

2C:5-2 et al

LEGISLATIVE HISTORY CHECKLIST

NJSA 2C:5-2 et al. (Corrects several statutes)

LAWS 1981 CHAPTER 511

Bill No. S3451

Sponsor(s) Merlino and others

Date Introduced Nov. 16, 1981

Committee: Assembly -----

Senate -----

Amended during passage ~~Yes~~ No

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Following statements are attached if available:

Sponsor statement Yes ~~No~~

Committee Statement: Assembly ~~Yes~~ No

Senate ~~Yes~~ No

Fiscal Note ~~Yes~~ No

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Reports ~~Yes~~ No

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CHAPTER 511  
APPROVED 1-12-82

SENATE, No. 3451

STATE OF NEW JERSEY

INTRODUCED NOVEMBER 16, 1981

By Senators MERLINO, WEISS, FELDMAN, PARKER,  
WALLWORK, HAGEDORN and FORAN

(Without Reference)

AN ACT to revise and correct certain statutes.

- 1 BE IT ENACTED *by the Senate and General Assembly of the State*  
2 *of New Jersey:*
- 1 1. N. J. S. 2C:5-2 is amended to read as follows:  
2 2C:5-2. Conspiracy. a. Definition of conspiracy. A person is  
3 guilty of conspiracy with another person or persons to commit a  
4 crime if with the purpose of promoting or facilitating its commis-  
5 sion he:
- 6 (1) Agrees with such other person or persons that they or one  
7 or more of them will engage in conduct which constitutes such  
8 crime or an attempt or solicitation to commit such crime; or  
9 (2) Agrees to aid such other person or persons in the planning  
10 or commission of such crime or of an attempt or solicitation to  
11 commit such crime.
- 12 b. Scope of conspiratorial relationship. If a person guilty of  
13 conspiracy, as defined by subsection a. of this section, knows that  
14 a person with whom he conspires to commit a crime has conspired  
15 with another person or persons to commit the same crime, he is  
16 guilty of conspiring with such other person or persons, whether  
17 or not he knows their identity, to commit such crime.
- 18 c. Conspiracy with multiple objectives. If a person conspires  
19 to commit a number of crimes, he is guilty of only one conspiracy  
20 so long as such multiple crimes are the object of the same agree-  
21 ment or continuous conspiratorial relationship. It shall not be a  
22 defense to a charge under this section that one or more of the  
23 objectives of the conspiracy was not criminal provided that one or  
24 more of its objectives or the means of promoting or facilitating an  
25 objective of the conspiracy is criminal.
- 26 d. Overt act. No person may be convicted of conspiracy to commit

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

27 a crime other than a crime of the first or second degree or distribu-  
 28 tion or possession with intent to distribute a controlled dangerous  
 29 substance as defined under the "New Jersey Controlled Dangerous  
 30 Substance Act," P. L. 1970, c. [266] 226 (C. 24:21-1 et seq.), unless  
 31 an overt act in pursuance of such conspiracy is proved to have been  
 32 done by him or by a person with whom he conspired.

33 e. Renunciation of purpose. It is an affirmative defense which the  
 34 actor must prove by a preponderance of the evidence that he, after  
 35 conspiring to commit a crime, informed the authority of the  
 36 existence of the conspiracy and his [participation] *participation*  
 37 therein, and thwarted or caused to be thwarted the commission of  
 38 any offense in furtherance of the conspiracy, under circumstances  
 39 manifesting a complete and voluntary renunciation of criminal  
 40 purpose as defined in 2C:5-1 [(d)] *d.* provided, however, that an  
 41 attempt as defined in 2C:5-1 shall not be considered an offense for  
 42 purposes of renunciation under this subsection.

43 f. Duration of conspiracy. For the purpose of section 2C:1-6d.:

44 (1) Conspiracy is a continuing course of conduct which termi-  
 45 nates when the crime or crimes which are its object are committed  
 46 or the agreement that they be committed is abandoned by the  
 47 defendant and by those with whom he conspired; and

48 (2) Such abandonment is presumed with respect to a crime other  
 49 than one of the first or second degree if neither the defendant nor  
 50 anyone with whom he conspired does any overt act in pursuance  
 51 of the conspiracy during the applicable period of limitation; and

52 (3) If an individual abandons the agreement, the conspiracy is  
 53 terminated as to him only if and when he advises those with whom  
 54 he conspired of his abandonment or he informs the law enforce-  
 55 ment authorities of the existence of the conspiracy and of his  
 56 [participation] *participation* therein.

57 *g. Leader of organized crime. A person is a leader of organized*  
 58 *crime if he purposefully conspires with others as an organizer,*  
 59 *supervisor or manager, to commit a continuing series of crimes*  
 60 *which constitute a pattern of racketeering activity under the pro-*  
 61 *visions of N. J. S. 2C:41-1, provided, however, that notwithstand-*  
 62 *ing 2C:1-8 a. 2. a conviction of leader of organized crime shall not*  
 63 *merge with the conviction of any other crime which constitutes*  
 64 *racketeering activity under 2C:41-1.*

1 2. N. J. S. 2C:5-4 is amended to read as follows:

2 2C:5-4. Grading of Criminal Attempt and Conspiracy; Mitiga-  
 3 tion in Cases of Lesser Danger. a. Grading. An attempt or con-  
 4 spiracy to commit a crime of the first degree is a crime of the  
 5 second degree. Otherwise an attempt is a crime of the same degree

6 as the most serious crime which is attempted, and conspiracy is a  
 7 crime of the same degree as the most serious crime which is the  
 8 object of the conspiracy; *provided that, leader of organized crime*  
 9 *is a crime of the second degree.* An attempt or conspiracy to com-  
 10 mit an offense defined by a statute outside the code shall be graded  
 11 as a crime of the same degree as the offense is graded pursuant to  
 12 sections 2C:1-4 and 2C:43-1.

13 b. Mitigation. The court may impose sentence for a crime of a  
 14 lower grade or degree if neither the particular conduct charged  
 15 nor the defendant presents a public danger warranting the grading  
 16 provided for such crime under subsection a. because:

17 (1) The criminal attempt or conspiracy charged is so inherently  
 18 unlikely to result or culminate in the commission of a crime; or

19 (2) The conspiracy, as to the particular defendant charged, is  
 20 so peripherally related to the main unlawful enterprise.

1 3. N. J. S. 2C:29-6 is amended to read as follows:

2 2C:29-6. Implements for Escape; Other Contraband. a. Escape  
 3 implements. A person commits an offense if he knowingly and  
 4 unlawfully introduces within an institution or a detention facility,  
 5 or knowingly and unlawfully provides an inmate with any weapon,  
 6 tool or other thing which may be useful for escape. An inmate  
 7 commits an offense if he knowingly and unlawfully procures, makes,  
 8 or otherwise provides himself with, or has in his possession, any  
 9 such implement of escape. "Unlawfully" means surreptitiously or  
 10 contrary to law, regulation or order of the detaining authority. The  
 11 offense is a crime of the second degree if the item is a weapon.  
 12 Otherwise it is a crime of the third degree.

13 b. *Other contraband. A person commits a petty disorderly per-*  
 14 *sons offense if he provides an inmate with any other thing which the*  
 15 *actor knows or should know it is unlawful for the inmate to*  
 16 *possess.*

1 4. N. J. S. 2C:39-6 is amended to read as follows:

2 2C:39-6. Exemptions. a. Section 2C:39-5 does not apply to:

3 (1) Members of the Armed Forces of the United States or of the  
 4 National Guard while actually on duty, or while traveling between  
 5 places of duty and carrying authorized weapons in the manner  
 6 prescribed by the appropriate military authorities;

7 (2) Federal law enforcement officers, and any other federal offi-  
 8 cers and employees required to carry firearms in the performance  
 9 of their official duties;

10 (3) Members of the State Police, a motor vehicle inspector;

11 (4) A sheriff, undersheriff, sheriff's officer, county prosecutor,  
 12 assistant prosecutor, prosecutor's detective or investigator, deputy

13 attorney general or State [Investigator] *investigator* employed  
14 by the Division of Criminal Justice of the Department of Law and  
15 Public Safety, investigator employed by the State Commission of  
16 Investigation, inspectors and investigators of the Division of Al-  
17 coholic Beverage Control in the Department of Law and Public  
18 Safety, State park ranger, or State conservation officer;

19 (5) A prison or jail warden of any penal institution in this State  
20 or his deputies, or an employee of the Department of Corrections  
21 engaged in the interstate transportation of convicted offenders,  
22 while in the performance of his duties, and when required to possess  
23 such a weapon by his superior officer, or a correction officer or  
24 keeper of a penal institution in this State at all times while in the  
25 State of New Jersey provided he annually passes an examination  
26 approved by the superintendent testing his proficiency in the han-  
27 dling of firearms;

28 (6) A civilian employee of the United States Government under  
29 the supervision of the commanding officer of any post, camp, sta-  
30 tion, base or other military or naval installation located in this  
31 State who is required, in the performance of his official duties, to  
32 carry firearms, and who is authorized to carry such firearms by  
33 said commanding officer, while in the actual performance of his  
34 official duties; *or*

35 (7) A regularly employed member, including a detective, of the  
36 police department of any county or municipality, or of any State,  
37 interstate, municipal or county park police force or boulevard police  
38 force, at all times while in the State of New Jersey, or a special  
39 policeman appointed by the governing body of any county or  
40 municipality or by the commission, board or other body having  
41 control of a county park or boulevard police force, while engaged  
42 in the actual performance of his official duties and when specifically  
43 authorized by the governing body to carry weapons.

