

LEGISLATIVE HISTORY OF R.S. 10:5-1 thru 10:5-28,
10:1-1 et seq., 10:2-1 et seq., 10:3-1

(Civil Rights; Law against discrimination)

Laws 1884 Chapter 219, Senate 1, The First Civil Rights Bill was introduced by Mr. Stainsby. The bill appears in three different forms but was finally passed as introduced. The history of its passage is as follows:

- Jan. 8, Introduced.
- Jan. 29, Passed in Senate 19-0.
- Jan. 29, Introduced in Assembly, referred to Revision of Laws Committee.
- Feb. 28, Reported by committee. The majority report favored an amendment. This report was adopted 28-24. This amended bill appears as "Reprinted with amendments." The first and second section of the original bill are substantially changed and broadened. In the last section the fine is reduced from \$5,000 to \$50.

The minority bill headed "Amendments by Mr. Keasby" is the same as the original with the exception of the fine in the last paragraph which is reduced to \$1,000.

- Mar. 19, Second reading. Recommitted to Committee on Corporations.
- Apr. 15, Reported without recommendations. Third reading passed 42-5. Bill reported back to Senate without amendment.

(copy of original bill and amendments enclosed)

L. 1898, Chapter 235 (Crimes - Revision of 1898).

Laws 1917, Chapter 106, Assembly 103; Mr. Glover. The bill with statement is enclosed, also Amendment by Mr. Richards, Amendment by Mr. Stevens, and Second Official Copy Reprint. The history of its passage is as follows:

- Jan. 29, Introduced.
- Feb. 20, Passed in Assembly.
- Mar. 13, Amendment Mr. Richards.
- Mar. 21, Amendment withdrawn. Passed on third reading without amendment.
- Mar. 22, Bill reconsidered.
- Mar. 23, Amendment Mr. Stevens. This amendment changes the second paragraph of the law by making the offender liable not to the person wronged but to the municipality. Passed in Senate in third reading with amendment. Passed in Assembly.

No further material was found on the 1917 law.

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Laws 1921, Chapter 174, A89, Alexander. The bill with a short statement is enclosed. The OCR embodies Assembly amendment. Section 2 is completely rewritten and a new paragraph is added giving the aggrieved party the right to sue in the name of the State of New Jersey. The first Senate amendment is enclosed. The second Senate amendment only added "public" on page 2, line 39 before the word "kindergarten" and "primary". The history of its passage is as follows:

Jan. 24, Introduced.
Feb. 22, Assembly Amendment.
Mar. 1, Passed amended.
Mar. 22, Senate Amendment.
Apr. 4, 2 Senate amendment. Passed.
Apr. 5, Senate amendments passed in Assembly.

This is all we found on this bill.

L. 1921, Chapter 299 - A212

Extends to women electors equal privilege in holding all offices or employment in the State .

Feb. 7 - Introduced by Laird.
Mar. 1 - Passed in Assembly.
Apr. 6 - Passed in Senate.
Apr. 12 - Approved, Chapter 299.
Not amended during passage.
Statement:

This bill is to provide that disabilities may be removed respecting office holding or employment in this State by women.

L. 1933, Chapter 277 - A478

Prohibits discrimination on account of race, creed or color in employment on public works.

Apr. 10 - Introduced by Burrell.
May 22 - Passed in Assembly.
June 19 - Passed in Senate, amended.
June 19 - Senate amendment passed in Assembly.
June 21 - Approved, Chapter 277.
Amendment corrected typographical error.
No statement.

L. 1935, Chapter 247 - A325

Fixes schedule of attorneys' fees allowable as part of costs in actions under 1884 Civil Rights Law.

Jan. 28 - Introduced by Burrell.
Mar. 19 - Passed in Assembly.
May 20 - Passed in Senate, amended (cop. encl.)
June 3 - Senate amendment passed in Assembly.
June 8 - Approved, Chapter 247.
Bill had statement (copy. enc.).

L. 1938, Chapter 295 - A445

Forbids State, counties or municipalities to discriminate against applicants by reason of age.

Feb. 28 - Introduced by Pyne.
Mar. 29 - Amended in Assembly (cop. enc.).
May 2 - Passed in Assembly, amended (copy enc.)
May 24 - Passed in Senate.
June 4 - Approved, Chapter 295.
No statement.

L. 1938, JR11 (AJR14)

This bill created the Good Will Commission, a predecessor of the Division against Discrimination. The original bill and committee substitute are enclosed.

This is all we were able to locate on this bill. The reports of this Commission are listed below.

974.90 N.J. State Good-will Commission.
C5815 [Report of formation of commission
1938 authorized by] Assembly Joint Resolution No.
11, 1938.

974.90 N.J. State Goodwill Commission.
C5815 Goodwill Commission, State of New Jersey:
1939 its purpose and operation. 1939.

974.90 N.J. State Good-will Commission.
C5815 Good-will Commission, State of New Jersey.
1940 1940.

974.90 N.J. State Good-will Commission.
C5815 Procedure for county committees.
1942a

L. 1941, Chapter 192 - A184

Creates commission to recommend measures to improve economic, cultural, health and living conditions of urban colored population; appropriates \$16,000.

Feb. 17 - Introduced by Hargrave.

Mar. 24 - Passed in Assembly.

Apr. 30 - Passed in Senate.

May 19 - Vetoed by the Governor. (1941 Assy. Min. p. 851 et seq., cop. enc.).

June 3 - Repassed in Assembly.

June 9 - Repassed in Senate.

June 10 - Filed, Chapter 192.

Not amended during passage.

The statement on the bill reads:

The purpose of this bill is expressed in its title.

New Jersey Commission on the Urban Colored Population. Reports of this commission are listed below:

974.90 N.J. Commission on the urban colored population.
C5815 ... Report from the Welfare commission on the
1942 condition of the urban colored population in re
investigation into violation of civil liberties of
certain residents of Hudson county.

974.90 N.J. Commission on the urban colored population.
C5815 Fourth annual report... 1946.
1946

L. 1941, Chapter 247 - A214

Permits citizens to hold office or employment regardless of sex or marital status; forbids discrimination in compensation, promotion or dismissal based on sex or marital status.

Feb. 17 - Introduced by Doremus.

Mar. 24 - Passed in Assembly.

June 23 - Passed in Senate.

June 30 - Approved, Chapter 247.

Not amended during passage.

No statement.

L. 1942, Chapter 114 - A194

Forbids discrimination by reason of race, color or creed in employment on public works or defense contracts.

Mar. 9 - Introduced by Stackhouse.
Apr. 20 - Passed in Assembly.
Apr. 27 - Passed in Senate.
May 4 - Approved, Chapter 114.
Not amended during passage.
Bill had statement (cop. enc.)

1945 ENACTMENTS

Chapters 168 to 174 of 1945 created the Division Against Discrimination and broadened all Civil Rights Laws to include "creed, national origin, or ancestry."

1945, Chapter 168 - A184

Forbids discrimination in public places.

Introduced March 12 by Hill.
Not amended during passage.
No statement.
April 16 - Approved.

1945, Chapter 169 - A321

Created Division Against Discrimination; forbids discrimination in employment.

Introduced March 12 by Hill.
April 6 - Amended in Senate (concerns commissioner of Education).
April 16 - Approved.
No statement.

1945, Chapter 170 - A320

Abolishes Good Will Commission.

Introduced March 12 by Hill.
Not amended during passage.
April 16 - Approved.
Statement:

This bill is a companion bill to the anti-discrimination bill. It will result in increasing the appropriation of \$44,350 contained in the anti-discrimination bill to \$50,000.00 by the addition of the \$5,650.00 appropriation for the Good Will Commission, contained in the 1945-46 general appropriation bill.

1945, Chapter 171 - A371

Forbids discrimination in public contracts.

Introduced March 12 by Hill.
Not amended during passage.
April 16 - Approved.
No statement.

1945, Chapter 172 - A372

Forbids discrimination in schools.

Introduced March 12 by Hill.
Not amended during passage.
April 16 - Approved.
No statement.

1945, Chapter 173 - A373

Forbids discrimination in hospitals.

Introduced March 12 by Hill
Not amended during passage.
April 16 - Approved.
No statement.

1945, Chapter 174 - A374

Forbids discrimination in war industries.

Introduced March 12 by Hill
No statement.
Not amended during passage.
April 16 - Approved.

See:

974.90 N.J. Commission on the urban colored population.
C5815
1946 Fourth annual report ... 1946.

974.90 N.J. Committee on Civil Liberties.
C5815
1947 Sub-Committee memoranda. 1947.

L. 1947, Chapter 155 - A436

Provides new procedures for appointing officers and employees of Anti-Discrimination Division in State Dept. of Education.

Mar. 24 - Introduced by Hill.

Mar. 31 - Passed in Assembly.

Apr. 8 - Passed in Senate, amended.

Apr. 15 - Senate amendment passed in Assembly.

May 13 - Approved, Chapter 155.

No statement.

Amendment during passage by Senate:

"Page 1, section 1, line 12, after the word
"council" insert "and the Governor".

In 1948, the first of the Freeman Bills, Assembly 512, a bill to amend the Discrimination Act of 1945 and to enlarge its scope was introduced. It had the following statement.

Statement

This bill is intended to combine in one law the substantive provisions of the existing Civil Rights Law, R.S. 10:1-2 to 10:1-7, and the existing Law against Discrimination, R.S. 18:25-1 to 18:25-28.

It consolidates and unifies procedure and places administration under an existing single administrative agency.

This bill has the approval of the Division against Discrimination. This bill is supported by:

Legislative Committee, N.J. State Conference of NAACP Branches
N.J. State Council, American Veterans' Committee
Americans for Democratic Action
League of Women Voters of N.J.
N.J. State CIO Council
The N.J. Education Association
American Jewish Congress
Committee on Intergroup Action, Central Atlantic Area, YMCA
Urban League of N.J.
N.J. Independent Citizens' League
League of Women Shoppers
Jewish War Veterans
United Electrical Workers, District 4, CIO
Greater Newark CIO Council
North Jersey Council B'nai B'rith, Women
North Jersey Civil Liberties League
Guyton Callahan Post 152, American Legion
Newark Teachers' Union
Legislative Committee, N.J. State Federation of Teachers, AFL
National Council of Jewish Women, Northern and Southern
Sections, N.J.
District 4, Gas, Coke and Chemical Workers, CIO
Essex County Intergroup Council.

(This bill (A512) died in Senate committee after passing in the Assembly).

The hearings and reports on A512 (1948) are as follows:

- 974.90 N.J. Committee on Civil Liberties.
C5815 Civil liberties in New Jersey. 1948.
1948
- 974.90 N.J. Committee on Civil Liberties.
C5815 Proceedings of a public hearing ... 1948.
1948a
- 974.90 N.J. Legislature. Assembly.
C5815 Public hearing on Assembly bill no. 512
1948b [to eliminate the practice of discrimination ...]
- J323.4 Joint Council for Civil Rights.
J74m Memorandum ... before the committee on
Judiciary of the House of Assembly ... 1948.
- J323.4 Joint Council for Civil Rights.
J74p A proposed civil rights bill for
New Jersey 1948.

L. 1949, Chapter 11, Assembly 65. This was the second Freeman bill substantially similar to the 1948 bill. We are enclosing the original bill with statement and the amendments. The history of the bill is as follows:

Jan. 17, Introduced.

Feb. 7, Passed Assembly with following amendments:
Assembly committee amendment to Assembly Bill No. 65:

On page 3, section 3, line 41, after the word "Library", insert the word "any".

On page 3, section 3, line 43, delete the words "the regents of the State of New Jersey, or".

On page 8, section 8, line 3, delete the brackets before and after the words "to be aggrieved by".

On page 10, section 11, line 22, after the word "act", insert the words "or within such additional period as may, for good cause shows, be granted by the commission,::

On page 10, section 11, line 2, after the words "Superior Court" delete the words ", unless the Superior Court shall, for good cause shown, extend the time of the Commissioner".

Mar. 14, Amended in Senate and passed.

Mar. 16, Senate amendments passed in Assembly.

1949, Assembly 215. A bill forbidding discrimination based on place of residence in wage scales appointment or promotion of teachers in schools and colleges supported by public funds.
Did not pass.

L. 1950, Chapters 105 to 112. Senate 178 to 185 by Senator Clapp. These bills prohibit discrimination in housing. All bills have the identical statement as follows:

Statement

The purpose of this bill is to prohibit discrimination by reason of race, creed, color, national origin or ancestry in housing built with public funds or public assistance. The language of section one is taken from and follows the language of section twenty-one of the veterans' housing act; P.L. 1946, Second Sp. Sess. c. 323, p. 1361, 21.

This bill is sponsored by the Joint Council for Civil Rights and the following:

Americans for Democratic Action, New Jersey Council.
American Jewish Committee, Trenton and Essex County Chapters.
American Jewish Congress, New Jersey State Region.
American Legion, Guyton-Callahan Post, No. 152.
American Veterans Committee, New Jersey State Council.
B'nai B'rith Councils of New Jersey.
Burlington County Council for Civil Rights.
Camden County Council for Civil Rights.
Essex County Intergroup Council.
Essex County Republican Council, Inc.
Gloucester County Civil Liberties Council.
Jewish Community Council of Essex County.
Lambda Kappa Mu, Delta and Epsilon Chapters.
Morris County Committee for Civil Rights.
National Conference of Christians and Jews.
National Council of Jewish Women, N.J. Conference.
New Jersey State C.I.O. Council.
New Jersey State Conference of N.A.A.C.P. Branches.
New Jersey State Federation of Colored Women's Clubs, Inc.
New Jersey State Federation of Labor, A.F.L.
New Jersey State Federation of Teachers.
Newark Teachers Union.
North Jersey Civil Liberties League.
Trenton Council on Human Relations.
Union County Council for Civil Rights.
Urban League of Essex County.
Urban League Guild of New Jersey.

They were all amended to eliminate the word "creed" and insert instead "religious principles".

Amended 1954 Chapter 198 C 78 - Statement "The purpose of this bill is to give to the Division of Anti-Discrimination statutory authority to enforce the laws against discrimination in public or quasipublic housing. Under existing law there is some doubt as to

L. 1951, Chapter 64 - All

Prohibits discrimination by employers or labor organizations against members of the National Guard, Naval Militia and reserve and those subject to draft.

Feb. 5 - Introduced by Cavinato and Shepard.
Mar. 7 - Passed in Assembly.
Apr. 2 - Passed in Senate, amended (cop. enc.).
Apr. 23 - Senate amendment passed in Assembly.
May 8 - Approved, Chapter 64.
Bill had statement (cop. enc.).

L. 1953, Chapter 10 - S7

Technical amendments to Civil Rights title.

Jan. 13 - Introduced by Clapp.
Jan. 26 - Passed in Senate.
Feb. 9 - Passed in Assembly.
Mar. 19 - Approved, Chapter 10.
Not amended during passage.
No statement.

1953 CG. 18 - S. 15

Between 1951 and 1958, 15 bills were introduced to amend the Antidiscrimination law to include discrimination in employment because of age. They were not passed:

1954, Assembly 167, Ritter. A bill concerning discrimination in leasing apartments because of children.
Did not pass.

1954 S 78 CG. 198

Laws 1955, Chapter 106 and 107, A424, 425, Bowser. Two bills prohibiting discrimination in granting mortgage loans were passed. The bills are enclosed. (A424 was amended in Assembly. Both had statements).

1955 Report:

974.90 N.J. Governor's Conference on Civil Rights, 1955.
C5815 Report.
1955

Laws 1957, Chapter 66, Assembly 8. Nine bills had been introduced since 1954 to prohibit discrimination in housing. The above bill was passed in 1957. It was not amended during passage. It had the following statement:

Statement

The purpose of this bill is to prohibit discrimination in obtaining the accommodations, advantages, facilities and priveleges in any publicly assisted housing accommodation because of race, creed, color, national origin or ancestry; and further, to define a publicly assisted housing accommodation.

L. 1960, Chapter 59 - A474

Creates Civil Rights Division.

Feb. 15 - Introduced by Williams & others.

Apr. 11 - Passed in Assembly.

May 23 - Passed in Senate under emergency resolution.

June 21 - Approved, Chapter 59.

Not amended during passage.

No statement.

For hearings and reports, 1961-1969, see bibliography at end of this history.

L. 1961, Chapter 106 - A12

Prohibits discrimination in housing.

Jan. 16 - Introduced by D'Aloia & others.

Feb. 6 - Passed in Assembly.

June 2 - Passed Senate, under emergency resolution, amended (cop. enc.).

Aug. 28 - Senate amendment passed in Assembly.

Sept. 13 - Approved, Chapter 106.

Bill had statement (cop. enc.).

New Jersey created a Division on Aging in 1959 (L. 1959, Chap. 143). Beginning in 1955, hearings were held and reports issued on the subject of the aged. The two reports most pertinent to the act which prohibits discrimination because of age are:

974.90 N.J. Old Age Study Commission.
044 A positive policy toward aging.
1957 February 1957.

974.90 N.J. Dept. of State. Div. of Aging.
044 Discrimination in employment because
1959a of age. November 1959. (Study directed
by ?CR 5, January 27, 1958).

Bills to eliminate discrimination in employment because of age were introduced as early as 1954. From 1954 through 1961, 26 bills were introduced.

L. 1962, Chapter 37 - A601

Prohibits discrimination on basis of age.
April 2 - Introduced by Lynch and others.
April 9 - Passed Assembly under emergency resolution.
April 30 - Passed in Senate.
May 7 - Approved, Chapter 37.
Not amended during passage.
No statement.

L. 1962, Chapter 175 - A515

Prohibits discrimination by employers against applicant for training or apprentice program.

Mar. 19 - Introduced by Gross and others.

May 7 - Passed in Assembly.

June 4 - Passed Senate under emergency resolution.

Nov. 19 - Amended as recommended, re-enacted under emergency resolution in both houses.

Dec. 3 - Approved, Chapter 175.

Amended by Governor's recommendation (cop. enc.).

L. 1962, Chapter 213 - A366

Prohibits discrimination by any contractor or supplier doing any construction, alteration or repair of any public building or public work.

Feb. 5 - Introduced by Matthews & others.

Feb. 19 - Passed Assembly under emergency resolution.

Nov. 19 - Passed in Senate.

Jan. 8 - Approve, Chapter 213.

Not amended during passage.

Statement:

This bill implements administration recommendations that legislation be enacted tightening New Jersey laws governing discrimination by persons contracting with public agencies.

L. 1963, Chapter 40 - S78

Transfers Division on Civil Rights from Department of Education to Department of Law and Public Safety.

Jan. 14 - Introduced by Stamler and Waddington.

Apr. 29 - Passed in Senate.

May 6 - Passed in Assembly under emergency resolution, amended. (copy enclosed)

May 13 - Assembly amendment passed in Senate.

May 21 - Approved, Chapter 40.

No statement.

L. 1966, Chapter 17 - A164

Amends the definition of " a place of public accommodation" in the Law Against Discrimination (P.L. 1945, c. 169); prohibits discrimination in the selling or leasing of real property except the rental of an apartment in a 2-family dwelling where the other apartment is maintained by the owner as the household of his family and the rental of rooms by the owner or occupant of a 1-family accommodation.

Jan. 24 - Introduced by Policastro and others.

Feb. 7 - Passed in Assembly.

Mar. 14 - Passed in Senate.

Apr. 7 - Approved, Chapter 17.

Not amended during passage.

No statement.

Governor made statement on signing (cop. enc.).

L. 1966, Chapter 254 - A474

Includes an employer with fewer than 6 persons in his employ in the "Law Against Discrimination".

March 7 - Introduced by A. Brown and others.

May 25 - Passed in Assembly.

June 13 - Passed in Senate.

Aug. 26 - Approved, Chapter 254.

Not amended during passage.

No statement.

L. 1966, Chapter 165 - A564

Provides that complaints of violation of the statutes governing civil rights shall be made to the Attorney-General instead of the Commissioner of Labor.

Mar. 16 - Introduced by Policastro & 3 others.

May 16 - Passed in Assembly.

May 31 - Passed in Senate.

June 18 - Approved, Chapter 165.

Not amended during passage.

No statement.

In 1968, Title 18 was revised, becoming Title 18A. Chapter 25 of 18 was reallocated to Chapter 5 of Title 10. Disposition of 18 is given in the table following.

CIVIL RIGHTS

10:5-1

TABLE

Showing where subject matter enacted by L.1945, c. 169,
formerly found in former title 18, is now allocated to title
10.

Former Section	Present Section	Former Section	Present Section
18:25-1	10:5-1	18:25-14	10:5-14
18:25-2	10:5-2	18:25-14.1	10:5-14.1
18:25-2.1	10:5-2.1	18:25-15	10:5-15
18:25-3	10:5-3	18:25-16	10:5-16
18:25-4	10:5-4	18:25-17	10:5-17
18:25-5	10:5-5	18:25-18	10:5-18
18:25-5.1	10:5-5.1	18:25-19	10:5-19
18:25-6	10:5-6	18:25-20	Repealed
18:25-7	10:5-7	18:25-21	10:5-21
18:25-8	10:5-8	18:25-22	Repealed
18:25-9	Repealed	18:25-23	Repealed
18:25-9.1	10:5-9.1	18:25-24	10:5-24
18:25-10	10:5-10	18:25-25	10:5-25
18:25-11	10:5-11	18:25-26	10:5-26
18:25-12	10:5-12	18:25-27	10:5-27
18:25-13	10:5-13	18:25-28	10:5-28

1970 ACT ON SEX DISCRIMINATION

Title VII of Federal Civil Rights Act of 1964 prohibited discrimination because of sex.

Related bills introduced:

1969 - A469 (Died in Committee).

1970 - A820
1970 - A925
1970 - S173
1970 - S748
1970 - S767

L. 1970, Chapter 80 - A403

Pre-filed by Fenwick, Dennis, Parker and others.

Apr. 27 - Senate amendments adopted (cop. enc.)

May 4 - Passed Senate, amended.

May 7 - Senate amendment passed Assembly.

No statement.

Newspaper clippings (V.F.--N.J.--Civil Rights (1970))

Pipe-smoker battles sex bias. 3/23/70 PI

Civil rights law revised to include 'weaker sex'. 3/2/4/70 PI

Women's rights bill passed by Assembly. 3/24/70 TET

No more sex bias - it's the law. 6/3/70 R

(copies enclosed).

For background see:

974.90 N.J. Governor's Commission on the

W872 Status of Women.

1967 Report ... Feb. 28, 1967.

"Women's lib" laws [editorial] Marital status and sex were added to area of illegal discrimination.

93 NJLJ 636, Sept. 3, 1970.

LAWS AGAINST DISCRIMINATION

Hearings and reports, 1961 thru 1969.

- 974.90 N.J. Dept. of Education. Div. on Civil Rights.
C5815 Proceedings of the fifteenth anniversary
1961 conference. Civil rights in New Jersey:
taking stock after fifteen years.
- 974.90 N.J. Civil War Centennial Commission.
C5815 Resolution [adopted] Mar. 9, 1961
1961a [re New Jersey's delegation withdrawing from
the 4th National Assembly of National Civil
War Centennial Commission because of race
discrimination at the conference site,
Charleston, S.C.]
- 974.90 N.J. Dept. of Law & Public Safety. Division
C5815 on Civil Rights.
1963 These are your rights; a guide to New
Jersey's law against discrimination.
- 974.90 N.J. Governor's Emancipation Proclamation Committe.
C5815 New Jersey's civil rights centennial program:
1963b a reaffirmation.
- 974.90 N.J. Dept. of Law and Public Safety. Division
C5815 on Civil Rights.
1963c Purposes and scopt.
- 974.90 N.J. Dept. of Law & Public Safety. Division
C5815 on Civil Rights.
1964 Outline guide for a municipal commission
on civil rights.
- 974.90 N.J. Dept. of Law and Public Safety. Division
C5815 on Civil Rights.
1964b New Jersey's stake in the Federal Civil
Rights Bill, by George S. Pfaus, Director.
- 974.90 N.J. Commission on Civil Rights.
C5815 Report ... on matters relating to the work
1964c of the Division on Civil Rights.
- 974.90 N.J. Dept. of Law and Public Safety. Division
C5815 on Civil Rights.
1964e Civil rights in New Jersey.
- 974.90 N.J. Dept. of Law and Public Safety. Division
C5815 on Civil Rights.
1965 The costs of discrimination.
- 974.90 N.J. Dept. of Law and Public Safety. Division
C5815 on Civil Rights.
1965a Outline guide for voluntary local human
relations councils.

974.90 N.J. Dept. of Law and Public Safety. Division
C5815 on Civil Rights.
1965b Civil rights manual for police officers.

974.90 N.J. Dept. of Law and Public Safety. Division
C5815 on Civil Rights.
1965c Employer guide to the New Jersey anti-
discrimination law.

974.90 N.J. Commission on Civil Rights.
C5815 Report on second annual spring conference
1966a on civil rights, April 23, 1966.

* Governor's Select Commission on Civil Disorder.
Records closed to general public. Permission
to use them must be obtained from the Governor
and the Attorney General. May be opened to public
at some time in the future. At present (June, 1970),
these records are in Archives.

974.90 N.J. Governor's Select Commission on Civil
C5815 Disorder.
1968a Report for action.

974.90 N.J. Governor's Select Commission on Civil
C5815 Disorder.
1968b Negro and white attitudes toward problems
and progress in race relations: a study among
residents of Newark and adjacent communities.

974.90 N.J. Dept. of Law and Public Safety. Division
C5815 on Civil Rights.
1968f Civil rights organizations in the northern
counties of New Jersey.

974.90 N.J. Dept. of Law and Public Safety. Division
C5815 on Civil Rights.
1968g Civil rights organizations in the southern
counties of New Jersey.

974.90 N.J. Dept. of Law and Public Safety. Division
C5815 on Civil Rights.
1968h Summary report of recommendations and
suggestions made at "An open critique" held
at Labor Education Center, Rutgers ...

974.90 N.J. Legislature. Select Committee on Civil
C5815 Disorders and Urban Problems.
1969 Direction for urban progress: an interim
report, Feb. 3, 1969.

974.90 Engs, Robert F
C5815 The study of society and self: the teaching
1969b of Black history.

974.90 California. Fair Employment Practice Commission.
C5815 Fair employment practices equal good
1969c employment practices: guidelines for testing
and selecting minority job applicants.

PC

STATE OF NEW JERSEY.

INTRODUCED JANUARY 8th. 1884.

By Mr. STAINSBY.

AN ACT to protect all citizens in their civil and legal rights.

1 1. BE IT ENACTED *by the Senate and General Assembly of the State of New*
2 *Jersey*, That all persons within the jurisdiction of the state of New Jersey shall
3 be entitled to the full and equal enjoyment of the accommodations, advantages,
4 facilities and privileges of inns, public conveyances on land or water, theatres
5 and other places of public amusement; subject only to the conditions and
6 limitations established by law, and applicable alike to citizens of every race
7 and color, regardless of any previous condition of servitude.

1 2. *And be it enacted*, That any person who shall violate the foregoing sec-
2 tion by denying to any citizen, except for reasons by law applicable to
3 citizens of every race and color, and regardless of any previous condition
4 of servitude, the full enjoyment of any of the accommodations, advantages,
5 facilities or privileges in said section enumerated, or by aiding or inciting
6 such denial, shall, for every such offense, forfeit and pay the sum of five
7 hundred dollars to the person aggrieved thereby, to be recovered in an action
8 of debt, with full costs, and shall also, for every such offense, be deemed
9 guilty of a misdemeanor, and upon conviction thereof shall be fined not less
10 than five hundred nor more than one thousand dollars, or shall be imprisoned
11 not less than thirty days nor more than one year.

1 3. *And be it enacted*, That no citizen possessing all other qualifications

2 which are or may be prescribed by law shall be disqualified for service as
3 grand or petit juror in any court of this state, on account of race, color or
4 previous condition of servitude, and any officer or other person charged
5 with any duty in the selection or summoning of jurors who shall exclude or
6 fail to summon any citizen for the cause aforesaid shall, on conviction thereof,
7 be deemed guilty of a misdemeanor, and be fined not more than five thou-
8 sand dollars.

1 4. *And be it enacted*, That this act shall take effect immediately.

AMENDMENTS

By Mr. Keasbey to Senate No. 1,

AS AMENDED.

1 1. BE IT ENACTED *by the Senate and General Assembly of the State of New*
2 *Jersey*, That all persons within the jurisdiction of the state of New Jersey shall
3 be entitled to the full and equal enjoyment of the accommodations, advantages,
4 facilities and privileges of inns, public conveyances on land or water, theatres
5 and other places of public amusement; subject only to the conditions and
6 limitations established by law, and applicable alike to citizens of every race
7 and color, regardless of any previous condition of servitude.

1 2. *And be it enacted*, That any person who shall violate the foregoing sec-
2 tion by denying to any citizen, except for reasons by law applicable to citizens
3 of every race and color, and regardless of any previous condition of servi-
4 tude, the full enjoyment of any of the accommodations, advantages, facilities
5 or privileges in said section enumerated, or by aiding or inciting such denial,
6 shall, for every such offence, forfeit and pay the sum of five hundred dollars
7 to the person aggrieved thereby, to be recovered in an action of debt, with
8 full costs, and shall also, for every such offence, be deemed guilty of a mis-
9 demeanor, and upon conviction thereof shall be fined not less than five
10 hundred nor more than one thousand dollars, or shall be imprisoned not less
11 than thirty days nor more than one year.

1 3. *And be it enacted*, That no citizen possessing all other qualifications
2 which are or may be prescribed by law shall be disqualified for service as
3 grand or petit juror in any court of this state, on account of race, color or
4 previous condition of servitude, and any officer or other person charged with
5 any duty in the selection or summoning of jurors who shall exclude or fail to
6 summon any citizen for the cause aforesaid shall, on conviction thereof, be
7 deemed guilty of a misdemeanor, and be fined not more than one thousand
8 dollars.

[RE-PRINTED WITH AMENDMENTS.]

SENATE, No. 1.

STATE OF NEW JERSEY.

INTRODUCED JANUARY 8th, 1884,

By Mr. STAINSBY.

AN ACT to protect all citizens in their civil and legal rights.

1 1. BE IT ENACTED *by the Senate and General Assembly of the State of New*
2 *Jersey.* That all persons within the jurisdiction of the state of New Jersey
3 shall be entitled to the full and equal enjoyment of all civil and political
5 rights and privileges, subject only to the conditions and limitations estab-
5 lished by law, and applicable alike to citizens of every race and color,
6 regardless of any previous conditions of servitude.

1 2. *And be it enacted,* That any person who shall violate the foregoing sec-
2 tion by denying to any citizen, except for reasons by law applicable to
3 citizens of every race and color, and regardless of any previous condition
4 of servitude, the full enjoyment of said rights and privileges in said section,
5 or by aiding or inciting such denial shall, for every such offense, be deemed
6 guilty of a misdemeanor, and upon conviction thereof shall be fined not less
7 than twenty-five nor more than fifty dollars.

1 3. *And be it enacted,* That no citizen possessing all other qualifications
2 which are or may be prescribed by law shall be disqualified for service as
3 grand or petit juror in any court of this state, on account of race, color or
4 previous condition of servitude, and any officer or other person charged
5 with any duty in the selection or summoning of jurors who shall exclude or
6 fail to summon any citizen for the cause aforesaid shall, on conviction thereof,
7 be deemed guilty of a misdemeanor, and be fined not more than fifty dollars.

1 4. *And be it enacted,* That this act shall take effect immediately.

ASSEMBLY, No. 103

(Compiled Statutes, vol. 1, p. 1442; Laws of 1884, p. 339.)

STATE OF NEW JERSEY

INTRODUCED JANUARY 29, 1917.

By Mr. GLOVER.

Referred to Committee on Judiciary.

AN ACT to amend an act entitled "An act to protect all citizens in their civil and legal rights," approved May tenth, one thousand eight hundred and eighty-four.

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

I. Section one of the act entitled "An act to protect all citizens in their civil and legal rights," approved May tenth, one thousand eight hundred and eighty-four, be amended so as to read as follows:

1. All persons within the jurisdiction of the State of New Jersey shall be entitled to the full and equal enjoyment of the accommodations, advantages, facilities and privileges of [inns, public conveyances on land or water, theatres and other places of public amusement] any place of public accommodation, resort or amusement, subject only to the conditions and limitations established by law and applicable alike to citizens of every race and color, regardless of any previous condition of servitude. A place of public accommodation, resort or amusement, within the meaning of this act, shall be deemed to include inn, tavern or hotel, whether conducted for the entertainment of transient guests, or for the accommodation of those seeking health, recreation or rest, any restaurant, eating-house, public conveyance on land or water, public bathhouse, public boardwalk, public seashore accommodation, theatre or other place of public amusement, music hall and any public place maintained for the sale of soda water or ice cream.

SENATE COMMITTEE AMENDMENT TO
ASSEMBLY, No. 103

STATE OF NEW JERSEY

By Mr. RICHARDS.

1 Insert after the word "theatre," in paragraph one, line fifteen, a comma, and
2 the words "moving picture theatre".

[OFFICIAL COPY REPRINT.]
SENATE AMENDMENTS TO
ASSEMBLY, No. 103

STATE OF NEW JERSEY

By Mr. STEVENS.

1 Amend same by adding a new section to be known as section two, as follows:

2 2. Section two of the said act be and the same is hereby amended to read as
3 follows:

4 2. That any person who shall violate the foregoing section by denying to any
5 citizen, except for reasons by law applicable to citizens of every race and color, and
6 regardless of any previous condition of servitude, the full enjoyment of any of the
7 accommodations, advantages, facilities or privileges in said section enumerated, or by
8 aiding or inciting such denial, shall, for every such offense, forfeit and pay the sum of
9 five hundred dollars to the overseer of the poor for the use of the poor in the mu-
10 nicipality in which the offense is committed, to be recovered in an action of debt,
11 with full costs, and shall also, for every such offense, be deemed guilty of a mis-
12 demeanor, and upon conviction thereof shall be fined not less than five hundred dol-
13 lars, and not more than one thousand dollars, or shall be imprisoned not less than
14 thirty days nor more than one year.

[OFFICIAL COPY REPRINT.]
SENATE COMMITTEE AMENDMENT TO
ASSEMBLY, No. 103

STATE OF NEW JERSEY

By Mr. RICHARDS.

- 1 Insert after the word "theatre," in paragraph one, line fifteen, a comma, and
- 2 the words "moving picture theatre".

Ch. 152

[SECOND OFFICIAL COPY REPRINT.]

WITH SENATE AMENDMENT

ASSEMBLY, No. 103

(Compiled Statutes, vol. 1, p. 1442; Laws of 1884, p. 339.)

STATE OF NEW JERSEY

INTRODUCED JANUARY 29, 1917.

By Mr. GLOVER.

Referred to Committee on Judiciary.

AN ACT to amend an act entitled "An act to protect all citizens in their civil and legal rights," approved May tenth, one thousand eight hundred and eighty-four.

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

1 I. Section one of the act entitled "An act to protect all citizens in their civil and
2 legal rights," approved May tenth, one thousand eight hundred and eighty-four,
3 be amended so as to read as follows:

4 I. All persons within the jurisdiction of the State of New Jersey shall be
5 entitled to the full and equal enjoyment of the accommodations, advantages, facil-
6-7 ties and privileges of any place of public accommodation, resort or
8 amusement, subject only to the conditions and limitations established by law and
9 applicable alike to citizens of every race and color, regardless of any previous condi-
10 tion of servitude. A place of public accommodation, resort or amusement, within
11 the meaning of this act, shall be deemed to include inn, tavern or hotel, whether
12 conducted for the entertainment of transient guests, or for the accommodation of
13 those seeking health, recreation or rest, any restaurant, eating-house, public con-
14 veyance on land or water, public bathhouse, public boardwalk, public seashore
15 accommodation, theatre or other place of public amusement, music hall and any
16 public place maintained for the sale of soda water or ice cream.

2 2. Section two of the said act be and the same is hereby amended to read as
3 follows:

4 2. That any person who shall violate the foregoing section by denying to any
5 citizen, except for reasons by law applicable to citizens of every race and color, and
6 regardless of any previous condition of servitude, the full enjoyment of any of the
7 accommodations, advantages, facilities or privileges in said section enumerated, or by
8 aiding or inciting such denial, shall, for every such offense, forfeit and pay the sum of
9 five hundred dollars to the overseer of the poor for the use of the poor in the mu-
10 nicipality in which the offense is committed, to be recovered in an action of debt,
11 with full costs, and shall also, for every such offense, be deemed guilty of a mis-
12 demeanor, and upon conviction thereof shall be fined not less than five hundred dol-
13 lars, and not more than one thousand dollars, or shall be imprisoned not less than
14 thirty days nor more than one year.

ASSEMBLY, No. 89

(Gen. Statutes, Vol. 1, page 1442.)

STATE OF NEW JERSEY

INTRODUCED JANUARY 24, 1921.

By Mr. ALEXANDER.

Referred to Committee on Revision of Laws.

AN ACT to amend "An act to amend an act entitled 'An act to protect all citizens in their civil and legal rights,' approved May tenth, one thousand eight hundred and eighty-four," which amendment was approved March twenty-third, one thousand nine hundred and seventeen.

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

1 I. Section one of "An act to amend an act entitled 'An act to protect all citi-
2 zens in their civil and legal rights,' approved May tenth, one thousand eight hun-
3 dred and eighty-four," which amendment was approved March twenty-third, one
4 thousand nine hundred and seventeen, be and the same is hereby amended so as to
5 read as follows:

6 I. All persons within the jurisdiction of the State of New Jersey shall be enti-
7 tled to the full and equal [enjoyment of the] accommodations, advantages, facili-
8 ties and privileges of any [place of public accommodation] places of public ac-
9 commodations, resort or amusement, subject only to the conditions and limitations
10 established by law and applicable alike to [citizens of every race and color, regard-
11 less of any previous condition of servitude.] all persons. No person, being the
12 owner, lessee, proprietor, manager, superintendent, agent or employee of any such

13 place shall directly or indirectly refuse, withhold from or deny to any person any
14 of the accommodations, advantages, facilities or privileges thereof, or directly or in-
15 directly publish, circulate, issue, display, post, or mail any written or printed com-
16 munication, notice or advertisement to the effect that any of the accommodations,
17 advantages, facilities and privileges of any such place shall be refused, withheld from
18 or denied to any person on account of race, creed or color, or that the patronage or
19 custom thereat, of any person belonging to or purporting to be of any particular
20 race, creed or color is unwelcome, objectionable or not acceptable, desired or solici-
21 ited. The production of any such written or printed communication, notice or ad-
22 vertisement, purporting to relate to any such place and to be made by any person
23 being the owner, lessee, proprietor, superintendent or manager thereof, shall be pre-
24 sumptive evidence in any civil or criminal action that the same was authorized by
25 such person. A place of public accommodation, resort or amusement within the
26 meaning of this act shall be deemed to include inn, tavern, road house or hotel,
27 whether conducted for the entertainment of transient guests or for the accommo-
28 modation of those seeking health, recreation or rest, any restaurant, eating house, or
29 any place where food is sold for consumption on the premises; any place maintained
30 for the sale of ice cream, ice and fruit preparations or their derivatives, soda water
31 or confections, or where beverages of any kind are retailed for consumption on the
32 premises; [public conveyance on land or water] garage, and all public conveyances
33 operated on land and water, as well as the stations and terminals thereof; public
34 bathhouse, public boardwalk, public seashore accommodation; theatre, or other place
35 of public amusement, [music hall and any public place maintained for the sale of
36 soda water or ice cream.] motion picture house, airdrome, music hall, roof garden,
37 skating rink, amusement and recreation park, fair, bowling alley, gymnasium, shoot-
38 ing gallery, billiard and pool parlor; barber shop, dispensary, clinic, hospital, pub-
39 lic library, kindergarten, primary and secondary school, high school, academy, col-
40 lege and university, or any educational institution under the supervision of the re-
41 gents of the State of New Jersey. Nothing herein contained shall be construed to

42 include any institution, club, or place of accommodation which is in its nature dis-
 43 tinctly private, or to prohibit the mailing of a private communication in writing sent
 44 in response to a specific written inquiry.

1 2. Section two of the said act of which this act is amendatory be and the same
 2 is amended so as to read as follows:

3 2. **[That]** Any person who shall violate **[the foregoing section]** any of the
 4 provisions of the foregoing section as amended, [by denying to any citizen, except
 5 for reasons by law applicable to citizens of every race and color, regardless of any
 6 previous condition of servitude, the full enjoyment of any of the accommodations,
 7 advantages, facilities or privileges in said act enumerated, or by aiding or inciting
 8 such denial] or who shall aid or incite the violation of any of the said provisions
 9 shall, for [every such offense] each and every violation thereof forfeit and pay the
 10 sum of [five hundred dollars] not less than one hundred dollars nor more than five
 11 hundred dollars [to the overseer of the poor for the use of the poor in the munici-
 12 pality in which the offense was committed] to the person aggrieved thereby, to be
 13 recovered in an action of debt, with full costs, and shall also, for every such [of-
 14 fense] violation be deemed guilty of a misdemeanor, and upon conviction thereof
 15 shall be fined not less than [five hundred dollars and not more than one thousand
 16 dollars] one hundred dollars, nor more than five hundred dollars, or shall be im-
 17 prisoned not less than thirty days nor more than [one year] ninety days, or both
 18 such fine and imprisonment.

1 2. All acts and parts of acts inconsistent herewith are hereby repealed, and this
 2 act shall take effect immediately.

STATEMENT.

The purpose of this amendment is to broaden the scope of the law and to increase its enforcement.

SENATE AMENDMENTS TO
ASSEMBLY, No. 89

STATE OF NEW JERSEY

1 Amend by striking out in section 1, line 38, after the semicolon, the words
2 "barber shop".

3 Amend section 2, line 13, by striking out the words "be fined not less than
4 one hundred dollars, nor" and substitute the following: "be subject to a fine of not".

5 Amend section 2, line 14, by striking out the words "shall be imprisoned not
6 less than thirty days nor" and substitute the following: "be subject to imprison-
7 ment of not".

[OFFICIAL COPY REPRINT.]

ASSEMBLY, No. 89

(*Gen. Statutes, Vol. 1, page 1442.*)

STATE OF NEW JERSEY

INTRODUCED JANUARY 24, 1921.

By Mr. ALEXANDER.

Referred to Committee on Revision of Laws.

AN ACT to amend "An act to amend an act entitled 'An act to protect all citizens in their civil and legal rights,' approved May tenth, one thousand eight hundred and eighty-four," which amendment was approved March twenty-third, one thousand nine hundred and seventeen.

