by the county prosecutor where there appears to be a reasonable necessity therefor, if approved by resolution of the board of chosen freeholders of the county.

2. This act shall take effect immediately.

Approved November 2, 1970.

CHAPTER 260

AN ACT concerning county detectives and amending N. J. S. 2A:157–4.

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

1. N. J. S. 2A:157–4 is amended to read as follows:

County detectives in second-class counties.

2A:157–4. (a) In counties of the second class having a population in excess of 400,000, there may be appointed not in excess of 24 county detectives, of whom one may be designated chief of county detectives, one captain of county detectives, and 2 lieutenants of county detectives. In any of such counties, except counties having a population in excess of 425,000 but less than 450,000, 2 of said county detectives may be designated as additional lieutenants of county detectives, making 4 in all in said counties, and 2 may be designated sergeants of county detectives.

(b) In the counties of the second class having a population of 400,000 or under, there may be appointed not in excess of 12 county detectives of whom one may be designated chief of county detectives, one captain of county detectives, and one lieutenant of county detectives.

(c) Their annual salaries shall be fixed as follows: chief of county detectives, not less than $9,500.00; captain of county detectives, not less than $8,000.00; lieutenant of county detectives, not less than $7,000.00; sergeant of county detectives, not less than $6,500.00; and other county detectives, not less than $6,000.00.

2. This act shall take effect immediately.

Approved November 2, 1970.

CHAPTER 261

AN ACT to amend the "New Jersey Soldiers' and Sailors' Civil Relief Act of 1968," approved June 21, 1968 (P. L. 1968, c. 78).

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

1. Section 26 of P. L. 1968, c. 78 (C. 38:23A–60) is amended to read as follows:

C. 38:23A-60 Duration of act.

26. This act shall remain in force and effect until July 1, 1972; 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.

2. This act shall take effect immediately.

Approved November 2, 1970.

CHAPTER 262

AN ACT concerning surety bonds in certain cases and supplementing Title 17 of the Revised Statutes.

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

C. 17:31-6 Surety of guaranteed arrest bond certificates.

1. Any domestic or foreign surety company which has qualified to transact surety business in this State may, in any year, become surety in an amount not to exceed $200.00 with respect to any guaranteed arrest bond certificates issued in such year by an automobile club or association by filing with the Commissioner of Insurance an undertaking thus to become surety.

C. 17:31-7 Contents of form.

2. Any such undertaking shall be in a form to be prescribed by the Commissioner of Insurance, and subject to such regulations

as he shall from time to time prescribe in regard thereto, and shall state the following:

a. The name and address of the automobile club or clubs or automobile association or associations with respect to guaranteed arrest bond certificates of which the surety company undertakes to be surety;

b. The unqualified obligation of the surety company to pay the fine or forfeiture in an amount not to exceed $200.00 of any person who, after posting a guaranteed arrest bond certificate with respect to which the surety company has undertaken to be surety, failed to make the appearance for which the guaranteed arrest bond certificate was posted.

C. 17:31-8 Certificate in lieu of cash bail or other bond; exceptions; forfeiture.

3. Any guaranteed arrest bond certificate with respect to which a surety company has become surety, as herein provided, shall, when posted by the person whose signature appears thereon, be accepted in lieu of cash bail or other bond in an amount not to exceed $200.00, as a bail bond, to guarantee the appearance of such person in any court in this State, including all municipal courts, in this State, at such time as may be required by such court, when the person is arrested for violation of any motor vehicle law of this State or any motor vehicle ordinance of any municipality in this State, except for the offense of driving under the influence of intoxicating liquors or of drugs or for any high misdemeanor committed prior to the date of expiration shown on such guaranteed arrest bond certificates; provided, that any such guaranteed arrest bond certificates so posted as bail bond in any court in this State shall be subject to the forfeiture and enforcement provisions with respect to bail bonds in criminal cases as otherwise provided by law or as hereafter may be provided by law, and that any such guaranteed arrest bond certificate posted as a bail bond in any municipal court of this State shall be subject to the forfeiture and enforcement provisions of the charter or ordinance of the particular municipality pertaining to bail bonds posted.

4. This act shall take effect immediately.

Approved November 2, 1970.

CHAPTER 263

AN ACT to amend "An act creating a temporary State Commission of Investigation; prescribing its functions, powers and duties; making an appropriation therefor," approved September 4, 1968 (P. L. 1968, c. 266).

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

1. Section 1 of P. L. 1968, chapter 266 (C. 52:9M–1) is amended to read as follows:

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 four 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 the members 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 two 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.

2. This act shall take effect immediately.

Approved November 2, 1970.

CHAPTER 264

AN ACT to authorize the town of Hackettstown in the county of Warren to make permanent the appointments of Frederick Ainsworth, Edward Wisniewski, Rudolph Drechsel, and Lester Snyder to the police department of the town of Hackettstown.

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

1. The town of Hackettstown in the county of Warren is authorized to make permanent the appointments of Frederick Ainsworth, Edward Wisniewski, Rudolph Drechsel, and Lester Snyder to the police department of Hackettstown notwithstanding that the ages of Frederick Ainsworth, Rudolph Drechsel, and Edward Wisniewski were, respectively, greater than the maximum age limit for appointment thereto as set forth in section 40:47–4 of the Revised Statutes, and that the heights of Lester Snyder and Edward Wisniewski were less than the minimum height required for appointment thereto pursuant to the rules and regulations of the Civil Service Commission.

2. This act shall take effect upon due adoption and publication of an ordinance of the town of Hackettstown for the purpose of adopting same.

Approved November 4, 1970.

CHAPTER 265

AN ACT to amend the title of "An act concerning counties and municipalities in relation to contracts for the purchasing of materials and supplies and supplementing Title 40 of the Revised Statutes," approved October 26, 1967 (P. L. 1967, c. 228), so that the same shall read "An act concerning counties, municipalities and agencies and authorities thereof, and school districts in relation to contracts for the purchasing of materials and supplies 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 P. L. 1967, chapter 228 is amended to read as follows: An act concerning counties, municipalities and agencies and authorities thereof, and school districts in relation to contracts for the purchasing of materials and supplies and supplementing Title 40 of the Revised Statutes.

2. 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 purchase of 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 including any agency or authority thereof, 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 including any agency or authority thereof, school district or school districts.

3. 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 including any agency or authority thereof, 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 including any agency or authority thereof, school district or school districts to the county.

4. 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; awarding of contracts.

3. Advertising for bids and awarding of contracts by the county on behalf of the municipality or municipalities including any agency or authority thereof, school district or school districts shall be performed in accordance with chapter 25 of Title 40 of the Revised Statutes.

5. Section 4 of P. L. 1967, chapter 228 (C. 40:23–6.37) is amended to read as follows:

C. 40:23-6.37 Authority to enter into contract; costs.

4. a. The entering into any such contract by the municipality or municipalities including any agency or authority thereof 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, agency or authority.

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.

6. This act shall take effect immediately.

Approved November 4, 1970.

CHAPTER 266

AN ACT to amend the "Delaware River Basin Compact", approved May 1, 1961 (P. L. 1961, c. 13).

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

1. Section 12.9 of P. L. 1961, c. 13 (C. 32:11D–72) is amended to read as follows:

C. 32:11D-72 Interest.

12.9 Interest. Bonds shall bear interest at a rate of not to exceed 8% per annum, payable annually or semiannually.

2. This act shall take effect upon the enactment of legislation having identical effect by the United States, the States of Delaware and New York and the Commonwealth of Pennsylvania.

Approved November 4, 1970.

CHAPTER 267

AN ACT exempting members of the armed forces and school teachers from jury service under certain circumstances, and amending N. J. S. 2A:69–2.

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

1. N. J. S. 2A:69–2 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 (on active duty).

f. School teachers (under contract as full-time 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.

l. Members of first aid and rescue squads.

2. This act shall take effect immediately.

Approved November 4, 1970.

CHAPTER 268

AN ACT to establish a New Jersey Register of Historic Places and prescribing the powers, duties and functions of the Department of Environmental Protection and the Division of Parks, Forestry and Recreation and the Historic Sites Council in connection therewith.

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

C. 13:1B-15.128 New Jersey Register of Historic Places.

1. A New Jersey Register of Historic Places is established in the Division of Parks, Forestry and Recreation of the Department of Environmental Protection to consist of a permanent record of areas, sites, structures and objects within the State determined to have significant historical, archeological, architectural or cultural value.

C. 13:1B-15.129 Establishment of criteria for approval of areas, sites, etc., for inclusion in register.

2. The Commissioner of Environmental Protection, with the advice and recommendations of the Historic Sites Council, shall establish criteria for receiving and processing nominations and approval of areas, sites, structures and objects, both publicly and privately owned, for inclusion in the Register of Historic Places, together with appropriate documentation thereof to be included and maintained in the register and for the public identification of such historic places by appropriate plaques or documentation. The owners of all areas, sites, structures or objects approved for inclusion in the register shall be provided with appropriate written notification thereof by the department.

C. 13:1B-15.130 Expenditure of State funds.

3. No State funds shall be expended for, or in aid of, acquisition, preservation, restoration or maintenance as a historic place or site of any area, site, structure or object unless and until the same shall be approved for inclusion in the Register of Historic Places, but this section shall not apply to presently owned or maintained State Historic Sites.

C. 13:1B-15.131 Prior authorization required for certain projects.

4. The State, a county, municipality or an agency or instrumentality of any thereof shall not undertake any project

which will encroach upon, damage or destroy any area, site, structure or object included in the Register of Historic Places without application to, and the prior written authorization or consent of, the Commissioner of Environmental Protection. The commissioner shall solicit the advice and recommendations of the Historic Sites Council in connection with any such application and may direct the conduct of a public hearing or hearings thereon prior to granting or denying authorization or consent. The failure of the commissioner to authorize, consent or deny any such application within 120 days of application therefor shall constitute his consent thereto.

C. 13:1B-15.132 Appropriation for establishment and maintenance of register.

5. There is appropriated to the Department of Environmental Protection for the purpose of establishing and maintaining the New Jersey Register of Historic Places such sums as shall be included in any annual or supplemental appropriation act.

6. This act shall take effect immediately.

Approved November 4, 1970.

CHAPTER 269

AN ACT to authorize the township of Pemberton in the county of Burlington to make permanent the appointment of William A. Shinn, Jesse L. Clayton, Robert W. Chapman and Dominic Bianchini to the police department of the township of Pemberton.

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

1. Pursuant to the provisions of chapter 199 of the laws of 1948 (C. 1:6–10 et seq.), under which a petition for a special law has been filed with the Legislature, the township of Pemberton in the county of Burlington is authorized to make permanent the appointment of William A. Shinn, Jesse L. Clayton, Robert W. Chapman and Dominic Bianchini to the police department of the township of Pemberton 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 Public Employees' Retirement System 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 an ordinance of the township of Pemberton for the purpose of adopting same.

Approved November 4, 1970.

CHAPTER 270

AN ACT to supplement "An act relating to the reorganization of the executive and administrative offices, departments, and instrumentalities of the State Government; and establishing and concerning a Division of Investment within the Department of the Treasury," approved July 1, 1950 (P. L. 1950, c. 270).

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

C. 52:18A-90.1 Common trust funds authorized.

1. Notwithstanding any statute or rule of law to the contrary, the Director of the Division of Investment may, subject to the approval of the State Investment Council and the State Treasurer, establish, maintain and operate one or more common trust funds, in which may be combined for the purpose of investment, money and property belonging to the various funds in the custody of the State Treasurer; provided, however, that there shall not be combined in any common trust fund moneys and property of any fund the income of which inures to the benefit of the General State Fund and money and property of any fund the income of which inures to the benefit of said fund.

C. 52:18A-90.2 Maintenance of certain records required.

2. In any common trust fund where the income of the participating funds inures to the benefit of the General State Fund, the participating capital contributions of said funds shall be evidenced by appropriate entries on records maintained by the Bureau of Accounting in the Division of Budget and Accounting, Department of the Treasury.

C. 52:18A-90.3 Ownership to be evidenced by certificates; distribution of interest and dividends; designation and distribution of income; valuation of units.

3. In any common trust fund where the income of the participating fund inures to the benefit of the participating funds, ownership in the common trust fund shall be delineated by units which shall be evidenced by certificates issued by the Director of the Division of Investment.

Any and all interest and cash dividends received by such common trust fund shall be distributed monthly to the participating funds in the proportion of the number of units owned by each such fund. The State Investment Council may, from time to time, designate as income to the participating funds, such amounts of the realized appreciation of principal to the common trust fund as it may deem prudent. Such income shall be distributed to the participating funds in the proportion of the number of units owned by each fund. The valuation of each unit in the common trust fund shall be determined in a manner to be established by regulation of the State Investment Council.

4. This act shall take effect immediately.

Approved November 4, 1970.

CHAPTER 271

AN ACT appropriating certain funds from the Water Conservation Fund for grants for the planning and construction of sewerage treatment facilities by local governmental units and authorizing offers of grants from such fund subject to future appropriation upon ascertainment of construction costs.

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

1. There is hereby appropriated from the proceeds of the Water Conservation Fund to the Division of Clean Air and Water in the State Department of Health a sum not to exceed $705.00 for the purpose of providing grants, which together with all grants heretofore made by the State shall not exceed 25% of the cost of that portion of approved sewerage projects which qualify

for Federal assistance, pursuant to the provisions of the "State Public Sanitary Sewerage Facilities Assistance Act of 1965," P. L. 1965, c. 121 (C. 26:2E–1 et seq.), for approved sewerage projects to the following municipalities and authorities:

Fair Lawn Borough

All of the said sum of $705.00 may be paid over to said municipalities and authorities during the calendar year 1970.

2. There is hereby appropriated from the proceeds of the Water Conservation Fund to the Division of Clean Air and Water in the State Department of Health a sum not to exceed $219,771.00 for the purpose of providing grants, which together with all grants heretofore made by the State shall not exceed 25% of the cost of that portion of approved sewerage projects which qualify for Federal assistance, pursuant to the provisions of the "State Public Sanitary Sewerage Facilities Assistance Act of 1965," P. L. 1965, c. 121 (C. 26:2E–1 et seq.), for approved sewerage projects to the following municipalities and authorities:

Pompton Lakes Municipality Utilities Authority
Madison Chatham Joint Meeting
Bridgewater Township Sewerage Authority
Northeast Monmouth County Regional Sewerage Authority
Bergen County Sewer Authority
Ewing-Lawrence Sewerage Authority

All of the said sum of $219,771.00 may be paid over to said municipalities and authorities during the calendar year 1970.

3. There is hereby appropriated from the proceeds of the Water Conservation Fund to the Division of Clean Air and Water in the State Department of Health a sum not to exceed $446,919.00 for the purpose of providing grants, not exceeding 25% of the cost of that portion of approved sewerage projects which qualify for Federal assistance, pursuant to the provisions of the "State Public Sanitary Sewerage Facilities Assistance Act of 1965," P. L. 1965, c. 121 (C. 26:2E–1 et seq.), for approved sewerage projects to the following municipalities and authorities:

New Providence borough
Montvale borough

All of the said sum of $446,919.00 may be paid over to said municipalities and authorities during the calendar year 1970.

4. This act shall take effect immediately.

Approved November 4, 1970.

CHAPTER 272

AN ACT concerning the protection of natural resources in coastal wetlands, providing for the designation by the Commissioner of Environmental Protection of certain coastal wetlands after public hearing, and requiring permits from the commissioner prior to the dredging, removing, filling or otherwise altering or polluting coastal wetlands.

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

C. 13:9A-1 Legislature's findings and declaration of policy; inventory and mapping of tidal wetlands; filing of maps.

1. a. The Legislature hereby finds and declares that one of the most vital and productive areas of our natural world is the so-called "estuarine zone," that area between the sea and the land; that this area protects the land from the force of the sea, moderates our weather, provides a home for water fowl and for ⅔ of all our fish and shellfish, and assists in absorbing sewage discharge by the rivers of the land; and that in order to promote the public safety, health and welfare, and to protect public and private property, wildlife, marine fisheries and the natural environment, it is necessary to preserve the ecological balance of this area and prevent its further deterioration and destruction by regulating the dredging, filling, removing or otherwise altering or polluting thereof, all to the extent and in the manner provided herein.

b. The Commissioner of Environmental Protection shall, within 2 years of the effective date of this act, make an inventory and maps of all tidal wetlands within the State. The boundaries of such wetlands shall generally define the areas that are at or below high water and shall be shown on suitable maps, which may be reproductions or aerial photographs. Each such map shall be filed in the office of the county recording officer of the county or counties in which the wetlands indicated thereon are located. Each wetland map shall bear a certificate of the commissioner to the effect that it is made and filed pursuant to this act. To be entitled to filing no wetlands map need meet the requirements of R. S. 47:1–6.

C. 13:9A-2 Authority to regulate alteration of coastal wetlands; definition.

2. The Commissioner may from time to time, for the purpose of promoting the public safety, health and welfare, and protecting pub-

lic and private property, wildlife and marine fisheries, adopt, amend, modify or repeal orders regulating, restricting or prohibiting dredging, filling, removing or otherwise altering, or polluting, coastal wetlands. For the purposes of this act the term "coastal wetlands" shall mean any bank, marsh, swamp, meadow, flat or other low land subject to tidal action in the State of New Jersey along the Delaware bay and Delaware river, Raritan bay, Barnegat bay, Sandy Hook bay, Shewsbury river including Navesink river, Shark river, and the coastal inland waterways extending southerly from Manasquan Inlet to Cape May Harbor, or at any inlet, estuary or tributary waterway or any thereof, including those areas now or formerly connected to tidal waters whose surface is at or below an elevation of 1 foot above local extreme high water, and upon which may grow or is capable of growing some, but not necessarily all, of the following: Salt meadow grass (Spartine patens), spike grass (Distichlis spicata), black grass (Juncus gerardi), saltmarsh grass (Spartina alterniflora), saltworts (Salicornia Europaea, and Salicornia bigelovii), Sea Lavendar (Limonium carolinianum), saltmarsh bulrushes (Scirpus robustus and Scirpus paludosus var. atlanticus), sand spurrey (Spergularia marina), switch grass (Panicum virgatum), tall cordgrass (Spartina pectinata), hightide bush (Iva frutescens var. oraria), cattails (Typha angustifolia, and Typha latifolia), spike rush (Eleocharis rostellata), chairmaker's rush (Scirpus americana), bent grass (Agrostis palustris), and sweet grass (Hierochloe odorata). The term "coastal wetlands" shall not include any land or real property subject to the jurisdiction of the Hackensack Meadowlands Development Commission pursuant to the provisions of P. L. 1968, chapter 404, sections 1 through 84 (C. 13:17–1 through C. 13:17–86).

C. 13:9A-3 Adoption, change or repeal of order; hearing, notice; recording, indexing and filing of order; mailing.

3. The commissioner shall, before adopting, amending, modifying or repealing any such order, hold a public hearing thereon in the county in which the coastal wetlands to be affected are located, giving notice thereof to each owner having a recorded interest in such wetlands by mail at least 21 days prior thereto addressed to his address as shown in the municipal tax office records and by publication thereof at least twice in each of the 3 weeks next preceding the date of such hearing in a newspaper of general circulation in the municipality or municipalities in which such coastal wetlands are located.

Upon the adoption of any such order or any order amending, modifying or repealing the same, the commissioner shall cause a copy thereof, together with a plan of the lands affected, including reference to the filed wetlands map or maps on which the same are shown and a list of the owners of record of such lands, to be recorded in the office of the county clerk or register of deeds, where it shall be indexed and filed as a judgment, and shall mail a copy of such order and plan to each owner of record of such lands affected thereby.

C. 13:9A-4 "Regulated activity" defined; permit; application; contents; inspection; effect of work to be considered.

4. a. For purposes of this section "regulated activity" includes but is not limited to draining, dredging, excavation or removal of soil, mud, sand, gravel, aggregate of any kind or depositing or dumping therein any rubbish or similar material or discharging therein liquid wastes, either directly or otherwise, and the erection of structures, drivings of pilings, or placing of obstructions, whether or not changing the tidal ebb and flow. "Regulated activity" shall not include continuance of commercial production of salt hay or other agricultural crops or activities conducted under section 7 of this act.

b. No regulated activity shall be conducted upon any wetland without a permit.

c. Any person proposing to conduct or cause to be conducted a regulated activity upon any wetland shall file an application for a permit with the commissioner, in such form and with such information as the commissioner may prescribe. Such application shall include a detailed description of the proposed work and a map showing the area of wetland directly affected, with the location of the proposed work thereon, together with the names of the owners of record of adjacent land and known claimants of rights in or adjacent to the wetland of whom the applicant has notice. All applications, with any maps and documents relating thereto, shall be open for inspection at the office of the Department of Environmental Protection.

d. In granting, denying or limiting any permit the commissioner shall consider the effect of the proposed work with reference to the public health and welfare, marine fisheries, shell fisheries, wildlife, the protection of life and property from flood, hurricane and other natural disasters, and the public policy set forth in section 1. a. of this act.

C. 13:9A-5 Restraint of violations.

5. The Superior Court shall have jurisdiction to restrain violations of orders issued pursuant to this act.

C. 13:9A-6 Filing of complaint; determination of issue exclusive.

6. Any person having a recorded interest in land affected by any such order or permit, may, within 90 days after receiving notice thereof, file a complaint in the Superior Court to determine whether such order or permit so restricts or otherwise affects the use of his property as to deprive him of the practical use thereof and is therefore an unreasonable exercise of the police power because the order or permit constitutes the equivalent of a taking without compensation. If the court finds the order or permit to be an unreasonable exercise of the police power, the court shall enter a finding that such order or permit shall not apply to the land of the plaintiff; provided, however, that such finding shall not affect any other land than that of the plaintiff. Any party to the suit may cause a copy of such finding to be recorded forthwith in the office of the county clerk or register of deeds, where it shall be indexed and filed as a judgment.

The method provided in this section for the determination of the issue shall be exclusive, and such issue shall not be determined in any other proceeding.

C. 13:9A-7 Certain powers and duties not to be restricted.

7. No action by the commissioner under this act shall prohibit, restrict or impair the exercise or performance of the powers and duties conferred or imposed by law on the State Department of Environmental Protection, the Natural Resource Council and the State Mosquito Control Commission in said Department, the State Department of Health, or any mosquito control or other project or activity operating under or authorized by the provisions of chapter 9 of Title 26 of the Revised Statutes.

C. 13:9A-8 Riparian rights or obligations not affected.

8. Nothing in this act or any permit issued hereunder shall affect the rights of the State in, or the obligations of a riparian owner with respect to, riparian lands.

C. 13:9A-9 Liability in event of violations; penalty.

9. Any person who violates any order by the commissioner, or violates any of the provisions of this act, shall be liable to the State for the cost of restoration of the affected wetland to

its condition prior to such violation insofar as that is possible, and shall be punished by a fine of not more than $1,000.00, to be collected in accordance with the provisions of the Penalty Enforcement Law (N. J. S. 2A:58–1 et seq.).

C. 13:9A-10 Short title.

10. This act may be cited as "The Wetlands Act of 1970."

11. This act shall take effect immediately.

Approved November 5, 1970.

CHAPTER 273

AN ACT concerning public utilities and amending section 48:2–23 of the Revised Statutes.

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

1. Section 48:2–23 of the Revised Statutes is amended to read as follows:

Safe and adequate service.

48:2–23. The board may, after hearing, upon notice, by order in writing, require any public utility to furnish safe, adequate and proper service, including furnishing and performance of service in a manner that tends to conserve and preserve the quality of the environment and prevent the pollution of the waters, land and air of this State, and to maintain its property and equipment in such condition as to enable it to do so.

2. This act shall take effect immediately.

Approved November 5, 1970.

CHAPTER 274

AN ACT relating to the Clean Air and Clean Water Scholarship Intern Programs and amending P. L. 1967, chapter 106, section 14 and P. L. 1967, chapter 109, section 3.

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

1. Section 14 of P. L. 1967, chapter 106 (C. 26:2C–24) is amended to read as follows:

C. 26:2C-24 Clean Air Scholarship Intern Program.

14. (a) There is hereby established a Clean Air Scholarship Intern Program.

(b) The Commissioner of the Department of Environmental Protection may provide for the payment of room, board, tuition and fees for eligible persons to attend any accredited college or university authorized by the commissioner as a regular student to receive an engineering degree or a degree with a major in the biological, physical or environmental sciences satisfactory to the commissioner until the eligible person satisfactorily completes 4 scholastic years.

(c) To be eligible for the Clean Air Scholarship Intern Program a person must:

(1) Be a citizen of the United States and the State of New Jersey;

(2) Be a high school graduate or have an equivalent education;

(3) Have been accepted for admission to the accredited college or university authorized by the commissioner as a regular student and accepted in said college or university to pursue a course of instruction satisfactory to the commissioner;

(4) Contract, with the consent of his parent or legal guardian if he is a minor, with the commissioner or his designated representative, to serve with the Department of Environmental Protection for a period of 3 years following graduation and further, to serve with the Department of Environmental Protection during the regular periods of summer vacation except for such vacation periods as the commissioner shall establish by regulation and provided further that the department shall not be liable to pay wages to said student during said vacation periods.

(d) The appointments made by the commissioner hereunder shall be subject to available appropriations and shall be awarded on a competitive basis.

(e) The Scholarship Intern Program shall be administered by the commissioner under such regulations as the commissioner shall prescribe.

2. Section 3 of P. L. 1967, chapter 109 (C. 26:2E–11) is amended to read as follows:

C. 26:2E-11 Clean Water Scholarship Intern Program.

3. (a) There is hereby established a Clean Water Scholarship Intern Program.

(b) The commissioner of the Department of Environmental Protection may provide for the payment of room, board, tuition and fees for eligible persons to attend any accredited college or university authorized by the commissioner as a regular student to receive an engineering degree or a degree with a major in the biological, physical or environmental sciences satisfactory to the commissioner until the eligible person satisfactorily completes 4 scholastic years.

(c) To be eligible for the Clean Water Scholarship Intern Program a person must:

(1) Be a citizen of the United States and the State of New Jersey;

(2) Be a high school graduate or have an equivalent education;

(3) Have been accepted for admission to the accredited college or university authorized by the commissioner as a regular student and accepted in said college or university to pursue a course of instruction satisfactory to the commissioner;

(4) Contract, with the consent of his parent or legal guardian if he is a minor, with the commissioner or his designated representative, to serve with the Department of Environmental Protection for a period of 3 years following graduation and further, to serve with the Department of Environmental Protection during the regular periods of summer vacation except for such vacation periods as the commissioner shall establish by regulation and provided further that the department shall not be liable to pay wages to said student during said vacation periods.

(d) The appointments made by the commissioner hereunder shall be subject to available appropriations and shall be awarded on a competitive basis.

(e) The Scholarship Intern Program shall be administered by the commissioner under such regulations as the commissioner shall prescribe.

3. This act shall take effect immediately.

Approved November 5, 1970.

CHAPTER 275

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:

Deposit and disposition of certain moneys.

18A:64–18. All moneys received in connection with the operation of the State colleges shall be deposited in a special account of the General State Fund and shall be available for use by the State college subject to the provisions of its annual appropriation, except that:

a. Moneys which are derived by the State colleges 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, maintenance, and rental 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.

b. Moneys which are derived from student union building fees collected at a State college, which are in excess of the sums required

for the operation, maintenance and rental of such a facility, 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 construction and operation of a student union building at a State college and for the payment of rentals for such facilities leased from the New Jersey Educational Facilities Authority.

c. Moneys which are derived from the operation of parking facilities, which are in excess of sums required for the operation and maintenance of such facilities at a State college, 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 such parking charges as may be authorized by the State college and the Board of Higher Education for parking facilities leased from the New Jersey Educational Facilities Authority.

2. This act shall take effect immediately.

Approved November 12, 1970.

CHAPTER 276

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

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

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

Organization of boards of education.

18A:54–18. Each board of education for county vocational schools shall organize annually on November 1 by the election of a president and vice-president, unless November 1 shall fall on Sunday, in which case the board shall organize on the following day.

If the organization meeting cannot take place on the day hereinabove provided for by reason of a lack of a quorum or for any other reason, said meeting shall be held within 3 days thereafter.

2. This act shall take effect immediately.

Approved December 3, 1970.

CHAPTER 277

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

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

1. Section 17–11 of P. L. 1950, chapter 210 (C. 40:69A–160) is amended to read as follows:

C. 40:69A-160 Elected candidates.

17–11. At the regular municipal election in any municipality which has adopted articles 4 or 5, or 9 through 12, inclusive, of this act, the candidates receiving the greatest number and a majority of votes cast shall be elected to the respective offices; provided, however, that if:

(a) Nine councilmen at large are to be elected and 4 or more candidates for said office receive a majority of the votes cast, the 9 candidates receiving the greatest number of votes shall be elected; or

(b) Seven councilmen at large are to be elected and 3 or more candidates for said office receive a majority of the votes cast, the 7 candidates receiving the greatest number of votes shall be elected; or

(c) Five councilmen at large are to be elected and 2 or more candidates for said office receive a majority of the votes cast, the 5 candidates receiving the greatest number of votes shall be elected; or

(d) Four councilmen at large are to be elected and 2 or more candidates for said office receive a majority of the votes cast, the 4 candidates receiving the greatest number of votes shall be elected; or

(e) Three councilmen at large are to be elected and one or more candidates for said office receive a majority of the votes cast, the 3 candidates receiving the greatest number of votes shall be elected; or

(f) Two councilmen at large are to be elected and one or more candidates for said office receive a majority of the votes cast, the 2 candidates receiving the greatest number of votes shall be elected.

As used in this section, the number constituting a majority of the votes cast shall be computed by dividing by 2 the number of voters who cast a vote for at least one candidate for councilman at large, and then adding one. Voting machines to be used in such election shall be equipped, as soon as practicable, with one or more counters so connected as to keep a tally of the number of voters who cast votes for one or more of the candidates for councilman at large. Until such time as suitable counters have been so provided, or whenever the tally of the number of voters cannot be determined for any reason, then the number constituting said majority of the votes cast shall be computed by adding all the votes cast for each candidate for said office, dividing that total by twice the number of councilmen at large to be elected and then adding one.

2. This act shall take effect immediately.

Approved December 3, 1970.

CHAPTER 278

AN ACT concerning executions against wages, debts, earnings, salaries, income or profits and amending section 2A:17–53 of the New Jersey Statutes.

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

1. Section 2A:17–53 of the New Jersey Statutes is amended to read as follows:

Payment by persons indebted to debtor.

2A:17–53. Any person, agent, treasurer or other fiduciary officer of a private or public municipal corporation, including any county, the State, or other governmental agency, to whom an execution mentioned in section 2A:17–50 of this Title is presented, and who shall at such time be indebted to the judgment debtor named in such execution, or who shall become indebted to such judgment debtor in the future, and while such execution shall remain a lien upon such indebtedness, shall pay over to the officer presenting the same, such amount of such indebtedness as such execution shall

prescribe, less 5%, which amount shall be on account of compensation to such person, agent, treasurer or other fiduciary officer, for expense and services in payment of the execution, deductible from each payment made, until such execution shall be wholly satisfied. Such payment, together with the amount of said compensation, shall be credited to the account of the judgment debtor in payment of such execution and shall be a bar to any action for such payment, together with the amount of said compensation, by any such judgment debtor.

2. This act shall take effect immediately.

Approved December 3, 1970.

CHAPTER 279

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 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 two 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.); 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 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 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, in-

cluding 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.

(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.' "

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(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 December 3, 1970.

CHAPTER 280

AN ACT concerning driving overweight vehicles on interstate bridges, and amending R. S. 39:4–76.

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

1. R. S. 39:4–76 is amended to read as follows:

Driving overweight vehicles on interstate bridges; penalty; liability for damages; disposition of penalties.

39:4–76. No vehicle shall be driven over any interstate bridge owned or maintained in whole or in part by this State, upon which is posted in a conspicuous place a sign stating the gross weight that the bridge will carry, if the gross weight of any such vehicle and the load is greater than the gross weight stated on the sign.

Any person violating any of the provisions of this section, and the owner of any vehicle driven upon any bridge in violation of this section, with a gross weight or with weight on any axle or wheel exceeding by more than 3% the maximum weight allowed in that particular case, shall be fined an amount equal to $0.02 per pound for each pound of excess weight if the excess does not exceed 10,000 pounds, and $0.03 per pound for each pound of excess weight if the excess weight exceeds 10,000 pounds, but in no event less than $50.00.

The owner of any vehicle driven in violation of this section shall, in addition to the penalty herein prescribed, be responsible to the commission, body or authority having control of said bridge, for damages which may be done to any such bridge by reason of any violation of this section.

Moneys received from penalties imposed for violations of this section shall be accounted for and forwarded to the director, who shall pay the same to the State Treasurer.

2. This act shall take effect immediately.

Approved December 3, 1970.

CHAPTER 281

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:*

C. 40:145-33 Township superintendents and superintendents of public works; tenure.

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 supervisor or superintendent of public works of the township and has held or shall have held one or more such offices, positions or employments with or without additional service as assistant road supervisor or supervisor of public works department acting under appointment by the township committee, for a continuous period of not less than 12 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 or road department in the township for a continuous period of not less than 12 years shall have tenure of office, position or employment as such township assistant road supervisor, supervisor of public works 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 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, 1971, 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 December 3, 1970.

CHAPTER 282

AN ACT concerning the taxation of corporations and amending R. S. 54:11–1, R. S. 54:11–2, R. S. 54:11–4, R. S. 54:11–5 and R. S. 54:11–6.

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

1. R. S. 54:11–1 is amended to read as follows:

Voiding charter of delinquent corporations; extension of time for payment.

54:11–1. If a corporation created under any law of this State shall for 2 consecutive years fail to pay the State a tax which has been or shall be assessed against it under any law of this State and made payable into the State Treasury, the charter of such corporation shall be declared void as provided in section 54:11–2 of this Title, unless the Secretary of State shall, for good cause shown to him, give further time for the payment of such tax, in which case a certificate thereof shall be filed by the Secretary of State in the office of the Director of the Division of Taxation, stating the reasons therefor.

2. R. S. 54:11–2 is amended to read as follows:

Delinquents reported to Secretary of State; proclamation voiding chapter.

54:11–2. On or before the first Monday in January in each year the Director of the Division of Taxation shall report to the Secretary of State a list of all corporations which for 2 years next preceding the report have failed to pay the taxes assessed against them under any law of this State as provided in section 54:11–1 of this Title. The Secretary of State shall forthwith issue his proclamation declaring under this Title and chapter, that the charters of these corporations are repealed, and all powers conferred by law upon them shall thereafter be inoperative and void. The proclamation of the Secretary of State shall be filed in his office.

3. R. S. 54:11–4 is amended to read as follows:

Reinstatement of charters voided by mistake.

54:11–4. When the Secretary of State is satisfied that a corporation named in such a proclamation has not failed to pay such tax within 2 consecutive years or has been inadvertently reported to the Secretary of State by the Director of the Division of Taxation as having failed to pay the tax within such time, the Secretary of State may correct the mistake and make the same known by issuing his proclamation to that effect.

4. R. S. 54:11–5 is amended to read as follows:

Reinstatement upon payment of amount fixed; exceptions.

54:11–5. If the charter of a corporation organized under any law of this State has or shall have become inoperative or void, by proclamation of the Secretary of State or by operation of law, for nonpayment of taxes, the Secretary of State, by and with the advice of the Attorney General, may, upon payment by the corporation to the Secretary of State of such sum in lieu of taxes and penalties as to them may seem reasonable, but in no case to be less than the fees required upon the filing of the original certificate of incorporation, permit the corporation to be reinstated and entitled to all its franchises and privileges. Upon such payment the Secretary of State shall issue his certificate entitling the corporation to continue its business and franchises.

The provisions of this section shall not apply to any gas, electric light, telephone, telegraph, water, pipe line, railroad, street railway company, or other corporation having the right to use the public streets or to take and condemn lands in this State. Nothing in this section contained shall relieve any such corporation from the penalty of forfeiture of its franchises in case of failure to pay future taxes imposed under this subtitle or under any other law of this State.

5. R. S. 54:11–6 is amended to read as follows:

Action for appointment of a receiver.

54:11–6. After a corporation of this State has failed for the space of 2 consecutive years to pay the taxes imposed upon it by law, and the Director of the Division of Taxation has reported the corporation to the Secretary of State as provided in this chapter, the Attorney General may apply in an action against such corporation in the Superior Court for the appointment of a receiver, or otherwise. The court may proceed in the action in a summary manner or otherwise.

6. This act shall take effect immediately.

Approved December 3, 1970.

CHAPTER 283

AN ACT concerning the State Board of Pharmacy and amending "An act concerning minimum requirements for pharmacies and drug stores and for prescription departments of pharmacies and drug stores, the issuance of temporary and limited permits, the suspension and revocation of temporary permits and other permits, and supplementing chapter 14 of Title 45 of the Revised Statutes," approved May 28, 1948 (P. L. 1948, c. 105).

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

1. Section 4 of P. L. 1948, chapter 105 (C. 45:14–36.4) is amended to read as follows:

C. 45:14-36.4 Conduct of business during period of revocation prohibited; penalty.

4. It shall be unlawful for any person, firm or corporation to operate, or conduct any business, in any pharmacy or drug store without a permit issued by the board or during the period of suspension of any permit theretofore issued for the operation of such pharmacy or drug store or any time after a permit theretofore issued for the operation of such pharmacy or drug store has been revoked. Any person, firm, or corporation found guilty of violating the provisions of this section shall be liable to a penalty of $100.00 for each day during which said violation continues to be sued for and recovered in the name of the board.

2. This act shall take effect immediately.

Approved December 3, 1970.

CHAPTER 284

AN ACT to amend "An act providing for the establishment and operation by any life insurance company of variable contract accounts, the regulation thereof, and the investment of assets of such accounts," approved June 18, 1959 (P. L. 1959, c. 123) as said title was amended by chapter 200 of the laws of 1967.

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

1. Section 4 of P. L. 1959, chapter 123 (C. 17:35A–9) is amended to read as follows:

C. 17:35A-9 Investments and liabilities.

4. (a) The assets held in a variable contract account, or any part thereof, may be invested in

(i) Common stock or shares of any investment company specified in the contract or contracts participating in such variable contract account, and registered under the Investment Company Act of 1940, whether or not such stock or shares satisfy the dividend or earnings history requirements now or hereafter contained in the provisions of Title 17 of the Revised Statutes that regulate investments by domestic life insurance companies; provided that, at the time of the first purchase of such stock or shares of any such investment company, the life insurance company which maintains such account, or a subsidiary or affiliate of such insurance company, shall be the investment manager or investment adviser of such investment company and, as long as such life insurance company which maintains such account, or any subsidiary or affiliate of such life insurance company, shall continue as such investment manager or investment adviser, the investments acquired by such investment company shall be such as would be eligible for investment of variable contract account assets by domestic life insurance companies under the provisions of this section excluding this clause (i);

(ii) Other investments made eligible for investment by domestic life insurance companies by the provisions of Title 17 of the Revised Statutes that regulate investments by domestic life insurance companies, except for investments made eligible by the provision of chapter 24 of said Title which permits a domestic life insurance company to make loans or investments not otherwise expressly qualified or permitted up to 2% of total admitted assets, as such provision may be

amended from time to time, or any similar or superseding provision corresponding in substance thereto; and

(iii) Investments authorized, specifically or by classes or otherwise by the commissioner as appropriate to the nature and purpose of such variable contract account;

provided that (A) any common stock or shares, other than common stock or shares referred to in clause (i) of this subsection issued by an open-end investment company, shall be (1) common stock or shares which are listed or admitted to trading on a securities exchange in the United States of America or Canada, or (2) common stock or shares which are included on the National Association of Securities Dealers' national price listings of "over-the-counter" securities, or (3) other common stock or shares which the commissioner shall have determined are publicly held and traded and as to which market quotations shall be available; (B) the quantitative investment limitations now or hereafter contained in Title 17 of the Revised Statutes regulating investment by domestic life insurance companies shall not be applicable to variable contract account investments, subject to the qualification that the provision contained in said Title limiting the percentage of voting stock of any one corporation that may be purchased or acquired by a domestic life insurance company, as such provision may be amended from time to time, or any similar or superseding provision corresponding in substance thereto, shall apply (subject to the provisions of section 3 of chapter 24 of said Title as such provisions may be amended from time to time, or any similar or superseding provisions corresponding in substance thereto), with respect to the aggregate of the voting stock of any one corporation held in all accounts of such life insurance company except for all such stock that may be voted at the direction of a person or persons, other than such life insurance company or any subsidiary or affiliate of such life insurance company; and provided further that, subject to the next succeeding paragraph of this subsection, no domestic life insurance company shall purchase for any variable contract account any security (other than common stock or shares referred to in clause (i) of this subsection issued by an open-end investment company) of any corporation, if after such purchase more than 10% of the market value of the assets of such variable contract account would be invested in the securities of such corporation.

Notwithstanding the foregoing provisions of this section or any other provision of law, a domestic life insurance company may (i) invest the assets, or any part thereof, held in a variable contract ac-

count established and maintained solely for one or more group contracts in any investment or investments authorized by the contract or contracts participating in such account, subject only to clause (B) of the proviso in the next preceding paragraph of this subsection relating to the percentage of voting stock of any one corporation that may be purchased or acquired, and (ii) vote any stock or shares held in such an account in accordance with the instructions of such person or persons designated pursuant to such contract or contracts participating in such account. For the purpose of this paragraph, a group contract shall not include, (1) a contract which provides benefits to individuals based upon the investment results of the variable contract account in which such contract participates unless such contract implements a plan which covers at least 100 individuals at the time of execution of such contract and offers each individual covered by the plan one or more alternatives to having the contributions made by him, if any, under the plan credited to such account, if such crediting would affect his benefits under the plan; or, except with the consent of the commissioner, (2) a contract, the holder of which is an association of individuals or the representative thereof.

Except as otherwise provided in this subsection, the investments held in the variable contract accounts of any domestic life insurance company shall be disregarded in determining whether the other investments of such life insurance company comply with the provisions of Title 17 of the Revised Statutes that regulate investments by domestic life insurance companies as such provisions may be amended from time to time, or any similar or superseding provisions corresponding in substance thereto.

(b) Notwithstanding any other provision of law, in order to comply with the Investment Company Act of 1940, a domestic life insurance company may, with respect to any variable contract account or any portion thereof,

(i) Exercise any voting rights of any stock or shares in accordance with instructions from the persons having the beneficial interests in such account ratably according to their respective interests in such account, or

(ii) Establish a committee for such account, the members of which may be directors or officers or other employees of such insurance company, or persons having no such relationship to such insurance company, or any combination thereof, who may be elected to such membership by the vote of the persons having the beneficial interests in such account ratably according to their respective interests in such account. Such committee may

have the power, which may be exercisable alone or in conjunction with others, or which may be delegated to such insurance company or any other person, as investment manager or investment adviser, to authorize purchases and sales of investments for such account, provided that as long as such life insurance company or any subsidiary or affiliate of such life insurance company shall be the investment manager or investment adviser of such account, the investments of such account shall be eligible under the provisions of subsection (a) of this section. If compliance with the Investment Company Act of 1940 shall involve only a portion of a variable contract account, such insurance company may establish such a committee for only such portion, and its members may be elected by the vote of the persons having the beneficial interests in such portion. Any such committee for only a portion of a variable contract account may be given the further power to require the subdivision of such account into two accounts so that the portion of the account with respect to which such committee shall be acting shall constitute a separate variable contract account. If such committee shall so require, the insurance company shall segregate from the account being so subdivided a portion of each asset held with respect to the reserve liabilities of such account. Such portion shall be in the same proportion to the total of such asset as the reserve liability for the portion of the account with respect to which such committee is acting bears to the total reserve liability of such account; and notwithstanding any other provision of law, the assets so segregated shall be transferred to a separate variable contract account with respect to which such committee shall act.

(c) The investments and liabilities of a variable contract account shall at all times be clearly identifiable and distinguishable from the other investments and liabilities of the corporation. No sale, transfer or exchange of investments may be made between a variable contract account and any other investment account of the corporation, except with the prior consent of the commissioner, and no investments of a variable contract account shall be pledged or transferred as collateral for a loan.

(d) The term "Investment Company Act of 1940" as used in this section shall mean an Act of Congress approved August 22, 1940 entitled "Investment Company Act of 1940" as amended from time to time, or any similar statute enacted in substitution therefor.

2. This act shall take effect immediately.

Approved December 3, 1970.

CHAPTER 285

AN ACT to authorize the township of East Windsor in the County of Mercer to make permanent the appointment of David G. Betts to the police department of the township of East Windsor.

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

Private act.

1. Pursuant to the provisions of P. L. 1948, c. 199 (C. 1:6–10 et seq.), under which a petition for a special law has been filed with the Legislature, the township of East Windsor in the county of Mercer is authorized to make permanent the appointment of David G. Betts to the police department of the township of East Windsor notwithstanding his age is greater than the maximum age limit for appointment thereto set forth in R. S. 40:47–4.

2. This act shall take effect upon due adoption of an ordinance of the township of East Windsor for the purpose of adopting same.

Approved December 3, 1970.

CHAPTER 286

A SUPPLEMENT to "An act making appropriations for the support of the State Government and the several public purposes for the fiscal year ending June 30, 1971, and regulating the disbursement thereof," approved June 15, 1970 (P. L. 1970, c. 96).

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 AGRICULTURE

Extraordinary:

Gypsy moth control (not to be used for the purchase and use of any long-lasting (persistent) pesticides like DDT)	$75,000.00

2. This act shall take effect immediately.

Approved December 3, 1970.

CHAPTER 287

AN ACT concerning execution and amending sections 2A:17–56 and 2A:17–57 of the New Jersey Statutes.

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

1. Section 2A:17–56 of the New Jersey Statutes is amended to read as follows:

Limitation on amount specified in execution.

2A:17–56. In no case shall the amount specified in an execution issued out of any court against the wages, debts, earnings, salary, income from trust funds or profits due and owing, or which may thereafter become due and owing to a judgment debtor, exceed 10%, unless the income of such debtor shall exceed the sum of $7,500.00 per annum, in which case the court out of which the execution shall issue may order a larger percentage.

2. Section 2A:17–57 of the New Jersey Statutes is amended to read as follows:

Definition; construction of article.

2A:17–57. As used in this article, "rights and credits" include all rights and credits which may be taken by writ of attachment against nonresident debtors, and also rights and credits of an equitable nature, except such income and property as is reserved or exempt by law, but wages, debts, earnings, salaries, income from trust funds and profits due and owing to a defendant in execution to the amount of less than $48.00 a week shall not be liable to be seized or taken by virtue of any execution, civil process or order directing payments to be made in installments. If they amount to $48.00 or more a week, not more than 10% thereof may be so seized or taken, unless they exceed the sum of $7,500.00 per annum, in which case the court may order a larger percentage.

Nothing contained in this article or article 7 shall be construed as impairing the rights of an execution creditor under other provisions of this chapter or any law of this State relating to executions, or as against any trust which was created by or the fund held in trust has proceeded from the defendant in execution.

3. This act shall take effect immediately, but shall only apply to executions under court orders issued on or after the effective date of this act.

Approved December 14, 1970.

CHAPTER 288

AN ACT concerning hospital records and amending section 26:8–5 of the Revised Statutes.

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

1. Section 26:8–5 of the Revised Statutes is amended to read as follows:

Institutional records.

26:8–5. The person in charge of a hospital, almshouse, lying-in, penal, or other institution, public or private, to which any person resorts for treatment of disease or for confinement, or is committed by process of law, shall make a record of all the personal and statistical particulars relative to each inmate in such institution, at the time of admission, and shall make a complete medical record covering the period of such person's confinement in such institution.

The medical records provided for herein or photographic reproductions thereof shall be retained by the custodian of records of such institution for a period of 10 years following the most recent discharge of the patient, or until the person confined therein reaches the age of 23 years, whichever is the longer period of time. In addition, a discharge summary sheet shall be retained by such custodian of records for a period of 20 years following the most recent discharge of the patient. The discharge summary sheet shall contain the patient's name, address, dates of admission and discharge and a summary of the treatment and medication rendered during the patient's stay. Any X-ray films related to such confinement shall be retained by such custodian of records for a period of 5 years.

In case of any person admitted or committed for treatment of disease, the physician in charge shall specify, for entry in the record, the nature of the disease and where, in his opinion, it was contracted.

The personal particulars and information required by this section shall be obtained from the individual himself if practicable; and when not, they shall be obtained in as complete a manner as possible from relatives, friends, or other persons acquainted with the facts.

2. This act shall take effect immediately.

Approved December 14, 1970.

CHAPTER 289

AN ACT concerning mentally ill, mentally deficient and mentally retarded adults and supplementing chapter 4 of Title 30 of the Revised Statutes.

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

C. 30:4-165.7 Designation of parent as legal guardian of certain individuals.

1. Any parent of a mentally ill, mentally deficient or mentally retarded individual, as the case may be, who is receiving State or county residential functional services and is over 21 years of age may at any time move in Superior Court or in the County Court in the county in which such parent resides for a judgment designating him as the legal guardian of the person of such an individual. The county adjuster of the county in which the parent resides shall be served with a copy of the moving papers and made a party to the action.

C. 30:4-165.8 Contents of papers.

2. The moving papers shall include a verified complaint, a medical affidavit from the attending physician stating the nature of the mental illness, mental deficiency or mental retardation, as the case may be, of the individual, and an affidavit from the chief executive officer or medical director of the institution at which the individual is receiving residential functional services stating the length of the individual's commitment and the necessity of continuing the residential functional services.

C. 30:4-165.9 Authority to oppose motion.

3. The county adjuster may oppose the motion within 30 days after its submission to the court either at a hearing before that court or before a jury, in which latter case the action will proceed under the provisions of Title 3A of the Revised Statutes. The court may, after hearing arguments on the motion, enter an order granting a judgment of legal guardianship of the person of the individual to the petitioning parent.

C. 30:4-165.10 Construction of act.

4. Nothing in this act shall be construed to affect the determination of a guardian of the estate of a mentally ill, mentally retarded or mentally deficient individual.

C. 30:4-165.11 "Parent" defined.

5. The term "parent" as used in this act shall mean the natural parent or parents or prior guardian of the individual. All other terms used in this act shall have the same meaning as defined in chapter 4 of Title 30 of the Revised Statutes to which this act is supplementary.

6. This act shall take effect immediately.

Approved December 14, 1970.

CHAPTER 290

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 65 of P. L. 1963, chapter 144 (C. 17:12B–65) is amended to read as follows:

C. 17:12B-65 Officers.

65. Officers. The officers of every State association shall be a president, one or more vice-presidents, a secretary and a treasurer and may include a chairman of the board if the bylaws so provide, together with such other officers as provided by the bylaws or as determined by the board to be necessary for the conduct of the State association's business. All officers shall be savings members of the State association. They shall be elected by the board unless the bylaws provide for their election by the members of the State association. Each officer shall be elected for a term of not more than 1 year, but shall continue in office until the election and qualification of his successor. Any two offices, except the offices of president and vice-president, may be held by one person. No officer shall act as attorney or conveyancer of his State association. A vacancy in any office may be filled by the board for the unexpired term. The board may appoint or employ or authorize any officer to appoint or employ assistant officers or assistants to officers subject to the confirmation of the board; provided, however, that assistants to officers shall not be considered as officers, but as employees.

2. Section 73 of P. L. 1963, chapter 144 (C. 17:12B–73) is amended to read as follows:

C. 17:12B-73 Bonds required.

73. A. Bonds required. The board shall require the secretary, treasurer, attorney, conveyancer and every other officer, director, employee, or agent handling or having the custody or charge of money, securities, books or records belonging to the association, before entering upon his duties, to be bonded in adequate amount and with good and sufficient surety, which shall be a surety company authorized to transact business in this State, and such bonds shall be approved by the board. The board shall examine annually all the bonds and pass on their sufficiency, and, if insufficient, immediately require new or additional bonds. The failure of any person to furnish, or qualify for, such bond shall be ground for his summary removal by the board. The commissioner may at any time order the bond of any such person to be increased. In lieu of such individual bonds, the board may procure a blanket bond providing the same protection to the association. The association may pay the premiums on any and all such bonds. No bond shall be deemed to comply with the requirements of this section unless such bond contains a provision that it shall not be cancellable for any cause unless notice of intention to cancel is filed in the Department of Banking and Insurance at least 5 days before the day upon which cancellation shall take effect.

B. Indemnification of officers, directors and employees. Any person shall be indemnified or reimbursed by the association for reasonable expenses, including, but not limited to, attorney fees, actually incurred by him in connection with any action, suit or proceeding, instituted or threatened, judicial or administrative, civil or criminal, to which he is made a party by reason of his being or having been a director, officer or employee of an association; provided, however, that no person shall be so indemnified or reimbursed, nor shall he retain any advancement or allowance for indemnification which may have been made by the association in advance of final disposition in relation to such action, suit or proceeding in which, and to the extent that, he finally shall be adjudicated to have been guilty of a breach of good faith, to have been negligent in the performance of his duties or to have committed an action or failed to perform a duty for which there is a common law or statutory liability; and, provided further, that a person may, with the approval of the commissioner, be so indemnified or reimbursed for:

(1) Amounts paid in compromise or settlement of any action, suit or proceeding, including reasonable expenses incurred in connection therewith; or

(2) Reasonable expenses, including fines and penalties, incurred in connection with a criminal or civil action, suit or proceeding in which such person has been adjudicated guilty, negligent or liable, if it shall be determined by the board of directors and by the commissioner that such person was acting in good faith and in what he believed to be the best interests of the association and without knowledge that the action was illegal, and if such indemnification or reimbursement is approved at an annual or special meeting of the members by a majority of the votes eligible to be cast. Amounts paid to the association, whether pursuant to judgment or settlement, by any person within the meaning of this section shall not be indemnified or reimbursed in any case.

3. This act shall take effect immediately.

Approved December 14, 1970.

CHAPTER 291

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 52 of P. L. 1963, chapter 144 (C. 17:12B–52) is amended to read as follows:

C. 17:12B-52 Eligibility for pension payments.

52. An officer or employee shall be eligible to begin to receive pension payments at such age and following such period of service as shall be specified in the pension plan of the association.

2. This act shall take effect immediately.

Approved December 14, 1970.

CHAPTER 292

AN ACT concerning veterans' deductions in taxes on real or personal property and repealing section 5 of chapter 171 of the laws of 1963.

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

C. 54:4-8.14 Repealed.

1. Section 5 of chapter 171 of the laws of 1963 (C. 54:4–8.14) is hereby repealed.

2. This act shall take effect immediately.

Approved December 14, 1970.

CHAPTER 293

AN ACT concerning taxation and amending sections 54:5–12 and 54:5–13 of the Revised Statutes.

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

1. Section 54:5–12 of the Revised Statutes is amended to read as follows:

Certificate as to taxes and other liens.

54:5–12. Upon receipt of the fees hereinafter provided, and of a written application from any person containing a diagram or description showing the location and dimensions of the tract of land to be covered by the certificate, and the name of the owner of the tract, such official shall make an examination of the records of the municipality, and within 15 days after receipt of the application, issue a certificate certifying the taxes, assessments or other municipal liens or charges, levied or assessed against the property described in the application, which are liens thereon at the date of the certificate. He shall include therein all unpaid installments of assessments theretofore levied and in force, whether due or not and whether the land is or may be subject to roll-back taxes under the Farmland Assessment Act of 1964, P. L. 1964, chapter 48 (C. 54:4–23.1 et seq.).

2. Section 54:5–13 of the Revised Statutes is amended to read as follows:

Certificate to include statement of municipal liens, tax sales and assessment under farmland assessment act.

54:5–13. The certificate provided for in section 54:5–12 of this Title shall include a statement of all municipal liens and outstanding certificates of tax sale, whether held by the municipality or not, made at any time prior to the date of its certification and not redeemed at such date as shown on the records of the municipality, and in the case of a continuation search shall indicate whether the liens, if any, shown in the original certificate shall have been paid and satisfied or remain in force. In addition, the certificate shall state whether the land is being assessed or has been assessed within the 3 years last past under the Farmland Assessment Act of 1964, P. L. 1964, chapter 48 (C. 54:4–23.1 et seq.) and may be subject to roll-back taxes thereunder.

3. This act shall take effect immediately.

Approved December 14, 1970.

CHAPTER 294

AN ACT authorizing banks to make provision for and to issue authorized but unissued stock 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-6.1 Authorized but unissued stock provided for.

1. Authorized but unissued stock provided for.

A bank may, in its original or amended certificate of incorporation make provision for authorized but unissued stock. Such stock may, with the approval of the Commissioner of Banking as hereinafter provided, be issued for such purposes, in addition to the purposes expressly authorized by law, and for such consideration as the board of directors may determine. So long as such stock remains unissued, it shall not constitute capital stock for the purposes of the act to which this act is a supplement.

C. 17:9A-6.2 Procedure; certificate of issue; filing in department.

2. Procedure; certificate of issue; filing in department.

Prior to the time when authorized or unissued shares are issued by a bank, a certificate made by two officers of the bank, one of whom shall be the president or a vice-president, shall be filed in the Department of Banking. The certificate shall state (a) the amount of the authorized but unissued stock which will be issued; (b) the consideration which will be received by the bank on the issuance of such stock; (c) the date upon which the stock will be issued; and (d) the amount of the bank's capital stock which will be outstanding, and the amount of its surplus after giving effect to such issue. If the Commissioner of Banking finds that the bank's original or amended certificate of incorporation provides for authorized but unissued stock, and if he finds that the issuance of such stock will not be in violation of law or contrary to the public interest, he shall endorse his approval upon the certificate and file it in the Department of Banking. A certificate filed in such department pursuant to this section shall be deemed for all purposes to be an amending of the bank's certificate of incorporation with the same effect as if it had been authorized, executed, approved and filed in such department pursuant to article 19 of the act of which this act is a supplement.

C. 17:9A-6.3 Consideration for issue; preemptive rights.

3. Consideration for issue; preemptive rights.

Authorized but unissued stock may be issued pursuant to this act for cash or for consideration other than cash, and may be issued without first being offered to existing stockholders.

4. This act shall take effect immediately.

Approved December 14, 1970.

CHAPTER 295

AN ACT concerning State highways and supplementing chapter 7 of Title 27 of the Revised Statutes.

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

C. 27:7-21.9 Removal of motor vehicle or other object from highway.

1. The Commissioner of Transportation or any officer or employee of the Department of Transportation may cause any motor

vehicle or other object of any nature standing wholly or partially upon a traveled portion of a State highway to be removed to another place on or off the highway to facilitate removal of snow or other maintenance operations upon the highway.

C. 27:7-21.10 Liability for cost of removal and storage.

2. The owner of a motor vehicle or other object so removed shall be liable to the commissioner for the reasonable cost of removal and of any storage of the object under a schedule of charges compiled by the commissioner, a copy of which shall be furnished such owner on request.

C. 27:7-21.11 Liability for claim resulting from removal.

3. Neither the commissioner nor any officer or employee of the department acting under the authority of this act may be held liable to any person for any claim arising out of or resulting from such removal except for malicious wrong. Any other person acting for the commissioner or an officer or employee of the department in the removal or storage of a motor vehicle or other object under this act shall be under the same duties and obligations as if he were performing a service at the request of the owner of the vehicle or object.

4. This act shall take effect immediately.

Approved December 14, 1970.

CHAPTER 296

AN ACT enabling the Board of Public Utility Commissioners to assess the solid waste utilities during the first 6 months in 1971 and supplementing P. L. 1968, c. 173.

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

1. The provisions of P. L. 1968, c. 173 (C. 48:2–59 et seq.), shall apply to solid waste collection and solid waste disposal utilities as defined in P. L. 1970, c. 40 (C. 48:13A–1 et seq.), for the period January 1, 1971 to June 30, 1971, at a rate based upon revenues received for the calendar year 1969. To enable the Board of Public Utility Commissioners to make its assessment, solid waste collection and solid waste disposal utilities shall file with the board a statement of their 1969 revenues on or before February 1, 1971,

and the board shall make its assessment on or before March 1, 1971, in the same manner as it would have if the 1969 revenue figures for solid waste collection and solid waste disposal were available prior to June 30, 1970, except that the amount to be paid shall be ½ the amount so calculated; but in no case shall the amount to be paid be less than $25.00.

2. This act shall take effect immediately.

Approved December 14, 1970.

CHAPTER 297

AN ACT providing for the repair and construction of sidewalks at the expense of the abutting landowners, and supplementing chapter 65 of Title 40 of the Revised Statutes.