44 b. Subsections a., b. and c. of section 2C:39-5 do not apply to:

45 (1) A law enforcement officer employed by a governmental  
46 agency outside of the State of New Jersey while actually engaged  
47 in his official duties, provided, however, that he has first notified  
48 the superintendent or the chief law enforcement officer of the mu-  
49 nicipality or the prosecutor of the county in which he is engaged; *or*

50 (2) A licensed dealer in firearms and his registered employees  
51 during the course of their normal business while traveling to and  
52 from their place of business and other places for the purpose of  
53 demonstration, exhibition or delivery in connection with a sale,  
54 provided, however, that any such weapon is carried in the manner  
55 specified in subsection g. of this section.

56 c. Subsections b. and c. of section 2C:39-5 do not apply to:

57 (1) A special agent of the Division of Taxation who has passed  
58 an examination in an approved police training program testing  
59 proficiency in the handling of any firearm which he may be required  
60 to carry or a railway policeman, while in the actual performance  
61 of his official duties and while going to or from his place of duty,  
62 a campus police officer appointed pursuant to P. L. 1970, c. 211  
63 (C. 18A:6-4.2 et seq.) or any other police officer, while in the actual  
64 performance of his official duties;

65 (2) A State deputy conservation officer or a full-time employee  
66 of the Division of Parks and Forestry having the power of arrest  
67 and authorized to carry weapons, while in the actual performance  
68 of his official duties;

69 (3) A full-time member of the marine patrol force or a special  
70 marine patrolman authorized to carry such a weapon by the Com-  
71 missioner of Environmental Protection, while in the actual per-  
72 formance of his official duties;

73 (4) A court attendant serving as such under appointment by the  
74 sheriff of the county or by the judge [or magistrate] or any *mu-*  
75 *nicipal court or other* court of this State, while in the actual per-  
76 formance of his official duties;

77 (5) A guard in the employ of any railway express company,  
78 banking or building and loan or savings and loan institution of  
79 this State, while in the actual performance of his official duties;

80 (6) A member of a legally recognized military organization while  
81 actually under orders or while going to or from the prescribed  
82 place of meeting and carrying the weapons prescribed for drill,  
83 exercise or parade;

84 (7) An officer of the Society for the Prevention of Cruelty to  
85 Animals, while in the actual performance of his duties; or

86 (8) An employee of a public utilities corporation actually en-  
87 gaged in the transportation of explosives.

88 d. Subsections c. and d. of section 2C:39-5 do not apply to  
89 antique firearms, provided that such antique firearms are unloaded  
90 or are being fired for the purposes of exhibition or demonstration  
91 at an authorized target range or in such other manner as has been  
92 approved in writing by the chief law enforcement officer of the  
93 municipality in which the exhibition or demonstration is held.

94 e. Nothing in subsections b., c. and d. of section 2C:39-5 shall  
95 be construed to prevent a person keeping or carrying about his  
96 place of business, residence, premises or other land owned or  
97 possessed by him, any firearm, or from carrying the same, in the  
98 manner specified in subsection g. of this section, from any place of

99 purchase to his residence or place of business between his dwellings  
100 and his place of business, between one place of business or residence  
101 and another when moving, or between his dwelling or place of  
102 business and place where such firearms are repaired, for the  
103 purpose of repair. For the purposes of this section, a place of  
104 business shall be deemed to be a fixed location.

105 f. Nothing in subsections b., c. and d. of section 2C:39-5 shall  
106 be construed to prevent:

107 (1) A member of any rifle or pistol club organized in accordance  
108 with the rules prescribed by the National Board for the Promotion  
109 of Rifle Practice, in going to or from a place of target practice,  
110 carrying such firearms as are necessary for said target practice  
111 provided that the club has filed a copy of its charter with the su-  
112 perintendent and annually submits a list of its members to the  
113 superintendent and provided further that the firearms are carried  
114 in the manner specified in subsection g. of this section;

115 (2) A person carrying a firearm or knife in the woods or fields  
116 or upon the waters of this State for the purpose of hunting, target  
117 practice or fishing, provided that the firearm or knife is legal and  
118 appropriate for hunting or fishing purposes in this State and he  
119 has in his possession a valid hunting license, or, with respect to  
120 fresh water fishing, a valid fishing license;

121 (3) A person transporting any firearm or knife while traveling:  
122 (a) Directly to or from any place for the purpose of hunting or  
123 fishing, provided such person has in his possession a valid hunting  
124 or fishing license; or

125 (b) Directly to or from any target range, or other authorized  
126 place for the purpose of practice, match, target, trap or skeet shoot-  
127 ing exhibitions, provided in all cases that during the course of  
128 such travel all firearms are carried in the manner specified in sub-  
129 section g. of this section and the person has complied with all the  
130 provisions and requirements of Title 23 of the Revised Statutes  
131 and any amendments thereto and all rules and regulations promul-  
132 gated thereunder[:]; or

133 (c) In the case of a firearm, directly to or from any exhibition  
134 or display of firearms which is sponsored by any law enforcement  
135 agency, any rifle or pistol club, or any firearms collectors club,  
136 for the purpose of displaying of the firearms to the public or to the  
137 members of such organization or club, provided, however, that not  
138 less than 30 days prior to such exhibition or display, notice of such  
139 exhibition or display shall be given to the Superintendent of the  
140 State Police by the sponsoring organization or club, and the spon-  
141 sor has complied with such reasonable safety regulations [or] as

142 the superintendent may promulgate. Any firearms transported pur-  
 143 suant to this section [must] shall be transported in the manner  
 144 specified in paragraph g. of this section.

145 g. All weapons being transported under subsections b. (2), e.  
 146 or f. (1) or (3) of this section shall be carried unloaded and con-  
 147 tained in a closed and fastened case, gunbox, securely tied package,  
 148 or locked in the trunk of the automobile in which it is being trans-  
 149 ported, and the course of travel shall include only such deviations  
 150 as are reasonably necessary under the circumstances.

151 h. *Nothing in subsection d. of section 2C:39-5 shall be construed*  
 142 *to prevent any employee of a public utility, as defined in R. S.*  
 153 *48:2-13, doing business in this State or any United States Postal*  
 154 *Service employee, while in the actual performance of duties which*  
 155 *specifically require regular and frequent visits to private premises,*  
 156 *from possessing, carrying or using any device which projects, re-*  
 157 *leases or emits any substance specified as being noninjurious to*  
 158 *canines or other animals by the Commissioner of Health and which*  
 159 *immobilizes only on a temporary basis and produces only tempo-*  
 160 *rary physical discomfort through being vaporized or otherwise*  
 161 *dispensed in the air for the sole purpose of repelling canine or*  
 162 *other animal attacks.*

163 *The device shall be used solely to repel only those canine or other*  
 164 *animal attacks when the canines or other animals are not restrained*  
 165 *in a fashion sufficient to allow the employee to properly perform*  
 166 *his duties.*

167 *Any device used pursuant to this act shall be selected from a list*  
 168 *of products, which consist of active and inert ingredients, permitted*  
 169 *by the Commissioner of Health.*

1 5. Section 17 of P. L. 1981, c. 279 (C. 13:1E-65) is amended  
 2 to read as follows:

3 17. The department and the local board of health, or the county  
 4 health department, as the case may be, shall have the right to enter  
 5 any major hazardous waste facility at any time in order to deter-  
 6 mine compliance with the registration statement and engineering  
 7 design, and with the provisions of all applicable laws or rules and  
 8 regulations adopted pursuant thereto.