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

1 1. Section one of "An act to amend an act entitled 'An act to protect all citi-
2 zens in their civil and legal rights,' approved May tenth, one thousand eight hun-
3 dred and eighty-four," which amendment was approved March twenty-third, one
4 thousand nine hundred and seventeen, be and the same is hereby amended so as to
5 read as follows:

6 1. All persons within the jurisdiction of the State of New Jersey
7 shall be entitled to the full and equal accommodations, advantages, fa-
8 cilities and privileges of any places of public accommodations, resort
8 or amusement, subject only to the conditions and limitations established
9-11 by law and applicable alike to all persons. No person, being the owner,
12 lessee, proprietor, manager, superintendent, agent or employee of any such
13 place shall directly or indirectly refuse, withhold from or deny to any person any
14 of the accommodations, advantages, facilities or privileges thereof, or directly or in-
15 directly publish, circulate, issue, display, post, or mail any written or printed com-
16 munication, notice or advertisement to the effect that any of the accommodations,

17 advantages, facilities and privileges of any such place shall be refused, withheld from
 18 or denied to any person on account of race, creed or color, or that the patronage or
 19 custom thereat of any person belonging to or purporting to be of any particular
 20 race, creed or color is unwelcome, objectionable or not acceptable, desired or solic-
 21 ited. The production of any such written or printed communication, notice or ad-
 22 vertisement, purporting to relate to any such place and to be made by any person
 23 being the owner, lessee, proprietor, superintendent or manager thereof, shall be pre-
 24 sumptive evidence in any civil or criminal action that the same was authorized by
 25 such person. A place of public accommodation, resort or amusement within the
 26 meaning of this act shall be deemed to include inn, tavern, road house or hotel,
 27 whether conducted for the entertainment of transient guests or for the accommo-
 28 dation of those seeking health, recreation or rest, any restaurant, eating house, or
 29 any place where food is sold for consumption on the premises; any place maintained
 30 for the sale of ice cream, ice and fruit preparations or their derivatives, soda water
 31 or confections, or where beverages of any kind are retailed for consumption on the
 32 premises; garage, and all public conveyances operated on land and water,
 33 as well as the stations and terminals thereof; public bathhouse, pub-
 34 lic boardwalk, public seashore accommodation; theatre, or other place
 35-36 of public amusement, motion picture house, airdrome, music hall, roof garden,
 37 skating rink, amusement and recreation park, fair, bowling alley, gymnasium, shoot-
 38 ing gallery, billiard and pool parlor; barber shop, dispensary, clinic, hospital, pub-
 39 lic library, kindergarten, primary and secondary school, high school, academy, col-
 40 lege and university, or any educational institution under the supervision of the re-
 41 gents of the State of New Jersey. Nothing herein contained shall be construed to
 42 include any institution, club, or place of accommodation which is in its nature dis-
 43 tinctly private, or to prohibit the mailing of a private communication in writing sent
 44 in response to a specific written inquiry.

1 . 2. Section two of the said act of which this act is amendatory be and the same
 2 is amended so as to read as follows:

3 2. Any person who shall violate any of the provisions of the foregoing section
 4 as amended by denying to any citizen, except for reasons applicable alike to all citi-

5 zens of every race, creed and color, and regardless of race, creed or color, or of
6 previous condition of servitude, the full enjoyment of any of the accommodations,
7 advantages, facilities or privileges in said act enumerated, or by aiding or inciting
8 such denial, or who shall aid or incite the violation of any of the said provisions
9 shall, for each and every violation thereof, forfeit and pay the sum of not less than
10 one hundred dollars nor more than five hundred dollars, to the State of New Jersey,
11 to be recovered in an action of debt, with full costs, and shall also, for every such
12 violation be deemed guilty of a misdemeanor, and upon conviction thereof, shall
13 be fined not less than one hundred dollars, nor more than five hundred dollars,
14 or shall be imprisoned not less than thirty days nor more than ninety days, or both
15 such fine and imprisonment.

16 The aggrieved party or parties in any such action or actions is authorized by
17 this act to institute said action or actions in the name of the State of New Jersey,
18 and in case judgment is awarded in favor of the plaintiff, the aggrieved party shall
19 be entitled to be paid out of the judgment so recovered, the costs incurred in
20 bringing said action and also attorney's fees not to exceed fifty dollars.

1 3. All acts and parts of acts inconsistent herewith are hereby repealed, and this
2 act shall take effect immediately.

ASSEMBLY, No. 325

STATE OF NEW JERSEY

INTRODUCED JANUARY 28, 1935

By Mr. BURRELL

Referred to Committee on Judiciary

AN ACT to amend an act entitled "An act to amend an act entitled 'An act to amend an act entitled "An act to protect all citizens in their civil and legal rights," approved May tenth, eighteen hundred and eighty-four,' which amendment was approved April seventh, one thousand nine hundred and twenty-one."

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

1 1. Section two of the said act of which this act is amendatory be and
2 the same is amended so as to read as follows:

3 2. Any person who shall violate any of the provisions of the foregoing
4 section as amended by denying to any citizen, except for reasons applicable
5 alike to all citizens of every race, creed and color, and regardless of race,
6 creed or color, or of previous condition of servitude, the full enjoyment of
7 any of the accommodations, advantages, facilities or privileges in said act
8 enumerated, or by aiding or inciting such denial, or who shall aid or incite
9 the violation of any of the said provisions shall, for each and every violation
10 thereof, forfeit and pay the sum of not less than one hundred dollars nor
11 more than five hundred dollars, to the State of New Jersey, to be recovered
12 in an action of debt, with full costs, and shall also, for every such violation
13 be deemed guilty of a misdemeanor, and upon conviction thereof, shall be sub-
14 ject to a fine of not more than five hundred dollars, or be subject to impris-
15 onment of not more than ninety days, or both such fine and imprisonment.

1 2. The aggrieved party or parties in any such action or actions is au-
2 thorized by this act to institute said action or actions in the name of the
3 State of New Jersey, and in case judgment is awarded in favor of the plain-
4 tiff, the aggrieved party shall be entitled to be paid out of the judgment so
5 recovered, the costs incurred in bringing said action according to a bill of
6 costs to be taxed by the clerk of a district court if said action is brought in
7 any district court of the State, and by the justice of the peace holding any
8 small cause court where such action is brought, such costs to be taxed as
9 in civil action for tort within the jurisdiction of either of said courts, and
10 also attorney's fees [not to exceed fifty dollars.] of not less than twenty-
11 five dollars, and not more than one hundred dollars, to be determined and
12 fixed by an order of the judge of said district court or justice of the peace
13 holding such small cause court at the time of entry of said judgment.

1 3. All acts and parts of acts inconsistent herewith are hereby repealed,
2 and this act shall take effect immediately.

STATEMENT

The purpose of this act is to clarify the section of the present act conferring upon the aggrieved party as a relator, the right to collect costs out of any judgment entered in name of the State of New Jersey. And it further intends to place a reasonable minimum and maximum amount of attorney's fees to be allowed by the court on entry of any judgment.

Under the present act, the aggrieved party has in some instances, been compelled to pay attorney fees to make up for the inadequate amount allowed by the courts where no minimum had been specified. In many cases the amount of work involved is such that fifty dollars could by no stretch of imagination be regarded as adequate compensation for the attorney. It was obviously the intention in the original act to reimburse the aggrieved party for his expenses in connection with bringing the action, and to insure payment of his attorney.

[OFFICIAL COPY REPRINT]
SENATE AMENDMENTS TO
ASSEMBLY, No. 325

STATE OF NEW JERSEY

ADOPTED MAY 13, 1935

On page 2, section 2, line 4, strike out the words "entitled to be".

In line 5, strike out the word "bringing" and substitute in lieu thereof the word "prosecuting".

In lines 7 and 8, strike out the words, "and by the justice of the peace holding any small cause court where such action is brought," and substitute in lieu thereof the following, "or by the clerk of the court of common pleas if said action is brought in any county where there is no district court",

In line 10, strike out the words, "twenty-five" and substitute in lieu thereof the word "twenty".

In line 12, strike out the words "justice of the peace holding such small cause", and substitute in lieu thereof the following, "judge of the court of common pleas".

In line 10, after the word "court", and before the word "at" insert the following, "where such action is brought",

[OFFICIAL COPY REPRINT]
SENATE AMENDMENTS TO
ASSEMBLY, No. 325

STATE OF NEW JERSEY

ADOPTED MAY 20, 1935

Paragraph 5, line 2, after word "cause" insert the word "court".

Paragraph 6, line 1, strike out numeral "10" and insert in lieu thereof the numeral "12".

[SECOND OFFICIAL COPY REPRINT]

ASSEMBLY, No. 325

STATE OF NEW JERSEY

INTRODUCED JANUARY 28, 1935

By Mr. BURRELL

Referred to Committee on Judiciary

AN ACT to amend an act entitled "An act to amend an act entitled 'An act to amend an act entitled "An act to protect all citizens in their civil and legal rights," approved May tenth, eighteen hundred and eighty-four,' which amendment was approved April seventh, one thousand nine hundred and twenty-one."

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

1 1. Section two of the said act of which this act is amendatory be and
2 the same is amended so as to read as follows:

3 2. Any person who shall violate any of the provisions of the foregoing
4 section as amended by denying to any citizen, except for reasons applicable
5 alike to all citizens of every race, creed and color, and regardless of race,
6 creed or color, or of previous condition of servitude, the full enjoyment of
7 any of the accommodations, advantages, facilities or privileges in said act
8 enumerated, or by aiding or inciting such denial, or who shall aid or incite
9 the violation of any of the said provisions shall, for each and every violation
10 thereof, forfeit and pay the sum of not less than one hundred dollars nor
11 more than five hundred dollars, to the State of New Jersey, to be recovered
12 in an action of debt, with full costs, and shall also, for every such violation
13 be deemed guilty of a misdemeanor, and upon conviction thereof, shall be sub-
14 ject to a fine of not more than five hundred dollars, or be subject to impris-
15 onment of not more than ninety days, or both such fine and imprisonment.

1 2. The aggrieved party or parties in any such action or actions is au-
2 thorized by this act to institute said action or actions in the name of the
3 State of New Jersey, and in case judgment is awarded in favor of the plain-
4 tiff, the aggrieved party shall be paid out of the judgment so recovered, the
5 costs incurred in prosecuting said action according to a bill of costs to be
6 taxed by the clerk of a district court if said action is brought in any district
7 court of the State, or by the clerk of the court of common pleas if said
8 action is brought in any county where there is no district court, such costs
9 to be taxed as in civil action for tort within the jurisdiction of either of said
10 courts, and also attorney's fees of not less than twenty dollars, and not more
11 than one hundred dollars, to be determined and fixed by an order of the
12 judge of said district court or judge of the court of common pleas where
13 such action is brought at the time of entry of said judgment.

1 3. All acts and parts of acts inconsistent herewith are hereby repealed,
2 and this act shall take effect immediately.

Salandra, Sanford, Schroeder, Shepard, Sholl, Smith, M. M., Stokes, Szadkowski, Vasbinder, Vogel, Ward, Wickham, Wilensky, Williamson, Wilson, Young, Zink—50.

In the negative—None.

Ordered, that the Speaker sign the said bill, and that the Clerk carry it to the Senate and inform the Senate that the House of Assembly has passed the same, and requests its concurrence therein.

Mr. Pyne asked for the record on Assembly Bill No. 445, which was furnished by the Clerk.

Mr. Pyne asked unanimous consent of the House to amend Assembly Bill No. 445 on third reading.

There being no objection, consent was granted.

Mr. Pyne offered the following amendment to Assembly Bill No. 445, which was read by the Clerk:

Proposed amendment to Assembly Bill No. 445:

Strike out the period after the word "ployment" in line 5 of section 1 and insert a comma and add the following words: "*provided*, that this act shall not apply to appointments to police and fire departments".

Mr. Pyne move the adoption of the amendment.

Which motion was adopted.

Mr. Pyne moved that Assembly Bill No. 445, as amended, lie over.

Which motion was adopted.

Mr. Kerner asked for the record on Assembly Bill No. 501, which was furnished by the Clerk.

Mr. Kerner asked unanimous consent of the House to amend Assembly Bill No. 501 on third reading.

There being no objection, consent was granted.

the calendar year next preceding the date of such assessment and filed with the Department of Banking and Insurance of the State of New Jersey, after deducting from such total of capital and surplus the amount of all tax assessments against any and all real estate, title to which stands in the name of such company."

Mr. Eber moved the adoption of the amendment to Assembly Bill No. 51.

Which motion was adopted.

The Speaker announced that Assembly Bill No. 51, as amended, would lie over.

Mr. Pyne asked for the record on Assembly Bill No. 445, which was furnished by the Clerk.

Mr. Pyne asked unanimous consent of the House to amend Assembly Bill No. 445 on third reading.

There being no objection consent was granted.

Mr. Pyne offered the following amendment to Assembly Bill No. 445, which was read by the Clerk:

Amendment proposed to Assembly Bill No. 445:

Amend line six, by striking out the period following the word "departments" and inserting after the word "departments" the following: "[.] or to the positions of court attendant, process server, and prison or reformatory officer or guard in houses of detention, jails, county farms, and penal institutions."

Mr. Pyne moved the adoption of the amendment to Assembly Bill No. 445.

Which motion was adopted.

The Speaker announced that Assembly Bill No. 445, as amended, would lie over.

Assembly Bill No. 445, entitled "An act concerning employment in the service of the State or in any county or municipality thereof,"

As amended;

Was taken up, was read a third time by its title, and passed by the following vote:

ASSEMBLY JOINT RESOLUTION No. 14

STATE OF NEW JERSEY

INTRODUCED MARCH 21, 1938

By Mr. PESIN

Referred to Committee on Social Welfare

JOINT RESOLUTION providing for a commission to foster racial and religious understanding and good will and for the designation of a good-will or brotherhood day.

1 WHEREAS, the State of New Jersey is a great industrial and agricultural
2 State composed of various racial and religious groups;

3 WHEREAS, one of the first requisites of a harmonious, contented and prosperous
4 State or nation depends upon racial and religious tolerance and un-
5 derstanding; and

6 WHEREAS, the world is rent asunder by strife and wars, and great injustice
7 is being perpetrated upon minority peoples because of race, religion or
8 creed; and

9 WHEREAS, the State of New Jersey was among the first to enact laws for the
10 punishment of the incitation to harm a resident thereof because of his
11 race or religion; and

12 WHEREAS, it is clear that prevention through education and enlightenment is
13 essential to thwart evil acts, and hence it is better to prevent than
14 punish same; and

15 WHEREAS, the State of New Jersey has ever gloried in the great traditional
16 and constitutional guarantees of the bill of rights; now therefore,

1 BE IT RESOLVED *by the Senate and General Assembly of the State of New*
2 *Jersey:*

1 1. The Governor of the State of New Jersey is hereby directed to ap-
2 point a commission of not more than fifteen residents of the State of New
3 Jersey, composed, as far as practicable, of representatives of different
4 racial and religious groups, to act as a permanent committee to foster racial
5 and religious amity and understanding.

1 2. The commission shall be known as the Good-Will Commission of the
2 State of New Jersey; its members shall serve without pay; the chairman of
3 the commission shall be selected by the members thereof.

1 3. The Governor shall, with the advice of the commission, establish by
2 proclamation each year a certain day upon which the residents of the State
3 of New Jersey shall be requested to join in public or private function, the
4 celebration of said day, which shall be designated as brotherhood and good-
5 will day.

STATEMENT

The object of this Joint Resolution is expressed in its title.

[OFFICIAL COPY REPRINT]

COMMITTEE SUBSTITUTE FOR

ASSEMBLY JOINT RESOLUTION No. 14

STATE OF NEW JERSEY

ADOPTED MARCH 29, 1938

AN ACT creating a commission to foster racial and religious understanding and good will and for the designation of a good-will or brotherhood holiday.

1 WHEREAS, the State of New Jersey is a great industrial and agricultural State
2 composed of various racial and religious groups; and

3 WHEREAS, one of the first requisites of a harmonious, contented and pros-
4 perous State or nation depends upon racial and religious tolerance and
5 understanding; and

6 WHEREAS, the world is rent asunder by strife and wars and great injustice is
7 being perpetrated upon minority peoples because of race, religion or
8 creed; and

9 WHEREAS, the State of New Jersey was among the first to enact laws for the
10 punishment of the incitation to harm a resident thereof because of his
11 race or religion; and

12 WHEREAS, it is clear that prevention through education and enlightenment is
13 essential to thwart evil acts, and hence it is better to prevent than pun-
14 ish same; and

15 WHEREAS, the State of New Jersey has ever gloried in the great traditional
16 and constitutional guarantees of the bill of rights; now therefore,

1 BE IT RESOLVED *by the Senate and General Assembly of the State of New*
2 *Jersey:*

1 1. The Governor of this State is hereby authorized to appoint a com-
2 mission of not more than fifteen residents of the State of New Jersey, com-

3 posed as far as practicable to act as representatives of different racial and
4 religious groups, to act as a permanent committee to foster racial and relig-
5 ious amity and understanding. The members of such commission shall hold
6 office for terms of three years each and until their successors shall be ap-
7 pointed by the Governor.

8 The commission shall be known as the Good-Will Commission of the
9 State of New Jersey. It shall organize by the selection of a chairman and
10 secretary from among its members and all of the members of the commis-
11 sion shall serve without compensation. The commission is empowered to
12 adopt rules and regulations for its administration.

13 The Governor shall, upon the request of the commission, establish each
14 year by proclamation a certain day on which the residents of the State of
15 New Jersey shall be requested to join in private and public functions for
16 the celebration of such day, which shall be designated as Brotherhood and
17 Good-Will Day.

1 2. This act shall take effect immediately.

Mr. Howell asked for the record on Committee Substitute for Senate Bill No. 396, which was furnished by the Clerk.

Mr. Howell moved that the rules be suspended and that Committee Substitute for Senate Bill No. 396 be advanced to second reading, without reference.

Which motion was adopted.

Committee Substitute for Senate Bill No. 396, entitled "An act making appropriations for the support of the State government and regulating the disbursement thereof,"

Was taken up under suspension of the rules, and read a second time.

Mr. Howell moved that the rules be suspended and that Committee Substitute for Senate Bill No. 396 be taken up on third reading and final passage.

Which motion was adopted.

Mr. Howell moved that Committee Substitute for Senate Bill No. 396 lie over.

Which motion was adopted.

Mr. Hargrave asked for the record on Assembly Bill No. 184, which was furnished by the Clerk.

The Governor's Veto Message upon Assembly Bill No. 184 was read by the Clerk.

A message was received from the Governor by the hands of his secretary as follows—and was read by the Clerk:

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT, }
To the House of Assembly: May 19, 1941. }

I am returning herewith, without my approval, Assembly Bill No. 184, for the following reasons:

I am keenly aware of the many problems which exist in connection with the welfare of the Negroes of our State. In recent years, two commissions were created, one in 1938 and the other in 1939, which have exhaustively investigated the problems of the Negro race in New Jersey. Both of these commissions were at this work several months and

each rendered a comprehensive report in which they arrived at practically the same conclusions and made the same recommendations covering Employment, Employment Barriers, Housing, Health, Insurance and Education, and several other problems of the Negro race.

These commissions spent a total of \$30,000 in accumulating an abundance of statistical data and in completing their work. Prominent Negro men and women and associations have urged me to veto this bill because full use has not been made of the material now available in the two previous commissions' reports.

I am familiar with the contents of these reports and feel, too, that they have not been fully used and that the interests of the Negro race would be better advanced by the adoption of some of the recommendations contained therein, rather than by the creation of a new commission with an appropriation of \$16,000, which would do again the same job which has already been done twice.

Respectfully submitted,

CHARLES EDISON,
Governor.

Attest:

HARRY GILROY,
Secretary to the Governor.

Assembly Bill No. 184, entitled "An act creating a commission to examine, enforce and recommend measures to improve the economic, cultural, health and living conditions of the urban colored population of the State and making an appropriation therefor,"

Was taken up, and Mr. Hargrave moved that the same do pass, the objections of the Governor to the contrary notwithstanding.

Which motion, the ayes and nays being called, was carried by the following vote:

In the affirmative were—

Messrs. Amlicke, Beers, Bertoni, Boswell, Caviechia, Doremus, Freund, Glickenhans, Hand, Haneman, Hanna, Hargrave, Herbert, Hess, Howell, Huntington, Kerner, Lance, Leonard, Littell, Mahr, McClave (Speaker), McDermott, Myers, Orben, Pascoe, Platts, Sanford, Savage, Shepard, Sholl, Towe, Volpe, Wegrocki—34.

In the negative were—

Messrs. Artaserse, Beronio, Cowgill, Crawford, DeVoe, Friedland, Kennedy, Littauer, McCurrie, Mudrak, Rubacky, Vogel, Wagner, Wilson, Young—15.

The Clerk was directed by the Speaker to carry said bill to the Senate and inform that body that the House of Assembly has passed the same, and requests its concurrence therein, notwithstanding the Governor's objections thereto.

Mrs. Sanford asked for the record on Assembly Bill No. 233, as amended, which was furnished by the Clerk.

Mrs. Sanford moved that the motion to reconsider the vote by which Assembly Bill No. 233, as amended, was lost be lifted from the table.

Which motion was adopted.

Mrs. Sanford moved that the vote by which Assembly Bill No. 233, as amended, was lost be reconsidered.

Which motion, upon a viva voce vote, with the ayes and nays being called, was declared adopted by the following vote:

In the affirmative were—

Messrs. Amlicke, Artaserse, Beers, Beronio, Bertoni, Boswell, Cavicchia, Cowgill, Crawford, DeVoe, Doremus, Ferster, Freund, Friedland, Glickenhäus, Hand, Haneman, Hanna, Hargrave, Herbert, Hess, Howell, Huntington, Hutchins, Kennedy, Kerner, Lance, Leonard, Littauer, Littell, Mahr, McClave (Speaker), McCurrie, McDermott, Mudrak, Myers, Orben, Pascoe, Platts, Rubacky, Sanford, Savage, Shepard, Sholl, Stackhouse, Towe, Vogel, Volpe, Wagner, Wegrocki, Williamson, Wilson, Young—53.

In the negative—None.

Assembly Bill No. 233, entitled "An act to permit any taxing district to gradually reduce and finally repeal taxes on improvements and personal property,"

As amended,

Was taken up, was read a third time by its title, and passed by the following vote:

2. Any employer or person who

2 (1) Excludes a citizen by reason of race, color or creed, or previous
3 condition of servitude, from any public employment, or employment in
4 any capacity, in industries engaged on defense contracts, or

5 (2) Denies, or aids or incites another to deny, to any person, be-
6 cause of race, color or creed, public employment or employment in any
7 capacity, in industries engaged on defense contracts,

8 shall be guilty of a misdemeanor and punishable by a fine of not less
9 than one hundred dollars (\$100.00), nor more than five hundred dollars
10 (\$500.00), or imprisonment for not more than six months, or both.

1 3. (a) "Employer" includes any individual, partnership, association,
2 corporation, business trust, legal representative or any organized group of
3 persons acting directly or indirectly in the interest of an employer in its re-
4 lations to employees.

5 (b) "Industry" refers to any trade, business, industry or branch
6 thereof, or group of industries, in which individuals are employed.

1 4. This act shall take effect immediately.

STATEMENT

The purpose of this act is to end the discrimination by industries engaged in public works or on defense contracts, in the employment of persons, by reason of race, color or creed. In too many instances in this State, employers have refused to engage persons, notwithstanding their ability, because of their race, color or creed.

[SECOND OFFICIAL COPY REPRINT]

ASSEMBLY, No. 321

STATE OF NEW JERSEY

INTRODUCED MARCH 12, 1945

By Mr. HILL

Referred to Committee on Judiciary

AN ACT to prevent and eliminate practices of discrimination in employment and otherwise against persons because of race, creed, color, national origin or ancestry; to create a division in the Department of Education to effect such prevention and elimination; and making an appropriation therefor.

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

1 1. This act shall be known as "Law Against Discrimination."

1 2. The enactment hereof shall be deemed an exercise of the police power
2 of the State for the protection of the public safety, health and morals and
3 to promote the general welfare and in fulfillment of the provisions of the Con-
4 stitution of this State guaranteeing civil rights.

1 3. The Legislature finds and declares that practices of discrimination
2 against any of its inhabitants, because of race, creed, color, national origin or
3 ancestry, are a matter of concern to the government of the State, and that
4 such discrimination threatens not only the rights and proper privileges of the
5 inhabitants of the State but menaces the institutions and foundation of a
6 free democratic State.

1 4. The opportunity to obtain employment without discrimination because
2 of race, creed, color, national origin or ancestry is recognized as and de-
3 clared to be a civil right.

1 5. As used in this act, unless a different meaning clearly appears from the
2 context:

3 a. "Person" includes one or more individuals, partnerships, asso-
4 ciations, corporations, legal representatives, trustees, trustees in bank-
5 ruptcy or receivers.

6 b. "Employment agency" includes any person undertaking to pro-
7 cure employees or opportunities to work.

8 c. "Labor organization" includes any organization which exists and
9 is constituted for the purpose, in whole or in part, of collective bargain-
10 ing or of dealing with employers concerning grievances, terms or condi-
11 tions of employment, or of other mutual aid or protection in connection
11½ with employment.

12 d. "Unlawful employment practice" includes only those unlawful
13 practices specified in section eleven of this act.

14 e. "Employer" does not include a club exclusively social or a fra-
15 ternal, charitable, educational or religious association or corporation, if
16 such club, association or corporation is not organized for private profit
17 nor does it include any employer with fewer than six persons in his em-
18 ploy.

19 f. "Employee" does not include any individual employed by his
20 parents, spouse or child, or in the domestic service of any person.

21 g. "Division" means the State "Division against Discrimination"
21½ created by this act.

22 h. "Commissioner" means the State Commissioner of Education.

1 6. There is created in the State Department of Education a division to
2 be known as "The Division against Discrimination" with power to prevent
3 and eliminate discrimination in employment against persons because of race,
4 creed, color, national origin or ancestry by employers, labor organizations,
5 employment agencies or other persons and to take other actions against dis-
6 crimination because of race, creed, color, national origin or ancestry, as here-
7 in provided; and the division created hereunder is given general jurisdiction
8 and authority for such purposes.

1 7. The said division shall consist of the Commissioner of Education and
2 a council. The council shall consist of seven members; each member shall be
3 appointed by the Governor, with the advice and consent of the Senate, for a
4 term of five years and until his successor is appointed and qualified, except
5 that of those first appointed, one shall be appointed for a term of one year, one
6 for a term of two years, one for a term of three years and two for a term of
7 four years. Vacancies caused other than by expiration of term shall be filled
8 in the same manner but for the unexpired term only. Members of the
9 council shall serve without compensation but shall be reimbursed for neces-
10 sary expenses incurred in the performance of their duties. The first chair-
11 man of the council shall be designated by the Governor and thereafter, the
12 chairman shall be elected by the members, annually.

1 8. The commissioner shall

2 a. Exercise all powers of the division not vested in the council.

3 b. Administer the work of the division.

4 c. Prescribe the organization of the division and the duties of his
5 subordinates and assistants.

6-10 d. Subject to the approval of the council and the Governor, appoint
11 such other officers, employees and agents, and fix their compensation
12 within the limits of available appropriations, except as may be other-
13 wise provided by law.

14 e. Maintain liaison with local, State and Federal officials and agen-
15 cies concerned with matters related to the work of the division.

16 f. Subject to the approval of the council, adopt, promulgate, amend,
17 and rescind suitable rules and regulations to carry out the provisions of
18 this act.

19 g. Receive, investigate and pass upon complaints alleging discrim-
20 ination in employment against persons because of race, creed, color,
21 national origin or ancestry.

22 h. Hold hearings, subpoena witnesses, compel their attendance, ad-
23 minister oaths, take the testimony of any person, under oath, and in

24 connection therewith, to require the production for examination of any
25 books or papers relating to any matter under investigation or in ques-
26 tion before the commissioner. The commissioner may make rules as
27 to the issuance of subpoenas by the assistant commissioner.

28 i. Issue such publications and such results of investigations and
29 research tending to promote good will and to minimize or eliminate dis-
30 crimination because of race, creed, color, national origin or ancestry,
31 as the council shall direct.

32 j. Render each year to the Governor and Legislature a full writ-
33 ten report of all the activities of the division.

1 8A. An assistant commissioner of education, who shall be appointed by
2 the Governor with the advice and consent of the Senate, shall be assigned to
3 the division against discrimination. Such assistant commissioner shall act
4 for the commissioner, in his place and with his power; he shall receive an
5 annual salary of seven thousand dollars (\$7,000.00); he shall hold office for
6 five years and until his successor has qualified.

1 9. The council shall

2 a. Consult with and advise the commissioner with respect to the
3 work of the division.

4 b. Approve or disapprove the appointment of officers, employees
5 and agents, and the fixing of their compensation by the commissioner.

6 c. Survey and study the operations of the division.

7 d. Report to the Governor and the Legislature with respect to such
8 matters relating to the work of the division and at such times as it may
9 deem in the public interest.

10 e. Create such advisory agencies and conciliation councils, local,
11 regional or State-wide, as in its judgment will aid in effectuating the
12 purposes of this act, and the council may empower them to study the
13 problems of discrimination in all or specific fields of human relation-
14 ships or in specific instances of discrimination because of race, creed,
15 color, national origin or ancestry and to foster through community effort
16 or otherwise good will, co-operation and conciliation among the groups

17 and elements of the population of the State, and make recommenda-
18 tions to the council for the development of policies and procedures in
19 general and in specific instances and for programs of formal and infor-
20 mal education which the council may recommend to the appropriate
21 State agency. Such advisory agencies and conciliation councils shall be
22 composed of representative citizens, serving without pay, but with reim-
23 bursement for actual and necessary traveling expenses; and the coun-
24 cil may make provision for technical and clerical assistance to such
25 agencies and councils and for the expenses of such assistance.

1 10. No person shall be excused from attending and testifying or from
2 producing records, correspondence, documents or other evidence in obedience
3 to the subpoena of the commissioner or assistant commissioner, on the ground
4 that the testimony or evidence required of him may tend to incriminate him
5 or subject him to a penalty or forfeiture, but no person shall be prosecuted
6 or subjected to any penalty or forfeiture for or on account of any transac-
7 tion, matter or thing concerning which he is compelled, after having claimed
8 his privilege against self-incrimination, to testify or produce evidence, except
9 that such person so testifying shall not be exempt from prosecution and pun-
10 ishment for perjury committed in so testifying. The immunity herein pro-
11 vided shall extend only to natural persons so compelled to testify.

1 11. It shall be an unlawful employment practice:

2 a. For an employer, because of the race, creed, color, national origin
3 or ancestry of any individual, to refuse to hire or employ or to bar or
4 to discharge from employment such individual or to discriminate against
5 such individual in compensation or in terms, conditions or privileges of
6 employment.

7 b. For a labor organization, because of the race, creed, color, na-
8 tional origin or ancestry of any individual, to exclude or to expel from
9 its membership such individual or to discriminate in any way against
10 any of its members or against any employer or any individual employed
11 by an employer.

12 c. For any employer or employment agency to print or circulate or
13 cause to be printed or circulated any statement, advertisement or publi-
14 cation, or to use any form of application for employment, or to make any
15 inquiry in connection with prospective employment, which expresses, di-
16 rectly or indirectly any limitation, specification or discrimination as to
17 race, creed, color, national origin or ancestry or any intent to make any
18 such limitation, specification or discrimination, unless based upon a bona
19 fide occupational qualification.

20 d. For any employer, labor organization or employment agency to
21 discharge, expel or otherwise discriminate against any person because
22 he has opposed any practices forbidden under this act or because he has
23 filed a complaint, testified or assisted in any proceeding under this act.

24 e. For any person, whether an employer or an employee or not, to
25 aid, abet, incite, compel or coerce the doing of any of the acts forbidden
26 under this act, or to attempt to do so.

1 12. Any person claiming to be aggrieved by an alleged unlawful employ-
2 ment practice may, by himself or his attorney-at-law, make, sign and file
3 with the commissioner a verified complaint in writing which shall state the
4 name and address of the person, employer, labor organization or employ-
5 ment agency alleged to have committed the unlawful employment practice
6 complained of and which shall set forth the particulars thereof and contain
7 such other information as may be required by the commissioner. The Com-
8 missioner of Labor or Attorney-General may, in like manner, make, sign and
9 file such complaint. Any employer whose employees, or some of them, re-
10 fuse or threaten to refuse to co-operate with the provisions of this act, may
11 file with the commissioner a verified complaint asking for assistance by con-
12 ciliation or other remedial action.

1 13. After the filing of any complaint, the commissioner shall cause prompt
2 investigation to be made in connection therewith; and if the commissioner
3 shall determine after such investigation that probable cause exists for credit-
4 ing the allegations of the complaint, he shall immediately endeavor to elim-

5 inate the unlawful employment practice complained of by conference, concili-
6 ation and persuasion. Neither the commissioner nor any officer or employee
7 of the division shall disclose what has transpired in the course of such en-
8 deavors.

1 14. In case of failure so to eliminate such practice, or in advance thereof
2 if in his judgment circumstances so warrant, he shall cause to be issued and
3 served in the name of the division, a written notice, together with a copy of
4 such complaint, as the same may have been amended, requiring the person,
5 employer, labor organization or employment agency named in such complaint,
6 hereinafter referred to as respondent, to answer the charges of such com-
7 plaint at a hearing before the commissioner at a time and place to be speci-
8 fied in such notice. The place of any such hearing shall be the office of the
9 commissioner or such other place as may be designated by him.

1 15. The case in support of the complaint shall be presented before the
2 commissioner by the attorney for the division and evidence concerning at-
3 tempted conciliation shall not be received. The respondent may file a written
4 verified answer to the complaint and appear at such hearing in person or
5 representative, with or without counsel, and submit testimony. In the dis-
6 cretion of the commissioner, the complainant may be allowed to intervene and
7 present testimony in person or by counsel. The commissioner or the com-
8 plainant shall have the power reasonably and fairly to amend any complaint,
9 and the respondent shall have like power to amend his answer. The com-
10 missioner shall not be bound by the strict rules of evidence prevailing in
11 courts of law or equity. The testimony taken at the hearing shall be under
12 oath and be transcribed.

1 16. If, upon all the evidence at the hearing the commissioner shall find
2 that the respondent has engaged in any unlawful employment practice as de-
3 fined in this act, the commissioner shall state his findings of fact and shall
4 issue and cause to be served on such respondent an order requiring such
5 respondent to cease and desist from such unlawful employment practice and
6 to take such affirmative action, including, but not limited to, hiring, reinsta-

7 ment or upgrading of employees, with or without back pay, or restoration to
8 membership in any respondent labor organization, as, in the judgment of the
9 commissioner, will effectuate the purposes of this act, and including a require-
10 ment for report of the manner of compliance. If, upon all the evidence, the
11 commissioner shall find that the respondent has not engaged in any such un-
12 lawful employment practice, the commissioner shall state his findings of fact
13 and shall issue and cause to be served on the complainant an order dismissing
14 the said complaint as to such respondent.

1 17. The commissioner shall establish rules of practice to govern, expedite
2 and effectuate the foregoing procedure and his own actions thereunder. Any
3 complaint filed pursuant to this section must be so filed within ninety days
4 after the alleged act of discrimination.

1 18. Observance of the orders of the commissioner may be enforced by
2 mandamus or injunction in appropriate cases, or by suit in equity to compel
3 the specific performance of the order or of the duties imposed by law upon
4 the respondent named in the order. Any order made by the commissioner
5 may be reviewed upon certiorari by the Supreme Court. No certiorari shall
6 be allowed unless application therefor be made within thirty days from the
7 date of service of the order upon respondent nor unless notice in writing of
8 the application shall have been given to the commissioner with a copy of the
9 affidavits or proof upon which the application is based. The notice shall be
10 served upon the commissioner either personally or by leaving it at the office
11 of the commissioner in Trenton. The evidence presented to the commissioner,
12 together with his findings and the order issued thereon, shall be certified by
13 the commissioner to the Supreme Court as his return.

1 19. The allowance of a writ of certiorari to review any order of the
2 commissioner shall not supersede or stay such order unless the Supreme
3 Court or a justice thereof shall so direct.

1 20. The Supreme Court is given jurisdiction to review any order of the
2 commissioner and to set aside such order in whole or in part when it clearly
3 appears that there was no evidence before the commissioner to support the

4 same reasonably or that the same was without the jurisdiction of the com-
5 missioner.

1 21. No order of the commissioner shall be set aside in whole or in
2 part for any irregularity or informality in the proceedings of the commis-
3 sioner unless the irregularity or informality tends to defeat or impair
4 the substantial right or interest of the prosecutor in certiorari.

1 22. Upon such review, the Supreme Court may affirm, reverse or modify
2 any such order or may make such other order as shall appear equitable
3 and just.

1 23. The commissioner's copy of the testimony shall be available at all
2 reasonable times to all parties for examination without cost and for pro-
3 duction upon an application for a writ of certiorari. The review upon cer-
4 tiorari shall be on the record without requirement of printing.

1 24. The Attorney-General shall be the attorney for the division.

1 25. Any person, employer, labor organization or employment agency,
2 who or which shall willfully resist, prevent, impede or interfere with the
3 commissioner or any representatives of the division in the performance of
4 duty under this act, or shall willfully violate an order of the commissioner,
5 shall be guilty of a misdemeanor and be punishable by imprisonment for
6 not more than one year, or by a fine of not more than five hundred dollars
7 (\$500.00), or by both; but procedure for the review of the order shall not
8 be deemed to be such willful conduct.

1 26. The provisions of this act shall be construed liberally for the ac-
2 complishment of the purposes thereof. Nothing contained in this act shall
3 be deemed to repeal any of the provisions of the civil rights law or of any
4 other law of this State relating to discrimination because of race, creed,
5 color, national origin or ancestry; but, as to acts declared unlawful by sec-
6 tion eleven of this act, the procedure herein provided shall, while pending,
7 be exclusive; and the final determination therein shall exclude any other
8 action, civil or criminal, based on the same grievance of the individual con-
9 cerned. If such individual institutes an action based on such grievance

10 without resorting to the procedure provided in this act, he may not subse-
11 quently resort to the procedure herein.

1 27. If any clause, sentence, paragraph, or part of this act or the appli-
2 cation thereof to any person or circumstances, shall, for any reason, be
3 adjudged by a court of competent jurisdiction to be invalid, such judgment
4 shall not affect, impair, or invalidate the remainder of this act.

1 28. There is appropriated to the Commissioner of Education the sum
2 of forty-four thousand, three hundred fifty dollars (\$44,350.00) for the fiscal
3 year ending June thirtieth, one thousand nine hundred and forty-six, to carry
4 out the purposes of this act.

1 29. This act shall take effect immediately.

APR 5 1949

[SECOND OFFICIAL COPY REPRINT]

ASSEMBLY, No. 65

STATE OF NEW JERSEY

INTRODUCED JANUARY 17, 1949

By Miss FREEMAN

Referred to Committee on Judiciary

AN Act to amend the title of "An act to prevent and eliminate practices of discrimination in employment and otherwise against persons because of race, creed, color, national origin or ancestry; to create a division in the Department of Education to effect such prevention and elimination; and making an appropriation therefor," approved April sixteenth, one thousand nine hundred and forty-five (P. L. 1945, c. 169), so that the same shall read "An act to protect all persons in their civil rights; to prevent and eliminate practices of discrimination against persons because of race, creed, color, national origin or ancestry; to create a division in the Department of Education to effect such prevention and elimination; and making an appropriation therefor," and to amend the body of said act.

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

1 1. The title of "An act to prevent and eliminate practices of discrimina-
2 tion in employment and otherwise against persons because of race, creed,
3 color, national origin or ancestry; to create a division in the Department of
4 Education to effect such prevention and elimination; and making an appro-
5 priation therefor," approved April sixteenth, one thousand nine hundred and
6 forty-five, is amended to read "An act to protect all persons in their civil
7 rights; to prevent and eliminate practices of discrimination against persons

8 because of race, creed, color, national origin or ancestry; to create a division
9 in the Department of Education to effect such prevention and elimination,
10 and making an appropriation therefor."

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

3 4. All persons shall have the opportunity to obtain employment and
4 to obtain all the accommodations, advantages, facilities, and privileges
5 of any place of public accommodation, without discrimination because of
6 race, creed, color, national origin or ancestry, subject only to conditions and
7 limitations applicable alike to all persons. This opportunity is recognized as
8 and declared to be a civil right.

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

3 5. As used in this act, unless a different meaning clearly appears from the
4 context:

5 a. "Person" includes one or more individuals, partnerships, associa-
6 tions, labor organizations, corporations, legal representatives, trustees,
7 trustees in bankruptcy, receivers, and fiduciaries.

8 b. "Employment agency" includes any person undertaking to procure
9 employees or opportunities for others to work.

10 c. "Labor organization" includes any organization which exists and is
11 constituted for the purpose, in whole or in part, of collective bargaining or
12 of dealing with employers concerning grievances, terms or conditions of
13 employment, or of other mutual aid or protection in connection with employ-
14 ment.

15 d. "Unlawful employment practice" and "unlawful discrimination"
16 includes only those unlawful practices and acts specified in section eleven
17 of this act.

18 e. "Employer" does not include a club exclusively social or a fraternal,
19 charitable, educational or religious association or corporation, if such club,

20 association or corporation is not organized and operated for private profit
21 nor does it include any employer with fewer than six persons in his employ.

22 f. "Employee" does not include any individual employed by his parents,
23 spouse or child, or in the domestic service of any person.

24 g. "Division" means the State "Division against Discrimination"
25 created by this act.

25½ h. "Commissioner" means the State Commissioner of Education.

26 i. "Commission" means the Commission on Civil Rights created by
26½ this act.

27 j. "A place of public accommodation" shall include any tavern,
28 roadhouse, or hotel, whether for entertainment of transient guests or accom-
29 modation of those seeking health, recreation or rest; any retail shop or store;
30 any restaurant, eating house, or place where food is sold for consumption on
31 the premises; any place maintained for the sale of ice cream, ice and fruit
32 preparations or their derivatives, soda water or confections, or where any
33 beverages of any kind are retailed for consumption on the premises; any
34 garage, any public conveyance operated on land or water, or in the air, and
35 stations and terminals thereof; any public bathhouse, public boardwalk, public
36 seashore accommodation; any auditorium, meeting place, or public hall; any
37 theatre, or other place of public amusement, motion-picture house, music
38 hall, roof garden, skating rink, swimming pool, amusement and recreation
39 park, fair, bowling alley, gymnasium, shooting gallery, billiard and pool
40 parlor; any comfort station; any dispensary, clinic or hospital; and any
41 public library, any kindergarten, primary and secondary school, trade or
42 business school, high school, academy, college and university, or any
43 educational institution under the supervision of the State Board of
44 Education, or the Commissioner of Education of the State of New
45 Jersey. Nothing herein contained shall be construed to include, or
46 to apply to, any institution, bona fide club, or place of accommoda-
47 tion, which is in its nature distinctly private; nor shall anything herein
48 contained apply to any educational facility operated or maintained by a

49 bona fide religious or sectarian institution, and the right of a natural
50 parent or one in loco parentis to direct the education and upbringing of a
51 child under his control is hereby affirmed; nor shall anything herein con-
52 tained be construed to bar any private secondary or post-secondary school
53 from using in good faith criteria other than race, creed, color, national
54 origin or ancestry, in the admission of students.

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

3 7. The said division shall consist of the Commissioner of Education and
4 the commission. The commission shall consist of seven members; each mem-
5 ber shall be appointed by the Governor, with the advice and consent of the
6 Senate, for a term of five years and until his successor is appointed and
7 qualified, except that of those first appointed, one shall be appointed for a
8 term of one year, one for a term of two years, one for a term of three years
9 and two for a term of four years. Vacancies caused other than by expiration
10 of term shall be filled in the same manner but for the unexpired term only.
11 Members of the commission shall serve without compensation but shall be re-
12 imbursed for necessary expenses incurred in the performance of their duties.
13 The first chairman of the commission shall be designated by the Governor
14 and thereafter, the chairman shall be elected by the members, annually.