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

C. 40:65-14 Construction and repair of sidewalks at expense of abutting landowners.

1. Any municipality may prescribe by general ordinance in what case curbs and sidewalks shall be constructed, repaired, altered, relaid or maintained at the expense of the abutting landowners; wherever in any municipality it shall hereafter become the duty of any owner of abutting lands under said ordinance or ordinances of the municipality to construct, repair, alter or relay any curb or sidewalk, or section thereof, the authorities of such municipality having charge of street affairs may, by resolution, cause a notice in writing to be served upon the owners or occupant of said lands, requiring the necessary specified work to said curb or sidewalk to be done by the said owner or occupant within a period of not less than 30 days from the date of service of such notice; whenever any lands are unoccupied and the owner cannot be found within the municipality, the same may be mailed, postage prepaid, to his or her post-office address, if the same can be ascertained; in case such owner is a nonresident of the municipality or his or her post-office address cannot be ascertained, then the notice may be inserted for 4 weeks, once a week in some newspaper of such municipality or if none be published therein, then in some newspaper published in the State and circulating in said municipality; in case the owner or occupant of such lands shall not comply with the requirements of such notice, it shall be lawful for the street department of the

municipality, upon filing due proof of the service or publication of the aforesaid notice in the appropriate department of the municipality, to cause the required work to be done, and paid for out of the municipal funds available for that purpose; the cost of such work shall be certified by the department or person having charge thereof to the department or person having charge of the collection of assessments in such municipality; upon filing the said certificate, the amount of the cost of such work shall be and become a lien upon the said abutting lands in front of which such work was done to the same extent that assessments for local improvements are liens in such municipality under its charter or the general law, and shall be collected in the manner provided by law for the collection of such other assessments, and shall bear interest at the same rate; in addition thereto the municipality may have an action to recover the said amount against the owner of said lands, in any court having competent jurisdiction thereof; a certified copy of the aforesaid certificate shall in such action be prima facie evidence of the existence of a debt due from the said owner to the municipality.

C. 40:65-15 Disposition of moneys recovered or paid to municipality.

2. All moneys recovered or paid to the municipality under the provisions of section 1 of this act shall be credited to the account out of which the cost of such work was paid.

C. 40:65-16 Powers conferred by act.

3. The powers conferred by this act shall be deemed to be in addition to and independent of any and all powers and authority conferred by any other law or laws and not subject to any limitation contained in any such law or laws.

4. This act shall take effect immediately.

Approved December 14, 1970.

CHAPTER 298

AN ACT concerning crimes, and amending section 2A:119-2 of the New Jersey Statutes.

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

1. Section 2A:119-2 of the New Jersey Statutes is amended to read as follows:

Stealing money, chattels or personal property.

2A:119–2. Any person who:

a. Steals any money, goods, chattels or other personal property of another; or

b. Digs, pulls, pulls up, picks, gathers, breaks, rips, cuts, severs, roots up, or otherwise destroys or damages, carries away or unlawfully appropriates, with intent to steal, any real or personal property of another, or any part thereof; or

c. Willfully kills any animal with intent to steal it or any part thereof, the property of another—

Is guilty of a misdemeanor, if the price or value of such property be under $500.00, and if the price or value thereof be $500.00 or over such person is guilty of a high misdemeanor.

2. This act shall take effect immediately.

Approved December 14, 1970.

CHAPTER 299

AN ACT to repeal "An act relating to the collection of certain tangible personal property taxes in certain municipalities," approved May 28, 1949 (P. L. 1949, c. 267).

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

C. 40:52A-1 to C. 40:52A-11 Repealed.

1. Chapter 267 of P. L. 1949 (C. 40:52A–1 et seq.) is hereby repealed.

2. This act shall take effect immediately.

Approved December 14, 1970.

CHAPTER 300

AN ACT concerning the designation of certain State institutions and amending sections 30:1–7, 30:4–146, 30:4–147, 30:4–148, 30:4–153, 30:4–154, 30:4–155, 30:4–156, 30:4–157, 30:4–157.1, 30:4–157.2, 30:4–157.3, 30:4–157.4, 30:4–157.6, 30:4–157.7, 30:4–157.8, 30:4–157.9, 30:4–158, 30:4–159, 30:4–160 and 30:6–1 of the Revised Statutes and amending "An act concerning a reformatory for males, amending, and repealing, certain sections of and supplementing chapter 4 of Title 30 of the Revised Statutes," approved May 28, 1963 (P. L. 1963, c. 65).

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

1. Section 30:1–7 of the Revised Statutes is amended to read as follows:

General jurisdiction and power of State board; institutions enumerated.

30:1–7. Within the limitations imposed by general legislation applicable to all agencies of the State, the State board is hereby granted complete and exclusive jurisdiction, supreme and final authority, and the requisite power to accomplish its aims and purposes in and upon the institutions, boards, commissions and other agencies, hereinafter in this section named, and designated as charitable, hospital, relief, training institutions and correctional institutions of this State, to the end that they shall be humanely, scientifically, efficiently and economically operated. Any particular grant of power hereinafter in this Title contained shall be in specification but not in limitation of the general grant of power.

The charitable, hospital, relief and training institutions and noninstitutional agencies of this State, within the meaning of this Title, shall include the following, and, as well, any institution established hereafter for any similar purpose, as now established and as the same are to be hereafter maintained and operated pursuant to law:

Trenton Psychiatric Hospital,
Greystone Park Psychiatric Hospital,
Marlboro Psychiatric Hospital,
Ancora Psychiatric Hospital,
New Jersey Neuropsychiatric Institute,

New Jersey Hospital for Chest Diseases,
North Jersey Training School at Totowa,
New Lisbon State School,
Woodbine State School,
Vineland State School,
Woodbridge State School,
Hunterdon State School,
New Jersey Memorial Home for Disabled Soldiers at Menlo Park,
New Jersey Memorial Home for Disabled Soldiers, Sailors, Marines and Their Wives and Widows at Vineland,
Diagnostic Center at Menlo Park,
Arthur Brisbane Child Center at Allaire,
Board of Public Welfare,
Commission for the Blind and Visually Impaired.

The correctional institutions of this State, within the meaning of this Title, shall include the following, and as well, any institution established hereafter for any similar purpose, as now established and as the same are to be hereafter maintained and operated pursuant to law:

State Prison, Trenton,
State Prison, Rahway,
State Prison, Leesburg,
Youth Reception and Correction Center, Yardville,
Youth Correctional Institution, Bordentown,
Correctional Institution for Women, Clinton,
Youth Correctional Institution, Annandale,
Training School for Boys, Jamesburg,
Training School for Girls, Trenton,
Training School for Boys, Skillman.

2. Section 30:4–146 of the Revised Statutes is amended to read as follows:

Youth Correctional Institution Complex defined.

30:4–146. The Youth Correctional Institution Complex shall include the existing Youth Reception and Correctional Center, Yardville, and the Youth Correctional Institutions at Bordentown and Annandale and all new or additional institutions, farms, camps, quarries or grounds designated by the State board, where persons sentenced to the Youth Correctional Institution Complex may, from time to time, be kept, housed or employed.

3. Section 3 of chapter 65 of the laws of 1963 (C. 30:4–146.1) is amended to read as follows:

C. 30:4-146.1 Board of managers.

3. The members of the board of managers of the Youth Correctional Institution Complex shall be appointed by the State board with the approval of the Governor from residents of the State at large without respect to political affiliation or belief. The board of managers shall consist of no less than 7 nor more than 15 members. They shall serve without compensation but shall be reimbursed for actual expenditures incurred in the performance of duty.

The term of each board member, except for the initial members, shall be 3 years, commencing on July 1 and ending on June 30 of the third year thereafter. Vacancies shall be filled by the State board for the unexpired term only. The board members shall be subject to removal by the State board at any time for good and sufficient cause.

The term of the members initially appointed shall be fixed, so that as nearly as possible, 1/3 of the members will receive terms of 3 years, 1/3, terms of 2 years, and the remainder, terms of 1 year. Initially appointed members may serve from the time of their respective appointments, but the term of office shall be deemed to commence on July 1 of the year in which the appointment was made.

4. Section 30:4–147 of the Revised Statutes is amended to read as follows:

Classes committed.

30:4–147. Any male person between the ages of 15 and 30 years, who has been convicted of a crime punishable by imprisonment in the State Prison, who has not previously been sentenced to a State Prison in this State, or in any other State, may be committed to the Youth Correctional Institution Complex.

5. Section 30:4–148 of the Revised Statutes is amended to read as follows:

Sentences to Youth Correctional Institution Complex.

30:4–148. The courts in sentencing to the Youth Correctional Institution Complex shall not fix or limit the duration of sentence, but the time which any person shall serve in confinement or on parole shall not in any case exceed 5 years or the maximum term provided by law for the crime for which the prisoner was convicted and sentenced, if such maximum be less than 5 years; provided, however, that the court, in its discretion, for good cause shown,

may impose a sentence greater than 5 years, but in no case greater than the maximum provided by law, and the commitment shall specify in every case the maximum of the sentence so imposed. The term may be terminated by the board of managers in accordance with its rules and regulations formally adopted.

6. Section 30:4–153 of the Revised Statutes is amended to read as follows:

Correctional Institution for Women defined.

30:4–153. The Correctional Institution for Women shall include the existing institution at Clinton, and all places where those sentenced to the Correctional Institution for Women may, from time to time, be kept, housed or employed.

7. Section 30:4–154 of the Revised Statutes is amended to read as follows:

Classes committed.

30:4–154. Any female above the age of 16 years, convicted of a crime which would be punishable by imprisonment in the State Prison if she were a male, shall be committed to the Correctional Institution for Women, and any female above the age of 16 years, convicted of any offense punishable by imprisonment in any county penitentiary or workhouse, may be committed to the Correctional Institution for Women. No male person shall be so committed or there confined.

8. Section 30:4–155 of the Revised Statutes is amended to read as follows:

Sentences to Correctional Institution for Women.

30:4–155. The several courts in sentencing to the Correctional Institution for Women shall not fix or limit the duration of the sentence, except as otherwise provided for herein, but the time which the prisoner shall serve in the reformatory or on parole shall not exceed 5 years, except for the crimes of murder or manslaughter, or the maximum term provided by law for the offense of which the prisoner is convicted and sentenced if such maximum be less than 5 years; provided, however, that the court, in its discretion, for good cause shown, may impose a sentence greater than 5 years, but in no case greater than the maximum provided by law, and the commitment shall specify in every case the maximum of the sentence so imposed. The term may be terminated by the board of managers in accordance with its rules and regulations.

Any female convicted of murder or manslaughter shall be sentenced to confinement in the Correctional Institution for Women at Clinton. Every such sentence shall be for a maximum and minimum term, except sentences for life. The maximum term shall not be in excess of the maximum term prescribed by law for the offense for which the offender was convicted, and the minimum term shall not be less than the minimum term prescribed by law for the offense for which the offender was convicted, and in no event less than 1 year. Commutation time for good behavior, as provided by section 30:4–140 of the Revised Statutes, shall be allowed on both such maximum and minimum terms.

Nothing herein contained shall be construed to apply to the sentence of death.

9. Section 30:4–156 of the Revised Statutes is amended to read as follows:

Training Schools for Boys defined.

30:4–156. The Training Schools for Boys shall include the existing schools at Jamesburg and Skillman, and all places where the persons committed thereto may, from time to time, be kept, housed or employed.

10. Section 30:4–157 of the Revised Statutes is amended to read as follows:

Training School for Girls defined.

30:4–157. The Training School for Girls shall include the existing school at Trenton, and all places where the persons committed thereto may, from time to time, be kept, housed or employed.

11. Section 30:4–157.1 of the Revised Statutes is amended to read as follows:

Commitment to Training School at Jamesburg.

30:4–157.1. Whenever any boy under the age of 16 years and of the age of 8 years or more shall be found guilty of any crime, except murder, in any court of record, the court, instead of entering judgment and pronouncing sentence according to law, may cause an order to be entered in the minutes of such court that such boy be committed to the Training School at Jamesburg as a juvenile delinquent, and thereupon the court may commit him to such training school by warrant.

12. Section 30:4–157.2 of the Revised Statutes is amended to read as follows:

Warrant of commitment; papers and records.

30:4–157.2. The warrant of commitment to the Training School for Boys shall set forth the names of the parents or guardians if they can be ascertained and the boy's place of residence. The court shall order transmitted to the chief executive officer of the training school, by the officer serving the papers of commitment a statement of the substance of the complaint, a copy of any probation reports or other records which the county may have concerning the past delinquencies of the boy together with such of the testimony in the case as appears to show contributory negligence on the part of the boy's custodians and such other information concerning any mental or physical condition which the court deems to be of importance in the reformation or rehabilitation of the boy. Such records shall be used for the information and guidance of the board of managers of the training school and the department of institutions and agencies but shall not be public records.

13. Section 30:4–157.3 of the Revised Statutes is amended to read as follows:

Complaint of truancy, disorderly conduct, etc.; commitment; security for payment of expenses.

30:4–157.3. Any parent or guardian may make complaint to the juvenile and domestic relations court that any boy under the age of 16 years, the son or ward of complainant, is habitually truant or habitually vagrant or disorderly or incorrigible. The court shall thereupon issue a warrant to the sheriff, constable or police officer to cause the boy to be brought before it at such time and place as it may appoint when and where it shall examine the parties, and if, in its judgment, the complaint is well founded and the boy is a fit subject for the Training School for Boys, Jamesburg, it shall issue a warrant, with the consent of the parent or guardian indorsed thereon, to be executed by the sheriff, a constable or police officer committing the boy to the training school.

Security for the payment of the expenses of the hearing upon complaint and commitment, the expenses of the transfer of the boy to the school and the expenses of his board and maintenance at the school may, in the discretion of the court, be required of the parent or guardian in cases arising under this section or section 30:4–157.1 of this Title.

14. Section 30:4–157.4 of the Revised Statutes is amended to read as follows:

Expenses of commitment and board.

30:4–157.4. Whenever a boy or girl shall be committed to the training school under the provisions of section 30:4–157.1, 30:4–157.3 or 30:4–157.9 of this Title, it shall be the duty of the court, at the time of the examination, to make inquiry as to the ability of the parent or guardian to pay the expenses of the commitment proceedings and the board of the boy or girl, and it shall indorse on the warrant of commitment a statement of its finding in that regard.

Payment by the parent or guardian of these costs shall be made to the probation officer or county adjuster, whichever the court shall designate; provided, however, that upon collection thereof the costs of the commitment proceedings shall be paid to the county treasurer, and any amount received representing maintenance shall be forwarded to the institution wherein the inmate is confined. In the event of failure of the parent or guardian to pay the amount ordered by the court then the probation officer or county adjuster, as the case may be, shall bring the matter before the court for such further order as shall appear proper therein to compel payment.

15. Section 30:4–157.6 of the Revised Statutes is amended to read as follows:

Duration of detention.

30:4–157.6. The several courts in committing to the Training School for Boys, Jamesburg, shall not fix or limit the duration of the commitment, but a boy so committed may be detained until he reaches the age of 21 years, unless such term of detention is terminated by the board in accordance with its rules and regulations formally adopted.

16. Section 30:4–157.7 of the Revised Statutes is amended to read as follows:

Indenturing prohibited.

30:4–157.7. No inmate of the Training Schools for Boys shall be indentured or bound out to service.

17. Section 30:4–157.8 of the Revised Statutes is amended to read as follows:

Placement of inmates for their benefit.

30:4–157.8. As a part of the parole system in the Training Schools for Boys, the board may place any inmate for whose welfare and improvement such course is deemed advisable, at service or employment; may place any inmate of school age, for whose welfare such course is deemed advisable, to board in a private family, at a cost not to exceed the per capita maintenance cost in the training school, and may send to properly qualified educational or vocational institutions, for purposes of instruction, any inmate who has shown a capacity for a more extensive training than the school can provide, at a cost not to exceed the per capita maintenance rate in the school.

18. Section 30:4–157.9 of the Revised Statutes is amended to read as follows:

Commitment to Training School for Girls.

30:4–157.9. Any girl under the age of 17 years and of the age of 8 years or more, may be committed to the Training School for Girls, for the same causes and by the same processes as are provided by the provisions of sections 30:4–157.1 to 30:4–157.8 of this Title, which shall also apply to and control the maintenance, management and operation of the school.

19. Section 30:4–158 of the Revised Statutes is amended to read as follows:

New Jersey Hospital for Chest Diseases defined.

30:4–158. The New Jersey Hospital for Chest Diseases shall include the existing buildings and lands as Glen Gardner, and all farms, camps or grounds where the patients may be maintained, kept, housed or employed.

20. Section 30:4–159 of the Revised Statutes is amended to read as follows:

Admission to hospital.

30:4–159. Any person afflicted with tuberculosis or disease of the chest requiring prolonged convalescence may be admitted to the hospital upon a certificate made by a practicing physician which certificate shall set forth that the tuberculosis or disease of the chest will require prolonged convalescense. A person admitted to the hospital shall be liable for payment for the cost of his

care in the same manner and to the same extent as is provided by law for payment by mentally ill and mentally retarded persons and their responsible relatives.

21. Section 30:4–160 of the Revised Statutes is amended to read as follows:

New Jersey State Hospitals defined.

30:4–160. The New Jersey State Hospitals, designated in section 30:1–7 of this Title as phychiatric hospitals, shall include the existing buildings and lands of the New Jersey State Hospital at Trenton, the New Jersey State Hospital at Greystone Park, the New Jersey State Hospital at Ancora and the New Jersey State Hospital at Marlboro, and all farms, grounds or places where the inmates thereof may from time to time be maintained, kept, housed or employed.

22. Section 30:6–1 of the Revised Statutes is amended to read as follows:

Commission for Blind and Visually Impaired; means of relief; register of blind; reports.

30:6–1. The commission for the amelioration of the condition of the blind and the visually impaired, hereinafter in this article referred to as the "commission," shall hereafter be known as the Commission for the Blind and Visually Impaired. It shall provide all means which it deems feasible for ameliorating the condition of the blind and visually impaired and shall prepare and maintain a register of all the blind within the State. Every physician shall report to the commission every case of defective vision which in his judgment may result in permanent blindness. Every municipal and county, health and welfare agency, and every institution and noninstitutional agency within the State Department of Institutions and Agencies shall promptly report to the commission every individual coming to its attention who is known to be or is believed likely to become permanently blind. Wherever used herein, the word "blind" shall be deemed to mean and include the visually impaired.

23. This act shall take effect January 1, 1971.

Approved December 14, 1970.

CHAPTER 301

AN ACT concerning certain borough officers, and amending section 40:87–15 of the Revised Statutes.

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

1. Section 40:87–15 of the Revised Statutes is amended to read as follows:

Appointive officers generally; term; removal.

40:87–15. In addition to the officers to be elected there shall be appointed a clerk. In boroughs, with a population of less than 10,000, the elected tax collector may also be appointed the clerk. There may be appointed a borough treasurer, a borough attorney, a borough engineer, a borough building inspector, one or more marshals, a poundkeeper, a superintendent of highways, and such other officers as the council may deem necessary. They shall perform the duties required by law and the ordinances of the council. All of these officers, except the borough attorney, borough engineer, borough building inspector and borough poundkeeper, shall be residents of the borough, and all of them shall hold office during the pleasure of the council. No officer shall be removed without being afforded an opportunity to be heard. Unless sooner removed, however, they shall hold office for 1 year and until their successors shall have qualified.

2. This act shall take effect immediately.

Approved December 14, 1970.

CHAPTER 302

AN ACT concerning civil service and amending section 11:22–2 of the Revised Statutes.

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

1. Section 11:22–2 of the Revised Statutes is amended to read as follows:

Elected and appointed officials included in unclassified service; subtitle provisions not applicable.

11:22–2. The unclassified service shall not be subject to the provisions of this subtitle and shall include the following:

a. Officers elected by popular vote;

b. Members of district boards of elections; employees in voting machine departments and the chief deputy, chief clerk, secretary, clerical and other assistants or employees appointed by the superintendents of elections and commissioners of registration in counties of the first class having less than 800,000 inhabitants, and by the county boards of elections in all other counties and such of said officers, assistants and employees as are appointed by superintendents of elections in counties of the first class having more than 800,000 inhabitants to serve for terms of 6 months or less in any 1 year;

c. Appointments of the mayor;

d. Heads of departments, the members of commissions and boards elected by the board of aldermen, common council or other governing body of any county, municipality or school district operating under this subtitle;

e. Law officers of a county, municipality or school district operating under this subtitle;

f. Teaching staff members, as defined in section 18A:1–1 of the New Jersey Statutes, in the public schools and county superintendents and members and business managers of boards of education;

g. Police magistrates appointed by the mayor or other head officer of the municipality operating under this subtitle;

h. Officers and employees of county park commissioners in counties of the second class appointed under the provisions of sections 40:37–96 to 40:37–174 of the Title, Municipalities and Counties;

i. The superintendent of a county hospital for persons suffering from communicable diseases appointed under the provisions of sections 30:9–61 and 30:9–69 of the Revised Statutes; and

j. The deputy or first assistant of principal executive officers authorized by law to act generally for and in place of his principal;

k. The legal assistants of the law department of the counties, municipalities or school districts operating under this subtitle except as herein otherwise provided;

l. One secretary, clerk or executive director of each department, appointed board or commission authorized by law to appoint a secretary, clerk or executive director;

m. One private secretary or clerk or stenographer of each judge or principal executive officer;

n. All officials of county or municipal institutions who must of necessity be physicians; and

o. Such other officers and positions not now included in the unclassified service by this section or by any other statute, as the Civil Service Commission shall, from time to time, determine, according to law, to be in the unclassified service.

2. This act shall take effect immediately.

Approved December 14, 1970.

CHAPTER 303

AN ACT concerning certain municipal building inspectors 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. 40:46-14.1 Municipal building inspectors in fourth-class counties.

1. Notwithstanding the provisions of section 40:46–14 of this Title, a nonresident of any municipality within a county of the fourth class, pursuant to the 1960 Federal Census, may hold office as building inspector of such municipality and no such office shall be deemed vacant by reason of the removal or nonresidence of any such building inspector.

2. This act shall take effect immediately.

Approved December 14, 1970.

CHAPTER 304

AN ACT to amend and supplement 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 2 of chapter 32 of the laws of 1961 (C. 54:8A–2) is amended to read as follows:

C. 54:8A-2 Imposition of tax; levy; collection; payment.

2. A temporary emergency tax is hereby imposed, and shall be levied, collected and paid annually, at the rates specified in this act,

(a) Upon every resident of this State, who is not a resident of another critical area state under and pursuant to its laws, upon and with respect to the entire net income as defined in this act and subject to taxation under this act, for the taxable year, derived from sources within a critical area state other than New Jersey; and

(b) Upon and with respect to the entire net income as defined in this act and subject to taxation under this act, for the taxable year, derived from sources within this State by natural persons who are not residents of this State and who are residents of another critical area state under and pursuant to the law of such state.

Notwithstanding the foregoing, no tax shall be payable under section 6 (b) of this act by any individual whose gross income for the taxable year is less than $2,000.00, and who is not married, not the head of a household nor a surviving spouse.

2. Section 6 of chapter 32 of the laws of 1961 (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, two 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.

(d) The tax imposed by section 9 of this amendatory and supplementary act on minimum taxable income, as defined in section 10 of this amendatory and supplementary act shall be at the rate of 3%.

3. Section 9 of chapter 32 of the laws of 1961 (C. 54:8A-9) is amended to read as follows:

C. 54:8A-9 Standard deduction.

9. Any taxpayer may elect to deduct 10% of his gross income, or $1,000.00, whichever is less, in lieu of all deductions otherwise permitted under this act. The deduction provided for by this section shall become known as the "standard deduction."

For taxable years beginning in 1971, the standard deduction shall be 13% of gross income or $1,500.00, whichever is less; for taxable years beginning in 1972, the standard deduction shall be

14% or $2,000.00 whichever is less; and for taxable years beginning in 1973 and thereafter the standard deduction shall be 15% or $2,000.00, whichever is less.

A husband and wife shall not be entitled to a standard deduction in an amount greater than one computed on their aggregate gross income, whether they file separate or joint returns. If they file separate returns, neither may elect the standard deduction unless the other also so elects. If both so elect, either may take such deduction, or they may divide it; except that for taxable years beginning in 1971 the standard deductions shall be 13% of gross income or $1,500.00, whichever is less; for taxable years beginning in 1972 the standard deduction shall be 14% or $2,000.00, whichever is less; and for taxable years beginning in 1973 and thereafter the standard deduction shall be 15% or $2,000.00, whichever is less.

Such election may be changed for a taxable year after the filing of the return, subject to regulations issued under this act. If a taxpayer wishing to make such change has a spouse who filed a separate return, the change shall not be allowed unless (1) such spouse also makes a change consistent with the change desired by the taxpayer and (2) both consent in writing to the assessment of any additional tax resulting from such change without regard to time limits otherwise preventing such assessment.

4. Section 10 of chapter 32 of the laws of 1961 (C. 54:8A–10) is amended to read as follows:

C. 54:8A-10 Exemptions from net income.

10. Each taxpayer is allowed the following exemptions with respect to net income:

For each taxpayer, $600.00; for the taxpayer's spouse, if taxpayer does not file a joint return and if such spouse has no gross income for the eligibility year and is not a dependent of another taxpayer, an additional $600.00; for each taxpayer who is at least 65 years of age or over at the close of his taxable year, an additional $600.00, and for taxpayer's spouse under the same conditions and if the initial $600.00 exemption is allowable, an additional $600.00; for each taxpayer who is blind at the close of his taxable year, an additional $600.00, and for taxpayer's spouse under the same conditions and if the initial $600.00 exemption is allowable, an additional $600.00. Blindness shall be deemed to exist when central visual acuity in the better eye does not exceed 20/200 with correcting

lenses, or when the widest diameter of the visual field subtends an angle of not more than 20 degrees;

For each dependent whose gross income for the eligibility year is less than $600.00, or who is taxpayer's child or stepchild and has not attained age 19 at the close of the eligibility year or is a student: $600.00.

For taxable years beginning after December 31, 1969 and before January 1, 1971, such exemptions shall be $625.00.

For taxable years beginning on and after January 1, 1971, such exemptions shall be $650.00.

5. Section 15 of chapter 32 of the laws of 1961 (C. 54:8A–15) is amended to read as follows:

C. 54:8A-15 Maximum credits against tax.

15. The following maximum credits are allowed against the tax imposed by this act for any year:

(a) $12.50 for a single taxpayer;

(b) $25.00, for a head of a household or for a surviving spouse;

(c) $25.00, for husband and wife, but if they file separate returns, the credit allowable to each is $12.50;

(d) The credits allowed by this section shall be subtracted from the tax as computed without regard to such credit, and the amount of the credit shall in no case exceed the amount of the tax from which it is subtracted.

6. Section 36 of chapter 32 of the laws of 1961 (C. 54:8A–36) is amended to read as follows:

C. 54:8A-36 Computation of gross income from federal adjusted gross income figure.

36. (a) The Legislature hereby finds and determines that to permit taxpayers under this act to compute their gross income for tax purposes from the Federal adjusted gross income figure used in their tax returns to the Federal Government will reduce the cost and simplify the administration of this act, and will simplify the preparation of State income tax returns by taxpayers. The Legislature further finds and determines that such method of computing gross income will not materially reduce and may increase the amount of revenue derived with respect to this act; and, therefore, directs that each taxpayer be permitted, as an alternative to the method prescribed by section 32 of this act, to compute his gross income as provided in subsection (b) of this section.

(b) A taxpayer computing his gross income under the provisions of this subsection shall:

(1) Determine the net amount of income, gain, loss and deduction entering into his Federal adjusted gross income for the taxable year which is derived from sources within his source state, including:

(A) His distributive share of partnership income, gain, loss and deduction derived from sources within his source state, and

(B) His share of estate and trust income, gain, loss and deduction derived from sources within his source State.

(2) Add to such amount the following types of income and gain derived from the sources of income and gain listed below:

(A) Interest income from the obligations of any state or political subdivision thereof except where, by the laws of such state, its own taxpayers are exempted from taxation with respect to such interest income, subject to the provisions of section 33;

(B) Interest or dividend income from the obligations or securities of any authority, commission or instrumentality of the United States, which the laws of the United States exempt from Federal income taxation, but not from State income taxation, subject to the provisions of section 33;

(C) Amounts deductible with respect to income taxes imposed by this State or any other taxing jurisdiction in determining Federal adjusted gross income unless such amounts are credited against Federal income tax; and

(D) Amounts deductible with respect to interest on indebtedness which is incurred or continued in order to purchase or retain securities or obligations the income from which is exempt from tax under this act, subject to the provisions of section 33;

(3) Subtract from such net amount the following types of income and gain derived from the sources of income and gain listed below:

(A) Interest income from obligations of the United States and its possessions to the extent that such interest is includible in gross income for Federal income tax purposes;

(B) Interest or dividend income from the obligations or securities of any authority, commission or instrumentality of the United States, to the extent that such amounts of income are includible in gross income for Federal income tax purposes, and exempt from State income taxation under the laws of the United States;

(C) Interest or dividend income from obligations or securities to the extent that such income is exempted from taxation by the laws of this State authorizing the issuance of the under-

lying obligations and securities and includible in gross income for Federal income tax purposes;

(D) The amount of any refund or credit for overpayment of income taxes imposed by this State or any other taxing jurisdiction, to the extent that such refund is includible in gross income for Federal income tax purposes.

(4) There may be provided by regulation such modifications as shall be necessary to insure that only that portion of the taxpayer's Federal adjusted gross income which is derived from sources within his source State shall be included in his gross income for purposes of this act.

(c) A taxpayer who computes his gross income in accordance with the provisions of this section shall not be entitled to the deductions set forth by section 35 (a) but, in lieu of the standard deduction, shall be permitted the deductions in sections 35 (b) and 37 of this act.

(d) The amount of the gross income of a taxpayer computed in accordance with the provisions of this section shall be conclusively presumed by the Division of Taxation to be the same as such taxpayer's gross income would have been if computed in accordance with the provisions of section 32 except that if the amount of a taxpayer's Federal adjusted gross income or Federal items of tax preference is changed or corrected by the taxpayer or the United States Internal Revenue Service or other competent authority, or as the result of a renegotiation of a contract or subcontract with the United States, the taxpayer shall report such change or correction in Federal Taxable income or Federal items of tax preference within 90 days after the final determination of such change, correction, or renegotiation, or as otherwise required by regulation, and shall concede the accuracy of such determination or state wherein it is erroneous. Any taxpayer filing an amended Federal income tax return shall also file within 90 days thereafter an amended return under this act, and shall give such information as the Division of Taxation may require. There may be provided by regulation such exceptions to the requirements of this section as may be necessary to carry out the purposes of this section.

7. Section 37 of chapter 32 of the laws of 1961 (C. 54:8A–37) is amended to read as follows:

C. 54:8A-37 Additional deductions.

37. (a) In addition to the deductions authorized in section 35 (b), any taxpayer shall be allowed the deductions itemized in this

section to the same extent that such deductions are allowed to New Jersey residents who are subject to the income tax laws of a critical area state other than New Jersey. To the extent that any deduction itemized in this section has been taken by a taxpayer to compute his Federal adjusted gross income, such deductions shall not be allowed to a taxpayer computing his gross income in accordance with the provisions of section 36 of this act.

(b) Subject to the limitations expressed in subsection (a) hereof and any other limitations set forth in this act, the following deductions shall be allowed:

(1) Deduction of interest paid or accrued within the taxable year on indebtedness, except interest on indebtedness incurred or continued to purchase or carry obligations or securities the income from which is exempt from tax under this act.

(2) Deduction of taxes paid or accrued within the taxable year except—

(A) Income taxes imposed by this State or any other taxing jurisdiction,

(B) Federal import duties, excise and stamp taxes,

(C) Estate, inheritance, legacy, succession and gift taxes,

(D) Taxes assessed against local benefits of a kind tending to increase the value of the property assessed, and

(E) License fees payable for operation or ownership of motor vehicles; State and local license fees; taxes on cigarettes, other tobacco products and alcoholic beverages.

(3) Deduction of losses sustained during the taxable year, not compensated by insurance or otherwise, except—

(A) Losses, not incurred in a trade or business or in any transaction entered into for profit, shall be allowed only if they arise from fire, storm, shipwreck or other casualty or from theft, and only to the extent that the amount of loss to an individual arising from each casualty, or from each theft, exceeds $100.00;

(B) Losses from gambling activities shall be allowed only to the extent of the gains from such activities;

(4) Deduction of any charitable contribution payment of which is made within the taxable year to the extent that the aggregate of such contributions does not exceed 20% of the taxpayer's gross income.

In addition, there shall be allowed a deduction of any charitable contribution not in excess of 10% of the taxpayer's gross income which is made by the taxpayer within the taxable year to a religious

organization, an educational organization which normally maintains a regular faculty and has a regularly enrolled body of students in attendance, an organization, the principal purposes or functions of which are the providing of medical or hospital care or medical education or medical or agricultural research, a governmental unit or an organization referred to in subparagraph (B) below which normally receives a substantial part of its support from a governmental unit described in subparagraph (A) below or from direct or indirect contributions from the general public.

In the case of an individual, if the amount of charitable contributions described above, payment of which is made within a taxable year beginning after December 31, 1963, exceeds 30% of the taxpayer's adjusted gross income for such year (computed without regard to any net operating loss carryback to such year), such excess shall be treated as a charitable contribution paid in each of the 5 succeeding taxable years in order of time.

For the purposes of this section, the term "charitable contribution" means a contribution or gift to or for the use of

(A) A state, territory, a possession of the United States, or any political subdivision of any of the foregoing, or the United States or the District of Columbia, but only if the contribution or gift is made for exclusively public purposes.

(B) A corporation, trust, community chest, fund or foundation—

(i) Created or organized in the United States or in any possession thereof, or under the law of the United States, any state or territory, the District of Columbia, or any possession of the United States;

(ii) Organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes or for the prevention of cruelty to children or animals;

(iii) No part of the net earnings of which inures to the benefit of any private shareholder or individual; and

(iv) No substantial part of the activities of which is carrying on propaganda, or otherwise attempting, to influence legislation.

(C) A post or organization of war veterans, or an auxiliary unit or society of, or trust or foundation for, any such post or organization—

(i) Organized in the United States or any of its possessions, and

(ii) No part of the net earnings of which inures to the benefit of any private shareholder or individual.

(D) A domestic fraternal society, order, or association, operating under the lodge system, but only if such contribution or gift is to be used exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals.

(E) A cemetery company owned and operated exclusively for the benefit of its members or any corporation chartered solely for burial purposes as a cemetery corporation and not permitted by its charter to engage in any business not necessarily incident to that purpose, if such company or corporation is not operated for profit and no part of the net earnings of such company or corporation inures to the benefit of any private shareholder or individual.

(5) (A) Deduction of expenses paid during the taxable year, not compensated for by insurance or otherwise, for medical care of the taxpayer, his spouse or a dependent as follows:

(i) If neither the taxpayer nor his spouse has attained the age of 65 before the close of the taxable year—

(a) The amount of such expenses for the care of any dependent who—

(1) Is the mother or father of the taxpayer or of his spouse, and

(2) Has attained the age of 65 before the close of the taxable year, and

(b) The amount by which such expenses for the care of the taxpayer, his spouse, and such dependents (other than any dependent described in paragraph (a) of this subsection) exceed 3% of gross income.

(ii) If either the taxpayer or his spouse has attained the age of 65 before the close of the taxable year—

(a) The amount of such expenses for the care of the taxpayer and his spouse,

(b) The amount of such expenses for the care of any dependent described in paragraph (i) (a), and

(c) The amount by which such expenses for the care of such dependents (other than any dependent described in paragraph (i) (a)) exceeds 3% of the gross income.

(B) Amounts paid during the taxable year for medicine and drugs which (but for this paragraph) would be taken into account in computing the deduction under subsection (A) shall be taken into account only to the extent that the aggregate of such amounts

exceeds 1% of gross income, except that the gross income limitation herein shall not apply to amounts paid for the care of the taxpayer and his spouse, if either of them has attained the age of 65 before the close of the taxable year, or for the care of the mother or father of the taxpayer or of his spouse, and has attained the age of 65 before the close of the taxable year.

(C) Except as provided in subsection (E), the deduction under this section shall not exceed $5,000.00, multiplied by the number of $600.00 exemptions allowed for the taxable year as a deduction under section 10 of this act (other than exemptions relating to additional exemptions for age or blindness); except that the maximum deduction under this section shall be—

(i) $10,000.00, if the taxpayer is single and not the head of a household and not a surviving spouse or is married but files a separate return; or

(ii) $20,000.00, if the taxpayer files a joint return with his spouse or is the head of a household or a surviving spouse.

(D) For purposes of subsection (A), expenses for the medical care of the taxpayer which are paid out of his estate during the 1-year period beginning with the day after the date of his death shall be treated as paid by the taxpayer at the time incurred.

(E) (i) Subject to the provisions of paragraph (ii) hereunder the deduction under this subsection shall not exceed—

(a) $20,000.00, if the taxpayer has attained the age of 65 before the close of the taxable year and is disabled, or if his spouse has attained the age of 65 before the close of the taxable year and is disabled and if his spouse does not make a separate return for the taxable year, or

(b) $40,000.00, if both the taxpayer and his spouse have attained the age of 65 before the close of the taxable year and are disabled and if the taxpayer files a joint return with his spouse.

(ii) For purposes of paragraph (i) hereunder

(a) Amounts paid by the taxpayer during the taxable year for medical care, other than amounts paid for—

(1) His medical care, if he has attained the age of 65 before the close of the taxable year and is disabled, or

(2) The medical care of his spouse, if his spouse has attained the age of 65 before the close of the taxable year and is disabled, shall be taken into account only to the extent that such amounts do not exceed the maximum limitation provided in subsection (C) herein which would (but for the provisions of this subsection) apply to the taxpayer for the taxable year;

(b) If the taxpayer has attained the age of 65 before the close of the taxable year and is disabled, amounts paid by him during the taxable year for his medical care shall be taken into account only to the extent that such amounts do not exceed $20,000.00; and

(c) If the spouse of the taxpayer has attained the age of 65 before the close of the taxable year and is disabled, amounts paid by the taxpayer during the taxable year for the medical care of his spouse shall be taken into account only to the extent that such amounts do not exceed $20,000.00.

(iii) For purposes of paragraph (i) hereunder, an individual shall be considered to be disabled if he is unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or to be of long-continued and indefinite duration. An individual shall not be considered to be disabled unless he furnishes proof of the existence thereof in such form and manner as the Division of Taxation may require.

(iv) For purposes of paragraph (i) hereunder, the determination as to whether the taxpayer or his spouse is disabled shall be made as of the close of the taxable year of the taxpayer, except that if his spouse dies during such taxable year such determination shall be made with respect to his spouse as of the time of such death.

(6) Deduction shall be allowed for expenses paid during the taxable year by a taxpayer who is a woman or a widower or is a husband whose wife is incapacitated or is institutionalized, for the care of the taxpayer's child or stepchild under the age of 13 years or is physically or mentally incapable of caring for himself, but only if such care is for the purpose of enabling the taxpayer to be gainfully employed but such deduction shall not exceed $600.00 for any taxable year. The $600.00 limit herein shall be increased (to an amount not above $900.00) by the amount of expenses incurred by the taxpayer for any period during which the taxpayer had two or more dependents.

In the case of a married woman, and in the case of a husband whose wife is incapacitated, this deduction shall be allowed only if a joint return is filed, and shall be reduced by the amount (if any) by which the adjusted gross income of the taxpayer and his spouse exceeds $6,000.00.

(7) Deduction for amounts paid by a husband to his wife for alimony, support or separate maintenance pursuant to a court

decree or for support or maintenance pursuant to a written separation agreement.

(8) Deductions shall be allowed for moving expenses paid or incurred during the taxable year in connection with the commencement of work by the taxpayer as an employee at a new principal place of work.

(A) No deduction shall be allowed unless

(i) The taxpayer's new principal place of work

(a) Is at least 20 miles farther from his former residence than was his former principal place of work or

(b) If he had no former principal place of work, is at least 20 miles from his former residence, and

(ii) During the 12-month period immediately following his arrival at the general location of his new principal place of work, the taxpayer is a full-time employee, in such general location, during at least 39 weeks.

(B) Moving expenses means only the reasonable expenses

(i) Of moving household goods and personal effects from the former residence to the new residence and

(ii) Of traveling (including meals and lodging) from the former residence to the new place of residence.

In the case of any individual other than the taxpayer, expenses referred to herein shall be taken into account only if such individual has both the former residence and the new residence as his principal place of abode and is a member of the taxpayer's household.

(C) No deductions shall be allowed under this section for any item to the extent that the taxpayer received reimbursement or other expense allowance for such item which is not included in his gross income.

(9) In addition to any deduction taken under section 35 (a) of this act or in the computation of Federal adjusted gross income in the case of a taxpayer who has computed his gross income in accordance with the provisions of section 36 of this act, there shall be allowed a deduction for all the ordinary and necessary expenses paid or incurred by a taxpayer, including traveling expenses while away from home, as an employer or an employee during the taxable year in carrying on or working at any trade or business.

(10) Deduction for net premiums paid or incurred by a taxpayer during the taxable year with respect to any life insurance or endowment policy upon his life, but such deduction shall not exceed $150.00 in the aggregate; provided, however, for taxable years

beginning on or after January 1, 1971 such amount shall not exceed $100.00 in the aggregate; and for taxable years beginning on or after January 1, 1972, such amount shall not exceed $50.00 in the aggregate; and for taxable years beginning on or after January 1, 1973, no such deduction shall be allowed.

(c) Any taxpayer who elects to take the itemized deductions allowed in this section shall be permitted to take the full amount of the deduction permitted in section 35 (b) and in this section except that if (a) his gross income, as defined in section 7, is exceeded by (b) his entire gross income by more than $100.00, his itemized deductions allowed in section 35 (b) and this section shall be limited by the percentage which (a) is of (b). The manner for determining a taxpayer's entire gross income shall be provided by regulation. Such regulations may authorize the use of Federal adjusted gross income for this purpose.

8. Section 44 of chapter 32 of the laws of 1961 (C. 54:8A–44) is amended to read as follows:

C. 54:8A-44 Persons required to file.

44. (a) On or before the filing date prescribed in section 18 (C. 54:8A–18) of this act, an income tax return shall be made and filed by or for every individual having a gross income derived from sources within his source state in excess of the sum of his personal exemptions allowed in section 10 (C. 54:8A–10) of this act, or having any items of tax preference derived from or connected with New Jersey sources in excess of the specific deduction provided in section 10 (c) of this amendatory and supplementary act.

(b) (1) If the Federal income tax liability of husband or wife is determined on a separate Federal return, their New Jersey income tax liabilities and returns shall be separate.

(2) If the Federal income tax liabilities of husband and wife (other than a husband and wife described in paragraph (3)) are determined on a joint Federal return, or if neither files a Federal return:

(A) They shall file a joint New Jersey income tax return, and their tax liabilities shall be joint and several, or

(B) They may elect to file separate New Jersey income tax returns on a single form if they comply with the requirements of the Division of Taxation in setting forth information, and in such event their tax liabilities shall be separate.

(3) If either husband or wife is a resident and the other is a nonresident, they shall file separate New Jersey income tax re-

turns on such single or separate forms as may be required by the Division of Taxation, and in such event their tax liabilities shall be separate.

(c) The return for any deceased individual shall be made and filed by his fiduciary or other person charged with his property.

(d) The return for an individual who is unable to make a return by reason of minority or other disability shall be made and filed by his fiduciary or other person charged with the care of his person or property (other than a receiver in possession of only a part of his property), or by his duly authorized agent.

(e) Any tax under this act, and any increase, interest or penalty thereon, shall, from the time it is due and payable, be a personal debt of the person liable to pay the same, to the State of New Jersey.

(f) If the amount of net income or Federal items of tax preference for any year of any taxpayer as returned to the United States Treasury Department or to an appropriate State officer is changed or corrected by the taxpayer or the Commissioner of Internal Revenue or other officer of the United States or other competent authority, or where a renegotiation of a contract or subcontract with the United States results in a change in net income, or Federal items of tax preference such taxpayer shall report such change or corrected net income, or Federal items of tax preference or the results of such renegotiation, within 90 days after the final determination of such change or correction or renegotiation, or as required by regulation, and shall concede the accuracy of such determination or state wherein it is erroneous. Any taxpayer filing an amended return with such department or officer shall also file within 90 days thereafter an amended return in this State which shall contain such information as the regulations shall require.

C. 54:8A-6.1 Minimum income tax.

9. In addition to the tax imposed under section 2 (C. 54:8A–2), a minimum income tax determined in accordance with the rate set forth in subsection (d) of section 6 (C. 54:8A–6) is hereby imposed for each taxable year on the minimum taxable income of every individual.

C. 54:8A-6.2 Minimum taxable income.

10. (a) The minimum taxable income shall be the sum of the items of tax preference, as described in subsection (b) of this section, reduced (but not below zero) by the aggregate of the following:

(1) The applicable specific deduction described in subsection (c) of this section;

(2) The tax determined under subsection (b) of section 6 (C. 54:8A–6) for the taxable year, reduced by the sum of the credits allowable under section 15 (C. 54:8A–15); and

(3) To the extent that the sum of the items of tax preference exceeds the applicable specific deduction described in subsection (c) of this section plus the tax described in paragraph 2 above, the amount of any net operating loss of the taxpayer, determined as provided in subsection (b)(5) of section 35 (C. 54:8A–35), which remains as a net operating loss carryover to a succeeding taxable year. In such case, however, the amount of such net operating loss used to reduce the sum of the items of tax preference shall be treated as an item of tax preference in the next succeeding taxable years, in order of time, to the extent that such net operating loss carryover reduces taxable income.

(b) For purposes of this act, the term "items of tax preference" shall mean the Federal items of tax preference, as defined in the laws of the United States, derived from or connected with New Jersey sources, for the taxable year, with the modifications as may be prescribed by regulations of the Division of Taxation which relate to income derived from or connected with New Jersey sources.

(c) Specific deduction. An amount which bears the same ratio to $20,000.00, or $10,000.00 in the case of a married individual filing a separate return, as his items of tax preference computed under subsection (b) of this section bear to his total Federal items of tax preference.

(d) Disallowance of credits. The credits against tax otherwise allowable under section 15 (C. 54:8A–15) shall not be allowed as a credit against the tax imposed by section 9 of this amendatory and supplementary act.

C. 54:8A-37.1 Deductions for allocable expenses.

11. (a) The deductions for allocable expenses attributable to items of tax preference is the total of the deductions for allocable expenses, as defined in subsection (b) of this section, minus the total of deductions allowable under sections 35 (C. 54:8A–35) and 37 (C. 54:8A–37) multiplied by a fraction, the numerator of which is the taxpayer's gross income for the taxable year and the denominator of which is the taxpayer's gross income for the taxable year plus the sum of the items of tax preference of the taxpayer

for the taxable year, as defined in section 10(b) of this amendatory and supplementary act.

(b) The allocable expenses for purposes of this section for the taxable year shall include that portion of deductions allowable under sections 35 and 37 consisting of the following:

(1) Interest deductible solely by reason of section 163 of the internal revenue code of 1954 as modified by the applicable subtractions and additions provided for in sections 36 (C. 54:8A–36) and 37 (C. 54:8A–37) of this act;

(2) Taxes deductible solely by reason of section 164 of the internal revenue code of 1954;

(3) Charitable contributions deductible under section 170 of the internal revenue code of 1954;

(4) Amounts deductible by cooperative housing tenant-stockholders solely by reason of section 216 of the internal revenue code of 1954.

(c) However, this section shall apply only if the sum of the items of tax preference of the taxpayer for the taxable year, as defined in section 10(b) of this amendatory and supplementary act exceeds the specific deduction described in section 10(c) of this amendatory and supplementary act.

12. This act shall take effect immediately and shall apply to all taxable years, including taxable years of less than 12 months beginning on or after January 1, 1970.

Approved December 14, 1970.

CHAPTER 305

AN ACT concerning boards of education of regional school districts and supplementing chapter 13 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:13-9.1 Action by board following taking of federal census.

1. Whenever the board of education of a regional district shall, following the taking of a Federal decennial census and the issuance of preliminary populations of the constituent districts pursuant to said census but prior to the issuance of the final popula-

tions of said districts and the official promulgation of said census in this State, determine that (a) said final populations and official promulgation shall not be available in time for the next succeeding election of members of said board, (b) said preliminary figures indicate that significant changes in the number of members to be allocated to the constituent districts will result, and (c) the allocation of members among the constituent districts on the basis of the present official census effective in this State will result in inequitable representation, it may, by resolution unanimously adopted and approved by the Commissioner of Education, provide that, notwithstanding the provisions of any other law to the contrary, the members to be next elected pursuant to article 7 of chapter 13 of Title 18A of the New Jersey Statutes shall be elected at a special election to be held on a day no later than 60 days after the official promulgation of said census in this State as specified in said resolution.

C. 18A:13-9.2 Effect of resolution.

2. In the event that such a resolution is adopted and approved, the terms of the present members of the regional board whose terms would terminate in the year of said election shall be continued until the first Monday after said special election at which time the board shall organize pursuant to section 18A:13–12 of the New Jersey Statutes and the terms of the members elected in said election shall commence. The powers of the present board shall continue unaltered until said first Monday after said special election. Each such new member shall serve for the unexpired term only.

3. This act shall take effect immediately.

Approved December 14, 1970.

CHAPTER 306

AN ACT concerning public utilities and amending R. S. 48:3–7 and R. S. 48:3–10.

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

1. R. S. 48:3–7 is amended to read as follows:

Sales, leases, mortgages or consolidations; approval of board required; exceptions.

48:3–7. No public utility shall, without the approval of the board, sell, lease, mortgage or otherwise dispose of or encumber its prop-

erty, franchises, privileges or rights, or any part thereof; or merge or consolidate its property, franchises, privileges or rights, or any part thereof, with that of any other public utility.

Where, by the proposed sale, lease or other disposition of all or a substantial portion of its property, any franchise or franchises, privileges or rights, or any part thereof or merger or consolidation thereof as set forth herein, it appears that the public utility or a wholly owned subsidiary thereof may be unable to fulfill its obligation to any employees thereof with respect to pension benefits previously enjoyed, whether vested or contingent, the board shall not grant its approval unless the public utility seeking the board's approval for such sale, lease or other disposition assumes such responsibility as will be sufficient to provide that all such obligations to employees will be satisfied as they become due.

Every sale, mortgage, lease, disposition, encumbrance, merger or consolidation made in violation of this section shall be void.

Nothing herein shall prevent the sale, lease or other disposition by any public utility of any of its property in the ordinary course of business, nor require the approval of the board to any grant, conveyance or release of any property or interest therein heretofore made or hereafter to be made by any public utility to the United States, State or any county or municipality or any agency, authority or subdivision thereof, for public use.

The approval of the board shall not be required to validate the title of the United States, State or any county or municipality or any agency, authority or subdivision thereof, to any lands or interest therein heretofore condemned or hereafter to be condemned by the United States, State or any county or municipality or any agency, authority or subdivision thereof for public use.

2. R. S. 48:3–10 is amended to read as follows:

Sale or transfer of stock prohibited unless authorized by board.

48:3–10. No public utility incorporated under the laws of this State shall sell, nor shall any such public utility make or permit to be made upon its books any transfer of any share or shares of its capital stock, to any other public utility, unless authorized to do so by the board. Nor shall any public utility incorporated under the laws of this State sell any share or shares of its capital stock or make or permit any transfer thereof to be made upon its books, to any corporation, domestic or foreign, or any person, the result of which sale or transfer in itself or in connection with other previous sales or transfers shall be to vest in such corporation or person

a majority in interest of the outstanding capital stock of such public utility corporation unless authorized to do so by the board.

Every assignment, transfer, contract or agreement for assignment or transfer, by or through any person or corporation to any corporation or person in violation of any of the provisions hereof shall be void and of no effect, and no such transfer shall be made on the books of any public utility corporation. Nothing herein contained shall be construed to prevent the holding of stock lawfully acquired before March 5, 1935.

Where, by the proposed assignment, transfer, contract, or agreement for assignment or transfer of capital stock as set forth herein, it appears that the public utility or a wholly owned subsidiary thereof may be unable to fulfill its obligation to any employees thereof with respect to pension benefits previously enjoyed, whether vested or contingent, the board shall not grant its authorization unless the public utility seeking the board's authorization assumes such responsibility as will be sufficient to provide that all such obligations to employees will be satisfied as they become due.

3. This act shall take effect immediately.

Approved December 14, 1970.

CHAPTER 307

AN ACT relating to school elections, and amending 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:*

1. Section 2 of P. L. 1953, chapter 211 (C. 19:57–2) 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, or, in the case of a school election, because of the nature and hours of his employment, 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 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 of P. L. 1953, chapter 211 (C. 19:57–3) is amended to read as follows:

C. 19:57-3 Persons entitled to vote by absentee ballot; manner; liberal construction.

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, or, in the case of a school election, because of the nature and hours of his employment, 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 7 of P. L. 1953, chapter 211 (C. 19:57–7) is amended to read as follows:

C. 19:57-7 Notices to be published.

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, gen-
..... election to be held on ..... kindly write
eral or other) (date of election)
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, or, in the case of a school election, because of the nature and hours of employment, 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 two 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.

4. Section 17 of P. L. 1953, chapter 211 (C. 19:57–17) is amended to read as follows:

C. 19:57-17 Certificate to be printed on margin of flap on envelopes.

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
route) .....; in .....;
(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 will be unable to attend at my polling place on the date of the school election because of the nature and hours of my employment.
I marked the enclosed ballot in secret.

. . . . . .
(signature of absentee voter)

. . . . . .
(print your name clearly above)

PENALTY FOR FRADULENT 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))

5. This act shall take effect immediately.

Approved December 16, 1970.

CHAPTER 308

AN ACT to amend "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 7 of P. L. 1967, c. 43 (C. 2A:158A–7) is amended to read as follows:

C. 2A:158A-7 Additional duties of Public Defender.

7. The Public Defender shall:

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

(b) Establish and maintain suitable headquarters for the office and such regional quarters within the State as he shall deem necessary for the proper functioning of the office;

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

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

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

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

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

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

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

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

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

(l) Have the authority to make all necessary arrangements to coordinate services to the office with any Federal program to provide counsel to the indigent, and to arrange for the receipt by the office, wherever possible, of sums allowable under such Federal

program, whether by direct allowance, by assignment or transfer, or otherwise.

2. This act shall take effect immediately.

Approved December 16, 1970.

CHAPTER 309

A SUPPLEMENT to "An act concerning education and supplementing chapter 58 of Title 18A of the New Jersey Statutes," approved July 19, 1968 (P. L. 1968, c. 176, C. 18A:58–7.1).

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

C. 18A:58-7.2 Additional State reimbursement for school lunch program.

1. Each school district participating in the special assistance phase of the National School Lunch Program as defined within an approved contract with the Department of Education shall be paid an additional State reimbursement for each Type A lunch served free or at a reduced price. Such rate of additional State reimbursement per lunch shall not exceed 50% of the total rate of reimbursement per each such Type A lunch served free or at a reduced price payable from Federal funds.

2. This act shall take effect immediately.

Approved December 16, 1970.

CHAPTER 310

AN ACT concerning junior fire auxiliaries to volunteer fire departments, and amending section 2 of P. L. 1968, chapter 309 (C. 40:47–30.7).

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

1. Section 2 of P. L. 1968, chapter 309 (C. 40:47–30.7) is amended to read as follows:

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 16 or more than 21 years of

age. Persons between the ages of 16 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.

2. This act shall take effect immediately.

Approved December 16, 1970.

CHAPTER 311

AN ACT to amend the "Medical and Dental Education Act of 1970," approved June 16, 1970 (P. L. 1970, c. 102).

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

1. Section 4 of P. L. 1970, c. 102 (C. 18A:64G–4) is amended to read as follows:

C. 18A:64G-4 Board of trustees; membership, appointment, terms, vacancies, oath, removal, meetings, officers, committees.

4. a. The government, control, conduct, management and administration of the college shall be vested in the board of trustees of the college. The membership of the board of trustees shall consist of the Chancellor of the Department of Higher Education and the Commissioner of Health, who shall serve ex officio, without vote, and 11 voting members, each of whom shall be appointed by the Governor, with the advice and consent of the Senate, for a term of 3 years and shall serve until his successor is appointed and has qualified; except that, of the first appointments hereunder, four shall be for terms expiring June 30, 1971, four for terms expiring June 30, 1972, and three for terms expiring June 30, 1973. The term of each of the first appointees hereunder shall be designated by the Governor. Any vacancies in the voting membership of the board occurring other than by expiration of term shall be filled in the same manner as the original appointment but for the unexpired term only. Each voting member of the board of trustees 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 oath shall be filed in the office of the Secretary of State. Each voting member of the board may be removed from office by the Governor, for cause, after a public hearing.

b. The members of the board of trustees shall meet at the call of the Governor for purposes of organizing. The board shall thereafter meet at such times and places as it shall designate.

c. The Governor shall designate one of the voting members as chairman of the board. The board shall select such other officers from among its members as shall be deemed necessary.

d. The board shall have the power to appoint and regulate the duties, functions, powers and procedures of committees, standing or special, from its members and such advisory committees or bodies, as it may deem necessary or conducive to the efficient management and operation of the college, consistent with this act and other applicable statutes.

2. This act shall take effect immediately.

Approved December 16, 1970.

CHAPTER 312

AN ACT concerning the State Board of Examiners and amending N. J. S. 18A:6–34.

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

1. N. J. S. 18A:6–34 is amended to read as follows:

State Board of Examiners; membership.

18A:6–34. There shall be a State Board of Examiners, consisting of the commissioner ex officio and one assistant commissioner of education, two presidents of State colleges, one county superintendent, one superintendent of schools of a Type I district, one superintendent of a Type II district, one high school principal, one elementary school principal, one librarian employed by the State or by one of its political subdivisions and four teaching staff members other than a superintendent, principal or librarian, all of whom shall be appointed by the commissioner with the approval of the State board.

2. This act shall take effect immediately.

Approved December 21, 1970.

CHAPTER 313

AN ACT relating to the confidentiality of information and data secured by and in the possession of utilization review committees.

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

C. 2A:84A-22.8 Information secured by utilization review committees confidential; exceptions.

1. Information and data secured by and in the possession of utilization review committees established by any certified hospital or extended care facility in the performance of their duties shall not be revealed or disclosed in any manner or under any circumstances by any member of such committee except to: (a) a patient's attending physician, (b) the chief administrative officer of the hospital or extended care facility which it serves, (c) the medical executive committee, or comparable enforcement unit, of such hospital or extended care facility, or (d) representatives of, including intermediaries or carriers for, government agencies in the performance of their duties, under the provisions of Federal and State law.

C. 2A:84A-22.9 Members of committee not liable for damages.

2. No member of a utilization review committee may be held liable for damages or otherwise prejudiced in any manner by reason of recommendations or findings made by said committee or for furnishing information or data obtained in the course of his duties as a member of a committee to the persons and officials mentioned in section 1 hereof.

3. This act shall take effect immediately.

Approved December 21, 1970.

CHAPTER 314

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

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

1. Section 17–4 of the act of which this act (C. 40:69A–153) is amendatory is amended to read as follows:

C. 40:69A-153 Filing candidates' names; nominating petition.

17–4. At least 47 days prior to a regular municipal election, and at least 47 days prior to the first election for municipal officers in municipalities which have adopted articles 3 through 6, inclusive, or 9, 10, 11, 12, 13 or 14, of this act, the names of candidates for all offices shall be filed with the municipal clerk, before 4:00 p.m. of such days in the manner and form and under the conditions hereinafter set forth:

(a) The petition of nomination shall consist of individual certificates, equal in number to at least 1%, but in no event less than 10, of the registered voters of the municipality or the ward, as the case may be, and shall read substantially as follows:

"I, the undersigned, a registered voter of the municipality of ..... residing at ..... certify that I do hereby join in a petition of the nomination of ..... whose residence is at ..... for the office of mayor (or councilman-at-large, or ward councilman of the ..... ward, as the case may be) to be voted for at the election to be held in such municipality on the ..... 19...., and I further certify that I know this candidate to be a registered voter, for the period required by law, of said municipality (and said ward in the case of ward councilman) and a man of good moral character, and qualified, in my judgment, to perform the duties of said office and I further certify that I have not signed more petitions or certificates of nominations than there are places to be filled for the above office.

Signed ....."

(b) Each petition signature shall be on a separate sheet of paper and shall bear the name and address of the petitioner. The candidate for office and his campaign manager shall make an oath before an officer competent to administer oaths that the statements made therein are true and that each signature to the papers appended thereto is the genuine signature of the person whose name it purports to be to their best knowledge and belief. Such oath, signed by the candidate, shall constitute his acceptance of such nomination and shall be annexed to the petition, together with the oath of his campaign manager, at the time the petition is submitted.