1 6. Section 24 of P. L. 1948, c. 67 (C. 17:9A-24) is amended to  
 2 read as follows:

3 24. Powers of banks and savings banks. Every bank and savings  
 4 bank shall, subject to the provisions of this act, have the following  
 5 powers, whether or not such powers are specifically set forth in  
 6 its certificate of incorporation:

7 (1) To adopt a corporate seal, and to sue and be sued;



8 (2) To issue cashier's checks, treasurer's checks, and money  
9 orders; to transmit funds; to guarantee signatures and endorse-  
10 ments;

11 (3) To borrow money, and to pledge, mortgage or hypothecate  
12 its real or personal property as security therefor, and to execute  
13 and deliver all such instruments as may be necessary to evidence  
14 such borrowing, pledge, mortgage, or hypothecation;

15 (4) To keep, maintain, and rent out for hire, at any location  
16 occupied by its principal office or any branch office, safe deposit  
17 boxes or other receptacles for the safekeeping of personal property.  
18 In exercising the powers authorized by this paragraph, the bank  
19 or savings bank shall have, but shall not be confined to, the same  
20 rights and remedies conferred upon safe deposit companies;

21 (5) To purchase, hold, lease and convey real property or any  
22 interest therein for the following purposes, and for no others:

23 (a) Such as may be necessary or convenient for the use,  
24 operation, or housing of its principal office or any branch office,  
25 or an auxiliary office, or for the storage of records or other  
26 personal property, or for office space for use by its officers or  
27 employees, or which may be reasonably necessary for future  
28 expansion of its business, or which is otherwise reasonably  
29 incidental to the conduct of its business; and which may in-  
30 clude, in addition to the space required for the transaction of  
31 its business, other space which may be let as a source of in-  
32 come. In exercising the powers conferred by this subpara-  
33 graph, the bank or savings bank shall be subject to the limita-  
34 tions imposed by paragraph (13) of this section;

35 (b) Such as may be conveyed to it in whole or part satis-  
36 faction of debts previously contracted in the course of its  
37 dealings;

38 (c) Such as it shall purchase at sale under judgments and  
39 decrees in its favor, and on foreclosure of mortgages held by  
40 it; **[and]**

41 (d) Such as it shall purchase or acquire to minimize or  
42 prevent the loss or destruction of any lien or interest therein;  
43 *and*

44 (e) Such as may be permitted for associations pursuant to  
45 subsections **[4 and 21]** (4) *and* (21) of section 48 of the "Sav-  
46 ings and Loan Act (1963)," P. L. 1963, c. 144 (C. 17:12B-48).

47 provided, that all real property not held for any purpose specified  
48 in subparagraph (a) of this paragraph, shall be sold within 5  
49 years of its acquisition, or within 5 years after the time it ceases  
50 to be held for any purpose specified in subparagraph (a) of this

51 paragraph, unless the commissioner shall extend the time within  
52 which such sale shall be made;

53 (6) To be a member of the Federal Reserve System; to subscribe  
54 for, purchase, hold, and surrender such amounts of the capital  
55 stock of the Federal Reserve Bank organized within the district  
56 in which such bank or savings bank is located as may be required or  
57 as may be deemed advisable by such bank or savings bank; and  
58 to have and exercise all powers, privileges and options which are  
59 conferred by law upon such members; to comply with all require-  
60 ments of federal legislation and the rules and regulations lawfully  
61 promulgated thereunder governing such membership as such legis-  
62 lation and such rules and regulations may provide at the time of  
63 inception of such membership, and as the same may from time to  
64 time thereafter be amended or supplemented; and to assume and  
65 discharge all liabilities and obligations which may be required by  
66 reason of such membership;

67 (7) To be a member of Federal Deposit Insurance Corporation,  
68 or of any successor corporation having for its purpose the insur-  
69 ance of deposits, and to do all things, and assume and discharge  
70 all liabilities and obligations imposed upon such members by federal  
71 legislation or by rules and regulations lawfully promulgated pur-  
72 suant thereto, as the same may provide at the inception of such  
73 membership, or as the same may thereafter be amended or sup-  
74 plemented;

75 (8) To be a member of any federal agency hereafter created,  
76 membership in which is open to banking institutions, and the pur-  
77 pose of which is to afford advantages or safeguards to banking  
78 institutions, or to their depositors, and to comply with all the re-  
79 quirements and conditions imposed upon such members, except  
80 that the power by this paragraph conferred shall not be exercised  
81 unless the commissioner, with the concurrence of the banking ad-  
82 visory board, shall make a general order authorizing banks or  
83 savings banks, or both, to become and be such members, upon such  
84 terms and conditions as may in such order be prescribed;

85 (9) To subscribe for, purchase and hold stock of one or more  
86 safe deposit companies which have been or may be organized to  
87 do business on or adjacent to premises occupied by the principal  
88 office or a branch office of the bank or savings bank; provided, that

89 (a) In the case of a savings bank, the amount so invested  
90 shall not exceed 5% of its surplus; and

91 (b) In the case of a bank, the amount so invested shall not  
92 exceed 10% of its capital stock and surplus; and

93 (c) Each purchase of such stock shall first have been autho-  
94 rized by a resolution, stating the number of shares to be pur-  
95 chased and the amount to be paid therefor, adopted by its  
96 board of directors or board of managers, and, in the case of  
97 a bank, approved by a majority in interest of its stockholders  
98 at any annual or special meeting; and

99 (d) Each purchase of such stock by a bank or savings bank  
101 shall have been approved in writing by the commissioner;

102 (10) To subscribe for, purchase and hold stock of not more than  
102 one fiduciary institution organized under any law of this State  
103 hereafter enacted; provided, that

104 (a) In the case of a savings bank, the amount so invested  
105 shall not exceed 10% of its surplus; and

106 (b) In the case of a bank, the amount so invested shall not  
107 exceed 20% of its capital stock and surplus; and

108 (c) Each purchase of such stock shall first have been autho-  
109 rized by a resolution, stating the number of shares to be pur-  
110 chased and the amount to be paid therefor, adopted by its board  
111 of directors or board of managers, and, in the case of a bank,  
112 approved by a majority in interest of its stockholders at any  
113 annual or special meeting; and

114 (d) Each purchase of such stock by a bank or savings bank  
115 shall have been approved in writing by the commissioner;

116 (11) To contribute to community funds, or to charitable, philan-  
117 thropic, or benevolent instrumentalities conducive to public welfare,  
118 or civic betterment, or the economic advantage of the community,  
119 and to instrumentalities for the protection or advancement of the  
120 interests of banking institutions, such sums as its board of directors  
121 or board of managers may deem expedient and in the interests of  
122 such bank or savings bank;

123 (12) To exercise all incidental powers, not specifically enumer-  
124 ated in this act, which shall be necessary or convenient to carry the  
125 business of the bank or savings bank;

126 (13) To invest in stock of a subsidiary of such bank or savings  
127 bank which holds title to real property of the kind in which such  
128 bank or savings bank could itself invest pursuant to subparagraph  
129 (a) of paragraph (5) of this section, and to make secured or un-  
130 secured loans to such subsidiary, without regard to the limitations  
131 imposed by Article 13; but no bank or savings bank shall, except  
132 with the prior approval of the commissioner (1) invest in real  
133 property pursuant to subparagraph (a) of paragraph (5) of this  
134 section; or (2) invest in the stock or other securities of such sub-  
135 sidiary; or (3) make a loan to such subsidiary, if the aggregate of

136 all such investments and loans, when added to any indebtedness  
137 otherwise owing by the subsidiary, will exceed 25% of the capital  
138 funds of the bank or savings bank. As used in this paragraph,  
139 "subsidiary" of a bank or savings bank means a corporation all of  
140 whose capital stock and other securities having voting rights are  
141 owned by such bank or savings bank, and whose powers are limited  
142 by its certificate of incorporation, to the acquiring, holding, man-  
143 aging, selling, leasing, mortgaging, altering, improving and other-  
144 wise dealing in and with real property of the kind in which the  
145 bank or savings bank could itself invest pursuant to subparagraph  
146 (a) of paragraph (5) of this section; and "capital funds" means  
147 the aggregate of the capital stock, the principal amount owing on  
148 all capital notes, surplus and undivided profits of a bank, and the  
149 aggregate of the capital deposits, if any, and the surplus of a sav-  
150 ings bank. Every subsidiary of a bank or savings bank shall be  
151 subject to examination by the commissioner as provided in the case  
152 of banks and savings banks pursuant to sections 260, 261, 262, 263  
153 and 335, and the ultra vires or unlawful act of a subsidiary of a  
154 bank or savings bank shall be deemed to be the ultra vires or un-  
155 lawful act of such bank or savings bank for the purposes of Arti-  
156 cle 42. In determining whether to give or withhold approval of an  
157 investment or loan in excess of the limitation imposed by this  
158 paragraph, the commissioner shall consider whether the making  
159 of such loan or investment is consistent with sound banking prac-  
160 tice, having regard to (1) the ratio between the aggregate of such  
161 loans and investments and the capital funds of the bank or savings  
162 bank; (2) the benefits to the bank or savings bank reasonably to  
163 be anticipated from such investment or such loan; (3) the ratio  
164 between such aggregate capital funds and total deposits; and (4)  
165 such other factors as the commissioner shall consider germane to  
166 the protection of deposits. A violation of any provision of this  
167 paragraph by any bank, savings bank, or subsidiary of a bank or  
168 savings bank, shall not impair the validity or sufficiency of any  
169 deed of conveyance, mortgage, or lease made by such bank, savings  
170 bank, or subsidiary, of real property owned by it; nor shall any  
171 other interest in such real property, acquired by or vested in any  
172 person claiming through or under such bank, savings bank, or sub-  
173 sidiary, or to which such person may be entitled, be impaired by  
174 reason of such violation[.];

175 (14) *To make or invest in any secondary mortgage loan as defined*  
176 *in section 1 of P. L. 1968, c. 67 (C. 17:9A-1). Secondary mortgage*  
177 *loans shall be repayable in installments under the same terms and*  
178 *conditions as provided for secondary mortgage loan licensees under*

179 the "Secondary Mortgage Loan Act," P. L. 1970, c. 205 (C.  
180 17:11A-34[.] et seq.) only with respect to maximum term, maxi-  
181 mum loan amount and maximum annual percentage rate of interest.  
182 The Commissioner of Banking shall have the power, in relation to  
183 a "secondary mortgage loan," to adopt, amend, alter or rescind  
184 regulations, the requirements of which, in his judgment, are  
185 necessary for the implementation of this paragraph.