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

3 8. The commissioner shall

- 4-5 a. Exercise all powers of the division not vested in the commission.
6 b. Administer the work of the division.
7 c. Organize the division into two sections, one of which shall receive,
8 investigate, and act upon complaints alleging discrimination in employment
9 against persons because of race, creed, color, national origin or ancestry,
10 and the other of which shall receive, investigate, and act upon complaints
11 alleging other unlawful acts of discrimination against persons because of
12 race, creed, color, national origin or ancestry; prescribe the organization of
13 said sections and the duties of his subordinates and assistants.

14-15 d. Subject to the approval of the commission and the Governor,
16 appoint an assistant Commissioner of Education, who shall act for the
17 commissioner, in his place and with his powers, and such other directors,
18 field representatives and assistants as may be necessary for the proper ad-
19 ministration of the division and fix their compensation within the limits of
20 available appropriations. The assistant commissioner, directors, field repre-
21 sentatives, and assistants shall not be subject to the civil service act and shall
22 be removable by the commissioner at will.

23 e. Appoint such clerical force and employes as he may deem necessary
24 and fix their duties, all of whom shall be subject to the civil service act.

25 f. Maintain liaison with local and State officials and agencies
26 concerned with matters related to the work of the division.

27 g. Subject to the approval of the commission adopt, promulgate,
28 amend, and rescind suitable rules and regulations to carry out the pro-
29 visions of this act.

30-31 h. Receive, investigate, and pass upon complaints alleging acts in viola-
32 tion of the provisions of this act.

33 i. Hold hearings, subpoena witnesses, compel their attendance, admin-
34 ister oaths, take the testimony of any person, under oath, and, in con-
35 nection therewith, require the production for examination of any books or
36 papers relating to any subject matter under investigation or in question
37 before the commissioner. The commissioner may make rules as to the issu-
38 ance of subpoenas by the assistant commissioner.

39 j. Issue such publications and such results of investigations and re-
40 search tending to promote good will and to minimize or eliminate dis-
41 crimination because of race, creed, color, national origin or ancestry, as the
42 commission shall direct.

43 k. Render each year to the Governor and Legislature a full written re-
44 port of all the activities of the division.

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

3 9. The commission shall

4 a. Consult with and advise the commissioner with respect to the work of
5 the division.

6 b. Approve or disapprove the appointment of officers, employees and
7 agents, and the fixing of their compensation by the commissioner.

8 c. Survey and study the operations of the division.

9 d. Report to the Governor and the Legislature with respect to such mat-
10 ters relating to the work of the division and at such times as it may deem in
11 the public interest.

12 The mayors or chief executive officers of the municipalities in the State
13 may appoint local commissions on civil rights to aid in effectuating the pur-
14 poses of this act. Such local commissions shall be composed of representa-
15 tive citizens serving without compensation. Such commissions shall attempt
16 to foster through community effort or otherwise good will, co-operation and
17 conciliation among the groups and elements of the inhabitants of the com-
18 munity, and they may be empowered by the local governing bodies to make
19 recommendations to them for the development of policies and procedures in
20 general and for programs of formal and informal education that will aid in
21 eliminating all types of discrimination based on race, creed, color, national
22 origin, or ancestry. The State commission may make provision for technical
23 and clerical assistance to municipal officials to aid in organizing such com-
24 missions in all of the municipalities in this State.

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

2 11. It shall be an unlawful employment practice, or, as the case may be,
2½ an unlawful discrimination:

3 a. For an employer, because of the race, creed, color, national origin or
4 ancestry of any individual, to refuse to hire or employ or to bar or to dis-
5 charge from employment such individual or to discriminate against such indi-

6 vidual in compensation or in terms, conditions or privileges of employment.

7 b. For a labor organization, because of the race, creed, color, national
8 origin or ancestry of any individual, to exclude or to expel from its member-
9 ship such individual or to discriminate in any way against any of its members
10 or against any employer or any individual employed by an employer.

11 c. For any employer or employment agency to print or circulate or cause
12 to be printed or circulated any statement, advertisement or publication, or
13 to use any form of application for employment, or to make any inquiry in con-
14 nection with prospective employment, which expresses, directly or indirectly,
15 any limitation, specification or discrimination as to race, creed, color, national
16 origin or ancestry or any intent to make any such limitation, specification or
17 discrimination, unless based upon a bona fide occupational qualification.

18 d. For any employer, labor organization or employment agency to dis-
19 charge, expel or otherwise discriminate against any person because he has
20 opposed any practices or acts forbidden under this act or because he has filed
21 a complaint, testified or assisted in any proceeding under this act.

22 e. For any person, whether an employer or an employee or not, to aid,
23 abet, incite, compel or coerce the doing of any of the acts forbidden under
24 this act, or to attempt to do so.

25 f. For any owner, lessee, proprietor, manager, superintendent, agent, or
26 employee of any place of public accommodation directly or indirectly to re-
27 fuse, withhold from or deny to any person any of the accommodations, advan-
28 tages, facilities or privileges thereof, or to discriminate against any person
29 in the furnishing thereof, or directly or indirectly to publish, circulate, issue,
30 display, post or mail any written or printed communication, notice, or
31 advertisement to the effect that any of the accommodations, advantages,
32 facilities, or privileges of any such place will be refused, withheld from, or
33 denied to any person on account of the race, creed, color, national origin, or
34 ancestry of such person, or that the patronage or custom thereof of any per-
35 son of any particular race, creed, color, national origin or ancestry is unwel-
36 come, objectionable or not acceptable, desired or solicited, and the production

37 of any such written or printed communication, notice or advertisement, pur-
38 porting to relate to any such place and to be made by any owner, lessee,
39 proprietor, superintendent, or manager thereof, shall be presumptive evi-
40 dence in any action that the same was authorized by such person.

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

3 12. Any person claiming to be aggrieved by an unlawful employment
4 practice or an unlawful discrimination may, by himself, or his attorney-
5 at-law, make, sign and file with the commissioner a verified complaint
6 in writing which shall state the name and address of the person, em-
7 ployer, labor organization, employment agency, owner, lessee, proprietor,
8 manager, superintendent, or agent alleged to have committed the un-
9 lawful employment practice or unlawful discrimination complained of and
10 which shall set forth the particulars thereof and shall contain such other
11 information as may be required by the commissioner. The Commissioner of
12 Labor or Attorney-General may, in like manner, make, sign and file such
13 complaint. Any employer whose employees, or some of them, refuse or
14 threaten to refuse to co-operate with the provisions of this act, may file with
15 the commissioner a verified complaint asking for assistance by conciliation
16 or other remedial action.

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

3 13. After the filing of any complaint, the commissioner shall cause
4 prompt investigation to be made in connection therewith; and if the com-
5 missioner shall determine after such investigation that probable cause exists
6 for crediting the allegations of the complaint, he shall immediately en-
7 deavor to eliminate the unlawful employment practice or the unlawful dis-
8 crimination complained of by conference, conciliation and persuasion. Neither
9 the commissioner nor any officer or employee of the division shall disclose
10 what has transpired in the course of such endeavors.

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

3 14. In case of failure so to eliminate such practice or discrimination,
4 or in advance thereof if in his judgment circumstances so warrant, the
5 commissioner shall cause to be issued and served in the name of the divi-
6 sion, a written notice, together with a copy of such complaint, as the same
7 may have been amended, requiring the person, employer, labor organiza-
8 tion, employment agency, owner, lessee, proprietor, manager, superin-
9 tendent, or agent named in such complaint, hereinafter referred to as re-
10 spondent, to answer the charges of such complaint at a hearing before the
11 commissioner at a time and place to be specified in such notice. The place
12 of any such hearing shall be the office of the commissioner or such other
13 place as may be designated by him.

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

3 16. If, upon all the evidence at the hearing the commissioner shall find
4 that the respondent has engaged in any unlawful employment practice or
5 unlawful discrimination as defined in this act, the commissioner shall state
6 his findings of fact and shall issue and cause to be served on such respond-
7 ent an order requiring such respondent to cease and desist from such
8 unlawful employment practice or unlawful discrimination and to take such
9 affirmative action, including, but not limited to, hiring, reinstatement or up-
10 grading of employees, with or without back pay, or restoration to member-
11 ship in any respondent labor organization, or extending full and equal
12 accommodations, advantages, facilities, and privileges to all persons, as, in
13 the judgment of the commissioner, will effectuate the purpose of this act, and
14 including a requirement for report of the manner of compliance. If, upon all
15 the evidence, the commissioner shall find that the respondent has not engaged
16 in any such unlawful employment practice or unlawful discrimination, the
17 commissioner shall state his findings of fact and shall issue and cause to be
18 served on the complainant an order dismissing the said complaint as to such

19 respondent. The failure of the commissioner to file his findings of fact and
20 to issue and serve an order as in this section provided, within ninety days
21 after the filing of the verified complaint with him in the manner provided
22 by section twelve of this act, or within such additional period as may, for
23 good cause shown, be granted by the commission, may, at the election of the
24 complainant, be deemed to be the equivalent of an order of the commissioner
25 dismissing the complaint, from which an appeal shall lie as hereinafter pro-
26 vided.

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

3 18. Observance of an order of the commissioner may be enforced by
4 proceedings in the County Court to compel the specific performance of the
5 order or of the duties imposed by law upon the respondent named in the
6 order. Such proceedings shall be brought in the County Court to which an
7 appeal from the order would lie as hereinafter provided.

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

3 19. An appeal from any order of the commissioner shall not supersede
4 or stay such order unless the County Court to which such appeal is taken
5 shall so direct.

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

3 20. Any person aggrieved by a final order of the commissioner may take
4 an appeal therefrom to the County Court of the county in which the alleged
5 unlawful employment practice or unlawful discrimination took place; *pro-*
6 *vided*, that notice of such appeal be filed in such County Court within thirty
7 days after the making of such order, together with an affidavit or an ac-
8 knowledgment of service of copies of the notice of appeal upon the commis-
9 sioner and all other parties to the proceeding or their attorneys. Within
10 twenty days after the service of such notice of appeal, the commissioner shall
11 file in the County Court the original or a certified copy of the record of the

12 proceedings under review, including such testimony as shall have been taken
 13 stenographically, and shall serve notice of the filing of such record upon the
 14 appellant. By order of the County Court or upon stipulation of the parties,
 15 the record may be shortened by eliminating any portion thereof, or by the
 16 submission of an agreed statement of facts. Within twenty days after serv-
 17 ice of the notice by the commissioner that the record has been filed in the
 18 County Court, the appellant shall move the appeal to the County Court in
 19 the manner provided by law and the rules of court in respect to the making
 20 of motions in the County Court, and thereafter the matter shall proceed in
 21 the same manner as in other motions in the County Court.

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

3 21. No order of the commissioner shall be set aside upon appeal in whole
 4 or in part for any irregularity or informality in the proceedings of the com-
 5 missioner unless the irregularity or informality tends to defeat or impair the
 6 substantial right or interest of the appellant.

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

3 22. Upon appeal, the County Court may affirm, reverse or modify any
 4 such order or may make such other order as shall appear equitable and
 5 just. Any final order or judgment of the County Court shall be subject to
 6 appeal by the commissioner or by any party as in other causes in such court.

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

3 23. The commissioner's copy of the testimony shall be available at all
 4 reasonable times to all parties for examination without cost.

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

3 25. Any person who shall willfully resist, prevent, impede or interfere
 4 with the commissioner or any representative of the division in the perform-
 5-6 ance of duty under this act, or shall willfully violate an order of the commis-

7 sioner, shall be guilty of a misdemeanor and shall be punishable by im-
8 prisonment for not more than one year, or by a fine of not more than five
9 hundred dollars, or by both; but procedure for the review of the order shall
10 not be deemed to be such willful conduct.

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

3 26. The provisions of this act shall be construed fairly and justly with
4 due regard to the interests of all parties. Nothing contained in this act shall
5 be deemed to repeal any of the provisions of the civil rights law or of any
6 other law of this State relating to discrimination because of race, creed,
7 color, national origin or ancestry; except that, as to practices and
8 acts declared unlawful by section eleven of this act, the procedure herein
9 provided shall, while pending, be exclusive; and the final determination
10 therein shall exclude any other action, civil or criminal, based on the same
11 grievance of the individual concerned. Nothing herein contained shall bar,
12 exclude, or otherwise affect any right or action, civil or criminal, which may
13 exist independently of any right to redress against or specific relief from an
14 unlawful employment practice or unlawful discrimination.

1 20. This act shall take effect immediately.

ASSEMBLY, No. 65

STATE OF NEW JERSEY

INTRODUCED JANUARY 17, 1949

By Miss FREEMAN

Referred to Committee on Judiciary

AN ACT to amend the title of "An act to prevent and eliminate practices of discrimination in employment and otherwise against persons because of race, creed, color, national origin or ancestry; to create a division in the Department of Education to effect such prevention and elimination; and making an appropriation therefor," approved April sixteenth, one thousand nine hundred and forty-five (P. L. 1945, c. 169), so that the same shall read "An act to protect all persons in their civil rights; to prevent and eliminate practices of discrimination against persons because of race, creed, color, national origin or ancestry; to create a division in the Department of Education to effect such prevention and elimination; and making an appropriation therefor," and to amend the body of said act.

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

1 1. The title of "An act to prevent and eliminate practices of discrimina-
2 tion in employment and otherwise against persons because of race, creed,
3 color, national origin or ancestry; to create a division in the Department of
4 Education to effect such prevention and elimination; and making an appro-
5 priation therefor," approved April sixteenth, one thousand nine hundred and
6 forty-five, is amended to read "An act to protect all persons in their civil
7 rights; to prevent and eliminate practices of discrimination against persons

8 because of race, creed, color, national origin or ancestry; to create a division
9 in the Department of Education to effect such prevention and elimination,
10 and making an appropriation therefor.”

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

3 4. All persons shall have the [The] opportunity to obtain employment
4 and to obtain all the accommodations, advantages, facilities, and privileges
5 of any place of public accommodation, without discrimination because of
6 race, creed, color, national origin or ancestry, subject only to conditions and
7 limitations applicable alike to all persons. This opportunity is recognized as
8 and declared to be a civil right.

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

3 5. As used in this act, unless a different meaning clearly appears from the
4 context:

5 a. “Person” includes one or more individuals, partnerships, associa-
6 tions, labor organizations, corporations, legal representatives, trustees,
7 trustees in bankruptcy, [or] receivers[.], and fiduciaries.

8 b. “Employment agency” includes any person undertaking to procure
9 employees or opportunities for others to work.

10 c. “Labor organization” includes any organization which exists and is
11 constituted for the purpose, in whole or in part, of collective bargaining or
12 of dealing with employers concerning grievances, terms or conditions of
13 employment, or of other mutual aid or protection in connection with employ-
14 ment.

15 d. “Unlawful employment practice” and “unlawful discrimination”
16 include[s] only those unlawful practices and acts specified in section eleven
17 of this act.

18 e. “Employer” does not include a club exclusively social or a fraternal,
19 charitable, educational or religious association or corporation, if such club,

20 association or corporation is not organized and operated for private profit
21 nor does it include any employer with fewer than six persons in his employ.

22 f. "Employee" does not include any individual employed by his parents,
23 spouse or child, or in the domestic service of any person.

24 g. "Division" means the State "Division against Discrimination"
25 created by this act.

25½ h. "Commissioner" means the State Commissioner of Education.

26 i. "Commission" means the Commission on Civil Rights created by
26½ this act.

27 j. "A place of public accommodation" shall include any tavern,
28 roadhouse, or hotel, whether for entertainment of transient guests or accom-
29 modation of those seeking health, recreation or rest; any retail shop or store;
30 any restaurant, eating house, or place where food is sold for consumption on
31 the premises; any place maintained for the sale of ice cream, ice and fruit
32 preparations or their derivatives, soda water or confections, or where any
33 beverages of any kind are retailed for consumption on the premises; any
34 garage, any public conveyance operated on land or water, or in the air, and
35 stations and terminals thereof; any public bathhouse, public boardwalk, public
36 seashore accommodation; any auditorium, meeting place, or public hall; any
37 theatre, or other place of public amusement, motion-picture house, music
38 hall, roof garden, skating rink, swimming pool, amusement and recreation
39 park, fair, bowling alley, gymnasium, shooting gallery, billiard and pool
40 parlor; any comfort station; any dispensary, clinic or hospital; and any pub-
41 lic library, kindergarten, primary and secondary school, trade or business
42 school, high school, academy, college and university, or any educational in-
43 stitution under the supervision of the regents of the State of New Jersey,
44 or the State Board of Education, or the Commissioner of Education of the
45 State of New Jersey. Nothing herein contained shall be construed to in-
46 clude, or to apply to, any institution, bona fide club, or place of accommoda-

47 tion, which is in its nature distinctly private; nor shall anything herein
 48 contained apply to any educational facility operated or maintained by a
 49 bona fide religious or sectarian institution, and the right of a natural
 50 parent or one in loco parentis to direct the education and upbringing of a
 51 child under his control is hereby affirmed; nor shall anything herein con-
 52 tained be construed to bar any private secondary or post-secondary school
 53 from using in good faith criteria other than race, creed, color, national
 54 origin or ancestry, in the admission of students.

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

3 7. The said division shall consist of the Commissioner of Education and
 4 the commission [a council]. The commission [council] shall consist of
 5 seven members; each member shall be appointed by the Governor, with the ad-
 6 vice and consent of the Senate, for a term of five years and until his suc-
 7 cessor is appointed and qualified, except that of those first appointed, one
 8 shall be appointed for a term of one year, one for a term of two years, one
 9 for a term of three years and two for a term of four years. Vacancies
 10 caused other than by expiration of term shall be filled in the same manner
 11 but for the unexpired term only. Members of the commission [council]
 12 shall serve without compensation but shall be reimbursed for necessary ex-
 13 penses incurred in the performance of their duties. The first chairman of
 14 the commission [council] shall be designated by the Governor and thereafter,
 15 the chairman shall be elected by the members, annually.

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

- 3 8. The commissioner shall
- 4 a. Exercise all powers of the division not vested in the commission
 - 5 [council].
 - 6 b. Administer the work of the division.
 - 7 c. Organize the division into two sections, one of which shall receive,
 - 8 investigate, and act upon complaints alleging discrimination in employment

9 against persons because of race, creed, color, national origin or ancestry,
10 and the other of which shall receive, investigate, and act upon complaints
11 alleging other unlawful acts of discrimination against persons because of
12 race, creed, color, national origin or ancestry; prescribe the organization of
13 [the division] said sections and the duties of his subordinates and as-
14 sistants.

15 d. Subject to the approval of the commission **[council]** and the Gov-
16 ernor, appoint an assistant Commissioner of Education, who shall act for
17 the commissioner, in his place and with his powers, and such other directors,
18 field representatives and assistants as may be necessary for the proper ad-
19 ministration of the division and fix their compensation within the limits of
20 available appropriations. The assistant commissioner, directors, field repre-
21 sentatives, and assistants shall not be subject to the civil service act and shall
22 be removable by the commissioner at will.

23 e. Appoint such clerical force and employees as he may deem necessary
24 and fix their duties, all of whom shall be subject to the civil service act.

25 f. Maintain liaison with local, State and Federal officials and agencies
26 concerned with matters related to the work of the division.

27 g. Subject to the approval of the commission **[council]** adopt, promul-
28 gate, amend, and rescind suitable rules and regulations to carry out the pro-
29 visions of this act.

30 h. Receive, investigate, and pass upon complaints alleging **[discrimina-**
31 **tion in employment]** violations of the provisions of this act. **[against persons**
32 **because of race, creed, color, national origin or ancestry.]**

33 i. Hold hearings, subpoena witnesses, compel their attendance, admin-
34 ister oaths, take the testimony of any person, under oath, and, in connection
35 therewith, **[to]** require the production for examination of any books or
36 papers relating to any matter under investigation or in question before the
37 commissioner. The commissioner may make rules as to the issuance of
38 subpoenas by the assistant commissioner.

39 j. Issue such publications and such results of investigations and re-
40 search tending to promote good will and to minimize or eliminate dis-
41 crimination because of race, creed, color, national origin or ancestry, as the
42 commission [council] shall direct.

43 k. Render each year to the Governor and Legislature a full written re-
44 port of all the activities of the division.

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

3 9. The commission [council] shall

4 a. Consult with and advise the commissioner with respect to the work of
5 the division.

6 b. Approve or disapprove the appointment of officers, employees and
7 agents, and the fixing of their compensation by the commissioner.

8 c. Survey and study the operations of the division.

9 d. Report to the Governor and the Legislature with respect to such mat-
10 ters relating to the work of the division and at such times as it may deem in
11 the public interest.

12 e. Create such advisory agencies and conciliation councils, local,
13 regional or State-wide, as in its judgment will aid in effectuating the pur-
14 poses of this act, and the commission [council] may empower them to
15 study the problems of discrimination in all or specific fields of human rela-
16 tionships or in specific instances of discrimination because of race, creed,
17 color, national origin or ancestry and to foster through community effort
18 or otherwise good will, co-operation and conciliation among the groups and
19 elements of the population of the State, and make recommendations to the
20 commission [council] for the development of policies and procedures in
21 general and in specific instances and for programs of formal and informal
22 education which the commission [council] may recommend to the appro-
23 priate State agency. Such advisory agencies and conciliation councils shall
24 be composed of representative citizens, serving without pay, but with re-
25 imbursement for actual and necessary traveling expenses; and the commis-

26 sion [council] may make provision for technical and clerical assistance to
27 such agencies and councils and for the expenses of such assistance.

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

2 11. It shall be an unlawful employment practice[:], or, as the case
2½ may be, an unlawful discrimination:

3 a. For an employer, because of the race, creed, color, national origin or
4 ancestry of any individual, to refuse to hire or employ or to bar or to dis-
5 charge from employment such individual or to discriminate against such indi-
6 vidual in compensation or in terms, conditions or privileges of employment.

7 b. For a labor organization, because of the race, creed, color, national
8 origin or ancestry of any individual, to exclude or to expel from its member-
9 ship such individual or to discriminate in any way against any of its members
10 or against any employer or any individual employed by an employer.

11 c. For any employer or employment agency to print or circulate or cause
12 to be printed or circulated any statement, advertisement or publication, or
13 to use any form of application for employment, or to make any inquiry in con-
14 nection with prospective employment, which expresses, directly or indirectly,
15 any limitation, specification or discrimination as to race, creed, color, national
16 origin or ancestry or any intent to make any such limitation, specification or
17 discrimination, unless based upon a bona fide occupational qualification.

18 d. For any employer, labor organization or employment agency to dis-
19 charge, expel or otherwise discriminate against any person because he has
20 opposed any practices or acts forbidden under this act or because he has filed
21 a complaint, testified or assisted in any proceeding under this act.

22 e. For any person, whether an employer or an employee or not, to aid,
23 abet, incite, compel or coerce the doing of any of the acts forbidden under
24 this act, or to attempt to do so.

25 f. For any owner, lessee, proprietor, manager, superintendent, agent, or
26 employee of any place of public accommodation directly or indirectly to re-

27 fuse, withhold from or deny to any person any of the accommodations, advan-
28 tages, facilities or privileges thereof, or to discriminate against any person
29 in the furnishing thereof, or directly or indirectly to publish, circulate, issue,
30 display, post or mail any written or printed communication, notice, or
31 advertisement to the effect that any of the accommodations, advantages,
32 facilities, or privileges of any such place will be refused, withheld from, or
33 denied to any person on account of the race, creed, color, national origin, or
34 ancestry of such person, or that the patronage or custom thereof of any per-
35 son of any particular race, creed, color, national origin or ancestry is unwel-
36 come, objectionable or not acceptable, desired or solicited, and the production
37 of any such written or printed communication, notice or advertisement, pur-
38 porting to relate to any such place and to be made by any owner, lessee,
39 proprietor, superintendent, or manager thereof, shall be presumptive evi-
40 dence in any action that the same was authorized by such person.

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

3 12. Any person claiming [to be aggrieved by] an [alleged] unlawful
4 employment practice or an unlawful discrimination may, by himself, or his
5 attorney-at-law, make, sign and file with the commissioner a verified com-
6 plaint in writing which shall state the name and address of the person, em-
7 ployer, labor organization, [or] employment agency, owner, lessee, pro-
8 prietor, manager, superintendent, or agent alleged to have committed the
9 unlawful employment practice or unlawful discrimination complained of and
10 which shall set forth the particulars thereof and shall contain such other
11 information as may be required by the commissioner. The Commissioner of
12 Labor or Attorney-General may, in like manner, make, sign and file such
13 complaint. Any employer whose employees, or some of them, refuse or
14 threaten to refuse to co-operate with the provisions of this act, may file with
15 the commissioner a verified complaint asking for assistance by conciliation
16 or other remedial action.

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

3 13. After the filing of any complaint, the commissioner shall cause
4 prompt investigation to be made in connection therewith; and if the com-
5 missioner shall determine after such investigation that probable cause exists
6 for crediting the allegations of the complaint, he shall immediately en-
7 deavor to eliminate the unlawful employment practice or the unlawful dis-
8 crimination complained of by conference, conciliation and persuasion. Neither
9 the commissioner nor any officer or employee of the division shall disclose
10 what has transpired in the course of such endeavors.

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

3 14. In case of failure so to eliminate such practice or discrimination,
4 or in advance thereof if in his judgment circumstances so warrant, [he]
5 the commissioner shall cause to be issued and served in the name of the divi-
6 sion, a written notice, together with a copy of such complaint, as the same
7 may have been amended, requiring the person, employer, labor organiza-
8 tion, [or] employment agency, owner, lessee, proprietor, manager, superin-
9 tendent, or agent named in such complaint, hereinafter referred to as re-
10 spondent, to answer the charges of such complaint at a hearing before the
11 commissioner at a time and place to be specified in such notice. The place
12 of any such hearing shall be the office of the commissioner or such other
13 place as may be designated by him.

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

3 16. If, upon all the evidence at the hearing the commissioner shall find
4 that the respondent has engaged in any unlawful employment practice or
5 unlawful discrimination as defined in this act, the commissioner shall state
6 his findings of fact and shall issue and cause to be served on such respond-
7 ent an order requiring such respondent to cease and desist from such

8 unlawful employment practice or unlawful discrimination and to take such
9 affirmative action, including, but not limited to, hiring, reinstatement or up-
10 grading of employees, with or without back pay, or restoration to member-
11 ship in any respondent labor organization, or extending full and equal
12 accommodations, advantages, facilities, and privileges to all persons, as, in
13 the judgment of the commissioner, will effectuate the purpose of this act, and
14 including a requirement for report of the manner of compliance. If, upon all
15 the evidence, the commissioner shall find that the respondent has not engaged
16 in any such unlawful employment practice or unlawful discrimination, the
17 commissioner shall state his findings of fact and shall issue and cause to be
18 served on the complainant an order dismissing the said complaint as to such
19 respondent. The failure of the commissioner to file his findings of fact and
20 to issue and serve an order as in this section provided, within sixty days
21 after the filing of the verified complaint with him in the manner provided
22 by section twelve of this act, may, at the election of the complainant, be
23 deemed to be the equivalent of an order of the commissioner dismissing the
24 complaint, which shall be subject to review, hearing, and relief in the Su-
25 perior Court, unless the Superior Court shall, for good cause shown, extend
26 the time of the commissioner.

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

3 18. Observance of the orders of the commissioner may be enforced by
4 [mandamus or injunction in appropriate cases, or by suit in equity] ap-
5 propriate proceedings in the Superior Court to compel the specific perform-
6 ance of the order or of the duties imposed by law upon the respondent
7 named in the order. Any order made by the commissioner [may be re-
8 viewed upon certiorari by the Supreme Court] shall be subject to review,
9 hearing, and relief in the Superior Court; provided, [No certiorari shall be
10 allowed unless] application therefore be made within thirty days from the
11 date of service of the order upon respondent; [nor unless] and provided,

12 further, that notice in writing of the application shall have been given to
 13 the commissioner with a copy of the affidavits or proof upon which the ap-
 14 plication is based. The notice shall be served upon the commissioner either
 15 personally or by leaving it at the office of the commissioner in Trenton. The
 16 evidence presented to the commissioner, together with his findings and the
 17 order issued thereon, shall be certified by the commissioner, to the Supreme
 18 Court as his return] and shall be evidence in the Superior Court.

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

3 19. 【The allowance of a writ of certiorari to review】 An application to
 4 the Superior Court, pursuant to section eighteen of this act, for review,
 5 hearing and relief of, upon, and from any order of the commissioner shall
 6 not supersede or stay such order unless the 【Supreme Court】 Superior
 7 Court 【or a justice thereof】 shall so direct.

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

3 20. The 【Supreme Court】 Superior Court 【is given】 shall have juris-
 4 isdiction to review any order of the commissioner, and to set aside such order
 5 in whole or in part, when it clearly appears that there was no evidence
 6 before the commissioner to support the same reasonably, or that the same
 7 was without the jurisdiction of the commissioner.

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

3 21. No order of the commissioner shall be set aside in whole or in part
 4 for any irregularity or informality in the proceedings of the commissioner
 5 unless the irregularity or informality tends to defeat or impair the sub-
 6 stantial right or interest of the 【prosecutor in certiorari】 person applying
 7 to the Superior Court for review, hearing and relief.

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

3 22. Upon such review, the ~~Supreme Court~~ Superior Court may affirm,
4 reverse or modify any such order or may make such other order as shall
5 appear equitable and just.

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

3 23. The commissioner's copy of the testimony shall be available at all
4 reasonable times to all parties for examination without cost and for produc-
5 tion upon an application ~~for a writ of certiorari~~ to the Superior Court
6 for review, hearing and relief. ~~The review upon certiorari~~ Such pro-
7 ceedings in the Superior Court shall be on the record without requirement
8 of printing.

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

3 25. Any person ~~[, employer, labor organization or employment agency,]~~
4 who ~~[or which]~~ shall willfully resist, prevent, impede or interfere with the
5 commissioner of any representative ~~[s]~~ of the division in the performance
6 of duty under this act, or shall willfully violate an order of the commis-
7 sioner, shall be guilty of a misdemeanor and shall be punishable by im-
8 prisonment for not more than one year, or by a fine of not more than five
9 hundred dollars ~~[\$500.00]~~, or by both; but procedure for the review of the
10 order shall not be deemed to be such willful conduct.

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

3 26. The provisions of this act shall be construed liberally for the ac-
4 complishment of the purposes thereof. Nothing contained in this act shall
5 be deemed to repeal any of the provisions of the civil rights law or of any
6 other law of this State relating to discrimination because of race, creed,
7 color, national origin or ancestry; except that ~~[but]~~, as to practices and

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8 acts declared unlawful by section eleven of this act, the procedure herein
9 provided shall, while pending, be exclusive; and the final determination
10 therein shall exclude any other action, civil or criminal, based on the same
11 grievance of the individual concerned. [If such individual institutes an ac-
12 tion based on such grievance without resorting to the procedure provided in
13 this act, he may not subsequently resort to the procedure herein.] Nothing
14 herein contained shall bar, exclude, or otherwise affect any right or action,
15 civil or criminal, which may exist independently of any right to redress
16 against or specific relief from an unlawful employment practice or unlawful
17 discrimination.

1 20. This act shall take effect immediately.

STATEMENT

This bill is intended to combine in one law the substantive provisions of the existing Civil Rights Law, Revised Statutes, sections 10:1-2 to 10:1-7, and the existing law against discrimination, Revised Statutes, sections 18:25-1 to 18:25-28.

It consolidates and unifies procedure and places administration under an existing single administrative agency.

This bill follows the recommendations of Governor Driscoll's Committee on Civil Liberties, as outlined in its report dated April 22, 1948 (pages 19 and 20) in substantially all respects, renaming the State Council of the Division Against Discrimination as The Commission on Civil Rights (see section 3 of the bill, amending section 5 of the 1945 act; new subparagraph "i"), and separating the division into two sections, one charged solely with the administration of the law against discrimination in employment, and the other with the administration of the law against other unlawful discrimination in the field of civil rights (see section 5 of the bill, amending section 8, subparagraph "c," of the act). This bill has the approval of the State Council of the Division Against Discrimination and is supported by the following organizations:

Afro-American Baptist State Convention of New Jersey
A.M.E. Zion Church, Council of New Jersey
Americans for Democratic Action, New Jersey Council
American Jewish Committee, Trenton and Essex County Chapters
American Jewish Congress, New Jersey State Region
American Legion, Guyton-Callahan Post No. 152
American Veterans Committee, New Jersey State Council
B'nai B'rith Councils of New Jersey
Burlington County Council for Civil Rights
Camden Council of Churches
Camden County Council for Civil Rights
Committee on Intergroup Action, Central Atlantic Area, Y. M. C. A.
Elizabeth Jewish Council
Englewood Urban League
Essex County Intergroup Council
Essex County Republican Council, Inc.
Federation of Jewish Women's Organizations of Essex County
Gas, Coke and Chemical Workers, C.I.O., District 4
Gloucester County Civil Liberties Council
Good Will Associates
Greater Newark C.I.O. Council
Hudson County Council for A-512
Jewish Community Council of Essex County
Jewish War Veterans of the United States, Department of New Jersey
Lambda Kappa Mu, Epsilon Chapter
League of Women Shoppers of New Jersey
League of Women Voters of New Jersey
Morris County Committee for Civil Rights
National Conference of Christians and Jews
National Council of Jewish Women, New Jersey Conference
National Council of Negro Women, New Jersey Metropolitan Branch

New Jersey Council of Churches
New Jersey Education Association
New Jersey Independent Citizens' League
New Jersey State C.I.O. Council
New Jersey State Conference of N.A.A.C.P. Branches
New Jersey State Council, Division Against Discrimination
New Jersey State Federation of Colored Women's Clubs, Inc.
New Jersey State Federation of Labor
New Jersey State Federation of Teachers
New Jersey Welfare Council
Newark Teachers Union
North Hudson Jewish Community Council
North Jersey Civil Liberties League
Trenton Council on Human Relations
Union County Council for Civil Rights
United Electrical Workers, District 4, C.I.O.
United Office and Professional Workers, C.I.O.
Urban League Guild of New Jersey
Urban League of New Jersey
Women's League of the United Synagogue of America, New Jersey Branch

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ASSEMBLY, No. 65

STATE OF NEW JERSEY

INTRODUCED JANUARY 17, 1949

By Miss FREEMAN

Referred to Committee on Judiciary

AN ACT to amend the title of "An act to prevent and eliminate practices of discrimination in employment and otherwise against persons because of race, creed, color, national origin or ancestry; to create a division in the Department of Education to effect such prevention and elimination; and making an appropriation therefor," approved April sixteenth, one thousand nine hundred and forty-five (P. L. 1945, c. 169), so that the same shall read "An act to protect all persons in their civil rights; to prevent and eliminate practices of discrimination against persons because of race, creed, color, national origin or ancestry; to create a division in the Department of Education to effect such prevention and elimination; and making an appropriation therefor," and to amend the body of said act.

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

1 1. The title of "An act to prevent and eliminate practices of discrimina-
2 tion in employment and otherwise against persons because of race, creed,
3 color, national origin or ancestry; to create a division in the Department of
4 Education to effect such prevention and elimination; and making an appro-
5 priation therefor," approved April sixteenth, one thousand nine hundred and
6 forty-five, is amended to read "An act to protect all persons in their civil
7 rights; to prevent and eliminate practices of discrimination against persons

8 because of race, creed, color, national origin or ancestry; to create a division
9 in the Department of Education to effect such prevention and elimination,
10 and making an appropriation therefor.”

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

3 4. All persons shall have the opportunity to obtain employment and
4 to obtain all the accommodations, advantages, facilities, and privileges
5 of any place of public accommodation, without discrimination because of
6 race, creed, color, national origin or ancestry, subject only to conditions and
7 limitations applicable alike to all persons. This opportunity is recognized as
8 and declared to be a civil right.

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

3 5. As used in this act, unless a different meaning clearly appears from the
4 context:

5 a. “Person” includes one or more individuals, partnerships, associa-
6 tions, labor organizations, corporations, legal representatives, trustees,
7 trustees in bankruptcy, receivers, and fiduciaries.

8 b. “Employment agency” includes any person undertaking to procure
9 employees or opportunities for others to work.

10 c. “Labor organization” includes any organization which exists and is
11 constituted for the purpose, in whole or in part, of collective bargaining or
12 of dealing with employers concerning grievances, terms or conditions of
13 employment, or of other mutual aid or protection in connection with employ-
14 ment.

15 d. “Unlawful employment practice” and “unlawful discrimination”
16 includes only those unlawful practices and acts specified in section eleven
17 of this act.

18 e. “Employer” does not include a club exclusively social or a fraternal,
19 charitable, educational or religious association or corporation, if such club,

20 association or corporation is not organized and operated for private profit
21 nor does it include any employer with fewer than six persons in his employ.

22 f. "Employee" does not include any individual employed by his parents,
23 spouse or child, or in the domestic service of any person.

24 g. "Division" means the State "Division against Discrimination"
25 created by this act.

25½ h. "Commissioner" means the State Commissioner of Education.

26 i. "Commission" means the Commission on Civil Rights created by
26½ this act.

27 j. "A place of public accommodation" shall include any tavern,
28 roadhouse, or hotel, whether for entertainment of transient guests or accom-
29 modation of those seeking health, recreation or rest; any retail shop or store;
30 any restaurant, eating house, or place where food is sold for consumption on
31 the premises; any place maintained for the sale of ice cream, ice and fruit
32 preparations or their derivatives, soda water or confections, or where any
33 beverages of any kind are retailed for consumption on the premises; any
34 garage, any public conveyance operated on land or water, or in the air, and
35 stations and terminals thereof; any public bathhouse, public boardwalk, public
36 seashore accommodation; any auditorium, meeting place, or public hall; any
37 theatre, or other place of public amusement, motion-picture house, music
38 hall, roof garden, skating rink, swimming pool, amusement and recreation
39 park, fair, bowling alley, gymnasium, shooting gallery, billiard and pool
40 parlor; any comfort station; any dispensary, clinic or hospital; and any
41 public library, any kindergarten, primary and secondary school, trade or
42 business school, high school, academy, college and university, or any
43 educational institution under the supervision of the State Board of
44 Education, or the Commissioner of Education of the State of New
45 Jersey. Nothing herein contained shall be construed to include, or
46 to apply to, any institution, bona fide club, or place of accommoda-

47 tion, which is in its nature distinctly private; nor shall anything herein
 48 contained apply to any educational facility operated or maintained by a
 49 bona fide religious or sectarian institution, and the right of a natural
 50 parent or one in loco parentis to direct the education and upbringing of a
 51 child under his control is hereby affirmed; nor shall anything herein con-
 52 tained be construed to bar any private secondary or post-secondary school
 53 from using in good faith criteria other than race, creed, color, national
 54 origin or ancestry, in the admission of students.

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

3 7. The said division shall consist of the Commissioner of Education and
 4 the commission. The commission shall consist of seven members; each mem-
 5 ber shall be appointed by the Governor, with the advice and consent of the
 6 Senate, for a term of five years and until his successor is appointed and
 7 qualified, except that of those first appointed, one shall be appointed for a
 8 term of one year, one for a term of two years, one for a term of three years
 9 and two for a term of four years. Vacancies caused other than by expiration
 10 of term shall be filled in the same manner but for the unexpired term only.
 11 Members of the commission shall serve without compensation but shall be re-
 12 imbursed for necessary expenses incurred in the performance of their duties.
 13 The first chairman of the commission shall be designated by the Governor
 14 and thereafter, the chairman shall be elected by the members, annually.

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

3 8. The commissioner shall
 4-5 a. Exercise all powers of the division not vested in the commission.
 6 b. Administer the work of the division.
 7 c. Organize the division into two sections, one of which shall receive,
 8 investigate, and act upon complaints alleging discrimination in employment
 9 against persons because of race, creed, color, national origin or ancestry,
 10 and the other of which shall receive, investigate, and act upon complaints

11 alleging other unlawful acts of discrimination against persons because of
12 race, creed, color, national origin or ancestry; prescribe the organization of
13 said sections and the duties of his subordinates and assistants.

14-15 d. Subject to the approval of the commission and the Governor,
16 appoint an assistant Commissioner of Education, who shall act for the
17 commissioner, in his place and with his powers, and such other directors,
18 field representatives and assistants as may be necessary for the proper ad-
19 ministration of the division and fix their compensation within the limits of
20 available appropriations. The assistant commissioner, directors, field repre-
21 sentatives, and assistants shall not be subject to the civil service act and shall
22 be removable by the commissioner at will.

23 e. Appoint such clerical force and employees as he may deem necessary
24 and fix their duties, all of whom shall be subject to the civil service act.

25 f. Maintain liaison with local, State and Federal officials and agencies
26 concerned with matters related to the work of the division.

27 g. Subject to the approval of the commission adopt, promulgate,
28 amend, and rescind suitable rules and regulations to carry out the pro-
29 visions of this act.

30-31 h. Receive, investigate, and pass upon complaints alleging violations of
32 the provisions of this act.

33 i. Hold hearings, subpoena witnesses, compel their attendance, admin-
34 ister oaths, take the testimony of any person, under oath, and, in con-
35 nection therewith, require the production for examination of any books or
36 papers relating to any matter under investigation or in question before the
37 commissioner. The commissioner may make rules as to the issuance of
38 subpoenas by the assistant commissioner.

39 j. Issue such publications and such results of investigations and re-
40 search tending to promote good will and to minimize or eliminate dis-
41 crimination because of race, creed, color, national origin or ancestry, as the
42 commission shall direct.

43 k. Render each year to the Governor and Legislature a full written re-
44 port of all the activities of the division.

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

3 9. The commission shall

4 a. Consult with and advise the commissioner with respect to the work of
5 the division.

6 b. Approve or disapprove the appointment of officers, employees and
7 agents, and the fixing of their compensation by the commissioner.

8 c. Survey and study the operations of the division.

9 d. Report to the Governor and the Legislature with respect to such mat-
10 ters relating to the work of the division and at such times as it may deem in
11 the public interest.

12 e. Create such advisory agencies and conciliation councils, local,
13 regional or State-wide, as in its judgment will aid in effectuating the pur-
14 poses of this act, and the commission may empower them to study the
15 problems of discrimination in all or specific fields of human relationships or
16 in specific instances of discrimination because of race, creed, color, national
17 origin or ancestry and to foster through community effort or otherwise good
18 will, co-operation and conciliation among the groups and elements of the
19 population of the State, and make recommendations to the commission for
20 the development of policies and procedures in general and in specific instances
21 and for programs of formal and informal education which the commission
22 may recommend to the appropriate State agency. Such advisory agencies
23 and conciliation councils shall be composed of representative citizens, serv-
24 ing without pay, but with reimbursement for actual and necessary traveling
25 expenses; and the commission may make provision for technical and clerical
26 assistance to such agencies and councils and for the expenses of such assist-
27 ance.

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

2 11. It shall be an unlawful employment practice, or, as the case may be,
2½ an unlawful discrimination:

3 a. For an employer, because of the race, creed, color, national origin or
4 ancestry of any individual, to refuse to hire or employ or to bar or to dis-
5 charge from employment such individual or to discriminate against such indi-
6 vidual in compensation or in terms, conditions or privileges of employment.

7 b. For a labor organization, because of the race, creed, color, national
8 origin or ancestry of any individual, to exclude or to expel from its member-
9 ship such individual or to discriminate in any way against any of its members
10 or against any employer or any individual employed by an employer.