2. This act shall take effect immediately.

Approved December 21, 1970.

CHAPTER 315

AN ACT to amend "An act concerning motor vehicles and traffic regulations of certain semipublic or private roads, streets, driveways, trails, terraces, bridle paths, parkways, parking areas or other roadways owned by certain persons or corporations or by public or semipublic corporations not for pecuniary profit and open to or used by the public for purposes of vehicular travel, and supplementing subtitle 1, Title 39, of the Revised Statutes," approved May 2, 1945 (P. L. 1945, c. 284) as said title was amended by P. L. 1954, chapter 139.

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

1. Section 1 of P. L. 1945, chapter 284 (C. 39:5A–1) is amended to read as follows:

C. 39:5A-1 Written request; provisions made applicable.

1. Upon the filing of a written request by a person, or by the board of directors of any corporation, or by the board of trustees of any corporation or other institution of a public or semipublic character not for pecuniary profit, incorporated under Title 15 of the Revised Statutes, with the clerk of any municipality of this State within which the property of such person, corporation or institution is situate, that the provisions of subtitle 1, Title 39, of the Revised Statutes shall be made applicable to the semipublic or private roads, streets, driveways, trails, terraces, bridle paths, parkways, parking areas, or other roadways open to or used by the public, tenants, employees, and the members of such institutions for purposes of vehicular travel by permission of such persons, corporations or institutions and not as matter of public right, the provisions of subtitle 1, Title 39, of the Revised Statutes, shall, in the discretion of the municipal authorities vested with the police powers in the locality within which the property of such persons, corporations or institutions is situate, and with the approval of the Commissioner of Transportation of this State, be made applicable thereto. Such written request shall contain the name and post office address of the person, corporation or institution and shall designate with reasonable accuracy the semipublic or private roads, streets, driveways, trails, terraces, bridle paths, parkways, parking areas,

or other roadway open to or used by vehicular traffic, to be affected thereby.

2. This act shall take effect immediately.

Approved December 21, 1970.

CHAPTER 316

AN ACT concerning the training of dogs and holding of field trials for the handling of dogs, and amending R. S. 23:4–25 and 23:4–26.

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

1. R. S. 23:4–25 is amended to read as follows:

Dogs; running at large; training; carrying firearms into woods or fields; penalty; when section not applicable.

23:4–25. The owner, lessee or custodian of a dog found running at large in the woods or fields, shall be liable to a penalty of $20.00 for each offense; provided, however, that the occupant of a farm may permit his dog to run at large on the land he occupies, except during the open season for deer.

The owner, lessee or custodian of a dog may go into the woods or fields with the dog without firearms for the purpose of exercising or training it in daylight at any time, except during the open season for deer, provided that on State public shooting and fishing grounds or wildlife management areas such exercising or training may be restricted to designated areas, and raccoon dogs may be trained between the hours of sunset and sunrise for a period of 4 weeks prior to the last week preceding the opening of the raccoon season unless prescribed otherwise by the Fish and Game Code. The penalty for violation of this section shall be $20.00 for each offense.

Any person going into the woods or fields with a firearm, except during the open seasons for the taking of birds and animals as prescribed by law or by the Fish and Game Code, shall be liable to a penalty of $20.00 for each offense; provided, however, that this section shall not apply to the killing of crows, hawks, woodchuck and vermin, which may be taken in any manner and at any time of the year, when in the act of destroying poultry, crops or property.

2. R. S. 23:4–26 is amended to read as follows:

Field days allowed; license; penalty.

23:4–26. Nothing in this Title, or in any law supplementary thereto, or in any provision of the State Fish and Game Code, shall be construed to prohibit a regularly organized or incorporated association from holding what is commonly known as field trials or field days in this State for the handling and working of dogs upon game birds or animals. Dogs as defined in this section shall include hounds, bird dogs, and retrievers. The associations shall, however, first obtain a license from the division to hold the field trial or field day. The penalty for violation of this section shall be $20.00.

3. This act shall take effect immediately.

Approved December 21, 1970.

CHAPTER 317

AN ACT to amend "An act providing penalties for the removal of vegetation, soil, equipment or buildings from, and the dumping or discarding of refuse of any kind upon, and the injuring or destruction of equipment, structures or buildings situated on certain State-owned lands, or use of such lands contrary to regulations which may be established by the division, and supplementing Title 23 of the Revised Statutes," approved June 8, 1954 (P. L. 1954, c. 38), as said Title was amended by P. L. 1964, chapter 79.

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

1. Section 1 of P. L. 1954, chapter 38 (C. 23:7–9) is amended to read as follows:

C. 23:7-9 Removal of vegetation, soil, equipment or buildings without permission; dumping of refuse; penalty.

1. Any person who while on a public hunting and fishing tract or other State-owned lands under the control of the Division of Fish and Game in the Department of Environmental Protection, shall without written permission from a duly authorized representa-

tive of the Division of Fish, Game and Shell Fisheries, remove any vegetation, soil, equipment, structures or buildings therefrom, dump or discard any refuse of any kind upon, or cause injury to or destroy any equipment, structures or buildings situated thereon or use such lands contrary to regulations which may be established by the division shall be punished by a penalty of not less than $50.00 nor more than $100.00 for the first offense, and not less than $100.00 nor more than $300.00 for any subsequent offense, to be recovered in accordance with the provisions of chapter 10 of this Title (section 23:10–1 et seq.).

Upon a second or any subsequent conviction for violation of the provisions of this section by any person licensed to hunt or fish, in addition to the penalty prescribed, all licenses to hunt or fish issued to such person may be revoked for a period of 1 year from the date of the second or subsequent conviction.

2. This act shall take effect immediately.

Approved December 21, 1970.

CHAPTER 318

AN ACT concerning the Local Bond Law and amending N. J. S. 40A:2–19.

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

1. N. J. S. 40A:2–19 is amended to read as follows:

Publications.

40A:2–19. Publications required by this chapter shall, in the case of a municipality, be in a newspaper published and circulating in the municipality, if there be one, and if not, in a newspaper published in the county and circulating in the municipality. In the case of a county, publications shall be in a newspaper published at the county seat, if there be one, and if not, in a newspaper published and circulating in the county. For the purposes of this section, a newspaper shall not be deemed to be published during any period of time in which the publication of such newspaper shall be interrupted by any involuntary suspension of publication resulting from loss, destruction, mechanical or electric failure of typesetting

equipment or printing presses or the unavailability due to conditions beyond the control of the publisher, of paper or other materials and supplies necessary for operation, or resulting from a labor dispute with a recognized labor union.

2. This act shall take effect immediately.

Approved December 21, 1970.

CHAPTER 319

AN ACT to amend the "Hackensack Meadowlands Reclamation and Development Act," approved January 13, 1969 (P. L. 1968, c. 404).

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

1. Section 64 of P. L. 1968, c. 404 (C. 13:17–66) is amended to read as follows:

C. 13:17-66 Intermunicipal account.

64. In the adjustment year 1973, 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.

2. Section 72 of P. L. 1968, c. 404 (C. 13:17–74) is amended to read as follows:

C. 13:17-74 Certification of meadowlands adjustment payment.

72. (a) On or before February 1, 1973 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 three 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 three 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.

3. This act shall take effect immediately.

Approved December 21, 1970.

CHAPTER 320

AN ACT to amend the "Local Emergency Aid Act of 1969", approved June 20, 1969 (P. L. 1969, c. 94).

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

1. Section 8 of P. L. 1969, chapter 94 is amended to read as follows:

C. 40:47A-1 et seq. Effective date amended.

8. This act shall take effect immediately and may be applied to emergencies occurring on or after January 1, 1969 and prior to January 1, 1971.

2. This act shall take effect immediately.

Approved December 21, 1970.

CHAPTER 321

A SUPPLEMENT to "An act making appropriations for the support of the State Government and the several public purposes for the fiscal year ending June 30, 1971, and regulating the disbursement thereof," approved June 15, 1970 (P. L. 1970, c. 96).

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 AGRICULTURE

New Jersey Meat and Poultry Inspection Act, approved June 24, 1968 (P. L. 1968, c. 105) (C. 24:16B–1 et seq.) $160,000

2. This act shall take effect immediately.

Approved December 21, 1970.

CHAPTER 322

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, 1971, and regulating the disbursement thereof," approved June 15, 1970 (P. L. 1970, c. 96).

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 ENVIRONMENTAL PROTECTION
DIVISION OF NATURAL RESOURCES
420-105. BUREAU OF NAVIGATION

Extraordinary:

Wetlands mapping $100,000

2. This act shall take effect immediately.

Approved December 21, 1970.

CHAPTER 323

AN ACT concerning temporary disability benefits and amending section 23 of chapter 110 of the laws of 1948 (C. 43:21–47).

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

1. Section 23 of chapter 110 of the laws of 1948 (C. 43:21–47) is amended to read as follows:

C. 43:21-47 Withdrawal from Federal treasury.

23. Withdrawal from Federal treasury.

(a). The State Treasurer is hereby authorized and directed to requisition and withdraw on or before December 31, 1948, the sum of $50,000,000.00 from the amount of worker contributions heretofore accumulated in the State unemployment compensation fund and deposited in and credited to the account of this State in the unemployment trust fund of the United States of America, established and maintained pursuant to section 904 of the Social Security Act, as amended (U. S. Code Title 42, Section 1104), and to deposit such sum in the State disability benefits fund, established under the Temporary Disability Benefits Law. The State Treasurer is further authorized and empowered to make such requisitions or withdrawals in accordance with such regulations relating thereto as may be prescribed by the United States Secretary of the Treasury. No portion of the amount requisitioned or withdrawn from the Federal Treasury shall be expended for the purpose of administering the Temporary Disability Benefits Law.

(b) The State Treasurer is hereby authorized and directed to requisition and withdraw within 90 days of this enactment, an additional sum of $50,000,000.00 from the amount of worker contributions heretofore accumulated in the State unemployment compensation fund and deposited in and credited to the account of this State in the unemployment trust fund of the United States of America, established and maintained pursuant to section 904 of the Social Security Act, as amended (U. S. Code Title 42, Section 1104) and to deposit such sum in the State disability benefits fund, established under the Temporary Disability Benefits Law. The State Treasurer is further authorized and empowered to make such requisitions or withdrawals in accordance with such regulations relating thereto as may be prescribed by the United States Secre-

tary of the Treasury. If the balance in the State disability benefits fund as of December 31 of any calendar year, increased by the contributions credited thereto on or before, or as of January 31 immediately thereafter is in excess of $100,000,000.00, the excess shall be withdrawn from the State disability benefits fund and deposited to the account of this State in the unemployment trust fund until the $50,000,000.00 requisitioned and withdrawn under this subsection has been returned and deposited to the account of this State in the unemployment trust fund. Such repayment to the unemployment trust fund shall be considered in determining contribution rates by employers to the State disability benefits fund under R. S. 43:21–7(e). No portion of the amount requisitioned or withdrawn from the Federal Treasury shall be expended for the purpose of administering the Temporary Disability Benefits Law.

2. This act shall take effect immediately.

Approved December 22, 1970.

CHAPTER 324

AN ACT concerning unemployment compensation and temporary disability benefits, amending R. S. 43:21–7 and sections 22 and 24 of chapter 110 of the laws of 1948 (C. 43:21–46 and 43:21–48), repealing section 1 of chapter 28 of the laws of 1960 (C. 43:21–7.1), providing for the payment of extended benefits under the Federal-State extended benefit program, and supplementing chapter 21 of Title 43 of the Revised Statutes.

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

1. R. S. 43:21–7 is amended to read as follows:

Contributions.

43:21–7. (a) Payment.

(1) Contributions shall accrue and become payable by each employer for each calendar year in which he is subject to this chapter (R. S. 43:21–1 et seq.), with respect to having individuals in his employ during such calendar year at the rates and on the basis hereinafter set forth. Such contributions shall become due and be

paid by each employer to the Division of Employment Security for the fund in accordance with such regulations as may be prescribed, and shall not be deducted, in whole or in part, from the remuneration of individuals in his employ.

(2) In the payment of any contributions, a fractional part of a cent shall be disregarded unless it amounts to ½ cent or more, in which case it shall be increased to $0.01.

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

(1) For the calendar year 1947, and each calendar year thereafter, 2⅞% of wages paid by him during each such calendar year, except as otherwise prescribed by subsection (c) of this section.

(2) The "wages" of any individual, with respect to any one employer as the term is used in this subsection (b) and in subsections (c), (d) and (e) of this section 7, shall include the first $3,000.00 paid during each calendar year prior to January 1, 1968 and the first $3,600.00 paid during each calendar year commencing on or after January 1, 1968, for services performed either within or without this State; provided, that no contribution shall be required by this State with respect to services performed in another State if such other State imposes contribution liability with respect thereto. If an employer (hereinafter referred to as a successor employer) during any calendar year acquires substantially all the property used in a trade or business of another employer (hereinafter referred to as a predecessor), or used in a separate unit of a trade or business of a predecessor, and immediately after the acquisition employs in his trade or business an individual who immediately prior to the acquisition was employed in the trade or business of such predecessor, then, for the purpose of determining whether the successor employer has paid wages with respect to employment equal to $3,000.00 to such individual during any calendar year prior to January 1, 1968, or equal to $3,600.00 during any calendar year commencing on or after January 1, 1968, any wages paid to such individual by such predecessor during such calendar year and prior to such acquisition shall be considered as having been paid by such successor employer.

(c) Future rates based on benefit experience:

(1) A separate account for each employer shall be maintained and this shall be credited with all the contributions which he has paid on his own behalf on or before January 31 of any calendar year with respect to employment occurring in preceding calendar years; provided, however, that if January 31 of any calendar year

falls on a Saturday or Sunday, an employer's account shall be credited as of January 31 of such calendar year with all the contributions which he has paid on or before the next succeeding day which is not a Saturday or Sunday. But nothing in this chapter (R. S. 43:21–1 et seq.) shall be construed to grant any employer or individuals in his service prior claims or rights to the amounts paid by him into the fund either on his own behalf or on behalf of such individuals. Benefits paid with respect to benefit years commencing on and after January 1, 1953, to any individual on or before December 31 of any calendar year with respect to unemployment in such calendar year and in preceding calendar years shall be charged against the account or accounts of the employer or employers in whose employment such individual established base weeks constituting the basis of such benefits. Benefits paid under a given benefit determination shall be charged against the account of the employer to whom such determination relates. When each benefit payment is made the division shall promptly send either a copy of the benefit check or other form of notification to the employer against whose account the benefits are to be charged. Such copy or notification shall identify the employer against whose account the amount of such payment is being charged, shall show at least the name and social security account number of the claimant and shall specify the period of unemployment to which said check applies. If the total amount of benefits paid to a claimant and charged to the account of the appropriate employer exceeds 50% of the total base-year base week wages paid to the claimant by that employer, then such employer may apply to the division to have canceled from his account such excess benefit charges as specified above. Any such application for the cancellation of excess charges shall be submitted by the employer within 6 months from the date of the benefit check, payment of which creates such charges. In no event will the erasure of such charges affect a contribution rate already assigned to the employer with respect to any fiscal year commencing prior to the date the application is received by the division.

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

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

(3) Each employer's rate shall be 2⁸⁄₁₀%, except as otherwise provided in the following provisions: No employer's rate shall be other than 2⁸⁄₁₀% unless and until there shall have been 3 calendar years throughout which any individual in his employ could have received benefits if eligible. No employer's rate shall be lower than 2⁷⁄₁₀% unless assignment of such lower rate is consistent with the conditions applicable to additional credit allowance for such year under section 3303 (a) (1) of the Internal Revenue Code (U. S. Code Title 26, section 3303 (a) (1)), any other provision of this section to the contrary notwithstanding.

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

(1) 2⁵⁄₁₀%, if such excess equals or exceeds 4%, but less than 5% of his average annual payroll (as defined in paragraph (2), subsection (a) of section 43:21–19 of this Title);

(2) 2³⁄₁₀%, if such excess equals or exceeds 5%, but is less than 6%, of his average annual payroll;

(3) 1⁹⁄₁₀%, if such excess equals or exceeds 6%, but is less than 7%, of his average annual payroll;

(4) 1⁶⁄₁₀%, if such excess equals or exceeds 7%, but is less than 8%, of his average annual payroll;

(5) 1³⁄₁₀%, if such excess equals or exceeds 8%, but is less than 9%, of his average annual payroll;

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

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

(8) ⁴⁄₁₀ of 1%, if such excess equals or exceeds 11%, of his average annual payroll.

(B) If the total of an employer's contributions, paid on his own behalf, for all past periods for the purposes of this paragraph (4), is less than the total benefits charged against his account during the same period, his rate shall be:

(1) 3 ⁷⁄₁₀%, if such excess is less than 10% of his average annual payroll;

(2) 4%, if such excess equals or exceeds 10%, but is less than 20%, of his average annual payroll;

(3) 4 3/10%, if such excess equals or exceeds 20% of his average annual payroll.

provided, however, if the total of the contributions of such an employer for the past 120 consecutive calendar months is more than the total benefits charged against his account during the same period, his rate shall be 2 8/10%.

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

(5) (A) If on March 31 of any calendar year the balance in the Unemployment Trust Fund equals or exceeds 4% but is less than 7% of the total taxable wages reported to the division as of that date in respect to employment during the preceding calendar year, the contribution rate, effective July 1 following, of each employer eligible for a contribution rate calculation based upon benefit experience, shall be increased by 3/10 of 1% over the contribution rate otherwise established under the provisions of paragraphs (3) or (4) of this subsection. If on March 31 of any calendar year the balance of the Unemployment Trust Fund is less than 4% of the total taxable wages reported to the Division of Employment Security as of that date in respect to employment during the preceding calendar year, the contribution rate, effective July 1 following, of each employer eligible for a contribution rate calculation based upon benefit experience, shall be increased by 6/10 of 1% over the contribution rate otherwise established under the provisions of paragraphs (3) or (4) of this subsection; provided, that if on such March 31, such balance is less than 2½% of such total taxable wages, the contribution rate so effective, of any employer, shall be not less than 2 8/10%; provided further, that the contribution rate of any employer increased pursuant to the provisions of this subparagraph, when so increased, shall not exceed 4 6/10%.

(B) If on March 31 of any calendar year the balance in the Unemployment Trust Fund equals or exceeds 10% but is less than 12½% of the total taxable wages reported to the Division of Employment Security as of that date in respect to employment during the preceding calendar year, the contribution rate, effective July 1 following, of each employer eligible for a contribution rate calculation based upon benefit experience, shall be reduced by 3/10 of 1% under the contribution rate otherwise established under the provisions of paragraphs (3) and (4) of this subsection; provided, that in no event shall the contribution rate of any employer be reduced

to less than 1/10 of 1%. If on March 31 of any calendar year the balance in the Unemployment Trust Fund equals or exceeds 12½% of the total taxable wages reported to the division as of that date in respect to employment during the preceding calendar year, the contribution rate, effective July 1 following, of each employer eligible for a contribution rate calculation based upon benefit experience, shall be reduced by 6/10 of 1% if his account for all past periods reflects an excess of contributions paid over total benefits charged of 3% or more of his average annual payroll, otherwise by 3/10 of 1% under the contribution rate otherwise established under the provisions of paragraphs (3) and (4) of this subsection; provided, that in no event shall the contribution rate of any employer be reduced to less than 1/10 of 1%.

(C) The "balance" in the unemployment trust fund as the term is used in subparagraphs (A) and (B) above shall not include moneys credited to the State's account under section 903 of the Social Security Act, as amended (Title 42, U. S. Code, section 1103), during any period in which such moneys are appropriated for the payment of expenses incurred in the administration of the Unemployment Compensation Law.

(6) Additional contributions.

Notwithstanding any other provision of law, any employer who has been assigned a contribution rate pursuant to subsection (c) of this section for the year commencing July 1, 1948, and for any year commencing July 1 thereafter, may voluntarily make payment of additional contributions, and upon such payment shall receive a recomputation of the experience rate applicable to such employer including in the calculation the additional contribution so made. Any such additional contribution shall be made during the 30-day period following the date of the mailing to the employer of the notice of his contribution rate as prescribed in this section, unless, for good cause, the time for payment has been extended by the director for not to exceed an additional 60 days; provided, that in no event may such payments which are made later than 120 days after the beginning of the year for which such rates are effective be considered in determining the experience rate for the year in which the payment is made. Any employer receiving any extended period of time within which to make such additional payment and failing to make such payment timely shall pay, in addition to the required amount of additional payment, a penalty of 5% thereof or $5.00, whichever is greater, not to exceed $50.00. Any adjustment under

this subsection shall be made only in the form of credits against accrued or future contributions.

(7) Transfers.

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

(B) An employer, who transfers part of his or its organization, trade, assets or business to a successor in interest, whether by merger, consolidation, sale, transfer, descent or otherwise, may jointly make application with such successor in interest for transfer of that portion of the employment experience of the predecessor employer relating to the portion of the organization, trade, assets, or business transferred to the successor in interest, including credit for past years, contributions paid, annual payrolls, benefits charges, et cetera, applicable to such predecessor employer. The Division of Employment Security may allow such transfer of employment experience pursuant to regulations adopted by the division, only if it finds that the employment experience of the predecessor employer with respect to the portion of the organization, trade, assets or business which has been transferred may be considered indicative of the future employment experience of the successor in interest. Credit shall be given to the successor in

interest only for the years during which contributions were paid by the predecessor employer with respect to that part of the organization, trade, assets or business transferred.

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

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

Each worker shall contribute to the fund ¾ of 1% of his wages paid by an employer with respect to his employment which occurs on and after January 1, 1953, and prior to January 1, 1971, and 1% of his wages with respect to his employment which occurs on and after January 1, 1971, and after such employer has satisfied the conditions set forth in subsection (h) of section 43:21–19 of this Title with respect to becoming an employer; provided, however, that such contribution shall be at the rate of ¼ of 1% of wages paid with respect to employment while the worker is covered by an approved private plan under the Temporary Disability Benefits Law or while the worker is exempt from the provisions of the Temporary Disability Benefits Law under section 7 of that law (C. 43:21–31). Each employer shall, notwithstanding any provisions of law in this State to the contrary, withhold in trust the amount of his workers' contributions from their wages at the time such wages are paid, shall show such deduction on his payroll records, shall furnish such evidence thereof to his workers as the division may prescribe, and shall transmit all such contributions, in addition to his own contributions, to the office of the Division of Employment Security in such manner and at such times as may be prescribed. If any employer fails to deduct the contributions of any of his workers at the time their wages are paid, or fails to make a deduction therefor at the time wages are paid for the next succeeding payroll period, he alone shall thereafter be liable for such contributions, and for the purpose of section 43:21–14 of this Title, such contributions shall be treated as employer's contributions required from him. As used in this chapter (R. S. 43:21–1 et seq.),

except when the context clearly requires otherwise, the term "contributions" shall include the contributions of workers pursuant to this section.

(2) (A) There shall be deposited in and credited to the State Disability Benefits Fund, as established by law, ¾ of all worker contributions, received by the Division of Employment Security with respect to wages paid prior to January 1, 1953, and upon which the rate of contributions is 1%.

(B) There shall be deposited in and credited to the State Disability Benefits Fund, as established by law, ⅔ of all worker contributions, received by the Division of Employment Security with respect to wages paid on and after January 1, 1953, and prior to January 1, 1971, and upon which the rate of contributions is ¾ of 1%.

(C) There shall be deposited in and credited to the State Disability Benefits Fund, as established by law, ¾ of all worker contributions, received by the Division of Employment Security with respect to wages paid on or after January 1, 1971, and upon which the rate of contributions is 1%.

(3) If an employee receives wages from more than one employer during any calendar year, and either the sum of his contributions deposited in and credited to the State Disability Benefits Fund (in accordance with subparagraph (B) of paragraph (2) of this subsection) plus the amount of his contributions, if any, required towards the cost of benefits under one or more approved private plans under the provisions of section 9 of the Temporary Disability Benefits Law (C. 43:21–33) and deducted from his wages, or the sum of such latter contributions if the employee is covered during such calendar year, only by two or more private plans, exceeds $18.00 in any calendar year prior to January 1, 1971, or $27.00 in any calendar year commencing on or after January 1, 1971, the employee shall be entitled to a refund of the excess if he makes claim to the Division of Employment Security within 2 years after the end of the calendar year in which the wages are received with respect to which the refund is claimed and establishes his right to such refund. Such refund shall be made by the Division of Employment Security from the State Disability Benefits Fund. No interest shall be allowed or paid with respect to any such refund. The division shall, in accordance with prescribed regulations, determine the portion of the aggregate amount of such refunds made during any calendar year which is applicable to private plans for which deductions were made under section 9 of the "Temporary Disability

Benefits Law,'' such determination to be based upon the ratio of the amount of such wages exempt from contributions to such fund as provided in subparagraph (B) of paragraph (1) of this subsection with respect to coverage under private plans to the total wages so exempt plus the amount of such wages subject to contributions to the disability benefits fund as provided in subparagraph (B) of paragraph (2) of this subsection. The division shall, in accordance with prescribed regulations, prorate the amount so determined among the applicable private plans in the proportion that the wages covered by each plan bears to the total private plan wages involved in such refunds, and shall assess against and recover from the employer, or the insurer if the insurer has indemnified the employer with respect thereto, the amount so prorated. The provisions of R. S. 43:21–14, with respect to collection of employer contributions shall apply to such assessments. The amounts so recovered by the division shall be paid into the State Disability Benefits Fund.

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

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

(6) Contributions by workers, payable to the Division of Employment Security as herein provided, shall be exempt from garnish-

ment, attachment, execution, or any other remedy for the collection of debts.

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

(1) Except as hereinafter provided, each employer shall, in addition to the contributions required by subsections (a), (b), and (c) of this section, contribute ½ of 1% of the wages paid by such employer to workers with respect to employment. Such contributions shall become due and be paid by each employer to the Division of Employment Security for the State Disability Benefits Fund as established by law, in accordance with such regulations as may be prescribed, and shall not be deducted, in whole or in part, from the remuneration of individuals in his employ. In the payment of any contributions, a fractional part of a cent shall be disregarded unless it amounts to ½ cent or more, in which case it shall be increased to $0.01.

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

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

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

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

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

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

(1) Such preliminary rate shall be ½ of 1% unless on the preceding January 31 of such year such employer shall have been a covered employer who has paid contributions to the State Disability Benefits Fund with respect to employment in the 3 calendar years immediately preceding such year.

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

(i) 2/10 of 1% if such excess over $500.00 exceeds 1% but is less than 1¼% of his average annual payroll (as defined in this chapter (R. S. 43:21–1 et seq.));

(ii) 15/100 of 1% if such excess over $500.00 equals or exceeds 1¼% but is less than 1½% of his average annual payroll;

(iii) 1/10 of 1% if such excess over $500.00 equals or exceeds 1½% of his average annual payroll.

(3) If the minimum requirements in (1) above have been fulfilled and the contributions credited exceed the benefits charged but by not more than $500.00 plus 1% of his average annual payroll, or if the benefits charged exceed the contributions credited but by not more than $500.00, the preliminary rate shall be ¼ of 1%.

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

(i) 35/100 of 1% if such excess over $500.00 is less than 1/4 of 1% of his average annual payroll;

(ii) 45/100 of 1% if such excess over $500.00 equals or exceeds 1/4 of 1% but is less than 1/2 of 1% of his average annual payroll;

(iii) 55/100 of 1% if such excess over $500.00 equals or exceeds 1/2 of 1% but is less than 3/4 of 1% of his average annual payroll;

(iv) 65/100 of 1% if such excess over $500.00 equals or exceeds 3/4 of 1% but is less than 1% of his average annual payroll;

(v) 75/100 of 1% if such excess over $500.00 equals or exceeds 1% of his average annual payroll.

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

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

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

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

hereof, the final employer rate shall be the preliminary employer rate decreased by such percentage of excess taken to the nearest 5/100 of 1%, but in no case shall such final rate be less than 1/10 of 1%.

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

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

(iv) If the amount of the State Disability Benefits Fund determined as provided in paragraph (E) (1) of this subsection is equal to or less than 1/4 of 1%, then the final rate shall be 2/5 of 1% in the case of an employer whose preliminary rate is determined as provided in (D) (2) hereof, 7/10 of 1% in the case of an employer whose preliminary rate is determined as provided in (D) (1) and (D) (3) hereof, and 1.1% in the case of an employer whose preliminary rate is determined as provided in (D) (4) hereof. Notwithstanding any other provision of law or any determination made by the Division of Employment Security with respect to any twelve-month period commencing on July 1, 1970, the final rates for all employers for the period beginning January 1, 1971, shall be set forth herein.

2. P. L. 1948, chapter 110, section 22 (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 R. S. 43:21–7, 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 R. S. 43:21–4, 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 R. S. 43:21–4 (f) 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 R. S. 43:21–4 (f).

Prior to July 1 of each calendar year, 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 the preceding calendar year, and shall make an assessment against all employers in an amount equal to the taxable wages paid by them during such preceding calendar year to employees, multiplied by such ratio, but in no event shall any such assessment exceed 1/10 of 1% of such wages. Such amounts shall be collectible by the division in the same manner as provided for the collection of employee contributions under this chapter (R. S. 43:21–1 et seq.). 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.

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 R. S. 43:21–7.

(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 R. S. 43:21–4 (f).

3. P. L. 1948, chapter 110, section 24 (C. 43:21–48) is amended to read as follows:

C. 43:21-48 Assessment of costs of administration.

24. Assessment of costs of administration. (a) If officers or employees of the Division of Employment Security perform duties in part related to the administration of this act and of the unemployment compensation law, or if there be expenses otherwise

incurred jointly in connection with administration of such acts, the division shall make an equitable apportionment to determine the portion of total expense to be charged to administration of this act including R. S. 43:21–4 (f). So far as possible such apportionment shall be based upon records to be maintained with the respect to activities undertaken in administering this act.

(b) The Division of Employment Security shall, at the end of each fiscal year, determine the total amount expended by it for administrative cost directly attributable to the supervision and operation of approved private plans, together with a proportionate part of the administrative cost of R. S. 43:21–4 (f), and such total amount shall be prorated among the approved private plans in effect during that year on the basis of the total amount of taxable wages that were paid to all employees covered under such private plans. The prorated amounts shall be assessed against the respective employers but shall not exceed $\frac{1}{20}$ of 1% of such wages, and such amounts shall be collectible by the division in the same manner as provided for the collection of employer contributions under the chapter to which this act is a supplement. In making this assessment, the division shall furnish to each affected employer a brief summary of the apportionment of expense to be charged to administration of this act, and of the facts upon which the calculation of the assessment is based. The amounts of such assessments shall be credited to the administration account.

(c) The division shall, at the end of each fiscal year, determine the total amount expended by it for administrative cost directly attributable to maintaining separate disability benefits accounts for employers required to contribute to the State disability benefits fund and assigning modified rates of contribution to such employers in accordance with the provisions of R. S. 43:21–7 (e) (3). Such total amount of administrative costs shall be prorated among such employer accounts on the basis of the total amount of taxable wages paid to all employees during the preceding calendar year with respect to which contributions were payable to the State disability benefits fund. The prorated amounts shall be assessed against the respective employers, and such amounts shall be collectible by the division in the same manner as provided for the collection of employer contributions in R. S. 43:21–14. The amounts of such assessments shall be credited to the administration account.

C. 43:21-7.1 Repealed.

4. P. L. 1960, chapter 28, section 1 (C. 43:21–7.1) is hereby repealed.

C. 43:21-24.11 Definitions.

5. Definitions. For the purposes of the extended benefit program and as used in this act, unless the context clearly requires otherwise:

a. "Extended benefit period" means a period which

(1) begins with the third week after whichever of the following weeks occurs first:

(a) a week for which there is a national "on" indicator, or

(b) a week for which there is a state "on" indicator; and

(2) ends with either of the following weeks, whichever occurs later:

(a) the third week after the first week for which there is both a national "off" indicator and a state "off" indicator; or

(b) the thirteenth consecutive week of such period;

provided, that no extended benefit period may begin by reason of a state "on" indicator before the fourteenth week after the close of a prior extended benefit period which was in effect with respect to this State; and

provided further, that no extended benefit period may become effective in this State prior to the effective date of this act, and that, within the period beginning on the effective date of this act and ending on December 31, 1971, an extended benefit period shall be determined solely by reason of a state "on" and a state "off" indicator.

b. There is a "national 'on' indicator" for a week if the United States Secretary of Labor determines that for each of the 3 most recent completed calendar months ending before such week, the rate of insured unemployment (seasonally adjusted) for all states equaled or exceeded 4.5% (determined by reference to the average monthly covered employment for the first four of the most recent six calendar quarters ending before the month in question).

c. There is a "national 'off' indicator" for a week if the United States Secretary of Labor determines that for each of the 3 most recent completed calendar months ending before such week, the rate of insured unemployment (seasonally adjusted) for all states was less than 4.5% (determined by reference to the average monthly covered employment for the first four of the most recent six calendar quarters ending before the month in question).

d. There is a "state 'on' indicator" for this State for a week if the division determines, in accordance with the regulations of the United States Secretary of Labor, that for the period consisting of such week and the immediately preceding 12 weeks, the rate of in-

sured unemployment (not seasonally adjusted) under the Unemployment Compensation Law (R. S. 43:21–1 et seq.)—

(1) equaled or exceeded 120% of the average of such rates for the corresponding 13-week period ending in each of the preceding 2 calendar years, and

(2) equaled or exceeded 4%.

e. There is a "state 'off' indicator" for this State for a week if the division determines, in accordance with the regulations of the United States Secretary of Labor, that for the period consisting of such week and the immediately preceding 12 weeks, either subparagraph (1) or (2) of paragraph d. was not satisfied.

f. "Rate of insured unemployment," for purposes of subsections d. and e. means the percentage derived by dividing

(1) the average weekly number of individuals filing claims in this State for weeks of unemployment with respect to the most recent 13-consecutive-week period, as determined by the division on the basis of its reports to the United States Secretary of Labor, by

(2) the average monthly covered employment for the specified period.

g. "Regular benefits" means benefits payable to an individual under the Unemployment Compensation Law (R. S. 43:21–1 et seq.) or under any other State law (including benefits payable to Federal civilian employees and to ex-servicemen pursuant to 5 U.S.C. chapter 85) other than extended benefits.

h. "Extended benefits" means benefits (including benefits payable to Federal civilian employees and to ex-servicemen pursuant to 5 U.S.C. chapter 85) payable to an individual under the provisions of this act for weeks of unemployment in his eligibility period.

i. "Eligibility period" of an individual means the period consisting of the weeks in his benefit year which begin in an extended benefit period and, if his benefit year ends within such extended benefit period, any weeks thereafter which begin in such period.

j. "Exhaustee" means an individual who, with respect to any week of unemployment in his eligibility period:

(1) has received prior to such week, all of the regular benefits that were available to him under the Unemployment Compensation Law or any other State law (including dependents' allowances and benefits payable to Federal civilian employees and ex-servicemen under 5 U.S.C. chapter 85) in his current benefit year that includes such week;

provided, that for the purposes of this subparagraph, as individual shall be deemed to have received all of the regular benefits that were available to him although as a result of a pending appeal with respect to wages and/or employment that were not considered in the original monetary determination in his benefit year, he may subsequently be determined to be entitled to added regular benefits; or

(2) his benefit year having expired prior to such week, has no, or insufficient, wages and/or employment on the basis of which he could establish a new benefit year that would include such week; and

(3) (a) has no right to unemployment benefits or allowances, as the case may be, under the Railroad Unemployment Insurance Act, the Trade Expansion Act of 1962, the Automative Products Trade Act of 1965 and such other Federal laws as are specified in regulations issued by the United States Secretary of Labor; and

(b) has not received and is not seeking unemployment benefits under the unemployment compensation law of the Virgin Islands or of Canada; but if he is seeking such benefits and the appropriate agency finally determines that he is not entitled to benefits under such law he is considered an exhaustee.

k. "State law" means the unemployment insurance law of any state approved by the United States Secretary of Labor under section 3304 of the Internal Revenue Code of 1954.

C. 43:21-24.12 Effect of State law provisions relating to regular benefits on claims for, and the payment and charging of, extended benefits.

6. Effect of State law provisions relating to regular benefits on claims for, and the payment and charging of, extended benefits.— Except when the result would be inconsistent with other provisions of the Extended Benefits Law, as provided in the regulations of the division, the provisions of the Unemployment Compensation Law (R. S. 43:21–1 et seq.) which apply to claims for, and the payment and charging of, regular benefits shall apply to claims for, and the payment and charging of, extended benefits, provided, however, that no employer's account shall be charged for the payment of any extended benefits with respect to any weeks commencing prior to July 1, 1971; and provided further, that 50% of any extended benefits paid with respect to weeks commencing on or after July 1, 1971 shall be charged to the appropriate employer's account; and provided further, that when a claimant receives regular and extended

benefits, the State's share of the extended benefits shall be charged first against unused base-year base week earnings of employers within the base year of the claimant in the inverse chronological order, and any amount not so charged shall then be charged against the most recent employers in the same manner and under the same conditions provided in the Unemployment Compensation Law (R. S. 43:21–1 et seq.), notwithstanding the charges made for regular benefits, and where the account of any employer is charged in excess of 62½% of the total base-year base week wages paid to the claimant by any employer, such employer may apply to the Division of Employment Security to have such excess charges canceled from his account if the application is made within 6 months of the benefit check creating such charges. Any cancellation of such charges shall not affect a contribution rate already assigned with respect to any fiscal year commencing prior to the date the application for cancellation is received by the division.

C. 43:21-24.13 Eligibility requirements for extended benefits.

7. Eligibility requirements for extended benefits.—An individual shall be eligible to receive extended benefits with respect to any week of unemployment in his eligibility period only if the division finds that with respect to such week:

a. he is an "exhaustee" as defined in paragraph j. of section 5;

b. he has satisfied the requirements of this act for the receipt of regular benefits that are applicable to individuals claiming extended benefits, including not being subject to a disqualification for the receipt of benefits.

C. 43:21-24.14 Weekly extended benefit rate.

8. Weekly extended benefit rate.—The weekly extended benefit rate payable to an individual for a week of total unemployment in his eligibility period shall be an amount equal to the weekly benefit rate payable to him during his applicable benefit year.

C. 43:21-24.15 Total extended benefit amount.

9. Total extended benefit amount.—The total extended benefit amount payable to any eligible individual with respect to his applicable benefit year shall be the lesser of the following amounts:

a. 50% of the total of regular benefits which were payable to him under the Unemployment Compensation Law (R. S. 43:21–1 et seq.) in his applicable benefit year; or

b. thirteen times his weekly benefit amount which was payable to him under the Unemployment Compensation Law (R. S. 43:21–1

et seq.) for a week of total unemployment in the applicable benefit year.

C. 43:21-24.16 Beginning and termination of extended benefit period.

10. a. Beginning and termination of extended benefit period.—Whenever an extended benefit period is to become effective in this State (or in all states) as a result of a state or a national "on" indicator, or an extended benefit period is to be terminated in this State as a result of a state "off" indicator or state and national "off" indicators, the division shall make an appropriate public announcement.

b. Computations required by the provisions of paragraph f. of section 5 shall be made by the division, in accordance with regulations prescribed by the United States Secretary of Labor.

C. 43:21-24.17 Short title.

11. Short title. Sections 5 through 11 of this act shall be known and may be cited as the "Extended Benefits Law."

12. Sections 1 through 4 of this act shall take effect on January 1, 1971 but the increase in unemployment compensation rates prescribed by R. S. 43:21–7 (c), as amended herein in section 1 of this act, shall be inoperative until July 1, 1971; and the Division of Employment Security shall take such immediate administrative action as may be necessary to implement the provisions hereof. Sections 5 through 12 of this act shall take effect on the first day of the calendar month next following enactment.

Approved December 22, 1970.

CHAPTER 325

AN ACT concerning certain programs and facilities for disadvantaged persons; providing for creation of a special commission, and making an appropriation.

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

Private act.

1. The Legislature hereby finds and declares: that the city of Newark has entered into an agreement with the College of Medicine and Dentistry of New Jersey whereby the city agreed to pay $7.4

million annually commencing July 1, 1968, for the treatment and care of the medically indigent; that the city has made payments in accordance with such agreement; that the financial crisis now experienced by the city of Newark has impaired its capacity to further comply with the agreement; that this inability to comply would have a serious effect on the continued treatment and care of the medically indigent and would further seriously have a deleterious effect on the operation of the Martland Hospital by the College of Medicine and Dentistry; that this matter affects the health, safety and welfare of the citizens of the State of New Jersey; that it is essential that the State assume the full responsibility for the costs to the city of Newark under its agreement with the New Jersey College of Medicine and Dentistry.

2. (a) After December 31, 1970, the city of Newark shall be relieved of its financial obligation under the agreement with the College of Medicine and Dentistry of New Jersey whereby the city agreed to pay the college $7,400,000.00 annually for the treatment of the medically indigent.

(b) The sum of $18,500,000.00, being the sum paid by the city of Newark to the New Jersey College of Medicine and Dentistry under the aforesaid agreement prior to December 31, 1970, shall be reimbursed to the city in two equal annual payments, one to be made between July 1, 1971 and September 1, 1971 and the other between July 1, 1972 and September 1, 1972, in the manner and under the terms and conditions provided in this act.

3. (a) The sums to be paid to the city of Newark pursuant to subsection (b) of section 2 of this act shall be set apart and separately accounted for within the funds of the city; all expenditures therefrom shall be separately and distinctly recorded, and such records shall at all times be open to the inspection of the Task Force on Urban Programs (established under section 4 of this act) or any member thereof or any duly authorized agent of the said task force.

(b) The sums to be paid to the city of Newark pursuant to subsection (b) of section 2 of this act shall be employed by the city solely for the support of upgrading, or augmenting new or existing programs and facilities for disadvantaged persons in the fields of education, public health, public safety, recreation and libraries.

4. There is hereby created a commission to be known as the "Task Force on Urban Programs." The commission shall consist of eight members, four to be appointed by the President of the Senate, at least one of whom shall be a member of the Senate, and

four to be appointed by the Speaker of the General Assembly, at least one of whom shall be a member of the General Assembly. All members shall be appointed without regard to political affiliation.

Each member shall serve for a term of 2 years from the date of his appointment and until his successor is appointed and qualified. Vacancies resulting from causes other than by expiration of term shall be filled for the unexpired term only and shall be filled in the same manner as the original appointments were made.

5. All members of the commission shall serve without compensation.

6. The commission shall select from among its members a chairman and a vice-chairman and also shall select a secretary who need not be a member of the commission.

7. The commission is authorized, empowered and directed

(a) to oversee the expenditure by the city of the funds paid to the city pursuant to subsection (b) of section 2 of this act, and to report at least once each month to the Legislature when in session and, in any month when either House does not meet in session, to the presiding officer of such House, concerning the expenditure of said funds by the city, the compliance by the city with the provisions of this act, and such other matters concerning the fiscal situation and municipal administration of the city of Newark as it may deem relevant to the purposes of this act, make such other reports of like nature from time to time as it may deem necessary or desirable for the information of the Legislature, accompanying such reports with any recommendations it may wish to make to the Legislature.

(b) to render such advice and assistance to the municipal government of the city of Newark as the task force may deem advisable and as may be within its powers and capacities, with regard to planning and executing the expenditure of funds paid to the city under subsection (b) of section 2 of this act, and with regard to such other matters of municipal finance and administration as may be beneficial to the government and people of the city.

(c) 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 professional, 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.

(d) to exercise all the powers conferred upon legislative committees pursuant to chapter 13 of Title 52 of the Revised Statutes.

8. No funds appropriated for the purposes of subsection (b) of section 2 of this act may be paid out of the State Treasury until the city of Newark has drawn up and submitted to the Task Force on Urban Programs a detailed plan for the use of such funds for the purposes enumerated in section 3 (b) of this act, and such plan has received the approval of said task force, the Director of the Division of Budget and Accounting in the Department of the Treasury, the Legislative Budget and Finance Director and, where and to the extent that the plan provides for support of, upgrading or augmenting facilities for disadvantaged persons in the fields of education or libraries, the Commissioner of Education. The State Treasurer, upon the warrant of the Director of the Division of Budget and Accounting and certification of approval by the Task Force on Urban Programs and other officials as herein required, shall pay to the city of Newark, within the limitations of funds appropriated, the sum called for by the approved plan.

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

10. 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.

11. There is hereby appropriated the sum of $5,800,000.00 for the purpose of carrying out the provisions of section 2 (a) of this act during the fiscal year ending June 30, 1971.

12. This act shall take effect immediately.

Approved December 23, 1970.

CHAPTER 326

AN ACT authorizing certain municipalities to impose certain taxes, providing for the administration and collection thereof and supplementing Title 54 of the Revised Statutes.

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

ARTICLE 1. AUTHORIZATION; SHORT TITLE

C. 40:48C-1 Authority to impose certain taxes.

1. Any municipality having a population in excess of 350,000, hereinafter referred to as "municipality," is hereby authorized and empowered to enact an ordinance or ordinances imposing any of the taxes hereinafter provided for at the rates and in the manner hereinafter provided.

C. 40:48C-2 Short title.

2. This act shall be known and may be cited as the "Local Tax Authorization Act of 1970."

ARTICLE 2. ALCOHOLIC BEVERAGES TAX

C. 40:48C-3 Definitions.

3. As used in this article:

(a) "alcoholic beverages" means liquors, wines, sparkling wines, and vermouth;

(b) "liquors" means all distilled or rectified spirits, alcohol, brandy, whisky, rum, gin and all similar distilled alcoholic beverages including all dilutions and mixtures of one or more of the foregoing, such as liqueurs, cordials, and similar compounds, having an alcoholic content of ½ of 1% or more by volume.

(c) "wines" means all wines whether known as "dry wines," "sweet wines," "still wines," or "fortified wines" and any artificial or imitation wine or compound sold as wine, and any fruit juice containing ½ of 1% or more of alcohol by volume, and any other beverage containing alcohol produced by the fermentation of the natural sugar content of fruits or other agricultural products containing sugar, which beverage contains ½ of 1% or more of alcohol by volume, but shall not mean or include vermouth, or cider containing less than 3$\frac{2}{10}$% of alcohol by volume.

(d) "sparkling wines" means champagne and other effervescent wine charged with carbon dioxide, whether artificially or as the result of secondary fermentation of the wine within the container.

(e) "vermouth" means any compound made by the mixture of extracts from macerated aromatic flavoring materials with wines and manufactured in such manner that the product possesses the taste, aroma, and characteristics generally attributed to vermouth.

(f) "taxpayer" means a person chargeable with the payment of the tax imposed pursuant to an ordinance enacted pursuant to the authority of this article.

C. 40:48C-4 Authority to impose alcoholic beverages tax; rates.

4. Any municipality is hereby authorized and empowered to enact an ordinance imposing the following taxes at the rates indicated on alcoholic beverages sold for consumption on the premises where sold within such municipality:

(a) a tax on liquor—at the rate of $5.00 a gallon;

(b) a tax on wine—at the rate of $1.00 a gallon;

(c) a tax on sparkling wine—at the rate of $1.00 a gallon;

(d) a tax on vermouth—at the rate of $1.00 a gallon.

Such tax shall be imposed upon those persons licensed to sell alcoholic beverages for consumption on the premises where sold within the municipality and shall be paid with respect to alcoholic beverages delivered to such persons for sale and consumption on the premises where sold.

C. 40:48C-5 Limitation.

5. No tax shall be imposed under any ordinance adopted pursuant to this article with respect to alcoholic beverages delivered to a taxpayer on or after January 1, 1973.

Article 3. Parking Tax

C. 40:48C-6 Authority to impose motor vehicle parking tax; rate.

6. Any municipality is hereby authorized and empowered to enact an ordinance imposing in any such municipality a tax, not to exceed 15%, on fees for parking, garaging, or storing of motor vehicles, other than parking in a garage which is part of premises occupied solely as a private one- or two-family dwelling.

C. 40:48C-7 Collection and remittance of taxes.

7. a. All taxes imposed by such ordinance shall be collected on behalf of the municipality by the person (hereinafter sometimes referred to as "taxpayer") providing parking services to the customer.

b. Every person required to collect any tax imposed by the ordinance shall be personally liable for the tax imposed, collected or required to be collected hereunder. Any such person shall have the same right in respect to collecting the tax from his customer or in respect to nonpayment of the tax by the customer as if the tax were a part of the service charge and payable at the same time; provided, however, that the chief fiscal officer of the municipality shall be joined as a party in any action or proceeding brought to collect the tax.

c. No person required to collect any tax hereunder shall advertise or hold out to any person or to the public in general, in any

manner, directly or indirectly, that the tax is not considered as an element in the charge payable by the customer, that he will pay the tax, that the tax will not be separately charged and stated to the customer or that the tax will be refunded to the customer.

d. All taxes collected pursuant to such ordinance shall be remitted to the chief fiscal officer of the municipality and shall be reported on such forms and paid at such times as may be prescribed in such ordinance.

C. 40:48C-8 Limitation.

8. No tax shall be imposed under any ordinance adopted pursuant to this article with respect to parking services provided on or after January 1, 1973.

Article 4. Motor Fuels Tax

C. 40:48C-9 Authority to impose motor fuels tax.

9. Any municipality is hereby authorized and empowered to enact an ordinance imposing a tax at the rate specified in such ordinance on sales of fuels taxed pursuant to chapter 39 of Title 54 of the Revised Statutes sold or delivered to the consumer thereof in such municipality. Such tax shall be in addition to the tax imposed by such chapter and shall be administered and collected by the Director of the Division of Taxation pursuant to chapter 39 of Title 54 of the Revised Statutes and the State Tax Uniform Procedure Law. Such additional tax shall be imposed upon those persons who now pay to the director the tax imposed by chapter 39 of Title 54 of the Revised Statutes to the extent that such persons have reason to believe such fuel is intended for sale or delivery to the consumer thereof in such municipality. In the event that the additional tax has not been paid for any motor fuel which is delivered for sale or delivery within the municipality to the consumer thereof, the additional tax shall be imposed upon the person making such delivery and said person shall pay the tax to the director, and the failure of such person to so pay and remit the tax shall constitute a violation of this article.

C. 40:48C-10 Payment of receipts to municipality.

10. All receipts collected by the director with respect to the said additional tax imposed by such ordinance, shall be paid by the State Treasurer upon certification of the director to the chief fiscal officer of such municipality on or before the tenth day of each month following receipt thereof by the director.

C. 40:48C-11 Application of tax to certain sales.

11. Any ordinance and any amendment thereof adopted pursuant to this article shall apply to sales of motor fuels on and after the first day of the month following the filing of a certified copy thereof with the Director of the Division of Taxation in the Department of the Treasury and the Director of the Division of Local Finance in the Department of Community Affairs.

C. 40:48C-12 Limitation.

12. No tax shall be imposed under any ordinance adopted pursuant to this article with respect to sales of motor fuels on or after January 1, 1973.

C. 40:48C-13 Appropriation.

13. There is hereby appropriated to the Division of Taxation the sum of $75,000.00 or so much thereof as shall be required to carry out the provisions of this article from the effective date hereof through the period ending June 30, 1971.

Article 5. Employer Payroll Tax

C. 40:48C-14 Definitions.

14. As used in this article:

"Employer" means any individual, corporation, company, association, society, firm, partnership, joint stock company, trust, estate, or foundation standing in the position of employer in an employer-employee relationship, having one or more employees and having a payroll in excess of $2,500.00 in any calendar quarter; other than

a. the Government of the United States;

b. the State of New Jersey or a county, municipality, school district or special district of the State;

c. an interstate agency; or

d. an agency or instrumentality of any organization enumerated in a., b. or c. above;

e. any insurance company formed by authority of another state or foreign country and subject to the provisions of P. L. 1950, c. 231 (C. 17:32–15).

"Payroll" means an amount equal to the total remuneration paid by employers to employees which is subject to withholding by the employer for Federal income tax purposes for services, other than domestic services in a private residence, if

(a) The services are performed within the municipality; or

(b) The services are performed outside the municipality and the place from which the services are supervised, is in the municipality.

C. 40:48C-15 Authority to impose employer payroll tax.

15. Any municipality may by ordinance impose and collect an employer payroll tax for general municipal purposes of the municipality at a rate of 1% of the employer's payroll.

C. 40:48C-16 Provisions of ordinance.

16. Any ordinance adopted pursuant to this article shall:

a. Require each employer to report his payroll for the preceding calendar quarter to an officer of the municipality designated therein to receive the same and to collect the tax together with such other related information as shall be required by the ordinance and regulations issued pursuant thereto;

b. Require the report and payment of the tax imposed for the preceding calendar quarter on or before the last day of April, July, October and January, respectively;

c. Provide methods for enforcement of, and for the imposition of penalties for failure to report and pay, the tax imposed;

d. Provide procedure for claims for refunds, and repayment of overpayment of taxes;

e. Prohibit any employer from deducting or withholding any amount from remuneration payable to an employee on account of the tax imposed by the ordinance;

f. Provide that information contained in any employer's report or received by the municipality or any of its officers or employees as a result of any investigation, hearing or verification of a report shall be confidential except for official purposes and shall not be disclosed except in accordance with an order of court or as otherwise provided by law.

C. 40:48C-17 Authority to exclude certain corporations or associations.

17. Any ordinance adopted pursuant to this article may, notwithstanding the definition of "employer" in section 2 of this act, provide that the term employer shall not include corporations or associations organized not for profit and operated exclusively for religious, educational, charitable or hospital purposes.

C. 40:48C-18 Employer's obligation to pay limited to one municipality.

18. No employer shall be obligated to report and pay an employer payroll tax, or any interest, penalty or costs with respect thereto, to more than one municipality with respect to remuneration paid to an employee for services performed. Where any dispute as to the liability for an employer's payroll tax to more than one municipality for services performed by an employee is not resolved by agreement between the employer and the municipalities, all of said

municipalities shall be joined in a proceeding in the Division of Tax Appeals to collect the tax alleged to be due.

C. 40:48C-19 Limitation.

19. No tax shall be imposed under any ordinance adopted pursuant to this article with respect to services performed prior to January 1, 1971, in a calendar quarter prior to that in which the ordinance is adopted or on or after January 1, 1973, but any such ordinance shall remain in effect with respect to the right of the municipality to receive reports and enforce and collect taxes due thereunder for any period prior to January 1, 1973.

Article 6. Occupancy Tax

C. 40:48C-20 Definitions.

20. When used in this article, the following terms shall mean or include:

"Landlord." A person who grants the right to use or occupy premises to any lessee, sublessee, licensee or concessionaire, whether or not he is the owner of the premises.

"Tenant." A person paying or required to pay rent for premises or a person to whom premises have otherwise been made available as a lessee, sublessee, licensee or concessionaire.

"Premises." Any real property or part thereof, and any structure thereon or space therein.

"Taxable premises." Any premises in the municipality occupied, used or intended to be occupied or used for the purpose of carrying on or exercising any trade, business, profession, vocation or commercial activity, including any premises so used even though it is used solely for the purpose of renting, or granting the right to occupy or use, the same premises in whole or in part to tenants. "Taxable premises" shall also mean any premises owned by a nonprofit partnership, association, corporation or other nonprofit entity and rented or otherwise made available by said nonprofit partnership, association, corporation or other nonprofit entity to a tenant whether said tenant pays rent or not. Where no rent is paid by a tenant, then the tax shall be determined on the basis of the fair rental value of the premises. For such purpose, the rent and the tax determined under section 22 hereof shall be computed by applying the current rental per square foot for comparable premises, which rental shall be presumed to be the fair rental value. "Taxable premises" shall not include (a) premises used for railroad transportation purposes, (b) premises used for air transporta-

tion purposes and (c) premises used as marine terminals insofar as such premises are used in interstate or foreign commerce.

C. 40:48C-21 Authority to impose occupancy tax.

21. Any municipality is hereby authorized and empowered to enact an ordinance imposing a tax as herein provided.

C. 40:48C-22 Tax basis and rates.

22. Each ordinance shall provide that every tenant shall pay a tax based on the rent which shall not exceed the rates shown in the following table:

When the Annual Rent is:	The Tax Shall Be:
$0 to $2,499.00	2½% of the annual rent
$2,500.00 to $4,999.00	$62.50, plus 5% of the annual rent in excess of $2,500.00
$5,000.00 to $7,999.00	$187.50, plus 6¼% of the annual rent in excess of $5,000.00
$8,000.00 to $10,999.00	$375.00, plus 7% of the annual rent in excess of $8,000.00
$11,000.00 or over	$585.00, plus 7½% of the annual rent in excess of $11,000.00

Where the rent is for a period of less than 1 year the rate shall be determined by assuming that the rent is on an equivalent basis for the entire year.

C. 40:48C-23 Multiple tax prohibited.

23. a. Nothing contained in any such ordinance shall be deemed to require payment of a double or multiple tax thereunder on any part of any taxable premises.

b. Where a tenant pays an undivided rent for premises used both for residential purposes and as taxable premises, the tax shall be applicable to so much of the rent as is ascribable to the portion of such premises used as taxable premises.

Where, however, the rent ascribable to so much of such premises as is used as taxable premises does not exceed $50.00 a month, such rent shall be excluded from such tenant's rent. Nothing contained in this section shall be construed as indicating an intent to exclude any rent from the tax, merely because it is paid as part of an undivided rent for premises which are only partially used as taxable premises.

c. The tax imposed by the ordinance shall be in addition to any and all other taxes.

C. 40:48C-24 Tax exemption of certain tenants.

24. The following tenants shall be exempt from the payment of the tax imposed by any such ordinance:

a. the Government of the United States;

b. the State of New Jersey or a county, municipality, school district or special district of the State;

c. an interstate agency; or

d. an agency or instrumentality of any organization enumerated in a., b. or c. above;

e. Any corporation, or association, or trust, or community chest, fund or foundation, organized and operated exclusively for religious, charitable, or educational purposes, or for the prevention of cruelty to children or animals, and no part of the net earnings of which inures to the benefit of any private shareholder or individual and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation; provided, however, that nothing in this paragraph shall include an organization operated for the primary purpose of carrying on a trade or business for profit, whether or not all of its profits are payable to one or more organizations described in this paragraph;

f. Any tenant who would be subject to taxes under this act aggregating no more than $1.00 for a tax year with respect to all taxable premises used by him.

C. 40:48C-25 Effective date of tax.

25. Any ordinance imposing a tax pursuant to this article shall take effect only on the first day of any calendar month of any year.

C. 40:48C-26 Limitation.

26. No tax shall be imposed under any ordinance adopted pursuant to this article with respect to rental for use or occupancy of commercial premises on or after January 1, 1973.

Article 7. Sales Tax

C. 40:48C-27 Authority to impose sales and use tax; rate.

27. Any municipality is hereby authorized and empowered to enact an ordinance imposing a sales and use tax at the rate of 1% on transactions taking place in such municipality and subject to tax under the "Sales and Use Tax Act" (P. L. 1966, c. 30 (C. 54:32B–1 et seq.)). Such tax shall be in addition to the tax imposed by sections 3 (C. 54:32B–3) and 6 (C. 54:32B–6) of said act, and shall be administered and collected by the Director of the Division of Taxation pursuant to said act and the State Tax Uniform Procedure Law.

C. 40:48C-28 Tax formula.

28. For the purpose of adding and collecting the tax imposed by any such ordinance and by the Sales and Use Tax Act or an amount equal as nearly as possible or practicable to the average equivalent thereof, to be reimbursed to the vendor by the purchaser, the following formula shall be in force and effect in the municipality.

Amount of Sale	Amount of Tax
$0.01 to $0.10	No tax
.11 to .20	1¢
.21 to .35	2¢
.36 to .55	3¢
.56 to .70	4¢
.71 to .85	5¢
.86 to 1.10	6¢

In addition to a tax of $0.06 on each full dollar applicable in such municipality, a tax shall be collected on each part of a dollar in excess of a full dollar in accordance with the above formula.

C. 40:48C-29 Payment of receipts to municipality.

29. All receipts collected by the director with respect to the said additional tax imposed by such ordinance, less 2% for costs of administration, shall be paid by the State Treasurer each year upon certification of the director, on or before the payment dates with respect to the periods hereinafter set forth to the chief fiscal officer of each municipality adopting any ordinance pursuant to this act.

Certification Date	Payment Date	Sales or Service Period
October 1	October 10	January 1-June 30
April 1	April 10	July 1-December 31

C. 40:48C-30 Rules and regulations.

30. The director shall have power to prescribe rules and regulations to effectuate the collection of the taxes under any such ordinance including transitional provisions, and for such purposes he shall be guided by the transitional provisions contained in the Sales and Use Tax Act. The provisions of section 4 of the Administrative Procedure Act (C. 52:14B–4) shall not apply to the adoption and promulgation of such rules and regulations.