1 7. Section 65 of P. L. 1948, c. 67 (C. 17:9A-65) is amended to  
2 read as follows:

3 65. Real property mortgages. A. No bank shall make a mortgage  
4 loan secured by a mortgage upon real property unless

5 (1) The mortgaged property is located with this State, or, if  
6 outside this State, the mortgaged property is located within 50  
7 miles of the border of this State; or if the mortgaged property is  
8 located outside this State and is more than 50 miles from the border  
9 of this State, the payment of the mortgage loan is insured or  
10 guaranteed, or is the subject of an unconditional commitment for  
11 such insurance or guarantee, to the extent provided for in sub-  
12 section A of section 68, by the Federal Housing Commissioner or  
13 by the United States, or by this State; or, the mortgaged property  
14 is located as permitted for associations pursuant to section 146 of  
15 the "Savings and Loan Act (1963)," P. L. 1963, c. 144 (C.  
16 17:12B-146);

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

21 (3) The mortgage securing such loan shall constitute a first lien  
22 on a fee; a mortgage shall be deemed a first lien notwithstanding  
23 the existence of a prior mortgage or mortgages held by the bank,  
24 or liens of taxes which are not delinquent, building restrictions  
25 or other restrictive covenants or conditions, leases or tenancies  
26 whereby rents or profits are reserved to the owner, joint drive-  
27 ways, sewer rights, rights in falls, rights-of-way or other ease-  
28 ments, or encroachments, which the persons signing the certificate  
29 provided for in section 67 report in their opinion do not materially  
30 affect the security for the mortgage loan. Every mortgage shall  
31 be certified to be such a first lien by an attorney-at-law of the State  
32 in which the real property is located, or certified or guaranteed  
33 to be such a first lien by a corporation authorized to guarantee  
34 titles to land in such state;

35 (4) No such loan shall be made for a period longer than 40 years  
36 from its date, and no such loan shall exceed 80% of the appraised

37 value of the mortgaged property; provided, that there shall be  
38 included in the appraised value of the mortgaged property, for the  
39 purpose of this paragraph (4), the value of the improvements to  
40 be erected upon the mortgaged property wholly or partly with the  
41 proceeds of such loan; and

42 (5) The instrument evidencing the loan shall require payment  
43 to be made during each year on account of the principal amount  
44 of the loan at a rate not less than 1% per annum of the original  
45 amount of the loan, if the original amount of the loan does not  
46 exceed 50% of the appraised value of the mortgaged property;  
47 or 2% per annum of the original amount of the loan, if the loan  
48 exceeds 50% but does not exceed  $66\frac{2}{3}\%$  of such appraised value;  
49 or 4% per annum of the original amount of the loan, if the loan  
50 exceeds  $66\frac{2}{3}\%$  of such appraised value; provided, that, in lieu  
51 of such principal payments, the instrument evidencing any mort-  
52 gage loan may require equal monthly payments, each applicable  
53 to principal and interest, in an amount sufficient to pay current  
54 interest and to repay the amount of the loan in not more than 40  
55 years from its date; and provided further, that when the proceeds  
56 of any such loan are to be used to pay, in whole or in part, the  
57 cost of constructing a building or buildings on the mortgaged  
58 property, and such proceeds are paid by the bank from time to  
59 time, final payment being made at or after completion, the instru-  
60 ment evidencing such loan need not require that any payment be  
61 made on account of the principal amount of the loan during the  
62 period from the date of such loan to a date not more than 18 months  
63 from the date of such loan; and such date marking the end of the  
64 period during which no payments are required to be made on  
65 account of the principal amount of the loan, shall be deemed to  
66 be the date of such loan for the purpose of reckoning the 40-year  
67 period limited for the payment of such loan by this paragraph  
68 (5), and by paragraph (4) of this section.

69 B. The commissioner may, from time to time, with the concu-  
70 rrence of the banking advisory board, make, alter and rescind regu-  
71 lations:

72 (1) Authorizing banks to make mortgage loans, or specified  
73 types or classes of mortgage loans, (a) which exceed 80% of the  
74 appraised value of the mortgaged property; (b) which mature  
75 in more than 25 years from their date; (c) which require smaller  
76 annual payments on account of the principal amounts thereof  
77 than those specified in paragraph (5) of subsection A of this  
78 section; (d) which provide for equal monthly payments, each  
79 applicable to principal and interest, in amounts sufficient to pay

80 current interest on and to repay the amount of the loan in such  
81 number of years, more than 40 but not more than 45, as the regu-  
82 lation may specify; or (e) which substantially conform to the terms  
83 and conditions of mortgage loans authorized to be made by associa-  
84 tions pursuant to the "Savings and Loan Act (1963)," P. L. 1963,  
85 c. 144 (C. 17:12B-1 et seq.).

86 (2) Defining "improved real property" for the purposes of para-  
87 graph (2) of subsection A of this section;

88 (3) Increasing the percentage of the time deposits or the aggre-  
89 gate of the unimpaired capital stock and surplus of banks which  
90 banks may invest in mortgage loans beyond the limitation ex-  
91 pressed in subsection A of section 69;

92 (4) Increasing the percentage of the principal balances owing  
93 on mortgage loans of the kind referred to in section 68 which  
94 shall not be included in the total of all principal balances owing  
95 on mortgage loans for the purposes of subsection A of section 69,  
96 or eliminating entirely the principal balances owing on such mort-  
97 gage loans from such total of all principal balances.

98 C. In making, altering and rescinding regulations pursuant to  
99 subsection B of this section, the commissioner and the banking  
100 advisory board shall consider the statutes and regulations applica-  
101 ble to national banks in the making or acquiring of loans secured  
102 by interest in real property and the practices followed by national  
103 banks in the making or acquiring of such loans. The regulations  
104 so made shall, so far as the commissioner and the banking advisory  
105 board deem to be warranted by the state of the economy and to  
106 be consistent with sound banking practices, be directed toward the  
107 creation and maintenance of a substantial parity between banks  
108 and national banks in all matters relating to the making and ac-  
109 quiring of loans secured by interests in real property. The power  
110 to regulate as provided in subsection B of this section may be  
111 exercised by the commissioner and the banking advisory board  
112 within the standards established by this subsection, notwithstand-  
113 ing that the subject of such regulation is not expressly set forth in  
114 subsection B of this section.

115 *D. A bank may make a mortgage loan in excess of the ratio be-*  
116 *tween appraised value and the amount of the loan as established*  
117 *by subsection A(4) of this section, provided that the amount of*  
118 *such excess is secured by other collateral having a value at all times*  
119 *at least equal to the amount of the principal balance in excess of*  
120 *that amount permitted by subsection A(4) or as established by*  
121 *regulation of the Commissioner of Banking.*

1 S. Section 31 of P. L. 1975, c. 106 (C. 17:46B-31) is amended to  
2 read as follows:

3 31. Title insurance agents; books and records.

4 a. Every title insurance agent shall keep his, her or its books  
5 of account and record and vouchers pertaining to the business of  
6 title insurance in a bona fide office in this State in such a manner  
7 that the commissioner, or his authorized representatives, may  
8 readily ascertain from time to time whether the agent has complied  
9 with all the provisions of this act.

10 b. Every title insurance agent shall maintain a separate record  
11 of all receipts and disbursements as a depository for funds [as  
12 permitted in section 13 b. of this act and] *and* shall not commingle  
13 any such funds with agent's own funds or with funds held by agent  
14 in any other capacity.

15 c. If at any time the commissioner shall determine that an  
16 agent has failed to comply with any of the provisions of this  
17 section, the commissioner may direct that such agent cease writing  
18 new insurance until such provisions are complied with.

1 9. Section 5 of P. L. 1940, c. 74 (C. 17:48A-5) is amended to  
2 read as follows:

3 5. Every individual contract made by any corporation subject  
4 to the provisions of this chapter to provide payment for medical  
5 services shall provide for the payment of medical services for a  
6 period of 12 months from the date of issue of the subscription  
7 certificate. Any such contract may provide that it shall be auto-  
8 matically renewed from year to year unless there shall have been  
9 1 month's prior written notice of termination by either the sub-  
10 scriber or the corporation. In the absence of fraud or material  
11 misrepresentation in the application for contract or for reinstatement,  
12 no contract with an individual subscriber shall be terminated  
13 by the corporation unless all contracts of the same type, in the  
14 same group or covering the same classification of persons are  
15 terminated under the same conditions. No contract between such  
16 corporation and subscriber shall allow for the payment for medical  
17 services for more than one person, except that a family contract  
18 may provide that payment will be made for medical services  
19 rendered to a subscriber and any of those dependents defined in  
20 section 1 of this act.