11 c. For any employer or employment agency to print or circulate or cause
12 to be printed or circulated any statement, advertisement or publication, or
13 to use any form of application for employment, or to make any inquiry in con-
14 nection with prospective employment, which expresses, directly or indirectly,
15 any limitation, specification or discrimination as to race, creed, color, national
16 origin or ancestry or any intent to make any such limitation, specification or
17 discrimination, unless based upon a bona fide occupational qualification.

18 d. For any employer, labor organization or employment agency to dis-
19 charge, expel or otherwise discriminate against any person because he has
20 opposed any practices or acts forbidden under this act or because he has filed
21 a complaint, testified or assisted in any proceeding under this act.

22 e. For any person, whether an employer or an employee or not, to aid,
23 abet, incite, compel or coerce the doing of any of the acts forbidden under
24 this act, or to attempt to do so.

25 f. For any owner, lessee, proprietor, manager, superintendent, agent, or
26 employee of any place of public accommodation directly or indirectly to re-
27 fuse, withhold from or deny to any person any of the accommodations, advan-
28 tages, facilities or privileges thereof, or to discriminate against any person
29 in the furnishing thereof, or directly or indirectly to publish, circulate, issue,

30 display, post or mail any written or printed communication, notice, or
31 advertisement to the effect that any of the accommodations, advantages,
32 facilities, or privileges of any such place will be refused, withheld from, or
33 denied to any person on account of the race, creed, color, national origin, or
34 ancestry of such person, or that the patronage or custom thereof of any per-
35 son of any particular race, creed, color, national origin or ancestry is unwel-
36 come, objectionable or not acceptable, desired or solicited, and the production
37 of any such written or printed communication, notice or advertisement, pur-
38 porting to relate to any such place and to be made by any owner, lessee,
39 proprietor, superintendent, or manager thereof, shall be presumptive evi-
40 dence in any action that the same was authorized by such person.

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

3 12. Any person claiming to be aggrieved by an unlawful employment
4 practice or an unlawful discrimination may, by himself, or his attorney-
5 at-law, make, sign and file with the commissioner a verified complaint
6 in writing which shall state the name and address of the person, em-
7 ployer, labor organization, employment agency, owner, lessee, proprietor,
8 manager, superintendent, or agent alleged to have committed the un-
9 lawful employment practice or unlawful discrimination complained of and
10 which shall set forth the particulars thereof and shall contain such other
11 information as may be required by the commissioner. The Commissioner of
12 Labor or Attorney-General may, in like manner, make, sign and file such
13 complaint. Any employer whose employees, or some of them, refuse or
14 threaten to refuse to co-operate with the provisions of this act, may file with
15 the commissioner a verified complaint asking for assistance by conciliation
16 or other remedial action.

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

3 13. After the filing of any complaint, the commissioner shall cause
4 prompt investigation to be made in connection therewith; and if the com-

5 missioner shall determine after such investigation that probable cause exists
6 for crediting the allegations of the complaint, he shall immediately en-
7 deavor to eliminate the unlawful employment practice or the unlawful dis-
8 crimination complained of by conference, conciliation and persuasion. Neither
9 the commissioner nor any officer or employee of the division shall disclose
10 what has transpired in the course of such endeavors.

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

3 14. In case of failure so to eliminate such practice or discrimination,
4 or in advance thereof if in his judgment circumstances so warrant, the
5 commissioner shall cause to be issued and served in the name of the divi-
6 sion, a written notice, together with a copy of such complaint, as the same
7 may have been amended, requiring the person, employer, labor organiza-
8 tion, employment agency, owner, lessee, proprietor, manager, superin-
9 tendent, or agent named in such complaint, hereinafter referred to as re-
10 spondent, to answer the charges of such complaint at a hearing before the
11 commissioner at a time and place to be specified in such notice. The place
12 of any such hearing shall be the office of the commissioner or such other
13 place as may be designated by him.

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

3 16. If, upon all the evidence at the hearing the commissioner shall find
4 that the respondent has engaged in any unlawful employment practice or
5 unlawful discrimination as defined in this act, the commissioner shall state
6 his findings of fact and shall issue and cause to be served on such respond-
7 ent an order requiring such respondent to cease and desist from such
8 unlawful employment practice or unlawful discrimination and to take such
9 affirmative action, including, but not limited to, hiring, reinstatement or up-
10 grading of employees, with or without back pay, or restoration to member-
11 ship in any respondent labor organization, or extending full and equal
12 accommodations, advantages, facilities, and privileges to all persons, as, in

13 the judgment of the commissioner, will effectuate the purpose of this act, and
14 including a requirement for report of the manner of compliance. If, upon all
15 the evidence, the commissioner shall find that the respondent has not engaged
16 in any such unlawful employment practice or unlawful discrimination, the
17 commissioner shall state his findings of fact and shall issue and cause to be
18 served on the complainant an order dismissing the said complaint as to such
19 respondent. The failure of the commissioner to file his findings of fact and
20 to issue and serve an order as in this section provided, within ninety days
21 after the filing of the verified complaint with him in the manner provided
22 by section twelve of this act, or within such additional period as may, for
23 good cause shown, be granted by the commission, may, at the election of the
24 complainant, be deemed to be the equivalent of an order of the commissioner
25 dismissing the complaint, which shall be subject to review, hearing, and
26 relief in the Superior Court.

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

3 18. Observance of the orders of the commissioner may be enforced by
4-5 appropriate proceedings in the Superior Court to compel the specific perform-
6 ance of the order or of the duties imposed by law upon the respondent
7 named in the order. Any order made by the commissioner shall be subject to
8 review, hearing, and relief in the Superior Court; *provided*, application there-
9 fore be made within thirty days from the date of service of the order upon
10 respondent; *and provided, further*, that notice in writing of the application
11 shall have been given to the commissioner with a copy of the affidavits or
12 proof upon which the application is based. The notice shall be served upon
13 the commissioner either personally or by leaving it at the office of the com-
14 missioner in Trenton. The evidence presented to the commissioner, together
15 with his findings and the order issued thereon, shall be certified by the com-
16 missioner, and shall be evidence in the Superior Court.

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

3 19. An application to the Superior Court, pursuant to section eighteen
4 of this act, for review, hearing and relief of, upon, and from any order of the
5 commissioner shall not supersede or stay such order unless the Superior
6 Court shall so direct.

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

3 20. The Superior Court shall have jurisdiction to review any order of the
4 commissioner, and to set aside such order in whole or in part, when it clearly
5 appears that there was no evidence before the commissioner to support the
6 same reasonably, or that the same was without the jurisdiction of the com-
7 missioner.

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

3 21. No order of the commissioner shall be set aside in whole or in part
4 for any irregularity or informality in the proceedings of the commissioner
5 unless the irregularity or informality tends to defeat or impair the sub-
6 stantial right or interest of the person applying to the Superior Court for
7 review, hearing and relief.

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

3 22. Upon such review, the Superior Court may affirm, reverse or modify
4 any such order or may make such other order as shall appear equitable and
5 just.

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

3 23. The commissioner's copy of the testimony shall be available at all
4 reasonable times to all parties for examination without cost and for produc-
5 tion upon an application to the Superior Court for review, hearing and relief.

6 Such proceedings in the Superior Court shall be on the record without re-
7 quirement of printing.

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

3 25. Any person who shall willfully resist, prevent, impede or interfere
4 with the commissioner of any representative of the division in the perform-
5-6 ance of duty under this act, or shall willfully violate an order of the commis-
7 sioner, shall be guilty of a misdemeanor and shall be punishable by im-
8 prisonment for not more than one year, or by a fine of not more than five
9 hundred dollars, or by both; but procedure for the review of the order shall
10 not be deemed to be such willful conduct.

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

3 26. The provisions of this act shall be construed liberally for the ac-
4 complishment of the purposes thereof. Nothing contained in this act shall
5 be deemed to repeal any of the provisions of the civil rights law or of any
6 other law of this State relating to discrimination because of race, creed,
7 color, national origin or ancestry; except that, as to practices and
8 acts declared unlawful by section eleven of this act, the procedure herein
9 provided shall, while pending, be exclusive; and the final determination
10 therein shall exclude any other action, civil or criminal, based on the same
11 grievance of the individual concerned. Nothing herein contained shall bar,
12 exclude, or otherwise affect any right or action, civil or criminal, which may
13 exist independently of any right to redress against or specific relief from an
14 unlawful employment practice or unlawful discrimination.

1 20. This act shall take effect immediately.

[OFFICIAL COPY REPRINT]
SENATE AMENDMENTS TO
ASSEMBLY, No. 65

STATE OF NEW JERSEY

ADOPTED MARCH 10, 1949

Amend page 5, section 5, line 25, eliminate “, State and Federal” and substitute “and State”.

Amend page 5, section 5, line 30, eliminate “violations” and substitute “acts in violation”.

Amend page 5, section 5, line 36, after “any” insert “subject”.

Amend page 6, section 6, lines 12-27, omit entire lines and substitute the following: “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, co-operation, 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, or ancestry. The State commission may make provision for technical and clerical assistance to municipal officials to aid in organizing such commissions in all of the municipalities in the State.”

Amend page 10, section 11, line 25, delete “which shall be subject to review, hearing, and” and substitute “from which an appeal shall lie as hereinafter provided.”

Amend page 10, section 11, line 26, delete line.

Amend page 10, section 12, lines 3-16, omit entire lines and substitute the following: "Observance of an order of the commissioner may be enforced by proceedings in the County Court to compel the specific performance of the order or of the duties imposed by law upon the respondent named in the order. Such proceedings shall be brought in the County Court to which an appeal from the order would lie as hereinafter provided."

Amend page 11, section 13, line 3, delete "application to the Superior Court, pursuant to section eighteen" and substitute "appeal".

Amend page 11, section 13, line 4, delete "of this act, for review, hearing and relief of, upon, and".

Amend page 11, section 13, line 5, delete "Superior" and substitute "County".

Amend page 11, section 13, line 6, after "court" insert "to which such appeal is taken".

Amend page 11, section 14, lines 3-7, omit entire lines and substitute the following: "Any person aggrieved by a final order of the commissioner may take an appeal therefrom to the County Court of the county in which the alleged unlawful employment practice or unlawful discrimination took place; *provided*, that notice of such appeal be filed in such County Court within thirty days after the making of such order, together with an affidavit or an acknowledgment of service of copies of the notice of appeal upon the commissioner and all other parties to the proceeding or their attorneys. Within twenty days after the service of such notice of appeal, the commissioner shall file in the County Court the original or a certified copy of the record of the proceedings under review, including such testimony as shall have been taken stenographically, and shall serve notice of the filing of such record upon the appellant. By order of the County Court or upon stipulation of the parties, the record may be shortened by eliminating any portion thereof, or by the submission of an agreed statement of facts. Within twenty days after service of the notice by the commissioner that the record has been filed in the County Court, the appel-

lant shall move the appeal to the County Court in the manner provided by law and the rules of court in respect to the making of motions in the County Court, and thereafter the matter shall proceed in the same manner as in other motions in the County Court."

Amend page 11, section 15, line 3, after "aside" insert "upon appeal".

Amend page 11, section 15, line 6, delete "person applying to the Superior Court for" and substitute "appellant".

Amend page 11, section 15, line 7, delete line.

Amend page 11, section 16, line 3, delete "such review" and substitute "appeal"; delete "Superior" and substitute "County".

Amend page 11, section 16, line 5, add "Any final order or judgment of the County Court shall be subject to appeal by the commissioner or by any party as in other causes in such court."

Amend page 11, section 17, line 4, insert a period after "cost"; delete remainder of line.

Amend page 11, section 17, line 5, delete line.

Amend page 12, section 17, lines 6-7, delete lines.

Amend page 12, section 19, line 4, delete "of" after commissioner and insert "or".

Amend page 12, section 19, lines 3-4, omit "liberally for the accomplishment of the purposes thereof" and substitute therefor "fairly and justly with due regard to the interests of all parties."

ASSEMBLY, No. 11

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 5, 1951

By Messrs. CAVINATO and SHEPARD

Referred to Committee on Judiciary

AN ACT to amend the title of "An act to protect all persons in their civil rights; to prevent and eliminate practices of discrimination against persons because of race, creed, color, national origin or ancestry; to create a division in the Department of Education to effect such prevention and elimination; and making an appropriation therefor," approved April sixteenth, one thousand nine hundred and forty-five (P. L. 1945, c. 169), as said title was amended by chapter eleven of the laws of one thousand nine hundred and forty-nine, so that the same shall read "An act to protect all persons in their civil rights; to prevent and eliminate practices of discrimination against persons because of race, creed, color, national origin or ancestry or because of their liability for service in the armed forces of the United States; to create a division in the Department of Education to effect such prevention and elimination; and making an appropriation therefor," and to amend the body of said act.

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

1 1. The title of "An act to protect all persons in their civil rights; to
2 prevent and eliminate practices of discrimination against persons because of
3 race, creed, color, national origin or ancestry; to create a division in the
4 Department of Education to effect such prevention and elimination; and mak-
5 ing an appropriation therefor," approved April sixteenth, one thousand nine

6 hundred and forty-five (P. L. 1945, c. 169), as said title was amended by
7 chapter eleven of the laws of one thousand nine hundred and forty-nine, is
8 amended to read "An act to protect all persons in their civil rights; to
9 prevent and eliminate practices of discrimination against persons because of
10 race, creed, color, national origin or ancestry or because of their liability for
11 service in the armed forces of the United States; to create a division in the
12 Department of Education to effect such prevention and elimination; and mak-
13 ing an appropriation therefor."

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

3 3. The Legislature finds and declares that practices of discrimination
4 against any of its inhabitants, because of race, creed, color, national origin or
5 ancestry or because of their liability for service in the armed forces of the
6 United States, are a matter of concern to the government of the State, and
7 that such discrimination threatens not only the rights and proper privileges
8 of the inhabitants of the State but menaces the institutions and foundation of
9 a free democratic State.

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

3 5. As used in this act, unless a different meaning clearly appears from
4 the context:

5 a. "Person" includes one or more individuals, partnerships, associations,
6 labor organizations, corporations, legal representatives, trustees, trustees in
7 bankruptcy, receivers, and fiduciaries.

8 b. "Employment agency" includes any person undertaking to procure
9 employees or opportunities for others to work.

10 c. "Labor organization" includes any organization which exists and is
11 constituted for the purpose, in whole or in part, of collective bargaining or
12 of dealing with employers concerning grievances, terms or conditions of em-
13 ployment, or of other mutual aid or protection in connection with employ-
14 ment.

15 d. "Unlawful employment practice" and "unlawful discrimination" in-
16 cludes only those unlawful practices and acts specified in section eleven of
17 this act.

18 e. "Employer" does not include a club exclusively social or a fraternal,
19 charitable, educational or religious association or corporation, if such club,
20 association or corporation is not organized and operated for private profit,
21 nor does it include any employer with fewer than six persons in his employ.

22 f. "Employee" does not include any individual employed by his parents,
23 spouse or child, or in the domestic service of any person.

24 ff. "Liability for service in the armed forces of the United States"
25 means subject to being ordered, as an individual, or member of an organized
26 unit, into active service in the armed forces of the United States by reason
27 of membership in the National Guard, naval militia or a reserve component
28 of the armed forces of the United States or subject to being inducted into
29 such armed forces through a system of national selective service.

30 g. "Division" means the State "Division Against Discrimination"
31 created by this act.

32 h. "Commissioner" means the State Commissioner of Education.

33 i. "Commission" means the Commission on Civil Rights created by this
34 act.

35 j. "A place of public accommodation" shall include any tavern, road-
36 house, or hotel, whether for entertainment of transient guests or accommoda-
37 tion of those seeking health, recreation or rest; any retail shop or store; any
38 restaurant, eating house, or place where food is sold for consumption on the
39 premises; any place maintained for the sale of ice cream, ice and fruit
40 preparations or their derivatives, soda water or confections, or where any
41 beverages of any kind are retailed for consumption on the premises; any
42 garage, any public conveyance operated on land or water, or in the air, and
43 stations and terminals thereof; any public bathhouse, public boardwalk, pub-

44 lie seashore accommodation; any auditorium, meeting place, or public hall;
45 any theatre, or other place of public amusement, motion-picture house, music
46 hall, roof garden, skating rink, swimming pool, amusement and recreation
47 park, fair, bowling alley, gymnasium, shooting gallery, billiard and pool
48 parlor; any comfort station; any dispensary, clinic or hospital; and any
49 public library, any kindergarten, primary and secondary school, trade or
50 business school, high school, academy, college and university, or any educa-
51 tional institution under the supervision of the State Board of Education, or
52 the Commissioner of Education of the State of New Jersey. Nothing herein
53 contained shall be construed to include, or to apply to, any institution, bona
54 fide club, or place of accommodation, which is in its nature distinctly pri-
55 vate; nor shall anything herein contained apply to any educational facility
56 operated or maintained by a bona fide religious or sectarian institution, and
57 the right of a natural parent or one in loco parentis to direct the education
58 and upbringing of a child under his control is hereby affirmed; nor shall
59 anything herein contained be construed to bar any private secondary or post-
60 secondary school from using in good faith criteria other than race, creed,
61 color, national origin or ancestry, in the admission of students.

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

3 6. There is created in the State Department of Education a division to
4 be known as "The Division Against Discrimination" with power to prevent
5 and eliminate discrimination in employment against persons because of race,
6 creed, color, national origin or ancestry or because of their liability for
7 service in the armed forces of the United States, by employers, labor organi-
8 zations, employment agencies or other persons and to take other actions
9 against discrimination because of race, creed, color, national origin or ances-
10 try or because of their liability for service in the armed forces of the United
11 States, as herein provided; and the division created hereunder is given general
12 jurisdiction and authority for such purposes.

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

3 8. The commissioner shall

4 a. Exercise all powers of the division not vested in the commission.

5 b. Administer the work of the division.

6 c. Organize the division into two sections, one of which shall receive,
7 investigate, and act upon complaints alleging discrimination in employment
8 against persons because of race, creed, color, national origin or ancestry or
9 because of their liability for service in the armed forces of the United States,
10 and the other of which shall receive, investigate, and act upon complaints
11 alleging other unlawful acts of discrimination against persons because of
12 race, creed, color, national origin or ancestry; prescribe the organization of
13 said sections and the duties of his subordinates and assistants.

14 d. Subject to the approval of the commission and the Governor, appoint
15 an assistant Commissioner of Education, who shall act for the commissioner,
16 in his place and with his powers, and such other directors, field representa-
17 tives and assistants as may be necessary for the proper administration of the
18 division and fix their compensation within the limits of available appropria-
19 tions. The assistant commissioner, directors, field representatives, and
20 assistants shall not be subject to the civil service act and shall be removable
21 by the commissioner at will.

22 e. Appoint such clerical force and employees as he may deem necessary
23 and fix their duties, all of whom shall be subject to the civil service act.

24 f. Maintain liaison with local and State officials and agencies concerned
25 with matters related to the work of the division.

26 g. Subject to the approval of the commission adopt, promulgate, amend,
27 and rescind suitable rules and regulations to carry out the provisions of
28 this act.

29 h. Receive, investigate, and pass upon complaints alleging acts in viola-
30 tion of the provisions of this act.

31 i. Hold hearings, subpoena witnesses, compel their attendance, administer
 32 oaths, take the testimony of any person, under oath, and, in connection there-
 33 with, require the production for examination of any books or papers relating
 34 to any subject matter under investigation or in question before the com-
 35 missioner. The commissioner may make rules as to the issuance of subpoenas
 36 by the assistant commissioner.

37 j. Issue such publications and such results of investigations and research
 38 tending to promote good will and to minimize or eliminate discrimination
 39 because of race, creed, color, national origin or ancestry, as the commission
 40 shall direct.

41 k. Render each year to the Governor and Legislature a full written report
 42 of all the activities of the division.

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

2A 11. It shall be an unlawful employment practice, or, as the case may be,
 2B an unlawful discrimination:

5 a. For an employer, because of the race, creed, color, national origin or
 6 ancestry, of any individual, or because of the liability for service in the armed
 7 forces of the United States, of any individual, to refuse to hire or employ or
 8 to bar or to discharge from employment such individual or to discriminate
 9 against such individual in compensation or in terms, conditions or privileges
 10 of employment.

11 b. For a labor organization, because of the race, creed, color, national
 12 origin or ancestry, of any individual, or because of the liability for service
 13 in the armed forces of the United States, of any individual, to exclude or
 14 expel from its membership such individual or to discriminate in any way
 15 against any of its members or against any employer or any individual em-
 16 ployed by an employer.

17 c. For any employer or employment agency to print or circulate
 18 cause to be printed or circulated any statement, advertisement or publication

to use any form of application for employment, or to make any inquiry in connection with prospective employment, which expresses, directly or indirectly, any limitation, specification or discrimination as to race, creed, color, national origin or ancestry 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 employer, labor organization or employment agency to discharge, expel or otherwise discriminate 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, or ancestry of such person, or that the patronage or custom thereof of any person of any particular race, creed, color, national origin or ancestry 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.

A 11 (1951)

8

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

3 26. The provisions of this act shall be construed fairly and justly with
4 due regard to the interests of all parties. Nothing contained in this act
5 shall be deemed to repeal any of the provisions of the civil rights law or of
6 any other law of this State relating to discrimination because of race, creed,
7 color, national origin or ancestry or liability for service in the armed forces
8 of the United States; except that, as to practices and acts declared unlawful
9 by section eleven of this act, the procedure herein provided shall, while pend-
10 ing, be exclusive; and the final determination therein shall exclude any other
11 action, civil or criminal, based on the same grievance of the individual con-
12 cerned. Nothing herein contained shall bar, exclude, or otherwise affect any
13 right or action, civil or criminal, which may exist independently of any right
14 to redress against or specific relief from an unlawful employment practice or
15 unlawful discrimination.

1 8. This act shall take effect immediately.

STATEMENT

This bill amends the Law Against Discrimination to prohibit discrimination in employment against our citizen members of the National Guard, naval militia and reserve and those subject to draft.

It is the historic and fundamental obligation of all able-bodied citizens of the Republic to bear arms in defense of the State and nation. No right of any employer should be permitted to interfere or discriminate against a citizen in his exercise of the right to be ready to so serve his country by training with the National Guard, naval militia or reserve, nor should the exercise of the right of any employer to employ whom he may desire be permitted to discriminate against an individual because of his liability to induction into the armed forces. Youth must be given the opportunity of employment and the exercise of inherent civil rights, without discrimination, pending call into the armed forces in time of national emergency.

[OFFICIAL COPY REPRINT]
SENATE AMENDMENT TO
ASSEMBLY, No. 11
[OFFICIAL COPY REPRINT]

STATE OF NEW JERSEY

ADOPTED MARCH 26, 1951

Amend page 6, section 6, line 10 after "employment" insert ", 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".

ASSEMBLY, No. 424

STATE OF NEW JERSEY

INTRODUCED MARCH 21, 1955

By Mr. BOWSER

Referred to Committee on Business Affairs

AN ACT to amend the "Savings and Loan Act," approved April 4, 1946
(P. L. 1946, c. 56).

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

1 1. Section 78 of the act of which this act is amendatory is amended to
2 read as follows:

3 Investments in loans may be made as follows:

4 (1) Mortgage loans. In direct reduction, sinking fund, and straight
5 mortgage loans. Each such loan shall be evidenced by an obligation and
6 secured by a mortgage which shall be a first lien on real estate in the State,
7 or outside of the State if located within 50 miles of the principal office of
8 the association. A mortgage shall be deemed a first lien notwithstanding the
9 existence of a prior mortgage or mortgages held by the association, or liens
10 of taxes or assessments which are not delinquent, building restrictions or
11 other restrictive covenants or conditions, leases or tenancies whereby rents
12 or profits are reserved to the owner, joint driveways, sewer rights, rights
13 in walls, rights-of-way or other easements, or encroachments which the
14 appraisers signing the appraisal provided for in section 81, report in their
15 opinion do not materially affect the security for the mortgage loan. Such
16 loans shall be on real estate used or to be used wholly or partially for

17 dwelling purposes. *The granting of such loans shall be without regard to*
18 *race, creed, color, national origin or ancestry. The granting of such loans*
19 *shall be without discrimination of any nature including, but not limited to,*
20 *interest rates, terms and duration, because of race, creed, color, national*
21 *origin or ancestry. If the proceeds of any such loan are used in whole or*
22 *in part to improve the mortgaged real estate, they may be advanced in in-*
23 *stallments as the construction of a building or the making of other improve-*
24 *ments thereon progresses and the value of the contemplated improvement*
25 *may be included in arriving at the appraised value of the property.*

26 Each direct reduction loan shall require periodical payments sufficient
27 to pay the principal and interest of the loan in full in a period of 20 years
28 or less. Any association may by agreement with the borrowing member
29 reduce the amount of periodical payments, but the amount of the periodi-
30 cal payments thereafter required shall be sufficient to pay the balance of the
31 loan and interest thereon within a period of 20 years or less from the time
32 of making such agreement. Each sinking fund loan shall require periodical
33 payments, at least monthly, on an account pledged as collateral security for
34 such loan which shall be sufficient to pay such loan in a period of 20 years
35 or less. Any association may by agreement with the borrowing member pro-
36 vide for the application of such account to the principal of the loan and
37 for a reduction in the periodical payments required on an account there-
38 after; provided, however, that such periodical payments thereafter required
39 shall be sufficient to retire the loan in a period of 20 years or less from the
40 time of the making of such agreement. The amount of any direct reduction
41 loan or sinking fund loan, less the withdrawal value of any account which
42 may be pledged as collateral security therefor, shall not exceed 80% of the
43 value of such real estate as found by appraisal at the time when the loan
43a is granted.

44 A straight mortgage loan having a term of 1 year or less, the proceeds
45 of which are used or are to be used in pursuance of a plan to improve the
46 mortgaged real estate, may be made in an amount not to exceed 80% of the

47 value of such real estate as found by appraisal at the time the loan is
48 granted. Otherwise the term of any straight mortgage loan shall not ex-
49 ceed 3 years and the amount of any such straight mortgage loan shall not
50 exceed 50% of the value of the property as found by appraisal at the time
51 the loan is granted. An association may renew any straight mortgage loan
52 held by it for a period not exceeding 3 years and for amounts not in excess
53 of 50% of the value of the real estate as found by appraisal at the time of
54 such renewal. The total amount invested in straight mortgage loans by any
55 association shall not exceed 10% of its assets at the time any such investment
56 is made.

57 (2) Improvement or repair loans. In addition to loans to members for
58 repairs, alterations, or improvements already made or to be made, of real
59 estate owned by such members, upon which the lending association already
60 holds a mortgage lien, or to pay the cost of insurance upon the life of such
61 member which policy of insurance may also include health, accident or dis-
62 ability features, the proceeds of such policy to be applied in accordance with
63 its terms and conditions; provided, however, the amount of such life insur-
64 ance shall not exceed the amount loaned on the mortgage lien held by the
65 association. If the mortgage already held by the lending association secures
66 payment of a direct reduction loan, such additional loan shall not exceed
67 the sum of \$2,500.00 or the amount which has been repaid in reduction of the
68 principal of such mortgage loan, whichever is less. If the mortgage already
69 held by the lending association secures payment of a sinking fund loan,
70 such additional loan shall not exceed the sum of \$2,500.00 or the withdrawal
71 value of the installment account which is pledged as collateral security for
72 the payment of such sinking fund loan, whichever is less. Each such addi-
73 tional loan shall be evidenced by an obligation which shall state the terms on
74 which such loan is made, and the amount thereof shall be added to the
75 amount due on the association's mortgage against such real estate, and pay-
76 ment thereof shall be secured thereby. All persons who acquire any rights
77 in, or liens upon, the mortgaged real estate subsequent to the recording of

79 any association's mortgage shall hold such rights and liens subject to the
80 association's right to make such additional loans. For the purpose of such
81 additional loans, no search or examination of the title to the mortgaged real
82 estate shall be required. The power to make such additional loans is in ad-
83 dition to, and not to the exclusion of, the power to make any other lawful
84 loan or any other lawful additional loan, or to make advances for any pur-
85 pose expressly or impliedly reserved or provided for in any bond, mortgage
86 or other obligation held by or hereafter acquired by any such association.

87 (3) Camp meeting leaseholds. In any obligation secured by first mort-
88 gage on any leasehold estate of real estate in this State of any camp meeting
89 association, to the extent authorized by, and subject to, the limitations and
90 restrictions contained in section 17:2-1 of the Revised Statutes.

91 (4) Purchase of loans. In the purchase of any loan which an association
92 is authorized to make.

93 (5) Account loans. In loans secured by a pledge of a member's account.
94 No such loan shall exceed the withdrawal value of the pledged account,
95 less interest thereon for a period of 6 months.

96 (6) Guaranteed loans. In loans guaranteed or insured in whole or in
97 part by the United States of America or the State of New Jersey, any in-
98 strumentality or agency of either of them, or for which a commitment to so
99 guarantee or insure has been made. Such loans shall not be subject to the
100 provisions of section 27, subdivision (13), section 78, subdivision (1), section
101 81 and section 82 of this act. Such loans may be made in accordance with
102 the terms and conditions permitted by the agency guaranteeing or insuring
103 such loans, notwithstanding any other provisions of law limiting interest or
104 other charges or prescribing terms and conditions. Such loans shall include
105 only those which are made for the purchase or improvement of real estate,
106 or for the construction, alteration, repair, or improvement of buildings
107 erected thereon, used or to be used, wholly or partially for dwelling pur-
108 poses, in which case they may or may not be secured by mortgages; or those

109 which may be made for any other purpose provided they be secured by a
110 mortgage on real estate used or to be used wholly or partially for dwelling
111 purposes. The real estate in connection with which any such loan is made
112 shall be located in this State, or outside of the State if located within 50
113 miles of the principal office of the association.

1 2. This act shall take effect July 1, 1955.

STATEMENT

The purpose of this bill is to prevent discrimination because of race, creed, color, national origin or ancestry, by savings and loan associations and building and loan associations, in granting mortgage loans.

ASSEMBLY AMENDMENTS TO
ASSEMBLY, No. 424

STATE OF NEW JERSEY

ADOPTED MAY 9, 1955

Amend page 2, line 27, strike out the numeral "20" and insert in lieu thereof the numeral "25".

Amend page 5, on lines 111, 112 and 113, strike out the words "The real estate in connection with which any such loan is made shall be located in this State, or outside of the State if located within 50 miles of the principal office of the association."

STATE OF NEW JERSEY

INTRODUCED MARCH 21, 1955

By Mr. BOWSER

Referred to Committee on Business Affairs

AN ACT to amend "The Banking Act of 1948," approved April 29, 1948 (P. L. 1948, c. 67).

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

1. Section 69 of the act of which this act is amendatory is amended to read as follows:

69. Limitations on mortgage loans.

A. No bank shall make a mortgage loan when the total cost of acquisition by the bank of all real property owned by it, other than real property held for the purposes specified in subparagraph (a) of paragraph (5) of section 24, and the total of all principal balances owing to the bank on mortgage loans, less all write-offs and reserves with respect to such real property and mortgage loans, together exceed, or by the making of such loan will exceed, 60% of the time deposits of the bank or 100% of the aggregate of its unimpaired capital stock and its surplus, whichever is the greater. For the purposes of this subsection, principal balances owing to the bank on mortgage loans subject to the provisions of subsection A of section 68 shall only to the extent of 66 $\frac{2}{3}$ % of such balances owing to the bank, be included in the total of all principal balances owing to the bank on mortgage loans. This subsection shall not, however, prevent the renewal or extension of the time for payment of a mortgage loan for the amount due thereon at the time of such renewal or extension.

19 B. Except as in this article otherwise provided, no bank shall, as sole
 20 lender or as a co-lender, make a loan secured by mortgage on real property
 21 or by mortgage on a lease of the fee of real property, nor shall any bank
 22 purchase the entire interest or a part interest in any such mortgage, if the
 23 making of such loan or the purchase of such interest would cause the total
 24 of all unpaid balances secured by a mortgage or mortgages held by the bank
 25 as sole owner or as co-owner upon such real property or such leasehold, to
 26 exceed the limitations imposed by this article upon the amount of a mort-
 27 gage loan which may be made upon the security of such real property or
 28 such leasehold.

29 C. *The granting of mortgage loans to any person shall be without re-*
 30 *gard to race, creed, color, national origin or ancestry. The granting of such*
 31 *loans shall be without discrimination of any nature including, but not lim-*
 32 *ited to, interest rates, terms and duration, because of race, creed, color, na-*
 33 *tional origin or ancestry.*

1 2. This act shall take effect July 1, 1955.

STATEMENT

The purpose of this bill is to prevent discrimination because of race, creed, color, national origin or ancestry, by banks, in granting mortgage loans.

ASSEMBLY, No. 12

STATE OF NEW JERSEY

INTRODUCED JANUARY 16, 1961

By Assemblymen D'ALOIA, MELONI, FARRINGTON, STAMLER, KRAUT,
TATE, LAMORTE, Assemblywoman STILES, Assemblymen
EVERETT, SARCONI, LINDEMAN, BATE

Referred to Committee on Institutions, Public Health and Welfare

AN ACT to amend and supplement the "Law Against Discrimination," approved April 16, 1945 (P. L. 1945, c. 169) and chapter 198 of the laws of 1954 which is supplemental thereof.

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

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

3 4. All persons shall have the opportunity to obtain employment, *and* to
4 obtain all the accommodations, advantages, facilities, and privileges of any
5 place of public accommodation, [and] publicly assisted housing accommo-
6 dation, *and other real property* without discrimination because of race,
7 creed, color, national origin or ancestry, subject only to conditions and limi-
8 tations applicable alike to all persons. This opportunity is recognized as and
9 declared to be a civil right.

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

3 5. As used in this act, unless a different meaning clearly appears from
4 the context:

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

5 a. "Person" includes 1 or more individuals, partnerships, associations,
6 labor organizations, corporations, legal representatives, trustees, trustees in
7 bankruptcy, receivers, and fiduciaries.

8 b. "Employment agency" includes any person undertaking to procure
9 employees or opportunities for others to work.

10 c. "Labor organization" includes any organization which exists and is
11 constituted for the purpose, in whole or in part, of collective bargaining or of
12 dealing with employers concerning grievances, terms or conditions of employ-
13 ment or of other mutual aid or protection in connection with employment.

14 d. "Unlawful employment practice" and "unlawful discrimination" in-
15 cludes only those unlawful practices and acts specified in section 11 of this
16 act.

17 e. "Employer" does not include a club exclusively social or a fraternal,
18 charitable, educational or religious association or corporation, if such club,
19 association or corporation is not organized and operated for private profit,
20 nor does it include any employer with fewer than 6 persons in his employ.

21 f. "Employee" does not include any individual employed by his parents,
22 spouse or child, or in the domestic service of any person.

23 ff. "Liability for service in the Armed Forces of the United States"
24 means subject to being ordered as an individual or member of an organized
25 unit, into active service in the Armed Forces of the United States by reason
26 of membership in the National Guard, naval militia or a reserve component
27 of the Armed Forces of the United States or subject to being inducted into
28 such armed forces through a system of national selective service.

29 g. "Division" means the [State] "Division of Civil Rights [Against
30 Discrimination"] created by this act.

31 h. "Commissioner" means the State Commissioner of Education.

32 i. "Commission" means the Commission on Civil Rights created by this
33 act.

34 j. "A place of public accommodation" shall include any tavern, road-
35 house, or hotel, whether for entertainment of transient guests or accommo-

36 dation of those seeking health, recreation or rest; any retail shop or store;
37 any restaurant, eating house, or place where food is sold for consumption on
38 the premises; any place maintained for the sale of ice cream, ice and fruit
39 preparations or their derivatives, soda water or confections, or where any
40 beverages of any kind are retailed for consumption on the premises; any
41 garage, any public conveyance operated on land or water, or in the air, and
42 stations and terminals thereof; any public bathhouse, public boardwalk, public
43 seashore accommodation; any auditorium, meeting place, or public hall; any
44 theatre, or other place of public amusement, motion-picture house, music hall,
45 roof garden, skating rink, swimming pool, amusement and recreation park,
46 fair, bowling alley, gymnasium, shooting gallery, billiard and pool parlor;
47 any comfort station; any dispensary, clinic or hospital; and any public
48 library, any kindergarten, primary and secondary school, trade or business
49 school, high school, academy, college and university, or any educational in-
50 stitution under the supervision of the State Board of Education, or the Com-
51 missioner of Education of the State of New Jersey. Nothing herein con-
52 tained shall be construed to include or to apply to, any institution, bona
53 fide club, or place of accommodation, which is in its nature distinctly pri-
54 vate; nor shall anything herein contained apply to any educational facility
55 operated or maintained by a bona fide religious or sectarian institution, and
56 the right of a natural parent or one in loco parentis to direct the education
57 and upbringing of a child under his control is hereby affirmed; nor shall any-
58 thing herein contained be construed to bar any⁴private secondary or post-
59 secondary school from using in good faith criteria other than race, creed,
60 color, national origin or ancestry, in the admission of students.

61 k. "A publicly assisted housing accommodation" shall include all hous-
62 ing built with public funds or public assistance pursuant to chapter 300 of
63 the laws of 1949, chapter 213 of the laws of 1941, chapter 169 of the laws of
64 1944, chapter 303 of the laws of 1949, chapter 19 of the laws of 1938, chapter
65 20 of the laws of 1938, chapter 52 of the laws of 1946, and chapter 184 of the
66 laws of 1949, and all housing financed in whole or in part by a loan, whether

67 or not secured by a mortgage, the repayment of which is guaranteed or in-
68 sured by the Federal Government or any agency thereof.

69 1. The term "real property" includes real estate, lands, tenements and
70 hereditaments, corporeal and incorporeal, provided however that, except
71 as to publicly assisted housing accommodations, the provisions of this
72 act shall not apply (1) to the rental of a portion of a dwelling con-
73 taining accommodations for 2 and only 2 families, 1 of which is main-
73A tained by the owner as the household of his family, or; (2) to the rental, by
74 the owner or occupant of a 1-family accommodation in which he or members
75 of his family reside, of a room or rooms in such accommodation to another
76 person or persons. Nothing herein contained shall be construed to bar any
77 religious or denominational institution or organization, or any organization
78 operated for charitable or educational purposes, which is operated, supervised
79 or controlled by or in connection with a religious organization, in the sale,
80 lease or rental of real property, from limiting admission to or giving prefer-
81 ence to persons of the same religion or denomination or from making such se-
82 lection as is calculated by such organization to promote the religious prin-
83 ciples for which it is established or maintained.

84 m. "Real estate broker" includes a person, firm or corporation who, for a
85 fee, commission or other valuable consideration, or by reason of a promise
86 or reasonable expectation thereof, lists for sale, sells, exchanges, buys or
87 rents, or offers or attempts to negotiate a sale, exchange, purchase or rental
88 of real estate or an interest therein, or collects or offers or attempts to collect
89 rent for the use of real estate or solicits for prospective purchasers or as-
90 sists or directs in the procuring of prospects or the negotiation or closing of
91 any transaction which does or is contemplated to result in the sale, exchange,
92 leasing, renting or auctioning of any real estate or negotiates, or offers or
93 attempts or agrees to negotiate a loan secured or to be secured by mortgage or
94 other encumbrance upon or transfer of any real estate for others, or any person
95 who, for pecuniary gain or expectation of pecuniary gain conducts a public or
96 private competitive sale of lands or any interest in lands. In the sale of lots, the

97 term "real estate broker" shall also include any person, partnership,
 98 association or corporation employed by or on behalf of the owner or owners of
 99 lots or other parcels of real estate, at a stated salary, or upon a commission,
 100 or upon a salary and commission, or otherwise, to sell such real estate, or
 101 any parts thereof, in lots or other parcels, and who shall sell or exchange, or
 102 offer or attempt or agree to negotiate the sale or exchange, of any such lot or
 103-104 parcel of real estate.

105 n. "Real estate salesman" includes any person who, for compensation,
 106 valuable consideration or commission, or other thing of value, or by reason of
 107 a promise or reasonable expectation thereof, is employed by and operates
 108 under the supervision of a licensed real estate broker to sell or offer to sell,
 109 buy or offer to buy or negotiate the purchase, sale or exchange of real estate,
 110 or offers or attempts to negotiate a loan secured or to be secured by a mort-
 111 gage or other encumbrance upon or transfer of real estate, or to lease or rent,
 112 or offer to lease or rent any real estate for others, or to collect rents for the
 113 use of real estate, or to solicit for prospective purchasers or lessees of real
 114 estate, or who is employed by a licensed real estate broker to sell or offer to
 115 sell lots or other parcels of real estate, at a stated salary, or upon a com-
 116 mission, or upon a salary and commission, or otherwise to sell real estate, or
 117 any parts thereof, in lots or other parcels.

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

3 6. There is created in the [State] Department of Education a division
 4 to be known as "The Division [Against Discrimination]" of *Civil Rights*
 5 with power to prevent and eliminate discrimination in employment against
 6 persons because of race, creed, color, national origin or ancestry or because
 7 of their liability for service in the Armed Forces of the United States, by
 8 employers, labor organizations, employment agencies or other persons and to
 9 take other actions against discrimination because of race, creed, color, na-
 10 tional origin or ancestry or because of their liability for service in the Armed
 11 Forces of the United States, as herein provided; and the division created
 12 hereunder is given general jurisdiction and authority for such purposes.

1 4. Section 11 of the act of which this act is amendatory is amended to 3
2 read as follows: 3

3 11. It shall be an unlawful employment practice, or, as the case may be, 3
4 an unlawful discrimination: 3

5 a. For an employer, because of the race, creed, color, national origin or 30
6 ancestry, of any individual, or because of the liability for service in the 31
7 Armed Forces of the United States, of any individual, to refuse to hire or 38
8 employ or to bar or to discharge from employment such individual or to dis- 39
9 criminate against such individual in compensation or in terms, conditions or 40
10 privileges of employment, however, it shall not be an unlawful employment 41
11 practice to refuse to accept for employment an applicant who has received 42
12 a notice of induction or orders to report for active duty in the armed forces. 43

13 b. For a labor organization, because of the race, creed, color, national 44
14 origin or ancestry, of any individual, or because of the liability for service 45
15 in the Armed Forces of the United States, of any individual, to exclude or to 46
16 expel from its membership such individual or to discriminate in any way 47
17 against any of its members or against any employer or any individual em- 48
18 ployed by an employer. 49

19 c. For any employer or employment agency to print or circulate or cause 50
20 to be printed or circulated any statement, advertisement or publication, or 51
21 to use any form of application for employment, or to make any inquiry in 52
22 connection with prospective employment, which expresses, directly or indi- 53
23 rectly, any limitation, specification or discrimination as to race, creed, color, 54
24 national origin or ancestry or liability of any applicant for employment for 55
25 service in the Armed Forces of the United States, or any intent to make any 56
26 such limitation, specification or discrimination, unless based upon a bona fide 57
27 occupational qualification. 58

28 d. For any employer, labor organization or employment agency to dis- 59
29 charge, expel or otherwise discriminate against any person because he has 60
30 opposed any practices or acts forbidden under this act or because he has filed 61
31 a complaint, testified or assisted in any proceeding under this act. 62
63

32 e. For any person, whether an employer or an employee or not, to aid,
33 abet, incite, compel or coerce the doing of any of the acts forbidden under
34 this act, or to attempt to do so.