In certifying the portion of the sales tax collections due to any such municipality, the director shall in his certification certify ⅙ of the sales tax receipts collected from such municipalities.

C. 40:48C-31 Application of tax to certain transactions.

31. Any ordinance and any amendment thereof adopted pursuant to this act shall apply to transactions taking place on and after the first day of the month following the filing of a certified copy thereof with the Director of the Division of Taxation in the Department of the Treasury and the Director of the Division of Local Finance in the Department of Community Affairs.

C. 40:48C-32 Limitation.

32. No tax shall be imposed under any ordinance adopted pursuant to this article with respect to transactions taking place on or after January 1, 1973.

C. 40:48C-33 Appropriation.

33. There is hereby appropriated to the Division of Taxation the sum of $100,000.00 or so much thereof as shall be required to carry out the provisions of this article from the effective date hereof through the period ending June 30, 1971.

Article 8. General Provisions

C. 40:48C-34 Reporting and collection of taxes; effective date of rate changes.

34. a. Every ordinance imposing a tax pursuant to this act shall provide methods for reporting taxes due and providing for the collection thereof. All taxes pursuant to any such ordinance shall be remitted to the chief fiscal officer of the municipality and shall constitute revenues of the municipality available for any lawful municipal purpose.

b. Any ordinance imposing a tax pursuant to this act or increasing or decreasing the rate of such tax shall take effect only the first day of any calendar month in any year.

C. 40:48C-35 Recovery in civil action.

35. The taxes, interest and penalties imposed by any ordinance adopted pursuant to this act from the time the same shall be due shall be a debt of the taxpayer by whom payable to the municipality, recoverable in any court of competent jurisdiction in a civil action in the name of the municipality to be instituted within 3 years of the date due or of the filing of the report, whichever date is later.

C. 40:48C-36 Issuance of certificate of indebtedness.

36. As an additional remedy, the chief fiscal officer of the municipality adopting any ordinance hereunder may issue a certificate to the clerk of the Superior Court or to the clerk of the Law Division

of the County Court of any county, that any person is indebted under such ordinance in an amount as shall be stated in the certificate. Thereupon, the clerk to whom such certificate shall have been issued shall immediately enter upon his record of documented judgments the name of such person, the address of the place of business where such tax liability was incurred, the amount of the debt so certified and the date of making such entry. The making of the entries shall have the same force and effect as the entry of a documented judgment in the office of such clerk, and said fiscal officer shall have all the remedies and may take all the proceedings for the collection thereof which may be had or taken upon the recovery of a judgment in an action, but without prejudice to the taxpayer's right of appeal.

C. 40:48C-37 Interest and penalties.

37. Except as otherwise provided in Articles 4 and 7 of this act, any ordinance adopted pursuant to this act shall provide that if for any reason the tax is not paid when due, interest at a rate of 12% per annum on the amount of said tax, and an additional penalty of ½ of 1% of the amount of the unpaid tax for each month or fraction thereof during which the tax remains unpaid, shall be added and collected. Where action is brought for the recovery of any such tax, the taxpayer liable therefor shall, in addition, be liable for the costs of collection and the interest and penalties therein imposed.

C. 40:48C-38 Taxpayer's right to appeal.

38. Any aggrieved taxpayer may, within 3 months after any decision, order, finding, assessment or action of the chief fiscal officer of any municipality adopting an ordinance hereunder, appeal to the Division of Tax Appeals by filing a petition of appeal with said division in the manner and form prescribed by the said division and upon payment of the amount stated by said chief fiscal officer to be due. The appeal provided by this section shall be the exclusive remedy available to any taxpayer for review of a decision of the chief fiscal officer in respect of the determination of a liability for the taxes imposed hereunder.

C. 40:48C-39 Failure or refusal to make reports.

39. a. Any person who fails, neglects or refuses to make any report required by an ordinance adopted pursuant to this act, any person who refuses to permit an officer or agent designated by the municipality to examine his books, records and papers, and any person who knowingly makes any incomplete, false, or fraudulent

report, or attempts to do anything whatever to avoid the full disclosure of the amount due under the ordinance to avoid the payment of the whole or any part thereof is a disorderly person.

b. The failure of any person to receive or procure the forms required for making reports required by an ordinance adopted pursuant to this act shall not excuse him from making such report.

C. 40:48C-40 Copies of ordinances.

40. The clerk of any municipality adopting an ordinance pursuant to this act shall, immediately following the adoption of the ordinance or any amendment thereof, forward a copy thereof to the Director of the Division of Local Finance in the Department of Community Affairs and the Director of the Division of Taxation in the Department of the Treasury.

41. This act shall take effect immediately.

Approved December 23, 1970.

CHAPTER 327

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).

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

1. Section 26 of P. L. 1954, chapter 218 (C. 43:13–22.28) is amended to read as follows:

C. 43:13-22.28 Provisions applicable to all members of retirement system.

26. The following provisions shall apply to all members of the retirement system:

(a) No pension shall be paid to a minor child under the age of 18 years of a female member unless the child is and continues to remain dependent upon the income which the member was re-

ceiving at the time of her death. The commission shall determine the question of the dependency of the surviving dependent widower or said minor children.

(b) When a member of the retirement system dies leaving no beneficiary him surviving as aforementioned, there shall be paid to his or her estate a sum equivalent to 50% of his contribution to the retirement system, without interest.

(c) Where a husband and wife are each receiving a pension as a retired employee from any retirement system supported wholly or in part by the city, county or State, except as otherwise herein provided, then upon the death of either the survivor shall elect to accept one or the other of the 2 pensions, but in no case shall said survivor receive more than one pension at the same time. If the deceased was a member of the retirement system created hereby, the surviving widow or surviving dependent widower may continue to receive the pension being paid to him by reason of his membership in any other pension system or fund and in that event he shall be entitled to receive from the pension fund created hereby a sum equal to 50% of the total contributions paid into the pension fund by the said deceased husband or wife, as the case may be, less any actuarial and pension benefits received by the deceased member, as determined by the commission.

(d) (Deleted by amendment.)

(e) Where any employee or other beneficiary is entitled to receive two pensions under the provisions of this act, or under the provisions of this and any other State act, such employees or other beneficiary shall elect to receive one or the other of the two pensions, and in no case shall receive more than one pension; provided, however, that in any case where the city employee, at the time of the adoption of this act, is also employed by any county and is a member of and contributing money out of his city salary to the city employees' retirement system, in accordance with this act, and at the same time is a member of and contributing money out of his county salary to any county employees' retirement or pension system of such county, in accordance with the statutes concerning such system, he shall be entitled, for himself and his beneficiaries, to such benefits of both the county and municipal retirement or pension systems as such systems respectively provide.

(f) The rights of any employee or beneficiary to receive compensation under the Workmen's Compensation Act of New Jersey

shall not be affected nor impaired by any of the provisions of this act.

(g) Where the service of an employee is terminated by reason of conviction of a crime involving moral turpitude, no pension under this act shall be paid to any such employee; provided, however, that no member of this retirement system who shall have served honorably as a city employee for a period of 25 years and shall have attained the age of 60 years, or who has served honorably as a city employee for a period of 30 years and has attained the age of 55 years, shall be deprived of his pension privileges because of any violation of the rules and regulations established for the government of such city employees not involving conviction of a crime involving moral turpitude as aforesaid.

(h) Where any pension or other benefit shall be payable from the retirement system herein provided to any retired employee or other beneficiary who is or shall be confined in a penal institution as a result of conviction of a crime involving moral turpitude, the pension commission may pay such pension or any part of it or other benefit to the wife, husband, minor children, mother or father of the confined person, if it determines the same is necessary for their maintenance during such confinement.

(i) All payments of pension shall be made semi-monthly, and payments of pensions, refunds or other benefits of this act shall be made without interest.

(j) The benefits of this act shall not extend to the widow or widower of any city employee or of any pensioner who shall remarry or shall have married such employee or pensioner after such employee or pensioner has retired or attained the age of 55 years, nor to any children of such marriage.

2. This act shall take effect immediately.

Approved December 29, 1970.

CHAPTER 328

AN ACT concerning crimes and amending N. J. S. 2A:151–61.

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

1. N. J. S. 2A:151–61 is amended to read as follows:

Causing explosion with intent to injure; penalty.

2A:151–61. Any person who in any manner causes or attempts to cause any explosion of dynamite, nitroglycerine, guncotton or other explosive of whatever nature, with intent unlawfully to injure the person or property of another, is guilty of a high misdemeanor, and shall be punished by imprisonment in the State prison for not less than 5 years nor more than 25 years except in any case of an explosion causing injury to the person or property of another, such imprisonment shall be for not less than 5 years nor more than life.

2. This act shall take effect immediately.

Approved December 29, 1970.

CHAPTER 329

AN ACT concerning juvenile offenders, authorizing the establishment of community correctional centers and making an appropriation therefor.

WHEREAS, The New Jersey State Department of Institutions and Agencies has recommended the establishment of community treatment programs involving intensive individual and family counseling for juvenile offenders; and

WHEREAS, Establishment of community treatment centers would further the public policy of this State to adopt and use every practical program, technique and procedure to establish in New Jersey the most effective methods for the prevention and treatment of juvenile delinquency without institutional confinement; and

WHEREAS, Federal grants are available for up to 60% of the cost for each community treatment center for juvenile offenders; now, therefore,

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

C. 30:4-177.37 Correctional centers for juvenile offenders.

1. The Department of Institutions and Agencies shall establish three correctional centers for juvenile offenders and provide for

the operation of said centers in three separate counties by the department or through contacts with other agencies of government or private agencies.

C. 30:4-177.38 Educational and counseling programs.

2. The community correctional centers for juvenile offenders shall include but not be limited to providing educational and counseling programs for juvenile offenders assigned to its care.

3. There is hereby appropriated from the general funds of State in the State Treasury, the sum of $70,000.00 as the State share in establishing and operating said correctional centers. Said appropriation, however, shall be contingent upon the grant of Federal funds for said centers equal to 60% of the cost.

4. This act shall take effect immediately.

Approved December 29, 1970.

CHAPTER 330

A SUPPLEMENT to "An act to provide for the qualification, certification and examination of tax assessors and supplementing Title 54 of the Revised Statutes," approved May 4, 1967 (P. L. 1967, c. 44).

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

C. 54:1-35.25a College requirement or equivalency dispensed with; limitation.

1. Up until December 31, 1972, the 4-year college requirement, or the equivalency requirement in substitution therefor, set forth in section 1 of P. L. 1967, chapter 44 (C. 54:1–35.25) shall be dispensed with and no applicant shall be prohibited from taking the examination for certification as tax assessor by reason of his failure to meet such requirement.

2. This act shall take effect immediately.

Approved December 29, 1970.

CHAPTER 331

AN ACT concerning the State Board of Pharmacy, amending sections 45:14–7, 45:14–8, 45:14–11, 45:14–33 and 45:14–34 of the Revised Statutes and supplementing chapter 14 of Title 45 of the Revised Statutes.

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

1. Section 45:14–7 of the Revised Statutes is amended to read as follows:

Qualifications of applicants; examination; fee; issuance of certificate.

45:14–7. Every applicant for registration as a pharmacist under this chapter shall be not less than 21 years of age when completing all requirements for examination, shall be a citizen of the United States, or shall have declared his intention to become such citizen, shall be of good moral character, and not a chronic or persistent inebriate, and not addicted to the use of any narcotic or other habit-forming drug, shall have had such practical experience under the supervision of a registered pharmacist as is prescribed by the rules and regulations of the board, shall have been duly graduated or have met all of the requirements for graduation from a pharmacy course given in a school or college of pharmacy approved by the board and complying with the rules and regulations of the board. Each applicant shall before examination, pay to the secretary of the board the required fee, and upon passing an examination satisfactory to the board shall receive from the board a certificate of registration to practice pharmacy in the State.

The board is hereby authorized to conduct written examinations in the theoretical subjects for applicants for registration at any time after applicants have been certified as having fully completed all requirements for graduation by the registrar of a school or college of pharmacy approved by the board. No candidate shall be examined in practical pharmacy and laboratory work until he has met all of the requirements for registration provided in the law and rules of the board. Successful passing of the examination in theoretical subjects shall confer no rights or privileges upon the applicant in connection with the practice of pharmacy in this State.

2. Section 45:14–8 of the Revised Statutes is amended to read as follows:

Reciprocal registration; fee.

45:14–8. The board may waive the examination of any applicant for registration who is registered in the District of Columbia or any State or territory or insular possession of the United States, or any foreign country that has an equivalent standard for registration, and if the board of pharmacy of the District of Columbia, or such other State or territory or insular possession of the United States, or such foreign country, shall grant to pharmacists or assistant pharmacists registered in accordance with this chapter the same privilege to practice pharmacy in the District of Columbia, or in such other State or territory or insular possession of the United States, or in such foreign country. Such reciprocal registration of certificates shall be subject to such rules and regulations as may, from time to time, be made by the board of pharmacy of this State, and each applicant for such reciprocal registration shall pay the required fee for registration.

3. Section 45:14–11 of the Revised Statutes is amended to read as follows:

Annual renewal of registration; fee.

45:14–11. Every registered pharmacist and every registered assistant pharmacist shall, annually, on such date as the board shall prescribe, pay to the secretary of the board the required registration renewal fee in return for which he shall receive a renewal certificate of registration.

4. Section 45:14–33 of the Revised Statutes is amended to read as follows:

Permit; application; fee; display; prerequisites.

45:14–33. Upon application made on a form prescribed and furnished to the board, and upon payment of the required fee, the board shall issue a permit to conduct a new pharmacy to such persons as it shall deem qualified to conduct such business. The permit so issued shall be exposed in a conspicuous place in the pharmacy for which it was issued and shall not be transferable and shall expire June 30 following the date on which the permit is issued. Whenever the application to conduct a pharmacy pertains to an establishment for which a permit has already been issued by the board and such pharmacy is in active operation under an unsuspended or unrevoked permit, the application shall be made on a form prescribed and furnished by the board and shall be accompanied by the required fee, and the board shall issue a permit transferring authority to conduct such pharmacy to

the person making application if he shall be deemed qualified to conduct such business. The permit so issued shall be exposed in a conspicuous place in the pharmacy for which it was issued and shall not be transferable and shall expire on June 30 following the date of issuance of the permit. No permit shall be issued unless it appears to the satisfaction of the board that:

a. The management of the pharmacy is in personal and continuous charge of a pharmacist registered in accordance with the laws of this State.

b. The pharmacy for which the permit is sought will be conducted in full compliance with the law and with rules and regulations of the said board.

c. The location and facilities of said pharmacy are such that it can be operated and maintained without endangering the public health or safety.

d. The said pharmacy shall offer complete pharmaceutical service by compounding or dispensing all prescriptions which may reasonably be expected to be compounded or dispensed by the pharmacist; and

e. The said pharmacy shall not offer professional services under terms and conditions which tend to interfere with or impair the free and complete exercise of professional judgment and skill or enter into any agreement which denies the patient the right of free choice of pharmacies.

5. Section 45:14–34 of the Revised Statutes is amended to read as follows:

Annual registration; form of application; separate permit for each establishment.

45:14–34. On or before July 1 of each year the owner or manager of any pharmacy or drug store engaged in business in this State shall renew such registration and obtain a permit from the board and pay the required annual fee. At the time of such annual or original registration such owner or manager shall furnish to the board a complete list of those who are engaged in such business as registered pharmacists, registered assistant pharmacists and apprentices, and this list shall be furnished with each original and annual registration. The application for such a permit or license shall indicate the name of the owner, manager, trustee, leasee, received or other person or persons desiring such permit, as well as the location of such pharmacy or drug store, including street and number and such other information as the board may request. If it is desired to operate, manage, open or establish more than one pharmacy or drug store, separate application shall be made and a

separate permit or license shall be issued for each such pharmacy or drug store. If an application is found satisfactory the secretary of the board shall issue to the applicant a permit or license for each pharmacy or drug store for which an application is made. Permits or licenses so issued shall not be transferable and shall expire on June 30 of each year.

C. 45:14-3.1 Fees.

6. The following shall be the fees charged by the State board:

Examinations	$35 00
Reciprocity	50 00
Registered pharmacist renewal	15 00
Duplicate registered pharmacist renewal	5 00
Registered pharmacist renewal— for each lapsed year	15 00 per year
Certification of records	5 00
New pharmacy	100 00
Transfer of ownership	50 00
Change of location	100 00
Permit renewal	25 00
Duplicate permit renewal	5 00
Duplicate original certificate	10 00
Addition of name to certificate	5 00
Red book	3 00
Pharmacy permit holder	3 00
Reinstatement after 5 years	20 00

7. This act shall take effect immediately.

Approved December 29, 1970.

CHAPTER 332

AN ACT to amend "An act concerning motor vehicles, and supplementing chapter 3 of Title 39 of the Revised Statutes," approved April 7, 1943 (P. L. 1943, c. 98).

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

1. Section 1 of P. L. 1943, chapter 98 (C. 39:3–11.5) is amended to read as follows:

C. 39:3-11.5 Persons in military or naval service or discharged or released therefrom; "in time of emergency" defined.

1. Any person, who is the holder of a valid license to drive a motor vehicle at the time he or she enters the active military or naval service of the United States, in time of war or time of emergency, may continue to exercise the driving privilege therein conferred until the expiration of 180 days after the termination of the war or emergency, or for a period of 3 months from the date of his or her discharge or release from such service under conditions other than dishonorable, without payment of any fee therefor to the Director of the Division of Motor Vehicles; provided, however, no such person shall exercise said privilege except when attired in official military uniform or when having in his or her possession evidence of his or her said discharge or release or of his or her active military status or assignment.

As used herein the term "in time of emergency" shall mean and include any time after June 23, 1950, and prior to the termination, suspension or revocation of the proclamation of the existence of a national emergency issued by the President of the United States on December 16, 1950, or termination of the existence of such national emergency by appropriate action of the President or Congress of the United States, and shall also mean and include any time after December 31, 1960, and prior to the date of the termination of the warlike 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 December 29, 1970.

CHAPTER 333

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, 1970, and regulating the disbursement thereof," approved June 4, 1969 (P. L. 1969, c. 71).

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 ENVIRONMENTAL PROTECTION
DIVISION OF NATURAL RESOURCES
422–400. BOAT REGULATION COMMISSION

Salaries:	
Other employees	$100,000
Maintenance of Property:	
Nonrecurring and replacements	35,000
Additions and Improvements:	
Vehicular equipment	15,000
Total Supplemental Appropriation	$150,000

2. This act shall take effect immediately.

Approved December 29, 1970.

CHAPTER 334

AN ACT requiring the approval, inspection and regulation of narcotic and drug abuse treatment centers, providing for standards and regulations and penalties for violation thereof.

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

C. 26:2G-21 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 to insure safe care and adequate treatment of individuals in narcotic and drug abuse treatment centers, as hereinafter defined.

C. 26:2G-22 Definitions.

2. As used in this act:

(a) "Narcotic and drug abuse treatment center" means any establishment, facility or institution, public or private, whether operated for profit or not, which primarily offers, or purports to offer, maintain, or operate facilities for the residential or outpatient diagnosis, care, treatment, or rehabilitation of two or more nonrelated individuals, who are patients as defined herein, excluding, however, any hospital or mental hospital otherwise licensed by Title 30 of the Revised Statutes.

(b) "Patient" means a person who is addicted to, or otherwise suffering physically or mentally from the use, or abuse of, narcotic drugs and who requires continuing care of a narcotic and drug abuse treatment center.

(c) "Narcotic drug" means any narcotic, drug, or dangerous controlled substance, as defined in any law of the State of New Jersey or of the United States.

(d) "Commissioner" means the Commissioner of the State Department of Health of New Jersey.

C. 26:2G-23 Operation of treatment center; approval required; application.

3. No narcotic and drug abuse treatment center shall operate within this State except pursuant to a certificate of approval obtained from the commissioner, upon application made therefor. Such application shall be made upon forms furnished by the commissioner, shall set forth the location of the narcotic and drug abuse treatment center, the person in charge thereof, and the facilities for caring for patients who may seek treatment therein. The applicant shall be required to furnish evidence of its ability to comply with minimum standards established hereunder and of the good moral character of the applicant and the person in charge of the narcotic and drug abuse treatment center. Any change in the facts set forth in the application shall be reported to the commissioner within 10 days after the occurrence thereof.

C. 26:2G-24 Certificate of approval; application, issuance, display.

4. Upon receipt of an application for a certificate of approval, the commissioner shall cause an investigation to be made of the applicant and the facilities, and shall issue a certificate of approval if it is found that the applicant is of good moral character and that the facilities comply with the provisions of this act and with the regulations and standards required by the commissioner pursuant hereto. The certificate of approval shall not be transferable or assignable or applicable to any premises or proprietor other than those specified therein. The certificate shall be conspicuously displayed within the narcotic and drug abuse treatment center at all times.

C. 26:2G-25 Rules and regulations; classification of treatment centers.

5. The commissioner shall adopt, amend, promulgate and enforce such rules, regulations and minimum standards of treatment of patients of narcotic and drug abuse treatment centers as may be reasonably necessary to accomplish the purposes of this act. Such narcotic and drug abuse treatment centers may be classified into

two or more classes with appropriate rules, regulations and minimum standards for each such class.

C. 26:2G-26 Inspection of premises.

6. The commissioner shall make or cause to be made such inspection of the premises, for which a certificate of approval has been issued, from time to time, as he may deem necessary to be assured that the holder thereof and the premises comply at all times with the provisions of this act and the rules and regulations promulgated, and the minimum standards established hereunder.

C. 26:2G-27 Denial, revocation or suspension of certificate of approval; notice, hearing.

7. The commissioner after a hearing may deny, revoke, or suspend any certificate of approval granted under authority of this act to any person, firm, partnership, corporation or association violating the provisions hereof or the rules and regulations promulgated hereunder.

Notice of the pending revocation, suspension, or denial of a certificate of approval together with a specification of charges shall be sent to the applicant or holder of a certificate of approval by registered mail and the notice shall set forth the particular reasons for the denial, suspension, or revocation of the license. Such denial, suspension, or revocation shall become effective 30 days after mailing, unless the applicant or holder of a certificate of approval, within such 30-day period shall meet the requirements of the commissioner, or shall give written notice to the commissioner of its 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 holder of a certificate of approval may appeal from such denial, suspension, or revocation, to any court having jurisdiction of such matters.

The commissioner 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, or revocation consistent with the circumstances in each case.

C. 26:2G-28 Operation of treatment center without approval; penalty.

8. Any person, firm, corporation, partnership, society or association who shall operate or conduct a narcotic and drug abuse treatment center without first obtaining the certificate of approval required by this act, or who shall operate such establishment after

revocation or suspension of a certificate of approval, 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.

The penalties authorized by this section shall be recovered in a summary proceeding instituted by the Attorney General, at the request of the commissioner, pursuant to the Penalty Enforcement Law (N. J. S. 2A:58–1 et seq.). Money penalties, when recovered, shall be payable to the General State Fund.

C. 26:2G-29 Injunctive relief.

9. The commissioner may, in the manner provided by law, maintain an action in the name of the State of New Jersey for injunctive relief against any person, firm, corporation, partnership, society or association, continuing to conduct, manage, or operate a narcotic and drug abuse treatment center without a certificate of approval, or after suspension or revocation of such certificate.

C. 26:2G-30 Certificate of approval for certain facilities.

10. Any facility for which a certificate of approval is required which is in operation at the time of promulgation of rules and regulations and minimum standards hereunder shall obtain such certificate and comply with such rules and regulations and minimum standards within 90 days after promulgation.

11. There is hereby appropriated to the Department of Health pursuant to all the restrictions contained in the annual appropriations act the sum of $40,000.00 to effectuate the purpose of this act.

12. This act shall take effect immediately.

Approved December 29, 1970.

CHAPTER 335

AN ACT concerning the compensation of certain deputies and clerks employed by surrogates in certain counties, and supplementing chapter 5 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:5-16.1 Participation in cost of living bonus or longevity program.

1. In any county of the second class having a population in excess of 500,000 inhabitants, the limitations imposed pursuant to

N. J. S. 2A:5–16 on the amount of salary payable to any deputy surrogate, special deputy surrogate, executive clerk or chief clerk in the office of the surrogate, shall not be construed to restrict any of said employees from participating in or benefiting from any cost of living bonus or longevity program provided for or established in such county.

2. This act shall take effect immediately.

Approved December 30, 1970.

CHAPTER 336

AN ACT concerning the compensation of certain deputies and clerks employed by register of deeds and mortgages in certain counties, and supplementing chapter 39 of Title 40 of the Revised Statutes.

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

C. 40:39-22 Participation in cost of living bonus or longevity program.

1. In any county of the second class having a population in excess of 500,000 inhabitants, the limitations imposed pursuant to R. S. 40:39–21 on the amount of salary payable to the first deputy of the register or to the executive clerk or chief clerk in the office of said register, shall not be construed to restrict any of said employees from participating in or benefiting from any cost of living bonus or longevity program provided for or established in such county.

2. This act shall take effect immediately.

Approved December 30, 1970.

CHAPTER 337

AN ACT concerning the compensation of certain deputies and clerks employed by sheriffs in certain counties, and supplementing chapter 41 of Title 40 of the Revised Statutes.

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

C. 40:41-31.1 Participation in cost of living bonus or longevity program.

1. In any county of the second class having a population in excess of 500,000 inhabitants, the limitations imposed pursuant to R. S. 40:41–31 on the amount of salary payable to any undersheriff, chief clerk or executive clerk in the office of the sheriff, shall not be construed to restrict any of said employees from participating in or benefiting from any cost of living bonus or longevity program provided for or established in such county.

2. This act shall take effect immediately.

Approved December 30, 1970.

CHAPTER 338

AN ACT to regulate the manufacture and distribution of commercial feeds in the State of New Jersey and repealing R. S. 4:4–1 through R. S. 4:4–20.

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

C. 4:4-20.1 Short title.

1. Short title. This act shall be known and may be cited as the "New Jersey Commercial Feed Law of 1970."

C. 4:4-20.2 Enforcing official.

2. Enforcing official. This act shall be administered by the Department of Agriculture of the State of New Jersey, hereinafter referred to as the "department."

C. 4:4-20.3 Definitions.

3. Definitions of words and terms. As used in this act:

a. "Person" means individual, partnership, corporation and association.

b. "Distribute" means to offer for sale, sell, exchange, or barter, commercial feed; or to supply, furnish, or otherwise provide commercial feed to a contract feeder.

c. "Distributor" means any person who distributes.

d. "Commercial feed" means all materials except unmixed seed, whole or processed, when not adulterated within the meaning of section 7 which are distributed for use as feed or for mixing in feed, provided, that the State board by regulation may exempt from this

definition, or from specific provisions of this act, commodities such as hay, straw, stover, silage, cobs, husks, hulls, and individual chemical compounds, or substances when such commodities, compounds or substances are not intermixed or mixed with other materials and are not adulterated within the meaning of section 7 of this act.

e. "Feed ingredient" means each of the constituent materials making up a commercial feed.

f. "Mineral feed" means a commercial feed intended to supply primarily mineral elements or inorganic nutrients.

g. "Drug" means any article intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in animals other than man, and articles other than feed intended to affect the structure or any function of the animal body.

h. "Customer formula feed" means commercial feed which consists of a mixture of commercial feeds and feed ingredients, or either thereof, each batch of which is manufactured according to the specific instructions of the final purchaser.

i. "Manufacture" means to grind, mix or blend, or further process a commercial feed for distribution.

j. "Facility" means each separate mill or plant, fixed or mobile.

k. "Brand name" means any word, name, symbol, or device, or any combination thereof, identifying the commercial feed of a distributor or registrant and distinguishing it from that of others.

l. "Product name" means the name of the commercial feed which identifies it as to kind, class, or specific use.

m. "Label" means a display of written, printed, or graphic matter upon or affixed to the container in which a commercial feed is distributed, or on the invoice or delivery slip with which a commercial feed is distributed.

n. "Labeling" means all labels and other written, printed, or graphic matter (1) upon a commercial feed or any of its containers or wrapper, or (2) accompanying such commercial feed.

o. "Ton" means a net weight of 2,000 pounds avoirdupois.

p. "Per cent" or "percentages" means percentages by weight.

q. "Official sample" means a sample of commercial feed taken by the Secretary of Agriculture or his agent in accordance with the provisions of section 11 (c), (e), or (f) of this act.

r. "Contract feeder" means a person who as an independent contractor, feeds commercial feed to animals pursuant to a contract whereby such commercial feed is supplied, furnished, or otherwise provided to such person and whereby such person's

remuneration is determined all or in part by feed consumption, mortality, profits, or amount or quality of product.

s. "Pet" means any domesticated animal normally maintained in or near the household of the owner thereof.

t. "Pet food" means any commercial feed prepared and distributed for consumption by pets.

u. "Department" means the New Jersey Department of Agriculture and includes the State Board of Agriculture, the Secretary of Agriculture, and all employees and agents thereof.

v. "State board" means the State Board of Agriculture of New Jersey.

w. "Secretary" means the Secretary of Agriculture of New Jersey.

x. "State Chemist" means the person appointed by the State board, subject to the supervision of the secretary.

C. 4:4-20.4 Registration.

4. Registration. a. Every person engaged in the manufacture of commercial feed or customer formula feed to be distributed in this State shall on January 1 of each year, or prior to manufacture or distribution of such feed, register each facility on a form furnished by the State Chemist, the application to be accompanied by a fee of $25.00. Upon approval by the State board, a copy of the registration shall be furnished to the applicant and displayed in or on the facility.

b. The State board is empowered to refuse registration of any facility not in compliance with the provisions of this act or to cancel the registration of any facility subsequently found not to be in compliance with any provision of this act, provided, however, that no registration shall be refused or cancelled until the registrant shall have been given an opportunity to be heard before the secretary or his agent.

c. Before a commercial feed may be offered for sale which contains drugs, chemical additives or other ingredients which are potentially harmful to animals, the registrant may be required to submit evidence to show the safety of the feed when used according to the directions which the distributor furnished with the feed.

C. 4:4-20.5 Labeling.

5. Labeling. A commercial feed shall be labeled as follows:

a. In case of a commercial feed, except a customer formula feed, it shall be accompanied by a label bearing the following information:

(1) The net weight or contents as provided by regulation.

(2) The product name and the brand name, if any, under which the commercial feed is distributed.

(3) The guaranteed analysis stated in such terms as the State board by regulation determines is required to advise the user of the composition of the feed or to support claims made in the labeling. In all cases, the substances or elements must be determinable by laboratory methods from generally recognized sources such as the methods published by the Association of Official Analytical Chemists.

(4) The common or usual name of each ingredient used in the manufacture of the commercial feed, provided that the State board by regulation may permit the use of a collective term for a group of ingredients which perform a similar function, or it may exempt such commercial feeds, or any group thereof, from this requirement of an ingredient statement if it finds that such statement is not required in the interest of consumers.

(5) The name and principal mailing address of the manufacturer or the person responsible for distributing the commercial feed.

(6) Adequate directions for use for all commercial feeds containing drugs and for such other feeds as the State board may require by regulation as necessary for their safe and effective use.

(7) Such warning or caution statements as the State board by regulation determines are necessary for the safe and effective use of the commercial feed.

(8) The amount of any drug stated in an appropriate manner in a prominent place.

b. In the case of a customer formula feed, it shall be accompanied by a label, invoice, delivery slip, or other shipping document, bearing the following information:

(1) Name and address of the manufacturer.

(2) Name and address of the purchaser.

(3) Date of delivery.

(4) The product name and brand name, if any, and the net weight of the customer formula feed.

(5) Adequate directions for use for all customer formula feeds containing drugs and for such other feeds as the State board may require by regulation as necessary for their safe and effective use.

(6) Such warning or caution statements as the State board by regulation determines are necessary for the safe and effective use of the customer formula feed.

c. Label and nonquantitative listings of ingredients of formulae shall be submitted to the department upon request.

C. 4:4-20.6 Misbranding.

6. Misbranding. A commercial feed shall be deemed to be misbranded:

a. If its labeling is false or misleading in any particular.

b. If it is distributed under the name of another commercial feed.

c. If it is not labeled as required in section 5 of this act.

d. If it purports to contain or is represented as containing or if it purports to contain or is represented as containing a commercial feed ingredient, unless such commercial feed or feed ingredient conforms to the definition, if any, prescribed by regulation by the State board.

e. If any word, statement, or other information required by or under authority of this act to appear on the label or labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

C. 4:4-20.7 Adulteration.

7. Adulteration. A commercial feed shall be deemed to be adulterated:

a. (1) If it bears or contains any poisonous or deleterious substance which may render it injurious to health; but in case the substance is not an added substance, such commercial feed shall not be considered adulterated under this subsection if the quantity of such substance in such commercial feed does not ordinarily render it injurious to health; or

(2) If it bears or contains any added poisonous, added deleterious, or added nonnutritive substance which is unsafe within the meaning of the Federal Food, Drug and Cosmetic Act; or

(3) If it is, or it bears or contains any food additive which is unsafe within the meaning of the Federal Food, Drug and Cosmetic Act; or

(4) If it is a raw agricultural commodity and it bears or contains a pesticide chemical which is unsafe within the meaning of the Federal Food, Drug and Cosmetic Act, provided that where a pesticide chemical has been used in or on a raw agricultural commodity in conformity with an exemption granted or a tolerance

prescribed under the Federal Food, Drug and Cosmetic Act and such raw agricultural commodity has been subjected to processing such as canning, cooking, freezing, dehydrating, or milling, the residue of such pesticide chemical remaining in or on such processed feed shall not be deemed unsafe if such residue in or on the raw agricultural commodity has been removed to the extent possible in good manufacturing practice and the concentration of such residue in the processed feed is not greater than the tolerance prescribed for the raw agricultural commodity unless the feeding of such processed feed will result or is likely to result in a pesticide residue in the edible product of the animal, which is unsafe within the meaning of the Federal Food, Drug and Cosmetic Act.

(5) If it is an artificial color additive that has been deemed to be unsafe within the meaning of section 706 of the Federal Food, Drug and Cosmetic Act.

b. If any valuable constituent has been in whole or in part omitted or abstracted therefrom or any less valuable substance substituted therefor.

c. If its composition or quality falls below or differs from that which it is purported or is represented to possess by its labeling.

d. If it contains a drug and the methods used in or the facilities or controls used for its manufacture, processing, or packaging do not conform to current good manufacturing practice regulations promulgated by the State board to assure that the drug meets the requirement of this act as to safety and has the identity and strength and meets the quality and purity characteristics which it purports or is represented to possess. In promulgating such regulations the State board shall adopt the current good manufacturing practice regulations for medicated feed premixes and for medicated feeds established under authority of the Federal Food, Drug and Cosmetic Act, unless it determines that they are not appropriate to the conditions which exist in this State.

e. If it contains viable weed seeds in amounts exceeding the limits which the State board shall establish by rule or regulation.

C. 4:4-20.8 Prohibited acts.

8. Prohibited acts. The following acts are prohibited in the State of New Jersey:

a. The manufacture or distribution of any commercial feed that is adulterated or misbranded.

b. The adulteration or misbranding of any commercial feed.

c. The distribution of agricultural commodities such as whole seed, hay, straw, stover, silage, cobs, husks, and hulls, which are adulterated within the meaning of section 7 of this act.

d. The removal or disposal of a commercial feed in violation of an order under section 12 of this act.

e. The failure or refusal to register in accordance with section 4 of this act.

f. The violation of section 13 f. of this act.

g. Failure to pay inspection fees and file reports as required by section 9 of this act.

C. 4:4-20.9 Inspection fees and reports.

9. Inspection fees and reports. a. An inspection fee at the rate of $0.15 per ton shall be paid on commercial feeds distributed in this State by the person who distributes the commercial feed to the consumer subject to the following:

(1) No fee shall be paid on a commercial feed if the payment has been made by a previous distributor.

(2) No fee shall be paid on customer formula feeds if the inspection fee is paid on the commercial feeds which are used as ingredients therein.

(3) No fee shall be paid on commercial feeds which are used as ingredients for the manufacture of commercial feeds which are subject to the inspection fee. If the fee has already been paid, credit shall be given for such payment.

(4) In the case of any person who manufactures or distributes commercial feed in the State, a minimum annual fee of $25.00 shall be paid.

b. Each person who is liable for the payment of such fee shall:

(1) File, not later than January 31 of each year, a statement, setting forth the number of net tons of commercial feeds distributed in this State during the preceding calendar year; and upon filing such statement shall pay the inspection fee at the rate stated in paragraph "a." of this section. Inspection fees which are due and owing and have not been remitted to the department within 15 days following the due date shall have a penalty fee of 10% (minimum $10.00) added to the amount due when payment is finally made. The assessment of this penalty fee shall not prevent the department from taking other actions as provided in this act.

(2) Keep such records as may be necessary or required by the State board to indicate accurately the tonnage of commercial feed distributed in this State, and the department shall have the right to examine such records to verify statements of tonnage.

Failure to make an accurate statement of tonnage or to pay the inspection fee or comply as provided herein shall constitute sufficient cause for the cancellation of all registrations on file for the distributor.

c. Fees imposed by, and fines collected for violations of this act, shall be deposited with the State Treasurer and maintained by him in a special account. Money credited to the special account shall be appropriated and used for the costs of inspection, sampling, analyses and other expenses necessary for the administration of this act.

C. 4:4-20.10 Rules and regulations.

10. Rules and regulations. a. The State board is authorized to promulgate such rules and regulations for commercial feeds and pet foods as are specifically authorized in this act and such other reasonable rules and regulations as it may deem necessary and proper for the efficient administration of this act. In the interest of uniformity, the State board shall by regulation adopt, unless it determines that they are inconsistent with the provisions of this act or are not appropriate to conditions which exist in this State, the following:

(1) The definition of feed ingredients and feed terms adopted by the Association of American Feed Control Officials and published in the official publication of that organization, and

(2) Any regulation promulgated pursuant to the authority of the Federal Food, Drug and Cosmetic Act (U. S. C. Title 29, Sec. 301, et seq.).

b. Before the adoption, amendment, or repeal of any rule or regulation authorized by this act, the State board shall comply with the requirements of the Administrative Procedure Act (P. L. 1968, c. 410) (C. 52:14B–1 et seq.).

C. 4:4-20.11 Inspection, sampling and analysis.

11. Inspection, sampling, and analysis. a. For the purpose of enforcement of this act, and in order to determine whether its provisions have been complied with, including whether or not any operations may be subject to such provisions, officers or employees duly designated by the secretary, upon presenting appropriate credentials, and a written notice to the owner, operator, or agent in charge, are authorized (1) to enter, during normal business hours, any factory, warehouse, or establishment within this State in which commercial feeds are manufactured, processed, packed, or held for distribution, or to enter any vehicle being used to transport or hold

such feeds; and (2) to inspect at reasonable times and within reasonable limits and in a reasonable manner, such factory, warehouse, establishment or vehicle and all pertinent equipment, finished and unfinished materials, containers, nonquantitative listings of ingredients of formulae, shipping records and labeling therein. The inspection may include the verification of only such records, and production and control procedures as may be necessary to determine compliance with the good manufacturing practice regulations established under section 7 "d." of this act.

b. A separate notice shall be given for each such inspection, but a notice shall not be required for each entry made during the period covered by the inspection. Each such inspection shall be commenced and completed with reasonable promptness. Upon completion of the inspection, the person in charge of the facility or vehicle shall be so notified.

c. If the officer or employee making such inspection of a factory, warehouse, or other establishment has obtained a sample in the course of the inspection, upon completion of the inspection and prior to leaving the premises he shall give to the owner, operator, or agent in charge a receipt describing the samples obtained.

d. If the owner of any factory, warehouse, or establishment described in paragraph "a.," or his agent, refuses to admit the secretary or his agent to inspect in accordance with paragraphs "a." and "b.," the secretary is authorized to obtain from a court of competent jurisdiction in the area in which any such factory, warehouse or establishment is located, a warrant directing such owner or his agent to submit the premises described in such warrant to inspection.

e. For the purpose of the enforcement of this act, the secretary or his duly designated agent is authorized to enter upon any public or private premises including any vehicle of transport during regular business hours to have access to, and to obtain samples, and to examine records relating to distribution of commercial feeds.

f. Sampling and analysis shall be conducted in accordance with methods published by the Association of Official Analytical Chemists, or in accordance with other generally recognized methods.

g. The results of all analyses of official samples shall be forwarded by the State Chemist to the person named on the label and after 14 days to the purchaser. When the inspection and analysis of an official sample indicates a commercial feed has been adulterated or misbranded and upon request within 30 days following

receipt of the analysis the State Chemist shall furnish to the registrant a portion of the sample concerned.

h. The State Chemist, in determining for administrative purposes whether a commercial feed is deficient in any component, shall be guided by the official sample as defined in paragraph "q." of section 3 and obtained and analyzed as provided for in paragraphs "c.," "e." and "f." of this section.

C. 4:4-20.12 Detained commercial feeds.

12. Detained commercial feeds. a. "Withdrawal from distribution" orders: When the State Chemist or his authorized agent has reasonable cause to believe any lot of commercial feed is being distributed in violation of any of the provisions of this act or any of the prescribed regulations under this act, he may issue and enforce a written or printed "withdrawal from distribution" order, warning the distributor not to dispose of the lot of commercial feed in any manner until written permission is given by the State Chemist or the court. The State Chemist shall release the lot of commercial feed so withdrawn when said provisions and regulations have been complied with. If compliance is not obtained within 30 days, the State Chemist may begin, or upon request of the distributor or registrant shall begin, proceedings for condemnation.

b. "Condemnation and confiscation": Any lot of commercial feed not in compliance with said provisions and regulations shall be subject to seizure on complaint of the secretary to a court of competent jurisdiction in the area in which said commercial feed is located. In the event the court finds the said commercial feed to be in violation of this act and orders the condemnation of said commercial feed, it shall be disposed of in any manner consistent with the quality of the commercial feed and the laws of the State, provided, that in no instance shall the disposition of said commercial feed be ordered by the court without first giving the claimant an opportunity to apply to the court for release of said commercial feed or for permission to process or relabel said commercial feed to bring it into compliance with this act.

C. 4:4-20.13 Penalties.

13. Penalties. a. Any person convicted of violating any of the provisions of this act or the rules and regulations promulgated thereunder or who shall impede, hinder, or otherwise prevent, or attempt to prevent, said secretary or his duly authorized agent

in performance of his duty in connection with the provisions of this act, shall be fined not less than $50.00 or more than $100.00 for the first violation, and not less than $100.00 or more than $500.00 for a subsequent violation in any one year.

b. Nothing in this act shall be construed as requiring the State Chemist or his representative to: (1) report for prosecution, or (2) institute seizure proceedings, or (3) issue a withdrawal from distribution order, as a result of minor violations of the act, or when he believes the public interest will best be served by suitable notice of warning in writing.

c. It shall be the duty of the Attorney General to whom any violation is reported to cause appropriate proceedings to be instituted and prosecuted in a court of competent jurisdiction without delay. Before the State Chemist reports a violation for such prosecution, an opportunity shall be given the distributor to present his view to the secretary.

d. The secretary is hereby authorized to apply for and the court to grant in an appropriate case, a temporary or permanent injunction restraining any person from violating or continuing to violate any of the provisions of this act or any rule or regulation promulgated under the act, notwithstanding the existence of other remedies at law. Said injunction to be issued without bond.

e. Any person adversely affected by an act, order, or ruling made pursuant to the provisions of this act may seek judicial review by appeal to the Superior Court by a proceeding in lieu of prerogative writs.

f. Any person who uses to his own advantage, or reveals to other than the secretary, or officers of the New Jersey Department of Agriculture, or to the courts when relevant in any judicial proceeding, any information acquired under the authority of this act, concerning any method, records, formulations, or processes which as a trade secret is entitled to protection, is guilty of a misdemeanor and shall on conviction thereof be fined not less than $500.00 or imprisoned for not less than 1 year or both, provided that, this prohibition shall not be deemed as prohibiting the secretary or his duly authorized agent, from exchanging information of a regulatory nature with duly appointed officials of the United States Government, or of other states, who are similarly prohibited by law from revealing this information.

g. Upon receiving any information of a violation of any provision of this act or of any rule or regulation adopted thereunder,

the secretary or any agent designated by him for such purpose, is empowered to hold hearings upon said violation and, upon finding the violation to have been committed, to assess a penalty against the violator in such amount, not to exceed the maximum limit set forth in this section, as the secretary deems proper under the circumstances. If the violator pays such penalty as settlement, no further prosecution shall be had upon that violation. Payment of such a penalty shall be deemed equivalent to a conviction for violation of this act.

C. 4:4-20.14 Cooperation with other entities.

14. Cooperation with other entities. The secretary may cooperate with and enter into agreements with governmental agencies of this State, other states, agencies of the Federal Government, and private associations in order to carry out the purpose and provisions of this act.

C. 4:4-20.15 Publication.

15. Publication. The State Chemist shall publish at least annually, in such forms as he may deem proper, information concerning the sales of commercial feeds, together with such data on their production and use as he may consider advisable, and a report of the results of the analyses of official samples of commercial feeds sold within the State as compared with the analyses guaranteed on the label, provided that the information concerning production and use of commercial feeds shall not disclose the operations of any person.

C. 4:4-20.16 Constitutionality.

16. Constitutionality. If any clause, sentence, paragraph, or part of this act shall for any reason be judged invalid by any court of competent jurisdiction, such judgment shall not affect, impair, or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Repealer.

17. Repeal. R. S. 4:4–1 through R. S. 4:4–20 are hereby repealed.

18. This act shall take effect January 1, 1971.

Approved December 30, 1970.

JOINT RESOLUTIONS

Joint Resolutions

JOINT RESOLUTION No. 1

A JOINT RESOLUTION extending the time in which the Professional and Occupational Licensing Study Commission created by 1969 Joint Resolution No. 8 shall report to the Governor and the Legislature.

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

1. The Professional and Occupational Licensing Study Commission created by 1969 Joint Resolution No. 8 shall report to the Governor and the Legislature on or before the second Tuesday in January, 1971, setting forth the results of its study and including such recommendations for legislation as it may deem advisable.

2. This joint resolution shall take effect immediately.

Approved March 2, 1970.

JOINT RESOLUTION No. 2

A JOINT RESOLUTION requesting the Governor to proclaim May 22, 1970 as "Civil Service Day," in New Jersey.

WHEREAS, The New Jersey Civil Service Association meets each year in convention in the third week 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 requested to promulgate a proclamation designating May 22, 1970 as "Civil Service Day" in the State of New Jersey.

2. This joint resolution shall take effect immediately.

Approved May 15, 1970.

JOINT RESOLUTION No. 3

A JOINT RESOLUTION reconstituting the commission created by 1968 Joint Resolution No. 13, the Child Labor Laws Study Commission.

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

1. The Child Labor Laws Study Commission, created by 1968 Joint Resolution No. 13, is hereby reconstituted with the same membership, powers and duties as heretofore provided.

2. Any vacancy in the membership of the commission shall be filled in the manner provided as to the original appointment.

3. The commission shall report its findings and recommendations to the Governor and to the Legislature as soon as practicable, accompanying the same with any legislative bills which it may desire to recommend for adoption by the Legislature.

4. This joint resolution shall take effect immediately.

Approved May 15, 1970.

JOINT RESOLUTION No. 4

A JOINT RESOLUTION creating a commission to study certain automobile insurance matters, including the matter of a "no fault" automobile accident insurance plan.

WHEREAS, There is increasing interest and concern with the problems of compensating through some form of insurance those suffering injury or damage by reason of automobile accidents; and

WHEREAS, A full and complete examination of existing and proposed methods of effecting compensation, through insurance, of automobile accident victims is desirable, to the end that all possible improvements may be brought to light and exposed to the view of the motoring public of the State of New Jersey; and

WHEREAS, The cost of automobile insurance has undergone a substantial increase; and

WHEREAS, Many persons are faced with the prospect of exposure to serious liability or economic hardship because of the fact that automobile insurance companies will not provide automobile insurance at a cost within their means and in some cases will not provide insurance at all; and

WHEREAS, Such restrictive underwriting practices on the part of certain insurance companies are detrimental to the interest of this State and its citizens; and

WHEREAS, It is the duty of the Executive and Legislative Branches of government to inquire into and provide remedies for any inequity that may exist and to strive for improvement in existing systems or to make fundamental changes when necessary and practicable; 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 nine members, two to be appointed by the Speaker of the General Assembly from among the members of the General Assembly providing that no more than one of such appointees shall be a member of the same political party; and two to be appointed by the President of the Senate from the membership of the Senate providing that no more than one of such appointees shall be a member of the same political party, and five shall be citizens of this State to be appointed by the Governor. The five citizen members shall include one member of the insurance industry and 2 members of the legal profession who are members of the Bar of this State.

2. The commission shall organize at the call of the Governor as soon after the appointment of its members as is practicable. The Governor shall select a chairman from among its members. The commission may appoint a secretary who need not be a member of the commission.

3. It shall be the duty of the commission to study, hold hearings, both public and private, and inquire into those cost factors which relate to automobile insurance premiums, such as marketing costs, legal fees and property damage costs; to review the concepts of "no fault" automobile insurance coverage for the purpose of evaluating its feasibility and adaptability in this State and its effect upon automobile insurance premiums and the citizens of this State; to compare present methods of compensating victims of automobile accidents through court proceedings with other judicial or quasi-judicial proceedings, including a review of possible improvements within the framework of the present system, such as comparative negligence and arbitration; to study and investigate the desirability of compulsory medical payments coverage by automobile owners, and costs related thereto; and to make such recommendations for legislation as it deems desirable and appropriate.

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 counsel and 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, within or without the State, as it shall designate during the sessions or recesses of the Legislature, shall report its findings and recommendations to the Governor and Legislature as soon as possible, and accompany 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 June 18, 1970.

JOINT RESOLUTION No. 5

A JOINT RESOLUTION creating a commission to review and study the Public Employees' Retirement System program as applicable to members of the Legislature and to report thereon to the Legislature.

WHEREAS, The only retirement and death benefits available to members of the New Jersey Legislature are those provided for members of the Public Employees' Retirement System; and

WHEREAS, The Public Employees' Retirement System is primarily designed for the needs of employees of the Executive Branch of the New Jersey Government; and

WHEREAS, Due to the uncertainties of a career in public elective office, it is unlikely that many legislators will serve the required minimum 15 years to qualify for retirement benefits under the Public Employees' Retirement System; and

WHEREAS, Because of the distinctive nature of service in the Judiciary, the Judicial Branch of New Jersey Government has in effect a program other than the Public Employees' Retirement System for members of the New Jersey Supreme Court and Superior Court; and

WHEREAS, Because of the distinctive nature of service in the New Jersey Legislature, the Public Employees' Retirement System program now available to its members is inappropriate and inadequate; and

WHEREAS, The present Public Employees' Retirement System program available to legislators should be reviewed to determine if a program other than or in addition or supplementary to the Public Employees' Retirement System should be instituted for members of the Legislature; now, therefore,

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

1. There is hereby created a Legislative Review Commission to consist of eight members, two to be appointed from the membership of the Senate by the President thereof, no more than one of whom shall be of the same political party, two to be appointed from the membership of the General Assembly by the Speaker thereof, no more than one of whom shall be of the same political party, and four members appointed by the Governor, all of whom 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 the present Public Employees' Retirement System program available to members of the New Jersey Legislature and to recommend any changes it deems necessary in such program.

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, accompanying the same with any legislative bills which it may desire to recommend for adoption by the Legislature. The commission shall report to the Governor and Legislature on or before December 31, 1970.

6. This joint resolution shall take effect immediately.

Approved June 22, 1970.

JOINT RESOLUTION No. 6

A JOINT RESOLUTION to reconstitute and continue the commission to study the New Jersey Statutes relating to landlord-tenant relationships, created by Assembly Concurrent Resolution No. 28 of 1969, providing a name for such commission, and providing for gubernatorial appointments thereto.

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

1. The commission created by Assembly Concurrent Resolution No. 28 of 1969 is reconstituted and continued as the State Rental Housing Study Commission. Such commission, as reconstituted and continued, shall have the same powers and duties as heretofore.

2. The State Rental Housing Study Commission shall consist of such of the legislative members of the original commission as shall continue to be members of the House from which appointed, and 17 members to be appointed by the Governor, three of whom shall be either tenants or representatives of interests of tenants, three of whom shall be either landlords or representatives of interests of landlords, two of whom shall be from the mobile home industry (one representing trailer park operators and one representing mobile home owners), one of whom shall be from the mortgage banking industry, one of whom shall be from the insurance industry, one of whom shall be from the trade unions, one of whom shall be from the home building industry, and the remaining five of whom shall represent the public at large.

3. The presence of six members shall be required to constitute a quorum for holding a meeting and conducting business, but a majority of the membership shall be required for approval of any official action by the commission.

4. Vacancies in the legislative membership and other vacancies in the membership occasioned by any cause shall be filled in the same manner as the original appointments were made.

5. The commission, as reconstituted and continued, shall report to the Governor and Legislature, from time to time, on the progress of its work in its several aspects with such findings and recommendations as it may care to make and shall file its final report and recommendations no later than June 30, 1971.

6. This joint resolution shall take effect immediately.

Approved June 30, 1970.

JOINT RESOLUTION No. 7

A JOINT RESOLUTION designating the week of October 25 to 31, 1970 as "American Education Week" in New Jersey.

WHEREAS, During the Nineteen sixties there was an awakening across the country to the alarming inadequacies in our educational programs; and

WHEREAS, In New Jersey, as well as across the nation, we must face up to the new complexities of life, making sure our schools provide the student adequate and relevant experiences to enable

him to become a contributing and self-respecting citizen, gainfully employed, and able to cope with his environment and fellowman; and

WHEREAS, In the Nineteen seventies, more than in any previous era, students, teachers and parents must all join together to shape education; and

WHEREAS, Solutions to the problem of education and continued progress for better education depend on State and local support; and

WHEREAS, The week of October 25 to 31, 1970 has been set as the fiftieth annual celebration of the national week, spotlighting both the achievements of our schools and their pressing needs; now, therefore,

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

1. That the week of October 25 to 31, 1970 be declared "American Education Week" in New Jersey.

2. That the Governor, by appropriate proclamation, so proclaim the said week of October 25 to 31, 1970 as "American Education Week."

3. This joint resolution shall take effect immediately.

Approved October 26, 1970.

JOINT RESOLUTION No. 8

A JOINT RESOLUTION creating a commission to formulate legislation to provide means to rid business enterprises of personnel and financial connections with organized crime.

WHEREAS, There is widespread belief that individuals associated with organized crime and racketeering are infiltrating the management and financial control of legitimate business enterprises; and

WHEREAS, The end results of such infiltration and control not only adversely and unfairly compete with legitimate business but prevent government from providing essential public services in an efficient and economical manner and inflate costs to consumers of goods and services; and

WHEREAS, Means must be found to rid legitimate business of such management and financial control as part of the State's efforts to break the back of organized crime; and

WHEREAS, The President of the United States has indicated Federal action in this area is to be inaugurated which may dictate cooperative action by the States; now, therefore,

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

1. A commission is hereby established to formulate and propose legislation providing procedures to divest business enterprises from connections with individuals associated with organized crime, to dissolve businesses financed by "hot" money and to escheat their assets to the State, to invoke criminal penalties against the principals of such enterprises and such other related provisions as the commission shall determine.

2. The commission membership shall consist of three citizens of the State to be appointed by the Governor, three members of the Senate to be appointed by the President thereof and three members of the General Assembly to be appointed by the Speaker thereof. No more than two of the three members to be appointed by each of the appointing officers shall be members 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.

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. The commission shall consult with and be entitled to call to its assistance and avail itself of the services of the Attorney General, the members of the State Commission of Investigation and such other officials and employees of any Federal, 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 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.

6. This joint resolution shall take effect immediately.

Approved November 4, 1970.

JOINT RESOLUTION No. 9

A JOINT RESOLUTION setting forth the policy of the State with relation to the protection and enhancement of the natural environment.

WHEREAS, The citizens of New Jersey have become increasingly aware of the need to protect and enhance the conditions essential to guarantee a healthful environment for themselves and future generations; and

WHEREAS, The Legislature is cognizant of the many areas in which governmental action may be required to achieve the best possible living conditions without undue interference with the industrial and economic strength and growth of the State; now, therefore,

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

1. The policy of the State is to promote the establishment and maintenance of a clean and healthful environment and to insure wise use of the natural resources of the State by providing realistic patterns for work, living and recreational space by enactment and administration of laws, codes and regulations designed to:

a. Limit air pollution by the discharge into the atmosphere of deleterious pollutants;

b. Control needless and unreasonable noise;

c. Clean and protect the natural fresh and salt waters of the State from pollutants;

d. Preserve our estuaries and wetlands by limitations and controls on construction;

e. Regulate and control use of persistent environmental poisons;

f. Preserve wilderness areas and open space;

g. Engage in continuous studies of ecological and environmental problems.

2. This joint resolution shall take effect immediately.

Approved November 5, 1970.

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, SIDNEY GLASER, Acting 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. 1970.

SIDNEY GLASER,
Acting Director of the Division of Taxation.