21 Whenever, pursuant to the provisions of a subscription certifi-  
22 cate or group contract issued by a corporation, the former spouse  
23 of a named subscriber under such a certificate or contract is no  
24 longer entitled to coverage as an eligible dependent by reason of  
25 ~~divorce, separate coverage for such former spouse shall be made~~



26 available by the corporation on an individual nongroup basis  
27 under the following conditions:

28 (a) Application for such nongroup coverage shall be made to  
29 the corporation by or on behalf of such former spouse no later  
30 than 31 days following the date his or her coverage under the  
31 prior certificate or contract terminated.

32 (b) No new evidence of insurability shall be required in con-  
33 nection with the application for such nongroup coverage but any  
34 health exception, limitation or exclusion applicable to said former  
35 spouse under the prior coverage may, at the option of the corpo-  
36 ration, be carried over to the new nongroup coverage.

37 (c) The effective date of the new coverage shall be the day fol-  
38 lowing the date on which such former spouse's coverage under the  
39 prior certificate or contract terminated.

40 (d) The benefits provided under the nongroup coverage issued  
41 to such former spouse shall be at least equal to the basic benefits  
42 provided in contracts then being issued by the corporation to new  
43 nongroup applicants of the same age and family status.

44 *Family type contracts shall provide that the services applicable*  
45 *for children shall be payable with respect to a newly-born child of*  
46 *the subscriber, or his or her spouse from the moment of birth.*  
47 *The services for newly-born children shall consist of coverage of*  
48 *injury or sickness including the necessary care and treatment of*  
49 *medically diagnosed congenital defects and abnormalities. If a*  
50 *subscription payment is required to provide services for a child,*  
51 *the contract may require that notification of birth of a newly-born*  
52 *child and the required payment [must] shall be furnished to the*  
53 *service corporation within 31 days after the date of birth in order*  
54 *to have the coverage continue beyond such 31-day period.*

55 *Nonfamily type contracts which provide for services to the*  
56 *subscriber but not to family members or dependents of that sub-*  
57 *scriber, shall also provide services to newly-born children of the*  
58 *subscriber which shall commence with the moment of birth of each*  
59 *child and shall consist of coverage of injury or sickness including*  
60 *the necessary care and treatment of medically diagnosed congenital*  
61 *defects and abnormalities, provided that application therefor and*  
62 *payment of the required subscription amount are made to include*  
63 *in said contract the coverage described in the preceding paragraph*  
64 *of this section within 31 days from the date of birth of a newborn*  
65 *child.*

66 A contract under which coverage of a dependent of a subscriber  
67 terminates at a specified age shall, with respect to an unmarried  
68 child, covered by the contract prior to attainment of age 19, who is

69 incapable of self-sustaining employment by reason of mental re-  
70 tardation or physical handicap and who became so incapable prior  
71 to attainment of age 19 and who is chiefly dependent upon such  
72 subscriber for support and maintenance, not so terminate while  
73 the contract remains in force and the dependent remains in such  
74 condition, if the subscriber has within 31 days of such dependent's  
75 attainment of the termination age submitted proof of such depen-  
76 dent's incapacity as described herein. The foregoing provisions of  
77 this paragraph shall not apply retrospectively or prospectively to  
78 require a medical service corporation to insure as a covered de-  
79 pendent any mentally retarded or physically handicapped child of  
80 the applicant where the contract is underwritten on evidence of  
81 insurability based on health factors, required to be set forth in the  
82 application. In such cases any contract heretofore or hereafter  
83 issued may specifically exclude such mentally retarded or physically  
84 handicapped child from coverage.

1 10. N. J. S. 18A :22-14 is amended to read as follows :

2 18A :22-14. At or after said public hearing but not later than on  
3 March [28] 18, the board of school estimate of a type I district shall  
4 fix and determine by official action taken at a public meeting of the  
5 board the amount of money necessary to be appropriated for the  
6 use of the public schools in the district for the ensuing school year,  
7 exclusive of the amount which shall have been apportioned to it  
8 by the commissioner, and shall make two certificates of such amount  
9 signed by at least three members of the board, one of which shall  
10 be delivered to the board of education and the other to the govern-  
11 ing body of the district.

12 Within 20 days after receiving such certificate the board of  
13 education shall notify the board of school estimate and governing  
14 body of the district if it intends to appeal to the commissioner the  
15 board of school estimate's determination as to the amount of money  
16 necessary to be appropriated for the use of the public schools of the  
17 district for the ensuing school year.

1 11. N. J. S. 18A :58-7 is amended to read as follows :

2 18A :58-7. Each district shall also be paid 90% of the cost  
3 to the district of transportation of pupils to a school when the  
4 necessity for such transportation and the cost and method thereof  
5 have been approved by the county superintendent of the county in  
6 which the district paying the cost of such transportation is situate.  
7 Such aid shall be paid for elementary pupils who live beyond 2 miles  
8 from their school of attendance and secondary pupils who live  
9 beyond 2½ miles from their school of attendance.

1 12. Section 3 of P. L. 1973, c. 83 (C. 19:44A-3) is amended to  
2 read as follows:

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

5-6 a. The term "allied candidates" means candidates in any election  
7 who are (1) seeking nomination or election (A) to an office or offices  
8 in the same county or municipal government or school district  
9 or (B) to the Legislature representing in whole or part the same  
10 constituency (C) as members of the State committee of the same  
11 political party from the same county or (D) as delegates or  
12 alternates to the national convention of the same political party;  
13 and who are (2) either (A) nominees of the same political party  
14 or (B) publicly declared in any manner, including the seeking or  
15 obtaining of any ballot position or common ballot slogan, to be  
16 aligned or mutually supportive.

17 b. The term "allied campaign organization" means any political  
18 committee, any State, county or municipal committee of a political  
19 party or any campaign organization of a candidate which is in  
20 support or furtherance of the same candidate or any one or more  
21 of the same group of allied candidates or the same public question  
22 as any other such committee or organization.

23 c. The term "candidate" means an individual seeking or having  
24 sought election to a public office of the State or of a county, munic-  
25 ipality or school district at a primary, general, municipal, school or  
26 special election; except that the term shall not include the office of  
27 county committeeman or committeewoman.

28 d. The terms "contributions" and "expenditures" include all  
29 loans and transfers of money or other thing of value to or by any  
30 candidate, political committee, committee of a political party or  
31 political information organization, and all pledges or other commit-  
32 ments or assumptions of liability to make any such transfer; and  
33 for purposes of reports required under the provisions of this act  
34 shall be deemed to have been made upon the date when such commit-  
35 ment is made or liability assumed.

36 e. The term "election" means any election described in section 4  
37 of this act.

38 f. The term "paid personal services" means personal, clerical,  
39 administrative or professional services of every kind and nature  
40 including, without limitation, public relations, research, legal, can-  
41 vassing, telephone, speech writing or other such services, per-  
42 formed other than on a voluntary basis, the salary, cost or con-  
43 sideration for which is paid, borne or provided by someone other  
44 than the committee, candidate or organization for whom such ser-

45 vices are rendered. In determining the value, for the purpose of  
46 reports required under this act, of contributions made in the form  
47 of paid personal services, the person contributing such services  
48 shall furnish to the campaign treasurer through whom such con-  
49 tribution is made a statement setting forth the actual amount of  
50 compensation paid by said contributor to the individuals actually  
51 performing said services for the performance thereof. But if any  
52 individual or individuals actually performing such services also  
53 performed for the contributor other services during the same  
54 period, and the manner of payment was such that payment for the  
55 services contributed cannot readily be segregated from contem-  
56 porary payment for the other services, the contributor shall in his  
57 statement to the campaign treasurer so state and shall either (1)  
58 set forth his best estimate of the dollar amount of payment to each  
59 such individual which is attributable to the contribution of his paid  
60 personal services, and shall certify the substantial accuracy of the  
61 same, or (2) if unable to determine such amount with sufficient  
62 accuracy, set forth the total compensation paid by him to each such  
63 individual for the period of time during which the services con-  
64 tributed by him were performed. If any candidate is a holder of  
65 public office to whom there is attached or assigned, by virtue of said  
66 office, any aide or aides whose services are of a personal or con-  
67 fidential nature in assisting him to carry out the duties of said office,  
68 and whose salary or other compensation is paid in whole or part  
69 out of public funds, the services of such aide or aides which are paid  
70 for out of public funds shall be for public purposes only; but they  
71 may contribute their personal services, on a voluntary basis, to  
72 such candidate for election campaign purposes.

73 g. The term "political information organization" means any  
74 two or more persons acting jointly, or any corporation, partner-  
75 ship, or any other incorporated or unincorporated association,  
76 whether or not it is required to be registered pursuant to the  
77 "Legislative Activities Disclosure Act of 1971" [(P. L. 1971, c.  
78 183)] *P. L. 1971, c. 183 (C. 52:13C-18 et seq.)*, which is organized  
79 for the purpose of, or which provides political information con-  
80 cerning any candidate or candidates for public office or with respect  
81 to any public question.

82 The term shall not apply to any bona fide newspaper, magazine,  
83 radio or television station or other bona fide news medium dis-  
84 seminating political information, advertising and comment in the  
85 normal course of its business; nor to any recognized school or in-  
86 stitution of higher education, public or private, in conducting,  
87 sponsoring or subsidizing any classes, seminars, forums, discus-

88 sions or other events in which political information or discussion  
89 thereof or comment thereon is an integral part.