35 f. For any owner, lessee, proprietor, manager, superintendent, agent, or
36 employee of any place of public accommodation directly or indirectly to re-
37 fuse, withhold from or deny to any person any of the accommodations, ad-
38 vantages, facilities or privileges thereof, or to discriminate against any per-
39 son in the furnishing thereof, or directly or indirectly to publish, circulate,
40 issue, display, post or mail any written or printed communication, notice, or
41 advertisement to the effect that any of the accommodations, advantages, fa-
42 cilities, or privileges of any such place will be refused, withheld from, or
43 denied to any person on account of the race, creed, color, national origin, or
44 ancestry of such person, or that the patronage or custom thereof of any person
45 of any particular race, creed, color, national origin or ancestry is unwelcome,
46 objectionable or not acceptable, desired or solicited, and the production of
47 any such written or printed communication, notice or advertisement, pur-
48 porting to relate to any such place and to be made by any owner, lessee, pro-
49 prietor, superintendent, or manager thereof, shall be presumptive evidence in
50 any action that the same was authorized by such person.

51 g. *For the owner, lessee, sublessee, assignee or managing agent of, or*
52 *other person having the right of ownership or possession of or the right to*
53 *sell, rent, lease, assign, or sublease any real property or part or portion*
54 *thereof, or any agent or employee of any of these:*

55 (1) *To refuse to sell, rent, lease, assign, or sublease or otherwise to deny*
56 *to or withhold from any person or group of persons any real property or part*
57 *or portion thereof because of the race, creed, color, national origin or an-*
58 *cestry of such person or group of persons;*

59 (2) *To discriminate against any person or group of persons because of*
60 *the race, creed, color or national origin of such person or group of persons*
61 *in the terms, conditions or privileges of the sale, rental or lease of any real*
62 *property or part or portion thereof or in the furnishing of facilities or serv-*
63 *ices in connection therewith; or*

64 (3) *To print, publish, circulate, issue, display, post or mail, or cause to be*
65 *printed, published, circulated, issued, displayed, posted or mailed any state-*
66 *ment, advertisement, publication or sign, or to use any form of application for*
67 *the purchase, rental, lease, assignment or sublease of any real property or*
68 *part or portion thereof, or to make any record or inquiry in connection with*
69 *the prospective purchase, rental, lease, assignment, or sublease of any real*
70 *property, or part or portion thereof which expresses, directly or indirectly,*
71 *any limitation, specification or discrimination as to race, creed, color, national*
72 *origin or ancestry, or any intent to make any such limitation, specification or*
73 *discrimination, and the production of any such statement, advertisement, pub-*
74 *licity, sign, form of application, record, or inquiry purporting to be made by*
75 *any such person shall be presumptive evidence in any action that the same*
76 *was authorized by such person.*

77 h. *For any real estate broker, real estate salesman or employee or agent*
78 *thereof:*

79 (1) *To refuse to sell, rent, assign, lease or sublease, or offer for sale,*
80 *rental, lease, assignment, or sublease any real property or part or portion*
81 *thereof to any person or group of persons or to refuse to negotiate for the*
82 *sale, rental, lease, assignment, or sublease of any real property or part or*
83 *portion thereof to any person or group of persons because of the race, creed,*
84 *color, national origin or ancestry of such person or group of persons, or to*
85 *represent that any real property or part or portion thereof is not available for*
86 *inspection, sale, rental, lease, assignment, or sublease when in fact it is so*
87 *available, or otherwise to deny or withhold any real property or any part or*
88 *portion or facilities thereof to or from any person or group of persons be-*
89 *cause of the race, creed, color, national origin or ancestry of such person or*
90 *group of persons;*

91 (2) *To discriminate against any person because of his race, creed, color,*
92 *national origin or ancestry in the terms, conditions or privileges of the sale,*
93 *rental, lease, assignment or sublease of any real property or part or portion*
94 *thereof or in the furnishing of facilities or services in connection therewith;*
95 *or*

96 (3) To print, publish, circulate, issue, display, post, or mail, or cause to be
97 printed, published, circulated, issued, displayed, posted or mailed, any state-
98 ment, advertisement, publication or sign, or to use any form of application
99 for the purchase, rental, lease, assignment, or sublease of any real property or
100 part or portion thereof or to make any record or inquiry in connection with the
101 prospective purchase, rental, lease, assignment, or sublease of any real prop-
102 erty or part or portion thereof which expresses, directly or indirectly, any
103 limitation, specification or discrimination as to race, creed, color, national
104 origin or ancestry or any intent to make any such limitation, specification or
105 discrimination, and the production of any such statement, advertisement,
106 publicity, sign, form of application, record, or inquiry purporting to be made by
107 any such person shall be presumptive evidence in any action that the same
108 was authorized by such person.

108A i. For any person, bank, banking organization, mortgage company, in-
109 surance company or other financial institution or lender to whom application
110 is made for financial assistance for the purchase, acquisition, construction,
111 rehabilitation, repair or maintenance of any real property or part or portion
112 thereof or any agent or employee thereof:

113 (1) To discriminate against any person or group of persons because of
114 the race, creed, color, national origin or ancestry of such person or group of
115 persons or of the prospective occupants or tenants of such real property or
116 part or portion thereof, in the granting, withholding, extending, modifying or
117 renewing, or in the fixing of the rates, terms, conditions or provisions of any
118 such financial assistance or in the extension of services in connection there-
119 with; or

120 (2) To use any form of application for such financial assistance or to
121 make any record or inquiry in connection with applications for such financial
122 assistance which expresses, directly or indirectly, any limitation, specification
123 or discrimination as to race, creed, color, national origin or ancestry, or any
124 intent to make any such limitation, specification or discrimination.

1 5. The Superior Court shall have power, on application by the commis-
2 sioner at any time after a complaint has been filed with it pursuant to section
3 13 of the act hereby supplemented, to grant temporary injunctive relief pend-
4 ing final adjudication of the matter by the commission so as to preserve the
5 status quo or otherwise to ensure that the commission's order, when issued,
6 will be effective to halt and remedy such unlawful employment practice or un-
7 lawful discrimination as may have occurred.

1 6. Section 1 of chapter 198 of the laws of 1954 is amended to read as
2 follows:

3 1. The Division [Against Discrimination] *on Civil Rights* in the [State]
4 Department of Education shall enforce the laws of this State against dis-
5 crimination in housing built with public funds or public assistance, pursuant
6 to any law, *and in real property, as defined in the law hereby supplemented,*
7 because of race, religious principles, color, national origin or ancestry. The
8 said laws shall be so enforced in the manner prescribed in the act to which
9 this act is a supplement.

1 7. This act shall take effect July 1, 1961.

STATEMENT

The proposed bill amends the law against discrimination by bringing within its framework discrimination because of race, creed, color, national origin, or ancestry in the sale and rental of all real property, whether or not publicly assisted. Two exceptions are provided: (1) the rental of an apartment in a 2-family dwelling where the other apartment is maintained by the owner as the household of his family; (2) the rental of rooms by the owner or occupant of a 1-family accommodation. The bill also provides that it shall not be construed to bar religious organizations from limiting admission or giving preference to persons of their own denomination in the sale or rental of their real property when calculated to promote the religious principles of the organization.

The bill covers acts of discrimination by owners and lessees and their agents, real estate brokers and salesmen and their agents, and lenders and prohibits both acts of discrimination and the advertising of such discrimination.

The bill further amends the law against discrimination by giving the Superior Court power to grant temporary injunctive relief pending action by the Division of Civil Rights in order to preserve the status quo or otherwise ensure that any future order will be effective.

Similar laws have been enacted in Colorado, Connecticut, Massachusetts and Oregon.

This bill is sponsored by the New Jersey Committee Against Discrimination in Housing and the following member organizations:

Amalgamated Metal Machine and Novelty Workers Union, CIO-AFL
Local 422

American Civil Liberties Union of New Jersey

American Jewish Committee, Essex County Chapter

Americans for Democratic Action, Middlesex County Chapter

Americans for Democratic Action, New Jersey Council

Anti-Defamation League of B'nai B'rith

Bergen Ethical Society

Civil Rights Committee, Local 447

Commonwealth of Puerto Rico, Department of Labor, Migration Division

Elizabeth Good Neighbor Council

Human Relations Council of Nutley

International Union Electrical Radio and Machine Workers, District 4

Jewish Labor Committee

Mayor's Commission on Group Relations, Newark

National Alliance of Postal Employees, Newark Branch

National Association of College Women, North Jersey Branch

National Council of Jewish Women, New Jersey Regional

National Association for the Advancement of Colored People, Burlington
County Chapter

National Association for the Advancement of Colored People, Newark
Branch

National Association for the Advancement of Colored People, New Jersey
State Conference

New Jersey Council of Churches

New Jersey State CIO Council

New Jersey State Federation of Colored Women's Clubs

Paterson Human Relations Commission

Richip Realty Company

Unitarian Fellowship for Social Justice, Plainfield Chapter

Urban League, New Brunswick Chapter

Urban League, Englewood Chapter

Urban League of Essex County

United Steelworkers of America

United Steelworkers of America, District 7

Women's International League for Peace and Freedom, New Jersey State
Branch.

SENATE COMMITTEE AMENDMENTS TO

ASSEMBLY, No. 12

STATE OF NEW JERSEY

ADOPTED JUNE 2, 1961

Amend page 1, Title, line 1, delete "and supplement".

Amend page 4, section 2, line 72, before "rental" insert "sale or"; after "rental" omit "of a portion".

Amend page 4, section 2, line 72, after "dwelling" insert ", or of a portion thereof,".

Amend page 4, section 2, line 73, omit "2 and only 2" insert "not more than 3".

Amend page 4, section 2, line 73A, after "owner" insert "at the time of sale or rental".

Amend page 4, section 2, line 73A, after "(2)" insert "to the sale or rental of a dwelling, or a portion thereof, containing accommodations for not more than 2 families, except, however, such dwellings shall be included within the term "real property" when they are part of a group of 10 or more dwelling houses constructed or to be constructed on land that is contiguous (exclusive of public streets) and are offered for sale or rental by a person who owns or has owned or otherwise controls or has controlled the sale or rental of such group of dwelling houses, or; (3)".

Amend page 10, section 5, delete lines 1 to 7, inclusive.

Amend page 10, section 6, line 1, delete "6." insert "5."

Amend page 10, section 7, line 1, delete "7." insert "6."

Revised by Gov.
with amendments

ASSEMBLY, No. 515

STATE OF NEW JERSEY

INTRODUCED MARCH 19, 1962

By Assemblyman GROSS

Referred to Committee on Labor and Industrial Relations

AN ACT to amend the "Law Against Discrimination," approved April 16, 1945

(P. L. 1945, c. 169).

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

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

3 11. It shall be an unlawful employment practice, or, as the case may be,
4 an unlawful discrimination:

5 a. For an employer, because of the race, creed, color, national origin or
6 ancestry, of any individual, or because of the liability for service in the
7 Armed Forces of the United States, of any individual, to refuse to hire or
8 employ or to bar or to discharge from employment such individual or to
9 discriminate against such individual in compensation or in terms, conditions
10 or privileges of employment, however, it shall not be an unlawful employ-
11 ment practice to refuse to accept for employment an applicant who has re-
12 ceived a notice of induction or orders to report for active duty in the armed
13 forces.

14 b. For a labor organization, because of the race, creed, color, national
15 origin or ancestry, of any individual, or because of the liability for service in
16 the Armed Forces of the United States, of any individual, to exclude or to
17 expel from its membership such individual or to discriminate in any way
18 against any of its members, against any applicant for, or individual in-

19 *cluded in, any apprentice or other training program* or against any employer
20 or any individual employed by an employer.

21 c. For any employer or employment agency to print or circulate or cause
22 to be printed or circulated any statement, advertisement or publication, or
23 to use any form of application for employment, or to make any inquiry in
24 connection with prospective employment, which expresses, directly or in-
25 directly, any limitation, specification or discrimination as to race, creed,
26 color, national origin or ancestry or liability of any applicant for employ-
27 ment for service in the Armed Forces of the United States, or any intent to
28 make any such limitation, specification or discrimination, unless based upon
29 a bona fide occupational qualification.

30 d. For any employer, labor organization or employment agency to dis-
31 charge, expel or otherwise discriminate against any person because he has
32 opposed any practices or acts forbidden under this act or because he has
33 filed a complaint, testified or assisted in any proceeding under this act.

34 e. For any person, whether an employer or an employee or not, to aid,
35 abet, incite, compel or coerce the doing of any of the acts forbidden under
36 this act, or to attempt to do so.

37 f. For any owner, lessee, proprietor, manager, superintendent, agent, or
38 employee of any place of public accommodation directly or indirectly to re-
39 fuse, withhold from or deny to any person any of the accommodations, advan-
40 tages, facilities or privileges thereof, or to discriminate against any person in
41 the furnishing thereof, or directly or indirectly to publish, circulate, issue,
42 display, post or mail any written or printed communication, notice, or adver-
43 tisement to the effect that any of the accommodations, advantages, facilities,
44 or privileges of any such place will be refused, withheld from, or denied to
45 any person on account of the race, creed, color, national origin, or ancestry
46 of such person, or that the patronage or custom thereof of any person of any
47 particular race, creed, color, national origin or ancestry is unwelcome,
48 objectionable or not acceptable, desired or solicited, and the production of
49 any such written or printed communication, notice or advertisement, purport-

50 ing to relate to any such place and to be made by any owner, lessee, proprie-
51 tor, superintendent, or manager thereof, shall be presumptive evidence in
52 any action that the same was authorized by such person.

53 g. For the owner, lessee, sublessee, assignee or managing agent of, or
54 other person having the right of ownership or possession of or the right to
55 sell, rent, lease, assign, or sublease any real property or part or portion
56 thereof, or any agent or employee of any of these:

57 (1) To refuse to sell, rent, lease, assign, or sublease or otherwise to deny
58 to or withhold from any person or group of persons any real property or
59 part or portion thereof because of the race, creed, color, national origin or
60 ancestry of such person or group of persons;

61 (2) To discriminate against any person or group of persons because of
62 the race, creed, color or national origin of such person or group of persons
63 in the terms, conditions or privileges of the sale, rental or lease of any real
64 property or part or portion thereof or in the furnishing of facilities or
65 services in connection therewith; or

66 (3) To print, publish, circulate, issue, display, post or mail, or cause to be
67 printed, published, circulated, issued, displayed, posted or mailed any state-
68 ment, advertisement, publication or sign, or to use any form of application for
69 the purchase, rental, lease, assignment or sublease of any real property or
70 part or portion thereof, or to make any record or inquiry in connection with
71 the prospective purchase, rental, lease, assignment, or sublease of any real
72 property, or part or portion thereof which expresses, directly or indirectly,
73 any limitation, specification or discrimination as to race, creed, color, na-
74 tional origin or ancestry, or any intent to make any such limitation, specifica-
75 tion or discrimination, and the production of any such statement, advertise-
76 ment, publicity, sign, form of application, record, or inquiry purporting to
77 be made by any such person shall be presumptive evidence in any action
78 that the same was authorized by such person.

79 h. For any real estate broker, real estate salesman or employee or agent
80 thereof:

81 (1) to refuse to sell, rent, assign, lease or sublease, or offer for sale,
82 rental, lease, assignment, or sublease any real property or part or portion
83 thereof to any person or group of persons or to refuse to negotiate for the
84 sale, rental, lease, assignment, or sublease of any real property or part or
85 portion thereof to any person or group of persons because of the race,
86 creed, color, national origin or ancestry of such person or group of persons,
87 or to represent that any real property or part or portion thereof is not avail-
88 able for inspection, sale, rental, lease, assignment, or sublease when in fact
89 it is so available, or otherwise to deny or withhold any real property or any
90 part or portion or facilities thereof to or from any person or group of per-
91 sons because of the race, creed, color, national origin or ancestry of such
92 person or group of persons;

93 (2) To discriminate against any person because of his race, creed, color,
94 national origin or ancestry in the terms, conditions or privileges of the sale,
95 rental, lease, assignment or sublease of any real property or part or portion
96 thereof or in the furnishing of facilities or services in connection therewith;
97 or

98 (3) To print, publish, circulate, issue, display, post, or mail, or cause
99 to be printed, published, circulated, issued, displayed, posted or mailed, any
100 statement, advertisement, publication or sign, or to use any form of applica-
101 tion for the purchase, rental, lease, assignment, or sublease of any real prop-
102 erty or part or portion thereof or to make any record or inquiry in con-
103 nection with the prospective purchase, rental, lease, assignment, or sublease
104 of any real property or part or portion thereof which expresses, directly or
105 indirectly, any limitation, specification or discrimination as to race, creed,
106 color, national origin or ancestry or any intent to make any such limita-
107 tion, specification or discrimination, and the production of any such state-
108 ment, advertisement, publicity, sign, form of application, record, or inquiry
109 purporting to be made by any such person shall be presumptive evidence in
110 any action that the same was authorized by such person.

111 i. For any person, bank, banking organization, mortgage company, insur-
112 ance company or other financial institution or lender to whom application is
113 made for financial assistance for the purchase, acquisition, construction, re-
114 habilitation, repair or maintenance of any real property or part or portion
115 thereof or any agent or employee thereof:

116 (1) To discriminate against any person or group of persons because of
117 the race, creed, color, national origin or ancestry of such person or group of
118 persons or of the prospective occupants or tenants of such real property or
119 part or portion thereof, in the granting, withholding, extending, modifying
120 or renewing, or in the fixing of the rates, terms, conditions or provisions of
121 any such financial assistance or in the extension of services in connection
122 therewith; or

123 (2) To use any form of application for such financial assistance or to
124 make any record or inquiry in connection with applications for such finan-
125 cial assistance which expresses, directly or indirectly, any limitation, speci-
126 fication or discrimination as to race, creed, color, national origin or ancestry,
127 or any intent to make any such limitation, specification or discrimination.

1 2. This act shall take effect immediately.

ASSEMBLY AMENDMENTS TO
ASSEMBLY, No. 515

STATE OF NEW JERSEY

ADOPTED NOVEMBER 19, 1962

Amend page 1, section 1, line 5, delete "or" and insert in lieu thereof a comma.

Amend page 1, section 1, line 6, after "ancestry," insert "or age".

Amend page 1, section 1, line 15, after "origin" delete "or" and insert in lieu thereof a comma; after "ancestry," insert "or age".

Amend page 2, section 1, line 26, after "origin" delete "or" and insert in lieu thereof a comma; after "ancestry" insert ", or age".

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

November 19, 1962

ASSEMBLY BILL NO. 515

To the General Assembly:

Pursuant to Article V, Section I, paragraph 14(b) of the Constitution, I herewith return Assembly Bill No. 515, with my objections, for reconsideration.

Assembly Bill No. 515 amends Section 11 of the Law Against Discrimination to provide that it shall be an unlawful discrimination for a labor organization to discriminate against any applicant for, or individual included in, any apprentice or other training program because of his race, creed, color, or national origin.

This is commendable legislation and I strongly support its enactment. Unfortunately, should I sign this bill in its present form, my action could be construed as invalidating the pioneering law against discrimination in employment because of age which was enacted earlier this year. That law, as set forth in Assembly Bill No. 601, also amended Section 11 of the Law Against Discrimination. Since these two bills were processed simultaneously, neither of the bills incorporated the amendatory language provided by the other. Approval of Assembly No. 515, therefore, would establish the text of Section 11 of the Law Against Discrimination in a form not containing the amendatory language enacted in Assembly No. 601. In order to avoid any possible legal question, I am recommending that the Legislature reenact this measure setting forth the language which has already been placed in the statutes by the enactment of Assembly No. 601.

Accordingly, I am returning Assembly Bill No. 515 for reconsideration, with the recommendation that the bill be amended as follows:

On page 1, section 1, line 5, delete "or" and insert in lieu thereof a comma.

On page 1, section 1, line 6, after "ancestry," insert "or age".

On page 1, section 1, line 15, after "origin" delete "or" and insert in lieu thereof a comma; after "ancestry," insert "or age".

On page 2, section 1, line 26, after "origin" delete "or" and insert in lieu thereof a comma; after "ancestry" insert ", or age".

Respectfully,

RICHARD J. HUGHES

GOVERNOR

[SEAL]

Attest:

LAWRENCE BILDER

Acting Secretary to the Governor

SENATE, No. 78

STATE OF NEW JERSEY

INTRODUCED JANUARY 14, 1963

By Senators STAMLER and WADDINGTON

Referred to Committee on Revision and Amendment of Laws

AN ACT to amend the "Law Against Discrimination," approved April 16, 1945 (P. L. 1945, c. 169) and "A supplement to the 'Law Against Discrimination,' approved April 16, 1945 (P. L. 1945, c. 169)," approved July 28, 1954 (P. L. 1954, c. 198).

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

1 1. Section 5 of chapter 169 of the laws of 1945 is amended to read as
2 follows:

3 5. As used in this act, unless a different meaning clearly appears from the
4 context:

5 a. "Person" includes one or more individuals, partnerships, associations,
6 labor organizations, corporations, legal representatives, trustees, trustees in
7 bankruptcy, receivers, and fiduciaries.

8 b. "Employment agency" includes any persons undertaking to procure
9 employees or opportunities for others to work.

10 c. "Labor organization" includes any organization which exists and is
11 constituted for the purpose, in whole or in part, of collective bargaining, or
12 of dealing with employers concerning grievances, terms or conditions of
13 employment, or of other mutual aid or protection in connection with employ-
14 ment.

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

15 d. "Unlawful employment practice" and "unlawful discrimination" in- 46
 16 cludes only those unlawful practices and acts specified in section 11 of this act. 47

17 e. "Employer" does not include a club exclusively social or fraternal, 48
 18 charitable, educational or religious association or corporation, if such club, 49
 19 association or corporation is not organized and operated for private profit, 50
 20 nor does it include any employer with fewer than 6 persons in his employ. 51

21 f. "Employee" does not include any individual employed by his parents, 52
 22 spouse or child, or in the domestic service of any person. 53

23 [ff.] g. "Liability for service in the Armed Forces of the United States" 54
 24 means subject to being ordered as an individual or member of an organized 55
 25 unit, into active service in the Armed Forces of the United States by reason 56
 26 of membership in the National Guard, naval militia or a reserve component 57
 27 of the Armed Forces of the United States or subject to being inducted into 58
 28 such armed forces through a system of national selective service. 59

29 [g.] h. "Division" means the "Division [of] on Civil Rights" created 60
 30 by this act. 61

31 [h.] i. ["Commissioner" means the State Commissioner of Education.] 62
 32 "Attorney General" means the Attorney General of the State of New Jersey 63
 32A or his representative or designee. 64

33 [i.] j. "Commission" means the Commission on Civil Rights created by 65
 34 this act. 66

35 k. "Director" means the Director of the Division on Civil Rights. 67

36 [j.] l. "A place of public accommodation" shall include any tavern, 68
 37 roadhouse, or hotel, whether for entertainment of transient guests or accom- 69
 38 modation of those seeking health, recreation or rest; any retail shop or store; 70
 39 any restaurant, eating house, or place where food is sold for consumption on 71
 40 the premises; any place maintained for the sale of ice cream, ice and fruit 72
 41 preparations or their derivatives, soda water or confections, or where any 73
 42 beverages of any kind are retailed for consumption on the premises; any 74
 43 garage, any public conveyance operated on land or water, or in the air, and 75
 44 stations and terminals thereof; any public bathhouse, public boardwalk, public 76
 45 seashore accommodation; any auditorium, meeting place, or public hall; any m

46 theatre, or other place of public amusement, motion-picture house, music hall,
 47 roof garden, skating rink, swimming pool, amusement and recreation park,
 48 fair, bowling alley, gymnasium, shooting gallery, billiard and pool parlor,
 49 any comfort station; any dispensary, clinic or hospital; and any public
 50 library, any kindergarten, primary and secondary school, trade or business
 51 school, high school, academy, college and university, or any educational
 52 institution under the supervision of the State Board of Education, or the
 53 Commissioner of Education of the State of New Jersey. Nothing herein
 54 contained shall be construed to include or to apply to, any institution, bona
 55 fide club, or place of accommodation, which is in its nature distinctly private;
 56 nor shall anything herein contained apply to any educational facility operated
 57 or maintained by a bona fide religious or sectarian institution, and the right
 58 of a natural parent or one in loco parentis to direct the education and
 59 upbringing of a child under his control is hereby affirmed; nor shall anything
 60 herein contained be construed to bar any private secondary or post-
 61 secondary school from using in good faith criteria other than race, creed, color,
 62 national origin or ancestry, in the admission of students.

63 [k.] *m.* "A publicly assisted housing accommodation" shall include all
 64 housing built with public funds or public assistance pursuant to chapter 300
 65 of the laws of 1949, chapter 213 of the laws of 1941, chapter 169 of the laws
 66 of 1944, chapter 303 of the laws of 1949, chapter 19 of the laws of 1938, chapter
 67 20 of the laws of 1938, chapter 52 of the laws of 1946, and chapter 184 of the
 68 laws of 1949, and all housing financed in whole or in part by a loan, whether
 69 or not secured by a mortgage, the repayment of which is guaranteed or
 70 insured by the Federal Government or any agency thereof.

71 [l.] *n.* The term "real property" includes real estate, lands, tenements
 72 and hereditaments, corporeal and incorporeal, provided however that, except
 73 as to publicly assisted housing accommodations, the provisions of this act
 74 shall not apply (1) to the sale or rental of a dwelling, or of a portion thereof,
 75 containing accommodations for not more than 3 families, one of which is
 76 maintained by the owner at the time of sale or rental as the household of

77 his family, or; (2) to the sale or rental of a dwelling, or a portion thereof, 10
 78 containing accommodations for not more than 2 families, except, however, 10
 79 such dwellings shall be included within the term "real property" when they 11
 80 are part of a group of 10 or more dwelling houses constructed or to be con- 11
 81 structed on land that is contiguous (exclusive of public streets) and are 11
 82 offered for sale or rental by a person who owns or has owned or otherwise 11
 83 controls or has controlled the sale or rental of such group of dwelling houses, 11
 84 or; (3) to the rental, by the owner or occupant of a one-family accommoda- 11
 85 tion in which he or members of his family reside, of a room or rooms in such 11
 86 accommodation to another person or persons. Nothing herein contained shall 11
 87 be construed to bar any religious or denominational institution or organiza- 11
 88 tion, or any organization operated for charitable or educational purposes, 11
 89 which is operated, supervised or controlled by or in connection with a religious 12
 90 organization, in the sale, lease or rental of real property, from limiting 12
 91 admission to or giving preference to persons of the same religion or denomina- 12
 92 tion or from making such selection as is calculated by such organization to 12
 93 promote the religious principles for which it is established or maintained. 12

94 [m.] o. "Real estate broker" includes a person, firm or corporation who, 12
 95 for a fee, commission or other valuable consideration, or by reason of promise 12
 96 or reasonable expectation thereof, lists for sale, sells, exchanges, buys or
 97 rents, or offers or attempts to negotiate a sale, exchange, purchase or rental
 98 or real estate or an interest therein, or collects or offers or attempts to collect
 99 rent for the use of real estate or solicits for prospective purchasers or assists
 100 or directs in the procuring of prospects or the negotiation or closing of any
 101 transaction which does or is contemplated to result in the sale, exchange,
 102 leasing, renting or auctioning of any real estate or negotiates, or offers or
 103 attempts or agrees to negotiate a loan secured or to be secured by mortgage
 104 or other encumbrance upon or transfer of any real estate for others, or any
 105 person who, for pecuniary gain or expectation of pecuniary gain conducts a
 106 public or private competitive sale of lands or any interest in lands. In the
 107 sale of lots, the term "real estate broker" shall also include any person, 12

108 partnership, association or corporation employed by or on behalf of the owner
 109 or owners of lots or other parcels of real estate, at a stated salary, or upon
 110 a commission, or upon a salary and commission, or otherwise, to sell such real
 111 estate, or any parts thereof, in lots or other parcels, and who shall sell or
 112 exchange, or offer or attempt or agree to negotiate the sale or exchange, of
 113 any such lot or parcel of real estate.

114 [n.] p. "Real estate salesman" includes any person who, for compensa-
 115 tion, valuable consideration or commission, or other thing of value, or by
 116 reason of a promise or reasonable expectation thereof, is employed by and
 117 operates under the supervision of a licensed real estate broker to sell or offer
 118 to sell, buy or offer to buy or negotiate the purchase, sale or exchange of real
 119 estate, or offers or attempts to negotiate a loan secured or to be secured by a
 120 mortgage or other encumbrance upon or transfer of real estate, or to lease
 121 or rent, or offer to lease or rent any real estate for others, or to collect rents
 122 for the use of real estate, or to solicit for prospective purchasers or lessees
 123 of real estate, or who is employed by a licensed real estate broker to sell or
 124 offer to sell lots or other parcels of real estate, at a stated salary, or upon a
 125 commission, or upon a salary and commission, or otherwise to sell real estate,
 126 or any parts thereof, in lots or other parcels.

1 2. Section 6 of chapter 169, laws of 1945 is amended to read as follows:

2 6 There is created in the Department of [Education] *Law and Public*
 3 *Safety* a division [to be] known as "The Division [of] *on Civil Rights*" with
 4 power to prevent and eliminate discrimination [in employment] *in the man-*
 5 *ner prohibited by this act* against persons because of race, creed, color, na-
 6 tional origin or ancestry or because of their liability for service in the
 7 Armed Forces of the United States, by employers, labor organizations, em-
 8 ployment agencies or other persons and to take other actions against discrim-
 9 ination because of race, creed, color, national origin or ancestry or because
 10 of their liability for service in the Armed Forces of the United States, as
 11 herein provided; and the division created hereunder is given general juris-
 12 diction and authority for such purposes.

1 3. Section 7 of chapter 169 of the laws of 1945 is amended to read as
2 follows:

3 7. The said division shall consist of the [Commissioner of Education]
4 *Attorney General* and the commission. The commission shall consist of 7
5 members; each member shall be appointed by the Governor, with the advice
6 and consent of the Senate, for a term of 5 years and until his successor is ap-
7 pointed and qualified, except that of those first appointed, one shall be ap-
8 pointed for a term of 1 year, one for a term of 2 years, one for a term of 3
9 years and 2 for a term of 4 years. Vacancies caused other than by expiration
10 of term shall be filled in the same manner but for the unexpired term only.
11 Members of the commission shall serve without compensation but shall be re-
12 imbursed for necessary expenses incurred in the performance of their duties.
13 The first chairman of the commission shall be designated by the Governor and
14 thereafter, the chairman shall be elected by the members, annually.

1 4. Section 8 of chapter 169 of the laws of 1945 is amended to read as
2 follows:

3 8. The [commissioner] *Attorney General* shall:

4 a. Exercise all powers of the division not vested in the commission.

5 b. Administer the work of the division.

6 c. Organize the division into [2] sections, [one of] *which shall include*
7 *but not be limited to a section* which shall receive, investigate, and act upon
8 complaints alleging discrimination [in employment] against persons because
9 of race, creed, color, national origin or ancestry or because of their liability
10 for service in the Armed Forces of the United States [, and the other of which
11 shall receive, investigate, and act upon complaints alleging other unlawful acts
12 of discrimination against persons because of race, creed, color, national origin
13 or ancestry]; *and another which shall, in order to eliminate prejudice and to*
14 *further good will among the various racial and religious and nationality*
15 *groups in this State, study, recommend, prepare and implement, in co-opera-*
16 *tion with such other departments of State Government or any other agencies,*
17 *groups or entity both public and private, such educational and human rela-*

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18 *tions programs as are consonant with the objectives of this act; and* prescribe
 19 the organization of said sections and the duties of his subordinates and assis-
 20 tants.

21 d. [Subject to the approval of the commission and the Governor, appoint]
 22 *Appoint* [an assistant Commissioner of Education,] *a Director of the Di-*
 23 *vision on Civil Rights*, who shall act for the [commissioner] *Attorney Gen-*
 24 *eral*, in his place and with his powers, *which appointment shall be subject to*
 25 *the approval of the commission and the Governor, a deputy director* and such
 26 [other] *assistant* directors, field representatives and assistants as may be
 27 necessary for the proper administration of the division and fix their compen-
 28 sation within the limits of available appropriations. The [assistant com-
 29 missioner, directors,] *director, deputy director, assistant directors*, field rep-
 30 resentatives and assistants shall not be subject to the Civil Service Act and
 30A shall be removable by the [commissioner] *Attorney General* at will.

31 e. Appoint such clerical force and employees as he may deem necessary
 32 and fix their duties, all of whom shall be subject to the Civil Service Act.

33 f. Maintain liaison with local and State officials and agencies concerned
 34 with matters related to the work of the division.

35 g. [Subject to the approval of the commission adopt] *Adopt*, promulgate,
 36 amend, and rescind suitable rules and regulations to carry out the provisions
 37 of this act.

38 h. *Conduct investigations*, receive [, investigate, and pass upon com-
 39 plaints alleging acts in violation of] *complaints and conduct hearings thereon*
 40 *other than those complaints received and hearings held pursuant to the*
 40A *provisions of sections 12 to 16 inclusive of this act.*

40B i. [Hold hearings]. *In connection with any hearing held pursuant to the*
 40C *provisions of this act*, subpoena witnesses, compel their attendance, administer
 41 oaths, take the testimony of any person, under oath, and, in connection there-
 42 with, require the production for examination of any books or papers relating
 43 to any subject matter under investigation or in question before the [commis-
 44 sioner] *Attorney General*. The [commissioner] *Attorney General* may make

45 rules as to the issuance of subpoenas by the [assistant commissioner]
46 director.

47 j. Issue such publications and such results of investigations and research
48 tending to promote good will and to minimize or eliminate discrimination be-
49 cause of race, creed, color, national origin or ancestry, as the commission shall
50 direct, *subject to available appropriations.*

51 k. Render each year to the Governor and Legislature a full written re-
52 port of all the activities of the division.

53 [l. Appoint, subject to the approval of the commission, a panel of not
54 more than 5 hearing examiners, each to serve for a term of 1 year and until
55 his successor is appointed, any one of whom the commissioner may designate
56 in his place to conduct any hearing and recommend findings of fact and con-
57 clusions of law. The hearing examiners shall receive such compensation as
58 may be determined by the commissioner, subject to available appropriations.]

59 *l. Appoint, subject to the approval of the commission, a panel of not more*
60 *than 5 hearing examiners, each of whom shall be duly licensed to practice*
61 *law in this State for a period of at least 5 years, and each to serve for a*
62 *term of one year and until his successor is appointed, any one of whom the*
63 *director may designate in his place to conduct any hearing and recommend*
64 *findings of fact and conclusions of law. The hearing examiners shall receive*
65 *such compensation as may be determined by the Attorney General, subject to*
66 *available appropriations.*

1 5. Section 9 of chapter 169 of the laws of 1945 is amended to read as
2 follows:

3 9. The commission shall:

4 a. Consult with and advise the [commissioner] *Attorney General* with
5 respect to the work of the division.

6 [b. Approve or disapprove the appointment of officers, employees and
7 agents, and the fixing of their compensation by the commissioner]

8 [c.] b. Survey and study the operations of the division.

9 [d.] c. Report to the Governor and the Legislature with respect to such
 10 matters relating to the work of the division and at such times as it may deem
 11 in the public interest.

12 The mayors or chief executive officers of the municipalities in the State
 13 may appoint local commissions on civil rights to aid in effectuating the pur-
 14 poses of this act. Such local commissions shall be composed of representative
 15 citizens serving without compensation. Such commissions shall attempt to
 16 foster through community effort or otherwise, good will, co-operation and
 17 conciliation among the groups and elements of the inhabitants of the com-
 18 munity, and they may be empowered by the local governing bodies to make
 19 recommendations to them for the development of policies and procedures in
 20 general and for programs of formal and informal education that will aid in
 21 eliminating all types of discrimination based on race, creed, color, national
 22 origin, or ancestry. [The State commission may make provision for techni-
 23 cal and clerical assistance to municipal officials to aid in organizing such
 24 commissions in all of the municipalities in this State.]

1 6. Section 10 of chapter 169 of the laws of 1945 is amended to read as
 2 follows:

3 10. No person shall be excused from attending and testifying or from
 4 producing records, correspondence, documents or other evidence in obedience
 5 to the subpoena of the [commissioner or assistant commissioner] *Attorney*
 6 *General, director, or hearing examiner* on the ground that the testimony or
 7 evidence required of him may tend to incriminate him or subject him to a
 8 penalty or forfeiture, but no person shall be prosecuted or subjected to any
 9 penalty or forfeiture for or on account of any transaction, matter or thing
 10 concerning which he is compelled, after having claimed his privilege against
 11 self-incrimination, to testify or produce evidence, except that such person so
 12 testifying shall not be exempt from prosecution and punishment for perjury
 13 committed in so testifying. The immunity herein provided shall extend only
 14 to natural persons so compelled to testify.

1 7. Section 12 of chapter 169 of the laws of 1945 is amended to read as
2 follows:

3 12. Any person claiming to be aggrieved by an unlawful employment
4 practice or an unlawful discrimination may, by himself, or his attorney-at-
5 law, make, sign and file with the [commissioner] *Attorney General* a verified
6 complaint in writing which shall state the name and address of the person;
7 employer, labor organization, employment agency, owner, lessee, proprietor,
8 manager, superintendent, or agent alleged to have committed the unlawful
9 employment practice or unlawful discrimination complained of and which
10 shall set forth the particulars thereof and shall contain such other informa-
11 tion as may be required by the [commissioner] *Attorney General*. The Com-
12 missioner of Labor and Industry, the Attorney General, or the Commissioner
13 of Education may, in like manner, make, sign and file such complaint. Any
14 employer whose employees, or some of them, refuse or threaten to refuse
15 to co-operate with the provisions of this act, may file with the [commissioner]
16 *Attorney General* a verified complaint asking for assistance by conciliation
17 or other remedial action.

1 8. Section 13 of chapter 169 of the laws of 1945 is amended to read as
2 follows:

3 13. After the filing of any complaint, the [commissioner] *Attorney Gen-
4 eral* shall cause prompt investigation to be made in connection therewith;
5 and if the [commissioner] *Attorney General* shall determine after such
6 investigation that probable cause exists for crediting the allegations of the
7 complaint, he shall immediately endeavor to eliminate the unlawful employ-
8 ment practice or the unlawful discrimination complained of by [conference,
9 conciliation and persuasion] *a conciliation conference*. Neither the [commis-
10 sioner] *Attorney General* nor any officer or employee of the division shall
11 disclose [what has transpired in the course of such endeavors] *any conver-
12 sation between the Attorney General or his representative and the respond-
13 ent or his representative at such conference.*

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1 9. Section 14 of chapter 169 of the laws of 1945 is amended to read as
2 follows:

3 14. In case of failure so to eliminate such practice or discrimination, or
4 in advance thereof if in his judgment circumstances so warrant, the [com-
5 missioner] *Attorney General* shall cause to be issued and served in the name
6 of the division, a written notice, together with a copy of such complaint, as
7 the same may have been amended, requiring the person, employer, labor or-
8 ganization, employment agency, owner, lessee, proprietor, manager, superin-
9 tendent, or agent named in such complaint, hereinafter referred to as
10 respondent, to answer the charges of such complaint at a hearing before
11 [the commissioner] *the director* at a time and place to be specified in such
12 notice. The place of any such hearing shall be the office of the [commis-
13 sioner] *Attorney General* or such other place as may be designated by him.

1 10. Section 15 of chapter 169 of the laws of 1945 is amended to read as
2 follows:

3 15. The case in support of the complaint shall be presented before the
4 [commissioner] *director* by the attorney for the division and evidence con-
5 cerning attempted conciliation shall not be received. The respondent may file
6 a written verified answer to the complaint and appear at such hearing in
7 person or *by* representative, with or without counsel, and submit testimony.
8 In the discretion of the [commissioner] *director*, the complainant may be al-
9 lowed to intervene and present testimony in person [or by counsel] *and may*
10 *be represented by counsel*. The [commissioner] *director* or the complainant
11 shall have the power reasonably and fairly to amend any complaint, and the
12 respondent shall have like power to amend his answer. The [commissioner]
13 *director* shall not be bound by the strict rules of evidence prevailing in
14 [courts of law or equity] *civil actions in courts of competent jurisdiction of*
15 *this State*. The testimony taken at the hearing shall be under oath and be
16 transcribed.

1 11. Section 16 of chapter 169 of the laws of 1945 is amended to read as
2 follows:

3 16. If, upon all evidence at the hearing the [commissioner] *director*
4 shall find that the respondent has engaged in any unlawful employment prac-
5 tice or unlawful discrimination as defined in this act, the [commissioner] *di-*
6 *rector* shall state his findings of fact *and conclusions of law* and shall issue
7 and cause to be served on such respondent an order requiring such respon-
8 dent to cease and desist from such unlawful employment practice or unlaw-
9 ful discrimination and to take such affirmative action, including, but not lim-
10 ited to, hiring, reinstatement or upgrading of employees, with or without
11 back pay, or restoration to membership in any respondent labor organization,
12 or extending full and equal accommodations, advantages, facilities, and priv-
13 ileges to all persons, as, in the judgment of the [commissioner] *director*,
14 will effectuate the purpose of this act, and including a requirement for re-
15 port of the manner of compliance. If, upon all the evidence, the [commis-
16 sioner] *director* shall find that the respondent has not engaged in any such
17 unlawful employment practice or unlawful discrimination, the [commis-
18 sioner] *director* shall state his findings of fact *and conclusions of law* and
19 shall issue and cause to be served on the complainant an order dismissing the
20 said complaint as to such respondent. [The failure of the commissioner to
21 file his findings of fact and to issue and serve an order as in this section pro-
22 vided, within 90 days after the filing of the verified complaint with him in the
23 manner provided by section 12 of this act, or within such additional period as
24 may, for good cause shown, be granted by the commission, may, at the election
25 of the complainant, be deemed to be the equivalent of an order of the commis-
26 sioner dismissing the complaint, from which an appeal shall lie as hereafter
27 provided.]

1 12. Section 17 of chapter 169 of the laws of 1945 is amended to read as
2 follows:

3 17. The [commissioner] *Attorney General* shall establish rules of prac-
4 tice to govern, expedite and effectuate the foregoing procedure and his own

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5 actions thereunder. Any complaint filed pursuant to this section must be so
6 filed within [90] 180 days after the alleged act of discrimination.

1 13. Section 18 of chapter 169 of the laws of 1945 is amended to read as
2 follows:

3 18. Observance of an order of the [commissioner] *director issued pursu-*
4 *ant to the provisions of this act* may be enforced by a civil action *brought by*
5 *the director* in the [County] *Superior Court [to compel the specific perform-*
6 *ance of the order or of the duties imposed by law upon the respondent*
7 *named in the order. Such action shall be brought in the County Court to*
8 *which an appeal from the order would lie as hereinafter provided] to ob-*
9 *tain such relief as may be necessary to effectuate the terms of said order.*

1 14. Section 20 of chapter 169 of the laws of 1945 is amended to read as
2 follows:

3 20. Any person aggrieved by a final order of the [commissioner] *direc-*
4 *tor* may take an appeal therefrom to the [County Court of the county in
5 which the alleged unlawful employment practice or unlawful discrimination
6 took place. A notice of appeal shall be served upon the commissioner and all
7 other parties to the proceeding or their attorneys, and filed with the court,
8 within 30 days after the making of the order. Within 20 days after the serv-
9 ice of such notice, the commissioner shall file in the County Court the original
10 or a certified copy of the record of the proceedings under review, including
11 such testimony as shall have been taken stenographically, and shall serve no-
12 tice of the filing of such record upon the appellant] *Superior Court, Appel-*
13 *late Division as an appeal from a State administrative agency.*

1 15. Section 23 of chapter 169 of the laws of 1945 is amended to read as
2 follows:

3 23. [The commissioner's] *A copy of [the testimony] the transcript of*
4 *the hearing shall be available at all reasonable times to all parties for exam-*
5 *ination without cost.*

1 16. Section 24 of chapter 169 of the laws of 1945 is amended to read as
2 follows:

3 24. The Attorney General shall ~~be~~ *appoint or assign* the attorney for
4 the division *who may be a deputy attorney general. If said attorney is not a*
5 *deputy attorney general he shall receive such compensation as may be*
6 *determined by the Attorney General subject to available appropriations.*

1 17. Section 25 of chapter 169 of the laws of 1945 is amended to read as
2 follows:

3 25. Any person who shall willfully resist, prevent, impede or interfere
4 with the ~~commissioner~~ *Attorney General* or any representative of the divi-
5 sion in the performance of duty under this act, or shall willfully violate an
6 order of the ~~commissioner~~ *Attorney General, or the director*, shall be guilty
7 of a misdemeanor and shall be punishable by imprisonment for not more than
8 one year, or by a fine of not more than \$500 00, or by both; but procedure for
9 the review of the order shall not be deemed to be such willful conduct.