PROCLAMATION

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

WHEREAS, The Acting Director, Division of Taxation, Department of the Treasury, on the 8th day of January, one thousand nine hundred and seventy, 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:

Management Funds Incorporated,
United Discount Corporation,
A & A Aluminum, Inc.,
A A A Professional Carpet & Upholstery Cleaning Co.,
A A A Washing Machine Service, Inc.,
Aabee Transmissions, Inc.,
A Ace Roofing & Siding Co.,
A A Credit Bureau, Inc.,
A A E Electronics Corporation,
A Allen, Inc.,

Aamco Heating & Chimney Co., Inc.,
A & A Metropolitan Corp.,
Aanstac, Inc.,
A A Ragona, Inc.,
Aarcom, Inc.,
A A R, Inc.,
A & A Stainless Steel & Nipple Co.,
ABA Construction Company, Inc.,
Abbe Rabiner Signature, Inc.,
Abbey Apartments, Inc.,
Abby Drug Co., Inc.,
A B C Cleaners and Launderers, Inc.,
A B C Dress Manufacturing Co., Inc.,
Abco Television & Electronics Sales & Service, Inc.,
A B C Ribbon and Carbon Corp.,
A B C Stationery and Office Equipment Co., Inc.,
ABC Venetian Blind Co.,
A B D Enterprises, Inc.,
Abdu Rahman, Inc.,
Abe Bensky, Inc.,
Aberdeen Corporation,
A B F Construction Co.,
A & B Holding Company,
Able Financial Co.,
Able Plumbing & Heating Co., Inc.,
A & B Litho, Inc.,
Abort, Inc.,
Abrax Abrasive, Inc.,
Absorbent Wiping Cloth Corp.,
Accurate Carpet Laying Service, Inc.,
Ace Auto Stores, Inc.,
Ace Finance Corp.,
Ace Garment Corp.,
Ace Maintenance Co.,
Ace Masonry, Inc.,
Ackerman Diner,
Acmead Company,
Acme Aluminum & Siding Sales Corp., Inc.,
Acme Building Company,
Acocella Construction Co., Inc.,
A Complete Carpet Specialist,
Acropolis Liquors, Inc.,
A C T Holding Co., Inc.,

Action Communication, Inc.,
The Action File, Inc.,
Action Investment Co.,
Adam Motor Corporation,
Adam Roger & Company,
Adams Bros. Realty Corporation,
Adams Travel Bureau of South Jersey, Inc.,
Add & Level Construction Co., Inc.,
Adeline Fashions, Inc.,
Adelphi Remodelers of New Jersey, Inc.,
A & D Enterprises, Inc.,
Adjusters Appraisers Associates,
Adjusters Rebuilding Company, Inc.,
Admiral Heating & Boiler Maintenance, Inc.,
Admiral Metal and Supply Company,
Admiral Mobile Offices,
Admiral Motors, Inc.,
Admiral Printing Corp.,
Adolf Reeh, Inc.,
Adolph H Koyen, Inc.,
Adralix, Inc.,
Advance Centerless Grinding Co., Inc.,
Advance Lincoln Park, Inc.,
Advance Media Incorporated,
Advance Mortgage Co., Inc.,
Advance Realty, Inc.,
A & E Meats, Inc.,
Aero Fabrics, Inc.,
Aero Plaza, Inc.,
Afco Agency, Inc.,
Affiliated Agencies, Inc.,
Affiliated Press Enterprises, Inc.,
Afric American Brewing Co.,
Agcam Realty Company, Inc.,
A & G Enterprises, Inc.,
Agir Associates, Inc.,
Aglo, Inc.,
Aglo Realty, Inc.,
A G Miller Mason Contractors,
Agrios Exploration Corporation,
A H & K, Inc.,
Air Con Lease Corp. of New Jersey,
Airfresco Corp.,

Airoyal Service Company,
Air Park Realty, Inc.,
Airport Incinerator Company,
A J Bloomer, Inc.,
A J Capella, Inc.,
A J De Paul Agency, Inc.,
A J Israel, Inc.,
A J Malefyt, Inc.,
A J M Corp.,
A Kravis Corporation,
Aladdin Travel,
Aladin Newark, Inc.,
Alamo Sales, Inc.,
Alan P Copeland, Inc.,
Alart, Inc.,
Albanos Garage, Inc.,
Albany Card Shop, Inc.,
Albar Development Co., Inc.,
Alben Sales, Inc.,
Alberts Originals, Inc.,
Albina Company, Inc.,
Albojean Farm, Inc.,
Albon Precision Machining Co.,
Albro Building Co., Inc.,
Albuera Concrete Corp.,
A and L Cab Corporation,
Al Calas Cycle,
Alchar, Inc.,
Alchem Research and Development, Inc.,
Alco Paving and Construction Co., Inc.,
Alden Stewart, Inc.,
Aldosa, Inc.,
Alexiades Corporation, Inc.,
Alfa Dee Realty Corp.,
Alfoldi Corp.,
Alfred F. Tokar, Inc.,
Alfred Levito, Inc.,
Alison Co., Inc.,
A. Livelli & Son, Inc.,
Alko Realty Corp. 1,
All American Homes, Inc.,
Allbest Transfer and Warehousing, Inc.,
Allbrite Clifton Corp.,

All Cargo Airlines, Inc.,
All Counties Collections, Inc.,
Allen Agency, Inc.,
Allen Construction Company,
Allenhurst Plaza, Inc.,
Allen West Enterprises, Inc.,
Alliance Associates,
Alliance Park, Inc.,
Allied Advertising Corp.,
Allied Air Control, Inc.,
Allied Bureau of Investigation,
Allied Contract Corp.,
Allied Metallurgy Corp.,
Allied Wholesale Distributors, Inc.,
Allkynes Foods,
Allstate Aluminum Supply Co., Inc.,
All State Carpet Mills,
Allstate Coin Co., Inc.,
Allstate Community T V Systems, Inc.,
Allstate Fuel Co., Inc.,
Allstate Fuel Oil Co., Inc.,
All State Tax Service, Inc.,
Alltone Radio Corp.,
All Vue Packaging Corp.,
All Weather Antennas Manufacturing Co.,
All Weather Fence Co., Inc.,
Allwood Electric Company, Inc.,
The Almar Fishing Club, Inc.,
A and L Marvin Company,
Almerc Manufacturing Co., Inc.,
A L M M Mortgage Corp.,
Almor Furniture & Appliances, Inc.,
Almor Merchandise Co., Inc.,
Alnette Craig, Inc.,
Alnor, Inc.,
Al Norman, Inc.,
Aloha Tropical Drinks, Inc.,
Alon West, Inc.,
Alorma Investments, Inc.,
Alpeda, Inc.,
Alper, Inc.,
Alphamega Corporation,
Alpine Cars, Inc., Division of Bekrag Motors,

Alpine Container Corp.,
Alpine Enterprises,
Alsa Construction Corp.,
Als Cozy Inn, Inc.,
Al Tam Corp.,
Altone Masonry Corp.,
Alumalife, Inc.,
Aluminum Specialities, Inc.,
Alvan Realty Corporation,
Alva Restaurant Equipment Co., Inc.,
Alyce Scherell Corporation,
AMA Mfg. Corp.,
Ama Mfg. Corp.,
Amark Distributors of Passaic County, Inc.,
Ambassador Restaurant, Inc.,
Ambro Textile, Inc.,
A & M Container, Co.,
Amelia Realty, Inc.,
Amerald Consultants, Inc.,
Amere Corp.,
American Athletic Supplies,
American Aviation Managers,
American Beauty Bedding & Mattress Co., Inc.,
American Blister and Packaging Contractors, Inc.,
American Boiler Repair Co., Inc.,
American Brazil Development Corporation,
American Carburetor, Inc.,
American Computer Services,
American Diamond Corporation,
American Field Services, Inc.,
American Fire Rebuilders, Inc.,
American Heating and Ventilating Company,
American Hydraulics Corporation,
American International Rubber Co.,
American Mechanical Supply Company,
American Metal Products & Roofing Co., Inc.,
The American Mustang Society,
American Public Opinion Learning Laboratories, Incorporated,
American Setting Company,
American Sneaker Co., Inc.,
American Transmission, Inc.,
American Weiss Industrial Equipment, Corp.,
American Welder, Corp.,

American Wrecking Co.,
Americraft Products,
A M Industries, Inc.,
A & M Investors, Inc.,
A & M Ironworks, Inc.,
Amity Rug Co.,
Amjat Realty,
Amjo Scott, Inc.,
A & M Paint, Wallpaper & Tool Center,
Ampak Plastics, Inc.,
Ampersand, Ltd.,
Amplitorque Propellers Corporation,
A & M Restaurant, Inc.,
Amska Associates, Inc.,
A & M Sports Sales Co., Inc.,
Amwell Farms Inn, Inc.,
Am and Wm Restaurant, Inc.,
A & M Wolf, Inc.,
Analyne, Inc.,
Anatex Corp.,
Anchor Agency, Inc.,
Anchor Container Corp.,
Anchor Towing Co., Inc.,
Ancy Corporation,
Andarco, Inc.,
Andco, Inc.,
Andcon Metal Products, Inc.,
An Dee Millwork, Inc.,
Andjames Realty Corporation,
Andoc, Inc.,
Andora Construction Corporation,
Andreas Klein, Inc.,
Andre Coiffure,
Andrew Fedirko, Inc.,
Andro Holding Co., Inc.,
Andys Electric Service Co.,
Angel Coat Co., Inc.,
Animal Distributors of New Jersey, Inc.,
Anker Realty Co., Inc.,
Anna Marie Fashions, Inc.,
Anns Bakery, Inc.,
Anns Coiffures, Inc.,
Annval Corp.,

Anochemicals, Inc.,
Anro Holding Corp.,
A and N Roofing, Inc.,
Ansal Corp.,
Ansi, Inc.,
Anson Agency, Inc.,
Anthony Benn Carriage, Inc.,
Anthony C. Sinatra, Inc.,
Anthony Ekes Homes, Inc.,
Anthony Motor Corporation,
Anthony and Peggy's Dress Company, Inc.,
Anthony T. Veltri, Inc.,
Antonio Fonseca, Inc.,
Antonio Mercadante, Inc.,
Anton Pindulic Plumbing & Heating, Inc.,
Antons Wine and Liquor, Inc.,
A OK Cars, Inc.,
A O K Dust Control,
A O K Furniture, Inc.,
A. Oughton & Sons, Inc.,
Apache Wells,
Apel Realty Company,
Apex Kitchens, Inc.,
Apex Lands, Inc.,
A & P Guidera, Inc.,
Apon Realty, Inc.,
A. Portnoff and Sons,
Appalachian Engineering Associates, Inc.,
Appalachian Lumber Company,
Appello Industries, Inc.,
Applegate Bus Lines, Inc.,
Aquafun, Inc.,
Aqua Stabes, Inc.,
Aquatics International,
Aqua Villa, Inc.,
Aral Building Co., Inc.,
Araneo, Inc.,
Arcadia Builders Supplies,
Arcel Industries, Inc.,
Archer Products, Inc.,
Arch Estates, Inc.,
Archies Marine Service, Inc.,
Architectual Components, Inc.,

Arcola Property Service, Inc.,
A & R Corp.,
Arcraft Manufacturing Co., Inc.,
Arctic Aire, Inc.,
Ardee, Inc.,
Area Markets, Inc.,
Argail Trading Corp.,
A R & G Corp., Inc.,
Argee, Inc.,
Argo Electrical & Construction Corp.,
Argo Farms Exchange,
Aric Construction Co., Inc.,
Ariel Seafood, Inc.,
Arista Catering Corporation,
Arista Material Handling Corp.,
Aristocrat Baking Company, Inc.,
Aristocratic Surfaces, Inc.,
Arjo Corp.,
Ark Builders, Inc.,
Arlind Components, Inc.,
Armandos Villa Di Roma, Inc.,
Armand Richards Advertising Agency, Inc.,
Armed Forces Sales, Inc.,
Armelian Incorporated,
Armel Realty, Co.,
Armen Corporation,
Arnold Printing Co.,
Arnould Products,
Arnowitz and Jacobs Contractors, Inc.,
Arons Auto Sales, Inc.,
A & R Poultry Farms, Inc.,
Arress Homes, Inc.,
Arrow Corp.,
Arrow Enterprises,
Arrow Press, Inc.,
Arrow Wellknit Elastic Foundations, Inc.,
Artcag, Inc.,
Artchem Corporation,
Arthur C. Werner, Inc.,
Arthur Von Shillagh Electrical Consultants, Inc.,
Arthur W. Moore Contracting Co.,
Artisan Builders,
Artisan Realty Co., Inc.,

Art Jack Die Casters, Inc.,
Art Joy Paints, Inc.,
Artmitch Corp.,
A. Ruocco Construction Co., Inc.,
Asbury Health Center & Judo Academy, Inc.,
Asbury Inn Restaurant,
Asbury Park Manor, Inc.,
Ascension Publishers, Inc.,
Ashdale Construction Co., Inc.,
Ashley Finance Corporation,
Asian Import Corporation,
Ask For R. L. Smith,
A S M Realty Co.,
Associated Eastern Corp.,
Associated Enginers, Inc.,
Associated In Plant Canteen Services, Inc.,
Associated Lumber Construction Co., Inc.,
Associated Properties, Inc.,
Associated Steam Cleaning, Inc.,
Astor Enterprises, Inc.,
Astrab Mikes Bar, Inc.,
Astron Corporation,
Atco Metal Building Products, Inc.,
Atco Mortgage Corporation,
Atco Motor Freight, Inc.,
Aterbor Dyeing & Finishing Corp.,
Athens Imports, Inc.,
Atlantic Apparel Corporation,
Atlantic City Exposition, Inc.,
Atlantic City Senators Professional Football Club, Inc.,
Atlantic Clothing Corporation,
Atlantic Forging Corp.,
Atlantic Funding Corporation,
The Atlantic Group,
Atlantic Mechanical Contractors, Inc.,
Atlantic Rentals, Inc.,
Atlantic Sales, Inc.,
Atlantic Seaboard Designs, Inc.,
Atlantic Sportswear Mfg., Inc.,
Atlantic Tool Mfg., Corp.,
Atlantic Towing Corp.,
Atlantic Toy Merchandisers, Inc.,
Atlantic Trenching and Equipment Company Incorporated,

Atlas Hauling co., Inc.,
Atlas Refrigeration Service, Inc.,
The Atom Club, Inc.,
Atomic Air Conditioning Co., Inc.,
Audie Associates of N. J., Inc.,
Audio Products Mfg., Co.,
Audley Farms,
Audubon Development Corp.,
Audvette, Inc.,
Auf Investment Co., Inc.,
August Publications,
Aukini Corp.,
A. Umpierre and Associates, Inc.,
Austin Devine, Inc.,
Austrian Allied Industries Ltd.,
Auto Co., of Newark, Inc.,
Auto Fone, Inc.,
Automated Personnel International of Newark, Inc.,
Automatic Development Corporation of America,
Autostereo Music Corporation,
Autovend Corporation,
Autumn Rug Service, Inc.,
Avalon Trampoline Co., Inc.,
A. Vasile Construction Co.,
Avento Construction Co.,
A. V. Muzzucco, Inc.,
Award Heating & Air Conditioning,
Award Studios, Inc.,
A. W. Daniels, Mason Contractors, Inc.,
Axelrod & Company,
A Z Collection Agency Inc.,

Babes Bar, Inc.,
Babromar, Inc.,
Baby Gift Pack,
Baby Mate Distributors, Inc.,
Bacarola Manufacturing Corporation,
Bach & Pearson Builders, Inc.,
Back Door Restaurant, Inc.,
B and A Company,
Bagno Alertronics,
Bag O Wash, Inc.,
Bahama Lucaya Realty Corp.,
Bailey Trading, Inc.,

Bain Realty Co.,
Bakers Mill, Inc.,
Bakers Variety Stores, Inc.,
The Balanced Estate Agency, Inc.,
Ballards Carpet Service,
Ball Equipment Corp.,
Ballin Agency, Inc.,
Balmoral Homesites, Inc.,
Bambino Roofing Co., Inc.,
Baptisto Bldg. Corp.,
Barbadoes Lounge, Inc.,
Barbosa Brothers,
Barclay Brown Sales Corporation,
Barclay Laundry, Inc.,
Bar Custom Builders, Inc.,
Bard Associates, Inc.,
Barden Transport Co., Inc.,
Bar Ice Co., Inc.,
Bar Jo Realty Co., Inc.,
The Barkwood Homes Company, Inc.,
Barlow Electric Products, Inc.,
Barmel, Inc.,
Barnegat Beach Ice, Inc.,
Barnegat Light Salvage, Inc.,
The Barnes and Morrison Agency, Inc.,
Barneys Hatchery, Inc.,
Barneys Truck Repair Corp.,
Baronio of New Jersey, Inc.,
Baron Meat Products Co., Inc.,
Barrel Auto Sales, Inc.,
Barrish Funeral Home, Inc.,
Barry Dress Co.,
Barry Lettering & Manufacturing Co.,
Barry Norman Mortgage Co., Inc.,
Barry Novelty Co., Inc.,
Barrys Stationers, Inc.,
Barso, Inc.,
Bartley House, Inc.,
Barton Builders Supply Co., Inc.,
Bartusal Homes, Inc.,
Barwood Home Modernizers,
Batique Processing Corp.,
Bauer Bros, Inc.,

B A X Y Z Corporation,
Bayard Prete Candy Company,
Bay Associates, Inc.,
Bay Belle Corp.,
Bayberry Lane, Inc.,
Bay Builders, Inc.,
Bay Drive In Theater, Inc.,
Bay Head Creative Workshop, Inc.,
Bayonne Electronics, Inc.,
Bayonne Live Poultry Co., Inc.,
Bayonne Tobacco Co.,
Bayshore Apartments, Inc.,
Bayshore Electric Co., Inc.,
Bay Shore Luncheonette & Bake Shop, Inc.,
Bayshore Mobile Manor, Inc.,
Bayshore Simca Rootes, Inc.,
Baywood Yacht Club,
Baywood Yacht Club, Inc.,
B & B Terminals & Transportation, Inc.,
B & D Butcher Shop & Delicatessen, Inc.,
B & D Meats, Inc.,
Beach Cape Realty Corp.,
Beach Front Motel,
Beach Point Liquors & Foods, Inc.,
The Beach Shop, Inc.,
Beach Tower Motel, Inc.,
Beachwood Raceways, Inc.,
Beacon Cab Corp.,
Beacon Development Corporation,
The Beacon Equipment Corporation,
Beacon Jones, Inc.,
Beacon Pools and Construction Company, Inc.,
Beal Realty Co.,
Beamenz, Inc.,
Beamer Building Co.,
Beatus & Burd,
Beau Brummell Mens Shop, Inc.,
Beauty Fashion, Inc.,
Beb Playpen Lounge, Inc.,
Becker Warehouse Co., Inc.,
Beck & McCollum Co., Inc.,
Bedford Heights,
Beech Management Corporation,

Beech Street Realty Corp.,
Beechwood Estates, Inc.,
Beefland, Inc.,
Beef Towne, Inc.,
B E F Associates,
Beins & Tedesco Contractors,
Bel Air Agency, Inc.,
Bel Air Lounge, Inc.,
Bel Harbour Estates, Inc.,
B E L Investment Corp.,
Bella Mia Baking Co., Inc.,
Bell Associates,
Bellcar Corporation,
Bell Distributors, Inc.,
Belleville Industries, Inc.,
Belleville Motors,
Bellewood Associates, Inc.,
Bell Gardens Recreations, Inc.,
Bellgreen, Inc.,
Bell Lumber & Supply Co., Inc.,
Bellmawr Auto Body,
Bellmawr Food Market, Inc.,
Belmont Brake & Auto Sales Co.,
Belmont Liquors, Inc.,
Belmont Motors,
Belson Realty Co.,
Belton & Day, Inc.,
Bemaco International Foods Corporation,
Bemco, Inc.,
Bendale, Inc.,
Ben & Don Esso Service, Inc.,
Benell Construction, Inc.,
Ben Garcia & Company, Ltd.,
Ben Holding Co.,
Benjamin Demeo Agency, Inc.,
Benj Grossman Co.,
Benjaman Realty Co.,
Benlo Const. Co.,
Ben Newman Trucking,
Benn Supply Co.,
Ben Schlossberg, Inc.,
Berent Steel Company, Inc.,
Berfair, Inc.,

Berfield Bowling Corp.,
Bergen Circuits, Inc.,
Bergen Conveyor Installation Co., Inc.,
Bergen Designing & Development Corp.,
Bergen Drapery, Inc.,
Bergen Electronics, Inc.,
Bergen Glass & Mirror Co.,
Bergen Industries, Inc.,
Bergen J G Twentyfourth, Inc.,
Bergen Land and Investment Corp.,
Bergen Newark Outlet, Inc.,
Berger Hosiery, Inc.,
Ber Hec, Inc.,
Berjac Realty Co.,
Berkeley Motors, Inc.,
Berkshire Printing Company,
Berlly Provision Co., Inc.,
Bernard Realty Co.,
Bernards Hotel Corporation,
Bernard W. Gimbel, Inc.,
Berns, Inc.,
Berry Construction Company, Inc.,
The Bersam Company, Inc.,
Bertcraft, Inc.,
Beseler Visual Products Company, Inc.,
Best Val, Inc.,
Betafoam, Inc.,
Beta Investment Co.,
B & E Texaco, Inc.,
Beth Corp.,
The Bether Corporation,
Beth Israel Memorial Chapel, Inc.,
Bethune Construction Co. of N. J., Inc.,
Better Finance Co.,
Better Rug Service, Inc.,
Betty Ann Coat Co., Inc.,
Betty Rose Manufacturing Corp.,
Bevco Trucking. Inc.,
Beverage & Ice Equipment, Inc.,
Beverly Sportswear Co., Inc.,
B F J Pets, Inc.,
B & F Shoe Corporation,
B & G Construction, Inc.,

B & H Electric Co., Inc.,
Bialy Distributors Corp.,
Bianchi Agency, Inc.,
Bien Corporation,
Big Arch Real Estate Corp.,
Big Bay Builders, Inc.,
Big Bay Enterprises, Inc.,
Big Harry's High Hat,
Big Mikes,
Bilfred Corporation,
Bill Allen, Inc.,
Bill Rick Associates, Inc.,
Bill Rick, Inc.,
Bills Equipment Sales, Inc.,
Bills Radio and Electric Company,
Bills Washington Diner, Inc.,
Bill Wolf, Inc.,
Billy the Kid, Inc.,
Bilney Schlicht Realty, Inc.,
Bilsam Realty Co.,
Birch Knolls Estates, Inc.,
Bishop Products Co., Inc.,
Bissell Enterprises, Inc.,
B & J Bakery, Inc.,
B and K Refolding, Inc.,
Black Diamond Homes, Inc.,
Black Horse Auction Outlet, Inc.,
Blackstone Mfg. Corp.,
Blackwood Carpet Service, Inc.,
Blaine Realty Corp.,
Blair Electric Company,
Blakjak, Inc.,
Blands,
Blastronics Corp,
Bliss Agency, Inc.,
B L K, Inc.,
Block 8,
Block 180 Corp.,
Blood Components, Inc.,
Bloomfield Auto Body Service, Inc.,
Bloomfield Pattern Works, Incorporated,
B & L Trading Corp.,
Blue Beacon Restaurants, Inc.,

Blue Bishop Stables, Inc.,
Blue Restaurant, Inc.,
Blue Ridge Lakes Corp., No. 2,
Blus Spruce, Inc.,
Blue Star Nurseries, Inc.,
Blue Star Van Lines,
Blue Swan Stable, Inc.,
Blue Water Marine, Inc.,
Blue Water Sailing Club, Inc.,
Blumenkranz of Lakewood New Jersey, Inc.,
B & M Enterprises, Inc.,
B. Morris, Inc.,
B N F Poultry,
B N P Realty Co., Inc.,
B & N Realty, Inc.,
Boardwalk Mall,
Bobart Associates, Inc.,
Bob Burdge, Inc.,
Bob Lesko, Inc.,
Bobs Place, Inc.,
Bobs Radio Taxi,
Bobs Top Shop,
Boehmers Bakery,
Bolag Corporation,
Bol Dec, Inc.,
Bologna Soccer Tournament, Inc.,
Bomacs Construction, Inc.,
Bomb Shelters, Limited,
Bomik Packaging Co., Inc.,
Bonafede Construction Associated Corp.,
Bonanza Dog Training Center,
Bonanza Enterprises,
Bon Apetti of Hudson County, Inc.,
Bonded Auto Sales of Monmouth, Inc.,
Bonded Fabrics, Inc.,
Bonded Garden & Fence Co., Inc.,
Bond Electronics Corporation,
Bonded Garden & Fence Co., Inc.,
Bond Electronics Corporation,
Bond Home Improvement Co.,
Bonnie Michelle Caterers, Inc.,
Bonquet Construction Co., Inc.,
Bonte Koe Home,

Boogertman & Steenstra, Inc.,
Boonton Bear, Inc.,
Boonton Machinery & Equipment, Co.,
Booth Coin Op, Inc.,
Bordinos Citgo Service Center, Inc.,
Boro Home Improvements, Inc.,
Botal, Inc.,
Botta Equipment Company,
Bottino Travelling Lunch Co.,
The Bottle Hill Tavern, Inc.,
Bott Realty Company,
Boulevard Automatic Car Wash,
Boulevard Bar & Grill, Inc.,
Boulevard Pharmacy, Inc.,
Bow Holding Co., Inc.,
Bowling Unlimited,
Box #155A Incorporated,
Boy Wonder, Inc.,
Braco, Inc.,
Bradbury Corporation,
Brad Construction Company,
The Bradley Investment Company,
Bragson Corporation,
Bramac Incorporated,
Branch 100 of Russian Consolidated Mutual Aid Society of America Hamilton Park Club, Inc.,
Brandywine Holding Corporation,
Branton Park Development Corporation,
Brass Castle Tavern,
Bravo Enterprises, Inc.,
The Bremar Corporation,
Brendor Corp.,
Brewer Excavating Co., Inc.,
Briarcrest Lodge, Inc.,
Brick Pleasant Travel Service, Inc.,
Bridal Bar, Inc.,
Bridge Plaza Travel Agency, Inc.,
Bridgeton Tire Co., Inc.,
Bridge Unit, Inc.,
Bridgeview Construction Co.,
Bridgewater Colony Motel, Inc.,
Bridgewater Somerset Realty,
Bridgewood Development,

Brigantine Knolls, Inc.,
Brights, Inc.,
Bright Spot Restaurant, Inc.,
Bright Star Truck Leasing, Inc.,
Brilliant Sportswear, Inc.,
Brinkerhoff Corporation,
Britt Aircraft Maintenance, Inc.,
Brittany Tailors, Inc.,
Brizzi Concrete, Inc.,
Broad & Commerce Corporation,
Broad Construction Company,
Broadway Vets Hall, Inc.,
Bro De Delli, Inc.,
Broders Shoes, Inc.,
Brojac Realty Corp.,
Brook Construction Co.,
Brookdale Contractors, Inc.,
Brookdale Kirby Company,
Brooke Terrace Apts., Inc.,
Brook Kosher Meat Market,
Brooklawn Builders of Wayne, Inc.,
Brooks Agency, Inc.,
Brooks Boulevard Land Development Company,
Brooks & Idler,
Brooks Kip Auto Sales, Inc.,
Brooks Orchards, Inc.,
Brooks Pharmacy, Inc., Bergenfield,
Brooks Taxi Cab Co.,
Brookwood Estates, Inc.,
Brosok Associates, Inc.,
Brothers Automatic Transmissions, Inc.,
Brothers Auto Sales, Inc.,
Brothers Diner & Restaurant, Inc.,
The Brothers Laundry, Inc.,
Brougham Construction Company,
Broughton Estates, Inc.,
Brovero, Inc.,
Brown Cigar Co., Inc.,
Brown & Glynn Construction Co., Inc.,
Browning Court Apartments, Inc.,
Browning Norman Supply Corp.,
Browns Lighting Fixture Co.,
B. R. Perone, Inc.,

B R S, Inc.,
Brucebar Realty Corp.,
Bruce, Inc.,
Brukast Corp.,
Brumen Industrial Corp.,
Bruneast Corp.,
Brunscal, Inc.,
Bryan Drilling and Supply Co.,
Bryan Pump and Supply Co.,
Bryen Corporation,
B T Enterprises, Inc.,
Buchweitz & Horn Realty Co., Inc.,
Buddy Realty Co., Inc.,
Buddys Homes, Inc.,
Buddy & Son Excavators, Inc.,
Bud White Builders,
Buffa and Urso, Inc.,
Buffs Restaurant, Inc.,
Building Developers, Inc.,
Bur Athletic Company, Inc.,
Burgerama, Inc.,
Burger Castle of New Jersey, Inc.,
Burgoa Realty Co., Inc.,
Burke Realty, Inc.,
Burlco Mortgage Company, Inc.,
Burlington Ocean Broadcasting Co.,
Burly Construction Corp.,
Burnell Corporation,
Burnet Gardens, Inc.,
Burnet Homes,
Burns Bros.,
Burns Elevator Co., Inc.,
Burtonia Holding Corp.,
Burton Investment Company,
Burton Sales Company, Inc.,
Burt Stampa Homes, Inc.,
Bush Enterprises, Inc.,
Business Accounting Service,
Business Opportunity, Inc.,
Busy Bee Farm,
Butan Associates, Inc.,
Buy Best Shops, Inc.,
Buy Rite Development Corporation,

Buy Rite Realty Company, Inc.,
Buyways,
B V Industries, Inc.,
B & W Corp.,
B W M Corporation,
B & W Metal Fabricating Corp.,
Byram Manufacturing, Inc.,
Byram Shell Service,
Byrd Enterprises,
B Z Trucking & Terminal Corporation, Inc.,

Caballeros Mens Shop,
Cabarmick, Inc.,
Cabinet Sales Co., Inc.,
Caddie Homes No. 17, Inc.,
Caddie Homes No. 16, Inc.,
Caddy Cars, Inc.,
Cadet Cleaners,
Cafran Developers, Inc.,
Cakepan, Inc.,
Calabar Art Association, Inc.,
Calas Corner, Inc.,
Caldwell Aviation Sales, Inc.,
Calicooneck Corner Fountain,
Californian Motel Company,
Calper, Inc.,
Calumet Holding Corp.,
Calvert Financial Corp.,
Cambar Trucking & Warehousing Co., Inc.,
Camcore Products Corp.,
Camden Caterers, Inc.,
Camden Mufflers, Inc.,
Camden Public Warehouse Company, Inc.,
Camden Service Trucking Company, Inc.,
Camelot Construction Corp.,
Cameo Apparel,
Cameo Manor,
Camlap Industries, Inc.,
Camp Beaumont, Inc.,
Camp Belle Day Camp, Inc.,
Camp Madah EE,
Camp Mason, Inc.,
Camptown Recreation, Inc.,
Campus Creations, Inc.,

Canada Investment Corp.,
Cande Realty Corp.,
Candid Camera of Atlantic City, Inc.,
Candun Holding Company,
Canestro & Deutsch, Inc.,
Canmar Realty Co.,
Cannon Run Nurseries,
Canterbury Caterers, Inc.,
Canton Dodge City, Inc.,
Canton Low,
Cape Atlantic Abstract Co.,
Cape Cod Contracting Company,
Cape Island Village,
The Capital Agency, Inc.,
Capital Fleets of Paramus, Inc.,
Capital Stores Group of Appliance and Premium Dealers,
Capitol City Towing, Inc.,
Capitol Lumber Co., Inc.,
Capitol Roofing Company,
Cappiello Construction Corporation,
Cappys Hardware, Inc.,
Caprice Hair Fashion Incorporated,
Caprice Pictures Corp.,
Capri Shops, Inc.,
Capstone Finishers, Inc.,
Captain Hanks Prepared Foods, Inc.,
Captain Jacks Tavern, Inc.,
Caradio Distributing Corp.,
Caravan Club, Inc.,
Carbone Trucking, Inc.,
Cardinale Warehousing Corporation,
Cardinal Products Company,
Card Trucking, Inc.,
Carducci Wrecking Co., Inc.,
Carella Tile Co.,
Carello Construction, Inc.,
Cargal Incorporated,
Carib Isle Enterprises, Inc.,
Carl H. Hauser, Inc.,
Carl Mueller, Inc.,
Carlos Furniture, Inc.,
Carlough Realty Investment, Inc.,
Carlton Surgical Supplies,

Carmad Corporation,
Carnaby Square, Inc.,
Carol Productions, Inc.,
Carousel Musical Bar,
Carpetoleum, Inc.,
Carriage Barn, Inc.,
Carriage House, Inc.,
Carriage Trade Cleaners, Inc.,
Carriage Trade, Inc.,
Carrich Motel Corp.,
Carry Craft Trailers, Inc.,
Carshel Shoes, Inc.,
Carson Cake Company, Inc.,
Carteret Hairdressers, Inc.,
Carteret Plastics, Inc.,
Carteret Sales Associates, Inc.,
Carter Knit Sportswear, Inc.,
Cartier Industries Corp.,
Caruba, Ltd.,
Carusos World of Beauty, Inc.,
Carver Associates,
Casa Lamour, Inc.,
Casa Romeo,
Case Construction and Realty Co., Inc.,
Case Laboratories, Inc.,
Cashko, Inc.,
Casino Novelty, Inc.,
Castaways Motel, Inc.,
Castlewood Homes,
Casual Living Accessories Co., Inc.,
Casual Living, Inc.,
Catalina Builders, Inc.,
Catalina Oil and Gas Corp.,
Catalpa Crest,
The Cathay Corporation,
Cathode Ray Leasing, Inc.,
Cathys Beauty Centre, Inc.,
Catlas Holding Corporation,
Caton Construction Corp.,
Causeway Investments Co.,
Caven Point, Inc.,
Cavys Tavern,
CBA Construction Company, Inc.,

C and B Ice Co.,
C & B Liquor and Delicatessen, Inc.,
C B W Enterprises,
C C Cawthorne & Co.,
C C C Dinette, Inc.,
C C & D Construction Corp.,
C & C Enterprises, Inc.,
C Clear Properties, Inc.,
C C & N Trucking Co.,
C D K, Inc.,
C D M Investment Co.,
C D Motors, Inc.,
C D M Realty Company, Inc.,
C & D Truck Rental, Inc.,
Cecil Corporation,
Cedarbrook Produce, Inc.,
Cedar Land Co., Inc.,
Cedar Lane Homes, Inc.,
Cedar Lane Land Corp.,
Cedar Lane Publishing Co., Inc.,
Cedar Park, Inc.,
C E D Corporation,
Cee Bee Maintenance Co.,
Cee Far, Inc.,
Ceel Engineering Products Co.,
Cee Rad, Inc.,
Celebrity Corp. of America,
Celebrity Wig Fashions, Inc.,
Celi Co., Inc.,
The Cellar Club, Inc.,
The Cellar Dwellers,
Cen Sons Railing Corp.,
Center Mortgage & Abstract Co.,
Central America Co Op, Inc.,
Central Auto Driving School,
Central Floor Waxing Company, Inc.,
Central Jersey Auto Club, Inc.,
Central & Park Washomat, Inc.,
Central T Trucking, Inc.,
Century Construction Co., Inc.,
Century Holding Company,
Century Planning Corporation,
Cenway Realty Corp.,

Certified Garden Homes, Inc.,
Certified Self Service Laundry,
C E S Recordings, Inc.,
Cestone Palladino Construction Co., Inc.,
C E Van Schoick and Sons, Inc.,
C F C Distributors, Inc.,
C G Equipment Corp.,
C. Giovannetti & Sons, Inc.,
Chag Chair N Bag Co.,
Chandler Construction Company,
Channel Home Improvement Co.,
Chapman Enterprises, Inc.,
Character Products, Inc.,
Charel Construction Associates,
Char Ksenia, Inc.,
Charles A. Maxwell Co., Inc.,
Charles Blandino & Son, Inc.,
Charles C. Bernardo, Inc.,
Charles Cleaners and Dyers,
Charles Dolci, Inc.,
Charles E. Garneau Co., Inc.,
Charles Grove Associates, Inc.,
Charles H. Fink, Inc.,
Charles Meyers Associates, Inc.,
Charles Meyers Industries, Inc.,
Charles Nisenson,
Charles O. Muller, Inc.,
Chas. R. Myers & Co., Inc.,
Charles Webb Sash Door & Lumber Co., Inc.,
Charleys Place, Inc.,
Charlie Junior,
Charmary Realty Co.,
Charm Holding Co., Inc.,
Charm Lake Club, Inc.,
The Charold Company,
Char Realty Company,
Chatham Paving, Inc.,
The Chatham Press,
Chathan Wig Salon, Inc.,
Chelsea Development Corporation,
Chelsea Towers Beauty Salon, Inc.,
Chelton Homes, Inc.,
Chelvil, Inc.,

Chematics, Inc.,
Chemguard, Inc.,
Chemical & Color Company of America, Inc.,
Chem Sil Corp.,
Chequers Clothiers, Ltd.,
Cherry Hill Concrete, Inc.,
Cherry Hill Dele and Restaurant, Inc.,
Cherry Hill Foods, Inc.,
Cherry Hill Furniture, Inc.,
Cherry Hill Medical Development, Inc.,
Cherry Tree Homes,
Cherry Valley Construction Corporation,
Cherry Valley Diner, Inc.,
Cherrywood Homes, Inc.,
Chester Auto Sales, Inc.,
Chesterfield Upholstered Furniture Co., Inc.,
Chester River Rope Corporation,
Chez Leon, Inc.,
C & H Holding Co., Inc.,
Chick Garrisons Auto Sales, Inc.,
Chick 'N Rib Corp.,
Chicko Builders, Inc.,
Chief Construction Co., Inc.,
Child Advancement Associates, Inc.,
C. Hill Construction Co., Inc.,
Chinchilla Farms of New Jersey,
Chips Old Dutch Foods, Inc.,
C H L Construction Company, Inc.,
Chobot Homes, Inc.,
Chris Contracting Company,
Chisdavid Corp.,
Chistie Industries, Inc.,
Christy Realty Co.,
Chromalith Corporation,
C H Stainless Steel Polishing & Maintenance Company, Inc.,
Churchill Homes, Inc.,
Cinetronics Enterprises, Inc.,
Cine Video Co., Inc.,
Cinmar Management, Inc.,
Cintron Picture Frame Co., Inc.,
Circle Opco, Inc.,
Circle Shell, Inc.,
Circuitronics, Inc.,

Circus Auto Sales, Inc.,
The Circus Shop for Children,
Ciros Restaurant, Inc.,
Cisco Concrete, Inc.,
City Collision, Inc.,
City Linoleum and Carpet Co., Inc.,
C. J. Adams Investment Co.,
C. J. O. Dowd Construction, Inc.,
C K Trucking Company, Inc.,
Claman Realty, Co.,
The Clansmen, Inc.,
Claremont Properties, Co.,
Clark, Inc.,
Clarks Plastic Products, Inc.,
Clarkton Estates, Inc.,
Clar Mor Realty Co., Inc.,
Classic Cosmetic Bags, Inc.,
Classic Home Decors,
Clause Realty Corp.,
Clayton B. Hulsh Associates, Inc.,
Clayton Manufacturing Outlet Stores, Inc.,
C L B., Inc.,
Cleaning Village of Elmora, Inc.,
Cleanse Omatic, Inc.,
Clementon Manor, Inc.,
Clifton Plastic Products, Inc.,
Clinton Auto Service Center, Inc.,
Clinton Car Wash, Inc.,
Clinton Grove Corp.,
Clinton Stationery Co., Inc.,
C L J Realty Co.,
Closter Childrens Shops, Inc.,
Closter Mills, Inc.,
Clover Leaf Bar & Grill,
Clover Leaf Laundry Service, Inc.,
Club Hialeah, Inc.,
Club One Seventy Seven,
Club Ritchies, Inc.,
Club Riviera, Inc.,
Club San Juan, Inc.,
Club 32, Inc.,
Club 339, Inc.,
Cyl Del Corp.,

C. Maglione,
C. McCarthy, Inc.,
C M C E Corporation,
C M C Industries, Inc.,
C M G Wood Turning Corp.,
C/M of Newark, Inc.,
Coastal Lumber Products, Inc.,
Coastal Motors, Inc.,
Coastal Pools,
Coastal Sporting Goods Distributors, Inc.,
Coast Canvas Products Co.,
Cobweb Corner,
Coeur D Alene Crest, Inc.,
Cohar Incorporated,
Coimpex U. S. A., Inc.,
Coin Clean, Inc.,
Coinman Corp.,
Coinman Industrial Enterprises, Inc.,
Coin Quick, Inc.,
Coj, Inc.,
Cold Cut Center of Woodbridge, Inc.,
The Colden Corp.,
Colfax Press, Inc.,
Collbern, Inc.,
College Manor, Inc.,
Collins Plumbing & Heating Co., Inc.,
Colluras Coffee Cup, Inc.,
Colone Holding Co., Inc.,
Colonia Homes, Inc.,
Colonial Cartage Corp.,
Colonial Dodge, Inc.,
Colonial Finishing Corp.,
Colonial Motel, Inc.,
Colonial Park Texaco, Inc.,
Colonial Residence Builders,
Colonia Shopping Center, Inc.,
Colonia Valley Corporation,
Colonnade Construction Co., Inc.,
Colony Delicatessen, Inc.,
Colony Mens Shoppe, Inc.,
Colorgraphics Press, Inc.,
Color Tube Corporation of America,
Columbia Auto Laundry, Inc.,

Columbia Corporation,
Columbia Realty Holding Co.,
Columbus Court Investments, Inc.,
Comaz, Inc.,
Combined Development Corporation,
Combo Realty Co.,
Comet Acceptance Corporation,
Comet Air, Inc.,
Comito Plumbing & Heating, Inc.,
Commercial Drywall Systems, Inc.,
Commercial Finishing Company,
Commercial Labs Co., Inc.,
Common Janitorial Services, Inc.,
Commonsense Trading for Sport and Profit, Inc.,
Commonwealth Realty Abstracts, Inc.,
Communication Center, Inc.,
Community Distributors, Inc.,
Community Florist, Inc.,
Community House of Glass, Inc.,
Community Service Antenna Systems, Inc.,
Community Tile Supply Co., Inc.,
Compact Coffee Service of Suburban Essex, Inc.,
Compton Electric, Inc.,
Computer Accounting Service,
Computer Programming Institute, Inc.,
Conflo Valve Company,
Congress Hall Cocktail Lounge,
Conmark, Inc.,
Conpal, Inc.,
Con Rec, Inc.,
Consolidated Apartments, Inc.,
Consolidated Centerealty Sales Corporation,
Consolidated Food Corp.,
Consolidated Gas and Service Company,
Consolidated Kitchen Products of New Jersey, Inc.,
Consolidated Maintenance Corp.,
Consolidated Plastics, Inc.,
Consolidated Rolling Mills Corporation,
Consolidated Speedway Enterprises, Inc.,
Consultant Associates, Inc.,
Consultant Management Service, Inc.,
Consumer Delivery Service, Inc.,
Consumer Fund, Inc.,

Conte Packaging Corp.,
Continental Acceptance Corporation,
Continental Consolidated Control, Inc.,
Continental D Transport Co.,
Contract Interiors Incorporated,
Contractors Specialty Company,
Controlled Manpower Employment Agency of Paterson,
Convention Consultants, Inc.,
Cook Herder Realty, Inc.,
Coopersmith & Associates, Inc.,
Cooperwood Construction, Inc.,
Coppersmith Corp.,
Coral Construction Corp.,
Coral Lumber Company, Inc.,
Corbay, Inc.,
Corbisiero Builders & Supply Co., Inc.,
Cordon Associates,
Corfu Corp.,
Corkys, Inc.,
Cor Lom, Inc.,
Cormont Construction Co., Inc.,
Cormont Equipment Co., Inc.,
Cornwall Paper Mills Company,
Coronet Construction Co.,
Coronet Franchises, Inc.,
Coronet Theatres, Inc.,
Corsan Development Corporation,
Coryxa Charters, Inc.,
Cosmopolitan Construction Corp.,
Cosmopolitan Machinery Co., Inc.,
Cosmo T Rose Incorporated,
The Country Barn, Inc.,
Country Best Baking Corporation,
Country Club Lanes, Inc.,
Country Club Sales, Inc.,
Country Commercial Corp. of N. J.,
The Country Gentleman Restaurant & Diner, Inc.,
Country Home Builders, Inc.,
Country Homes, Inc.,
Country Kitchens, Inc.,
Country Lakes Liquor Store,
Country Square Hardware, Inc.,
Country Squire Homes, Inc.,

New Jersey State Library

Country Style Meat Products Co.,
Country Wide Agency,
County Plumbing Supply Co.,
Courter Builders, Inc.,
Court Ernst and Wesson, Incorporated,
Courtesy Cab Co.,
Coventry Decorators, Inc.,
Covex Corporation,
Coymac Transport Associates, Inc.,
C & P Advertising Corp.,
C. Paris Wigs, Inc.,
C P O Co., Inc.,
C. Prather Construction Co., Inc.,
Craftsman Supply,
Craig Homes, Inc.,
Cranbury Nutria Ranch, Inc.,
Cranford Diner, Inc.,
Cranford Heights Homes, Inc.,
Cranmer Seashore Nurseries, Inc.,
Creative Compounding, Inc.,
Creative Construction Co.,
Creative Hair Goods, Inc.,
Credit Card Acceptance Company of Central Jersey, Incorporated,
Credit Stores Company, Inc.,
Crescent Place Corporation,
Cresskill Rubber Company, Inc.,
Cresskill TV and Radio Service, Inc.,
Crestline Homes, Inc.,
Crestline Sprinkler Systems, Inc.,
Crest Mens Shop, Inc.,
Crestview Appliances, Inc.,
Crestwood Associates, Inc.,
Crew Realty Company,
Croals Tavern, Inc.,
Crosby Centerealty Corporation,
Cross Bow Productions, Inc.,
Cross Keys Road Corp.,
Crossroad Diner,
The Cross Roads,
Crowell Agency,
Crown Coach Company,
The Crown, Inc., Gifts of Distinction,
Crown Motel, Inc.,

Crown of Roses, Ltd.,
Crystal Associates, Inc.,
Crystal Ball Skating Rink, Inc.,
Crystal, Inc.,
C. Schneider Punchers, Inc.,
C & S Engraving Corporation,
C & S Landscaping, Inc.,
C & S Snack Bars of Garfield, Inc.,
C & T Electrical Service, Inc.,
Cubberleys Moving & Storage Corp.,
Culmore Estates, Inc.,
Custard Corner, Inc.,
Custom Crest Construction Co.,
Customer Marketing Corporation,
Custom Formulating Company,
Custom Launderers, Inc.,
Custom Lead Company, Inc.,
Custom Line Model Roadways, Inc.,
Custom Tailors, Ltd.,
Cybernetics, Inc.,
Cycle Transport, Inc.,
Cydyco, Inc.,
Cynthia Ann Realty Company, Inc.,
Cyprus Excavating Co., Inc.,

Daaron Construction Co., Inc.,
Dab Hardware Corporation,
Daca Realty & Inv. Co.,
D & A Clothing Co., Inc.,
D & A Enterprises, Inc.,
Dahler Const., Inc.,
Daileen Realty Corp.,
Dairy Drive Thru, Inc.,
Daje, Incorporated,
Dalane, Inc.,
Dale Motors, Inc.,
Dalen Enterprises, Inc.,
The Daley Agency,
Damon El, Inc.,
Damones Restaurant, Inc.,
Dananco Corp.,
Dan Carl Co.,
Danco Home Products,
Dan Desmond, Inc.,

Danenhour Pingree Agency,
Daniel F. Flynn Associates, Inc.,
Daniel's Tavern, Inc.,
Danina Co., Inc.,
Danneb, Inc.,
Dan Pat Enterprises, Inc.,
Dans Town and Country, Inc.,
Dap and Down Club, Inc.,
Daphine, Inc.,
Daphne Creations, Incorporated,
Dar El Construction, Co.,
Dario Construction Co., Inc.,
Darryl Carriers, Inc.,
D. Arthur Homes, Inc.,
Darude Corporation,
Dataprint Systems, Inc.,
Davalan Fabrics,
Daveys Riding Stable, Inc.,
David Nolles & Co., Inc.,
David Robinson Industries,
Davis Cocktail Bar, Inc.,
Dav Mar Holding Corp.,
Davon Realty Company,
Davsand, Inc.,
Dawn Agency, Inc.,
Dawn Lo Mar, Inc.,
Dawn Manufacturing, Inc.,
Dax Lighter Company,
Daytona Raceways, Inc.,
Dayton Automotive, Inc.,
Dayton Mills, Inc.,
D & B Beverages, Inc.,
D & C Brick & Block Co., Inc.,
D & C Chevron, Inc.,
D D Builders, Inc.,
D & D Curb Construction Service,
D D D Construction Company,
D D D Investment Corporation,
D & D Enterprises, Inc.,
D D M Co., Inc.,
D and D Plastering Corporation,
D and D Sportswear, Inc.,
D & D Truck Rental Co.,

Deane of Television, Inc.,
Deauville Const. Co.,
The De Bary,
Debellis and McGrath Agency, Inc.,
Deborah Arms, Inc.,
Debreen Construction Co., Inc.,
Decorative Sprayed Cement,
Decorative Utilities, Inc.,
Decro Sales & Service Corp.,
Dee Alfa Realty Corp.,
Dee and Dee Industries,
Deer Realty Corp.,
Deerwood Construction Co., Inc.,
Deglow Paint Corp.,
De Hart Realty Co.,
Deir Garr Co.,
De Kalb Marday, Inc.,
Delano & Smith, Inc.,
Delaware Valley Auto Club, Inc.,
Delaware Valley Brick and Stone Company,
Delcrest Company, Inc.,
Del Duco Holding Co., Inc.,
Delefast Transport & Trade Corp.,
Deli on the Mall,
Deli Rama Meat Supplies, Inc.,
Dell Associates, Inc.,
Del Mar Painting Contractors, Inc.,
Del Mega Engineering,
Delmont Electronics, Inc.,
Del Pine Homes, Inc.,
Delran Cartage & Leasing Co., Inc.,
Delran Enterprises, Inc.,
Del Ray Kitchens, Inc.,
Delsea Abstract Company,
Delside Development Corporation,
Del Sor, Inc.,
Del Speed Lathe Co.,
Delta Display, Inc.,
Delta Enterprises,
Delta Home Loan Corporation,
Delta Silk Screen Corp.,
Del Tone Distributors, Inc.,
Deltown Building Supplies, Inc.,

De Luccia Funeral Home, Inc.,
Del Van Corp.,
Delwar Corporation,
Demaria Development & Investment Corp.,
Demarinis Enterprises, Inc.,
Demco Inc.,
Demo Inc.,
Denbrook Manor,
Denise Adorables, Inc.,
The Denlin Company, Inc.,
Denstmans Market, Inc.,
Dental Administration Services Incorporated,
De Palma Bulk Haulers, Inc.,
Dependable Auto Body,
Dependable Home Products, Inc.,
Derdlim, Inc.,
De Riso Construction Co., Inc.,
De Rosso Sisters, Inc.,
Desari, Inc.,
Desco Realty Co., Inc.,
Desesa Realty Company,
Design Kitchens and Construction Co.,
Design Signs & Graphic Arts, Inc.,
Desoto Building Corp.,
De Stephano Refinishers, Inc.,
Details, Inc.,
Detit Rental Co., Inc.,
Devel Corp., Inc.,
Devon Press of New Jersey, Inc.,
Devotional Publications, Inc.,
Dewars, Inc.,
Dewey Masonry Construction Co.,
Dewey Realty Corp.,
Dezine, Inc.,
D & G Electrical Contracting Corp.,
D & G Home Aid,
D H L Realty Co., Inc.,
Diamond Beach Development Corporation,
Diamond Hill Estates Sewerage Company,
Diamond Hill Estates Water Company,
Diamond Jim, Inc.,
Diamond Packing Co., Inc.,
Diane Management Corp.,

Dianes Coffee Shoppe, Inc.,
Dickers Children Center, Inc.,
Dickie Dean Shirt Company,
Dick Rosen Agency, Inc.,
Dicks Express, Inc.,
Dicks Garage, Inc.,
Dickson Heckle, Inc.,
Di Do, Inc.,
Die Craft, Inc.,
Digangi Bros. Builders, Inc.,
Dina Craft, Inc.,
Di Nandos House of Beauty Corp.,
Dinatales Atlantic Bar, Inc.,
The Diner Restaurant of The Country Club Diner, Inc.,
Dini Constructors Corporation,
Dins Corporation,
Dionne Theatricals, Inc.,
Dipar Essex Holding Co., Inc.,
The Directors Corporation,
Direct Trucking Co., Inc.,
Discount Auto Brokers,
Discount Floor Coverings of Flemington, Inc.,
Discount Floor Coverings of Shrewsbury, Inc.,
Discway Leasing Corporation,
Display Eze Corporation,
Dissolving Chemical Co., Inc.,
Distillers Sales Company, Ltd.,
Distributors Manufacturing Company,
Diversified Plastic Suppliers of New Jersey, Inc.,
Diversified Policyholders Service Corporation,
Dixon Cleaners & Dyers, Inc.,
D J M Construction Co., Inc.,
D J S, Inc.,
D J Stisi Trucking Co.,
D & K Diner, Inc.,
D L I C, Inc.,
D & L Plumbing and Heating Company,
D & M Construction Company, Inc.,
D M Kord, Inc.,
Do Any Home Improvements,
Dobcat Equipment Co.,
Dobson and Sorby, Inc.,
Dodd Construction Co., Inc.,

Dodd Importers & Distributors, Inc.,
The Dog House, Inc.,
Dollars, Inc.,
Doll Eze Products Co., Inc.,
Dollys Beauty Salon,
Dolores Realty Company,
Domestic Help Unlimited, Inc.,
Domingo Inn,
Dominick M. Angotti Association,
Dominick P. Rela, Inc.,
Doms Rt. 18 Esso Service,
Donald Construction Co.,
Donald Glassman Co., Inc.,
Donald W. Smith, Inc.,
Don Ben Properties, Inc.,
Donfred Construction Company,
Don J. Jones Contractors, Inc.,
Don Jon Realty Corp.,
Donna Coat Company, Inc.,
Donna Lisa Distributing Co., Inc.,
Donna Lynn, Inc.,
Donnas of Princeton, Inc.,
Donnell Incorporated,
Donovan Taxi, Inc.,
Donrich Gardens, Inc.,
Dons Elmora Club,
Donut Distributors, Inc.,
Donut Pantry Snack Bars, Inc.,
Doolin Flight Service, Inc.,
Dopala Realty Co., Inc.,
Doral Enterprises, Inc.,
Doramat Leasing Corp.,
Dorform, Inc.,
Doris Corp.,
Doromar Properties, Inc.,
Dorothy Brooks, Inc.,
Dorothy Gold Realty Company, Inc.,
Dorothy Molesky, Inc.,
Dorothy Steward, Inc.,
Dosi, Inc.,
Dossert Manufacturing Corp.,
Double Ben, Inc.,
Double E Corporation,

Double S Feed Co., Inc.,
The Dougbarry Corp., Inc.,
Dove Publications, Inc.,
Dover House Wrecking Co.,
Downtown Embroidery,
Draper Ostomy Supply Co., Inc.,
Drayman Family Corporation,
The Dress Barn, Inc.,
Drew Baking Corporation, Inc.,
Drew Holding Co.,
Drew Packing Corporation,
Driver Farms Incorporated,
Drotzer Toutounchi Limited, Inc.,
D & R Realty Co., Inc.,
D S & H Construction Co., Inc.,
DST Co., Inc.,
D & T Electric Services, Inc.,
D & T Excavating, Inc.,
D and T, Inc.,
Du Al, Inc.,
Dual System, Inc.,
Dubell Investment Corp.,
Dubois, Inc.,
Dubonnet Cocktail Lounge, Inc.,
Duches Coffee Shoppe, Inc.,
Duckys Enterprises, Inc.,
Duggan Developers, Inc.,
Dumont Chemical Corp.,
Dumont Dairy, Inc.,
Dunne Engineering Co.,
Dun Wel Concrete Floors, Inc.,
Dunwood Service, Inc.,
Duo Mark,
Duo Pen,
Duo Point,
Duo Tip,
Duplicator Sales and Services, Inc.,
Durable Products, Inc.,
Durham Park Heights, Inc.,
Durox Industries, Inc.,
Dustar Realty Corp.,
Dutch American, Inc.,
Dutch Blend, Inc.,

Dutch Hut System Cliffwood, Inc.,
Dutch Hut System Middletown, Inc.,
Dutch Lane Farms,
D V M Investment Co.,
D. Wayne Martin Associates, Inc.,
D. W. Richards, Inc.,
Dyna Best, Inc.,
Dyna Concrete, Inc.,
Dynamic Equipment, Corp.,
Dynamic Leasing, Inc.,
Dynamic Technology, Inc.,
Dynamite Holding Corporation,
Dynavox Corp.,

E. A. Brett Corp.,
Eagle Air Dispatch International, Inc.,
Eagle Carpet Co., Inc.,
Eagle Cement Construction Corp.,
Eagle Motors, Inc.,
Earlton Pharmacy, Inc.,
East Brunswick Associates, Inc.,
East Brunswick Builders, Inc.,
East Camden Building Co.,
East Coast Attic & Basement Co., of New Jersey, Inc.,
East Coast Attic & Basement Construction Co.,
East Coast Building Maintenance Corp.,
East Coast Construction Corp.,
East Coast Properties, Inc.,
The Eastco Company,
Eastern Agricultural Association, Inc.,
Eastern Beef Packing Company,
Eastern Cable, Inc.,
Eastern Diagnostics,
Eastern Earth Movers,
Eastern Enzymes Corporation,
Eastern Firearms, Inc.,
Eastern Firearms Surplus, Inc.,
Eastern Lawn Sprinkler Corp.,
Eastern Modernizers, Inc.,
Eastern Reconn, Inc.,
Eastern States Well and Pump Supply Co., Inc.,
Eastern Terminal Company,
East Hanover Collision, Inc.,
Easton Coppersmithing & Coil Works,

East Paterson News Record,
Eastside Investors, Inc.,
East Side Mortgage & Investment Co., Limited,
Eastwood Lumber Millwork, Inc.,
E and B Construction Corp.,
Ebco Reproductions, Inc.,
E & B Farm Market, Inc.,
The Ebron Corporation,
E. Broxton & Son, Inc.,
Eclipse Music Shop, Inc.,
Econocar Rental System of Elizabeth,
Economy Carpet Sales, Inc.,
Economy 5 & 10 Stores, Inc.,
E & D Associates, Inc.,
Eden Construction Company,
Ed Felker & Associates, Inc.,
Edgemont Brokerage Corp.,
Edgewater Music, Inc.,
Edgewood Credit Association,
Ed Gin Corp.,
Edison Drive In Corp.,
Edison Industries, Inc.,
Edison Oaks, Inc.,
Edison Pizza, Inc.,
Edison Trenching Corporation,
Ed Krisinski Jr., Inc.,
Ed McLain Builders, Inc.,
Edmund David Industries, Inc.,
Edna O. Archer Company,
Edst Co., Inc.,
Edton Realty Corp.,
Educational Credit Bureau, Inc.,
Educational Opportunities, Inc.,
Education Communication, Inc.,
Edward A. Fisler Sr., Inc.,
Edward Boutique, Ltd.,
Edward Bucci Builder, Inc.,
Edward Cooke, Inc.,
Edward J. Power, Inc.,
Edward J. Tribulas, Inc.,
Edward R. Blaser, Inc., Long Branch Division,
Edwards Gardens, Inc.,
Edwards Springer Taverns Corporation,

E & E Electric Co.,
E F Associates, Inc.,
E & F Auto Supply, Inc.,
E. Finley Mixner, Inc.,
Egg Harbor Tavern, Inc.,
E H Delivery Corp.,
The Ehrich Corporation,
Eight East Ocean Avenue Corp.,
18 Avon Place Co.,
1819 South Broad Street Corporation,
Eight Seventy Five Broad Corporation,
89 Storms, Inc.,
81 Frelinghuysen Avenue Corp.,
86 Seymour Avenue, Inc.,
E & I Muffler Works,
E Jack Applebaum, Inc.,
E & J Associates, Inc.,
E J Construction Company,
E K Demmel Co., Inc.,
E & K Fabrication & Welding, Inc.,
Elaine Enterprises, Inc.,
Elanel Creations, Inc.,
El Clarin Corp.,
El Cubano Packing Corp.,
Eldorado Auto Leasing Corp.,
Eldot Corp.,
Electral, Inc.,
Electrical Wholesalers, Inc.,
Electrodynamics Capital Corporation,
Electro Lite Industries, Inc.,
Electronic Sentry Systems, Inc.,
Electroponents of New Jersey, Inc.,
Electro Vend, Inc.,
El & El Mfg., Inc.,
Elevator Supplies Company, Inc.,
1101 03 Palisade Ave, Inc.,
11th Street & Wright Avenue, Inc.,
Eley Bus Co., Inc.,
Elgin Warehouse, Inc.,
Elite Bakery, Inc.,
Elite Minit Man Automatic Car Wash Co.,
Elite Steaming & Washing Co.,
Elite Styling Salon,

Elizabeth Moore Realty Co.,
Elizabethtown Diner,
El Jay Industries, Inc.,
Eljay Products Co.,
El Jean Corporation,
The El Joor Corporation,
Elks Pine Room Inn,
Ell Ann Enterprises,
Ellchem Products, Inc.,
Elleje Corp.,
Ellis Enterprises, Inc.,
Ellison Burger Express, Inc.,
Ellmic Realty Corp.,
Elmar Laundromat, Inc.,
Elmore Gardens, Inc.,
Elms Exterminating Corp.,
Elmwood Associates,
Elnap, Inc.,
Elperan Corp.,
El Sol Corp.,
Elston Howards Yankee Travel Service,
Elston Realty Corporation,
Elvian, Inc.,
Elvina Construction Co.,
Ely Sportswear, Inc.,
E & M Auto Body, Inc.,
Emerson Clothing Corp.,
Emge Aviation Marine Products, Inc.,
Emgee Enterprises, Inc.,
E M Hughes Construction Company,
Emil Fetzner and Son, Incorporated,
Emjayco, Inc.,
Emm H Corp.,
Emmy J Ranch,
Empire Auto Body, Inc.,
Empire Drilling & Supply Co.,
Empire Holding Company,
Empirical Sound, Inc.,
Empress Beauty Corporation,
Emsco Holter, Inc.,
Emsley Holding Corporation,
Emsley Truck Rentals, Inc.,
E M Tool Corporation, Inc.,

Enandro Realty Co., Inc.,
Eness Corporation,
Englewood Liquors, Inc.,
Engravings Unlimited, Inc.,
Enscar Builders, Inc.,
Enterprise Vending, Inc.,
Entertainment International, Inc.,
Entertainment Operations, Inc.,
Envelope Endorsement Corporation,
Environmental Services, Inc.,
Enzee Corp.,
Eo, Inc.,
Eo Operations, Inc.,
Epicure Bakeries, Inc.,
E P M, Inc.,
Equipment Associates Incorporated,
Equipment Distributors, Inc.,
Equipment Supplies of New Jersey, Inc.,
Equity Agency, Inc.,
Equity Brokerage Co., Inc.,
Equity of New Jersey, Inc.,
The Equity Plan,
E R D Land & Development Corporation,
Eric Building Co.,
Erie Steel, Ltd.,
Eriks & Tischney Associates, Inc.,
Erlin Corporation,
Ernest A. Kassab, Inc.,
Ernie Holding Co., Inc.,
E S C Development Corporation,
Esco Acceptance Corp.,
Esem, Inc.,
Esky Manufacturing Co.,
Esoldos Disposal Service, Inc.,
Esor Realty Co.,
Espos, Inc.,
Esquire Motors, Inc.,
Essex Cleaning Contractors, Inc.,
Essex Equities Corp.,
Essex Foundry,
Essex Fox Hounds Realty Company,
Essex Greene Realty and Trading Corporation,
Essex Marine Supply Co., Inc.,