90 h. The term "political information" means any statement in-  
91 cluding but not limited to, press releases, pamphlets, newsletters,  
92 advertisements, flyers, form letters, or radio or television programs  
93 or advertisements which reflect the opinion of the members of the  
94 organization on any candidate or candidates for public office, on  
95 any public question, or which contains facts on any such candidate,  
96 or public question whether or not such facts are within the personal  
97 knowledge of members of the organization.

98 i. The term "political committee" means any two or more per-  
99 sons acting jointly, or any corporation, partnership, or any other  
100 incorporated or unincorporated association which is organized to,  
101 or does, aid or promote the nomination, election or defeat of any  
102 candidate or candidates for public office, or which is organized to,  
103 or does, aid or promote the passage or defeat of a public question  
104 in any election.

105 j. The term "public solicitation" means any activity by or on  
106 behalf of any candidate, State, county or municipal party com-  
107 mittee, political committee or political information organization  
108 whereby either (1) members of the general public are personally  
109 solicited for cash contributions not exceeding \$10.00 from each per-  
110 son so solicited and contributed on the spot by the person so solici-  
111 ited to a person so soliciting or through a receptacle provided for  
112 the purpose of depositing contributions, or (2) members of the  
113 general public are personally solicited for the [purpose] *purchase*  
114 of items having some tangible value as merchandise, at a price not  
115 exceeding \$10.00 per item, which price is paid on the spot in cash by  
116 the person so solicited to the person so soliciting, when the net  
117 proceeds of such solicitation are to be used by or on behalf of such  
118 candidate, party committee, or political committee or political in-  
119 formation organization.

120 k. The term "testimonial affair" means an affair of any kind or  
121 nature including, without limitation, cocktail parties, breakfasts,  
122 luncheons, dinners, dances, picnics or similar affairs directly or  
123 indirectly intended to raise campaign funds in behalf of a person  
124 who holds, or who is or was a candidate for nomination or election  
125 to a public office in this State, or directly or indirectly intended to  
126 raise funds in behalf of any State, county or municipal com-  
127 mittee of a political party or in behalf of a political committee, or  
128 directly or indirectly intended to raise funds for any political in-  
129 formation organization.

130 l. The term "other thing of value" means any item of real or  
 131 personal property, tangible or intangible, but shall not be deemed  
 132 to include personal services other than paid personal services.

133 m. The term "qualified candidate" means:

134 (1) Any candidate for election to the office of Governor whose  
 135 name appears on the general election ballot and who has deposited  
 136 and expended ~~[\$40,000.00]~~ \$50,000.00 pursuant to section 7 of ~~[this~~  
 137 amendatory and supplementary act] P. L. 1974, c. 26 (C.  
 138 19:44A-32); or

139 (2) Any candidate for election to the office of Governor whose  
 140 name does not appear on the general election ballot but who has  
 141 deposited and expended ~~[\$40,000.00]~~ \$50,000.00 pursuant to section  
 142 7 of ~~[this amendatory and supplementary act] P. L. 1974, c. 26~~  
 143 (C. 19:44A-32); or

144 (3) *Any candidate for nomination for election to the office of*  
 145 *Governor whose name appears on the primary election ballot and*  
 146 *who has deposited and expended \$50,000.00 pursuant to section 7*  
 147 *of P. L. 1974, c. 26 (C. 19:44A-32); or*

148 (4) *Any candidate for nomination for election to the office of*  
 149 *Governor whose name does not appear on the primary election*  
 150 *ballot but who has deposited and expended \$50,000.00 pursuant to*  
 151 *section 7 of P. L. 1974, c. 26 (C. 19:44A-32).*

1 13. Section 15 of P. L. 1974, c. 26 (C. 19:44A-40) is amended to  
 2 read as follows:

3 15. a. Any person who willfully and knowingly violates section  
 4 4, ~~[6,]~~ 9 or 10 of P. L. 1974, c. 26 or section ~~[19 of this amendatory~~  
 5 and supplementary act] 17 of P. L. 1980, c. 74 (C. 19:44A-18.1) is  
 6 guilty of a crime of the fourth degree.

7 b. The election to office of any candidate who is guilty of any  
 8 violation within the description of subsection a. of this section shall  
 9 be void, and the office shall be filled as required by law in the case  
 10 of a vacancy; provided, however, that nothing herein contained  
 11 shall be construed in derogation of the constitutional authority of  
 12 either House of the Legislature to be the judge of the election and  
 13 qualification of its own members.

1 14. Section 4 of P. L. 1973, c. 309 (C. 23:2A-4) is amended to  
 2 read as follows:

3 4. a. The commissioner shall conduct investigations concerning  
 4 wildlife in order to develop information relating to populations,  
 5 distribution, habitat needs, limiting factors and other biological  
 6 and ecological data to determine management measures necessary  
 7 for their continued ability to sustain themselves successfully. On  
 8 the basis of such determinations the commissioner shall develop

9 management programs which shall be designed to insure the con-  
10 tinued ability of wildlife to perpetuate themselves successfully.

11 b. On the basis of such investigations of wildlife and other  
12 available scientific and commercial data the commissioner *may* by  
13 regulation promulgate a list of those species and subspecies of  
14 wildlife indigenous to the State which are determined to be en-  
15 dangered, giving their common and scientific names by species and  
16 subspecies. The commissioner shall periodically review the State  
17 list of endangered species and may by regulation amend the list  
18 making such additions or deletions as are deemed appropriate.

1 15. Section 5 of P. L. 1979, c. 105 (C. 30:1AA-5) is amended to  
2 read as follows:

3 5. The Governor shall appoint a chairperson from among the  
4 public members to serve in such capacity at the **[capacity at the]**  
5 pleasure of the Governor. The members shall elect annually from  
6 among themselves a vice-chairperson and other such officers as may  
7 be necessary, and may appoint a secretary who need not be a mem-  
8 ber of the council.

1 16. Section 12 of P. L. 1979, c. 365 (C. 30:4D-7.7) is amended to  
2 read as follows:

3 12. The commissioner or director or such person designated by  
4 the commissioner or director is hereby authorized to compromise,  
5 settle or waive in whole or in part any lien or certificate of debt  
6 filed under the provisions of this act in accordance with rules  
7 and regulations promulgated by the commissioner pursuant to  
8 subsection **[7(1) of this amendatory and supplementary act.]** *l. of*  
9 *section 7 of P. L. 1968, c. 413 (C. 30:4D-7).*

10 To discharge any lien or certificate of debt filed hereunder,  
11 the commissioner or director, or his duly constituted agent shall  
12 file with the clerk of the county, register of deeds and mortgages,  
13 or clerk of the superior court, as the case may be, a duly acknowl-  
14 edged certificate or warrant setting forth the fact that the depart-  
15 ment desires to discharge the lien or certificate of debt of record.

1 17. Section 11 of P. L. 1971, c. 344 (C. 30:6AA-11) is amended  
2 to read as follows:

3 11. There is hereby created within the Department of Human  
4 Services a Veterans' **[Service] Facilities** Council which shall con-  
5 sist of 15 members, at least 10 of whom shall be veterans, appointed  
6 by the commissioner, with the approval of the Governor. The term  
7 of each council member, except for the initial members, shall be  
8 3 years commencing on July 1 and ending on June 30 of the third  
9 year thereafter, and vacancies shall be filled for the unexpired  
10 term only.

11 The initial membership of the council shall include those persons  
12 serving on the effective date of this act as members of the boards  
13 of managers of the New Jersey Memorial Home for Disabled  
14 Soldiers at Menlo Park and the New Jersey Memorial Home for  
15 Disabled Soldiers, Sailors, Marines and Their Wives and Widows  
16 at Vineland, which boards are hereby abolished. Such members  
17 shall serve for the term to which they had been last appointed to  
18 the respective boards, but additional and subsequent appointments  
19 shall be made in such manner that the terms of one-third of the  
20 members of the council shall expire on June 30 of each year.

21 The members of the council shall receive no compensation for  
22 services but shall be reimbursed for actual expenditures incurred  
23 in the performance of duty. They shall be subject to removal by  
24 the Governor at any time for good and sufficient cause.