1 18. Section 1 of chapter 198 of the laws of 1954 is amended to read as
2 follows:

3 1. The Division on Civil Rights in the Department of ~~Education~~ *Law*
4 *and Public Safety* shall enforce the laws of this State against discrimination
5 in housing built with public funds or public assistance, pursuant to any law,
6 and in real property, as defined in the law hereby supplemented, because of
7 race, religious principles, color, national origin or ancestry. The said laws
8 shall be so enforced in the manner prescribed in the act to which this act is
9 a supplement.

1 19. This act shall take effect immediately.

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ASSEMBLY COMMITTEE AMENDMENTS TO

SENATE, No. 78

STATE OF NEW JERSEY

ADOPTED MAY 6, 1963

Amend page 1, Title, line 4, immediately following "(P. L. 1954, c. 198)" insert the following: "and repealing section 22 of the 'Law Against Discrimination' approved April 16, 1945 (P. L. 1945, c. 169)".

Amend page 2, section 1, line 17, immediately following the word "or" insert "a".

Amend page 5, section 2, line 6, immediately following the word "origin", delete the word "or" and insert in lieu thereof ",".

Amend page 5, section 2, line 6, immediately following the word "ancestry" insert the words "or age".

Amend page 5, section 2, line 9, immediately following the word "origin" delete the word "or" and insert in lieu thereof ",".

Amend page 5, section 2, line 9, immediately following the word "ancestry" insert the words "or age".

Amend page 6, section 4, line 9, immediately following the word "origin" delete "or" and insert in lieu thereof ",".

Amend page 6, section 4, line 9, immediately following the word "ancestry" insert the words "or age".

Amend page 8, section 4, line 49, immediately following the word "origin", delete the word "or" and insert in lieu thereof ",".

Amend page 8, section 4, line 49, immediately following the word "ancestry" insert the words "or age".

Amend page 9, section 5, line 22, immediately following the word "origin," delete the word "or".

Amend page 9, section 5, line 22, immediately following the word "ancestry" insert the words "or age".

Amend page 14, section 19, line 1, delete "This act shall take effect immediately." and insert the following: "Section 22 of the 'Law Against Discrimination' approved April 16, 1945 is repealed."

"20. This act shall take effect immediately."

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STATE OF NEW JERSEY

INTRODUCED JANUARY 14, 1963

By Senators STAMLER and WADDINGTON

Referred to Committee on Revision and Amendment of Laws

AN ACT to amend the "Law Against Discrimination," approved April 16, 1945 (P. L. 1945, c. 169) and "A supplement to the 'Law Against Discrimination,' approved April 16, 1945 (P. L. 1945, c. 169)," approved July 28, 1954 (P. L. 1954, c. 198) and repealing section 22 of the "Law Against Discrimination" approved April 16, 1945 (P. L. 1945, c. 169).

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

1 1. Section 5 of chapter 169 of the laws of 1945 is amended to read as
2 follows:

3 5. As used in this act, unless a different meaning clearly appears from the
4 context:

5 a. "Person" includes one or more individuals, partnerships, associations,
6 labor organizations, corporations, legal representatives, trustees, trustees in
7 bankruptcy, receivers, and fiduciaries.

8 b. "Employment agency" includes any persons undertaking to procure
9 employees or opportunities for others to work.

10 c. "Labor organization" includes any organization which exists and is
11 constituted for the purpose, in whole or in part, of collective bargaining, or
12 of dealing with employers concerning grievances, terms or conditions of
13 employment, or of other mutual aid or protection in connection with employ-
14 ment.

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

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15 d. "Unlawful employment practice" and "unlawful discrimination" in-
16 cludes only those unlawful practices and acts specified in section 11 of this act.

17 e. "Employer" does not include a club exclusively social or a fraternal,
18 charitable, educational or religious association or corporation, if such club,
19 association or corporation is not organized and operated for private profit,
20 nor does it include any employer with fewer than 6 persons in his employ.

21 f. "Employee" does not include any individual employed by his parents,
22 spouse or child, or in the domestic service of any person.

23 [ff.] g. "Liability for service in the Armed Forces of the United States"
24 means subject to being ordered as an individual or member of an organized
25 unit, into active service in the Armed Forces of the United States by reason
26 of membership in the National Guard, naval militia or a reserve component
27 of the Armed Forces of the United States or subject to being inducted into
28 such armed forces through a system of national selective service.

29 [g.] h. "Division" means the "Division [of] on Civil Rights" created
30 by this act.

31 [h.] i. ["Commissioner" means the State Commissioner of Education.]
32 "Attorney General" means the Attorney General of the State of New Jersey
32A or his representative or designee.

33 [i.] j. "Commission" means the Commission on Civil Rights created by
34 this act.

35 k. "Director" means the Director of the Division on Civil Rights.

36 [j.] l. "A place of public accommodation" shall include any tavern,
37 roadhouse, or hotel, whether for entertainment of transient guests or accom-
38 modation of those seeking health, recreation or rest; any retail shop or store;
39 any restaurant, eating house, or place where food is sold for consumption on
40 the premises; any place maintained for the sale of ice cream, ice and fruit
41 preparations or their derivatives, soda water or confections, or where any
42 beverages of any kind are retailed for consumption on the premises; any
43 garage, any public conveyance operated on land or water, or in the air, and
44 stations and terminals thereof; any public bathhouse, public boardwalk, public
45 seashore accommodation; any auditorium, meeting place, or public hall; any

46 theatre, or other place of public amusement, motion-picture house, music hall,
 47 roof garden, skating rink, swimming pool, amusement and recreation park,
 48 fair, bowling alley, gymnasium, shooting gallery, billiard and pool parlor;
 49 any comfort station; any dispensary, clinic or hospital; and any public
 50 library, any kindergarten, primary and secondary school, trade or business
 51 school, high school, academy, college and university, or any educational
 52 institution under the supervision of the State Board of Education, or the
 53 Commissioner of Education of the State of New Jersey. Nothing herein
 54 contained shall be construed to include or to apply to, any institution, bona
 55 fide club, or place of accommodation, which is in its nature distinctly private;
 56 nor shall anything herein contained apply to any educational facility operated
 57 or maintained by a bona fide religious or sectarian institution, and the right
 58 of a natural parent or one in loco parentis to direct the education and
 59 upbringing of a child under his control is hereby affirmed; nor shall anything
 60 herein contained be construed to bar any private secondary or post-
 61 secondary school from using in good faith criteria other than race, creed, color,
 62 national origin or ancestry, in the admission of students.

63 [k.] m. "A publicly assisted housing accommodation" shall include all
 64 housing built with public funds or public assistance pursuant to chapter 300
 65 of the laws of 1949, chapter 213 of the laws of 1941, chapter 169 of the laws
 66 of 1944, chapter 303 of the laws of 1949, chapter 19 of the laws of 1938, chapter
 67 20 of the laws of 1938, chapter 52 of the laws of 1946, and chapter 184 of the
 68 laws of 1949, and all housing financed in whole or in part by a loan, whether
 69 or not secured by a mortgage, the repayment of which is guaranteed or
 70 insured by the Federal Government or any agency thereof.

71 [l.] n. The term "real property" includes real estate, lands, tenements
 72 and hereditaments, corporeal and incorporeal, provided however that, except
 73 as to publicly assisted housing accommodations, the provisions of this act
 74 shall not apply (1) to the sale or rental of a dwelling, or of a portion thereof,
 75 containing accommodations for not more than 3 families, one of which is
 76 maintained by the owner at the time of sale or rental as the household of

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77 his family, or, (2) to the sale or rental of a dwelling, or a portion thereof,
 78 containing accommodations for not more than 2 families, except, however,
 79 such dwellings shall be included within the term "real property" when they
 80 are part of a group of 10 or more dwelling houses constructed or to be con-
 81 structed on land that is contiguous (exclusive of public streets) and are
 82 offered for sale or rental by a person who owns or has owned or otherwise
 83 controls or has controlled the sale or rental of such group of dwelling houses,
 84 or; (3) to the rental, by the owner or occupant of a one-family accommoda-
 85 tion in which he or members of his family reside, of a room or rooms in such
 86 accommodation to another person or persons. Nothing herein contained shall
 87 be construed to bar any religious or denominational institution or organiza-
 88 tion, or any organization operated for charitable or educational purposes,
 89 which is operated, supervised or controlled by or in connection with a religious
 90 organization, in the sale, lease or rental of real property, from limiting
 91 admission to or giving preference to persons of the same religion or denomina-
 92 tion or from making such selection as is calculated by such organization to
 93 promote the religious principles for which it is established or maintained.

94 [m.] o. "Real estate broker" includes a person, firm or corporation who,
 95 for a fee, commission or other valuable consideration, or by reason of promise
 96 or reasonable expectation thereof, lists for sale, sells, exchanges, buys or
 97 rents, or offers or attempts to negotiate a sale, exchange, purchase or rental
 98 or real estate or an interest therein, or collects or offers or attempts to collect
 99 rent for the use of real estate or solicits for prospective purchasers or assists
 100 or directs in the procuring of prospects or the negotiation or closing of any
 101 transaction which does or is contemplated to result in the sale, exchange,
 102 leasing, renting or auctioning of any real estate or negotiates, or offers or
 103 attempts or agrees to negotiate a loan secured or to be secured by mortgage
 104 or other encumbrance upon or transfer of any real estate for others, or any
 105 person who, for pecuniary gain or expectation of pecuniary gain conducts a
 106 public or private competitive sale of lands or any interest in lands. In the
 107 sale of lots, the term "real estate broker" shall also include any person,

108 partnership, association or corporation employed by or on behalf of the owner
 109 or owners of lots or other parcels of real estate, at a stated salary, or upon
 110 a commission, or upon a salary and commission, or otherwise, to sell such real
 111 estate, or any parts thereof, in lots or other parcels, and who shall sell or
 112 exchange, or offer or attempt or agree to negotiate the sale or exchange, of
 113 any such lot or parcel of real estate.

114 [n.] p. "Real estate salesman" includes any person who, for compensa-
 115 tion, valuable consideration or commission, or other thing of value, or by
 116 reason of a promise or reasonable expectation thereof, is employed by and
 117 operates under the supervision of a licensed real estate broker to sell or offer
 118 to sell, buy or offer to buy or negotiate the purchase, sale or exchange of real
 119 estate, or offers or attempts to negotiate a loan secured or to be secured by a
 120 mortgage or other encumbrance upon or transfer of real estate, or to lease
 121 or rent, or offer to lease or rent any real estate for others, or to collect rents
 122 for the use of real estate, or to solicit for prospective purchasers or lessees
 123 of real estate, or who is employed by a licensed real estate broker to sell or
 124 offer to sell lots or other parcels of real estate, at a stated salary, or upon a
 125 commission, or upon a salary and commission, or otherwise to sell real estate,
 126 or any parts thereof, in lots or other parcels.

1 2. Section 6 of chapter 169, laws of 1945 is amended to read as follows:
 2 6. There is created in the Department of [Education] *Law and Public*
 3 *Safety* a division [to be] known as "The Division [of] *on Civil Rights*" with
 4 power to prevent and eliminate discrimination [in employment] *in the man-*
 5 *ner prohibited by this act* against persons because of race, creed, color, na-
 6 tional origin [or] , ancestry *or age* or because of their liability for service in
 7 the Armed Forces of the United States, by employers, labor organizations, em-
 8 ployment agencies or other persons and to take other actions against discrim-
 9 ination because of race, creed, color, national origin [or] , ancestry *or age* or
 10 because of their liability for service in the Armed Forces of the United States,
 11 as herein provided; and the division created hereunder is given general juris-
 12 diction and authority for such purposes.

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1 3. Section 7 of chapter 169 of the laws of 1945 is amended to read as
2 follows.

3 7. The said division shall consist of the [Commissioner of Education]
4 *Attorney General* and the commission. The commission shall consist of 7
5 members; each member shall be appointed by the Governor, with the advice
6 and consent of the Senate, for a term of 5 years and until his successor is ap-
7 pointed and qualified, except that of those first appointed, one shall be ap-
8 pointed for a term of 1 year, one for a term of 2 years, one for a term of 3
9 years and 2 for a term of 4 years. Vacancies caused other than by expiration
10 of term shall be filled in the same manner but for the unexpired term only.
11 Members of the commission shall serve without compensation but shall be re-
12 imbursed for necessary expenses incurred in the performance of their duties.
13 The first chairman of the commission shall be designated by the Governor and
14 thereafter, the chairman shall be elected by the members, annually.

1 4. Section 8 of chapter 169 of the laws of 1945 is amended to read as
2 follows:

3 8. The [commissioner] *Attorney General* shall:

- 4 a. Exercise all powers of the division not vested in the commission.
5 b. Administer the work of the division.
6 c. Organize the division into [2] sections, [one of] *which shall include*
7 *but not be limited to a section* which shall receive, investigate, and act upon
8 complaints alleging discrimination [in employment] against persons because
9 of race, creed, color, national origin [or] , ancestry *or age* or because of their
10 liability for service in the Armed Forces of the United States [, and the other
11 of which shall receive, investigate, and act upon complaints alleging other un-
12 lawful acts of discrimination against persons because of race, creed, color,
13 national origin or ancestry] ; *and another which shall, in order to eliminate*
14 *prejudice and to futher good will among the various racial and religious and*
15 *nationality groups in this State, study, recommend, prepare and implement, in*
16 *co-operation with such other departments of State Government or any other*
17 *agencies, groups or entity both public and private, such educational and hu-*

18 *man relations programs as are consonant with the objectives of this act, and*
 19 *prescribe the organization of said sections and the duties of his subordinates*
 20 *and assistants*

21 d. [Subject to the approval of the commission and the Governor, appoint]
 22 *Appoint* [an assistant Commissioner of Education,] *a Director of the Di-*
 23 *vision on Civil Rights, who shall act for the [commissioner] Attorney Gen-*
 24 *eral, in his place and with his powers, which appointment shall be subject to*
 25 *the approval of the commission and the Governor, a deputy director and such*
 26 [other] *assistant directors, field representatives and assistants as may be*
 27 *necessary for the proper administration of the division and fix their compen-*
 28 *sation within the limits of available appropriations. The [assistant com-*
 29 *missioner, directors,] director, deputy director, assistant directors, field rep-*
 30 *resentatives and assistants shall not be subject to the Civil Service Act and*
 30A *shall be removable by the [commissioner] Attorney General at will.*

31 e. *Appoint such clerical force and employees as he may deem necessary*
 32 *and fix their duties, all of whom shall be subject to the Civil Service Act.*

33 f. *Maintain liaison with local and State officials and agencies concerned*
 34 *with matters related to the work of the division.*

35 g. [Subject to the approval of the commission adopt] *Adopt, promulgate,*
 36 *amend, and rescind suitable rules and regulations to carry out the provisions*
 37 *of this act.*

38 h. *Conduct investigations, receive [, investigate, and pass upon com-*
 39 *plaints alleging acts in violation of] complaints and conduct hearings thereon*
 40 *other than those complaints received and hearings held pursuant to the*
 40A *provisions of sections 12 to 16 inclusive of this act.*

40B i. [Hold hearings] *In connection with any hearing held pursuant to the*
 40C *provisions of this act, subpoena witnesses, compel their attendance, administer*
 41 *oaths, take the testimony of any person, under oath, and, in connection there-*
 42 *with, require the production for examination of any books or papers relating*
 43 *to any subject matter under investigation or in question before the [commis-*
 44 *sioner] Attorney General. The [commissioner] Attorney General may make*

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45 rules as to the issuance of subpoenas by the [assistant commissioner]
46 *director*.

47 j. Issue such publications and such results of investigations and research
48 tending to promote good will and to minimize or eliminate discrimination be-
49 cause of race, creed, color, national origin [or] , ancestry *or age*, as the com-
50 mission shall direct, *subject to available appropriations*.

51 k. Render each year to the Governor and Legislature a full written re-
52 port of all the activities of the division.

53 [l. Appoint, subject to the approval of the commission, a panel of not
54 more than 5 hearing examiners, each to serve for a term of 1 year and until
55 his successor is appointed, any one of whom the commissioner may designate
56 in his place to conduct any hearing and recommend findings of fact and con-
57 clusions of law The hearing examiners shall receive such compensation as
58 may be determined by the commissioner, subject to available appropriations.]

59 l. *Appoint, subject to the approval of the commission, a panel of not more*
60 *than 5 hearing examiners, each of whom shall be duly licensed to practice*
61 *law in this State for a period of at least 5 years, and each to serve for a*
62 *term of one year and until his successor is appointed, any one of whom the*
63 *director may designate in his place to conduct any hearing and recommend*
64 *findings of fact and conclusions of law The hearing examiners shall receive*
65 *such compensation as may be determined by the Attorney General, subject to*
66 *available appropriations.*

1 5. Section 9 of chapter 169 of the laws of 1945 is amended to read as
2 follows:

3 9. The commission shall:

4 a. Consult with and advise the [commissioner] *Attorney General* with
5 respect to the work of the division.

6 [b. Approve or disapprove the appointment of officers, employees and
7 agents, and the fixing of their compensation by the commissioner.]

8 [c.] b. Survey and study the operations of the division.

9 [d] c. Report to the Governor and the Legislature with respect to such

10 matters relating to the work of the division and at such times as it may deem
11 in the public interest.

12 The mayors or chief executive officers of the municipalities in the State
13 may appoint local commissions on civil rights to aid in effectuating the pur-
14 poses of this act. Such local commissions shall be composed of representative
15 citizens serving without compensation. Such commissions shall attempt to
16 foster through community effort or otherwise, good will, co-operation and
17 conciliation among the groups and elements of the inhabitants of the com-
18 munity, and they may be empowered by the local governing bodies to make
19 recommendations to them for the development of policies and procedures in
20 general and for programs of formal and informal education that will aid in
21 eliminating all types of discrimination based on race, creed, color, national
22 origin, [or] ancestry or age. [The State commission may make provision for
23 technical and clerical assistance to municipal officials to aid in organizing such
24 commissions in all of the municipalities in this State.]

1 6. Section 10 of chapter 169 of the laws of 1945 is amended to read as
2 follows:

3 10. No person shall be excused from attending and testifying or from
4 producing records, correspondence, documents or other evidence in obedience
5 to the subpoena of the [commissioner or assistant commissioner] *Attorney*
6 *General, director, or hearing examiner* on the ground that the testimony or
7 evidence required of him may tend to incriminate him or subject him to a
8 penalty or forfeiture, but no person shall be prosecuted or subjected to any
9 penalty or forfeiture for or on account of any transaction, matter or thing
10 concerning which he is compelled, after having claimed his privilege against
11 self-incrimination, to testify or produce evidence, except that such person so
12 testifying shall not be exempt from prosecution and punishment for perjury
13 committed in so testifying. The immunity herein provided shall extend only
14 to natural persons so compelled to testify.

1 7. Section 12 of chapter 169 of the laws of 1945 is amended to read as
2 follows:

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3 12. Any person claiming to be aggrieved by an unlawful employment
 4 practice or an unlawful discrimination may, by himself, or his attorney-at-
 5 law, make, sign and file with the [commissioner] *Attorney General* a verified
 6 complaint in writing which shall state the name and address of the person,
 7 employer, labor organization, employment agency, owner, lessee, proprietor,
 8 manager, superintendent, or agent alleged to have committed the unlawful
 9 employment practice or unlawful discrimination complained of and which
 10 shall set forth the particulars thereof and shall contain such other informa-
 11 tion as may be required by the [commissioner] *Attorney General*. The Com-
 12 missioner of Labor and Industry, the Attorney General, or the Commissioner
 13 of Education may, in like manner, make, sign and file such complaint. Any
 14 employer whose employees, or some of them, refuse or threaten to refuse
 15 to co-operate with the provisions of this act, may file with the [commissioner]
 16 *Attorney General* a verified complaint asking for assistance by conciliation
 17 or other remedial action.

1 8. Section 13 of chapter 169 of the laws of 1945 is amended to read as
 2 follows:

3 13. After the filing of any complaint, the [commissioner] *Attorney Gen-*
 4 *eral* shall cause prompt investigation to be made in connection therewith;
 5 and if the [commissioner] *Attorney General* shall determine after such
 6 investigation that probable cause exists for crediting the allegations of the
 7 complaint, he shall immediately endeavor to eliminate the unlawful employ-
 8 ment practice or the unlawful discrimination complained of by [conference,
 9 conciliation and persuasion] *a conciliation conference*. Neither the [commis-
 10 sioner] *Attorney General* nor any officer or employee of the division shall
 11 disclose [what has transpired in the course of such endeavors] *any conver-*
 12 *sation between the Attorney General or his representative and the respond-*
 13 *ent or his representative at such conference.*

1 9. Section 14 of chapter 169 of the laws of 1945 is amended to read as
 2 follows:

3 14. In case of failure so to eliminate such practice or discrimination, or
 4 in advance thereof if in his judgment circumstances so warrant, the [com-

5 missioner] *Attorney General* shall cause to be issued and served in the name
 6 of the division, a written notice, together with a copy of such complaint, as
 7 the same may have been amended, requiring the person, employer, labor or-
 8 ganization, employment agency, owner, lessee, proprietor, manager, superin-
 9 tendent, or agent named in such complaint, hereinafter referred to as
 10 respondent, to answer the charges of such complaint at a hearing before
 11 [the commissioner] *the director* at a time and place to be specified in such
 12 notice. The place of any such hearing shall be the office of the [commis-
 13 sioner] *Attorney General* or such other place as may be designated by him.

1 10. Section 15 of chapter 169 of the laws of 1945 is amended to read as
 2 follows:

3 15. The case in support of the complaint shall be presented before the
 4 [commissioner] *director* by the attorney for the division and evidence con-
 5 cerning attempted conciliation shall not be received. The respondent may file
 6 a written verified answer to the complaint and appear at such hearing in
 7 person or *by* representative, with or without counsel, and submit testimony.
 8 In the discretion of the [commissioner] *director*, the complainant may be al-
 9 lowed to intervene and present testimony in person [or by counsel] *and may*
 10 *be represented by counsel*. The [commissioner] *director* or the complainant
 11 shall have the power reasonably and fairly to amend any complaint, and the
 12 respondent shall have like power to amend his answer. The [commissioner]
 13 *director* shall not be bound by the strict rules of evidence prevailing in
 14 [courts of law or equity] *civil actions in courts of competent jurisdiction of*
 15 *this State*. The testimony taken at the hearing shall be under oath and be
 16 transcribed.

1 11. Section 16 of chapter 169 of the laws of 1945 is amended to read as
 2 follows:

3 16. If, upon all evidence at the hearing the [commissioner] *director*
 4 shall find that the respondent has engaged in any unlawful employment prac-
 5 tice or unlawful discrimination as defined in this act, the [commissioner] *di-*
 6 *rector* shall state his findings of fact *and conclusions of law* and shall issue

7 and cause to be served on such respondent an order requiring such respon-
 8 dent to cease and desist from such unlawful employment practice or unlaw-
 9 ful discrimination and to take such affirmative action, including, but not lim-
 10 ited to, hiring, reinstatement or upgrading of employees, with or without
 11 back pay, or restoration to membership, in any respondent labor organization,
 12 or extending full and equal accommodations, advantages, facilities, and priv-
 13 ileges to all persons, as, in the judgment of the [commissioner] *director*,
 14 will effectuate the purpose of this act, and including a requirement for re-
 15 port of the manner of compliance. If, upon all the evidence, the [commis-
 16 sioner] *director* shall find that the respondent has not engaged in any such
 17 unlawful employment practice or unlawful discrimination, the [commis-
 18 sioner] *director* shall state his findings of fact *and conclusions of law* and
 19 shall issue and cause to be served on the complainant an order dismissing the
 20 said complaint as to such respondent. [The failure of the commissioner to
 21 file his findings of fact and to issue and serve an order as in this section pro-
 22 vided, within 90 days after the filing of the verified complaint with him in the
 23 manner provided by section 12 of this act, or within such additional period as
 24 may, for good cause shown, be granted by the commission, may, at the election
 25 of the complainant, be deemed to be the equivalent of an order of the commis-
 26 sioner dismissing the complaint, from which an appeal shall lie as hereafter
 27 provided.]

1 12. Section 17 of chapter 169 of the laws of 1945 is amended to read as
 2 follows:

3 17. The [commissioner] *Attorney General* shall establish rules of prac-
 4 tice to govern, expedite and effectuate the foregoing procedure and his own
 5 actions thereunder. Any complaint filed pursuant to this section must be so
 6 filed within [90] 180 days after the alleged act of discrimination.

1 13. Section 18 of chapter 169 of the laws of 1945 is amended to read as
 2 follows:

3 18. Observance of an order of the [commissioner] *director issued pursu-*
 4 *ant to the provisions of this act* may be enforced by a civil action *brought by*

5 *the director* in the [County] *Superior Court* [to compel the specific perform-
6 *ance of the order or of the duties imposed by law upon the respondent*
7 *named in the order. Such action shall be brought in the County Court to*
8 *which an appeal from the order would lie as hereinafter provided] to ob-*
9 *tain such relief as may be necessary to effectuate the terms of said order.*

1 14. Section 20 of chapter 169 of the laws of 1945 is amended to read as
2 follows:

3 20. Any person aggrieved by a final order of the [commissioner] *direc-*
4 *tor* may take an appeal therefrom to the [County Court of the county in
5 which the alleged unlawful employment practice or unlawful discrimination
6 took place. A notice of appeal shall be served upon the commissioner and all
7 other parties to the proceeding or their attorneys, and filed with the court,
8 within 30 days after the making of the order. Within 20 days after the serv-
9 ice of such notice, the commissioner shall file in the County Court the original
10 or a certified copy of the record of the proceedings under review, including
11 such testimony as shall have been taken stenographically, and shall serve no-
12 tice of the filing of such record upon the appellant] *Superior Court, Appel-*
13 *late Division as an appeal from a State administrative agency.*

1 15. Section 23 of chapter 169 of the laws of 1945 is amended to read as
2 follows:

3 23. [The commissioner's] *A copy of [the testimony] the transcript of*
4 *the hearing shall be available at all reasonable times to all parties for exam-*
5 *ination without cost.*

1 16. Section 24 of chapter 169 of the laws of 1945 is amended to read as
2 follows:

3 24. The Attorney General shall [be] *appoint or assign* the attorney for
4 *the division who may be a deputy attorney general. If said attorney is not a*
5 *deputy attorney general he shall receive such compensation as may be*
6 *determined by the Attorney General subject to available appropriations.*

1 17. Section 25 of chapter 169 of the laws of 1945 is amended to read as
2 follows:

3 25. Any person who shall willfully resist, prevent, impede or interfere
4 with the [commissioner] *Attorney General* or any representative of the divi-
5 sion in the performance of duty under this act, or shall willfully violate an
6 order of the [commissioner] *Attorney General, or the director*, shall be guilty
7 of a misdemeanor and shall be punishable by imprisonment for not more than
8 one year, or by a fine of not more than \$500.00, or by both; but procedure for
9 the review of the order shall not be deemed to be such willful conduct.

1 18. Section 1 of chapter 198 of the laws of 1954 is amended to read as
2 follows:

3 1. The Division on Civil Rights in the Department of [Education] *Law*
4 *and Public Safety* shall enforce the laws of this State against discrimination
5 in housing built with public funds or public assistance, pursuant to any law,
6 and in real property, as defined in the law hereby supplemented, because of
7 race, religious principles, color, national origin or ancestry. The said laws
8 shall be so enforced in the manner prescribed in the act to which this act is
9 a supplement.

1 19. [This act shall take effect immediately.] *Section 22 of the "Law*
2 *Against Discrimination"* approved April 16, 1945 is repealed.

1 20. *This act shall take effect immediately.*

ASSEMBLY, No. 164

STATE OF NEW JERSEY

INTRODUCED JANUARY 24, 1966

By Assemblymen POLICASTRO, ADDONIZIO, VOHDIN, WOODSON,
BIANCARDI, OWENS, McLEON, MARAZITI and A. E. BROWN

Referred to Committee on State Government

AN ACT to amend and supplement the "Law Against Discrimination," ap-
proved April 16, 1945 (P. L. 1945, c. 169).

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

1 1. Section 5 of chapter 169 of the laws of 1945 is amended to read as
2 follows:

3 5. As used in this act, unless a different meaning clearly appears from
4 the context:

5 a. "Person" includes one or more individuals, partnerships, associa-
6 tions, *organizations*, labor organizations, corporations, legal representatives,
7 trustees, trustees in bankruptcy, receivers, and fiduciaries.

8 b. "Employment agency" includes any person undertaking to procure
9 employees or opportunities for others to work.

10 c. "Labor organization" includes any organization which exists and is
11 constituted for the purpose, in whole or in part, of collective bargaining,
12 or of dealing with employers concerning grievances, terms or conditions of
13 employment, or of other mutual aid or protection in connection with em-
14 ployment.

15 d. "Unlawful employment practice" and "unlawful discrimination" in-
16 cludes only those unlawful practices and acts specified in section 11 of this
17 act.

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted
and is intended to be omitted in the law.**

18 e. "Employer" does not include a club exclusively social or a fraternal,
19 charitable, educational or religious association or corporation, if such club,
20 association or corporation is not organized and operated for private profit,
21 nor does it include any employer with fewer than 6 persons in his employ.

22 f. "Employee" does not include any individual employed by his parents,
23 spouse or child, or in the domestic service of any person.

24 g. "Liability for service in the Armed Forces of the United States"
25 means subject to being ordered as an individual or member of an organized
26 unit[,] into active service in the Armed Forces of the United States by rea-
27 son of membership in the National Guard, naval militia or a reserve com-
28 ponent of the Armed Forces of the United States, or subject to being inducted
29 into such armed forces through a system of national selective service.

30 h. "Division" means the "Division on Civil Rights" created by this act.

31 i. "Attorney General" means the Attorney General of the State of New
32 Jersey or his representative or designee.

33 j. "Commission" means the Commission on Civil Rights created by this
34 act.

35 k. "Director" means the Director of the Division on Civil Rights.

36 l. "A place of public accommodation" shall include, *but not be limited*
37 *to:* any tavern, roadhouse, [or] hotel, *motel, trailer camp, summer camp,*
38 *day camp, or resort camp,* whether for entertainment of transient guests or
39 accommodation of those seeking health, recreation or rest; any *producer,*
40 *manufacturer, wholesaler, distributor,* retail shop [or], store [;], *estab-*
41 *lishment, or concession dealing with goods or services of any kind;* any res-
42 taurant, eating house, or place where food is sold for consumption on the
43 premises; any place maintained for the sale of ice cream, ice and fruit prep-
44 arations or their derivatives, soda water or confections, or where any bever-
45 ages of any kind are retailed for consumption on the premises; any garage,
46 any public conveyance operated on land or water, or in the air, any stations
47 and terminals thereof; any [public] bathhouse, [public] boardwalk, [public]
48 *or seashore accommodation;* any auditorium, meeting place, or [public] hall;

49 any theatre, [or other place of public amusement,] motion-picture house, mu-
 50 sic hall, roof garden, skating rink, swimming pool, amusement and recrea-
 51 tion park, fair, bowling alley, gymnasium, shooting gallery, billiard and pool
 52 parlor[;], or other place of amusement; any comfort station; any dispen-
 53 sary, clinic or hospital; [and] any public library[.]; any kindergarten, pri-
 54 mary and secondary school, trade or business school, high school, academy,
 55 college and university, or any educational institution under the supervision
 56 of the State Board of Education, or the Commissioner of Education of the
 57 State of New Jersey. Nothing herein contained shall be construed to include
 58 or to apply to[.], any institution, bona fide club, or place of accommodation,
 59 which is in its nature distinctly private; nor shall anything herein contained
 60 apply to any educational facility operated or maintained by a bona fide re-
 61 ligious or sectarian institution, and the right of a natural parent or one in
 62 loco parentis to direct the education and upbringing of a child under his con-
 63 trol is hereby affirmed; nor shall anything herein contained be construed to
 64 bar any private secondary or post-secondary school from using in good faith
 65 criteria other than race, creed, color, national origin or ancestry, in the ad-
 66 mission of students.

67 m. "A publicly assisted housing accommodation" shall include all hous-
 68 ing built with public funds or public assistance pursuant to chapter 300 of
 69 the laws of 1949, chapter 213 of the laws of 1941, chapter 169 of the laws of
 70 1944, chapter 303 of the laws of 1949, chapter 19 of the laws of 1938, chapter
 71 20 of the laws of 1938, chapter 52 of the laws of 1946, and chapter
 72 184 of the laws of 1949, and all housing financed in whole or in part by a loan,
 73 whether or not secured by a mortgage, the repayment of which is guaranteed
 74 or insured by the Federal Government or any agency thereof.

75 n. The term "real property" includes real estate, lands, tenements and
 76 hereditaments, corporeal and incorporeal, and leaseholds, provided however
 77 that, except as to publicly assisted housing accommodations, the provisions
 78 of this act shall not apply [(1)] to the [sale or] rental: (1) of a single
 79 apartment or flat in a 2-family dwelling, the other occupancy unit of which is

80 *occupied by the owner as his residence or the household of his family at the*
81 *time of such rental; or (2) of a room or rooms to another person or persons*
82 *by the owner or occupant of a one-family dwelling occupied by him as his*
83 *residence or the household of his family at the time of such rental. [of a*
84 *dwelling, or of a portion thereof, containing accommodations for not more*
85 *than 3 families, one of which is maintained by the owner at the time of sale*
86 *or rental as the household of his family, or; (2) to the sale or rental of a*
87 *dwelling, or a portion thereof, containing accommodations for not more than*
88 *2 families, except, however, such dwellings shall be included within the term*
89 *“real property” when they are part of a group of 10 or more dwelling houses*
90 *constructed or to be constructed on land that is contiguous (exclusive of*
91 *public streets) and are offered for sale or rental by a person who owns or*
92 *has owned or otherwise controls or has controlled the sale or rental of such*
93 *group of dwelling houses, or ; (3) to the rental, by the owner or occupant of*
94 *a one-family accommodation in which he or members of his family reside, of*
95 *a room or rooms in such accommodation to another person or persons.] Noth-*
96 *ing herein contained shall be construed to bar any religious or denomina-*
97 *tional institution or organization, or any organization operated for charita-*
98 *ble or educational purposes, which is operated, supervised or controlled by*
99 *or in connection with a religious organization, in the sale, lease or rental of*
100 *real property, from limiting admission to or giving preference to persons of*
101 *the same religion or denomination or from making such selection as is cal-*
102 *culated by such organization to promote the religious principles for which*
103 *it is established or maintained.*

104 o. “Real estate broker” includes a person, firm or corporation who, for
105 a fee, commission or other valuable consideration, or by reason of promise
106 or reasonable expectation thereof, lists for sale, sells, exchanges, buys or
107 rents, or offers or attempts to negotiate a sale, exchange, purchase, or rental
108 [or] of real estate or an interest therein, or collects or offers or attempts to
109 collect rent for the use of real estate, or solicits for prospective purchasers or
110 assists or directs in the procuring of prospects or the negotiation or closing

111 of any transaction which does or is contemplated to result in the sale, ex-
112 change, leasing, renting or auctioning of any real estate, or negotiates, or
113 offers or attempts or agrees to negotiate a loan secured or to be secured by
114 mortgage or other encumbrance upon or transfer of any real estate for
115 others[.]; or any person who, for pecuniary gain or expectation of pecuni-
116 ary gain conducts a public or private competitive sale of lands or any interest
117 in lands. In the sale of lots, the term "real estate broker" shall also include
118 any person, partnership, association or corporation employed by or on behalf
119 of the owner or owners of lots or other parcels of real estate, at a stated sal-
120 ary, or upon a commission, or upon a salary and commission, or otherwise,
121 to sell such real estate, or any parts thereof, in lots or other parcels, and
122 who shall sell or exchange, or offer or attempt or agree to negotiate the
123 sale or exchange, of any such lot or parcel of real estate.

124 p. "Real estate salesman" includes any person who, for compensation,
125 valuable consideration or commission, or other thing of value, or by reason
126 of a promise or reasonable expectation thereof, is employed by and operates
127 under the supervision of a licensed real estate broker to sell or offer to sell,
128 buy or offer to buy or negotiate the purchase, sale or exchange of real es-
129 tate, or offers or attempts to negotiate a loan secured or to be secured by a
130 mortgage or other encumbrance upon or transfer of real estate, or to lease
131 or rent, or offer to lease or rent any real estate for others, or to collect rents
132 for the use of real estate, or to solicit for prospective purchasers or lessees
133 of real estate, or who is employed by a licensed real estate broker to sell or
134 offer to sell lots or other parcels of real estate, at a stated salary, or upon
135 a commission, or upon a salary and commission, or otherwise to sell real
136 estate, or any parts thereof, in lots or other parcels.

1 2. Section 8 of chapter 169 of the laws of 1945 is amended to read as
2 follows:

3 8. The Attorney General shall:

4 a. Exercise all powers of the division not vested in the commission.

5 b. Administer the work of the division.

6 c. Organize the division into sections, which shall include but not be
7 limited to a section which shall receive, investigate, and act upon complaints
8 alleging discrimination against persons because of race, creed, color, national
9 origin, ancestry or age or because of their liability for service in the Armed
10 Forces of the United States; and another which shall, in order to eliminate
11 prejudice and to further good will among the various racial and religious
12 and nationality groups in this State, study, recommend, prepare and imple-
13 ment, in co-operation with such other departments of State Government or
14 any other agencies, groups or entity both public and private, such educa-
15 tional and human relations programs as are consonant with the objectives
16 of this act; and prescribe the organization of said sections and the duties of
17 his subordinates and assistants.

18 d. Appoint a Director of the Division on Civil Rights, who shall act for
19 the Attorney General, in his place and with his powers, which appointment
20 shall be subject to the approval of the commission and the Governor, a
21 deputy director and such assistant directors, field representatives and as-
22 sistants as may be necessary for the proper administration of the division
23 and fix their compensation within the limits of available appropriations. The
24 director, deputy director, assistant directors, field representatives and as-
25 sistants shall not be subject to the Civil Service Act and shall be removable
26 by the Attorney General at will.

27 e. Appoint such clerical force and employees as he may deem necessary
28 and fix their duties, all of whom shall be subject to the Civil Service Act.

29 f. Maintain liaison with local and State officials and agencies concerned
30 with matters related to the work of the division.

31 g. Adopt, promulgate, amend, and rescind suitable rules and regulations
32 to carry out the provisions of this act.

33 h. Conduct investigations, receive complaints and conduct hearings
34 thereon other than those complaints received and hearings held pursuant
35 to the provisions [of sections 12 to 16 inclusive] of this act.

36 i. In connection with any *investigation or* hearing held pursuant to the
37 provisions of this act, subpoena witnesses, compel their attendance, adminis-

38 ter oaths, take the testimony of any person, under oath, and, in connection
 39 therewith, require the production for examination of any books or papers
 40 relating to any subject matter under investigation or in question [before the
 41 Attorney General] *by the division and conduct such discovery procedures*
 42 *which may include the taking of interrogatories and oral depositions as shall*
 43 *be deemed necessary by the Attorney General in any investigation.* The
 44 Attorney General may make rules as to the issuance of subpoenas by the
 45 director. *The failure of any witness when duly subpoenaed to attend, give*
 46 *testimony, or produce evidence shall be punishable by the Superior Court of*
 47 *New Jersey in the same manner as such failure is punishable by such court in*
 48 *a case therein pending.*

49 j. Issue such publications and such results of investigations and research
 50 tending to promote good will and to minimize or eliminate discrimination
 51 because of race, creed, color, national origin, ancestry or age, as the com-
 52 mission shall direct, subject to available appropriations.

53 k. Render each year to the Governor and Legislature a full written re-
 54 port of all the activities of the division.

55 l. Appoint, subject to the approval of the commission, a panel of not
 56 more than 5 hearing examiners, each of whom shall be duly licensed to prac-
 57 tice law in this State for a period of at least 5 years, and each to serve for a
 58 term of 1 year and until his successor is appointed, any one of whom the
 59 director may designate in his place to conduct any hearing and recommend
 60 findings of fact and conclusions of law. The hearing examiners shall receive
 61 such compensation as may be determined by the Attorney General, subject
 62 to available appropriations.

1 3. Section 10 of chapter 169 of the laws of 1945 is amended to read as
 2 follows:

3 10. No person shall be excused from attending and testifying or from
 4 producing records, correspondence, documents or other evidence in obedience
 5 to the subpoena of the Attorney General, director, or hearing examiner on
 6 the ground that the testimony or evidence required of him may tend to in-

7 criminate him or subject him to a penalty or forfeiture, but no person shall
8 be prosecuted or subjected to any penalty or forfeiture for or on account of
9 any transaction, matter or thing concerning which he is compelled, after hav-
10 ing claimed his privilege against self-incrimination, to testify or produce
11 evidence[**],** except that such person so testifying shall not be exempt from
12 prosecution and punishment for perjury committed in so testifying**].** *But he*
13 *may nevertheless be prosecuted or subjected to penalty or forfeiture for any*
14 *perjury or contempt committed in answering, or failing to answer, or in pro-*
15 *ducing or failing to produce evidence in accordance with the subpoena, and*
16 *any such testimony given or evidence produced shall be admissible against*
17 *him in any proceeding concerning such perjury or contempt.* The immunity
18 herein provided shall extend only to natural persons so compelled to testify.

1 4. Section 11 of chapter 169 of the laws of 1945 is amended to read as
2 follows:

3 11. It shall be an unlawful employment practice, or, as the case may be,
4 an unlawful discrimination:

5 a. For an employer, because of the race, creed, color, national origin,
6 ancestry, or age of any individual, or because of the liability for service in
7 the Armed Forces of the United States, of any individual, to refuse to hire
8 or employ or to bar or to discharge from employment such individual or to
9 discriminate against such individual in compensation or in terms, conditions
10 or privileges of employment, however, it shall not be an unlawful employment
11 practice to refuse to accept for employment an applicant who has received
12 a notice of induction or orders to report for active duty in the armed forces.

13 b. For a labor organization, because of the race, creed, color, national
14 origin, ancestry, or age of any individual, or because of the liability for serv-
15 ice in the Armed Forces of the United States, of any individual, to exclude or
16 to expel from its membership such individual or to discriminate in any way
17 against any of its members, against any applicant for, or individual included
18 in, any apprentice or other training program or against any employer or any
19 individual employed by an employer.