Essgee Holding Co.,
Estafield Construction Co.,
Esteem Products, Inc.,
Este, Inc.,
Esther Kessler, Inc.,
E T C, Inc.,
E & T Leasing Corporation,
Etson Holding Co., Inc.,
Eugene Barse Investment Co.,
Eugene E. Walsh Associates, Inc.,
European Artists Showcase of South Orange New Jersey, Ltd,.
European Automobile Import Co.,
European Builders Corporation,
European Securities Publication, Inc.,
Evalarche Realty Co.,
Evan Alan, Inc.,
Evans Construction Co., Inc.,
The Eveler Company,
Eveready Builders,
Evergood Farms, Inc.,
Evergreen Central Parking Corp.,
Everymans Mortgage Corporation,
E. W. Jones Laboratories, Inc.,
Excel A Cycle Corporation,
Excelegante Homes, Inc.,
Excel Properties, Inc.,
Ex Cel Motors, Inc.,
Excelsior Engineering Company, Inc., No. 11,
Excess and Surplus Lines, Inc.,
Exchange, Inc.,
Executive Commodities, Inc.,
Executive Flyers, Inc.,
Explorer Day Camp,
Eyewear, Inc.,
Eyrco, Inc.,
E Z I, Inc.,
Ezra Associates, Inc.,
E Z Tool Rental of New Jersey, Inc.,
Ezy Corporation,
Ezzlee Holding Corp.,

Fab Alloy, Inc.,
Faber Holding Co.,
Fabmor Associates, Inc.,

Fachod Corporation,
F & A Corp.,
Facsimile Products Co.,
Factory Furniture Outlet, Inc.,
Fahmy Knitting Mills, Inc.,
Faircliff Machine Co., Inc.,
Fairfield Associates Builders, Inc.,
Fair Lawn Hyway Paint & Wallpaper Supply, Inc.,
Fair Lawn J G Twenty First, Inc.,
Fairman Realty, Inc.,
Fairmount Leasing Corp.,
Fair Trade Motors, Inc.,
Fairview At Cinnaminson, Inc.,
Fairview Avenue Garage, Inc.,
Fairview Lake Association, Inc.,
Faith Hardware Corp.,
F A K Construction Co.,
Falcon Delivery, Inc.,
Falcon Fishing Co., Inc.,
Falton Realty Corp.,
Family Wash & Dry Corp.,
Fangmann Sales, Inc.,
Fansol Holding Co.,
Fantaco, Inc.,
Fapa Luncheonette, Inc.,
F & A Plumbing & Heating, Inc.,
Faps Realty Corp.,
Faraklas Realty Co., Inc.,
Farbers Kiddie Shoppe,
Fargo Development Co.,
Farm Fresh Poultry Center, Inc.,
Farmingdale Estates, Inc.,
Farview Development Co.,
Farview Realty Corp.,
F A V Construction Co.,
Fays Pharmacy, Inc.,
F C Kenyon Co., Inc.,
F D A Construction Co.,
Federal Bedding Industries,
Federal Holding Company,
Federal Pantex Cleaners, Inc.,
Federal River Company,
Federal Street Laundromat,

Fela, Inc.,
Felco Corporation,
Feld Associates, Inc.,
Fellers Juvenile Furniture, Inc.,
Fel Mar Builders, Inc.,
Fel Rob Auto Parts, Inc.,
Ferlarella, Inc.,
Fern Builders, Inc.,
Ferndock Surf Shop,
Fernmar Enterprises, Inc.,
Ferones Keyhole Restaurant, Inc.,
Ferrari Construction Co.,
Ferro Erection, Inc.,
F & F Construction Co., Inc.,
F & F Home Improvement Co., Inc.,
The F & F Majorie Corporation,
F & F Painting Co., Inc.,
F & F Paving, Inc.,
F & H Investment Co., Inc.,
F H J, Inc.,
F. H. Klein & Co.,
F H N Realty Company,
F H W Construction, Inc.,
Ficca Construction Corporation,
Fidelity Acceptance Agency, Inc.,
Fidelity Adjustment Bureau,
1582 Irving St. Corp.,
15 17 South Orange Avenue, Inc.,
50 Cab Corporation,
5810 Edgewater Corp.,
59 Bishop Street Corp.,
5168 Corp.,
Fillmore Pizzeria, Inc.,
Fill Rite Contracting Co., Inc.,
Film Creators, Inc.,
Fils Pizza, Inc.,
Fimiani Mens Shop, Inc.,
Financial & Commercial Investment Corporation of New Jersey,
Finchley Hill, Ltd.,
Finderne Transmission Shop, Inc.,
Fine Art Brush Company,
Fine Associates, Inc.,
Fine Garments Corp.,

Fine Motors, Inc.,
Fine School of Driving,
Finest Auto Sales Corp.,
The Finnish Sauna Corporation,
Fire Control Products, Inc.,
The Firehouse,
Fire Power Products Corporation,
Fire Prevention Service, Incorporated,
Fire Retarding Corp.,
Firma Spring Products Corp.,
First Ave. Realty Co.,
First Circle Inn, Inc.,
First Diversified Corp.,
First National Land Holding Corporation,
First Realty Builders Co. of Boston, Inc.,
First Republic Acceptance Company,
First Standard Discount Corporation,
The 1st 3 S Corp.,
Fischer Associates,
Fischer Boulevard, Inc.,
Fischer Chemical Corp.,
Fitzpatrick Brothers, Inc.,
The Five Bees, Inc.,
Five Corners Holding Co.,
Five Flames, Inc.,
518-520 State Street Realty Co.,
555 Elizabeth Ave., Corp.,
590 Grand St. Corp.,
574 Taxi, Inc.,
561 Broad St., Corp.,
512-514 Paterson Plank Road Corp.,
529 Investment Corp.,
Five Points Bootery, Inc.,
The Five P's, Inc.,
F & J Company,
F J P S Measure and Company, Inc.,
F K F Corp., Inc.,
Flaherty & Sheedy Agency,
Flaherty Sheedy & Ryan, Inc.,
Flair Chemicals, Inc.,
Flair Cleaners of North Bergen, Inc.,
Flair Construction Co., Inc.,
Flamingo Pastry Shop, Inc.,

Flanders Holding Company, Inc.,
Fla Nok Corporation,
Fleet Crest Stables, Inc.,
Fleetwood Limousines, Inc.,
Fleetwood Lounge, Inc.,
Flochas Realty Co.,
Floelin Laboratories, Inc.,
Flora Lee, Inc.,
Florence Homes, Inc.,
Florence Nursing Home, Inc.,
Florence Warner, Inc.,
Florida Sea Freeze,
Flowers by Olsen,
Floyd Hannaka, Inc.,
Flyers Restaurant, Inc.,
F M F Companies Limited,
F M G & G, Inc.,
F M R Construction Co.,
F M & S Advertising Agency, Inc.,
F M S Auto Disposal, Inc.,
F M S C, Ltd.,
Foam Age Furniture, Inc.,
F O B Liquors,
Fochi, Inc.,
Fogarty Brothers, Inc.,
Foggia Construction Co., Inc.,
Foilmat, Inc.,
Fold A Way Corporation,
Foley Metal Finishing Co.,
Fondeur Esham & Company, Inc.,
Food Carton Co., Inc.,
Food Chains International, Inc.,
Food Co., Inc.,
Food Counsellors, Inc.,
Food N Cup Distributors, Inc.,
Food N Fun, Inc.,
Food Service Equipment Corp.,
Foodservice Management Corporation,
Footwear Outlets, Inc.,
Foran Foundry and Manufacturing Company,
Force Industrial Park,
Forco Enterprises, Inc.,
Fordex, Inc.,

Fords Custombilt Kitchens, Inc.,
Foreman Corporation,
Foremost Fiber Corporation,
Forest Apartments, Inc.,
Forest Hill Auto Body, Inc.,
Forest Hill Decorators, Inc.,
Forest Products Corporation,
Formit, Inc.,
Formosa Corporation,
Form Products Corp.,
Forrest Agency,
Fort Lee Management, Inc.,
40 Beacon Avenue Corp.,
Forty Bergenline Corp.,
45 Clarke Avenue Corporation, Inc.,
45 William Street Corp.,
The Forty-Four South Seventh Street Corp.,
41 Lentz Ave., Inc.,
47 Schuyler, Inc.,
Forty-Six & Eighty, Inc.,
Forway Electronic Industries, Inc.,
The Fountain Lounge, Inc.,
Four B Realty Corporation,
Four Eggs, Incorporated,
The 4 Fours, Inc.,
Four G Holding Co.,
480 Avon Corp.,
485 Realty Co., Inc.,
455 Realty Co., Inc.,
451 Corp.,
405 Monroe Company,
The 446 Corporation,
400 Main, Inc.,
419 Company,
434 Lincoln Avenue, Inc.,
412-418 Washington Ave., Inc.,
412 Passaic Street Corp.,
429 High Corp.,
427 Central Ave., Inc.,
The 402 Corporation,
Four Seasons Beauty Salon,
Four Seasons Sales Corporation,
Four Seasons Sports Center, Inc.,

1435 Realty Co., Inc.,
14-16 Hedden Place Corp.,
Fourteenth Street Pier Corporation,
Fourth Corporation,
Fox Chase Stables, Inc.,
Fox Hollow Country Club,
Foxmar Estates, Inc.,
Foxs Paint & Wall Paper Co.,
Fox Trail Lake and Lodge, Inc.,
Fragales Baking Co., Inc.,
Fragsteel, Inc.,
Fraietta, Inc.,
Framatt, Inc.,
Framingham Fibers, Inc.,
Frances Realty Co., Inc.,
Franchise Suppliers, Inc.,
Francis N Booth & Sons, Inc.,
Franick Realty Co., Inc.,
Frank A Burke Company,
Frank Anello, Inc.,
Frank C. Dill Corporation,
Frankie & Johnnie Automotive Service Orange, Inc,
Franklin Cleaners, Inc.,
Franklin Commerce Realty & Finance Company, Inc.,
Franklin Hamilton Gardens, Inc.,
Franklin Hills, Inc.,
Franklin Lisa, Inc.,
Franklin Park Investments Co.,
Franklin Park Press, Inc.,
Franklin Professional Center, Inc.,
Franklin Sub Shop,
Frank McVey Realty Co., Inc.,
Frank M. Knox Corporation International,
Frank M. Saggese, Inc.,
Frank & Reds Cocktail Lounge, Inc.,
Frank Regis Co., Inc.,
Franks Fruit & Vegetable Market, Inc.,
Franktimmy Coat & Suit Corp.,
Frank W. Schott, Inc.,
Frapco, Inc.,
Fravan Associates,
Fray Associates, Inc.,
Fred Cooper, Inc.,

Fred C. Weller & Son, Inc.,
Fredlen Embroidery Corp.,
Freds Auto Service, Inc.,
Fred W. Holstein, Inc.,
Free Bridge Tavern,
Freeman Associates,
Freetex Weaving Corp.,
Freight Sales Management Company,
Freight Soliciting Agency, Inc.,
Fremar Realty Corporation,
F and R Enterprises, Inc.,
Friedlanders Market, Inc.,
Frigarp Realty Corp.,
Frischs,
The Front Porch, Inc.,
Frozen Foods Delivery Service Co., Inc.,
F & S Excavating Co., Inc.,
Fulcrum Corporation of New Jersey,
Full Circle Stores, Inc.,
Fulton Aluminum Co.,
Fulton Products, Inc.,
Functional Analysis, Inc.,
Fundra, Incorporated,
Funds for Expansion Ltd. of N. J.,
Furniture Lane, Inc.,
Futura Cabinets, Inc.,
Futurama Trucking Co.,
F V Homemade Provisions,
F & V, Inc.,
F & W Leasing, Inc.,
Fyne Nine,

Gabe Ambrozia Plumbing & Heating Contractors, Inc.,
Gables Beauty Nook Corporation,
Gab N Eat,
Gabriels Tavern, Inc.,
Gaeta Corporation,
Galasso Brothers, Inc.,
Galaxie Enterprises, Inc.,
Gale Studios,
Gallaghers Hardware,
Gallon Realty Co.,
Galore Enterprises, Inc.,
Galvine & Co.,

Galway Productions, Inc.,
Gamel, Inc.,
Gannons, Inc.,
G & A Pool Supply Co., Inc.,
Garb Corp.,
Garden City Realty, Inc.,
Garden Decors, Inc.,
Garden 80 Corp.,
Garden Ford, Inc.,
Garden Garage & Service Station,
Garden Holding Corp.,
Garden State Drug Company, Inc.,
Garden State Dry Cleaning Machinery, Inc.,
Garden State Fabricators, Inc.,
Garden State Joint Enterprises, Inc.,
Garden State Metal Products Corp.,
Garden State Motor Freight, Inc.,
Garden State News Publishing Company,
Garden State Prosthetics Laboratories, Inc.,
Garden State Shores, Inc.,
Garden State Specialized Bulk Service, Inc.,
The Garden State Stable,
Garden State Stone and Supply Company,
Garden State Tank Lines, Inc.,
Garden State Tourist Court, Inc.,
Garden State Utilities Company,
Gardiner C. Bennett, P. A.,
Gardners Fine Chocolates, Inc.,
Gard Theatres, Inc.,
Garealco, Inc.,
Garfield Leasing Co., Inc.,
Garfrip Realty Corp.,
Garlo Amusements, Inc.,
Garmen Corp.,
Garret Laboratories, Inc.,
Garrett Building Industries, Inc.,
Garrett Masonry, Inc.,
Garwics, Inc.,
Gas and Chemicals, Incorporated,
Gas Lite Manor, Inc.,
Gates Investment Corp.,
Gavett & Reed, Inc.,
Gay Lee, Ltd.,

Gaylords Glove Shops, Inc.,
Gaylor Dunn Realty Co., Inc.,
G B Eichelhardt & Associates, Inc.,
G B Sales, Inc.,
G D P Machine, Inc.,
Gee Gee Restaurant, Inc.,
Geld Development, Inc.,
G E Mechanical Contracting Co., Inc.,
Gem Tavern, Inc.,
Gem Taxi, Inc.,
Genel Realty Co.,
General Aids, Inc.,
General Alarm and Signal Co.,
General Auto Air Conditioning Company,
General Business Services, Inc.,
General Industrial Supply Company, Inc.,
General Kitchen Equipment Co., Inc.,
General Management and Seminars Institute, I
General Medical Supply Co., Inc.,
General Packaging & Container Corp.,
General Packaging Products Corp.,
General Risks Agency, Inc.,
General Service Roofing, Inc.,
General Stone Corp.,
General Talent Corporation,
General Tool & Supply Co., Inc.,
General X Ray Products Company,
Geniecatering, Inc.,
Geometric Machining Manufacturing Molding Tool & Die Corp.,
George Agency, Inc.,
George C. Forrest Co., Inc.,
Geo. F. Brigance Pipe Line Consultants,
George Freligh & Son, Inc.,
George F. Van Deree & Co.,
George Glenn, Inc.,
George M. Beringer, Inc.,
George M. Rogers & Co., Inc.,
George Rosenthal Trucking Co., Inc.,
Georges Club 20,
Georges Postal Diner, Inc.,
Gerard Construction Corp.,
Gerber Construction Co., Inc.,
Ger Car Trucking Co., Inc.,

Geriatric Housing Inc.,
Germic Manufacturing Co.,
Gero Car Sales, Inc.,
Gerstmann Brothers, Inc.,
Get A Car Rental Service, Inc.,
G F A Realty Co., Inc.,
G F G Holding Corp.,
G F Holding Co.,
G & G Beach Corporation,
G & G, Inc.,
G & G Mfg. Co., Inc.,
G & H, Inc.,
G H M Realty Co.,
Giacomo & Sons, Inc.,
Gibney Electronics, Inc.,
Gibson Hutchins Hide Co.,
Gibson Lakes,
Gieco,
Gielmo Realty Co., Inc.,
Gigis Tavern, Inc.,
Gilbert M. Turk Associates, Inc.,
Gimbel Holding Co.,
Ginesi & Co., Inc.,
The Gingham, Inc.,
Giniante Co., Inc.,
Gios, Inc.,
G J Corvent Family Hobby Center,
G K Associates, Inc.,
G K G Corp.,
The Gladiators Restaurant & Pizzeria,
Glasgow Orange Contracting Company,
Glasgow Realty Company,
Glassboro Concrete Co.,
Glassboro Construction Co., Inc.,
Glasser Shoes, Inc.,
Glass Plastics Corporation,
Glassview Diner, Inc.,
Glatt Realty Co., Inc.,
Glazers 70th Ave. Bar, Inc.,
G & L Delicatessen, Inc.,
The Glen Barry Corp.,
Glen Car Corporation,
Glendale Farms,

Glen Eagle Gift & Card Shoppe,
Glen Fabrics,
The Glengale Corp.,
Glenjovin Kennels, Inc.,
Glen Moor Pools, Inc.,
Glenn Auto Sales and Service, Inc.,
Glen Ridge Styling Corp.,
Glenview Cab Company, Inc.,
Glen Woven Label Corp.,
Gliser Builders, Inc.,
G L La Kind Agency,
Global Frame Mfg. Co., Inc.,
Globecom Corporation,
Glo Chris Incorporated,
Glorgal Realty Co.,
Gloucester County Credit Digest, Inc.,
G and M Construction Corporation,
GMF Corp.,
G M Home Siding Contractors,
G M K Corporation,
G and M Plumbing and Heating Co., Inc.,
GMST Co., Inc.,
G & M United Contractors Co., Inc.,
G & O Foods, Inc.,
Goglia Agency, Inc.,
Golak Realty Co., Inc.,
Golden Dolphin, Inc.,
Golden Dream Diner, Inc.,
Golden Gate Construction Company,
Golden Maid Donut Corp. of Springfield,
Golden Rooster, Inc.,
Golden Rule Childrens Shop, Inc.,
Golden Temple Restaurant, Inc.,
Golden Village, Inc.,
Goldleaf Realty, Inc.,
Goldmans Aluminum Cleaning Co.,
Goldmar Builders, Inc.,
Gold Ross, Inc.,
Gold Shield Corporation,
Good All Stores Incorporated,
Goodbrick Construction Co., Inc.,
Good Guys Discount Stores of New Jersey, Inc.,
Goodwins Paint & Wallpaper, Inc.,

The Good Year School,
Gorani Construction Co., Inc.,
Gordon Jordan Associates,
Goshin Ryu Karate Do, Inc.,
Gotham Builders, Inc.,
Gothic Associates,
Gottesmann Baader & Frank, Inc.,
Gpak Corporation,
G. Palsho Realty Co., Inc.,
G & P Pork Store,
G & P Sales Corp.,
Grace Supply Corp.,
Gracyn, Inc.,
Gradec Metal Fabricators,
Gradwell Industrial Sales, Inc.,
Grafe Enterprises, Inc.,
Grafton Tavern, Inc.,
Graham Laundry Co., Inc.,
Granata Enterprises, Inc.,
Grand Engineering & Construction Co., Inc.,
Grand Prix Racing Enterprises, Inc.,
Grand Restaurant & Tavern,
Grand View Builders, Inc.,
Grannis Trucking Co.,
Grant Borison Associates,
Grant Truck Rentals, Inc.,
Graphic Headquarters, Inc.,
Graphic Syndicated Newspapers, Inc.,
Great Eastern Excavating and Trucking Co., Inc.,
Great Eastern Mortgage Corp.,
Greater Delaware Valley Sport Show,
Greater Discount, Inc.,
Greater Valley Feed Company,
Great Liquor Shop,
Great Seal Realty Corp.,
Grecian Foundations, Inc.,
Greenbrook Builders Supply Co., Inc.,
Green Hills Lumber Company,
Green and Kacew, Inc.,
Green Label Pharmacal Co.,
Green Lantern, Inc.,
Green Mansions, Inc.,
Green Meadow Country Club,

Greenmount Corp.,
Green Oaks,
Green Pine Estates, Inc.,
Green Ridge Develoment Company,
Green Tee Driving Range,
Green Thumb Enterprises,
Greenview Landscape Supply, Inc.,
Greenwald Construction Corp.,
Greenways, Inc.,
Greenwood Swim Club,
Gregers Olsen Caulking Co.,
Grewal, Inc.,
Greystone Corporation,
G R Homes, Inc.,
Griggs Equipment Co., Inc.,
Grossman Electrical & Gas Appliances, Inc.,
Grosso Brothers, Inc.,
Group Supply Co., Inc.,
The Grove Bar & Grill,
G & R Realty Co.,
Gruninger Tannert Associates, Inc.,
G. R. Wood, Inc.,
G S H, Inc.,
G S Maintenance Corp.,
G. T. Gianquitti & Son, Inc.,
G T & M Corp.,
Guantanamo Sugar Company,
Guaranteed Holding Co.,
Guarantee Fit, Inc.,
Guardian Carpet Service Co.,
Guardian Power Cleaning Corp.,
Guarino Builders, Inc.,
Guild Construction Co., Inc.,
Guild Toys, Inc.,
Guimares Construction Co., Inc.,
Gulfstream Corp.,
Gundersen Construction Corp.,
Gunston Building Co.,
Gunzog, Inc.,
Gus Bar and Grill,
Gus Car Fashions, Inc.,
G W S, Inc.,

Gyory Construction, Inc.,

Haas Construction Co., Inc.,
Habajon Construction Company,
Hackettstown Diner, Inc.,
Haddonfield Kiddy Toy Center,
Haddon Sewing Center,
Hadj Investment Co.,
Hadlen Corporation,
Haggerty Incorporation,
Haiken Company,
Hainesville Garage,
Hair Imports, Inc.,
Hair Raiser, Inc.,
Haldeman & Norkus, Incorporated,
Haledon Amoco, Inc.,
Hal Leasing Corporation,
Hale Motors, Inc.,
Haller Enterprises Advertising & Promotion, Inc.,
Halley Construction Corp.,
The Hall of Records, Inc.,
Halo Realty Company,
Hal's Auto Parts, Inc.,
Halsted Realty Corporation,
Hamilawr Co., Inc.,
Hamilton Development Corp.
Hamilton No. 1 Development Corp.,
Hamilton Sales, Inc.,
Hamilton Section One, Inc.,
Hamilton Syndicates, Inc.,
H A M J Realty, Inc.,
Hammonton Enterprises, Incorporated,
Hamor Realty Corp.,
Hancock Realty Co.,
Hancon, Inc.,
Handlemans Cider Mill, Inc.,
Handy Co., Inc.,
Han Kow Restaurant, Inc.,
Hanna Hotel Corp.,
Hanover Pools,
Hansen Hardwood Flooring Corporation,
Hansen Rasmussen Realty Corporation,
The Happening, Inc.,
Happy Macs, Inc.,

Harbor Services, Inc.,
Hardware Center, Inc.,
Hardwood Distributors, Inc.,
Harmel Development Co.,
Harmony Heights, Inc.,
Harness Horse Lodge,
Harold Kundig, Inc.,
Harold Rafel, Inc.,
Harolds Bar, Inc.,
Harp Promotions, Inc.,
Harrison Express Co., Inc.,
Harrison Factors, Inc.,
Harrison Park, Inc.,
Harry D. Apgar, Inc.,
Harry Gottfried, Inc.,
Harry McDuffy, Jr. Window and Housecleaning Company, Inc.,
Harry Scott Custom Tailor,
Harrys Flying A, Inc.,
Harrys Pool Parlor, Inc.,
Harry Williams Trailer Sales, Inc.,
Harsam Realty Co.,
Hartford Builders, Inc.,
Hartmann Processing Co.,
Harvard Green Motel, Inc.,
Harwood Pharmacal Co., Inc.,
Hasbrouck Hardware Company, Inc.,
Hasco Systems, Inc.,
Haskell Morris, Inc.,
Hass Painting Co., Inc.,
Hatchett Trucking Co., Inc.,
Hathaways Furniture, Inc.,
Hav Corporation,
Havertown Plumbing Co.,
Havid Stationers, Inc.,
Hawaiian Sheet Metal & Roofing Co., Inc.,
Hawleys Market, Inc.,
Hawthorne Associates, Inc.,
Hawthorne Realty Co., Inc.,
Hayne Electronic Corporation,
Hazlet J. G. Fourteenth, Inc.,
The H. Baum Co.,
H and B Construction Co.,
H B Sales Co., Inc.,

H & D Associates, Inc.,
Headden, Inc.,
The Head Trainer Mfg. Co.,
Heataircon of North Jersey, Inc.,
Heaven to Seven, Inc.,
Hebech Enterprises, Inc.,
Hecht Weingarten & Co., Inc.,
Heidi Construction Co.,
Heights Car Rental, Inc.,
Heights of Dover, Inc.,
Helan Corp.,
Helen Avenue, Inc.,
Helga, Inc.,
Helic Realty Corporation,
Helstan Realty, Inc.,
Hemlock Builders, Inc.,
The Hemlocks,
Hempel Auto Parts & Service, Inc.,
Hendron, Inc.,
Henry Cerami, Inc.,
Henry VIII Music, Inc.,
Henry Harris International, Inc.,
Henry J. Hackman Plumbing & Heating Co., Inc.,
Henry Schnitzspahn, Inc.,
Henrys Hair Stylists,
Henson and Bedges,
Henstel, Inc.,
Hensyl Realty Corp.,
The Herald Shoppe,
Herbert Meyer, Inc.,
Herbst Realty Co., Inc.,
Hermans Econowash, Inc.,
Hermark Sportswear, Inc.,
Herm Barr Corp.,
Hermes Shoes, Inc.,
Heron Contracting Co.,
Herrick & Sons, Inc.,
Hersh Enterprises Richmond, Inc.,
Hewnoaks Corporation,
H & G Auto, Inc.,
H G S Products, Co.,
H. Heilbrunn Company,
H & H Sirloin Pit, Inc.,

Hickory House, Inc.,
Hicks Brothers, Inc.,
Hidden Brook Lounge, Inc.,
H & I Fuel Oil Company,
Highland Forest Homes of Montvale,
Highland Mechanical Contractors, Inc.,
High Oaks, Inc.,
High Point Recreation, Inc.,
The High Washington Corporation,
Hi Hill Builders, Inc.,
Hilary Furniture Co., Inc.,
Hilcon Builders, Inc.,
Hill Holding, Inc.,
Hill and McLaughlin, Inc.,
The Hillsdale Cozy Corner, Inc.,
Hillside Garden Realty Co., Inc.,
Hillside Taxi, Inc.,
Hilmar Associates, Inc.,
Hilro Industries, Inc.,
Himick Realty, Inc.,
Hi Nella Apartments, Inc.,
Hitt Corp.,
Hiwel Corp.,
H. J. Lally Advertising,
H. J. Nolan Builders, Inc.,
H L H, Inc.,
H & M Lounge, Inc.,
Hobbycrafts Unlimited, Inc.,
Hobby Land,
Hobeness, Inc.,
Hoboken Manufacturers Warehouse, Inc.,
Hoboken Public Auto Auction, Inc.,
Hodel Corporation Co., Inc.,
Hodsons Automotive Equipment Co., Inc.,
Hoffman Beverage Company,
Hohorst Incorporated,
Holbern Realty Corp, Inc.,
Holbrook Hat Company,
Holiday Health Spas, Inc.,
Holiday Hills Development Corp, Inc.,
Holiday Hills Water Company, Inc.,
Holiday Magic by Apy & Ray,
Holley Tafra Associates, Inc.,

Holloway Construction Co.,
Hollwick, Inc.,
Holly Beach Enterprises, Inc.,
Holly Harbor, Inc.,
Holly Park Marina,
Hollywood House Coiffures,
Hollywood Park Homes, Inc.,
Hollywood Pharmacy,
Holmor Corporation,
Holtzmans Men Shop, Inc.,
Homeowners Finance Co., Inc.,
Homestead, Inc.,
Hometown Agency, Inc.,
Home A Matic Sales, Corporation,
Hone A Matic Tool and Cutter Company,
Honor Realty Corp.,
Hook Realty Corporation,
Hopatcong Clover Leaf Pharmacy, Inc.,
Hopatcong Enterprises, Inc.,
Hopkins Realty Corp.,
Hornfield Bazaar Equipment Co., Inc.,
Hosch General Tire, Inc.,
Hosid Corp.,
Hospitality Consultants,
Hot Bagels, Inc.,
Hotel Sameret, Inc.,
House Chek, Inc.,
Household Detergent, Inc.,
House of Pizza, Inc.,
House of Ruttenberg,
House of Sterling,
House Trim Company, Inc.,
House of Venice, Inc.,
House Wrecking Co., of Paterson, Inc.,
Howard E. Friend Incorporated,
Howard Johnson Nursing Homes, Inc.,
Howard Park Investments, Inc.,
Howdy Doddy Discount Center,
Howell Jackson Realty Corp.,
Howfred Corp.,
Howlett Hardware Company, Inc.,
Howmag, Inc.,
H. Randy Realty Corp.,

H R B Corporation,
H R C Corp.,
H & R Distributors, Inc.,
Hr J Corp.,
H R N, Inc.,
H S J Builders, Inc.,
H & S Motor Lines, Inc.,
H. Solomon & Son, Inc.,
H S Products Corp.,
Hubbard Electric Sales Co., Inc.,
Hudson City Garage, Inc.,
Hudson City Truck Rentals, Inc.,
Hudson Hills, Inc.,
Hudson Manor, Inc.,
Hudson Pallet & Lumber Co., Inc.,
Hudson Stores,
Hudson Tavern, Inc.,
Hudson View Holding Corp.,
Hudson View Nursing Home, Inc.,
Hudson Warehouse Company,
Hugh Anderson, Inc.,
The Hugh Will Co., Inc.,
Hulbert The Hatter, Inc.,
Humpty Dumpty Restaurant and Milk Bar No. 1,
Hunter Associates,
Hunter Holding Corp.,
Hunter Realty Co., Inc.,
Hunts Bar, Inc.,
Hurricane Club, Inc.,
H. Weiner Co.,
H & W Management Corp.,
H W M, Inc.,
Hyde and Ellis, Inc.,
Hydratronics, Inc.,
Hydraulic Unit Sales Co.,
Hydro Gas Corporation,
Hydro Mechanic Co.,
Hy Grade Lunch, Inc.,
Hy Kauff, Inc.,
Hyro, Inc.,

I. Banks & Sons, Inc.,
I B T Corporation,
I. C. Campbell Realty Corp.,

I C Realty Co.,
Ideal Baking Corporation,
Ideal Estates, Inc.,
Ideal Piece Dye Works, Inc.,
Ideal Sales Company,
Idlewood, Inc.,
I and M Clothing,
Impact Publishing Corporation,
Imperial Cadillac, Ltd.,
Independent Cooperage & Packing Co., Inc.,
Independent Publishers, Inc.,
Independent Service Garage, Inc.,
Indianapolis Speedway, Inc.,
Indian Hills Roofing, Inc.,
Industrial Commercial Equipment Co., Inc.,
Industrial Consultants Corporation,
Industrial Graphite Corporation,
Industrial Medical Supply Co., Inc.,
Industrial Micro Biologics, Inc.,
Industries & Enterprises, Ltd.,
Information Control Service, Inc.,
Information Retrieval Systems, Inc.,
Initial Enterprises, Inc.,
The Inner Circle, Inc.,
Insdorf Bros., Inc.,
Inspection Services Facility, Incorporated,
Install A Door and Truss Co.,
Institutional Builders Corp.,
Insulated Glass Corporation,
Inter American Import, Inc.,
Inter American Management Co., Inc.,
Intercoastal Marina, Inc.,
Inter Continental Auto Parks, Inc.,
Interel, Inc.,
Intergraphic Corporation,
Interiors by Ciro,
Intermediate Textile Company,
International Academy of Fine Arts, Inc.,
International Coffee & Tea Co.,
International Coining & Stamping, Inc.,
International Computers, Inc.,
International Co. Ordinators, Inc.,
International Coordinators, Inc.,

International Creations, Inc.,
International Discotheques, Ltd.,
International Gifts, Inc.,
International Industries, Inc.,
International Metallic, Incorporated,
International Nuts & Bolts Co., Inc.,
International Red Carpet Motor Hotels, Inc.,
International Refining & Packaging Corp.,
International Teen Agers, Inc.,
International Thruway System, Inc.,
Intersonic Corporation,
Interstate Concrete Co., Inc.,
Interstate Hospital Service Agency, Inc.,
Interstate Incineration, Inc.,
Interstate Mechanical Contractors, Inc.,
Interstate Motor Club, Inc.,
Interstate Petroleum Transportation Co.,
Inter State Securities Corporation,
Investire, Inc.,
Investors Monthly Report, Inc.,
In Vue T V Co.,
In We Go Drive In Milk Bar,
Inzano Corp.,
I P R, Inc.,
I R E Corp.,
Iris Realty Co.,
Ironbound Refrigeration and Appliance Co.,
Ironbound Truck Leasing & Rental Service,
The Irving Company, Inc.,
Irving Howard Co.,
Irving R. Noble, Inc.,
Irvington Gardens,
Irvington Lathing Co., Inc.,
Irvington Rathskeller & Restaurant, Inc.,
Irv's Luncheonette, Inc.,
Iselin Air Conditioning & Refrigeration, Inc.,
I. S. Joman, Inc.,
Island Equipment Corp.,
Island Properties, Inc.,
Isle Land, Ltd.,
Isskol Company, Inc.,
Italia, Inc.,
Italian Ices, Inc.,

I T S Co., Inc.,
I V Builders, Inc.,
Ivory Club,

Jaanjo Building Co.,
Jack B. Chesner & Associates, Inc.,
Jackben Corp.,
Jack and Charles Holding Company,
Jack F. Rizzi, Inc.,
Jack & Jill Amusements, Inc.,
Jack Kochman Auto Daredevils, Inc.,
Jack Lee Development Corp.,
Jack Murray Contracting, Inc.,
Jack M. Waldor, Inc.,
Jack S Corporation,
Jackson Freehold Corporation,
Jackson Jewelers, Inc.,
Jackson Service, Inc.,
Jack Stewart Development Corp.,
Jack Waldman Trucking Company, Inc.,
Jack West Construction Corp.,
Jade Inn, Inc.,
Jagor Associates,
J A G Rental, Inc.,
Jahar Development Co.,
Jahm Realty, Inc.,
Ja Jo Shoe Service, Inc.,
Jalsco Construction Company, Inc.,
Jamag, Inc.,
Jamar Construction Corp.,
James Faye Plumbing & Heating, Inc.,
James J. Braddock, Inc.,
James Morano & Sons, Inc.,
James Sportswear, Inc.,
Jamestown Homes, Inc.,
Jamfra, Inc.,
Janar, Inc.,
Janbet Corp.,
Jane Marie, Inc.,
Jane Roberts, Inc.,
Janher Motel, Inc.,
Janis Dining Car Company,
Jano Incorporated,
Janovic Brothers, Inc.,

Jansan Builders, Inc.,
Jansons Cleaners Laundry,
Jan Vin Building Co.,
Japhabmar Corporation,
Jarb Realty Corp.,
J A R Corp.,
Jardi Enterprises, Inc.,
Jard Investments, Inc.,
Jarg, Inc.,
Jasari Land Co.,
Jath, Inc.,
Jayanen, Inc.,
Jaycede Construction Co., Inc.,
Jaydee Construction Co., Inc.,
Jayem Food Products, Inc.,
Jayem, Inc.,
Jay Industries, Inc.,
Jay Ken Carpets, Inc.,
Jayron, Ltd.,
Jayvien Builders Incorporated,
Jay Zee Protective Coatings, Inc.,
Jaze International, Inc.,
J B C Sales Corporation,
J B D Realty Co., Inc.,
J B I 53 Corp.,
J B Investors,
J & B Leasing Corp.,
J. Bonardi & Son, Inc.,
J Botz Textile Sales Corp.,
J B Owen Corp.,
J & B Servicenter,
J & B TV & Appliance Center, Inc.,
J B Welding, Inc.,
J C Cam Corporation, Inc.,
J C Campbell, Inc.,
J C Carting Co., Inc.,
J C Construction Corp.,
J C Electric Heat and Insulation Incorporated,
J C J Holding Company,
J Construction Co.,
J C Reiss Newark, Inc.,
J C S Equipment Co.,
J C T Corporation,

J D B D, Inc.,
J & D Donuts of Neptune, Inc.,
J Dell Contractors, Inc.,
J & D McGuire, Inc.,
J D M Embroidery Co.,
J D Scott, Ltd. of New Jersey,
J D S Products Corp.,
Jeamae Berkley Co., Inc.,
Jeannie & Sonnys No. 3 Club, Inc.,
Jefand Realty Co., Inc.,
Jefferson Management Company,
Jefferson Road Corp.,
J E H Realty Corp.,
J E L Corp.,
Jelen Realty, Inc.,
Jema, Inc.,
Jemar, Inc.,
Jem Construction Company, Inc.,
Jem Enterprises, Inc.,
Jems Produce, Inc.,
Jensen Builders, Inc.,
Jephi, Inc.,
Jericho American Corp.,
Jericho Motor Express, Inc.,
Jerome Street Properties, Inc.,
Jerry Kantor, Inc.,
Jerrys Truck Stop, Inc.,
Jersey Boat Service, Inc.,
Jersey Brick Cote Corp.,
Jersey Cake Box, Inc.,
Jersey Cape Racing Association,
Jersey Devils, Inc.,
Jersey Discount Company,
Jersey Drywall Service,
Jersey Glove Shops, Inc.,
Jersey Location Service, Inc.,
Jersey Nursery & Fence, Inc.,
Jersey Penn Electric,
Jersey Photolith Company, Inc.,
Jersey State Tool, Inc.,
Jetsco Auto Supply Co.,
Jeskin Realty, Inc.,
Jesse Burks Bar,

Jet Age Sales, Inc.,
Jet Enterprises, Inc.,
Jetto Spray, Inc.,
Jewelfair, Inc.,
Jewel O Rama of New Jersey, Inc.,
Jewel Toliteries Rockaway, Inc.,
J. F. Colfax, Inc.,
J. Filler Construction Co., Inc.,
J G B Construction Co., Inc.,
J H A Enterprises, Inc.,
J. Hamadyk, Inc.,
The J H R Company,
J H Rogers, Inc.,
J. I. Farley Printing Service, Inc.,
J I H, Inc.,
Jil Enterprises, Inc.,
Jillsand Corporation,
Jim Dale,
Jimor Food Service Corporation,
Jims Trucking Co., Inc.,
J. & J. Billiards, Inc.,
J & J Drive In, Inc.,
J & J Economics, Inc.,
J J G Corporation,
J J R Contracting Co., Inc.,
J & J Scrap & Steel Corp.,
J K Exclusive, Inc.,
J Kreisler, Inc.,
J L Brown Associates, Inc.,
J Lester Rigby Associates, Inc.,
J L Vending, Inc.,
J Mal Agency,
J. Matthew Associates, Inc.,
J & M Fence Erectors, Inc.,
JMH Construction Co., Inc.,
J. Miller, Inc.,
J & M Rentals, Inc.,
Joan Construction Co., Inc.,
Joannee Construction Co., Inc.,
Joann, Inc.,
Joans Catering Co.,
Joba Realty Corporation,
Jobi Realty Corp.,

Job Metal Enterprises, Inc.,
Joca Enterprises, Inc.,
Jocecales Realty, Inc.,
Jodin, Inc.,
Joe Dees, Inc.,
Joejon Builders, Inc.,
Joe King Enterprises, Inc.,
The Joel E. Moskowitz Agency, Inc.,
Joe Louis Adair, Inc.,
Joemor Corporation,
Joes Cafe, Inc.,
Jofins, Inc.,
Johan Corp.,
John A. Brantil,
John A. Porto Company,
John Armitage Jr., Inc.,
John B. Lord Corporation,
John Brill, Inc.,
John C. Steckmann, Inc.,
John D. Keets and Son,
John E. Allen, Inc.,
John Felso, Inc.,
John Gonnella, Inc.,
John Gregory Builders Co.,
The John James Agency, Inc.,
John J. Mooney Associates, Inc.,
John John Realty, Inc.,
John J. Smith, Inc.,
John Kohler of Burlington, Inc.,
John Kohler, Inc.,
John M. Litaway,
John Nuckel, Inc.,
Johnnys Family Hobby Center, Inc.,
Johnnys Soft Pretzels, Inc.,
John Roach Jr., Inc.,
John R. Scalzo, Inc.,
John Sal Company, Inc.,
Johns American Service, Inc.,
John S. Caldwell, Inc.,
John Simmons Company,
Johnson Delivery Service,
Johnson Electrical Corp., of N. J.,
Johnson & Hannon, Inc.,

Johnstown Steel Co.,
John Suriano, Inc.,
John T. Piggott Jr. and Sons, Inc.,
Jojac, Inc.,
Joker Food Co., Inc.,
Jolat Construction Co.,
Jolian, Inc.,
The Jolly Jumbo,
Jomar Construction Inc.,
Jo Mar Embroidery, Inc.,
Jom Construction Corp.,
Jonathan Singletary, Inc.,
Jon Drew, Inc.,
Jones and Kaye, Inc.,
Jones Maintenance Company, Inc.,
Jonover Printing Corporation,
Jophil, Inc.,
Jorgie Corp.,
The Jorvell Company, Inc.,
Joseb Motel Corp.,
Joseph Albanese & Co., Inc.,
Joseph Battafarano Co., Inc.,
Joseph B. Reily, Jr., Inc.,
Joseph Ferraro Realty Corp.,
Joseph J. Nemes & Sons, Inc.,
Joseph Karen Building Corp.,
Joseph K. Savoy, Inc.,
Joseph L. Sanzaro, Inc.,
Joseph Prufer, Inc.,
Joseph Raffiani & Sons., Inc.,
Joseph Ruttenberg & Sons,
Joseph Sangallo Building Corp.,
Josephs Restaurant, Inc.,
Joseph Tanzillo and Son, Inc.,
Jose Rodriguez Contracting Co.,
Journal Motors, Inc.,
Jovan Auto Sales & Leasing Corp.,
Jovial Finance, Inc.,
Joyce Construction Corp.,
Joyce Motor Freight, Inc.,
JPA Urban Renewal Corporation No. 8,
J & P Dress Manufacturing Co.,
J. P. Fittin, Inc.,

J. P. Gibson Associates,
J. Piancone Enterprises,
J P J, Inc.,
J. P. Luna Road Construction, Inc.,
J. Polizzi & Sons,
J. P. Weiss, Incorporated,
J & R Cement Contractors Co.,
J & R Coat Corporation,
J. Riscinti & Son, Inc.,
Jris Realty Co., Inc.,
J R P Realty Co.,
J R R Trucking Co., Inc.,
J and S Construction Company of N. J., Inc.,
J. Simon, Inc.,
J. Stuart Studios,
J and T Construction Company, Inc.,
J. Thomas Corp.,
J Three Lounge, Inc.,
J. Tripoli Market, Inc.,
Judkins, Inc.,
Judron, Inc.,
Juliano Plumbing & Heating Co., Inc.,
June Ann Building Co.,
Just Rite Coin Op, Inc.,
Justus Realty Co., Inc.,
J V T V Community Cable Systems, Inc.,
J. & W. Orgel, Inc.,
J & Y Realty, Inc.,

The Kabet Co.,
Kaf Carpenters Corporation,
Kaferon Corp.,
Kagan Realty Corporation,
Kahle & McFarland, Inc.,
Ka Jet Rug Cleaners, Inc.,
Kals Beau Rivage Restaurant, Inc.,
Kangaroo Products, Inc.,
Kan Realty Co., Inc.,
Kantor Realty Co., Inc.,
Kaplan Megibow Raccuia Spiaggia Professional Association,
Kaplus Wrecking Corp.,
Kap Realty Corp.,
Karimh Corporation,
Karl F. Heuser Associates,

Karmar, Inc.,
Karn International, Inc.,
Karo Trucking Co., Inc.,
Karvel Sales, Incorporated,
Karystos Corporation,
Kassinger and Co.,
K Associates Theatrical Production Co., Inc.,
Kat Corporation,
Kathy Sportswear, Inc.,
Kaufman Boland, Inc.,
Kayden Record Co.,
Kay Jo Corporation,
Kays Construction Company,
Kayson Decorators, Inc.,
K & B Fuel Service, Inc.,
K. & D. Kirby Company, Inc.,
Keansburg Beverage Company,
Kearny Auto Sales, Inc.,
K. E. Boate & Co., Inc.,
Keechies, Inc.,
Keefe Brick, Inc.,
Keelcraft Corporation,
Keer Painting Company,
Keg, Inc.,
Kellars Pharmacy, Inc.,
Kelly Trading Corporation,
Kel Pol Construction Corporation,
Kemco Corporation,
Kemitrol Company,
Kemms Chemical Corp.,
Kempco Products, Inc.,
Kenbar Industries,
Ken Butler Cycle Shop, Inc.,
Ken Kay Corporation,
Ken La Barr, Inc.,
Kennys Restaurant, Inc.,
Kenro Life Associates,
Ken Ron Floor Waxing Co.,
K Enterprises, Inc.,
Kerloc Horizon Motel,
Kev Ren Construction Co.,
Key Sheet Metal Corporation,
Keys Leasing, Inc.,

Keystone Motor Lines, Inc.,
Key Studios, Inc.,
KG Bakery, Inc.,
K. George, Inc.,
Khan & Companions Combined Industries, Inc.,
Kiddie Garden Day Care Nursery, Inc.,
Kiddieland, Inc.,
Kilfoyle Investment Corporation,
Kimberley Construction Co., Inc.,
Kin Buc, Inc.,
Kinetic Controls, Inc.,
King Chemical Co.,
Kingford Investment Company, Incorporated,
King Georges Grants, Inc.,
Kings Highway Corp.,
Kings Homes,
Kingsland Clay Lines, Inc.,
Kingsley Court, Inc.,
Kingsley Street Realty, Inc.,
Kings Wood Homes, Inc.,
Kin Lon Builders,
Kinsawk Realty Company,
The Kins Co.,
Kirby Pine Belt Farms, Inc.,
Kirk Construction Co., Inc.,
Kirk Dumbwaiter Co., Inc.,
Kiss of Beauty, Inc.,
Kitchen Expositions, Inc.,
Kitchen Magic, Inc.,
Kitchens and Vanity Manufacturing Co., Inc.,
K. J. Tanis, Inc.,
K & K Engineering Company,
KKS Corporation,
Klambs Company, Inc.,
Kleener Living, Inc.,
Klemart Enterprises, Inc.,
Klier Installation Company,
K & M Carpenter Contractors, Inc.,
K & M Sales Co.,
K M W Construction, Inc.,
Knickerbocker Maintenance Corp.,
Knickerbocker Storage Warehouse Company,
Knights Driving School, Inc.,

The Knolls Agency, Inc.,
Knolls Land Co., Inc.,
Knollwood Envelope Co., Inc.,
Kody Currie Blower, Inc.,
Koenig Better Homes, Inc.,
Kohr Farms Beef House, Inc.,
Kolgal Corporation,
Kolman Sales Corp.,
Kolonski Construction Co., Inc.,
Konefal Enterprises, Inc.,
Kor John Realty Company, Inc.,
Korner Gift & Stationery, Inc.,
Kor Ur Company, Inc.,
Kossmanns Market, Inc.,
Kovet Motor Carriers, Inc.,
Koyis Trucking Company,
K P Realty Corporation,
Kramer Improvement Co.,
K R Corporation,
K R C Truck Leasing Co., Inc.,
K and R Enterprises, Inc.,
Kresson House, Inc.,
Krone and Company,
Kronofrank, Inc.,
Krys Tal Kleer Beverage Co., Inc.,
K T Sales, Inc.,
Kufala Realty Co.,
Kulick, Incorporated,
Kurt H. A. Booth, Corporation,
Kushad, Inc.,
Kushners, Inc.,
Kusmar Realty Company,
Kwik Kook, Inc.,
K & Y Realty Corp.,

Labco Mechanical Contractors, Inc.,
Lable Realty Corp.,
Labruvin, Inc.,
Lacasa Tony, Inc.,
Lackawanna Garage, Inc.,
L. Adler & Sons, Inc.,
Lady Milfred, Inc.,
La Falce and Raisch, Inc.,
La Fayette Laundry & Dry Cleaning Co.,

Lafayette Sand and Gravel Co., Inc.,
La Ferrara Trucking Co., Inc.,
La Greca Trucking Company,
Lahajo, Inc.,
Laho, Inc.,
Lake Construction Corp.,
Lakeland Marketing Company, Inc.,
Lake Montowac,
Lake Montowac Land Company,
Lake Packing Corp.,
Lake Physicians & Hospital Supply, Inc.,
Lake Pine Land Company,
Lakeshore Plumbing & Heating Co., Inc.,
Lakeside Bowling Lanes, Inc.,
Lakeside Excavating Co., Inc.,
Lake Susquehanna Land Corp.,
Lakeview Builders, Inc.,
Lake View Development Corp.,
Lakeview Memorial Park, Inc.,
Lakewood Appaloosa Farm, Inc.,
Lakewood Construction Co., Inc.,
Lakewood Development Company,
Lakewood Mfg. Corp.,
Lakewood P & P Associates, Inc.,
Lamannos Bar, Inc.,
Lamark Sportswear, Inc.,
Lambertville Realty, Inc.,
Lam Corporation,
Lamington River Estates,
Lampert Van & Storage, Inc.,
Lamplighter Shoppes, Inc.,
Lan Bic, Inc.,
Lancasters Camping Trailers, Inc.,
Lance Corp.,
Lander Products, Inc.,
Landing Associates, Inc.,
Landis Abstract Company, Inc.,
Landi Trucking Corporation,
Landmark Realty Co., Inc.,
Landy Corsetiere,
Lankol Corp.,
Lantermans Capital Office Services and Supplies, Inc.,
Lanza Realty Company,

Lapato Co., Inc.,
Lappco,
La Provence New York,
Larbert Food, Inc.,
Larc Builders, Inc.,
Lare, Inc.,
Larry Dixon Chrysler, Plymouth, Inc.,
Larrys Friendly Service, Inc.,
Larsen Realty Co.,
La Salle Towers, Inc.,
Lashs Products, Co.,
Latina, Inc.,
Lauralynn Co.,
Lauramon, Inc.,
Laurel Electric Service Company, Inc.,
Laurel Manor Building Corp.,
Laurelton Sportswear Manufacturing Co., Inc.,
Laurelwood Hill, Inc.,
Laureno Scrap & Salvage Corp.,
Lauren Realty Company,
Lavender Enterprises,
Lavery Daenhardt Lumber Co.,
Lavoie Laboratories, Inc.,
Lawit Agency,
Lawler Bros. Sales Corporation,
Lawn Care Service, Inc.,
Lawrence Bros., Inc.,
The Lawrence Mortgage Company,
Lawrence M. Paparozzi Agency, Inc.,
Lawrence Realty Co., Inc.,
Law Research of Essex County, Inc.,
Lawson Credit Corp.,
Layer Bros., Inc.,
Laynbin Associates, Inc.,
L B D Realty Co.,
L B W Finance Corp.,
L C Stores, Inc.,
L & D Liquor & Delicatessen,
Lears Distribution Company, Inc.,
Leaseway Transport, Inc.,
Lebanon Lakes Construction Co.,
Lebor Realty Corporation,
Lecce Mortgage & Investment Co., Inc.,

Leeace Realty Corp.,
Lee Creighton Studios, Inc.,
Leeds Ties, Ltd.,
Lee Enterprises, Inc.,
Lee Equipment Co., Inc.,
Lee Manufacturing, Inc.,
Leemar Beauty Salon, Inc.,
Lee Maur Corp.,
Lee Phil, Inc.,
Lees Automart,
Lees Delicatessen,
Lees Lingerie and Sportswear, Inc.,
Leff Sales Associates,
Legat Realty Company,
Le Hi Carpet Installation Co., Inc.,
Lehigh Paints and Chemicals of New Jersey,
Lehigh Urban Renewal Corporation,
Lehman Brothers Associates, Inc.,
Lehrhoffs Bakery, Inc.,
Leiding & Hintze, Inc.,
Leighton Home Building, Inc.,
Leila Industries, Inc.,
Leisure Living Furniture, Inc.,
Leisure Pools of Parsippany, N. J., Inc.,
Leitz Constructors Co., Inc.,
Lela Corporation,
Lemkol, Inc.,
Lanarose Corporation,
Lenches Painting Contractors, Inc.,
Lendoy Corporation,
Lenier Corporation,
Leonard Builders, Inc.,
Leonardine Park Estates, Inc.,
Leons Drive In Cleaners, Inc.,
Leons Farm, Inc.,
Leo Rossi Baking Company,
Leosel Realty Corp.,
Leo Smith Sr. Agency, Inc.,
Leparulo Construction Co.,
Lera Corporation,
Leroyal Farms, Inc.,
Leroy Realty Corporation,
Lesinos Farm,

Leval Cleaners, Inc.,
Level Finance Co.,
Lewis Holding Company,
Lexem Tavern, Inc.,
Lexon Corporation,
L F A Corp.,
L & G Textiles, Inc.,
Liberator Enterprises, Inc.,
Liberty Air Service, Inc.,
Liberty Hall, Inc.,
Liberty Knit Processing Corp.,
Liberty View, Inc.,
Libro Audio Center, Inc.,
Lica Management Corp.,
L I Contracting Co., Inc.,
Lief Associates, Inc.,
Lief Vending Corp.,
Life Unlimited, Inc.,
Lifton Realty Co.,
Lighter Products Corporation,
Lighthouse Maintenance Corp.,
Lightstar Dairy, Inc.,
Lightweight Roof Deck Company,
Lija Corporation,
Lincoln Cabin, Inc.,
Lincoln Florist Co.,
Lincoln Frozen Products, Inc.,
Lincoln Modernization,
Lincoln Music Shop, Inc.,
Lincoln Racing Association,
Lincoln Rutgers Realty Corp.,
Lincoln and Sons Cooperage Co., Inc.,
Lincoln Varityper, Inc.,
Lin Co., Inc.,
Linda Realty Company,
Linden Appliances & Furniture Co.,
Linden Arms,
Linden Fabrics, Inc.,
Linden News Publishing Co.,
Lindenwold Manor, Inc.,
Linen Sales Company of New Jersey,
Line Repair Corporation,
Lino Craft,

Linus Greenhouse, Inc.,
Liplew Builders, Inc.,
Liquid Plastic Corp.,
Liroge Enterprises, Inc.,
Lisa Construction Company,
Li Sooey Estates,
Lis Properties, Inc.,
Lissy and Sons,
Lister Sportswear, Inc.,
Lite Cleaners, Inc.,
Lit Fisher Realty Co., Inc.,
Litho Print, Inc.,
Litone Equipment Corp.,
Little Falls Estates, Inc.,
Little Ferry Home Decor,
Little Flower Embroidery Corp.,
Livingston Centre Taxi, Inc.,
Livingston Landscaping Co., Inc.,
Livingston Lanes Snack Bar,
Liz Realty Corp.,
L. J. McMullan, Inc.,
L & K Aircraft, Inc.,
Lloyd Investors, Inc.,
Lma, Inc.,
The L M F Corp.,
L & M Painting Co.,
L M R Corporation,
L & M Realty of N. J.,
L M Research Products, Inc.,
L M S Holding Co.,
L & M Super Markets, Inc.,
L M T Construction Co.,
Local Delivery Service, Inc.,
Loconte Holding Co., Inc.,
Locust Estates, Inc.,
Log Lounge, Inc.,
Loje Trading Corporation,
Lokvita, Inc.,
Lombardi Puzino Realty Co., Inc.,
London & Barrett,
London Imports, Inc.,
Lone Pine Electronic Products Corporation,
Long Branch Window Cleaning Co., Inc.,

Longhorn Land & Cattle Corp.,
Longshoremens Haven, Inc.,
Long Valley Acres, Inc.,
Lonsdale Estates, Inc.,
Lopado Realty Co.,
Lopez Exterminating Company,
Lo Presti & Sons, Inc.,
Lorden Realty Company,
Lordman Fashions, Inc.,
Lords of Belleville, Inc.,
Lords House of Beef, Inc.,
Lormar, Inc.,
Lottee Chemical Corporation,
Lott, Inc.,
Loufels,
Louis Bogage, Inc.,
Louis Colella & Son, Inc.,
Louis De Angelis, Inc.,
Louis Mauro Trucking Corp.,
Louis Sledge Construction Co.,
Loumin, Inc.,
Lous Taxi Service, Inc.,
Loves Hideaway, Inc.,
Lower Wildwood Holding Corp.,
Loyal Home Products, Inc.,
L. P. Fern Furniture, Inc.,
L. P. Lynn Corp.,
LRB Corporation,
L S G, Inc.,
L & S Trading Corporation,
Luau Catering Services, Inc.,
Lucarelli Enterprises, Inc.,
Lucky Hollow Manor, Inc.,
Lucky Pokerino, Inc.,
Lumberman Construction Co., Inc.,
Lumbermens Wholesale Supply Co., Inc.,
Lupa Investment Corporation,
Lural Trading Co.,
Lurcoa, Inc.,
Lus Auto Radio & Television, Inc.,
Lus Carpet Workroom, Inc.,
Lutes Marineland, Inc.,
Lutim Precision Components, Inc.,

L. W. Lee Industries, Inc.,
L & W Luncheonette, Inc.,
Lydias Creations,
Lyndhurst Properties, Inc.,
Lyndon Repair Service,
Lyndor Diner, Inc.,
Lynford Metal Fabricators, Inc.,
Lynn Dale Construction, Inc.,
Lynn Detective Bureau,
Lynn Embroidery Co.,
Lynn Productions, Inc.,
Lynnross Publishing Co., Inc.,
Lynrose Construction Co., Inc.,
Lyons Avenue Bakery, Inc.,
Lyons Eggs, Inc.,

Maber Realty Corp.,
Mabor, Inc.,
Macabea Industries, Inc.,
Mac Ann, Inc.,
Mac Arthur Associates, Inc.,
Mac Donald Park Realty Co.,
Maceri & Sons, Inc.,
Macha, Inc.,
Machine Industries, Inc.,
Mac, Inc.,
Mack Catering, Inc.,
The Mackey Enterprises,
Mackmill Corporation,
Macks Cut Rate Shops, Inc.,
Macks In Crowd Bar, Inc.,
Macley, Inc.,
Macon Enterprises, Inc.,
Macor Management Corp.,
Macro Realty Corp.,
Madah, Inc.,
Madeline Realty, Inc.,
Madison Coat Manufacturing Co., Inc.,
Madison Forest Realty Corp.,
Madison Industrials, Inc.,
Madison Instruments, Inc.,
Madison Paper Corporation,
Madison Plaza Grill, Inc.,
Madison Urban Renewal Corporation, Inc.,

Madison Variety Company,
Madison Village, Inc.,
Madridchen, Inc.,
Mag Corp.,
Magic Flo Faucet Co., Inc.,
Magleys Irvington Garage, Inc.,
Maglies Construction Co., Inc.,
Maglies Realty Co., Inc.,
Magna Corporation,
Magnavite Corporation,
Magra Associates, Inc.,
Mahrwall Corp.,
Maiden Lane Parking,
Maine Realty and Investment Corporation,
Main Moore, Inc.,
Maisel of New Jersey, Inc.,
Majestic Iron and Steel Corp.,
Majestic Realty Corporation,
Major Excavating Corp.,
Major League Maintenance, Inc.,
Maken Realty Corporation,
Malbro House, Inc.,
Malfara Medical Building, Inc.,
Malford Associates, Inc.,
Maline Corporation, Inc.,
The Mambo Chants Society Hall, Inc.,
Mamie Realty Corp.,
Management Engineering Service Company, Inc.,
Management, Incorporated,
Management Programing Corp.,
Manasquan Billiard Center, Inc.,
Manasquan Gardens, Inc.,
Manasquan Wine Shop,
Manchak Enterprises, Incorporated,
Mancol Builders Co., Inc.,
Manhattan Novelty Co., Inc.,
Man Jay Homes, Inc.,
Manloc, Inc.,
Mannell Electric, Inc.,
Mann Garner Builders, Inc.,
Manning Construction Corporation,
Mannion Plumbing & Heating Co.,
Manor Construction, Inc.,