1 18. Section 17 of P. L. 1940, c. 153 (C. 34:2-21.17) is amended to  
2 read as follows:

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

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

8 The manufacture or packing of paints, colors, white lead, or red  
9 lead;

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

12 Work involving exposure to benzol or any benzol compound which  
13 is volatile or which can penetrate the skin;

14 The manufacture, transportation or use of explosives or highly  
15 inflammable substances;

16 Oiling, wiping, or cleaning machinery in motion or assisting  
17 therein;

18 Operation or helping in the operation of power-driven wood-  
19 working machinery; provided, that apprentices operating under  
20 conditions of bona fide apprenticeship may operate such machines  
21 under competent instruction and supervision;

22 Grinding, abrasive, polishing or buffing machines; provided, that  
23 apprentices operating under conditions of bona fide apprentice-  
24 ship may grind their own tools;

25 Punch presses or stamping machines if the clearance between the  
26 ram and the dye or the stripper exceeds  $\frac{1}{4}$  inch;

27 Cutting machines having a guillotine action;

28 Corrugating, crimping or embossing machines;

29 Paper lace machines;



30 Dough brakes or mixing machines in bakeries or cracker  
31 machinery;

32 Calendar rolls or mixing rolls in rubber manufacturing;

33 Centrifugal extractors, or mangles in laundries or dry cleaning  
34 establishments;

35 Ore reduction works, smelters, hot rolling mills, furnaces,  
36 foundaries, forging shops, or any other place in which the heating,  
37 melting, or heat treatment of metals is carried on;

38 Mines or quarries;

39 Steam boilers carrying a pressure in excess of 15 pounds;

40 Construction work of any kind;

41 Fabrication or assembly of ships;

42 Operation or repair of elevators or other hoisting apparatus;

43 The transportation of payrolls other than within the premises  
44 of the employer.

45 No minor under 18 years of age shall be employed, permitted, or  
46 suffered to work in, about, or in connection with any establishment  
47 where alcoholic liquors are distilled, rectified, compounded, brewed,  
48 manufactured, bottled, or are sold for consumption on the premises,  
49 or in a pool or billiard room; provided, however, this section shall  
50 not apply to minors 16 years of age or over, employed as pinsetters  
51 only in public bowling alleys as provided in section 3 hereof. Minors  
52 14 years of age or over may be employed as golf course caddies  
53 and pool attendants.

54 [No girl under the age of 18 years shall be employed, permitted,  
55 or suffered to work as a messenger in the distribution or delivery  
56 of goods or messages for any person, firm or corporation engaged  
57 in the business of transmitting or delivering goods or messages.]

58 No minor under 18 years of age shall be employed, permitted, or  
59 suffered to work in any place of employment, or at any occupation  
60 hazardous or injurious to the life, health, safety, or welfare of  
61 such minor, as such occupation shall, from time to time, be de-  
62 termined and declared by the Commissioner of Labor [and Indus-  
63 try] to be hazardous or injurious to the life, health, safety, or  
64 welfare of such minors, after a public hearing thereon and after  
65 such notice as the commissioner may by regulation prescribe.

66 None of the provisions of this section regarding employment in  
67 connection with alcoholic liquors shall be construed to prevent the  
68 employment of minors [between] 16 [and 18] years of age or more  
69 in a restaurant as defined in section 1 and as provided for in section  
70 3 of this act, or in the executive offices, maintenance departments,  
71 or pool or beach areas of a hotel, motel or guesthouse; provided,  
72 however, that no minor shall engage in the preparation, sale or

73 serving of alcoholic beverages, nor in the sale of cigarettes or other  
74 tobacco products, nor in the preparation or sale of photographs,  
75 nor in any dancing or theatrical exhibition or performance while  
76 so employed.

77 Nothing in this section shall be deemed to apply to the work done  
78 by pupils in public or private schools of New Jersey, under the  
79 supervision and instruction of officers or teachers of such organiza-  
80 tions or schools, or to a [child] *minor* who is [at least] 17 years  
81 of age employed in the type of work in which [he] *such minor*  
82 majored under the conditions of the special vocational school grad-  
83 uate permit provided in section 15 of this act (C. 34:2-21.15).

84 Nothing in this section shall be construed to prevent minors  
85 16 years of age or older who are members of a Junior Firemen's  
86 Auxiliary, created pursuant to N. J. S. 40A:14-95, from engaging  
87 in any activities authorized by N. J. S. 40A:14-98.

1 19. Section 8 of P. L. 1948, c. 348 (C. 40:66A-8) is amended to  
2 read as follows:

3 8. (a) Every incinerator authority is hereby authorized to  
4 charge and collect rents, rates, fees or other charges (in this act  
5 sometimes referred to as "service charges") for the services and  
6 facilities of the garbage disposal system.

7 (b) Such rents, rates, fees and charges, being in the nature of  
8 use or service charges, shall as nearly as the incinerator authority  
9 shall deem practicable and equitable be uniform throughout the  
10 district for the same type, class and amount of use or service of the  
11 garbage disposal system.

12 (c) The incinerator authority shall prescribe and from time to  
13 time when necessary revise [and] *the* schedule of such service  
14 charges, which in any event shall be such that the revenues of the  
15 incinerator authority will at all times be adequate to pay all  
16 expenses of operation and maintenance of the garbage disposal  
17 system, including reserves, insurance, extensions, and replacements,  
18 and to pay punctually the principal of and interest on any bonds  
19 and to maintain such reserves or sinking funds therefor as may be  
20 required by the terms of any contract of the incinerator authority.  
21 Said schedule shall thus be prescribed and from time to time  
22 revised by the incinerator authority after public hearing thereon  
23 which shall be held by the incinerator authority at least 7 days  
24 after such published notice as the incinerator authority may deter-  
25 mine to be reasonable publication of notice of the proposed adjust-  
26 ment of the service charges and of the time and place of the public  
27 hearing in at least two newspapers of general circulation in the  
28 area serviced by the authority. The incinerator authority shall give

29 testimony, provide evidence at the hearing showing that the pro-  
30 posed adjustment of the service charges is just, necessary and  
31 reasonable, and shall provide the opportunity for cross-examination  
32 of persons offering such evidence, and a transcript of the hearing  
33 shall be made and a copy thereof shall be available upon request  
34 to any interested party at a reasonable fee. The incinerator author-  
35 ity shall likewise fix and determine the time or times when and the  
36 place or places where such service charges shall be due and payable  
37 and may require that such service charges shall be paid in advance  
38 for periods of not more than 1 year. A copy of such schedule of  
39 service charges in effect shall at all times be kept on file at the  
40 principal office of the incinerator authority and shall at all reason-  
41 able times be open to public inspection.

1 20. Section 2 of P. L. 1974, c. 50 (C. 46:8-28) is amended to  
2 read as follows:

3 2. Every landlord shall, within 30 days following the effective  
4 date of this act, or at the time of the creation of the first tenancy in  
5 any newly constructed or reconstructed building, file with the clerk  
6 of the municipality in which the residential property is situated,  
7 a statement which shall contain the following information:

8 a. The name and address of the record owner or owners of the  
9 premises and the record owner or owners of the rental business if  
10 not the same persons;

11 b. If the record owner is a corporation, the name and address of  
12 the registered agent and corporate officers of said corporation;

13 c. If the address of any record owner is not located in the county  
14 in which the premises are located, the name and address of a person  
15 who resides in the county in which the premises are located and is  
16 authorized to accept notice from a tenant and to issue receipts  
17 therefor and to accept service of process on behalf of the record  
18 owner;

19 d. The name and address of the managing agent of the premises,  
20 if any;

21 e. The name and address, including the dwelling unit, apartment  
22 or room number of the superintendent, janitor, custodian or other  
23 individual employed by the record owner or managing agent to  
24 provide regular maintenance service, if any;

25 f. The name, address and telephone number of an individual  
26 representative of the record owner or managing agent who may be  
27 reached or contacted at any time in the event of an emergency  
28 affecting the premises or any unit of dwelling space therein, includ-  
29 ing such emergencies as the failure of any essential service or  
30 system, and who has the authority to make emergency decisions

31 concerning the building and any repair thereto or expenditure in  
32 connection therewith;

33 g. The name and address of every holder of a recorded mortgage  
34 on the premises.

35 h. *If fuel oil is used to heat the building and the landlord furn-*  
36 *ishes the heat in the building, the name and address of the fuel oil*  
37 *dealer servicing the building and the grade of fuel oil used.*

38 Every landlord hereby required to file a registration statement as  
39 described in this section hereinabove shall file an amended registra-  
40 tion statement within 7 days after any change in the foregoing  
41 information required to be included thereon.

1 21. Section 2 of P. L. 1968, c. 410 (C. 52:14B-2) is amended to  
2 read as follows:

3 2. As used in this act:

4 (a) "State agency" or "agency" shall include each of the principal  
5 departments in the executive branch of the State Government,  
6 and all boards, divisions, commissions, agencies, departments,  
7 councils, authorities, offices or officers within any such departments  
8 now existing or hereafter established and authorized by statute  
9 to make, adopt or promulgate rules or adjudicate contested cases,  
10 except the office of the Governor.

11 (b) "Contested case" means a proceeding, including any licens-  
12 ing proceedings, in which the legal rights, duties, obligations,  
13 privileges, benefits or other legal relations of specific parties are  
14 required by constitutional right or by statute to be determined by  
15 an agency by decisions, determinations, or orders, addressed to  
16 them or disposing of their interests, after opportunity for an  
17 agency hearing, *but shall not include any proceeding in the Division*  
18 *of Taxation, Department of the Treasury, which is reviewable*  
19 *de novo by the Tax Court.*

20 (c) "Administrative adjudication" or "adjudication" includes  
21 any and every final determination, decision or order made or  
22 rendered in any contested case.

23 (d) "The head of the agency" means and includes the individual  
24 or group of individuals constituting the highest authority within  
25 any agency authorized or required by law to render an adjudication  
26 in a contested case.