20 c. For any employer or employment agency to print or circulate or cause
21 to be printed or circulated any statement, advertisement or publication, or to
22 use any form of application for employment, or to make any inquiry in con-
23 nection with prospective employment, which expresses, directly or indirectly,
24 any limitation, specification or discrimination as to race, creed, color, national
25 origin, ancestry, or age or liability of any applicant for employment for serv-
26 ice in the Armed Forces of the United States, or any intent to make any such
27 limitation, specification or discrimination, unless based upon a bona fide occu-
28 pational qualification.

29 d. For any [employer, labor organization or employment agency to dis-
30 charge, expel or otherwise discriminate] *person to take reprisals* against any
31 person because he has opposed any practices or acts forbidden under this act
32 or because he has filed a complaint, testified or assisted in any proceeding
33 under this act.

34 e. For any person, whether an employer or an employee or not, to aid,
35 abet, incite, compel or coerce the doing of any of the acts forbidden under this
36 act, or to attempt to do so.

37 f. For any owner, lessee, proprietor, manager, superintendent, agent, or
38 employee of any place of public accommodation directly or indirectly to re-
39 fuse, withhold from or deny to any person any of the accommodations,
40 advantages, facilities or privileges thereof, or to discriminate against any
41 person in the furnishing thereof, or directly or indirectly to publish, circu-
42 late, issue, display, post or mail any written or printed communication,
43 notice, or advertisement to the effect that any of the accommodations, advan-
44 tages, facilities, or privileges of any such place will be refused, withheld
45 from, or denied to any person on account of the race, creed, color, national
46 origin, or ancestry of such person, or that the patronage or custom thereat
47 of any person of any particular race, creed, color, national origin or ancestry
48 is unwelcome, objectionable or not acceptable, desired or solicited, and the
49 production of any such written or printed communication, notice or adver-
50 tisement, purporting to relate to any such place and to be made by any

51 owner, lessee, proprietor, superintendent, or manager thereof, shall be pre-
52 sumptive evidence in any action that the same was authorized by such person.

53 g. For the owner, lessee, sublessee, assignee or managing agent of, or
54 other person having the right of ownership or possession of or the right to
55 sell, rent, lease, assign, or sublease any real property or part or portion
56 thereof, or any agent or employee of any of these:

57 (1) To refuse to sell, rent, lease, assign, or sublease or otherwise to
58 deny to or withhold from any person or group of persons any real property
59 or part or portion thereof because of the race, creed, color, national origin
60 or ancestry of such person or group of persons;

61 (2) To discriminate against any person or group of persons because of
62 the race, creed, color or national origin of such person or group of persons
63 in the terms, conditions or privileges of the sale, rental or lease of any real
64 property or part or portion thereof or in the furnishing of facilities or serv-
65 ices in connection therewith; or

66 (3) To print, publish, circulate, issue, display, post or mail, or cause to
67 be printed, published, circulated, issued, displayed, posted or mailed any
68 statement, advertisement, publication or sign, or to use any form of applica-
69 tion for the purchase, rental, lease, assignment or sublease of any real prop-
70 erty or part or portion thereof, or to make any record or inquiry in connec-
71 tion with the prospective purchase, rental, lease, assignment, or sublease of
72 any real property, or part or portion thereof which expresses, directly or in-
73 directly, any limitation, specification or discrimination as to race, creed,
74 color, national origin or ancestry, or any intent to make any such limitation,
75 specification or discrimination, and the production of any such statement,
76 advertisement, publicity, sign, form of application, record, or inquiry pur-
77 porting to be made by any such person shall be presumptive evidence in any
78 action that the same was authorized by such person.

79 h. For any real estate broker, real estate salesman or employee or agent
80 thereof:

81 (1) to refuse to sell, rent, assign, lease or sublease, or offer for sale,
82 rental, lease, assignment, or sublease any real property or part or portion

83 thereof to any person or group of persons or to refuse to negotiate for the
84 sale, rental, lease, assignment, or sublease of any real property or part or
85 portion thereof to any person or group of persons because of the race, creed,
86 color, national origin or ancestry of such person or group of persons, or to
87 represent that any real property or portion thereof is not available for in-
88 spection, sale, rental, lease, assignment, or sublease when in fact it is so avail-
89 able, or otherwise to deny or withhold any real property or any part or por-
90 tion or facilities thereof to or from any person or group of persons because of
91 the race, creed, color, national origin or ancestry of such person or group of
92 persons;

93 (2) To discriminate against any person because of his race, creed, color,
94 national origin or ancestry in the terms, conditions or privileges of the sale,
95 rental, lease, assignment or sublease of any real property or part or por-
96 tion thereof or in the furnishing of facilities or services in connection there-
97 with; or

98 (3) To print, publish, circulate, issue, display, post, or mail, or cause to
99 be printed, published, circulated, issued, displayed, posted or mailed, any
100 statement, advertisement, publication or sign, or to use any form of applica-
101 tion for the purchase, rental, lease, assignment, or sublease of any real prop-
102 erty or part or portion thereof or to make any record or inquiry in connec-
103 tion with the prospective purchase, rental, lease, assignment, or sublease of
104 any real property or part or portion thereof which expresses, directly or in-
105 directly, any limitation, specification or discrimination as to race, creed, color,
106 national origin or ancestry or any intent to make any such limitation, spec-
107 ification or discrimination, and the production of any such statement, adver-
108 tisement, publicity, sign, form of application, record, or inquiry purporting
109 to be made by any such person shall be presumptive evidence in any action
110 that the same was authorized by such person.

111 i. For any person, bank, banking organization, mortgage company, in-
112 surance company or other financial institution or lender to whom application
113 is made for financial assistance for the purchase, acquisition, construction,

114 rehabilitation, repair or maintenance of any real property or part or portion
115 thereof or any agent or employee thereof:

116 (1) To discriminate against any person or group of persons because of
117 the race, creed, color, national origin or ancestry of such person or group of
118 persons or of the prospective occupants or tenants of such real property or
119 part or portion thereof, in the granting, withholding, extending, modifying
120 or renewing, or in the fixing of the rates, terms, conditions or provisions of
121 any such financial assistance or in the extension of services in connection
122 therewith; or

123 (2) To use any form of application for such financial assistance or to
124 make any record or inquiry in connection with applications for such financial
125 assistance which expresses, directly or indirectly, any limitation, specification
126 or discrimination as to race, creed, color, national origin or ancestry, or any
127 intent to make any such limitation, specification or discrimination.

128 *j. For any person whose activities are included within the scope of this*
129 *act to refuse to post or display such notices concerning the rights or respon-*
130 *sibilities of persons affected by this act as the Attorney General may by regu-*
131 *lation require.*

1 5. Section 13 of chapter 169 of the laws of 1945 is amended to read as
2 follows:

3 13. After the filing of any complaint, the Attorney General shall cause
4 prompt investigation to be made in connection therewith *and advise the com-*
5 *plainant of the results thereof* [; and] if the Attorney General shall deter-
6 mine after such investigation that probable cause exists for crediting the
7 allegations of the complaint, he shall immediately endeavor to eliminate the
8 unlawful employment practice or the unlawful discrimination complained of
9 by [a conciliation] conference, *conciliation and persuasion during a period*
10 *terminating not later than 45 days from the date of the finding of probable*
11 *cause.* Neither the Attorney General nor any officer or employee of the
12 division shall disclose any conversation between the Attorney General or his
13 representative and the respondent or his representative at such conference.

1 6. At any time after the filing of any complaint, the Attorney General
2 may proceed against any person in a summary manner in the Superior Court
3 of New Jersey to compel compliance with any of the provisions of this act,
4 or to prevent violations or attempts to violate any such provisions, or attempts
5 to interfere with or impede the enforcement of any such provisions or the ex-
6 ercise or performance of any power or duty thereunder.

1 7. Section 16 of chapter 169 of the laws of 1945 is amended to read as
2 follows:

3 16. If, upon all evidence at the hearing the director shall find that the
4 respondent has engaged in any unlawful employment practice or unlawful
5 discrimination as defined in this act, the director shall state his findings of
6 fact and conclusions of law and shall issue and cause to be served on such
7 respondent an order requiring such respondent to cease and desist from such
8 unlawful employment practice or unlawful discrimination and to take such
9 affirmative action, including, but not limited to, hiring, reinstatement or up-
10 grading of employees, with or without back pay, or restoration to member-
11 ship, in any respondent labor organization, or extending full and equal accom-
12 modations, advantages, facilities, and privileges to all persons, as, in the
13 judgment of the director, will effectuate the purpose of this act, and including
14 a requirement for report of the manner of compliance. *The director shall*
15 *have the power to use reasonably certain bases, including but not limited to*
16 *list, catalogue or market prices or values, or contract or advertised terms and*
17 *conditions, in order to determine particulars or performance in giving appro-*
18 *priate remedy.* If, upon all the evidence, the director shall find that the re-
19 spondent has not engaged in any such unlawful employment practice or
20 unlawful discrimination, the director shall state his findings of fact and con-
21 clusions of law and shall issue and cause to be served on the complainant
22 an order dismissing the said complaint as to such respondent.

1 8. This act shall take effect immediately.

FROM: OFFICE OF THE GOVERNOR

FOR RELEASE: P.M.'s THURSDAY, April 7

REMARKS OF GOVERNOR RICHARD J. HUGHES
ON THE SIGNING OF A164 - AMENDMENTS TO THE LAW AGAINST DISCRIMINATION

It is appropriate, when signing into law an act of such significance as the expanded fair housing act, to announce that we are witnessing a momentous event in the history of our State. That is especially true today and we should be proud that all those concerned have done their duty.

There are many who will see great accomplishments in this act - as they should. They worked hard and long to develop the bi-partisan proposal which today becomes law.

But I would venture that we have not accomplished anything great by this act alone. We have only given ourselves a new opportunity to accomplish great things. We have only reaffirmed a right which every American accepts as fundamental. We have only removed one more impediment - in a long unfortunate list - to the full flowering of democracy in this State. True accomplishments lie ahead in what we, as individuals and groups, do - not just in housing, but in education, employment, government and in the feeling of the heart which must accompany and sustain all human rights advancement. For although the law serves as a model, democracy is really made in the heart.

For a number of years this bill was the subject of emotional debate by those who thought - mistakenly, I believe - it might work against their immediate social and economic interest. But the fact that it was adopted almost unanimously by both houses of the Legislature, with almost no controversy, bodes well for the future. We should be proud of that sense of harmony which supported this measure, for reason soon demonstrates that any act which adds a new dimension to freedom cannot really work against the interests of anyone. As we look about the State and the country, we can already observe the positive social and economic effects of earlier civil rights legislation where voluntary compliance has played a major role - and that is encouraging.

Three years ago at the First Governor's Fair Housing Conference held in this very building, I said we were fast approaching the day when any man - regardless of race or religion or ancestry - could live where his heart desires and his means permit. We are now a step closer to that day.

So, let us leave here with a renewed sense that much has been accomplished, but much more remains to be done. For, in John F. Kennedy's words, "This nation, for all its

(con.)

- 2 -

boasts and all its hopes - will not be free until all its citizens are free."

Another chapter has been added to freedom in our great Garden State this morning.

###

ASSEMBLY, No. 403

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1970 SESSION

By Assemblyman FENWICK

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.

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

1 1. Section 10:1-3 of the Revised Statutes is amended to read
2 as follows:

3 10:1-3. No owner, lessee, proprietor, manager, superintendent,
4 agent or employee of any such place shall directly or indirectly
5 refuse, withhold from, or deny to, any person any of the accom-
6 modations, advantages, facilities or privileges thereof, or directly
7 or indirectly publish, circulate, issue, display, post, or mail any
8 written or printed communication, notice or advertisement to the
9 effect that any of the accommodations, advantages, facilities and
10 privileges of any such place shall be refused, withheld from, or
11 denied to, any person on account of race, creed, color, national
12 origin, **[or]** ancestry, *or sex*, or that the patronage or custom
13 thereat of any person belonging to or purporting to be of any
14 particular race, creed, color, national origin, **[or]** ancestry, *or sex*,
15 is unwelcome, objectionable or not acceptable, desired or solicited.

1 2. Section 10:1-6 of the Revised Statutes is amended to read
2 as follows:

3 10:1-6. Any person who shall violate any of the provisions of
4 sections 10:1-2 to 10:1-5 of this Title by denying to any citizen,
5 except for reasons applicable alike to all citizens of every race,
6 creed, color, national origin, **[or]** ancestry, *or sex* and regardless
7 of race, creed, color, national origin, **[or]** ancestry, *or sex*, the
8 full enjoyment of any of the accommodations, advantages, facili-

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill
is not enacted and is intended to be omitted in the law.**

9 ties or privileges in said sections enumerated, or by aiding or in-
 10 citing such denial, or who shall aid or incite the violation of any
 11 of the said provisions shall, for each and every violation thereof,
 12 forfeit and pay the sum of not less than \$100.00 nor more than
 13 \$500.00, to the State, to be recovered in a civil action, with costs,
 14 and shall also, for every such violation, be deemed guilty of a
 15 misdemeanor, and upon conviction thereof, shall be subject to a
 16 fine of not more than \$500.00, or by imprisonment of not more
 17 than 90 days, or both.

1 3. Section 10:1-8 of the Revised Statutes is amended to read
 2 as follows:

3 10:1-8. No citizen possessing all other qualifications prescribed
 4 by law shall be disqualified for service as a grand or petit juror
 5 in any court on account of race, color, creed, national origin, **[or]**
 6 ancestry, *or sex*, and any officer or other person charged with any
 7 duty in the selection or summoning of jurors who shall exclude or
 8 fail to summon any citizen for the cause aforesaid shall, on con-
 9 viction thereof, be deemed guilty of a misdemeanor, and be fined
 10 not more than \$5,000.00.

1 4. Section 10:1-9 of the Revised Statutes is amended to read
 2 as follows:

3 10:1-9. No cemetery corporation, association or company, or-
 4 ganized under any law of this State, owning or having control of
 5 any cemetery or place for the burial of the dead, shall refuse to
 6 permit the burial of any deceased person therein because of the
 7 color *or sex* of such deceased person, and any cemetery corpora-
 8 tion, association or company offending against this section shall
 9 be guilty of a misdemeanor.

1 5. Section 1 of chapter 114 of the laws of 1942 (C. 10:1-10) is
 2 amended to read as follows:

3 1. It shall be unlawful for any employer engaged to any extent
 4 whatsoever in the production, manufacture or distribution of mili-
 5 tary or naval material, equipment or supplies for the State of New
 6 Jersey, or for the Federal Government, or for any subsidiary or
 7 agency of either the State or Federal Government, or who is en-
 8 gaged on any defense contract whatsoever, to refuse to employ
 9 any person in any capacity on account of the race, color, creed,
 10 national origin, **[or]** ancestry, *or sex* of such person.

1 6. Section 2 of chapter 114 of the laws of 1942 (C. 10:1-11) is
 2 amended to read as follows:

3 2. Any employer or person who

4 (1) Excludes a citizen by reason of race, color, creed, na-
 5 tional origin, **[or]** ancestry, *or sex*, from any public employ-
 6 ment, or employment in any capacity, in industries engaged on
 7 defense contracts, or

8 (2) Denies, or aids or incites another to deny, to any person,
 9 because of race, color, creed, national origin, **[or]** ancestry,
 10 *or sex*, public employment or employment in any capacity, in
 11 industries engaged on defense contracts,

12 shall be guilty of a misdemeanor and punishable by a fine of not
 13 less than \$100.00, nor more than \$500.00, or imprisonment for not
 14 more than 6 months or both.

1 7. Section 10:2-1 of the Revised Statutes is amended to read
 2 as follows:

3 10:2-1. Every contract for or on behalf of the State or any
 4 county or municipality or other political subdivision of the State,
 5 or any agency of or authority created by any of the foregoing,
 6 for the construction, alteration or repair of any public building
 7 or public work or for the acquisition of materials, equipment, sup-
 8 plies or services shall contain provisions by which the contractor
 9 agrees that:

10 a. In the hiring of persons for the performance of work under
 11 this contract or any subcontract hereunder, or for the procurement,
 12 manufacture, assembling or furnishing of any such materials,
 13 equipment, supplies or services to be acquired under this contract,
 14 no contractor, nor any person acting on behalf of such contractor
 15 or subcontractor, shall, by reason of race, creed, color, national
 16 origin, **[or]** ancestry, *or sex*, discriminate against any person who
 17 is qualified and available to perform the work to which the em-
 18 ployment relates;

19 b. No contractor, subcontractor, nor any person on his behalf
 20 shall, in any manner, discriminate against or intimidate any em-
 21 ployee engaged in the performance of work under this contract or
 22 any subcontract hereunder, or engaged in the procurement, manu-
 23 facture, assembling or furnishing of any such materials, equipment,
 24 supplies or services to be acquired under such contract, on account
 25 of race, creed, color, national origin, **[or]** ancestry, *or sex*;

26 c. There may be deducted from the amount payable to the con-
 27 tractor by the contracting public agency, under this contract, a
 28 penalty of \$50.00 for each person for each calendar day during
 29 which such person is discriminated against or intimidated in vio-
 30 lation of the provisions of the contract; and

31 d. This contract may be canceled or terminated by the contract-
 32 ing public agency, and all money due or to become due hereunder
 33 may be forfeited, for any violation of this section of the contract
 34 occurring after notice to the contractor from the contracting public
 35 agency of any prior violation of this section of the contract.

1 8. Section 3 of chapter 169 of the laws of 1945 (C. 10:5-3) is
 2 amended to read as follows:

3 3. The Legislature finds and declares that practices of dis-
 4 crimination against any of its inhabitants, because of race, creed,
 5 color, national origin, ancestry, age, *sex* or because of their liability
 6 for service in the Armed Forces of the United States, are a matter
 7 of concern to the government of the State, and that such discrimina-
 8 tion threatens not only the rights and proper privileges of the
 9 inhabitants of the State but menaces the institutions and founda-
 10 tion of a free democratic State.

1 9. Section 4 of chapter 169 of the laws of 1945 (C. 10:5-4) is
 2 amended to read as follows:

3 4. All persons shall have the opportunity to obtain employment,
 4 and to obtain all the accommodations, advantages, facilities, and
 5 privileges of any place of public accommodation, publicly assisted
 6 housing accommodation, and other real property without dis-
 7 crimination because of race, creed, color, national origin, ancestry
 8 **[or age,]** *age or sex*, subject only to conditions and limitations
 9 applicable alike to all persons. This opportunity is recognized as
 10 and declared to be a civil right.

1 10. Section 6 of chapter 169 of the laws of 1945 (C. 10:5-6) is
 2 amended to read as follows:

3 6. There is created in the Department of Law and Public Safety
 4 a division known as "The Division on Civil Rights" with power
 5 to prevent and eliminate discrimination in the manner prohibited
 6 by this act against persons because of race, creed, color, national
 7 origin, ancestry **[or age,]** *age or sex* or because of their liability
 8 for service in the Armed Forces of the United States, by employers,
 9 labor organizations, employment agencies or other persons and
 10 to take other actions against discrimination because of race, creed,
 11 color, national origin, ancestry or age or because of their liability
 12 for service in the Armed Forces of the United States, as herein
 13 provided; and the division created hereunder is given general
 14 jurisdiction and authority for such purposes.

1 11. Section 8 of chapter 169 of the laws of 1945 (C. 10:5-8) is
 2 amended to read as follows:

3 8. The Attorney General shall:

- 4 a. Exercise all powers of the division not vested in the com-
5 mission.
- 6 b. Administer the work of the division.
- 7 c. Organize the division into sections, which shall include but
8 not be limited to a section which shall receive, investigate, and act
9 upon complaints alleging discrimination against persons because
10 of race, creed, color, national origin, ancestry **[or age]**, *age or sex*
11 or because of their liability for service in the Armed Forces of the
12 United States; and another which shall, in order to eliminate
13 prejudice and to further good will among the various racial and
14 religious and nationality groups in this State, study, recommend,
15 prepare and implement, in cooperation with such other departments
16 of the State Government or any other agencies, groups or entity
17 both public and private, such educational and human relations
18 programs as are consonant with the objectives of this act; and
19 prescribe the organization of said sections and the duties of his
20 subordinates and assistants.
- 21 d. Appoint a Director of the Division on Civil Rights, who shall
22 act for the Attorney General, in his place and with his powers,
23 which appointment shall be subject to the approval of the com-
24 mission and the Governor, a deputy director and such assistant
25 directors, field representatives and assistants as may be necessary
26 for the proper administration of the division and fix their compensa-
27 tion within the limits of available appropriations. The director,
28 deputy director, assistant directors, field representatives and
29 assistants shall not be subject to the Civil Service Act and shall
30 be removable by the Attorney General at will.
- 31 e. Appoint such clerical force and employees as he may deem
32 necessary and fix their duties, all of whom shall be subject to the
33 Civil Service Act.
- 34 f. Maintain liaison with local and State officials and agencies
35 concerned with matters related to the work of the division.
- 36 g. Adopt, promulgate, amend, and rescind suitable rules and
37 regulations to carry out the provisions of this act.
- 38 h. Conduct investigations, receive complaints and conduct hear-
39 ings thereon other than those complaints received and hearings held
40 pursuant to the provisions of this act.
- 41 i. In connection with any investigation or hearing held pursuant
42 to the provisions of this act, subpoena witnesses, compel their
43 attendance, administer oaths, take the testimony of any person,
44 under oath, and, in connection therewith, require the production
45 for examination of any books or papers relating to any subject
46 matter under investigation or in question by the division and

47 conduct such discovery procedures which may include the taking
 48 of interrogatories and oral depositions as shall be deemed necessary
 49 by the Attorney General in any investigation. The Attorney
 50 General may make rules as to the issuance of subpoenas by the
 51 director. The failure of any witness when duly subpoenaed to
 52 attend, give testimony, or produce evidence shall be punishable
 53 by the Superior Court of New Jersey in the same manner as such
 54 failure is punishable by such court in a case therein pending.

55 j. Issue such publications and such results of investigations and
 56 research tending to promote good will and to minimize or eliminate
 57 discrimination because of race, creed, color, national origin,
 58 ancestry [or age,], *age or sex*, as the commission shall direct,
 59 subject to available appropriations.

60 k. Render each year to the Governor and Legislature a full
 61 written report of all the activities of the division.

62 l. Appoint, subject to the approval of the commission, a panel
 63 of not more than five hearing examiners, each of whom shall be duly
 64 licensed to practice law in this State for a period of at least 5
 65 years, and each to serve for a term of 1 year and until his successor
 66 is appointed, any one of whom the director may designate in his
 67 place to conduct any hearing and recommend findings of fact and
 68 conclusions of law. The hearing examiners shall receive such
 69 compensation as may be determined by the Attorney General,
 70 subject to available appropriations.

1 12. Section 1 of chapter 198 of the laws of 1954 (C. 10:5-9.1) is
 2 amended to read as follows:

3 1. The Division on Civil Rights in the Department of Law and
 4 Public Safety shall enforce the laws of this State against discrimi-
 5 nation in housing built with public funds or public assistance, pur-
 6 suant to any law, and in real property, as defined in the law hereby
 7 supplemented, because of race, religious principles, color, national
 8 origin [or], ancestry *or sex*. The said laws shall be so enforced in
 9 the manner prescribed in the act to which this act is a supplement.

1 13. Section 9 of chapter 169 of the laws of 1945 (C. 10:5-10) is
 2 amended to read as follows:

3 9. The commission shall:

4 a. Consult with and advise the Attorney General with respect to
 5 the work of the division.

5a b. Survey and study the operations of the division.

6 c. Report to the Governor and the Legislature with respect to
 7 such matters relating to the work of the division and at such times
 8 as it may deem in the public interest.

9 The mayors or chief executive officers of the municipalities in the
 10 State may appoint local commissions on civil rights to aid in effec-
 11 tuating the purposes of this act. Such local commissions shall be
 12 composed of representative citizens serving without compensation.
 13 Such commissions shall attempt to foster through community effort
 14 or otherwise, good will, cooperation and conciliation among the
 15 groups and elements of the inhabitants of the community, and they
 16 may be empowered by the local governing bodies to make recom-
 17 mendations to them for the development of policies and procedures
 18 in general and for programs of formal and informal education that
 19 will aid in eliminating all types of discrimination based on race,
 20 cred, color, national origin, ancestry **[or age]**, *age or sex*.

1 14. Section 11 of chapter 169 of the laws of 1945 (C. 10:5-12) is
 2 amended to read as follows:

3 11. It shall be an unlawful employment practice, or, as the case
 4 may be, an unlawful discrimination:

5 a. For an employer, because of the race, creed, color, national
 6 origin, ancestry, **[or]** age, *or sex* of any individual, or because of
 7 the liability for service in the Armed Forces of the United States,
 8 of any individual, to refuse to hire or employ or to bar or to dis-
 9 charge from employment such individual or to discriminate against
 10 such individual in compensation or in terms, conditions or privileges
 11 of employment, however, it shall not be an unlawful employment
 12 practice to refuse to accept for employment an applicant who has
 13 received a notice of induction or orders to report for active duty
 14 in the armed forces.

15 b. For a labor organization, because of the race, creed, color,
 16 national origin, ancestry, **[or]** age, *or sex* of any individual, or
 17 because of the liability for service in the Armed Forces of the
 18 United States, of any individual, to exclude or to expel from its
 19 membership such individual or to discriminate in any way against
 20 any of its members, against any applicant for, or individual in-
 21 cluded in, any apprentice or other training program or against any
 22 employer or any individual employed by an employer.

23 c. For any employer or employment agency to print or circulate
 24 or cause to be printed or circulated any statement, advertisement
 25 or publication, or to use any form of application for employment,
 26 or to make an inquiry in connection with prospective employment,
 27 which expresses, directly or indirectly, any limitation, specification
 28 or discrimination as to race, creed, color, national origin, ancestry,
 29 **[or]** age, *or sex* or liability of any applicant for employment for
 30 service in the Armed Forces of the United States, or any intent

31 to make any such limitation, specification or discrimination, unless
32 based upon a bona fide occupational qualification.

33 d. For any person to take reprisals against any person because
34 he has opposed any practices or acts forbidden under this act or
35 because he has filed a complaint, testified or assisted in any proceed-
36 ing under this act.

37 e. For any person, whether an employer or an employee or not,
38 to aid, abet, incite, compel or coerce the doing of any of the acts
39 forbidden under this act, or to attempt to do so.

40 f. For any owner, lessee, proprietor, manager, superintendent,
41 agent, or employee of any place of public accommodation directly
42 or indirectly to refuse, withhold from or deny to any person any of
43 the accommodations, advantages, facilities or privileges thereof,
44 or to discriminate against any person in the furnishing thereof,
45 or directly or indirectly to publish, circulate, issue, display, post
46 or mail any written or printed communication, notice, or advertise-
47 ment to the effect that any of the accommodations, advantages,
48 facilities, or privileges of any such place will be refused, withheld
49 from, or denied to any person on account of the race, creed, color,
50 national origin, [or] ancestry, *or sex* of such person, or that the
51 patronage or custom thereof of any person of any particular race,
52 creed, color, national origin, [or] ancestry, *or sex* is unwelcome,
53 objectionable or not acceptable, desired or solicited, and the pro-
54 duction of any such written or printed communication, notice or
55 advertisement, purporting to relate to any such place and to be
56 made by any owner, lessee, proprietor, superintendent, or man-
57 ager thereof, shall be presumptive evidence in any action that the
58 same was authorized by such person.

59 g. For the owner, lessee, sublessee, assignee or managing agent
60 of, or other person having the right of ownership or possession of
61 or the right to sell, rent, lease, assign, or sublease any real property
62 or part or portion thereof, or any agent or employee of any of these:

63 (1) To refuse to sell, rent, lease, assign, or sublease or otherwise
64 to deny to or withhold from any person or group of persons any
65 real property or part or portion thereof because of the race, creed,
66 color, national origin [or ancestry], *ancestry or sex* of such person
67 or group of persons;

68 (2) To discriminate against any person or group of persons be-
69 cause of the race, creed, color [or], national origin *or sex* of such
70 person or group of persons in the terms, conditions or privileges of
71 the sale, rental or lease of any real property or part or portion
72 thereof or in the furnishing of facilities or services in connection
73 therewith; or

74 (3) To print, publish, circulate, issue, display, post or mail, or
 75 cause to be printed, published, circulated, issued, displayed, posted
 76 or mailed any statement, advertisement, publication or sign, or to
 77 use any form of application for the purchase, rental, lease, assign-
 78 ment or sublease of any real property or part or portion thereof,
 79 or to make any record or inquiry in connection with the prospective
 80 purchase, rental, lease, assignment, or sublease of any real prop-
 81 erty, or part or portion thereof which expresses, directly or in-
 82 directly, any limitation, specification or discrimination as to race,
 83 creed, color, national origin **[or ancestry,]** *ancestry or sex* or any
 84 intent to make any such limitation, specification or discrimination,
 85 and the production of any such statement, advertisement, publicity,
 86 sign, form of application, record, or inquiry purporting to be made
 87 by any such person shall be presumptive evidence in any action
 88 that the same was authorized by such person.

89 h. For any real estate broker, real estate salesman or employee
 90 or agent thereof:

91 (1) to refuse to sell, rent, assign, lease or sublease, or offer for
 92 sale, rental, lease, assignment, or sublease any real property or part
 93 or portion thereof to any person or group of persons or to refuse
 94 to negotiate for the sale, rental, lease, assignment, or sublease of
 95 any real property or part or portion thereof to any person or group
 96 of persons because of the race, creed, color, national origin **[or**
 97 **ancestry,]** *ancestry or sex* of such person or group of persons, or to
 98 represent that any real property or portion thereof is not available
 99 for inspection, sale, rental, lease, assignment, or sublease when in
 100 fact it is so available, or otherwise to deny or withhold any real
 101 property or any part or portion or facilities thereof to or from any
 102 person or group of persons because of the race, creed, color,
 103 national origin **[or ancestry,]** *ancestry or sex* of such person or
 104 group of persons;

105 (2) To discriminate against any person because of his race,
 106 creed, color, national origin **[or ancestry,]** *ancestry or sex* in the
 107 terms, conditions or privileges of the sale, rental, lease, assignment
 108 or sublease of any real property or part or portion thereof or in the
 109 furnishing of facilities or services in connection therewith; or

110 (3) To print, publish, circulate, issue, display, post, or mail, or
 111 cause to be printed, published, circulated, issued, displayed, posted
 112 or mailed, any statement, advertisement, publication or sign, or
 113 to use any form of application for the purchase, rental, lease, as-
 114 signment, or sublease of any real property or part or portion
 115 thereof or to make any record or inquiry in connection with the pro-

116 spective purchase, rental, lease, assignment, or sublease of any real
 117 property or part or portion thereof which expresses, directly
 118 or indirectly, any limitation, specification or discrimination as to
 119 race, creed, color, national origin **[or ancestry]**, *ancestry or sex* or
 120 any intent to make any such limitation, specification or discrimina-
 121 tion, and the production of any such statement, advertisement,
 122 publicity, sign, form of application, record, or inquiry purporting to
 123 be made by any such person shall be presumptive evidence in any
 124 action that the same was authorized by such person.

125 i. For any person, bank, banking organization, mortgage com-
 126 pany, insurance company or other financial institution or lender to
 127 whom application is made for financial assistance for the purchase,
 128 acquisition, construction, rehabilitation, repair or maintenance of
 129 any real property or part or portion thereof or any agent or em-
 130 ployee thereof:

131 (1) To discriminate against any person or group of persons
 132 because of the race, creed, color, national origin **[or ancestry]**,
 133 *ancestry or sex* of such person or group of persons or of the pro-
 134 spective occupants or tenants of such real property or part or por-
 135 tion thereof, in the granting, withholding, extending, modifying or
 136 renewing, or in the fixing of the rates, terms, conditions or provi-
 137 sions of any such financial assistance or in the extension of services
 138 in connection therewith; or

139 (2) To use any form of application for such financial assistance
 140 or to make any record or inquiry in connection with applications for
 141 such financial assistance which expresses, directly or indirectly, any
 142 limitation, specification or discrimination as to race, creed, color,
 143 national origin **[or ancestry,]**, *ancestry or sex* or any intent to make
 144 any such limitation, specification or discrimination.

145 j. For any person whose activities are included within the scope
 146 of this act to refuse to post or display such notices concerning the
 147 rights or responsibilities of persons affected by this act as the
 148 Attorney General may by regulation require.

1 15. Section 26 of chapter 169 of the laws of 1945 (C. 10:5-27)
 2 is amended to read as follows:

3 26. The provisions of this act shall be construed fairly and justly
 4 with due regard to the interests of all parties. Nothing contained
 5 in this act shall be deemed to repeal any of the provisions of the
 6 Civil Rights Law or of any other law of this State relating to
 7 discrimination because of race, creed, color, national origin **[or**
 8 *ancestry]*, *ancestry or sex* or liability for service in the Armed
 9 Forces of the United States; except that, as to practices and acts

10 declared unlawful by section 11 of this act, the procedure herein
11 provided shall, while pending, be exclusive; and the final determi-
12 nation therein shall exclude any other action, civil or criminal,
13 based on the same grievance of the individual concerned. Nothing
14 herein contained shall bar, exclude, or otherwise affect any right
15 or action, civil or criminal, which may exist independently of any
16 right to redress against or specific relief from an unlawful employ-
17 ment practice or unlawful discrimination.

1 16. This act shall take effect immediately.

SENATE AMENDMENTS TO
ASSEMBLY, No. 403

STATE OF NEW JERSEY

ADOPTED APRIL 27, 1970

Amend page 1, section 1, line 12, after "ancestry," insert "marital status".

Amend page 1, section 1, line 14, after "ancestry," insert "marital status".

Amend page 1, section 1, line 15, after "solicited", insert "; 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 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".

Amend page 1, section 2, line 6, after "ancestry," insert "marital status".

Amend page 1, section 2, line 7, after "ancestry," insert "marital status".

Amend page 2, section 3, line 6, after "ancestry," insert "marital status".

Amend page 2, section 5, line 10, after "ancestry," insert "marital status".

Amend page 2, section 5, line 10, after "person", insert "; 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”.

Amend page 3, section 6, line 5, after “ancestry,” insert “marital status”.

Amend page 3, section 6, line 9, after “ancestry,” insert “marital status”.

Amend page 3, section 7, line 16, after “ancestry,” insert “marital status”.

Amend page 3, section 7, line 25, after “ancestry,” insert “marital status”.

Amend page 4, section 8, line 5, after “sex,” insert “, marital status”.

Amend page 4, section 9, line 8, after “age,” insert “, marital status”.

Amend page 4, section 10, line 7, after “age,” insert “, marital status”.

Amend page 5, section 11, line 10, after “age,” insert “, marital status”.

Amend page 6, section 11, line 58, after “age,” insert “, marital status”.

Amend page 6, section 12, line 8, after “ancestry,” insert “marital status”.

Amend page 7, section 13, line 20, after “age,” insert “, marital status”.

Amend page 7, section 14, line 6, after “age,” insert “marital status”.

Amend page 7, section 14, line 11, after “of employment,” insert “; provided,”.

Amend page 7, section 14, line 14, after “forces,” insert “; 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”.

Amend page 7, section 14, line 16, after “age,” insert “marital status”.

Amend page 7, section 14, line 22, after “an employer,” insert “; 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”.

Amend page 7, section 14, line 29, after “age,” insert “marital status”.

Amend page 8, section 14, line 50, after "ancestry," insert "marital status".

Amend page 8, section 14, line 52, after "ancestry," insert "marital status".

Amend page 8, section 14, line 58, after "person", insert "; 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".

Amend page 8, section 14, line 66, after "ancestry", insert ", marital status".

Amend page 8, section 14, line 69, after "origin", insert ", marital status".

Amend page 9, section 14, line 83, after "ancestry," insert ", marital status".

Amend page 9, section 14, line 88, after "person", omit ".", insert ";", insert following this line "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 exclusively opposite sex on the basis of sex."

Amend page 9, section 14, line 97, after "ancestry", insert ", marital status".

Amend page 9, section 14, line 103, after "ancestry", insert ", marital status".

Amend page 9, section 14, line 106, after "ancestry", insert ", marital status".

Amend page 10, section 14, line 119, after "ancestry", insert ", marital status".

Amend page 10, section 14, line 124, after "person", omit ".", insert ";"; insert following this line "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.”

Amend page 10, section 14, line 133, after “ancestry”, insert “, marital status”.

Amend page 10, section 14, line 143, after “ancestry,”, insert “, marital status”.

Amend page 10, section 15, line 8, after “ancestry”, insert “, marital status”.

LEGISLATIVE HISTORY OF R.S. 55:16-1 et seq
(Limited dividend housing corporations)

COPY NO. 3

The following publication contains excerpts from Governor Driscoll's Special Message on Low Rent Housing and Slum Clearance, March 28, 1949.*

974.90 N.J. Legislature. Senate. Judiciary Committee.
H842 Legislative bulletin on the low rent
1949 housing and slum clearance program ... 1949.
~~(copy enclosed)~~

* NOT IN GOVERNOR'S MESSAGES
1947-50. NOT IN 1949 SEN.
JOURNAL OR
ASSEMBLY
MINUTES.

L. 1949, Chapter 184 - A46
Introduced March 28 by Mr. Miller.
Also: 974.90 H842, 1949, March 28 - Amended in Assembly.

Record of public hearing
on Assembly bill 45
(proposed state
housing law of 1949)
and Assembly
bill 48 (proposed
authorization for
one hundred million
dollar housing bond
issue, subject
to referendum)
before the judiciary
committees
of the Senate
and General
Assembly

Amend page 10, sect. 17, line 44, delete
"collection" substitute "foreclosure" and
delete "indebtedness".
Assembly Minutes, 1949, p. 661.

Statement on the bill:

The purpose of this bill is to provide for
the establishment of private limited-dividend
housing corporations to enable private enterprise
to alleviate the housing shortage and assist in
the clearance, planning, development and redevelop-
ment of blighted areas. This bill will enable
private enterprise to provide low cost housing.

In November, 1949 the following report was issued:

974.90 N.J. Governor's Temporary Committee on Housing.
H842 Report. 1949. ~~(copy enclosed)~~
1949c

L. 1949, Chapter 305 - SSA 3
Introduced May 31 by Mr. Miller.
June 6 - Amended in Assembly (~~photostat of original enclosed~~)
No statement.

L. 1950, Chapter 69 - A4
Introduced March 6 by Mr. Haines.
Not amended during passage.
Bill had statement. (photostat enclosed)

L. 1950, Chapter 112 - S185
Introduced March 6 by Senator Clapp.
March 23 - Amended in Senate.
Bill had statement. (photostat of original bill with statement enclosed)

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L. 1951, Chapter 234 - A539
Introduced March 5 by Tompkins.
Not amended during passage.
Bill had statement:

The purpose of this bill is to give limited-dividend housing corporations the right to purchase veterans' housing projects constructed under an act entitled "An act providing for veterans of World War II and other people of the State and declaring an emergency in respect thereto", (P.L. 1946, c. 323), and also to give the Public Housing and Development Authority the right to consider applications of such corporations in connection with any such purchase.

In 1956, a legislative commission on middle-income housing held hearings and made a report:

974.90 N.J. Middle-Income Housing Study Commission.
H842 Hearings ... 1956. ~~(copy enclosed)~~
1956

974.90 N.J. Middle-Income Housing Study Commission.
H842 Findings and recommendations. 1956.
1956c ~~(copy enclosed)~~

L. 1957, Chapter 87 - A118
Introduced March 18 by Mintz & Mosch.
May 6 - Amended in Assembly:

Amend page 1, sect. 1, line 17, omit
"6%", insert "8%".

No statement.

✓ L. 1960, Chapter 33 - A505
Introduced March 14 by Wilson (and 5 others).
Not amended during passage.
No statement.

Changes percentage of dividends from 6% to 8% and tax payment from 10% to 15%; adds definition (11) "gross shelter rent".

RS/PC

November 29, 1974

Laws of 1967, Chapter 112 - S364

Permits private developers to undertake limited dividend housing projects in unincorporated form as well as a corporation; permits non-profit groups to partake in housing projects.

March 6 - Introduced by Golman, Giblin, Fernicola.

March 6 - State, Co. & Mun. Govt. Committee.

April 24 - Reported, 2nd reading.

May 1 - Passed in Senate.

May 8 - Passed Assembly.

June 19 - Approved, chapter 112

Statement on bill (copy enclosed).

No hearings or reports located.

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ASSEMBLY, No. 46

STATE OF NEW JERSEY

INTRODUCED MARCH 28, 1949

By Mr. MILLER

(Without Reference)

AN ACT to provide for the incorporation and regulation of limited-dividend housing corporations.

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

1 1. This act may be cited and referred to as the "Limited-Dividend Hous-
2 ing Corporations Law."

1 2. It is hereby declared that there is a severe housing shortage in the
2 State; that there are places in many municipalities of the State where
3 dwellings lack proper sanitary facilities and are in need of major repairs or
4 unfit for residential use; that these conditions are detrimental to the health,
5 safety, morals, welfare and reasonable comfort of the people of the State;
6 that these conditions reduce economic values and impair private investments
7 and public revenues; that the improvement of these conditions requires the
8 production of new dwellings at rents which the families who need housing
9 can afford; that the creation of the agencies and corporations hereinafter
10 described, is necessary and desirable for this purpose; that the provision of
11 housing to make possible and to assist the clearance, planning, development
12 or redevelopment of blighted areas, as proposed in this act, is a public pur-
13 pose and a public use for which public money may be spent and private
14 property acquired; and that the necessity in the public interest for the pro-
15 visions hereinafter enacted is hereby declared as a matter of legislative
16 determination.

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

4 (1) The term "Authority" means the public housing and development
5 authority in the Department of Conservation and Economic Development.

6 (2) The term "Administrator" means the Commissioner of the Depart-
7 ment of Conservation and Economic Development, who is and shall be the
8 Administrator of the public housing and development authority.

9 (3) The term "Council" means the Planning and Development Council
10 in the Department of Conservation and Economic Development.

11 (4) The term "municipality" shall mean any city of any class, any
12 town, township, village, borough, or any municipal subdivision of the State.

13 (5) The term "governing body" shall mean, in the case of a munici-
14 pality, the common council, or the board of commissioners, or the body
15 managing its affairs, except that, in the case of cities of the second class, hav-
16 ing a population of not less than one hundred thirty-three thousand nor
17 more than two hundred thousand inhabitants, the board of finance of such a
18 city shall be the "governing body" for the purpose of this act.

19 (6) The term "housing project" or "project" shall mean any work or
20 undertaking to provide decent, safe, and sanitary dwellings for families in
21 need of housing; such undertaking may include any buildings, land (including
22 demolition, clearance or removal of buildings from land), equipment, facili-
23 ties, or other real or personal properties or interests therein which are
24 necessary, convenient, or desirable appurtenances of said undertaking, such
25 as, but not limited to, streets, sewers, water, utilities, parks; site prepara-
26 tions; landscaping, and administrative, community, health, recreational,
27 educational, welfare, commercial, or other facilities, or to provide any part
28 or combination of the foregoing.

29 (7) The term "housing corporation" means any private, limited-
30 dividend housing corporation organized in accordance with the provisions of
31 this act.

32 (8) The term "bonds" shall mean any bonds, notes, interim certificates,
33 debentures, or obligations issued pursuant to the provisions of this act.