Manowitz, Incorporated,
Mansey Corp.,
Mansfield Sewerage Corporation,
Mantell Clothing Market of Saddle Brook, Inc.,
Mantua Drug,
M A P Container Corp.,
Maperon Realty Co., Inc.,
Maplecrest Stock Farm, Inc.,
Maple Montrose Publishing, Inc.,
Maplewood Metal Fabricators, Inc.,
Mar Aircraft Services, Inc.,
Maral Construction, Inc.,
Maran Construction Corp.,
The Marbelon Top Co.,
Marbet Warehouse Corp.,
Marbin, Inc.,
Marce Holding Co.,
Marcelline, Inc.,
Marcharl Holding Corporation,
Marcon Distributing Co., Inc.,
Marco Polo Spaghetti and Pizza, Inc.,
Marcpeters Coiffures,
Marcus Investments, Inc.,
Marcy Motors, Inc.,
Mar Dav Realty, Inc.,
Maree Sportswear Company,
Marell Company, Inc.,
Margantonio Hardware & Bldg. Materials, Inc.,
Margaritis Corporation,
Margate Marinas, Inc.,
Marged Holding Corp.,
Marges Cafe, Inc.,
Margos Hair Stylists, Inc.,
Marhomes, Inc.,
Maria K. Enterprises, Inc.,
Mariani & Pasetto, Inc.,
Marietta Corp.,
Marina Merchandising, Inc.,
Marineland Construction Co., Inc.,
Marinos of Atlantic City, Inc.,
Mario & Carmen Construction Co., Inc.,
Marist Laboratories, Inc.,
Marjam, Inc.,

Marjon Records, Inc.,
Mark A. McCarty, Inc.,
Market Hardware Co.,
Markey Co.,
Mark Krakauer, Inc.,
Mark Laces, Inc.,
Mark III Builders,
Mark Torres, Inc.,
Mark Trev, Inc.,
Markwik Products, Inc.,
Mark Lak Corporation,
The Marlin Agency, Incorporated,
Marlin Management Co., Inc.,
Marlkress Industrial Developers, Inc.,
Marlot Realty Co.,
Marlton Trailer Court, Inc.,
Marmora, Inc.,
Marpat Corporation,
Marqland, Inc.,
Marschalk Realty Agency, Inc.,
Marshall Investment Company,
Marshall and Jay, Inc.,
Marsh Construction Corp.,
Mart Anne Co., Inc.,
Martha Homes, Inc.,
Martin Baldwin Associates,
Martin Blankership Productions, Inc.,
Martin & Brown Fuel, Inc.,
Martin Filter Corporation,
Martin Interests, Inc.,
Martin Porter Corporation,
Martins Floor Covering Co., Inc.,
Martin Trooskin Associates,
Marton Development Company, Inc.,
Martron, Inc.,
Marty Mason, Inc.,
Marty Realty Co., Inc.,
Marty Auto Sales, Inc.,
Marvan Products, Inc.,
Marvdon Boys Wear, Inc.,
Marvel Stone Home Products Mfg. & Supply, Inc.,
Marvin Associates, Inc.,
Marvin Eisenstadt Agency, Inc.,

Marvon Enterprises, Inc.,
Mary Lou Bar, Inc.,
Marys Italian Kitchen, Inc.,
Marzi Enterprises, Inc.,
Maskin & Kurtz, Inc.,
Masle Building Company, Inc.,
Mass Art Productions, Inc.,
Masso, Inc.,
Mastapeter Builders, Inc.,
Master Auto Parts, Inc.,
Master Metal Fabricators, Inc.,
Master Security Systems, Inc.,
Master Service, Inc.,
Mastros,
Matawan Cultural Center,
Matawan Development Co.,
Matawan Logging Corp.,
Material Corp.,
Mathews Casa Loma Club,
Mathis Yacht Building Company,
M A Transmissions, Inc.,
Matson Realty, Inc.,
Maunalda Beach Club, Inc.,
Maxim Clifford, Inc.,
Maximum, Inc.,
Maxine Contracting Co.,
Max Miller Associates.
Max Siebelts Motor Sales, Inc.,
Max Wel Furniture Co., Inc.,
Maycourt Hosiery Mills, Inc.,
Mayfair Bowl Corp.,
The Mayflower Construction Company,
Mayflower Restaurant, Inc.,
Mayflower Upholstery Shops, Inc.,
May Food, Inc.,
Mazdabrook Farms & Country Club,
M B H Developers, Inc.,
MBI Realty Co., Inc.,
M B Mailing and Packaging Co., Inc.,
M. B. Segal, Inc.,
McCabe Bros. Construction Co., Inc.,
McCarter Construction Corp.,
McDonough Lydon Mfg. Co., Brettcore Division,

McFord Motors, Inc.,
McGarrity's Hedgerow Inn,
McGovern Apts., Inc.,
McGuinness Club Bar, Inc.,
Mc T Corp.,
M & D Mancuso, Inc.,
Meade Associates, Inc.,
Meadowbrook Dinner Theatre, Inc.,
Meadowbrook Gardens,
Meadow Lark Estates, Inc.,
Meats, Inc.,
MECC Holding Company,
Medallion Homes, Inc.,
Medallion Service Co., Inc.,
Medcos, Inc.,
Medford Associates,
Media Publications, Inc.,
Medical Arts Pharmacy of Millburn, Inc.,
Medical Specialties Laboratories, Inc.,
Medi Kare Research Company,
Medi Lease, Inc.,
Meiman Mills, Inc.,
Melblu Associates,
Meldi Realty Co., Inc.,
Mel Enterprises, Inc.,
M. E. Lewis, Inc.,
Meljo Realty Co.,
Mel Mov Restaurant, Inc.,
Melody Master, Inc.,
Mel Sol, Inc.,
Mendon Corporation,
Menlo Messenger Service, Inc.,
Menlo Park Food Concession, Inc.,
Mercantile Systems of Central New Jersey, Inc.,
Mercer Greeting Card Service, Inc.,
Mercer Metal Products, Inc.,
Mercer Princeton Agency, Inc.,
Merchandise World of Lodi, Inc.,
Merchants Development Company,
Merchants Distributors, Inc.,
Merchants Research, Inc.,
Mercury Carpenters, Inc.,
Mercury Home Improvement Company,

Mercury Messenger Service, Inc.,
Merels Furniture Co., Inc.,
Meridian Brick of New Jersey,
Merit Auto Products Corp.,
Merit Company,
Merit Exteriors Company,
Merit Sales Corp.,
Merle Taxi, Inc.,
Mermaid Pools, Inc.,
Merola Construction Company, Inc.,
Merpat Company,
Merri Meals America, Inc.,
Merydelval Building Corporation,
Meryl Construction Company,
Mesa, Inc.,
M E S Corp.,
Messmers Express,
Metal Distributors & Supply Co., Inc.,
Metallic Systems, Inc.,
Metals Consulting Co., Inc.,
Metal and Supply Corp.,
Metalum Products, Inc.,
Metro Capital Mortgage Corporation,
Metro Janitorial Supplies, Inc.,
Metropolitan College News and Events,
Metropolitan Covers Co., Inc.,
Metropolitan Enterprises, Inc.,
Metropolitan News Service,
Metro Services, Inc.,
Metsger Aircraft Industries, Inc.,
The Metuchen Duchess, Inc.,
Metuchen Hills, Inc.,
Metz Bakery, Inc.,
Meyer Daddios Auto Rental Service, Inc.,
Meyer Motor Homes, Inc.,
Meyers Hotel, Inc.,
Meyers & Pivnick, Inc.,
Meyers Tavern & Restaurant, Inc.,
M. Fichera Corporation,
M and F Palisade Corporation,
M & G Auto Supplies, Inc.,
M G M Holding, Co.,
M. G. Murray's Plumbing Company, Inc.,

M & G Pet Supplies, Inc.,
M & H Caterers,
M H D Corporation,
M. H. Leed Drugs, Inc.,
M H R Associates, Inc.,
Miami Joe, Inc.,
Micanna Realty Corp.,
Michael C. Testa, Inc.,
Michael Elliot, Inc.,
Michael O'Hara,
Michele Construction Company,
Michelle D., Inc.,
Michelle, Inc.,
Mickaylin Wood Products, Inc.,
Micliz Truck Leasing,
Mic Nac Company, Inc.,
Mico Motor Installation Corporation,
Mico Realty Co.,
Micro Ban, Inc.,
Micro Mechanism, Inc.,
Mid Atlantic Service Bureau, Inc.,
Middlesex Amboy Industrial Park,
Middlesex Apts., Inc.,
The Middlesex Distributing Co., Inc.,
Middlesex Electric Co., Inc.,
Middlesex J G Nineteenth, Inc.,
Middlesex Marina, Inc.,
Middlesex Trading Corporation,
Middletown Chevron, Inc.,
Middletown Sun Appliance, Inc.,
Midland Auto Laundry, Inc.,
Midland Aviation, Incorporated,
Midland Laboratories, Inc.,
Midtown Petroleum & Development, Inc.,
Midtown Refining Co., Inc.,
Mid Way Construction Company,
Migliore Construction Co., Inc.,
Mila, Incorporated,
Mildred Werner, Inc.,
Miles Carpet Service, Inc.,
The Miles Muller Agency, Inc.,
Milford Asphalt Company,
Military Park Development Corp.,

Millburn Springfield Taxicab Co., Inc.,
Mill Creek Corporation,
Miller & Girard, Incorporated,
Miller Machinery Company,
Miller Screen Corporation,
Millex Investment Company,
Millicent M Underwood, Inc.,
Millies Department Store, Inc.,
Mill Outlet Sales, Inc.,
Millstone Valley Development Corporation,
Mill Stream Homes, Inc.,
Milltown Construction Co., Inc.,
Millwood Products, Inc.,
Milsam, Inc.,
Milson Realty, Inc.,
Milton Holding Co., Inc.,
Miltons at Millside, Inc.,
Mindowaskin Corporation,
Mine Hill Homes, Inc.,
Minell, Inc.,
Mini Pak Corporation,
Min It Shave, Inc.,
Mipal Holding Company,
Miraco Realty & Construction Co.,
Miro Builders, Inc.,
Mi Ros Corp.,
Mirror Kal, Inc.,
Mirsa, Inc.,
Mr. Amedeos Beauty Salon, Inc.,
Mr. Chips Restaurants, Inc.,
Mr. Daniels, Inc.,
Mr. Howards Enterprises, Inc.,
Mr. Kurt His and Hers Hairpiece, Inc.,
Mr. Raceways of Linden, Inc.,
Mr. Teds Deli, Inc.,
MJ Corporation,
M K M, Inc.,
M. Kozas & Sons, Inc.,
M & L Builders, Inc.,
M L P Construction Co., Inc.,
M & M Associates, Inc.,
M & M Fine Foods,
M & M Freight Handlers, Inc.,

M & M Ice Cream Co.,
M & M Products Corp.,
MNM Company, Inc.,
M & N Realty Co.,
Mobile Chef Caterers, Inc.,
Mobile Galleries Company,
Mobile Modes, Inc.,
Mobile Park Service Corp.,
Mobile Tank Carriers, Inc.,
Mobit, Inc.,
Modern Anodizing Corp.,
Modern Auto Sales,
Modern Cabinet Works, Inc.,
Modern, Inc.,
Modern Lines, Inc.,
Modulaire Creations, Inc.,
Mohawk General Agency,
Moker, Inc.,
Mollie Goldie, Inc.,
Molly Pitcher Bake Shop, Inc.,
Monarch Black Angus Freezer Meats, Inc.,
Monarch Chrysler, Plymouth, Inc.,
Mon Cheri Salon of Hair Styling, Inc.,
Monhegon Holding Co., Inc.,
Monique Construction Co., Inc.,
Monmouth Corporation,
Monmouth Display Center, Inc.,
Monmouth Family Hobby Center, Inc.,
Monmouth Foxwood Company,
Monmouth Middlesex Insulation Company,
Monmouth Realty Holding Co.,
Monmouth Swimming Association, Inc.,
Monrac, Inc.,
Montclair Co-op., Inc.,
Montclair Merit Wines & Liquors, Inc.,
Montclair Printing Company, Inc.,
Monte Prosers Maverick, Inc.,
Monticello Realty Corp.,
Montipaw Recreation Corp.,
Montjack Construction Company,
Moore Glass Co.,
Moore River Corporation,
Moores Business Service, Inc.,

Moorestown Steam Laundry,
Moorestown Theatre Corporation,
Moose Skowron Mfg., Corp.,
Mor Al Corp.,
Morellas Lawn Ornaments, Inc.,
Morgan Marina,
Morgon, Inc.,
Morhalcun, Inc.,
Morin & Piatt Co., Inc.,
Morland B. Soria, Inc.,
Morlan, Inc.,
Morley Developers, Inc.,
Morlot Development Corporation,
Morris Acceptance Corp.,
Morris County Equipment, Inc.,
Morris County Muffler Corporation,
Morris Jaffe, Inc.,
Morris Merchantville Corp.,
Morristown Development Corporation,
Morristown Lanes Realty Corporation,
Morse Construction Co., Inc.,
Moschetti De Lauro Glass and Mirror, Inc.,
Mos Tex Fabrich Corporation,
Motel Purchase and Land Corporation,
Mothers Pantry, Inc.,
Motor Exchange Inc., No. 2,
Motor Exchange, Inc., of Trenton,
Motor Transport and Advertising Corporation,
Motovator, Inc.,
Mountain Associates,
Mountain Avenue Realty Co., Inc.,
The Mountain Inn,
Mountain Top Manufacturing Co., Inc.,
Mount Beacon Industries, Inc.,
Mt Ephraim Development Corp.,
The Mt Lucas Film Center, Inc.,
The Mt Lucas Report, Inc.,
Mount Oak Corp.,
Mt Olive Estates, Inc.,
M. Rosenfield Electrical Contractors, Inc.,
M R S Holding Co.,
M. Saffran & Son, Inc.,
M & S Merchandising, Inc.,

M S M Holdings,
Muirhead Motor Corp.,
Mulberry A & J Enterprises, Inc.,
Mullane Bros, Inc.,
Multichem, Inc.,
Multi Matic Corp.,
Multivo, Inc.,
Mundy & Nesler, Inc.,
Mun El Enterprises,
The Mun Mar Company, Inc.,
Munning & Munning, Inc.,
Murol Construction Corp.,
Murphys Dog Rouse Bar, Inc.,
Murray Hill Land Company,
Murrays Shoes, Inc.,
Mursyl, Inc.,
Musical Arts Enterprises, Inc.,
Music Center Corp.,
The Mutton Hollow Fire Brick Company,
Mutual Petroleum Corp.,
Mutual Policyholders Service Corporation,
M. V. Patterson, Inc.,
M V W Holding Co.,
M W J Associates, Inc.,
M. W. Kaye & Associates, Inc.,
Myan Realty Co.,
My Fair Lady Coiffures, Inc.,
Mylady Apts, Inc.,
Mypaul Enterprises, Inc.,
Myra Flink Ltd., Imports,

Naderio Verdon Walker Emergency Group P A,
N A F Corporation,
Nafpactos Corporation,
Nagor, Inc.,
Namanock,
Nameloc Builders Limited,
Names and Places, Inc.,
Nanbar Construction Co.,
Nancy J. Builders, Inc.,
Nan Richard Corporation,
Nanro, Inc.,
Nantuck, Inc.,
Naples Pizza and Restaurant,

Napoli Food Market, Inc.,
Nappa Motors, Inc.,
Nardini Electric Company, Inc.,
Narrows Leasing Co., Inc.,
Nassaney Realty, Inc.,
Nassau Company,
Nateli Corporation,
National Associated Suppliers,
National Auto Sales, Inc.,
National Auto Sales, Inc.,
National Beauty & Barber Supply, Inc.,
National Biologicals Corporation,
National Clearance Bureau,
National Computer Sales,
National Construction Corp.,
National Family Capital Corporation,
National Family Stores of New Jersey,
National Family Stores of North Bergen,
National Feed Corporation,
National Food Foundation,
National Freight Truck Lines, Inc.,
National Home Remodeling Corp.,
National Moisture Control, Inc.,
National Operating Corp.,
National Packaging Specialties, Inc.,
National Products Development Corporation,
National Safety Service Center, Inc.,
National Talisman, Inc.,
National Two Forty Seven Motel Corp.,
National Ultrasonic Corporation,
National Union Co.,
National Upholstery Company, Inc.,
National Waxkote Systems, Inc.,
Nat Lan Corporation,
Natrow Corp.,
Nautical Plastics Company, Inc.,
N C Leather Corp.,
Needle Tex, Incorporated,
Neepaulin Beach Club Association, Inc.,
Neepaulin Investment Corp.,
Neffan Realty Co.,
Neil Construction Co.,
Nelson Brady Corp.,

Nelson Martin Stores, Inc.,
Nemal Corporation,
Nennette Incorporated, of America,
Neoplex, Inc.,
Neptune City Homes, Inc.,
Neptune Toy Company, Inc.,
Neptune Youth Centers, Inc.,
The Nerenberg Corporation,
Neva Dri,
The Neville Muller Agency, Inc.,
New Allwood Rest, Inc.,
Newark Beverage, Inc.,
Newark Citizens Urban Renewal Corporation,
Newark G C Holding Co.,
Newark Kalamein & Sheet Metal Works, Inc.,
Newark Photo Service, Inc.,
Newark Processing Co., Inc.,
New Broadway Lunch, Inc.,
The New Burke Department Store, Inc.,
The New Campus,
New Colonial Bowling Lanes, Inc.,
The New Comedy Theatre, Inc.,
New County Investment, Inc.,
New Fields Construction Co.,
New Frontier Developers, Inc.,
New Hi Lite, Inc.,
New Jersey Academy of Martial Arts,
The New Jersey Almanac, Inc.,
The New Jersey Asbestos Company,
New Jersey Business Association, Inc.,
New Jersey Cable T V Corp.,
New Jersey Cookie Service,
N. J. Drywall Associates, Inc.,
N. J. Electrical Installation,
The New Jersey Land Journal,
New Jersey Lumber and Millwork Co., Inc.,
N. J. Mt. Vernon Homes, Inc.,
New Jersey and Pennsylvania Honda Dealers, Inc.,
New Jersey School of Horsemanship, Inc.,
N. J. School of Unarmed Self Defense,
New Jersey Supply Corp.,
New L Mason Contractors,
New Paths, Inc.,

The New Pine Tree Associates, Inc.,
New Shore Motel, Inc.,
The New Slope, Inc.,
Newton Electric, Incorporated,
Newton Food Shop, Inc.,
Newton Lingerie Co., Inc.,
N. Y. N. J. Realty Co., Inc.,
New York Optical Co., Inc.,
N & H Law Research Service, Inc.,
Nichols Park, Inc.,
Nickie Palumbo Enterprises, Inc.,
Nick Nicholas, Inc.,
Nick Raspantini Plumbing & Heating, Inc.,
Nicks Grove, Inc.,
Nicks Highway 46 Bar and Grill,
Nicmar, Inc.,
Niles Auto Parts Co.,
982 18th Ave. Corp.,
914 McCarter Highway Corporation,
Nine & Six Bar & Grill,
1918 Corporation,
1984 Springfield Avenue Corp.,
95 Company, Inc.,
Ninety-Seven Edison Place Corp.,
96 Company, Inc.,
93 Frelinghuysen Corp.,
92 Martha Road Corporation,
The Nite Lite Lounge, Inc.,
Nixon Sales and Service, Inc.,
N J B Realty Co., Inc.,
N K Enterprises, Inc.,
Noble Enterprises,
Nodo, Inc.,
Nohow Corp.,
Nolan Duggan, Inc.,
The Nook Luncheonette,
Norbert L. Krygier Associates, Inc.,
Norman D Apartments, Inc.,
Norsecross Real Estate,
Norse Industrials, Inc.,
Norsemen Industries, Inc.,
Norsen Associates,
North Aluminum & Construction Company,

North American Food Corporation,
North American Transmissions Development Corp.,
North Arlington Service Station, Inc.,
North Bergen Entertainment, Inc.,
North Broad Auto Laundry Co., Inc.,
Northeast Coatings & Surfacings, Inc.,
Northeastern Acceptance Corp.,
Northeastern Materials Corporation,
Northeastern Pallet & Wood Products Corporation,
North Elizabeth Launderama,
North End Liquors, Inc.,
Northern Circle Co.,
Northern Investors, Ltd.,
Northern Valley Construction Co., Inc.,
Northgate Apartments, Inc.,
North Hills Realty, Inc.,
North Jersey Construction Company, Inc.,
North Jersey Duplicating Products Co.,
North Jersey Micro Therm, Inc.,
North Jersey Nurses Registry,
North Jersey Refining Co., Inc.,
North Jersey Sewing Company, Inc.,
North Jersey Water Sports, Inc.,
North Livingston Corp.,
North Maple, Inc.,
North Plainfield J G 15, Inc.,
North Shore Memorial, Inc.,
Northside Construction Co., Inc.,
North Side Corp.,
Norwood Manor,
Notch Realty Corp.,
Nova Corporation,
Novaks,
Novelty Furniture,
N and P Corp.,
N P G, Inc.,
N P S Advertising Agency, Inc.,
N R Construction Corp.,
Nu Bell Restaurant, Inc.,
Nuclear Age Chemical Co.,
Nuclear Age Co.,
Nuclear Age Mining Co.,
Nu Era Metal Products, Inc.,

Nu Jiffy Cleaners, Inc.,
Nuknit Division of Bangor Punta Operations, Inc.,
Nu Lite Corporation,
No. 1 7th Street Corp.,
The Nut Club, Inc.,
Nylon Filter Corp.,

Oak Hill Manor, Inc.,
Oak Land Corp.,
Oakland Plaza Corp.,
The Oakleys, Inc.,
Oakridge Realty Co., Inc.,
The Oaks of Somers Point, Inc.,
Oak Tree Auto Body, Inc.,
Oakwood Developers, Inc.,
O B E, Inc.,
The Occupational Guild of America, Incorporated,
Ocean City Hobby Center,
Ocean Commercial Corp.,
Ocean County Precision Machine Corporation,
Ocean County Radio Broadcasting Company,
Ocean County Shopping Mall, Inc.,
Oceanic Vending Co.,
Ocean Painting Co., Inc.,
Ocean Park Motor Company, Inc.,
The Odds, Inc.,
Oelle Mitchell Construction Corp.,
The Official Chamber of Commerce do Brazil,
Ogden Hill Estates, Inc.,
O & H Builders, Inc.,
O K Corral, Inc..
O K Homes, Inc.,
Old Anchor Inn, Inc.,
Olde Bill Bailee Ice Cream Parlor & Restaurant, Inc.,
Olde Colonial Woodshop, Inc.,
Old Elm Corp.,
Olden Lounge, Inc.,
Olden Paint Factory of Brooklawn, Inc.,
Olde Treasure House,
Old Forge Homes, Inc.,
Old Hights Hotel, Inc.,
Old Line Credit Corporation,
Old Mill Coffee Service of Metropolitan New York, Inc.,
Old Mill Development Corp.,

Oldmill Tavern, Inc.,
Old World Custom Finishers, Inc.,
Oleski and Anderson Construction Corporation,
Oljack, Inc.,
Olson & French, Inc.,
Olympia Bread Company, Inc.,
Olympic Dairies,
Olympic Glass Co.,
Olympic Imports, Inc.,
Olympic Skilo,
Omar Realty, Inc.,
Omega Alloy Fitting Company,
Omega Homes, Incorporated,
Omega Productions, Inc.,
Omega Technical Services, Inc.,
O. M. Hendricks and Company, Inc.,
O. M. Lift Corporation of America,
Omniprint, Inc.,
Onaf Holding Company,
One Forty Eight Corp.,
One Hour Monument Circle Cleaners,
One Hour Sobolized Co., Inc.,
183 Meeker Avenue Corporation,
111 Belmont Realty, Inc.,
145 Halstead Street Corporation,
140 Hudson, Inc.,
141 Chestnut St., Inc.,
114 Seymour Ave., Inc.,
194 Jefferson St. Corp.,
193 Chadwick, Inc.,
The 175 Corporation,
171-Sterling Avenue Corp.,
176 Bruce St. Corp.,
172 Realty Corp.,
116 39th Street Corporation,
161 Bright Street Corporation,
The 162 Corporation,
110 120 Halsted Street, Inc.,
The 130 Beverly Road Corp.,
130 Ege Avenue Associates, Inc.,
138 De Witt Avenue, Inc.,
134 Riverview, Inc.,
131 South Woodland Street Corporation,

103 E. State St., Rest, Inc.,
125 Paterson Avenue, Inc.,
121 North, Inc.,
123 First St. Corp.,
The One Martin Ave. Corp.,
One Thirty Five Hamilton Avenue, Inc.,
One Way Contractors, Inc.,
Onic Devices, Inc.,
Onnam Associates,
Onnam, Inc.,
Onnam Realty, Inc.,
Onorio Plastics Corp.,
Onsite, Inc.,
Openaki Construction Co.,
The Oppenheim Packaging Co., Inc.,
Orange Cleaners of Willingboro, N. J., Inc.,
Orange Publishing Company,
Orbit Records, Inc.,
Orchard Pharmacy, Inc.,
Orchard Valley Golf Club,
Ordike Corporation,
The Ordile Pharmacy,
Orechio Brothers Agency,
Organ Industries, Inc.,
Oroskie Real Properties, Inc.,
O R S Corp.,
Ort Amusement Co., Inc.,
Ortho Prosthetic Research and Manufacturing Corporation,
Oscar Jackson, Inc.,
Oscar Leasing, Inc.,
Osek, Inc.,
Osias Building, Inc.,
Oskar Schaefer, Inc.,
Osto Corporation,
Oswood, Inc.,
Otto Bergmann, Inc.,
Outdoor Associates, Inc.,
Oval Bar, Inc.,
Owen Ford,
Owen K. Jolly Associates of Mel Richman,
Oxner Industries Corp.,

Paarz Automotive Leasing Co., Inc.,
The Pace Agency, Inc.,
Pach Associates,
Pacific and Andrews Corp.,
Pacific Sales, Inc.,
Packaging Industries Research Corp.,
Packanack Wayne Shopping Center,
Packards Travel Agency, Inc.,
Packin Textile Corporation,
P A F, Inc.,
Pafundi Becht, Inc.,
Page Funeral Home,
Pajac Realty Co.,
Pak Rite Beef Company, Inc.,
Palace Bus Company,
Palace Meat Corporation,
Palahachs Furniture, Inc.,
Palisade Billiard Lounge,
Palisade Development Corp.,
Palisades Park Book Corporation,
Palisades Products Corporation,
Palisades Roofing & Contracting, Inc.,
Pallet Pool Service Corporation,
Pallet Repair Co., Inc.,
Palmer Enterprises, Inc.,
Palm Gardens, Inc.,
Palombis Bowling Lane, Inc.,
Pamcal Bar and Grill, Inc.,
Pamela Contracting Company,
P A Metals, Inc.,
Pamico, Inc.,
Pamico Realty Co., Inc.,
Pancake Restaurant of New Jersey, Inc.,
Pandolph Corporation,
Pan Eastern Sales Co., Inc.,
Panther Hendrix, Inc.,
Pantry Van, Inc.,
Pao Electrical Contracting Co., Inc.,
Paper Materials Trucking Company,
Paradise Land Developing, Inc.,
Paramount Berkeley Corp.,
Paramount Dry Cleaners & Shirts, Inc.,
Paramount Inn, Inc.,

Paramount Plumbing & Heating Co., Inc.,
Paramus Auto Supplies, Inc.,
Paramus Manufacturing Company, Inc.,
Paramus Motors, Inc.,
Parker Kitchens of Dover,
Parker Pharmacy, Inc.,
Park Galleries,
Park Gardens Corporation,
Park Glass Co.,
Park Land Co., Inc.,
Park Manor Realty Co.,
Park Parish Bulletins, Inc.,
Park Place Cleaners,
Park Ridge Paint & Wallpaper Co., Inc.,
Park Rutledge Realty Corp.,
Park Side Nursing Home,
Park View Holding Co., Inc.,
Parkway Auto Sales of Neptune, Inc.,
Parkway Enterprises, Inc.,
Parkway Garden Cafe,
Parrish Contracting Co., Inc.,
Parris, Inc.,
Parsippany Foodtown, Inc.,
Parthenon Zeris, Inc.,
Parts Unlimited Electronics Centers, Inc.,
Parts Unlimited, Inc.,
Pascack Const., Inc.,
Pascack Estates, Inc.,
Pascals, Inc.,
Paskow Epstein & Trenk Agency, Inc.,
Passaic Apartments, Inc.,
Passaic County Abstract Co.,
Passaic County Construction Co., Inc.,
Passaic Embroidery, Inc.,
Passaic Embroidery Realities, Inc.,
Passaic Kiddieland, Inc.,
Passaic Marine, Inc.,
Passaic Transit Concrete Co.,
Passaic Valley Development Corp.,
Patapsco Holding Company, Inc.,
Pat & Burt Trucking Corp.,
Patco Trading Corp.,
Paterson Actors Theatre, Inc.,

Paterson Candies, Inc.,
Paterson Cities Service, Inc.,
Paterson Storage Battery Company, Inc.,
Paterson Toledo Corp.,
Patgal Realty Co.,
Pathfinder Builders, Inc.,
Patrician Card Shop, Inc.,
Patricia Rosier, Inc.,
Patrick J. Edmondson, Inc.,
Patrick X. Kelly,
Pats Cocktail Lounge,
Pats Grocery Store, Inc.,
Pattenburg House, Inc.,
Pattom Corp.,
Pattys Umbrella Lounge, Inc.,
Pat Vac Corporation,
Paulanna, Inc.,
Paula Wilbert Corp.,
Paul B. Huyette Co.,
Paul De Bellis Construction Co., Inc.,
Paul Kleinzahler, Inc.,
Paul Marckesano & Sons of New Jersey, Inc.,
Paul R. Mc Chesney, Jr. Co., Inc.,
Paul Scott Builders,
Pauls Eleven Bar & Grill,
Pauls Quality Market of Elizabeth, Inc.,
Paul Tiger Sons, Inc.,
Pavement Maintenance, Inc.,
Pavonia Properties, Inc.,
P. Beacon Construction Co., Inc.,
P. Bruce Barreca Agency, Inc.,
PCK Enterprises, Incorporated,
P D D Corp.,
P D Q, Inc.,
Peacock Diner, Inc.,
Peak Industrial Leasing Corp.,
Pearl Ann Beauty Salon, Inc.,
P E D Donuts, Inc.,
The Pedro Corporation,
Peerless Press, Inc.,
Peking Inn,
Peluras Taxi Company,
Pemkob, Inc.,

Peninsula Lumber Products, Inc.,
Penn Brook Inn, Inc.,
Penn Cherry Homes, Inc.,
Penn Hughes Corporation,
Pennington Asphalt Construction, Inc.,
Penn Jersey Loan & Investment Co., Inc.,
Pennsauken Abstract Co., Inc.,
Pennsauken Enterprises, Inc.,
Penns Grove Enterprises, Inc.,
Penn Station Esso, Inc.,
Pennsylvania Oil Company,
Pennwood Homes, Inc.,
Penn York Construction Corp.,
Pennypot Construction Corp.,
Peoples Foods of New Jersey, Inc.,
Peoples Home Outfitters,
Peoples Lumber Co., Inc.,
Peoples Professional Services, Inc.,
Peoples Sales of New Jersey, Inc.,
Pepco Mortgage Company, Inc.,
Percoflash Products, Inc.,
Permanent Awnings, Inc.,
Perma Plate,
Peros Tavern,
Perpetual Monument Co., Inc.,
Perretta Electrical Contractors, Inc.,
Perrucci Brothers, Inc.,
Perrucci Contracting Co., Inc.,
Perruso Distributors, Inc.,
Perry Sherwood International Corp.,
Perth Amboy Billiards, Inc.,
Perucci, Inc.,
Pestcoe and Pestcoe, Inc.,
Petan Dairy Corp.,
Petco Auto Parts Corp.,
Pet Construction, Inc.,
Peter Allen Realty Co., Inc.,
Peter Apartments,
Peter James, Inc.,
Peter Karp, Inc.,
Petes Delivery Service, Inc.,
Pete and Toms Diner, Inc.,
Petite Boutique,

Petite Wigs, Inc.,
Petron Construction Corporation,
Peyton Floor Service,
P. G. Shank Paper Company,
Pharmaceutical Industries, Inc.,
Pharo, Inc.,
Phelps Realty Co., Inc.,
Philamer Industries, Incorporated,
Philbar Contracting, Inc.,
Philip Cohen Construction Co.,
Philip Marucci, Inc.,
Phillips Department Store, Inc.,
Phillips Specials,
Phillips Transportation Company, Inc.,
Phil Longo & Sons, Inc.,
Philre Corp.,
Phils Gardens, Inc.,
Phils Steak House,
Phoebe Snow, Inc.,
Phoenix Closet Accessories, Inc.,
Phoneminder, Inc.,
Photo Graphic Associates,
Photo Scan of New Jersey,
Photos By Walter, Inc.,
Phy Mel Corp.,
Pickwick Press,
Pickwick Village, Inc.,
Piddling Publishers, Inc.,
Pierce Park, Inc.,
Pierdos School of Music, Inc.,
Pijak Home Builders, Inc.,
Pike Brook Land Development, Inc.,
Pike 501 Corporation,
Pilgrim Abstract Co., Inc.,
Pilgrim Mortgage Investment Company,
Pilomi Stables,
Pinder & Reibert Holding Company,
Pine Belt Eggs, Inc.,
Pinebelt Pulpwood, Inc.,
Pine Brook Grocery Super Market,
Pine Circle Corporation,
Pine Contractors,
Pine Hill Apartments, Inc.,

Pine Hill Builders, Inc.,
Pine Oak Construction Co., Inc.,
Pines Limousine Service,
Pine Valley Construction Co.,
Pine View Gardens, Inc.,
Pine View Nursing & Convalescent Home, Inc.,
Pinkie the Aluminum Man, Inc.,
Pin Oakes Homes, Inc.,
Pintys Factory Outlet Store,
Pioneer Research Products Corp.,
Pioneer Vending Corporation,
Pitman Town Taxi,
Pitts Pet Shop, Inc.,
Pixies Inn, Inc.,
Pizza Plaza, Inc.,
Pizzulo Doviak, Inc.,
P. & J. Carrino, Inc.,
P. J. Pierce, Ltd.,
P K Farms, Inc.,
Plainfield Cab and Livery Service, Inc.,
Plainfield J G 29th, Inc.,
Plainfield Lathing and Plastering, Inc.,
Plains Lounge, Inc.,
Plank Road Industrial Park,
Plant Realty Corp.,
Plastic Center of New Jersey, Inc.,
Plastiform of New Jersey,
Plast O Tron, Incorporated,
Plastylite Corporation,
Playco, Inc.,
Play Curl Hairstyles, Inc.,
Plaza Bake Shop,
Plaza Delicatessen, Inc.,
Plaza Drug and Surgical Supply of Clinton,
Plaza Kosher Catering Co.,
Plaza Mens Shop of Bernardsville, Inc.,
Plaza Specialty Shop,
Pleasant Gardens South, Inc.,
Pleasant Heights, Inc.,
Pleasant Motor Company, Inc.,
Pleasant View Acres, Inc.,
P & L Industries, Inc.,
P and L Restaurant, Inc.,

Plumcoa, Inc.,
Plutos Industries Corporation,
Plymouth Appliance & Furniture Co., Inc.,
Plymouth Auto Fair,
Plymouth Lumber & Munfacturing Corp.,
Plymouth of Newark, Inc.,
P N J, Inc.,
Poe Lumber Co.,
Pogan Pogan and Pogan, Inc.,
Pogust Feed Co.,
Point Gulf Service Incorporated,
Point Pleasant Boat Sales, Inc.,
Point Pleasant Inn, Inc.,
Point Variety Corporation,
Pokee, Itd.,
Po La, Inc.,
Polidores Shoe Repair & Hat Cleaning Co.,
Polished Ham & Provisions Corp.,
Pollocks Auto Service,
Polo Garden Center, Inc.,
Poly Aqua, Inc.,
Polyspand, Inc.,
Pomona Beverages, Inc.,
Pompton Crushed Stone Company,
Pompton J G 23rd., Inc.,
Pompton Precision,
Pompton Variety Store, Inc.,
Ponda Corporation,
Ponderosa Dude Ranch, Inc.,
Ponderosa Riding Club, Inc.,
Ponson Industries, Inc.,
Pooles, Inc.,
Pope Construction Company, Inc.,
Poplar Arms Corporation,
Popp Realty Co., Inc.,
Portavision Corporation,
Porter Electronic Laboratories, Inc.,
Porterfield Engineering, Inc.,
Port Tractor & Equipment,
Portuguese Cultural Center of New Jersey, Inc.,
Post Home Improvement Co.,
Potomac Development Corp.,
Potter Aeronautical Corporation,

Powerease Controls, Inc.,
Pownes Painting & Decorating Company,
P & R Auto Body,
Premain Securities Company,
Premium Petroleum Co.,
Presidential Pools,
Prestige Personnel, Inc.,
Prestige Publications Incorporated,
Pre Vac Researchers, Inc.,
Preventco Coating, Inc.,
Pride of Newark Improvement Company, Inc.,
Prime Holding Company,
Prime Meat City U. S. A.,
Prince Bar & Grill Inc.,
Princeton Data Center,
Princeton Equipment Rental Incorporated,
Princeton Maintenance Co., Inc.,
Princeton Manufacturing, Inc.,
Princeton Television Center, Inc.,
Printcraft Industries, Inc.,
Process & Equipment Development Corporation,
Production Engineering Corporation,
Products Realty, Inc.,
Products Unlimited, Inc.,
Professional Advisory Group, Inc.,
Professional Assistants School, Inc.,
The Professional Building, Inc.,
Professional Cleaners & Launderers, Inc.,
Professional Distributors, Inc.,
Progress Acceptance Corp., Inc.,
Progressive Construction Co., Inc.,
Progressive Enterprises, Inc.,
The Progressive Pros,
Promotional Marketting Associates,
Property Finance, Inc.,
Pro Soccer Magazine,
Prospect Maintenance Company,
Proswood Corp.,
Protecto Ear Plugs, Inc.,
Protect Ur Trip, Inc., of N. J.,
P & R Realty Corp.,
PSB Equipment Co.,
P & S Frozen Food Co.,

P & S Realty Co., Inc.,
P. Tuchman Enterprises, Inc.,
P. Tutt, Inc.,
Public Service Air Conditioning & Refrigeration Corp.,
Pure Living, Inc.,
Puritan Enterprises,
Puritan Sales Co.,
Putnam Construction Co.,
P & V Skirt Mfg. Co., Inc.,
P W Financing Corp.,
P W O Corp.,
Pyramid Homes, Inc.,
Pyrodynamics, Inc.,

Q E Wigs of the World, Inc.,
Quality Answering Service,
Quality Block Company,
Quality Pastry Distributors, Inc.,
Quality Pool Heater, Inc.,
Queen Anne Estates, Inc.,
Queens Kitchen and Appliance Center, Inc.,
Qwen K Jolly Associates of Mel Richman,
Quick Electric Corp.,
Quin Corporation,
Qu Lon Company, Inc.,

Raceway Distributors, Inc.,
Raceweld Company, Inc.,
Racioppi Bakery, Inc.,
Radcliffe 66 Auto Servicenter, Inc.,
Rae Construction Company, Inc.,
Raff Holding Corporation,
Rago & Rago General Contractors, Inc.,
Rajelor, Inc.,
Ralco Builders, Inc.,
Ralken Realty Co., Inc.,
Ralph Frega, Inc.,
Ralph R. Anderson Associates,
Ramar Corp.,
Ra Mar Processing Corporation,
Ramar Stables,
Ramcee Enterprises, Inc.,
Ramco Realty, Inc.,
Ram Equipment Distributors, Inc.,

Ramig Roofing Company,
Ramjoy Corporation, Inc.,
Ramsay Industries, Inc.,
Ramsey Restaurant, Inc.,
Ranch House Kitchens, Inc.,
Ranch and Turf Wear, Inc.,
Rand Electric & Heating Company,
Rand Properties, Inc.,
Raritan Parking Company,
Raritan Shopping Center, Inc.,
Raritan Trawler Co., Inc.,
Rastemar Co.,
Ratesi Construction Co., Inc.,
Rayco Metropolitan Philadelphia, Inc.,
Ray Con, Inc.,
Ray Corcoran, Inc.,
Raymar Const. Corp.,
Raymond Beverage Corp.,
Raymond C. Hennessy,
Raymond H. Love Co.,
Ray Pitek Auto Sales, Inc.,
Ray Ryerson, Inc.,
Rays Italian American Market, Inc.,
Ray & Steves Luncheonette,
RBL Fill Co., Inc.,
R & B, Ltd.,
R B M Enterprises of New Jersey, Inc.,
R and B Window Cleaning Co., Inc.,
R C B, Inc.,
R. C. Dunn Associates, Inc.,
R. C. Fleig Constructors, Inc.,
R. Chiuchiolo & Sons, Inc.,
R C M Housewares, Inc.,
R D Controls, Inc.,
R D C Realty Corp.,
R & D Processing Co.,
R D Z Distribution Co.,
Reacon Builders, Inc.,
Readan, Inc.,
Realty Holding Co.,
Rebko Homes, Inc.,
Rebo Corporation,
Reb Pam, Inc.,

Recom Construction Company, Inc.,
Records for Learning, Inc.,
Recreation Century, Inc.,
Red Bank Properties,
Red Bell Construction Co., Inc.,
Red Caps, Inc.,
Reddi Spare, Inc.,
Red Garter,
Redmont Estates, Inc.,
Red Oak Service Station, Inc.,
R E D Plumbing & Heating, Inc.,
Redwood Country Estates,
Redwood Deli, Inc.,
Redwood Sales, Inc.,
Reeder Village, Inc.,
Reed and Tremuth, Inc.,
Reeves Motors, Inc.,
Regan Ground Fisheries, Inc.,
Regency Carpet Service, Inc.,
Regent Factory Outlet, Inc.,
Regina Kitchens, Inc.,
Regional Services, Inc.,
Rego, Inc.,
Reilly Painting Contractors, Inc.,
Reinhardts Equipment Co., Inc.,
Reis Corp.,
Rek Leasing Corp.,
Relar Holding Co.,
Relaxamatic Sleep Products, Inc.,
Reliable Boiler and Repair Co., Inc.,
Reliable Engineering & Manufacturing Co., Inc.,
Reliable Heating & Air Conditioning Company,
Reliable Mortgage Association, Inc.,
Rella Excavators, Inc.,
Rema, Inc.,
Remark Mfg. Co.,
Remedies, Inc.,
Renata Realty Company,
Renell Enterprises, Inc.,
Renewal Development Corp.,
Renna Enterprises, Inc.,
Rent A Cycle Co.,
Reppenhagen & Scott, Inc.,

Republic Homes, Inc.,
Republic Theater Ticket Service, Inc.,
Research Builders, Inc.,
Reservations, Inc.,
R. E. Shanley Company,
Residential Holdings, Inc.,
Response, Inc.,
Restaurant Corporation of America, Inc.,
Restaurant Systems Center, Inc.,
Retail Security Service, Inc.,
Retnel Holding Corp.,
Retrac, Inc.,
Retteg Construction Co.,
Rettino Corp.,
Rew Homes, Inc.,
Re Wood Lumber Corp.,
Rexco Corp.,
Rexys Bar, Inc.,
Rey Car Company,
Reynolds Atlas Mfg. Co., Inc.,
Reynolds Service Station,
The Rezinite Corporation,
Rezza Motors, Inc.,
R F P Corporation,
R G Lepre, Inc.,
R & H Enterprises, Inc.,
R H Grant, Inc.,
R & H Tile Company and General Contractors, Inc.,
Rhyme Properties, Inc.,
Ria Construction Corporation,
Ribea Corporation,
R I B, Inc.,
Richard Aubry, Inc.,
Richard E. McLaughlin,
Richards Carpet Centers, Inc.,
Richards Centers, Inc.,
Richmar Motors, Inc.,
Richmor Packing Corp., Inc.,
Rick Electric Co., Inc.,
Ricky & Frank Associates, Inc.,
Riclen Management, Inc.,
Ridekings,
Rider Associates,

Ridge Crest Estates, Inc.,
Ridgedale Realty Co.,
Ridgefield Carpets, Inc.,
Ridgefield Nursing Corp.,
Ridgewood Bowling Centre, Inc.,
Ridgewood Glen Rock Professional Building, Inc.,
Ridgewood Wine & Liquor Co.,
Ridgid Guard Rail Company,
Rifox U S A, Inc.,
Rigging Machinery Co., Inc.,
Righisto, Inc.,
Rightgarth, Incorporated,
Rijn Art Laminates, Inc.,
Rima Enterprises, Inc.,
R I P, Inc.,
Ripley Clothes Hackensack, Inc.,
Rita Construction Co., Inc.,
Rite Beef Co.,
Rite Homes of New Jersey,
Rite Priced Construction Co., Inc.,
Ritt Enterprises, Inc.,
Ritz Cleaners,
Ritz Coat Corp.,
Rivercrest Manor,
Riverdale Frozen Foods Corp.,
Riveredge Estates,
Riverfront Construction Co.,
River Paper Corporation,
River Road Manor, Inc.,
Riverside Garage, Inc.,
Riverside Lanes, Inc.,
Riverside Restaurant & Lounge, Co.,
The Rivers of Toms River,
Rivervale Holiday Farms, Inc.,
Riverview Homes, Inc.,
Riverwood Company,
R J Carr Company, Inc.,
R & J Co., Inc.,
R & J Construction, Inc.,
R J Post Construction Co., Inc.,
R & K Motors, Inc.,
R L Builders, Inc.,
R. Louis Gallagher Design Co., Inc.,

R. Luckas Motor Car Co.,
R. M. Fouch Painting & Coating Contractors, Inc.,
R. Miller Dump Service, Inc.,
Roadstands, Inc.,
Roalco Construction Co., Inc.,
Robal Realty Corp.,
Roban Distributing Corp.,
Robbins Nicholson, Inc.,
Robbins Villa, Inc.,
Robert & Cyril Holding Company,
Robert E. Smith, Inc.,
Robert G. Vervaet Carpentry, Inc.,
Robert L. Huber Associates Co., Inc.,
Robert Pomert, Incorporated,
Robert Santa Wigs, Inc.,
Roberts Chevron, Inc.,
Robert Simpson Shoe Co.,
Robert Soressi Construction Co., Inc.,
Roberts Wholesale Meats, Inc.,
Robert Thomas Enterprises, Inc.,
Robert Warsaw Textiles, Inc.,
Robin Hood Catering Service, Inc.,
Robins Engineering, Inc.,
Robins Katz Associates, Inc.,
Robins Management, Inc.,
Robinson Construction Corporation,
Robinson Foltz Associates, Inc.,
Robinson Industries, Inc.,
Robinson Cleaners, Inc.,
Rochelle Corp.,
Rockaway Town & Country Homes, Inc.,
Rock Edge Corp.,
Rocking B Stables, Inc.,
Rockport Development, Inc.,
Rocks Associates, Inc.,
Rocks Luncheonette, Inc.,
Rocor Homes, Inc.,
Rodoc Corp.,
Rods, Inc.,
Roger Motors, Inc.,
Rogero J K Corp.,
Roger Tambella Associates, Inc.,
Rojay Homes,

Rojo Enterprises, Inc.,
Rolart Inc.,
Roma Fashions, Inc.,
Roman Gardens,
Roman Smith Farm, Inc.,
Roman Travel Agency,
Romany Corporation,
Rombar Realty Corp.,
Romy Construction Co., Inc.,
Ron Hughes, Inc.,
Ronjack Realty Co., Inc.,
Ron Jon Realty Corp.,
Ron Jon Surf Shop, Inc.,
Ronnie Manufacturing Corp.,
Ronnies Charcoal Broil,
Ronwell Construction Co., Inc.,
Ropar Tool & Machine Co., Inc.,
Rosam, Inc.,
Rosanti Realty Corporation,
Rose Dress Company, Inc.,
Rose Hill Construction Co.,
Rose Investments Inc.,
The Rose K. Duarte Corp.,
Roselle First Avenue Co.,
Roselles, Inc.,
Rosemere Homes, Inc.,
Rosemont Development Corporation,
Rosenhayn Dress Mfg. Co., Inc.,
Rosenshine Poultry Farms, Inc.,
Roses Restaurant,
Rosewood Sportswear, Inc.,
Roslyn Coiffures, Inc.,
Ros Redevelopment Co., Inc.,
Ross Baum, Inc.,
Ross Bros Tavern & Liquor Store, Inc.,
Rossi & Ditoro Gulf Servicenter, Inc.,
Rosslane Realty Corp.,
Rotig Corp.,
Rough Rider Enterprises, Inc.,
Roundhouse Builders, Inc.,
Roundhouse Corporation,
Route 15 Realty Co.,
Route 53 Esso, Inc.,

Route 23 Associates,
Rovinn Farms, Inc.,
Roxbury Brokers, Inc.,
Roxbury Investment, Inc.,
Royal Fashions, Inc.,
Royal Furniture Corporation,
Royal Garden Estates, Inc.,
Royal Glades Corporation,
Royal Lounge, Inc.,
Royal Sales, Inc.,
Roy Gus Co.,
Roy Kap, Inc.,
Rozart Floral Designers & Mfrs., Inc.,
Rozlee, Inc.,
Rpd Associates,
R. P. Gould, Inc.,
R. P. Lachomas, Inc.,
R P M Warehouse Corp.,
R & R Countryside Homes, Inc.,
R & R Dennis, Inc.,
R and R Fashions, Inc.,
R & R Servicenter,
R S A Cleaners, Inc.,
The R S G Corporation,
R S Motels, Inc.,
R S P Development Corp.,
R Tiver, Inc.,
R T K & Co., Inc.,
The R Trucking Co., Inc.,
Rubber, Inc.,
Rubsons, Inc.,
Ruddys Moving and Storage,
Rudex Pet Food Company,
Rudy Grillo Home Improvement Co.,
Ruleta Corp.,
Rumap Realty Co., Inc.,
Rupari Construction Co., Inc.,
Rus Mar Investors, Inc.,
Russell Quality Plastics, Inc.,
Russ Geoff Corporation,
Russ Kaller, Inc.,
Russo Genta, Inc.,
Rutgers Cabinet Works Inc.,

Rutherford Motors, Inc.,
Ruth Homes,
Ruxton Saddle Brook Corporation,
R. W. Marshbank Associates,
Rynars Deli, Inc.,
Ryto Corp.,

Saaby, Inc.,
Sabastian Corporation,
Saber Electro Mech Corporation,
Sabir Homes, Inc.,
Sac Enterprises, Inc.,
S A C S, Incorporated,
Saddle Brook Catering, Inc.,
Saddle Brook Nursing Home,
Saddlehorn, Inc.,
Saedi, Inc.,
Safos, Inc.,
Sagato Realty, Inc.,
Sai, Inc.,
Sailing Trimarans of New Jersey, Inc.,
Sail Inn, Inc.,
St. Claire Beauty College,
St. John Products, Inc.,
St. Johns Enterprises, Inc.,
Sair Concrete Supplies & Service Corp.,
Sajon Development Co., Inc.,
Sal Ann Corporation,
Salco, Inc.,
Saldar Company, Inc.,
Salem Aviation, Inc.,
Salem One Ninety Five Corporation,
Sales and Public Relations Corp.,
Salminens Wig Discount Center, Inc.,
Salon D Artiste,
Salon 56, Inc.,
Salvatore Trucking & Truck Leasing Corp.,
Salvo Corp.,
Samaran Realty, Inc.,
Sam Car, Inc.,
Sam Corp.,
S A M Development Corp.,
Sam Klotz & Co.,

Samo Jednik and Stein, Inc.,
Sample Realty Co., Inc.,
Sanafil Realty Co., Inc.,
Sanbar Realty Corp.,
Sanchi Realty Corp., Inc.,
Sandar Construction Co.,
Sanders Wholesale Meats, Inc.,
Sandler Brothers, Inc.,
Sands Corporation,
Sandville, Inc.,
Sandwood Homes, Inc.,
Sandy Hill Construction Co.,
Sandys TV & Appliances, Inc.,
Sanfords Youth Center of West New York, Inc.,
San Glo Construction Co., Inc.,
Sanitary Toilets Unlimited,
Sanjud Corp.,
Sano Corporation,
San O Frost Corp.,
Sanray Contracting, Inc.,
San Sea, Inc.,
Santa Fe Warehousing & Packing Corp.,
Santhor, Inc.,
Sargo Realty, Inc.,
Sarmur Realty Co., Inc.,
Sattely & Rhode Co., Inc.,
Saturn Metal Fabricators, Inc.,
Savio T. Laguardia, Inc.,
Sav On Finance Co., Inc.,
Sav On Kitchens, Inc.,
Savoy International, Inc.,
Savoy Plaza Restaurant & Cocktail Lounge, Inc.,
Saw Mill Town House, Inc.,
Sayre Med Realty Co., Inc.,
Sayreville Land Development Corp.,
Sayrewood Maintenance,
Scan Am Sauna, Inc.,
Scarmor Corp.,
The Scene, Inc.,
S. Charles Mortgage & Investments, Inc.,
Scheckman, Inc.,
Schemar Realty, Inc.,
Schley Realty Co.,

Schober Air Service, Inc.,
Scholastic Services Corp.,
Schultz & Anderson Co.,
Schultz Bros. Furs, Inc.,
Schuyler Construction Co., Inc.,
Schwarz & Ladenheim, Inc.,
Sciarra & Perla, Inc.,
Scientific Products Corp.,
Scientific Shoe Fitters, Inc.,
Scientific X Ray Products, Incorporated,
Scif Co., Inc.,
Scoles Trucking Company, Inc.,
Scoras Construction Co., Inc.,
Scorpions, Ltd.,
Scot Glen Contractors, Inc.,
Scotland New England Service Station, Inc.,
Scott Drug Stores, Inc.,
Scott Novelty Co., Inc.,
Scott Tire, Inc.,
Scott Trucking, Inc.,
Scout Design, Inc.,
S D J Company, Limited,
S & D Metal Products, Inc.,
S & D Trucking Company,
S D Unlimited, Inc.,
Sea Bright Discotheques, Inc.,
Sea Bright Enterprises, Inc.,
Seacoast Leasing, Inc.,
Sea Dredge Enterprises, Inc.,
Sea Girt Professional Building, Inc.,
Seagull Telephone Directory,
Sean Lingwood Construction Co.,
Sea Star Swim Club,
Seaway Motors, Inc.,
Secaucus Asphalt Co.,
Secaucus Transportation Co., Inc.,
Secton Development, Inc.,
Security Finance Company,
Security Line Agency,
S E Delivery Co.,
Seely Builders, Inc.,
S & E Enterprises, Inc.,
Seifert & Baime Tire Service Co.,

Sejo Management Corp.,
Selective Oil & Gas Properties, Inc.,
Self Publishing Company,
Seljack Restaurant, Inc.,
Selva Club, Inc.,
Sema Furniture Corp.,
Senior Citizens Construction, Inc.,
Senro, Inc.,
Sen Sales Company,
Septor Transport Co., Inc.,
Sequoia Construction Corporation,
Serf Holding Company,
Serone Electronics Corporation,
Serra Construction Co., Inc.,
Sethscott Corp.,
7 11 Excavating, Inc.,
Sevenell Enterprises,
711 25th Street Corp.,
17 Fourth Street, Inc.,
Seventy Broadway, Inc.,
74 Dayton Corp.,
71 Bowers Street, Inc.,
Seventy-Seven Madison Avenue Corporation,
77 Thomas Street Corp.,
76 Clinton Avenue, Inc.,
7 Washington Street, Inc.,
Severino Realty Corp.,
Seville, Inc.,
Seville Motors, Inc.,
Sew Easy, Ltd.,
Sewell G L F Service,
Sewell Lumber & Millwork Co., Inc.,
S F Investors, Inc.,
S F & J Realty Co., Inc.,
S F M Corporation,
S G, Inc.,
S G K Corp., Inc.,
S & G Motors, Inc.,
Sgt of New Jersey, Inc.,
S and G Warehouse,
Shadowbrook Electronics, Ltd.,
Shaker Heights, Ltd.,
Shangri La Homes, Inc.,

Shangri La Motor Inn, Inc.,
The Shanley Agency, Inc.,
Shauna Realty Company, Inc.,
S. H. Cohen, Inc.,
S H Construction Co.,
S & H Donuts, Inc.,
Shea Mac Enterprises, Inc.,
Sheldon Associates, Inc.,
Shelf Studio of New Jersey, Ltd.,
Shelley Construction Corp.,
Shellys Coffee Shoppe, Inc.,
Shelter Cove Marina, Inc.,
Shep Bart, Inc.,
Sherbrooke Fabrics, Ltd.,
Shermar Properties,
Sherrer Corporation,
Sherri Anne, Inc.,
Sherry Lynn Motors, Inc.,
Shers City Television, Inc.,
Sherwood Homes,
Sherwood Truck Leasing Co.,
S & H Farms,
Shields Agency, Inc.,
Shields Associates, Inc.,
Shields and Co.,
Shirbill, Inc.,
Shirley Builders, Inc.,
Shirl Lee Home Improvements, Inc.,
S & H Leathers,
Shoeguard Chemical Corp.,
Shoppers Parking Corp.,
Shoppers Parking Management Corp.,
Shopping Times, Inc.,
Shop Rite of Hammonton, Inc.,
Shore Colonial Garage, Inc.,
Shore Floor Service, Inc.,
Shore Golf Center, Inc.,
Shore Laundry & Cleaning Equipment Co., Inc.,
Shore Lumber Products, Inc.,
Shore Memorial Funeral Home,
Shore Motel, Inc.,
Shore Route Corporation,
Shore Sewer System, Inc.,

Shore Sites, Inc.,
Shore Theatre & Luncheon Club, Inc.,
Show Enterprises, Inc.,
Shrewsbury Trucking, Inc.,
S & H Trucking Corp.,
Shunpike Investment Co.,
Sib Construction Co., Inc.,
Sibrok Properties, Inc.,
Sidneys Famous Deli Rest, Inc.,
Sidneys Quality Stores, Inc.,
Sidoti Diesel Service & Engine Corporation,
Sidroneth Manufacturing Corp.,
Sigels Franklin Park Pharmacy,
Signalab Communications Sales,
Sigum Corporation,
Sijac Trucking Co.,
Silent Alarm Systems, Incorporated,
Sils, Inc.,
Silvercrest Kennels, Inc.,
Silver Lake Court, Inc.,
Silver Rod West New York, Inc.,
Silver Saddle Ranch,
Silver and Steinberg, Inc.,
Silverton Skiffs Corp.,
Silvestri Construction Company, Inc.,
Simon Sez Hamburger Systems, Inc.,
Sincerely Yours Confectionery Store,
Singac Hardware Company,
Singer Farms, Inc.,
Sirco Farms, Inc.,
Siri Development Corp.,
Siss Restaurant Corp.,
Sivad Corporation,
604 Hudson Street Corporation,
609 Corporation,
663 Park Holding Corp.,
624 Montgomery Street Corp.,
Sixth St. Properties, Inc.,
60 Broadway Corp.,
Sixty Eight Lock Street, Inc.,
The 65 Academy St. Corp.,
65 So. Arlington Ave. Holding Corp.,
Sixty Four Club, Inc.,

69 Ingraham Place Co., Inc.,
69 South Street Corp.,
61 Howard Corporation,
66 Magnolia, Inc.,
S J Discounts, Inc.,
S J R Realty Co.,
S & K Building Contractors, Inc.,
Skellys Express, Inc.,
Ski Trails, USA, Inc.,
Ski Waxer, Inc.,
S. Klarfeld Corporation,
S & K Manufacturing Co., Inc.,
Skrabonja Realty Company,
S & K Realty, Inc.,
Skyline Marina, Inc.,
Sky Meadow Farms, Inc.,
Sky Ranch, Inc.,
Skyway Patrol, Inc.,
Slawick Construction Co., Inc.,
S. L. Belmont Plumbing Co.,
S L & M Realty Co., Inc.,
Smalley Enterprises, Inc.,
Small & Landesman of N. J., Inc.,
S M A Realty Corp.,
Smart Corporation,
S M B, Inc.,
S. & M. Burgerama, Inc.,
SMH Sheetmetal Works, Inc.,
Smith & Albert, Inc.,
Smith Bros. Contractors, Inc.,
Smith & Davis Construction Co., Inc.,
Smithpaul Corporation,
Smittys Owl Lounge, Inc.,
S M M Corporation,
Soap Products Company,
Solaray of New Jersey, Inc.,
Solar Design & Manufacturing Co.,
Sol J. Sunka, Inc.,
Solocair Corporation,
Solomon Bros., Inc.,
Somerdale Quality Cars, Inc.,
Somerset Carpet & Linoleum,
Somerset Shirt Launderers, Inc.,