27 (e) "Administrative rule" or "rule," when not otherwise modi-  
28 fied, means each agency statement of general applicability and  
29 continuing effect that implements or interprets law or policy, or  
30 describes the organization, procedure or practice requirements of  
31 any agency. The term includes the amendment or repeal of any  
32 rule, but does not include: (1) statements concerning the internal

33 management or discipline of any agency; (2) intraagency and  
 34 interagency statements; and (3) agency decisions and findings in  
 35 contested cases.

36 (f) "License" includes the whole or part of any agency license,  
 37 permit, certificate, approval, chapter, registration or other form  
 38 of permission required by law.

39 (g) "Secretary" means the Secretary of State.

40 (h) "Director" [shall mean the Director of the Division of  
 41 Administrative Procedure] *means the Director of the Office of*  
 42 *Administrative Law*, unless otherwise indicated by context.

1 22. Section 2 of P. L. 1945, c. 132 (C. 54:18A-2) is amended to  
 2 read as follows:

3 2. (a) The tax specified in subsection (a) of section 1 of this  
 4 act, except as to life insurance companies and except as to marine  
 5 insurance as described by chapter 16 of Title 54 of the Revised  
 6 Statutes, shall, except as hereinafter provided, be 2% upon the  
 7 taxable premiums collected by such company during the year end-  
 8 ing December 31 next preceding on all business of the company  
 9 in this State, less the amount of taxes on its property, exclusive of  
 10 taxes on real estate and of taxes payable pursuant to this section,  
 11 paid in this State by the company pursuant to any law of this  
 12 State during the said year. Any taxes paid to the treasurer of any  
 13 firemen's relief association of this State pursuant to R. S. 54:18-1  
 14 shall be considered a part of the tax payable under this act.

15 (b) Taxable premiums, collected after December 31, 1965 by an  
 16 insurance company subject to the provisions of subsection (a)  
 17 hereof under group accident and health insurance policies on resi-  
 18 dents of this State, *and taxable premiums collected under legal*  
 19 *insurance policies as defined in section 3 of P. L. 1981, c. 160*  
 20 *(C. 17:46C-3) on residents of this State*, shall be subject to tax  
 21 only at the following rates:

22	As to taxes payable in 1967 .....	1¾%
23	As to taxes payable in 1968 .....	1½%
24	As to taxes payable in 1969 .....	1¼%
25	As to taxes payable in 1970 and thereafter .....	1%

1 23. Section 3 of P. L. 1945, c. 132 (C. 54:18A-3) is amended to  
 2 read as follows:

3 3. Amount of tax, life insurance companies; deductions.

4 (a) The tax specified in subsection (a) of section 1 of this act  
 5 as to life insurance companies, shall, except as hereinafter pro-  
 6 vided, be 2% upon the taxable premiums collected by the company  
 7 during the year ending December 31 next preceeding under all  
 8 policies or contracts of insurance on residents of this State, less

9 the amount of taxes on its property, exclusive of taxes on real  
 10 estate and of taxes payable pursuant to this section, paid in this  
 11 State by the company pursuant to any law of this State during the  
 12 said year.

13 (b) Taxable premiums, collected after December 31, 1965 by an  
 14 insurance company subject to the provisions of subsection (a)  
 15 hereof under group accident and health insurance policies on  
 16 residents of this State, *and taxable premiums collected under legal*  
 17 *insurance policies as defined in section 3 of P. L. 1981, c. 160 (C.*  
 18 *17:46C-3) on residents of this State*, shall be subject to tax only  
 19 at the following rates:

20	As to taxes payable in 1967 .....	13¼%
21	As to taxes payable in 1968 .....	1½%
22	As to taxes payable in 1969 .....	1¼%
23	As to taxes payable in 1970 and thereafter .....	1%

1 24. This act shall take effect immediately.

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STATEMENT

This bill was prepared by the Division of Legal Services in furtherance of its statutory duty to "conduct a continuous examination of the general and permanent statutory law of this State . . . for the purpose of discovering defects in the law" (P. L. 1979, c. 8, s. 8; C. 52:11-61d.).

The bill corrects errors in the statutory law which include those that are typographical, contain archaic or duplicative language and which are created by the enactment at the same time of bills amending the same statutory sections.

A section by section analysis of the bill is as follows:

Section 1 amends N. J. S. 2C:5-2 to restore a subsection which was inadvertently omitted when this section was amended by P. L. 1981, c. 290 and corrects certain obvious typographical and statutory reference errors.

Section 2 amends N. J. S. 2C:5-4 to restore a part of a sentence which was inadvertently omitted when this section was amended by P. L. 1981, c. 290.

Section 3 amends N. J. S. 2C:29-6 to restore a subsection which was inadvertently omitted when this section was amended by P. L. 1981, c. 290.

Section 4 amends N. J. S. 2C:39-6 to restore a subsection which was inadvertently omitted when this section was amended by P. L. 1981, c. 294 and revises certain archaic language and corrects certain typographical and statutory reference errors.

S 3451 (1981)

Section 5 amends P. L. 1981, c. 279, s. 17 (C. 13:1E-65) to restore a word to that section.

Section 6 amends P. L. 1948, c. 67, s. 24 (C. 17:9A-24) to restore a paragraph which was inadvertently omitted when this section was amended by P. L. 1981, c. 153 and corrects certain statutory reference errors.

Section 7 amends P. L. 1948, c. 67, s. 65 (C. 17:9A-65) to restore a subsection which was inadvertently omitted when this section was amended by P. L. 1981, c. 153.

Section 8 amends P. L. 1975, c. 106, s. 31 (C. 17:46B-31) to correct a statutory reference.

Section 9 amends P. L. 1940, c. 74, s. 5 (C. 17:48A-5) to restore paragraphs which were inadvertently omitted when this section was amended by P. L. 1980, c. 113 and revises certain archaic language.

Section 10 amends N. J. S. 18A:22-14 to correct a typographical error.

Section 11 amends N. J. S. 18A:58-7 to restore two words inadvertently omitted at the time that section was printed.

Section 12 amends P. L. 1973, c. 83, s. 3 (C. 19:44A-3) to restore wording inadvertently omitted when this section was amended by P. L. 1981, c. 151 and corrects typographical and statutory reference errors.

Section 13 amends P. L. 1974, c. 26, s. 15 (C. 19:44-40) to correct a statutory reference.

Section 14 amends P. L. 1973, c. 309, s. 4 (C. 23:2A-4) to restore a word inadvertently omitted when this section was amended by P. L. 1981, c. 281.

Section 15 amends P. L. 1979, c. 105, s. 5 (C. 30:1AA-5) to eliminate words inadvertently included when this section was enacted.

Section 16 amends P. L. 1979, c. 365, s. 12 (C. 30:4D-7.7) to correct a statutory reference error.

Section 17 amends P. L. 1971, c. 344, s. 11 (C. 30:6AA-11) to correct the name of the Veterans' Service Council.

Section 18 amends P. L. 1940, c. 153, s. 17 (C. 34:2-21.17) to restore wording inadvertently omitted when this section was amended by P. L. 1981, c. 83.

Section 19 amends P. L. 1948, c. 348, s. 8 (C. 40:66A-8) to revise wording.

Section 20 amends P. L. 1974, c. 50, s. 2 (C. 46:8-28) to restore a subsection which was inadvertently omitted when this section was amended by P. L. 1981, c. 299.

Section 21 amends P. L. 1968, c. 410, s. 2 (C. 52:14B-2) to restore wording inadvertently omitted when this section was amended by P. L. 1981, c. 27.

Section 22 amends P. L. 1945, c. 132, s. 2 (C. 54:18A-2) to restore wording inadvertently omitted when this section was amended by P. L. 1981, c. 183.

Section 23 amends P. L. 1945, c. 132, s. 3 (C. 54:18A-3) to restore wording inadvertently omitted when this section was amended by P. L. 1981, c. 183.

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1-18-82

S-3451, sponsored by Senator Joseph Merlino (D-Mercer), correcting various errors in certain statutes created by the enactment of the very same statutes. Most of the errors were typographical or inadvertent. This corrective legislation was necessary because recent laws granting the Division of Legal Services the power to make such corrections did not apply to these statutes.

S-3142, sponsored by Senator William Hamilton (D-Middlesex), enabling the State of New Jersey to administer and enforce the Federal Mobile Home Construction and Safety Act in this state.

S-3235, sponsored by Senator Wynona Lipman (D-Essex), establishing within the Department of Health a "hereditary disorders program." The bill actually mandates nothing new--the Department already has such a program--but the bill does ensure the program's continuance. No appropriation is made, or deemed necessary.

S-3359, also by Senator Merlino, and a companion bill to S-1549, the "Community Development Bond Act of 1981," sponsored by Merlino and enacted by the Governor on Tuesday. This bill designates the New Jersey Economic Development Authority as the agency to undertake the projects outlined in the Bond Act (See January 13, 1982 release).

Appropriations from the Bond Act will be contingent upon the approval of the voters next November.

S-3517, sponsored by Senator John Russo (D-Ocean), allowing the Supreme Court to indefinitely suspend without pay any judge accused of wrongdoing. Currently, the Supreme Court may only suspend without pay a judge for 90 days. After 90 days, the suspension could continue, but with pay.

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