1 4. Housing corporations may be organized in the manner provided by
2 this act to acquire, construct, alter, maintain, and operate housing projects
3 for the purpose of providing accommodations for families in need of housing
4 and of developing or redeveloping blighted areas, when authorized by the
5 Authority.

1 5. Every stockholder of a housing corporation shall be deemed, by the
2 subscription to or the receipt of stock therein, to have agreed that he shall
3 at no time receive from the corporation in repayment of his investment any
4 sums in excess of the face value of the investment plus cumulative dividends
5 at a rate not to exceed six per centum (6%) per annum. Upon the dissolu-
6 tion of such corporation any surplus in excess of such amounts shall be paid
7 to the State of New Jersey; *provided, however*, that the Authority may enter
8 into agreements with any municipality where tax exemption is provided pur-
9 suant to section eighteen of this act with respect to any project or projects of
10 such housing corporation for the distribution to and apportionment of said
11 surplus between the State and the municipality.

1 6. Any three or more citizens of the State may form a housing corpora-
2 tion for the aforesaid purposes by making, signing, acknowledging and filing
3 a certificate as required for other corporations formed under Title 14, Cor-
4 porations, General, of the Revised Statutes, which certificate shall also con-
5 tain the following matters:

6 (1) The name of the proposed housing corporation.

7 (2) The purposes for which it is formed, which shall be to acquire, con-
8 struct, maintain and operate housing projects as authorized under this act.

9 (3) Its duration, which shall not be more than fifty years.

10 (4) The amount, value, and number of shares, all having a par value,
11 of its capital stock with limitations thereon including the limitation that divi-
12 dends on the stock shall not exceed six per centum (6%) per annum except
13 to the extent that such dividends shall not have been paid in a previous

14 year, or years, of operation, in which case, stockholders may be paid said
15 deficiency without interest out of any surplus earned in any succeeding
16 years.

17 (5) The names and addresses of subscribers to stock in the corporation
18 and the number of shares to be issued to each.

19 (6) A provision that no real property of the corporation shall be sold,
20 transferred, encumbered or assigned except under and pursuant to the pro-
21 visions of this act and the regulations of the Authority issued hereunder.

22 (7) Any other provisions, not inconsistent with this act or other law for
23 the regulation of the business and the conduct of the affairs of the housing
24 corporation.

25 (8) A declaration that the housing corporation has been organized to
26 serve a public purpose and use; that its operations shall be directed to pro-
27 viding for and making possible the clearance, planning, development or re-
28 development of blighted areas; and that it will at all times be subject to the
29 supervision and control of the Authority.

1 7. No such certificate or amendment thereof shall be filed until the
2 same, with all its conditions, limitations and provisions, shall have been first
3 approved by the Authority as evidenced by a certificate of the Authority
4 annexed thereto.

1 8. Every housing corporation organized under this act, subject to the
2 conditions and restrictions herein, and the regulations of the Authority, shall
3 have the following rights, powers and privileges:

4 (1) To have succession by its corporate name for the period limited in
5 its certificate of incorporation or any amendment thereto.

6 (2) To sue and be sued in its corporate name.

7 (3) To have and use a common seal and to alter same at pleasure.

8 (4) To have a capital stock of such an amount and number of shares as
9 may be provided in the certificate of incorporation or any amendment thereto
10 and to increase or decrease its capital stock.

11 (5) To acquire, own, use, convey, sell, contract, encumber, lease, and oth-

12 erwise dispose of and deal in real or personal property or any interest
13 therein.

14 (6) To borrow money at such rate of interest, not to exceed six per
15 centum (6%) per annum, to mortgage or pledge its property, both real and
16 personal, and to secure the payment of its obligations.

17 (7) To pay dividends on its capital stock at a rate not to exceed six per
18 centum (6%) per annum and to pay or to provide for the payment of its
19 debts and other obligations.

20 (8) To elect officers, appoint agents, engage employees, define their
21 duties and fix their compensation.

22 (9) To enter into contracts for the construction, reconstruction, mainte-
23 nance, operation and management of housing projects and for the purchase
24 of equipment, materials and supplies necessary or incidental to these pur-
25 poses.

26 (10) To lease, sell or exchange all of its corporate assets with the con-
27 sent of two-thirds of all the outstanding capital stock of the corporation at
28 any annual meeting or at any special meeting called for that purpose.

29 (11) To accept loans or grants from the Federal Government, the State
30 or any municipal subdivision thereof in aid of housing projects owned or to
31 be acquired or constructed by the corporation.

32 (12) To make by-laws not inconsistent with the laws of the State for the
33 administration of the business and interests of such corporation and to
34 amend the same.

35 (13) To cease doing business in this State and to surrender its charter.

36 (14) To have and exercise all the powers necessary and convenient to
37 carry into effect the purpose for which the corporation is formed.

38 The Authority may make the exercise of any of the rights, powers and
39 privileges of housing corporations set forth in this section, subject to its
40 prior approval.

1 9. No housing corporation shall issue stock, bonds or other obligations
2 except for money or property actually received by it for its use and lawful

3 purposes. No stocks, bonds or other obligations shall be issued for prop-
4 erty except upon a valuation approved by the Authority.

1 10. No housing corporation shall engage in any activity competitive with
2 any public utility as defined in section 48:2-13 of the Revised Statutes.

1 11. The Authority shall have the power to make, amend, modify and
2 repeal rules and regulations to effectuate the purposes of this act and to
3 supervise the operations of any housing corporations thereunder. The Au-
4 thority shall also have the power to supervise the planning, development
5 and management of any housing project undertaken by such corporation
6 under this act. The powers of the Authority shall be vested in and exer-
7 cised by the Administrator.

1 12. Every corporation organized under this act, before undertaking any
2 project herein authorized, shall make written application to the Authority
3 for approval thereof. Said application may be made at the same time as the
4 application for the approval of its incorporation and shall be in such form
5 and certify as to such facts and data as to justify approval; and shall con-
6 tain such other information as the Authority may require including but not
7 limited to:

8 (1) A statement by the governing body of the municipality in which the
9 project be located certifying that the proposed project will meet an exist-
10 ing housing need, that it conforms to the requirements of all applicable mu-
11 nicipal ordinances, and that the governing body approves of the develop-
12 ment of the proposed project.

13 (2) A description of the proposed project including such architectural
14 and site plans as may be required.

15 (3) A statement of the cost of the proposed project in such detail as
16 may be required.

17 (4) The source, method and amount of money to be raised through
18 the investment of private capital setting forth the amount of stock or other
19 securities to be issued therefor.

20 (5) A fiscal plan for the project giving the schedule of rents, the esti-
21 mated expenditures for operation and maintenance, payments to the munici-
22 pality either for taxes or service charge and for interest, amortization and
23 reserves.

24 (6) A statement showing that adequate light, air and open spaces will
25 be provided and that the project will conform to reasonable standards of
26 safety and sanitation.

1 13. The Authority shall have full and complete power to hear and con-
2 sider or to refuse to consider all applications for incorporation as a hous-
3 ing corporation under this act and all applications for housing projects to
4 be undertaken by housing corporations. During or after such hearing, the
5 Authority shall have power to approve or disapprove any such incorpora-
6 tion or housing project.

1 14. The Authority shall approve the construction of a housing project
2 by a housing corporation only under the following conditions:

3 (1) That the project is within an area where, under the conditions ex-
4 isting at the time, dwellings conforming to reasonable standards of adequacy
5 and renting at or below the average rent to be charged in the project, are
6 not being provided in sufficient quantity through the ordinary operation of
7 private enterprise.

8 (2) That there has been presented to the Authority, in such form and
9 with such proof as it may require, a financial plan covering the cost of lands
10 and improvements and the operation of the project, such as shall reasonably
11 assure the successful completion and operation of the project in accordance
12 with the purposes of this act.

1 15. The approval of every such application may also be conditional on
2 the acceptance by the housing corporation of a designee of the Authority as
3 a member of the board of directors of the corporation. A further condition
4 may be that the corporation shall agree to the designation of a trustee (which
5 shall be a banking corporation authorized to perform trust functions) by
6 the Authority with respect to any housing project approved by it. Such

7 trustee may be authorized to receive moneys of the corporation obtained as
8 proceeds of its mortgage bonds, notes, stock or other securities, or as rents
9 or other income of any project, and make payment therefrom for acquisition
10 of land, construction or improvements, for charges of operation and main-
11 tenance and for other items related to these costs, upon presentation of
12 draft, check or order signed by a proper officer of the corporation and
13 countersigned by the Authority or a person designated by it for said purpose.
14 Said trustee may be authorized by the Authority to act with reference to the
15 construction of a project or to the operation of a project or to any combina-
16 tion or part thereof.

1 16. Notwithstanding the provisions of any other law to the contrary, the
2 Authority shall have the power to supervise housing corporations and their
3 real and personal property in the following respects:

4 (1) The Authority may prescribe uniform systems of accounts and
5 records for housing corporations and may require them to make reports and
6 give answers to specific questions on such forms and at such times as may
7 be necessary for the purposes of this act.

8 (2) Through its agents or employees, the Authority may enter upon and
9 inspect the lands, buildings and equipment of a housing corporation, includ-
10 ing all parts thereof, and may examine all books and records with reference
11 to capital structure, income, expenditures and other payments of a housing
12 corporation.

13 (3) The Authority may supervise the operation and maintenance of any
14 project of a housing corporation and may order such repairs as may be
15 necessary to protect the public interest or the health, welfare or safety of
16 the project occupants.

17 (4) The Authority may fix, and alter from time to time, a schedule of
18 rents and charges for any project of a housing corporation.

19 (5) The Authority may determine standards for, and may control,
20 tenant selection by a housing corporation.

21 (6) The Authority may require any housing corporation to pay to the
22 Authority such fees as it may, subject to any regulations of the council,

23 prescribe in connection with the examination, inspection, supervision, audit-
24 ing, or other regulations of the housing corporation.

25 (7) The Authority may order any housing corporation to do, or to
26 refrain from doing, such things as may be necessary to comply with the provi-
27 sions of law, the rules and regulations of the Authority, and the terms of
28 any contract or agreement to which the corporation may be a party.

1 17. The Authority may institute any proceeding or action against any
2 housing corporation in any court of competent jurisdiction in order to en-
3 force the provisions of this act or the regulations of the Authority there-
4 under, or to protect the public interest, the tenants, the stockholders of the
5 housing corporation or its creditors. In connection with any such suit it may
6 apply for the appointment of a receiver to manage, operate, and take over
7 the affairs of said housing corporation and it is hereby authorized to accept
8 appointment as receiver of any such housing corporation when so appointed
9 by a court of competent jurisdiction.

10 Reorganization of any housing corporation shall be subject to the super-
11 vision and control of the Authority and no such reorganization shall be had
12 without the authorization of the Authority. Upon all such reorganizations
13 the amount of capitalization, including therein all stocks, income debentures
14 and bonds and other evidence of indebtedness shall be such as is authorized
15 by the administrator which, in making his determination, shall not exceed the
16 fair value of the property involved.

17 In any foreclosure action, other than a foreclosure action instituted by
18 the Authority: the Authority and the municipality in which any tax exemp-
19 tion is provided any housing corporation, in addition to other necessary
20 parties, shall be made parties defendant; and the Authority and the munici-
21 pality shall take all steps in such action necessary to protect the interest of
22 the public therein, and no costs shall be awarded against the Authority or
23 the municipality. Judgment of foreclosure shall not be entered unless the
24 court to which application therefor is made shall be satisfied that the in-
25 terest of the lien-holder or holders can not be adequately secured or safe-

26 guarded except by the sale of the property. In any such proceeding, the
27 court shall be authorized to make an order increasing the rentals to be
28 charged for the housing accommodations in the project involved in such fore-
29 closure, but not exceeding the maximum rentals fixed by regulation of the
30 Authority, or appoint the administrator or any officer of the municipality in
31 which any tax exemption with respect to the project is provided, as a re-
32 ceiver of the property, or grant such other and further relief as may be rea-
33 sonable and proper. In the event of a foreclosure sale or other judicial sale,
34 the property shall be sold only to a housing corporation which will maintain,
35 operate and manage the project subject to the provisions of this act and the
36 regulations of the Authority issued hereunder, unless the court shall find that
37 the interest and principal on the obligations secured by the lien the subject
38 of foreclosure cannot be earned under the limitations imposed by the pro-
39 visions of this act and that the proceeding was brought in good faith. In
40 such event the property may be sold free of limitations imposed by this act
41 or subject to such limitations as the court may deem advisable to protect
42 the public interest.

43 In the event of a judgment against any housing corporation in any action
44 not pertaining to the collection of a mortgage indebtedness, there shall be no
45 sale of any of the real property of such housing corporation except upon
46 sixty days' written notice to the Authority. Upon receipt of such notice the
47 administrator shall take such steps as in his judgment may be necessary to
48 protect the rights of all parties.

1 18. When the governing body of any municipality in which a project of
2 a housing corporation is or will be located, finds that the project is or will be
3 an improvement made for the purposes of the clearance, replanning, develop-
4 ment, or redevelopment of any blighted area within such municipality, or for
5 any of such purposes, then such project and improvement shall be exempt
6 from all property taxation. In lieu of taxes the housing corporation owning
7 said project shall make to the municipality payment of an annual service
8 charge for municipal services supplied to said project, in such amount, not
9 exceeding the tax on the property on which the project is located for the year

10 in which the undertaking of said project is commenced, as may be agreed to
 11 by the municipality and the housing corporation and approved by the Author-
 12 ity. Any exemption from taxation made pursuant to the provisions of this
 13 section shall not extend for a period of more than fifty years and shall only
 14 be effective during the period of usefulness of the project as determined by
 15 the Authority and shall continue in force only while the project is owned by
 16 a housing corporation formed under this act and regulated by the Authority
 17 or owned or operated by the Authority.

1 19. The provisions of law applicable to stock corporations organized
 2 under the laws of this State shall apply to housing corporations incorporated
 3 under this act, except where such provisions are in conflict herewith; *pro-*
 4 *vided, however,* that the Authority may make the exercise of any rights,
 5 powers and privileges thereunder subject to its prior approval.

6 Housing corporation organized under the provisions of this act shall
 7 be exempt from payment of any franchise or other State tax.

1 20. If any clause, sentence, subdivision, paragraph, section or part of
 2 this act be adjudged by any court of competent jurisdiction to be invalid,
 3 such judgment shall not affect, impair, or invalidate the remainder hereof,
 4 but shall be confined in its operation to the clause, sentence, subdivision,
 5 paragraph, section or part hereof directly involved in the controversy in
 6 which said judgment shall have been rendered.

1 21. The powers enumerated in this act shall be interpreted broadly to
 2 effectuate the purposes hereof and shall not be construed as a limitation of
 3 powers.

1 22. This act shall take effect immediately.

STATEMENT

The purpose of this bill is to provide for the establishment of private lim-
 ited-dividend housing corporations to enable private enterprise to alleviate the
 housing shortage and assist in the clearance, planning, development and rede-
 velopment of blighted areas. This bill will enable private enterprise to provide
 low cost housing.

Minutes of the House

act concerning edu-
the Revised Stat-

ion.

act providing for
on in lands sold for
ele nine of chapter
"

al Aid.

olution, which was

ended and Assem-
15 be advanced to
rint.

an act concerning
making appropria-

ider suspension of
s proposed by Mr.

Bill No. 45:

nit "foreclosure";

er "property" in-

"of" insert "aid-
"; before "de-

ter "areas" insert

delete "collection",
debtedness".

Assembly Bill No. 45, entitled "An act concerning hous-
ing for the people of the State and making appropriations
therefor,"

As amended,

Was taken up, under suspension of rules, and read a
second time.

On motion of Mr. Miller

Assembly Bill No. 46, entitled "An act to provide for the
incorporation and regulation of limited-dividend housing
corporations,"

Was taken up, read a second time, under suspension of
the rules, and the following amendment proposed by Mr.
Miller was read and adopted.

Assembly amendment proposed to Assembly Bill No. 46:

Amend page 10, section 17, line 44, delete "collection"
substitute "foreclosure" and delete "indebtedness".

Assembly Bill No. 47, entitled "An act to amend the
title of 'An act concerning housing, establishing a means
for alleviation of congested, substandard and dangerous
housing conditions in municipalities of this State; provid-
ing for the acquisitions by municipalities of land areas
within which such conditions obtain and for the leasing of
such lands under agreements for limited return upon pri-
vate capital invested in projects undertaken for the pur-
pose of remedying such housing conditions; providing for
exemption from property taxes of buildings rehabilitated
or erected on municipal land and for the payment to the
municipality of a percentage of income; authorizing con-
demnation, and providing for joinder of action in one con-
demnation proceeding and for a limited interest on condem-
nation awards,' approved April fourth, one thousand nine
hundred and forty-six (P. L. 1946, c. 52), so that the same
shall read 'An act concerning housing and the clearance,
replanning, development or redevelopment of blighted
areas in municipalities of this State; providing for the ac-
quisition by municipalities of land areas within which con-
gested, substandard and dangerous housing conditions ob-
tain and for the leasing of such lands under agreements for
limited return upon private capital invested in projects

FIRST SPECIAL SESSION
ASSEMBLY, No. 3

STATE OF NEW JERSEY

INTRODUCED MAY 31, 1949

By Mr. MILLER

(Without Reference)

AN ACT to amend "An act to provide for the incorporation and regulation of limited-dividend housing corporations," approved May twenty-first, one thousand nine hundred and forty-nine (P. L. 1949, c. 184).

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

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

3 3. The following terms wherever used or referred to in this act shall
4 have the following respective meanings, unless a different meaning clearly ap-
5 pears from the context:

6 (1) The term "Authority" means the public housing and development
7 authority in the Department of Conservation and Economic Development.

8 (2) The term "Administrator" means the Commissioner of the De-
9 partment of Conservation and Economic Development, who is and shall be the
10 administrator of the public housing and development authority.

11 (3) The term "Council" means the [Planning and Development Coun-
12 cil] State Housing Council in the Department of Conservation and Eco-
13 nomic Development.

14 (4) The term "municipality" shall mean any city of any class, any
15 town, township, village, borough or any municipal subdivision of the State.

16 (5) The term "governing body" shall mean, in the case of a munici-

17 pality, the common council, or the board of commissioners, or the body man-
 18 aging its affairs, except that, in the case of cities of the second class, having
 19 a population of not less than one hundred thirty-three thousand nor more
 20 than two hundred thousand inhabitants, the board of finance of such a city
 21 shall be the "governing body" for the purpose of this act.

22 (6) The term "housing project" or "project" shall mean any work or
 23 undertaking to provide decent, safe, and sanitary dwellings for families in
 24 need of housing; such undertaking may include any buildings, land (including
 25 demolition, clearance or removal of buildings from land), equipment, facil-
 26 ities, or other real or personal properties or interests therein which are
 27 necessary, convenient or desirable appurtenances of said undertaking, such
 28 as, but not limited to, streets, sewers, water, utilities, parks; site prepara-
 29 tions; landscaping, and administrative, community, health, recreational, edu-
 30 cational, welfare, commercial, or other facilities, or to provide any part or
 31 combination of the foregoing.

32 (7) The term "housing corporation" means any private, limited-divi-
 33 dend housing corporation organized in accordance with the provisions of this
 34 act.

35 (8) The term "bonds" shall mean any bonds, notes, interim certificates,
 36 debentures, or obligations issued pursuant to the provisions of this act.

37 (9) The term "Federal Government" means the United States of
 38 America or any department, administration, authority, instrumentality,
 39 agency, agent or officer thereof, or any corporation created thereby.

40 (10) The term "State" means the State of New Jersey or any depart-
 41 ment, authority, agency or officer thereof.

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

3 18. When the governing body of any municipality in which a project of
 4 a housing corporation is or will be located, by resolution finds that the proj-
 5 ect is or will be an improvement made for the purposes of the clearance,

6 replanning, development, or redevelopment of any blighted area (as defined
7 in any law of this State) within such municipality, or for any of such pur-
8 poses, then such project and improvement shall be exempt from all prop-
9 erty taxation [. In]; *provided*, that in lieu of taxes the housing corporation
10 owning said project shall make to the municipality payment of an annual
11 service charge for municipal services supplied to said project, in such
12 amount, not exceeding the tax on the property on which the project is
13 located for the year in which the undertaking of said project is commenced
14 or ten per centum (10%) of the annual gross shelter rents obtained from
15 the project, whichever is the greater, as may be agreed to by the municipal-
16 ity and the housing corporation and approved by the Authority. Any ex-
17 emption from taxation made pursuant to the provisions of this section shall
18 not extend for a period of more than fifty years and shall only be effective
19 during the period of usefulness of the project as determined by the Author-
20 ity and shall continue in force only while the project is owned by a housing
21 corporation formed under this act and regulated by the Authority or owned
22 or operated by the Authority.

1 3. This act shall take effect immediately.

[OFFICIAL COPY REPRINT]
FIRST SPECIAL SESSION
ASSEMBLY, No. 3

STATE OF NEW JERSEY

INTRODUCED MAY 31, 1949

By Mr. MILLER

(Without Reference)

AN ACT to amend "An act to provide for the incorporation and regulation of limited-dividend housing corporations," approved May twenty-first, one thousand nine hundred and forty-nine (P. L. 1949, c. 184).

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7 authority in the Department of Conservation and Economic Development.

8 (2) The term "Administrator" means the Commissioner of the De-
9 partment of Conservation and Economic Development, who is and shall be the
10 administrator of the public housing and development authority.

11 (3) The term "Council" means the State Housing Council in the
12-13 Department of Conservation and Economic Development.

14 (4) The term "municipality" shall mean any city of any class, any
15 town, township, village, borough or any municipal subdivision of the State.

16 (5) The term "governing body" shall mean, in the case of a munic-

17 pality, the common council, or the board of commissioners, or the body man-
18 aging its affairs, except that, in the case of cities of the second class, having
19 a population of not less than one hundred thirty-three thousand nor more
20 than two hundred thousand inhabitants, the board of finance of such a city
21 shall be the "governing body" for the purpose of this act.

22 (6) The term "housing project" or "project" shall mean any work or
23 undertaking to provide decent, safe, and sanitary dwellings for families in
24 need of housing; such undertaking may include any buildings, land (including
25 demolition, clearance or removal of buildings from land), equipment, facil-
26 ities, or other real or personal properties or interests therein which are
27 necessary, convenient or desirable appurtenances of said undertaking, such
28 as, but not limited to, streets, sewers, water, utilities, parks; site prepara-
29 tions; landscaping, and administrative, community, health, recreational, edu-
30 cational, welfare, commercial, or other facilities, or to provide any part or
31 combination of the foregoing.

32 (7) The term "housing corporation" means any private, limited-divi-
33 dend housing corporation organized in accordance with the provisions of this
34 act.

35 (8) The term "bonds" shall mean any bonds, notes, interim certificates,
36 debentures, or obligations issued pursuant to the provisions of this act.

37 (9) The term "Federal Government" means the United States of
38 America or any department, administration, authority, instrumentality,
39 agency, agent or officer thereof, or any corporation created thereby.

40 (10) The term "State" means the State of New Jersey or any depart-
41 ment, authority, agency or officer thereof.

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

3 18. When the governing body of any municipality in which a project of
4 a housing corporation is or will be located, by resolution finds that the proj-
5 ect is or will be an improvement made for the purposes of the clearance,

6 replanning, development, or redevelopment of any blighted area (as defined
7 in any law of this State) within such municipality, or for any of such pur-
8 poses, then such project and improvement shall be exempt from all prop-
9 erty taxation; *provided*, that in lieu of taxes the housing corporation
10 owning said project shall make to the municipality payment of an annual
11 service charge for municipal services supplied to said project, in such
12 amount, not exceeding the tax on the property on which the project is
13 located for the year in which the undertaking of said project is commenced
14 or ten per centum (10%) of the annual gross shelter rents obtained from
15 the project, whichever is the greater, as may be agreed to by the municipal-
16 ity and the housing corporation and approved by the Authority. Any ex-
17 emption from taxation made pursuant to the provisions of this section shall
18 not extend for a period of more than fifty years and shall only be effective
19 during the period of usefulness of the project as determined by the Author-
20 ity and shall continue in force only while the project is owned by a housing
21 corporation formed under this act and regulated by the Authority or owned
22 or operated by the Authority.

1 3. This act shall take effect immediately.

[SECOND OFFICIAL COPY REPRINT]

FIRST SPECIAL SESSION
ASSEMBLY, No. 3

STATE OF NEW JERSEY

INTRODUCED MAY 31, 1949

By Mr. MILLER

(Without Reference)

AN ACT to amend "An act to provide for the incorporation and regulation of limited-dividend housing corporations," approved May twenty-first, one thousand nine hundred and forty-nine (P. L. 1949, c. 184).

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

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

3 3. The following terms wherever used or referred to in this act shall
4 have the following respective meanings, unless a different meaning clearly ap-
5 pears from the context:

6 (1) The term "Authority" means the public housing and development
7 authority in the Department of Conservation and Economic Development.

8 (2) The term "Administrator" means the Commissioner of Conserva-
9 tion and Economic Development, who is and shall be the administrator of
10 the public housing and developing authority.

11 (3) The term "Council" means the State Housing Council in the
12-13 Department of Conservation and Economic Development.

14 (4) The term "municipality" shall mean any city of any class, any
15 town, township, village, borough or any municipal subdivision of the State.

16 (5) The term "governing body" shall mean, in the case of a municipi-

17 pality, the common council, or the board of commissioners, or the body man-
 18 aging its affairs, except that, in the case of cities of the second class, having
 19 a population of not less than one hundred thirty-three thousand nor more
 20 than two hundred thousand inhabitants, the board of finance of such a city
 21 shall be the "governing body" for the purpose of this act.

22 (6) The term "housing project" or "project" shall mean any work or
 23 undertaking to provide decent, safe, and sanitary dwellings for families in
 24 need of housing; such undertaking may include any buildings, land (including
 25 demolition, clearance or removal of buildings from land), equipment, facil-
 26 ities, or other real or personal properties or interests therein which are
 27 necessary, convenient or desirable appurtenances of said undertaking, such
 28 as, but not limited to, streets, sewers, water, utilities, parks; site prepara-
 29 tions; landscaping, and administrative, community, health, recreational, edu-
 30 cational, welfare, commercial, or other facilities, or to provide any part or
 31 combination of the foregoing.

32 (7) The term "housing corporation" means any private, limited-divi-
 33 dend housing corporation organized in accordance with the provisions of this
 34 act.

35 (8) The term "bonds" shall mean any bonds, notes, interim certificates,
 36 debentures, or obligations issued pursuant to the provisions of this act.

37 (9) The term "Federal Government" means the United States of
 38 America or any department, administration, authority, instrumentality,
 39 agency, agent or officer thereof, or any corporation created thereby.

40 (10) The term "State" means the State of New Jersey or any depart-
 41 ment, authority, agency or officer thereof.

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

3 8. Every housing corporation organized under this act, subject to the
 4 conditions and restrictions herein, and the regulations of the Authority ap-
 5 proved by the Council, shall have the following rights, powers and privi-
 6 leges:

- 7 (1) To have succession by its corporate name for the period limited in
8 its certificate of incorporation or any amendment thereto.
- 9 (2) To sue and be sued in its corporate name.
- 10 (3) To have and use a common seal and to alter same at pleasure.
- 11 (4) To have a capital stock of such an amount and number of shares as
12 may be provided in the certificate of incorporation or any amendment
13 thereto and to increase or decrease its capital stock.
- 14 (5) To acquire, own, use, convey, sell, contract, encumber, lease, and
15 otherwise dispose of and deal in real or personal property or any interest
16 therein.
- 17 (6) To borrow money at such rate of interest, not to exceed six per
18 centum (6%) per annum, to mortgage or pledge its property, both real and
19 personal, and to secure the payment of its obligations.
- 20 (7) To pay dividends on its capital stock at a rate not to exceed six per
21 centum (6%) per annum and to pay or to provide for the payment of its
22 debts and other obligations.
- 23 (8) To elect officers, appoint agents, engage employees, define their
24 duties and fix their compensation.
- 25 (9) To enter into contracts for the construction, reconstruction, main-
26 tenance, operation and management of housing projects and for the purchase
27 of equipment, materials and supplies necessary or incidental to these pur-
28 poses.
- 29 (10) To lease, sell or exchange all of its corporate assets with the consent
30 of two-thirds of all the outstanding capital stock of the corporation at any
31 annual meeting or at any special meeting called for that purpose.
- 32 (11) To accept loans or grants from the Federal Government, the State
33 or any municipal subdivision thereof in aid of housing projects owned or to
34 be acquired or constructed by the corporation.
- 35 (12) To make by-laws not inconsistent with the laws of the State for
36 the administration of the business and interests of such corporation and to
37 amend the same.

38 (13) To cease doing business in this State and to surrender its charter. 8

39 (14) To obtain, or aid in obtaining, from the Federal Government any 9
40 insurance or guarantee or commitment therefor, as to, or for the payment 10
41 or repayment of interest or principal, or both, or any part thereof, of, any 11
42 loan or other extension of credit, or any instrument evidencing or securing the 12
43 same, obtained or to be obtained or entered into by it; and to enter into any 13
44 agreement, contract or any other instrument whatsoever with respect to any 14
45 such insurance or guarantee. 15

46 (15) To have and exercise all the powers necessary and convenient to 16
47 carry into effect the purpose for which the corporation is formed. 17

48 The Authority may make the exercise of any of the rights, powers and 18
49 privileges of housing corporations set forth in this section, subject to its 19
50 prior approval. 20

1 3. Section eleven of the act of which this act is amendatory is amended 21
2 to read as follows: 22

3 11. The Authority, subject to the approval of the Council, shall have the 23
4 power to make, amend, modify and repeal rules and regulations to effectuate 24
5 the purposes of this act and to supervise the operations of any housing cor- 25
6 porations thereunder. The Authority shall also have the power to supervise 26
7 the planning, development and management of any housing project under- 27
8 taken by such corporation under this act. The functions, powers and duties 28
9 conferred upon the Authority by this act shall, subject to the rules and 29
10 regulations referred to herein, be exercised by the Administrator. 30

1 4. Section seventeen of the act of which this act is amendatory is 31
2 amended to read as follows: 32

3 17. The Authority may institute any proceeding or action against any 33
4 housing corporation in any court of competent jurisdiction in order to enforce 34
5 the provisions of this act or the regulations of the Authority thereunder ap- 35
6 proved by the Council, or to foreclose its mortgage, or to protect the public 36
7 interest, the tenants, the stockholders of the housing corporation or its credi- 37
38 38

8 tors. In connection with any such suit it may apply for the appointment of
9 a receiver to manage, operate, and take over the affairs of said housing cor-
10 poration and the Administrator is hereby authorized to accept appointment
11 as receiver of any such housing corporation when so appointed by a court
12 of competent jurisdiction.

13 Reorganization of any housing corporation shall be subject to the super-
14 vision and control of the Authority and no such reorganization shall be had
15 without the consent of the Authority. Upon all such reorganizations the
16 amount of capitalization, including therein all stocks, income debentures and
17 bonds and other evidence of indebtedness shall be such as is authorized by
18 the Administrator which, in making his determination, shall not exceed the
19 fair value of the property involved.

20 In any foreclosure action, other than a foreclosure action instituted by
21 the Authority: the Authority and the municipality in which any tax exemp-
22 tion or abatement is provided any housing corporation, in addition to other
23 necessary parties, shall be made parties defendant; and the Authority and
24 the municipality shall take all steps in such action necessary to protect the
25 interest of the public therein, and no costs shall be awarded against the
26 Authority or the municipality. Subject to the terms of any applicable con-
27 tract, agreement, guarantee or insurance entered into or obtained pursuant
28 to subsection (14) of section eight hereof: judgment of foreclosure shall not
29 be entered unless the court to which application therefor is made shall be
30 satisfied that the interest of the lien-holder or holders can not be adequately
31 secured or safeguarded except by the sale of the property; and in any such
32 proceeding, the court shall be authorized to make an order increasing the
33 rentals to be charged for the housing accommodations in the project in-
34 volved in such foreclosure, or appoint the Administrator or any officer of
35 the municipality in which any tax exemption or abatement with respect to
36 the project is provided, as a receiver of the property, or grant such other
37 and further relief as may be reasonable and proper; and in the event of a
38 foreclosure sale or other judicial sale, the property shall be sold only to a

39 housing corporation which will maintain, operate and manage the project
40 subject to the provisions of this act and the regulations of the Authority,
41 approved by the Council, issued hereunder, unless the court shall find that
42 the interest and principal on the obligations secured by the lien the subject
43 of foreclosure cannot be earned under the limitations imposed by the pro-
44 visions of this act and that the proceeding was brought in good faith, in
45 which event the property may be sold free of limitations imposed by this
46 act or subject to such limitations as the court may deem advisable to protect
47 the public interest.

48 In the event of a judgment against any housing corporation in any ac-
49 tion not pertaining to the foreclosure of a mortgage, there shall be no sale
50 of any of the real property of such housing corporation except upon sixty
51 days' written notice to the Authority. Upon receipt of such notice the Ad-
52 ministrator shall take such steps as in his judgment may be necessary to pro-
53 tect the rights of all parties.

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

3 18. When the governing body of any municipality in which a project of
4 a housing corporation is or will be located, by resolution finds that the proj-
5 ect is or will be an improvement made for the purposes of the clearance,
6 replanning, development, or redevelopment of any blighted area (as defined
7 in any law of this State) within such municipality, or for any of such pur-
8 poses, then such project and improvement shall be exempt from all prop-
9 erty taxation; *provided*, that in lieu of taxes the housing corporation
10 owning said project shall make to the municipality payment of an annual
11 service charge for municipal services supplied to said project, in such
12 amount, not exceeding the tax on the property on which the project is
13 located for the year in which the undertaking of said project is commenced
14 or ten per centum (10%) of the annual gross shelter rents obtained from
15 the project, whichever is the greater, as may be agreed to by the municipal-
16 ity and the housing corporation and approved by the Authority. Any ex-

17 exemption from taxation made pursuant to the provisions of this section shall
18 not extend for a period of more than fifty years and shall only be effective
19 during the period of usefulness of the project as determined by the Author-
20 ity and shall continue in force only while the project is owned by a housing
21 corporation formed under this act and regulated by the Authority or owned
22 or operated by the Authority.

1 6. This act shall take effect immediately.

ASSEMBLY, No. 4

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 13, 1950

By Mr. HAINES

Referred to Committee on Judiciary

AN ACT to supplement "An act to provide for the incorporation and regulation of limited-dividend housing corporations," approved May twenty-first, one thousand nine hundred and forty-nine (P. L. 1949, c. 184).

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

1 1, Notwithstanding any provision of the act to which this act is a supple-
2 ment to the contrary: Any limited-dividend housing corporation organized
3 in accordance with the provisions of said act may, at any time after the ex-
4 piration of fifteen years from the date of first tenant occupancy of any duly
5 approved housing project of such corporation, apply to the Authority for
6 permission to be released from the restrictions and limitations imposed up-
7 on it under said act. The Authority may approve the application provided
8 it is consented to, by resolution, by the governing body of each municipal-
9 ity in which tax exemption has been granted to any housing project of such
10 corporation, after a finding, by resolution of such governing body, that there
11 no longer exists any housing shortage in the municipality by reason of
12 which the project was originally approved. A duly certified copy of each of
13 such resolutions shall be submitted to the Authority. Upon the approval of
14 such application by the Authority any tax exemption granted to such housing
15 corporation or any project and improvement thereof shall terminate, and
16 such corporation and the projects thereof shall not thereafter be subject to

17 the restrictions and limitations imposed thereon by the act to which this act
 18 is a supplement. In such event any surplus of such corporation then
 19 remaining, in excess of the amount required for the repayment of the face
 20 amount of investments of stockholders in the capital stock of such corpora-
 21 tion plus any cumulative dividends at a rate not to exceed six per centum
 22 (6%) per annum, shall be paid to the State of New Jersey; *provided, how-*
 23 *ever, that* the Authority may enter into agreements with any municipality
 24 where tax exemption has been provided pursuant to section eighteen of the
 25 act to which this act is a supplement with respect to any project or projects
 26 of such housing corporation for the distribution to and apportionment of
 27 said surplus between the State and the municipality.

1 2. This act shall take effect immediately.

STATEMENT

The purpose of this bill is to provide additional encouragement to private enterprise to engage in large-scale middle-income housing construction under the terms of the Limited-Dividend Housing Corporations Law enacted during the 1949 session of the Legislature.

The bill would authorize any limited-dividend housing corporation, at any time after fifteen years from the date of first tenant occupancy of any of its approved housing projects to apply to the State Housing Authority for permission to be released from the restrictions and limitations prescribed in the Limited-Dividend Housing Corporations Law. Prerequisites to the approval of any such application by the Authority are the consent of the governing body of each municipality in which tax exemption has been granted to any housing project of the corporation, and the finding by such governing body that there no longer exists any housing shortage in the municipality by reason of which the project was originally approved.

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If the Authority approves the application, any tax exemption granted to the housing corporation or any of its projects would terminate, and the corporation and its projects would not thereafter be subject to the restrictions and limitations of the Limited-Dividend Housing Corporations Law. Also, any surplus of the corporation then remaining, over and above the amount required for repayment of the face amount of investments of stockholders in the capital stock of the corporation plus cumulative dividends at a rate not in excess of six per centum per annum, would be paid to the State. The State Housing Authority would be authorized to enter into agreements with municipalities in which tax exemption was provided with respect to any project of the housing corporation for the distribution to and apportionment of the surplus between the State and the municipality.

[OFFICIAL COPY REPRINT]

ASSEMBLY, No. 4

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 13, 1950

By Mr. HAINES

Referred to Committee on Judiciary

AN ACT to supplement "An act to provide for the incorporation and regulation of limited-dividend housing corporations," approved May twenty-first, one thousand nine hundred and forty-nine (P. L. 1949, c. 184).

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

1 1. Notwithstanding any provision of the act to which this act is a supple-
2 ment to the contrary: Any limited-dividend housing corporation organized
3 in accordance with the provisions of said act may, at any time after the ex-
4 piration of fifteen years from the date of first tenant occupancy of any duly
5 approved housing project of such corporation, apply to the Authority for
6 permission to be released from the restrictions and limitations imposed up-
7 on it under said act. The Authority may approve the application provided
8 it is consented to, by resolution, by the governing body of each municipal-
9 ity in which tax exemption has been granted to any housing project of such
10 corporation, after a finding, by resolution of such governing body, that there
11 no longer exists any housing shortage in the municipality by reason of
12 which the project was originally approved. A duly certified copy of each of
13 such resolutions shall be submitted to the Authority. Upon the approval of
14 such application by the Authority any tax exemption granted to such housing
15 corporation or any project and improvement thereof shall terminate, and
16 such corporation and the projects thereof shall not thereafter be subject to

17 the restrictions and limitations imposed thereon by the act to which this act
 18 is a supplement. In such event any surplus of such corporation then
 19 remaining, in excess of the amount required for the repayment of the face
 20 amount of investments of stockholders in the capital stock of such corpora-
 21 tion plus any cumulative dividends at a rate not to exceed six per centum
 22 (6%) per annum, shall be paid to the State of New Jersey; *provided, how-*
 23 *ever, that* the Authority may enter into agreements with any municipality
 24 where tax exemption has been provided pursuant to section eighteen of the
 25 act to which this act is a supplement with respect to any project or projects
 26 of such housing corporation for the distribution to and apportionment of
 27 said surplus between the State and the municipality.

1 2. This act shall take effect immediately.

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SENATE, No. 185

STATE OF NEW JERSEY

INTRODUCED MARCH 6, 1950

By Mr. CLAPP

Referred to Committee on Revision and Amendment of Laws

A SUPPLEMENT to "An act to provide for the incorporation and regulation of limited-dividend housing corporations," approved May twenty-first, one thousand nine hundred and forty-nine (P. L. 1949, c. 184).

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

1 1. For all of the purposes of the act to which this act is a supplement,
2 no person shall because of race, creed, color, national origin or ancestry be
3 subject to any discrimination.

1 2. This act shall take effect immediately.

STATEMENT

The purpose of this bill is to prohibit discrimination by reason of race, creed, color, national origin or ancestry in housing built with public funds or public assistance. The language of section one is taken from and follows the language of section twenty-one of the veterans' housing act; P. L. 1946, Second Sp. Sess., c. 323, p. 1361, §21.

This bill is sponsored by the Joint Council for Civil Rights and the following:

Americans for Democratic Action, New Jersey Council.

American Jewish Committee, Trenton and Essex County Chapters.

American Jewish Congress, New Jersey State Region.

American Legion, Guyton-Callahan Post, No. 152.
American Veterans Committee, New Jersey State Council.
B'nai B'rith Councils of New Jersey.
Burlington County Council for Civil Rights.
Camden County Council for Civil Rights.
Essex County Intergroup Council.
Essex County Republican Council, Inc.
Gloucester County Civil Liberties Council.
Jewish Community Council of Essex County.
Lambda Kappa Mu, Delta and Epsilon Chapters.
Morris County Committee for Civil Rights.
National Conference of Christians and Jews.
National Council of Jewish Women, New Jersey Conference.
New Jersey State C. I. O. Council.
New Jersey State Conference of N. A. A. C. P. Branches.
New Jersey State Federation of Colored Women's Clubs, Inc.
New Jersey State Federation of Labor, A. F. L.
New Jersey State Federation of Teachers.
Newark Teachers Union.
North Jersey Civil Liberties League.
Trenton Council on Human Relations.
Union County Council for Civil Rights.
Urban League of Essex County.
Urban League Guild of New Jersey.

1 after be subject to the restrictions and limitations imposed thereon
2 by the act to which this act is a supplement. In such event any
3 surplus of such corporation *or association* then remaining, in ex-
4 cess of the amount required for the repayment of the face amount
5 of investments of stockholders in the capital stock of such corpo-
6 ration *or of persons holding any proprietary interest in any hous-*
7 *ing association* plus any cumulative dividends *or return on invest-*
8 *ment* at a rate not to exceed 8% per annum, shall be paid to the
9 State of New Jersey; provided, however, that the authority may
10 enter into agreements with any municipality where tax exemption
11 has been provided pursuant to section 18 of the act to which this
12 act is a supplement with respect to any project or projects of such
13 housing corporation *or association* for the distribution to and ap-
14 portionment of said surplus between the State and the municipality.
15 21. This act shall take effect immediately. 1967

Sponsor(s) STATEMENT to Senate No. 364

The attached proposal essentially makes it possible for private developers to undertake limited-dividend housing projects in unincorporated form as well as a corporation. The present law limits the developer to sponsorship as a corporation. Under the Internal Revenue Code there are distinct tax advantages for investors under certain circumstances in utilizing unincorporated business entities. By making the law more flexible, it is believed that more private capital will find its way into sponsoring this form of middle income housing and will mean a greater supply of middle income housing, particularly in conjunction with urban renewal. While the New Jersey State Constitution Article VIII, Section III, Par. I is written in terms of "corporations" the recent case of *McClintock vs. Trenton*, 47 N. J. 102 (1966) indicates that use of noncorporate entities in conjunction with slum clearance would be equally valid.

In addition to the purpose cited above, the changes would make investing in this type of housing more attractive by enabling the sponsor to retain any increase in market value due to general changes in the real estate market. Also, the proposed change makes it clear that the act can be used by nonprofit groups as well as by limited-dividend or return sponsors.