Somerset Studios, Inc.,
Somerset Syndics, Inc.,
Somerset Used Car Exchange,
Son Dar Corporation,
Sonic Marine Corporation,
Sonic Research Associates, Inc.,
So Ro Construction Co., Inc.,
Sorrento Pizza and Restaurant of Madison, Inc.,
SOS Night Patrol,
Sosnoski Trucking Company, Inc.,
Soto & Figueroa, Inc.,
Soulville Lounge,
South East Trading Corp.,
Southern Imperials, Inc.,
Southern Jersey Collection Agency,
Southern Middlesex Realty, Inc.,
Southern New Jersey Book Stores,
South Jersey Arena, Inc.,
South Jersey Engineering, Inc.,
South Jersey Equipment Company,
South Jersey Hockey Corp.,
South Knitting Mills,
South Mountain Construction Co., Inc.,
South Orange Fruit Center, Inc.,
South Paterson Laundry Co., Inc.,
South River Associated Auto Parts, Inc.,
South River Bakery, Inc.,
Sovereign Machine and Equipment Company, Inc.,
Space Dynamics Corporation,
The Spain Corporation,
Spanish American International, Inc.,
Sparta Diner & Restaurant,
Spartan Associates,
Specialized Carriers Listing Service,
Specialty Techniques, Inc.,
Spectors Kosher Meat Market, Inc.,
Spectral Chemicals, Inc.,
Spectrum, Ltd.,
Speed Laundries, Inc.,
Speedwin Holding Co.,
The Spice Rack,
Spier Textiles, Inc.,
Spino and Bianco, Inc.,

Spitoco, Inc.,
Splendor Industries,
S. Pogust & Sons,
Sport Eagle Corp.,
Sports Cycle, Inc.,
Sportsmans Bar, Inc.,
Sports Time, Inc.,
Spotswood Cold Cuts Center, Inc.,
Spray A Peel Products, Inc.,
Spray Tile Corporation of America,
Spring Brook Builders, Inc.,
Spring Valley Pork Store, Inc.,
Spring Valley Realty Co.,
Spruce Investment Co.,
Squan Marina, Inc.,
Square Deal Meats, Inc.,
Squaw Valley Knitwear, Inc.,
Squire Builders, Inc.,
S & R Bun N' Burger, Inc.,
S R K, Inc.,
S R & L Construction, Inc.,
Srog Holding Company, Inc.,
S & R Realty Corp.,
S. Sadowsky, Inc.,
S and S Auto Service,
S & S Chemical Detection Corp.,
S & S GMC Sales and Service, Inc.,
S S I P Corporation, Inc.,
S & S Riding Stables,
Stafford Place, Inc.,
Stafford Village,
Stafin, Graphic Promotions, Inc.,
The Stalen Co.,
Stamos Enterprises, Inc.,
Standard Bleachery and Printing Co.,
Standard Office Systems of Newark, New Jersey,
Standard Warehouse & Distributing Co.,
Standard Warehouse & Distributing Co. Chemical Division,
Stange & Stewart Construction Corp.,
Stanley Goglia Agency, Inc.,
Stanley Kramer Car Wash, Inc.,
Stanmar Estates, Inc.,
Stan Wyn Fashions, Inc.,

Starbrite Rug Cleaners, Inc.,
Starcks Landing,
Stordust Sales, Inc.,
Starks, Inc.,
Starline Construction Co., Inc.,
Starling, Inc.,
Starlite Woodworking, Inc.,
Starmount Productions, Ltd.,
Starr Construction Corporation,
Star of the Sea Motel, Inc.,
Stasal Corporation,
State Acceptance Corporation,
State Combining Corp.,
State Management Corporation,
State Tree Co., Inc.,
State Wide Glass, Inc.,
Stat Graphics, Inc.,
Steak Kew Inn,
Stean Corp.,
Steejay, Inc.,
Steel Shield Corporation, Incorporated,
Steerland Freezer Meats, Inc.,
Stegan Realty, Inc.,
Stegeman Service, Inc.,
Steilen Builders, Inc.,
Stein Bros. Hardware & Garden Supplies, Inc.,
Steinhausers Bar,
Stella Builders, Inc.,
Stel Realty Company,
Stemick Corp.,
Stenotype Training Institute of America, Inc.,
Stephen John Land Co.,
Stephen J. Purdy & Co., Inc.,
Stephens Modern Barber Shop, Inc.,
Sterling Net & Twine Co., Inc.,
Sterlings Holding Corp.,
Sterlings Oases, Inc.,
Sterosynth R & D Co., Inc.,
Stetser Enterprises, Inc.,
Stevens Enterprises, Inc.,
Stevens Jewelers, Inc.,
Stevens Leasing Corporation,
Stewart Homes, Inc.,

S T G Construction Co., Inc.,
S T Grand Stores, Inc.,
Stinson and Dickensheets, Inc.,
Stivari, Inc.,
Stobar Corp.,
Stokes Development Corp.,
Stone Harbor Boat Co., Inc.,
Stoneleigh Dairy, Inc.,
Stonewell Holding Co., Inc.,
Storytoons, Inc.,
Strajen Corporation, Inc.,
Strand Holding Corp.,
Strata Holding Corp.,
Stratford Collection Agency,
Straford Construction Co.,
Streamside Realty Corporation,
The Strip Hobby Center,
Stroll O Chair Distributors of N. J., Inc.,
Structural Stone Co., Inc.,
Strudel Bakery,
Stush, Inc.,
Stuyvesant Coal and Oil Co., Inc.,
Stuyvesant Security Company,
Stylecraft Builders, Inc.,
Style & Set Beauty Salon,
Suburban Contractors, Inc.,
Suburban Home Services, Inc.,
Suburban Masonry & Equipment Corp.,
Suburban Plaza, Inc.,
Suburban Sales Corp.,
Suburb Plumbing & Heating Corporation,
Success Building Supply Co., Inc.,
Sudit Associates, Inc.,
Sugar & Spice Bake Shop, Inc.,
Sullivan Realty Company,
Sumac Corp.,
Summit Dodge, Inc.,
Summit Packing Co., Inc.,
Summit Shopper, Inc.,
Sunbeam Industries, Inc.,
Sun Brite Maintenance Co., Inc.,
Sundance Day Camp, Inc.,
Sunday Painter, Inc.,

Sun Investors, Inc.,
Sunlight Co.,
Sun Lite Bakeries, Inc.,
Sunnymead Homes, Inc.,
Sunny View Homes, Inc.,
Sunset Lane Club, Inc.,
Sunset Marine Laundry Corp.,
Sunset Motors, Inc.,
Sunshine Swim Club, Inc.,
Sunsix, Inc.,
Suomi Sauna, Inc.,
Super Discount Cleaners, Inc.,
Super Filter, Inc.,
Superior Distributing and Forwarding Co., Inc.,
Superior of Monmouth Window, Inc.,
Superior Quilting Co., Inc.,
Super Realty & Investment Corp., Inc.,
Supreme Commodities Corp.,
Supreme Freezer Meats, Inc.,
Supreme Meat Packers Co.,
Supreme Model Raceways, Inc.,
Supreme 200 Gasoline,
Surf Plumbing & Heating, Inc.,
Surf Realty Co.,
Surfside Six, Inc.,
Surobel Enterprises, Inc.,
Sutters Wine & Liquor, Inc.,
Swan Construction Co.,
Swanson & Sons, Inc.,
Swap or Sell,
Swartswood Realty Corp.,
Swimmer Produce Company, Inc.,
Swordfish Marina, Inc.,
Sykes Motor Company,
Sylvan Construction Corp.,
Syndicated Associates, Inc.,
Systematic Dry Walls, Inc.,
Systems Research Associates, Inc.,

T A E Products, Inc.,
T A Farrell, Inc.,
Tailorite Inc. of Englewood,
Taiwan American, Ltd.,

Tall Pines Development Company,
Tammy Enterprises, Inc.,
Tanenhaus & Chesner Associates, Inc.,
Tanglewood Builders, Inc.,
Tank Lining Corporation,
Tara Day, Inc.,
Tara Estates, Inc.,
Target Concrete Industries, Inc.,
Tarryton Fashions, Inc.,
Tashman Realty Corporation,
Tashmish, Inc.,
Task Force School of New Jersey,
T Athans Building & Construction Co., Inc.,
Taurus Enterprises,
Taylor Fence Company, Inc.,
T Bar Holding Company,
T & C Dress Manufacturing,
TCP Corp.,
T C Realty Co., Inc.,
Teaneck Bagel, Inc.,
Teaneck Family Hobby Center, Inc.,
Teaneck Travel Bureau No. 2,
Technical Enterprises Corp.,
Technical Packaging & Design Corp.,
Tectronics, Corp.,
Tedco Corporation,
Tedglow, Inc.,
Tedlu Dry Wall and Spackling, Inc.,
Teds Goody Shoppe,
Tee Jay Ar Securities Corp.,
Teejo Realty Holding, Inc.,
Teen Clubs International, Inc.,
Teen Scene, Inc.,
Teen Times Review, Inc.,
Tejar Corp.,
Telco Construction Company,
Telefix Television & Radio Service Company,
Tele Fund, Inc.,
Tell Construction Company,
Teltown Castle, Inc.,
Teltronics, Inc.,
Tenafly Nursing Home,
Ten Eng Corp.,

1011 South Orange Avenue Corp.,
Tenlor Corp.,
Ten White Street Corporation,
T & E Pony Photos, Inc.,
Termite Specialists Association, Inc.,
Terner Trailer Corporation,
Terry Logan Golf Center of Livingston,
Testa Restaurants, Inc.,
Textile Colorists Coverage Service Bureau, Inc.,
T & F Enterprises, Inc.,
T G G Realty Co., Inc.,
T G N J Realty Co.,
T. Goldman Construction Corp.,
Thaler Enterprises, Incorporated,
Theodore Wojcik, Inc.,
Thermad Corp.,
Thermo Flow, Inc.,
Therm O Lite, Inc.,
Third Ave. Industrial Center,
Third Realty Corp.,
1305 St. George Corporation,
Thirty Eight Two Corporation,
35 37 Hayes Corp.,
31 Brunswick Street Corp.,
3200 Club Tavern,
Thomas Industries, Inc.,
Thomas Patrick Corporation,
Thomas and White, Inc.,
Thompson and Gillan,
Thom and 2 Bills, Inc.,
Thor Erectors, Inc.,
Thorlow Construction Co., Inc.,
Three Gs Auto Center,
Three Guys Asphalt Paving Company, Inc.,
318 Burgerama, Inc.,
308 William Street Corporation,
390 Belmont Corporation,
395 York Holding Co.,
301 Ocean Ave., Inc.,
317 Trucking Corp.,
377 Bloomfield Avenue Corp.,
333 North Drive Corp.,
329 Oliver Street, Inc.,

Thrift Clothes,
Thunderbird Meat Packers, Inc.,
Ti Bo, Inc.,
Tidewater Reconstruction Corp.,
Tileo Cab Company, Inc.,
Tillany Construction Corp.,
Timhill, Inc.,
Tim Rodermond, Inc.,
Tina Realty Company,
Tinger Construction Co.,
Tinko Co.,
Tip N Touch, Inc.,
Tiro Contracting Co., Inc.,
Titus Construction Company,
Tivoli Multiple Dwellings, Inc.,
T J M Realty, Inc.,
T & J Sportswear Co., Inc.,
T & J Stables, Inc.,
T K P Enterprises, Inc.,
T & L Trucking Service, Inc.,
T & M Inc., of Atco,
T and O Associates, Inc.,
Tobar Trucking, Inc.,
Toccoli Development & Construction Company, Inc.,
Todray Properties, Inc.,
Tolmar Investments, Inc.,
Tomaino & Sons, Inc.,
Tom Ann Corp.,
Tomary Corporation,
Tombo Steel, Inc.,
Tom Casey,
Tom Hickey, Inc.,
Tom McDonalds Pro Shop, Inc.,
Tom Motors, Inc.,
Tomsar Enterprises, Inc.,
Toms Cab, Inc.,
Toms River Electric Supply Co.,
Tom Thumb Race Ways, Inc.,
Tomwalt Service Center, Inc.,
Toni Lee Apartments, Inc.,
Tonkin Homes,
Tonys Cities Service Station, Inc.,
Toote Publishing Company, Inc.,

Toote Town Publishing, Inc.,
Top Commissioners Agency, Inc.,
Top O the Barn,
Topps Photo Engraving Company,
Torchio Markets, Inc.,
Torginol of New Jersey,
Torres Enterprises Corp.,
Toscano & Benna Enterprises, Inc.,
Totem Lakes,
Totowa Union Motors, Inc.,
Touch and Go., Inc.,
Tourmate Publishing Co., Inc.,
Tower Eight, Inc.,
Tower Electronics, Inc.,
Tower Seven, Inc.,
Tower Shoes, Inc.,
Town Abouts of Westfield, Inc.,
Town Agency,
Town and Country Lumber Co., Inc.,
Towne Auto Body,
Towne Construction Builders, Inc.,
Towne & Country Plumbing & Heating,
Towne House Realty, Inc.,
Towne Products Design Co., Inc.,
Townfield, Inc.,
Town Finance of Palmyra, Inc.,
Townfood, Inc.,
Town N Country Lampshades, Inc.,
Townsend Precision Manufacturing Co.,
Townsend & Pulis, Inc.,
Town Sound Studios, Inc.,
Tra Cee Rambler, Inc.,
Tracto, Inc.,
Tracy Brooke Charm & Modeling School,
Tracy Natalie Baruch Corporation,
Trader Horn Realty Co.,
Traders Equities Corporation,
Trailclean Co.,
Transfusion, Inc.,
Trans Marketing & Brokerage, Inc.,
Transmatic,
Trans Mundial Travel Center,
Trans O Tech Corporation,

Transway, Inc.,
Trans World Marble & Granite, Inc.,
Trans World Sales Product Development and Patent Center, Inc.,
Travel Agents Co-op.,
Travel Club of America, Inc.,
Travelers Bookshops, Inc.,
Travelers Motor Freight, Inc.,
Travelex, Inc.,
Trench Aircraft Corp.,
Trend Construction Co.,
Trenton Malt Beverage Company,
Trenton Textile Co., Inc.,
Trenton V & V Construction Co., Inc.,
Trentwood Corp.,
Trepac Corporation of America,
Trepaco Chemical and Fiber Corp.,
T & R Equipment Co., Inc.,
T R F Electronics, Inc.,
Triangle Painting Contractors, Inc.,
Tri Boro Welding Co., Inc.,
Tricon Construction Co., Inc.,
Tricon Pipeline Co., Inc.,
Tri County Delivery, Inc.,
Tri County Development Corp.,
Tri County Disposal Co., Inc.,
Tri County Sheet Metal Co.,
Trident Mortgage Company,
Tri Eastern Corp.,
Triler Incorporated,
Trilite Corp.,
Tri Metal Works, Inc.,
The Trimpin Corporation,
Trip Construction Co., Inc.,
Triple A Paint & Sundries, Inc.,
Triple T. Inc.,
Tri Point, Inc.,
Tri State Agency, Inc.,
Tri State Janitorial Service, Inc.,
Tri States Collections Agency,
Tri Well Agency, Inc.,
T R of New Jersey, Inc.,
Trokos Memorial Chapels,
Tronic Building Corp.,

Tropical Development Corp.,
Tropical Products Distributing Co.,
Troy Gardens, Inc.,
Troy Hills Plumbing and Heating Supply Co.,
T R T Investment Corp.,
Tru Angle Construction, Inc.,
Tru Craft Dinette, Inc.,
Trudy Construction Co., Inc.,
True Race Service Co., Inc.,
Tru Glo Town Record Company, Inc.,
Trujo Construction Co., Inc.,
Trumor Incorporated,
T R Y Co., Inc.,
Trylon Realty Co., Inc.,
T & S Tavern, Inc.,
Tuckers Express Company, Inc.,
Turco Capital Co.,
Turf Construction Co., Inc.,
Turf Corp.,
Turnco Co., Inc.,
Turner, Inc.,
Turnpike Brake Safety Center,
Turnpike Rock, Inc.,
The Tursi Corporation,
Tuschyn Roofing Company, Inc.,
Tush Products, Inc.,
Tutoring Services Corp.,
25th Bar Corporation,
25th Bowling Corp.,
24 Camp St. Corp.,
2030 Riverside Corp.,
29 39 Fifty First Street Corp., Inc.,
The 2100 Corporation,
Twenty One Properties Corporation,
Twenty Realty Corp.,
Twenty Six South Park Street Corporation,
20 Smith St. Corporation,
23rd Century Products, Inc.,
2365 Hamburg Turnpike Corp.,
20 24 Industrial Avenue Corp.,
Twinbrook Real Estate Co.,
Twin Cedar Packing Co., Inc.,
Twin City Truck Renting Co.,

Twin Construction Corp.,
Twin K, Inc.,
Twin Mark,
Twin Oaks Dairy Depots Corp.,
Twin Oaks Realty, Inc.,
Twin Point,
Two Bridges Country Club,
The 2 Corporation,
Two Fifty Two North Mountain, Inc.,
Two For One Club, Inc.,
255 Corp.,
254 Corp.,
253 Corp.,
240 Prince Street Corporation,
247 Emmet Street Corp.,
200 New Brunswick Avenue Corporation,
219 East Front Corp.,
296 Sixteenth Avenue Corp.,
292 Passaic Avenue Corporation,
207 Seventh Corp.,
The 206 Motor Inn Management Corp.,
269 Chadwick Corp.,
261 Mt. Pleasant Avenue, Inc.,
263 Webster Ave., Inc.,
213 Corporation,
229 Corporation,
The 227 Sip, Inc.,
226 Elberon Avenue Corporation,
Two Lous, Inc.,
Two Seven Nine Corp.,
Two Seventy-Eight Motel, Inc.,
Two Sisters, Inc.,
Two Whippany Corp.,

U Alter Corp.,
Ultramatics, Inc.,
Ultraview Manufacturing Corp.,
Uncle Johns Pancake House of Union, N. J., Inc.,
Underwood Gardens, Inc.,
Ungar Development Corporation,
Unicrete Construction Corp.,
Unifast Corp.,
Uni Food Corp.,

Unimation Development Corp.,
Union Beach Amusement Corp.,
Union Center Shopper, Inc.,
Union City Plumbing Supply Company, Inc.,
Union County Maintenance Company, Inc.,
The Union County Press, Inc.,
Union Hill Disposal Co., Inc.,
Union Investment Corp.,
Union Suburbia Publishing Company, Inc.,
Unionville Auto Wreckers, Inc.,
Unitec Programs, Inc.,
United Acres, Inc.,
United Automobile, Inc.,
United Auto Painting Co., Inc.,
United Auto Wholesalers,
United Auto Works,
United Block Company,
United Carpet, Inc.,
United Foe, Inc.,
United Gateway Builders, Inc.,
United Industries, Limited,
United Laundry and Dry Cleaning Equipment Co., Inc.,
United of New Jersey, Inc.,
United Pipe & Construction Co.,
United Plastics Chair Covers, Inc.,
United Purchasing Corp.,
United Rent Alls of Lakeland, Ltd.,
U. S. Eldorado Corp.,
U. S. Marble & Stone Corp.,
U. S. Theatre Amusement Corporation,
U. S. Tri-State Building Distributors,
United Surface Coatings, Inc.,
United Webster Industries, Inc.,
Uni Teq of Bergen County, Inc.,
Universal Animal Attractions, Inc.,
Universal Folding Box Co. of New Jersey, Inc.,
Universal Housecraft Corp.,
Universal Litho, Inc.,
Universal Meat Brokerage Co., Inc.,
Universal Natural Creations Corp.,
Universal Service Co.,
Universal Shippers Association, Inc.,
Universal Structures, Inc.,

University Promotions, Inc.,
University Reference Society, Inc.,
Uno Manufacturing Company,
U P Associates, Inc.,
U Pay Less Drugs,
Updegrave Associates, Inc.,
Uptown Associates, Inc.,
U Vend A Hairdri Corp.,

Vacation Land, Inc.,
The Vacumen Corp.,
Valek, Inc.,
Valeo & Associate Plumbing & Heating Company, Inc.,
Valley Acceptance Company,
Valley Builders and Developers, Inc.,
Valley Fair Home Decor.,
Valley Floor Waxing Corp.,
Valley Heights, Inc.,
Valley Machine Screw, Inc.,
Valley Petroleum Contractors, Inc.,
Valley Vale Estates, Inc.,
Valleyview Bldrs., Inc.,
Valmar Home Remodeling Co., Inc.,
Vals Bar, Inc.,
Van Builders, Inc.,
Vance Nichols Corp., Inc.,
Van Cort, Inc.,
Vanguard Electric Service Co., Inc.,
Van Horn Equipment, Incorporated,
Vanity Fashions, Inc.,
Van Loon Realty Corp.,
Van News Photos, Inc.,
Vans Cabins & Trailer Park, Inc.,
Van Slagle Corporation,
Van The Soda Man,
Vantage Construction Corp.,
Van Wart Realty, Inc.,
Variety Machine Products, Inc.,
Var More Property Management Holding Co., Inc.,
Varnum Applied Research Corporation,
Varsity Bar, Incorporated,
Vassar School of Beauty, Inc.,
Vast Construction Co., Inc.,

Vaughan Welles Enterprises, Inc.,
Vecino Linotype Service Corporation,
Ved Elva, Inc.,
Vendofs, Inc.,
Venezia Restaurant,
Venicion, Inc.,
Venloh Corp.,
Venus Construction Company, Inc.,
Venus Dress Shop,
Venus Wigs International,
Vera Builders, Inc.,
Verdi & Grant, Inc.,
Verduce & Litaway, Inc.,
Vernon Supply Corp.,
Vertex Industrial Products Co., Inc.,
Vibradamp, Incorporated,
Vic Jon Associates, Inc.,
Vics Gulf, Inc.,
Victoria Homes, Inc.,
Victorian Inn, Inc.,
Victor Kozak, Inc.,
Victor Motors, Inc.,
Victoroff Agency, Inc.,
Victor Player Plastering Corp.,
Victor Value, Inc.,
Vigor Publications, Inc.,
Viking Business Machines Co., Inc.,
Viking Sewing Center of Morristown, Inc.,
Village Appliances, Inc.,
Village Card Shop of Ridgewood, Inc.,
Village Green Apartments, Inc.,
Village Lumber of New Jersey, Inc.,
Village Rambler, Inc.,
Villa Milano,
Vim Amusements, Inc.,
Vim New Brunswick, Inc.,
Vinax Corp.,
Vincent Dunn Builders, Inc.,
Vincent Sacco Contracting Corporation,
Vindama Company, Inc.,
Vineland Auction Sales, Inc.,
Vinel Co.,
Vineyard Homes, Inc.,

Vin Kay Corporation,
Vin Lisa, Inc.,
Vion Fashions, Inc.,
The Viscoseal Corporation,
Viscounts, Inc.,
Visual Aids of America, Inc.,
Vitangela Realty Corporation,
Vitaro Construction Co., Inc.,
Viviani, Inc.,
Viviano Bros., Inc.,
Viviano Builders Corp.,
Vividcolor Associates, Inc.,
Vivona Realty Co., Inc.,
Vizzini, Inc.,
The V J Corp.,
V. Matturro & Sons, Inc.,
Vogel Schmidt & Associates, Inc.,
Vogue Enterprises, Inc.,
Von Lud Developers Co., Incorporated,
Voo Doo, Inc.,
Votre Ami Cosmetic Co.,
Voyager Management and Development Corporation,
Voyager Supply Corporation,
V. Peter Iorio & Co.,
V & S Roofing & Siding Co.,

Wager Bros. Trucking, Inc.,
Wagg, Inc.,
Wagner Pipes, Inc.,
Wagner Place Corp.,
The Wagon Wheel Playhouse Corporation,
Walco Electronic Co., Inc.,
Waldorf Enterprises, Inc.,
Waldwick Home Improvement Center, Inc.,
Walgan Equipment Co.,
Wal Ken Realty Corp.,
Walker Color Candids, Inc.,
Walkill Country Club,
Walkim Corp.,
Wallace Effess Company,
Wall Bet Corp.,
Wallens, Inc.,
Wallington Heights, Inc.,

Wallkill Valley Implement Co., Inc.,
Wallmar Realty Corp.,
Wally Bisset Plumbing & Heating Co., Inc.,
Walter N. Van Sciver Co., Inc.,
Walters, Inc.,
Walters Mill Village Bake Shop, Inc.,
Walton Arms, Inc.,
The Waltonette Corporation,
Walton Realty Company,
Walts Beauty Salon,
Walts Clam Bar, Inc.,
Walts Original Syrups,
Wanaque Burner Supplies, Inc.,
Wantage Corporation,
Wantage Enterprises, Inc.,
Ward Carroll Holding Corporation,
Ward Gehin Company,
Warehouse Aluminum, Inc.,
Waretown Harbor Company,
Wark Construction Company, Inc.,
Warren Dairy Farms, Inc.,
Warren Plumbers Supply Co., Inc.,
Warren Silk Screen Printers, Inc.,
Warwick Luncheonette,
Washington Cleaners, Inc.,
Washington Distributors, Inc.,
Washn Wax Servicenter No. 22, Inc.,
Wash N Wax Servicenter 28, Inc.,
Watchung Manor Homes, Inc.,
Watchung Paving Co.,
Watchung Service Station, Inc.,
Water, Inc.,
Waterlane Builders, Inc.,
Water Launching, Inc.,
Watger, Inc.,
Watson Auto Body Service, Inc.,
Watson, Inc.,
The Waverly Corporation,
Waxkote, Inc.,
Wayne Brick Co., Inc.,
Waynefield, Inc.,
Wayne Magiclean Car Wash, Inc.,
Waynwood Hotel Corp.,

W. Clark White Associates, Inc.,
W & D Holding Company,
W. D. Kinsley, Inc.,
W. D. Lincoln, Inc.,
Webcor Sales Company,
Wechsler Manufacturing, Inc.,
Wedge Builders, Inc.,
Wedgewood Laboratories of America, Inc.,
Ween Realty Corp.,
Weequahic Park Tower, Inc.,
Weigel, Inc.,
Weinstein & Co.,
Weiss Realty Corp.,
Welbilt Auto Transmission Service, Inc.,
Welco Properties, Inc.,
Wellington Construction Corp.,
Well Made Embroidery Corp.,
Wellmax Corp.,
Wemrock Electric Service, Inc.,
Wendell Brothers, Inc.,
Wendys Food Shop, Inc.,
Wen Les Apartments, Inc.,
Wernack Construction Co., Inc.,
Werner Holding Corporation,
Werner Paint Company,
West Atlantic City Enterprises, Inc.,
West Atlantic City Realty Corp.,
West Caldwell Industrial Park,
West Clair Caterers, Inc.,
The West Course Inn, Inc.,
West Dale Associates, Inc.,
Western Flour Co., of N. J.,
Westfield Recreation, Inc.,
Westfield Tobacco, Inc.,
West Greenbrook Corporation,
West Milford Bar and Liquors, Inc.,
West Milford Super Market,
Westminster Associates, Inc.,
Westminster Developers, Inc.,
Westmount General Contractors, Inc.,
Weston Trucking Service Company,
West Orange Coffee Shop, Inc.,
The West Orange Crest, Inc.,

West Side Corporation,
Westside Liquors,
Westville Laundro Cleaners, Inc.,
W. E. Thompson, Inc.,
W G Builders, Inc.,
W G Woodport Service Center, Inc.,
W. H. Atkinson, Inc.,
Whippany Equipment Co., Inc.,
Whippany Motor Company, Inc.,
Whipple Hardware Company,
Whispering Hills Development Corp.,
White Horse Farms, Inc.,
Whitehouse Fashion Shop, Inc.,
Whitelock Hosiery Mills, Inc.,
White Poodle,
White Star Cleaners and Dyers, Inc.,
Whiteys Auto Parts,
Whiteys Body Shop,
Whitlocks General Store,
Whitman Realty Co.,
W. H. J. Hipple Company,
W. Howard Sharp, Inc.,
WHW Associates, Inc.,
Whytes of New Jersey, Inc.,
Wide World Publications, Inc.,
Wig Fashions, Inc.,
Wikstrom Holding Corporation,
Wild West Enterprises, Inc.,
Wiley Hawkins Trucking Co.,
Wiljay, Inc.,
Wilko Industries, Inc.,
Will Ed Enterprises, Inc.,
Willef Corp.,
William A Orton Corp.,
William Bucci Contractors, Inc.,
William Burke, Inc.,
William C. Adams, Inc.,
Wm. C. Wagner, Inc.,
William Davis & Associates Incorporated,
Wm. E. Rauber, Inc.,
William Frank Associates, Inc.,
Wm. G. Pittman Co., Inc.,
Wm. H. Borden Co., Inc.,

New Jersey State Library

Wm. J. Bowman Construction Co.,
William J. Kane, Inc.,
William J. Prout, Inc.,
William J. Waldron Associates,
Wm. Noble Trucking, Inc.,
William Rauh & Son, Inc.,
Williamsburg Village, Inc.,
The Williams Gutter Co., Inc.,
Williamstown Foundry Corporation,
Willies Sandwich Shop, Inc.,
Willing Edge Discount, Inc.,
Willners Corset Stores, Inc.,
Willoughby Auto Sales, Inc.,
Willowbrook Skate Shop, Inc.,
Willow Lake Associates,
Willow Rise Water Company,
Willow Tree Estates, Inc.,
Will Ri Realty Corp.,
Willston Operating Co., Inc.,
Wilnick Manufacturing Co., Inc.,
Wilrae Realty, Inc.,
The Wilsey Shop,
Wilson Avenue Auto Wreckers, Inc.,
Wilson Custom, Inc.,
Wilson Holding Company,
Wilstan Corporation,
Wilton, Inc.,
Wiltshire Drake Hotel Company,
Wimpys, Inc.,
Winchester Farms, Inc.,
Windaway Corp.,
Windsor Heights, Inc.,
Windsor Realty Corp.,
Wing Rod Plastics, Inc.,
Win Records Corporation,
Winslow Lakes Apartments,
Winslow Lakes and Land Development Corp.,
Winston Park, Inc.,
Winston Park Service Station, Inc.,
Winstons Steak Pub of Brigantine, Inc.,
Winters Garage, Inc.,
Wip Corp.,
Wire Electronics Corp.,

Wiss Wheel Company,
The Witherspoon Agency,
Witts Associates,
The Witty Farms, Inc.,
Wix International,
W K O, Inc.,
Wolcar Construction Corp.,
Wolen Day Camp,
Wolf Line Fence Co., Inc.,
Woodbine Inn, Inc.,
Woodbury Industrial Center, Inc.,
Wood Flooring Service,
Wood Jack Builders, Inc.,
Wood Manor,
Words & Music Distributors, Inc.,
World of Brick Facing Corporation,
World Carpet Service, Inc.,
World Homes, Inc.,
World Land & Realty Company,
World Timberland Financial Corporation,
World Trade Service, Inc.,
World Wide Home Services, Inc.,
World Wide Home Services Operations, Inc.,
Worldwide Marine, Inc.,
World Wide Merchandise Corp.,
World Wide Motor Sales, Inc.,
Wozzies Lounge Incorporated,
W & P Co., Inc.,
W P G Construction Co., Inc.,
W R C Management Corporation,
Wreck Pond Corporation,
W R Holding Corp.,
Wrightfriend Company,
Wroughts,
W R P Corporation,
Wurm Farms, Inc.,
W W Car Wash, Inc.,
Wyndswept Corp.,
Wynmont Homes, Inc.,
Wynne Refrigeration Corp.,

X M B Corp.,
XOB Corp.,

Yamaha Rentals, Inc.,
Yank Chevrolet, Inc.,
Yarra Holding Co.,
Y Chart Corporation,
Yellow, Ltd.,
Yellow Submarine, Inc.,
York Industries,
Yorkshire Apartments, Inc.,
Yorkshire, Inc.,
Youngstown Distributors, Inc.,
Yukon Leasing Company, Inc.,
Yuran Farms, Inc.,

Zafero Boutique Incorporated,
Zarks Oil Company, Inc.,
Z Bros. Oil Distributors, Inc.,
ZBR Plainfield Cons. Co.,
Zebec Construction Company,
Zego International, Inc.,
Zem Builders,
Zencorp, Inc.,
Zernick Dry Wall and Spackling, Inc.,
Zerpenkay, Inc.,
Zip Bookmark, Inc.,
Zip Coter Products, Inc.,
Zipper Tree, Inc.,
Zobels Sea Skiff & Yacht Works,
Zolot Co.,
The Zoo,
Zordan Construction Co.,
Z W M Corporation,

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 eighth day of January, A. D., one thousand nine hundred and seventy, and in the Independence of the United States, the one hundred and ninety-fourth.

RICHARD J. HUGHES,
Governor.

By the Governor,
ROBERT J. BURKHARDT,
Secretary of State.

AMENDMENTS TO THE 1947 CONSTITUTION

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 IV, Section VII, paragraph 2, to read as follows:

2. No gambling of any kind shall be authorized by the Legislature unless the specific kind, restrictions and control thereof have been heretofore submitted to, and authorized by a majority of the votes cast by, the people at a special election or shall hereafter be submitted to, and authorized by a majority of the votes cast thereon by, the legally qualified voters of the State voting at a general election, except that, without any such submission or authorization;

A. It shall be lawful for bona fide veterans, charitable, educational, religious or fraternal organizations, civic and service clubs,

volunteer fire companies and first-aid or rescue squads to conduct, under such restrictions and control as shall from time to time be prescribed by the Legislature by law, games of chance of, and restricted to, the selling of rights to participate, and the awarding of prizes, in the specific kind of game of chance sometimes known as bingo or lotto, played with cards bearing numbers or other designations, 5 or more in one line, the holder covering numbers as objects, similarly numbered, are drawn from a receptacle and the game being won by the person who first covers a previously designated arrangement of numbers on such a card, when the entire net proceeds of such games of chance are to be devoted to educational, charitable, patriotic, religious or public-spirited uses, in any municipality, in which a majority of the qualified voters, voting thereon, at a general or special election as the commission thereof shall be prescribed by the Legislature by law, shall authorize the conduct of such games of chance therein.

B. It shall be lawful for the Legislature to authorize, by law, bona fide veterans, charitable, educational, religious or fraternal organizations, civic and service clubs, volunteer fire companies and first-aid or rescue squads to conduct games of chance of, and restricted to, the selling of rights to participate, and the awarding of prizes, in the specific kinds of games of chance sometimes known as raffles, conducted by the drawing for prizes or by the allotment of prizes by chance, when the entire net proceeds of such games of chance are to be devoted to educational, charitable, patriotic, religious or public-spirited uses, in any municipality, in which such law shall be adopted by a majority of the qualified voters, voting thereon, at a general or special election as the submission thereof shall be prescribed by law and for the Legislature, from time to time, to restrict and control, by law, the conduct of such games of chance, and

C. It shall be lawful for the Legislature to authorize the conduct of State lotteries restricted to the selling of rights to partictpate therein and the awarding of prizes by drawings when the entire net proceeds of any such lottery shall be for State institutions, State aid for education.

Adopted November 4, 1969.

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 reenact the bill. If a bill be so amended and reenacted, 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.

PROPOSED AMENDMENT ADOPTED

Amend Article VIII, Section I, paragraph 4, to read as follows:

4. The Legislature may, from time to time, enact laws granting an annual deduction from the amount of any tax bill for taxes on the real property of any citizen and resident of this State of the age of 65 or more years residing in a dwelling house owned by him which is a constituent part of such real property but no such deduction shall be in excess of $160.00 and such deduction shall be restricted to owners having an income exclusive of social security benefits not in excess of $5,000.00 per year. Any such deduction when so granted by law shall be granted so that it will not be in addition to any other deduction or exemption to which the said citizen and resident may be entitled. The State shall annually

reimburse each taxing district in an amount equal to ½ of the tax loss to the district resulting from the allowance of tax deductions pursuant to this paragraph.

Adopted November 3, 1970.

PROPOSED AMENDMENTS TO THE 1947 CONSTITUTION THAT HAVE BEEN REJECTED

Proposed Amendments to the 1947 Constitution that have been Rejected

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PROPOSED AMENDMENT REJECTED

Amend Article II, paragraph 3, to read as follows:

3. (a) Every citizen of the United States, of the age af 18 years, who shall have been a resident of this State for 6 months and of the county in which he claims his vote 40 days, next before the election, shall be entitled to vote for all officers that now are or hereafter may be elective by the people, and upon all questions which may be submitted to a vote of the people; and

(b) Every citizen of the United States, of the age of 18 years, who shall have been a resident of the State and of the county in which he claims his vote 40 days, next before the election and who shall not be eligible to vote elsewhere, shall be entitled to qualify and to vote for electors for President and Vice-President of the United States, only, in such manner as the Legislature shall provide; and

(c) Any person registered as a voter in any election district of this State who has removed or shall remove to another State or to another county within this State and is not able there to qualify to vote by reason of an insufficient period of residence in such State or county, shall, as a citizen of the United States, have the right to vote for electors for President and Vice-President of the United States, only, by Presidential Elector Absentee Ballot, in the county from which he has removed, in such manner as the Legislature shall provide.

Rejected November 4, 1969.

PROPOSED AMENDMENT REJECTED

Amend Article II, paragraph 3, to read as follows:

3. (a) Every citizen of the United States, of the age of 19 years, who shall have been a resident of this State 6 months and of the county in which he claims his vote 40 days, next before the election, shall be entitled to vote for all officers that now are or hereafter may be elective by the people, and upon all questions which may be submitted to a vote of the people; and

(b) Every citizen of the United States, of the age of 19 years, who shall have been a resident of the State and of the county in which he claims his vote 40 days, next before the election and who shall not be eligible to vote elsewhere, shall be entitled to qualify and to vote for electors for President and Vice-President of the United States, only, in such manner as the Legislature shall provide; and

(c) Any person registered as a voter in any election district of this State who has removed or shall remove to another State or to another county within this State and is not able there to qualify to vote by reason of an insufficient period of residence in such State or county, shall, as a citizen of the United States, have the right to vote for electors for President and Vice-President of the United States, only, by Presidential Elector Absentee Ballot, in the county from which he has removed, in such manner as the Legislature shall provide.

Rejected November 3, 1970.

EXECUTIVE ORDERS

Executive Orders

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 1

WHEREAS, On February 7, 1970, pursuant to the power and authority vested in me by the Constitution and the laws of the State of New Jersey, particularly, P. L. 1942, c. 251 (Disaster Control During Emergency) and all amendments and supplements thereto, I have declared that a state of emergency exists in the State of New Jersey; and

WHEREAS, The Laws of 1942, Chapter 251 (Disaster Control During Emergency) and all amendments and supplements thereto, authorizes the promulgation of such orders, rules and regulations as are necessary to meet the various problems presented by the emergency;

NOW, THEREFORE, I, WILLIAM T. CAHILL, Governor of the State of New Jersey, do hereby ORDER and DIRECT:

1. The Commissioner of the Department of Health (hereinafter referred to as the Commissioner) to utilize and employ all the available resources of the State Government and of each and every political subdivision of this State, whether of men, properties or instrumentalities and to commandeer and utilize any personal services and any privately owned property (including, but not by way of limitation, barges, tug boats or other vessels) necessary to abate the aforementioned emergency situation in the State of New Jersey and necessary to transport to designated disposal areas and effect disposal at the earliest possible date any and all sewerage from the sewerage treatment facilities known as Middlesex County Sewerage Authority, Passaic Valley Sewerage Commissioners, Bergen County Sewer Authority, Elizabeth Joint Meeting, Linden-Roselle Sewerage Authority and Rahway Valley Sewerage Authority.

2. The Commissioner to take any and all steps necessary with regard to the transportation and disposal of sewerage from the aforementioned treatment facilities to disposal areas.

3. In carrying out the provisions of this Order, the Commissioner shall be deemed to be the agent of the Governor and shall have full authority, unless otherwise ordered by the Governor, to adopt such rules, regulations, orders and directives as he shall deem necessary. The Commissioner may provide for such exemptions or exclusions from any rule, regulation or order adopted if he shall deem that there is not a need or a necessity for uniform application of such rules, regulations, orders or directives.

4. It shall be the duty of every person in this State or doing business in this State, and the members of the governing body, and of each and every official, agent or employee of every political subdivision in this State and of each member or all other governmental bodies, agencies and authorities in this State of any nature whatsoever, fully to cooperate with the Commissioner in all matters concerning this emergency.

5. All State officials and agencies shall cooperate fully with the Commissioner and the Department in the implementation of this Order.

6. Any person who shall violate any of the provisions of this Order or shall impede or interfere with any action ordered or taken pursuant to this Order shall be subject to the penalties provided by law.

7. This Order shall remain in effect until termination of the state of emergency declared by the Governor in the aforementioned proclamation of February 7, 1970.

[SEAL] Given, under my hand and the Great Seal of the State of New Jersey, this 7th day of February in the year of Our Lord, one thousand nine hundred and seventy, and of the Independence of the United States, the one hundred and ninety-fourth.

/s/ WILLIAM T. CAHILL,
Governor.

Attest:
/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 2

WHEREAS, The cost of State government has increased and the services by State government have multiplied in recent years; and

WHEREAS, It is vital to the economic health and prosperity of the State of New Jersey that its administrative services be conducted on a sound, efficient, and economical basis and that the people of this State be assured of wise expenditure of their tax dollars; and

WHEREAS, Leaders of business and industry of this State are volunteering assistance in performing a detailed examination of the administration of these State services and procedures of State government;

NOW, THEREFORE, I, WILLIAM T. CAHILL, 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. There shall be a study and analysis of the various departments and functions of State government to ascertain the means and manner by and in which the services of the State of New Jersey may be afforded to its citizens in the most efficient, expeditious, and economical manner.

2. Said study and analysis shall be undertaken on behalf of the Governor by a non-profit corporation to be known as Governor's Management Commission and to be under the direction and leadership of William F. Field. Said Commission may select and retain such agents, assistants and consultants, including Warren King & Associates, and may utilize the services of such executives and experts from business and industry as it deems necessary to carry out its functions.

3. (a) The Commission is authorized to call upon any department, office, division or agency of the State to supply such statistical data, program reports, and other information or personnel and materials as it deems necessary to discharge its responsibilities under this Order.

(b) Each department, office, division or agency of the State is authorized and directed, to the extent not inconsistent with law, to cooperate with the Commission and to furnish it such information and assistance as it may find necessary in the discharge of its responsibilities under this Order.

4. The Commission shall render to the Governor such interim reports as it may deem appropriate or as the Governor may request and, upon the completion of its work, the Commission shall render a full report of its findings and recommendations as it deems appropriate in the premises.

5. This Order shall take effect immediately.

Given, under my hand and seal this 23rd day of March,
[SEAL] in the year of Our Lord, one thousand nine hundred and seventy, and of the Independence of the United States, the one hundred and ninety-fourth.

/s/ WILLIAM T. CAHILL,
Governor.

Attest:
/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 3

WHEREAS, Employees of the State, pursuant to Chapter 303 of the Laws of 1968 may establish employee organizations for the purpose of representing their interests in collective negotiation with the State concerning the terms and conditions of employment; and

WHEREAS, Different employee units may be created throughout the various departments and divisions of State government; and

WHEREAS, The policy of the State is to promote harmonious and cooperative relationships between the State and its employees and to insure the orderly and uninterrupted operations and functions of State government; and

WHEREAS, Continuing review, reassessment and reappraisal of the policy of the State with respect to employee relations is essential to the most effective implementation of said policy; and

WHEREAS, The public interest of the citizens of the State of New Jersey requires that there be established a high level council with responsibility for continuing review of employee relations and related matters for the purpose of making recommendations to the Governor;

NOW, THEREFORE, I, WILLIAM T. CAHILL, 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 Governor's Employee Relations Policy Council.

(b) The Governor's Employee Relations Policy Council (hereinafter referred to as the "Council") shall consist of the State Treasurer, the Secretary of State, the President of the Civil Service Commission, the Comptroller and Director of the Division of Budget and Accounting in the Department of the Treasury, the Counsel to the Governor, and the Director of the Office of Employee Relations. The Chairman of the Council shall be the State Treasurer.

(c) The members of the Council shall serve without compensation.

(d) The Council shall meet at the call of the Governor or the Chairman. The Council shall render such reports to the Governor as the Council determines or as the Governor directs.

2. The purpose of the Council is to make recommendations to the Governor concerning employee relations and related matters involving State employees.

3. (a) The Council is authorized to call upon any department, office, division or agency of the State to supply such statistical data, program reports, and other information or personnel and materials as it deems necessary to discharge its responsibilities under this Order.

(b) Each department, office, division or agency of the State is authorized and directed, to the extent not inconsistent with law, to cooperate with the Council and to furnish it such information and assistance as it may find necessary in the discharge of its responsibilities under this Order.

4. (a) Upon recommendation of the Council, and with the approval of the Governor, the Attorney General may appoint Special Counsel with full authority to represent the State before the New Jersey Public Employment Relations Commission and any other board, commission, court or agency in matters regarding employee relations. Such Special Counsel shall render such reports to the Attorney General and the Council as either may direct or Special Counsel may determine.

5. This Order shall take effect immediately.

Given, under my hand and seal this 2nd day of April,
[SEAL] in the year of Our Lord, one thousand nine hundred and seventy, and of the Independence of the United States, the one hundred and ninety-fourth.

/s/ WILLIAM T. CAHILL,
Governor.

Attest:
/s/ JEAN E. MULFORD
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 4

WHEREAS, Employees of the State, pursuant to Chapter 303 of the Laws of 1968 may establish employee organizations for the purpose of representing their interests in collective negotiation with the State concerning terms and conditions of employment; and

WHEREAS, Different employee units may be created throughout the various departments and divisions of State government; and

WHEREAS, The policy of the State is to promote harmonious and cooperative relationships between the State and its employees and

to insure the orderly and uninterrupted operations and functions of State government;

NOW, THEREFORE, I, WILLIAM T. CAHILL, 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 in the Executive Branch the Office of Employee Relations. The Governor shall appoint a Director and a Deputy Director of the Employee Relations who shall hold office at the pleasure of the Governor. The Director and Deputy Director shall receive such salary as may be fixed by the Governor within the limits of funds available therefor.

(b) The Director shall assist The Governor's Employee Relations Policy Council (hereinafter referred to as the "Council") in all matters regarding relations between the State and its employees, and shall act as the Governor's agent in conducting collective negotiations with employee organizations and in appearing before the New Jersey Public Employment Relations Commission and any other board, commission, court or agency in matters regarding employee relations. The Director shall have such other and further powers and duties as may from time to time be conferred upon them by the Governor.

(c) The Director shall make recommendations to the Council concerning employee relations and related matters involving State employees, and render such reports to the Council as the Council may direct or the Director determines.

2. (a) The Office of Employee Relations is authorized to call upon any department, office, division or agency of the State to supply such statistical data, program reports, and other information or personnel and materials as it deems necessary to discharge its responsibilities under this Order.

(b) Each department, office, division or agency of the State is authorized and directed, to the extent not inconsistent with law, to cooperate with the Office of Employee Relations and to furnish it such information and assistance as it may find necessary in the discharge of its responsibilities under this Order.

3. During the vacancy of the position of Director, the Deputy Director shall have all the rights and duties of the Director as specified herein.

4. This Order shall take effect immediately.

Given, under my hand and seal this 2nd day of April,
[SEAL] in the year of Our Lord, one thousand nine hundred and seventy, and of the Independence of the United States, the one hundred and ninety-fourth.

/s/ WILLIAM T. CAHILL,
Governor.

Attest:
/s/ JEAN E. MULFORD
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 5

WHEREAS, In order to meet the immediate fiscal crisis existing in New Jersey at the time of my inauguration, the Legislature enacted and I signed into law several bills to raise needed revenues; and

WHEREAS, Although they resolved the immediate crisis, these measures cannot solve the long range problems of meeting the future fiscal needs of the State and local governments and of providing for the equitable distribution of the cost of government; and

WHEREAS, The present tax structure, which has developed piecemeal over the years without due regard for its overall effect on the economy, results in the raising of essential revenues in a manner which is inequitable to many persons in the State particularly the inordinate burden borne by local property owners; and

WHEREAS, It is generally agreed that tax reform in New Jersey is long overdue; and

WHEREAS, It is essential to any such reform that an immediate and thorough examination be undertaken of the existing State and

local tax structure, the present and future revenue requirements for providing governmental services at all levels of government, and the roles of the various levels of government in raising such revenues and providing such services; and

WHEREAS, Only after such examination can meaningful recommendations for tax reform be developed to meet future revenue requirements and to provide an equitable distribution of the cost of government; and

WHEREAS, Such examination and recommendations can best be undertaken and made by a study committee of citizens and residents of this State which will have the full support of the State government and the ability to conduct public hearings and utilize the services of experts and consultants in various fields, including but not limited to, those of taxation, finance, education and welfare costs, to the end that the committee shall make such recommendations which will provide the most equitable, economically and effective means of financing the legitimate and proper needs of our citizens;

NOW, THEREFORE, I, WILLIAM T. CAHILL, 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. There is hereby created the New Jersey Tax Policy Committee (hereinafter referred to as the "Committee") composed of 40 members, all of whom shall be citizens and residents of the State and shall be appointed by, and serve at the pleasure of, the Governor. Two members of the Committee shall be appointed from among the membership of the State Senate with the recommendation of the President of the Senate, and four members of the Committee shall be appointed from among the membership of the State Assembly with the recommendation of the Speaker of the Assembly, provided that there shall be equal political representation of membership from each of the two legislative houses. The remaining members of the Committee shall be appointed by the Governor so as to provide a broad spectrum of viewpoints with respect to tax reform, and shall include representatives of State and local government, business and labor, taxpayers, professions and other persons knowledgeable in major areas of governmental services and methods of raising revenue by government. The members shall serve without compensation, but shall be reimbursed

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for necessary expenses incurred in the performance of their duties, subject to the availability of funds therefor.

2. The Governor shall designate a chairman and a vice-chairman of the Committee. The chairman shall preside over the meetings and affairs of the Committee and shall create such sub-committees as he deems appropriate to carry out the functions of the Committee. The chairman shall direct any such sub-committees to render such interim reports to the Committee as he determines appropriate. The chairman shall have such further powers and duties as may be conferred upon him by the Governor. In the absence of the chairman, the vice-chairman shall have all the powers and duties of the chairman.

3. The Committee shall conduct a thorough study and investigation of the following:

(a) The constitutional and statutory provisions relating to taxes imposed by the State and its political subdivisions.

(b) The existing and future demand for governmental services at all levels within the State of New Jersey.

(c) The ability of the various levels of government to raise the revenues necessary to provide present and future governmental services.

(d) The proper and efficient allocation of costs among the various levels of government of the present and future governmental services.

(e) Methods of providing revenues to finance governmental services in a manner to provide for the equitable distribution of the cost of government among all the taxpayers in the State.

4. The Committee shall render to the Governor such interim reports as it may deem appropriate, or as the Governor may request, and upon completion of its work, the Committee shall render to the Governor a full report of its findings and recommendations for tax reform. The Committee shall proceed promptly with its study and investigation so as to make its final recommendations in as short a time as is consistent with the nature of the study to be undertaken.

5. Within the limits of funds available therefor, the Committee shall have the power to incur such expenses as may be necessary in

order to exercise the powers conferred and to perform the duties imposed by this Order. The Committee may retain such professional personnel and clerical and technical assistants as it may require and may provide for the printing, advertising and publication of its proceedings and all interim and final reports promulgated by the Committee. All expenses incurred shall be approved by the chairman of the Committee and shall be submitted to the Treasurer of the State upon vouchers and warrants.

6. In order to carry out its functions, the Committee is authorized to conduct such public hearings and to solicit such information from the public and any other source as it deems appropriate. Notice of such public hearings shall be given in such manner as the chairman may direct so as to provide an opportunity for interested members of the public to be heard.

7. (a) The Committee is authorized to call upon any department, office, division or agency of the State to supply such statistical data, program reports, and other information or personnel and materials as it deems necessary to discharge its responsibilities under this Order.

(b) Each department, office, division or agency of the State is authorized and directed, to the extent not inconsistent with law, to cooperate with the Committee and to furnish it such information and assistance as it may find necessary in the discharge of its responsibilities under this Order.

8. This Order shall take effect immediately.

[SEAL] Given, under my hand and seal this 22nd day of April, in the year of Our Lord, one thousand nine hundred and seventy, and of the Independence of the United States, the one hundred and ninety-fourth.

/s/ WILLIAM T. CAHILL,
Governor.

Attest:
/s/ JEAN E. MULFORD
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 6

I, William T. Cahill, Governor, order and direct that Friday, July 3, 1970, be declared a holiday for State employees in observance of Independence Day.

Given, under my hand and seal this 19th day of May,
[SEAL] in the year of Our Lord, one thousand nine hundred and seventy, and of the Independence of the United States, the one hundred and ninety-fourth.

/s/ WILLIAM T. CAHILL,
Governor.

Attest:
/s/ JEAN E. MULFORD
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 7

I, William T. Cahill, 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 3, 1970, be a Bank Holiday within the meaning and provisions of Section 36:1-1 of the Revised Statutes.

Given, under my hand and seal this 19th day of May,
[SEAL] in the year of Our Lord, one thousand nine hundred and seventy, and of the Independence of the United States, the one hundred and ninety-fourth.

/s/ WILLIAM T. CAHILL,
Governor.

Attest:
/s/ JEAN E. MULFORD
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 8

WHEREAS, The continuing pollution of our atmosphere is a menace to the health and comfort of our citizens; and

WHEREAS, Motor vehicles collectively are the largest single source of air pollution and are thought by the experts to be responsible for more than half of the wastes entering the atmosphere; and

WHEREAS, Unless motor vehicle air pollution is reduced, our atmosphere will not be acceptably clean no matter how vigorously all other pollution sources are controlled; and

WHEREAS, The Clean Air Council, a statutory advisory body to the State Commissioner of Environmental Protection, after public hearings, has submitted a July 1970 report containing many recommendations of actions to be taken by government to suppress motor vehicle air pollution; and

WHEREAS, These recommendations, if adopted, would affect the functions and operations of many agencies of State government;

NOW, THEREFORE, I, WILLIAM T. CAHILL, 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. There is hereby established a committee representative of interested agencies of State government to meet and examine together the recommendations contained in the said report of the Clean Air Council. The committee shall be comprised of the following or their designated representatives: The Attorney General; The State Treasurer; Commissioner of Transportation; President, Public Utilities Commission; Director, Division of Motor Vehicles; Superintendent, Division of State Police; and the Commissioner of Environmental Protection, who shall serve as chairman.

2. The committee shall meet promptly and as often as necessary fully to appraise all the recommendations contained in the said

report and shall report to me its findings and recommendations within 90 days of the date of this Order with the understanding that, if as to some recommendations a consensus cannot be achieved, the diverse opinions of the members shall be contained within the report.

3. This Order shall take effect immediately.

[SEAL] Given, under my hand and seal this 31st day of August, in the year of Our Lord, one thousand nine hundred and seventy, and of the Independence of the United States, the one hundred and ninety-fifth.

/s/ WILLIAM T. CAHILL,
Governor.

Attest:
/s/ JEAN E. MULFORD
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 9

WHEREAS, The travel regulations promulgated by the Governor on July 1, 1966, with amendments thereto, have been in effect with little or no change; and

WHEREAS, Circumstances have necessitated certain changes in the methods for handling the travel procedures of the State; and

WHEREAS, In the interest of proper and efficient operation, it is necessary that the regulations be rewritten and revised;

NOW, THEREFORE, I, WILLIAM T. CAHILL, 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. The travel regulations promulgated July 1, 1966 and amendments thereto are rescinded as to all transactions occurring on and after October 1, 1970.

2. The regulations promulgated by the Department of the Treasury as of October 1, 1970 shall be the official State travel regulations and all requests for expenditures thereunder shall be made in accordance therewith. Said regulations shall be effective October 1, 1970 and the Director of the Division of Budget and Accounting in the Department of the Treasury is charged with the enforcement thereof.

3. This Order shall take effect immediately.

[SEAL] Given, under my hand and seal this 31st day of August, in the year of Our Lord, one thousand nine hundred and seventy, and of the Independence of the United States, the one hundred and ninety-fifth.

/s/ WILLIAM T. CAHILL,
Governor.

Attest:
/s/ JEAN E. MULFORD
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 10

I, WILLIAM T. CAHILL, 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 27, 1970 (the day following Thanksgiving Day) be declared an extra holiday for State employees.

[SEAL] Given, under my hand and seal this 27th day of October, in the year of Our Lord, one thousand nine hundred and seventy, and of the Independence of the United States, the one hundred and ninety-fifth.

/s/ WILLIAM T. CAHILL,
Governor.

Attest:
/s/ JEAN E. MULFORD
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 11

WHEREAS, Studies have been conducted by the Department of Law and Public Safety, the Division of Motor Vehicles therein, and the Department of Transportation regarding New Jersey's accident reporting procedures; and

WHEREAS, It has been determined that an excessive amount of duplication can be avoided by transferring certain highway related operations from the Division of Motor Vehicles, Bureau of Records and Research, to the Department of Transportation; and

WHEREAS, Said transfer will help eliminate backlogs in work and provide for more effective driver control and highway safety programs;

NOW, THEREFORE, I, WILLIAM T. CAHILL, 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 functions of the Bureau of Records and Research in the Division of Motor Vehicles, Department of Law and Public Safety, insofar as they relate to the accumulation of reports of motor vehicle accidents for the purpose of identifying and charting the physical location thereof and preparing traffic accident analyses, studies and summaries, are hereby transferred and assigned to the Department of Transportation.

Thereafter the Department of Transportation will be responsible for the performance of said functions which have a direct bearing on highway safety design and programs and for the providing of any special studies or statistical summaries pertaining to accident experience requested by the Federal, State, county and municipal agencies.

2. The Division of Motor Vehicles in the Department of Law and Public Safety will continue to be the sole recipient of all accident reports to fulfill its functions in maintaining driver records, in preparing reports for the Legislature and in carrying out its

responsibility in regard to the "Motor Vehicle Security Responsibility Law" (P. L. 1952, c. 173).

3. Said reports shall not be opened to public inspection, nor shall they be admissible in evidence for any purpose in any proceeding or action arising out of an accident.

4. All appropriations and other monies available and to become available to the Division of Motor Vehicles for the functions hereby transferred shall be transferred or otherwise credited to the Department of Transportation under the direction of the Director of the Division of Budget and Accounting as provided by law.

5. Such employees of the Division of Motor Vehicles utilized for the performance of the functions hereby transferred are transferred to the Department of Transportation.

6. Nothing herein contained shall be construed to deprive any person of any tenure rights or any right or protection provided him by Title 11 of the Revised Statutes, Civil Service, or any under any pension law or retirement system.

7. All files, books, papers, records, equipment and other property of the Division of Motor Vehicles utilized in the performance of the functions hereby transferred are hereby transferred to the Department of Transportation.

8. The Commissioner of the Department of Transportation is authorized to organize the work of his Department in such manner as he deems appropriate for the performance of the functions hereby transferred.

9. This Executive Order shall take effect on the first day of the biweekly pay period next following January 1, 1971.

Given, under my hand and seal this 3rd day of December, in the year of Our Lord, one thousand nine hundred and seventy, and of the Independence of the United States, the one hundred and ninety-fifth.

[SEAL]

/s/ WILLIAM T. CAHILL,
Governor.

Attest:

/s/ JEAN E. MULFORD
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 12

WHEREAS, The State of New Jersey has experienced extensive property loss and damage as a result of disasters including, but not limited to, hurricanes, tornadoes, storms, floods, high waters, wind-driven waters, droughts, fires and other catastrophes, and there is a need for special measures designed to aid and accelerate the efforts in those affected areas to reconstruct and rehabilitate the devastated areas; and

WHEREAS, There is the skill, experience and talent in the several New Jersey Departments to prepare plans to assist in minimizing such property loss and damage in this State; and

WHEREAS, There is within the State government, the Division of Civil Defense and Disaster Control, State Department of Defense, charged with the responsibility for coordinating all such plans for effective implementation;

NOW, THEREFORE, I, WILLIAM T. CAHILL, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and statutes of this State, do hereby ORDER and DIRECT:

1. That all Department heads, working with the Division of Civil Defense and Disaster Control, develop, coordinate and keep current a workable plan for the effective emergency utilization of manpower and resources.

2. That copies of such plans and amendments thereto be forwarded to the Director of the Division of Civil Defense and Disaster Control who shall have prime responsibility to coordinate and keep such plans current for immediate implementation as emergencies arise and to maintain a comprehensive master emergency plan.

3. That the Director of the Division of Civil Defense and Disaster Control, in order to more effectively discharge his above referred to duties, is authorized to call upon any department, office, division or agency of the State to supply such statistical

data, program reports and other information as he deems necessary.

[SEAL] Given, under my hand and seal this 3rd day of December, in the year of Our Lord, one thousand nine hundred and seventy, and of the Independence of the United States, the one hundred and ninety-fifth.

/s/ WILLIAM T. CAHILL,
Governor.

Attest:
/s/ JEAN E. MULFORD
Secretary to the Governor.

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