

40:55D-48.1

LEGISLATIVE HISTORY CHECKLIST

(Corporations--Applying for subdivisions & variances--disclose names of major stockholders)

HJSA 40:55D-48.1

LAWS OF 1977

CHAPTER 336

Bill No. A23

Sponsor(s) Newman & Doyle

Date Introduced Pre-filed

Committee: Assembly Municipal Gov't.

Senate State Gov't, Federal & Interstate Relations & Veterans Affairs

Amended during passage

Yes

~~xx~~

Amendments during passage denoted by asterisks

Date of Passage: Assembly May 24, 1976

Senate Dec. 14, 1976

Date of approval Jan. 24, 1978

Following statements are attached if available:

Sponsor statement

Yes

~~xx~~ (Below)

Committee Statement: Assembly

Yes

~~xx~~

Senate

Yes

~~xx~~

Fiscal Note

~~Yes~~

No

Veto Message

~~Yes~~

No

Message on signing

~~Yes~~

No

Following were printed:

Reports

~~Yes~~

No

Hearings

~~Yes~~

No

Sponsor's statement:

This bill requires disclosure by a corporation applying for a subdivision of six or more lots, or to construct a multiple dwelling of 25 or more units or for approval of a commercial site, of all of its stockholders holding 10% or more of its stock. The intent is to alert planning boards, boards of adjustments and governing bodies as to who the real parties in interest are who are applying for approval.

EJ

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1979

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**ASSEMBLY, No. 23**

# STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1976 SESSION

By Assemblymen NEWMAN and DOYLE

AN ACT requiring corporations *\*and partnerships\** applying for certain subdivisions and variances to disclose all owners of 10% or more of their stock *\*or in the case of a partnership, owning a 10% or greater interest therein\**, and providing penalties for the violation thereof.

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

1 1. A corporation *\*or partnership\** applying to a planning board  
2 or a board of adjustment or to the governing body of a municipality  
3 for permission to subdivide a parcel of land into six or more lots,  
4 or applying for a variance to construct a multiple dwelling of 25 or  
5 more family units or for approval of a site to be used for com-  
6 mercial purposes shall list the names and addresses of all stock-  
7 holders *\*or individual partners\** owning at least 10% of its stock of  
8 any class *\*or at least 10% of the interest in the partnership, as the*  
9 *case may be\**.

1 2. If a corporation *\*or partnership\** owns 10% or more of the  
2 stock of a corporation\*, *or 10% or greater interest in a partner-*  
3 *ship,\** subject to disclosure pursuant to section 1 of this act, that  
4 corporation *\*or partnership\** shall list the names and addresses of  
5 its stockholders holding 10% or more of its stock *\*or of 10% or*  
6 *greater interest in the partnership, as the case may be,\** and this  
7 requirement shall be followed by every corporate stockholder  
8 *\*or partner in a partnership,\** until the names and addresses of the  
9 noncorporate stockholders *\*and individual partners, exceeding the*  
10 *10% ownership criterion established in this act,\** have been listed.

1 3. No planning board, board of adjustment or municipal govern-  
2 ing body shall approve the application of any corporation *\*or*  
3 *partnership\** which does not comply with this act.

1 4. Any corporation *\*or partnership\** which conceals the names of  
2 the stockholders owning 10% or more of its stock\*, *or of the in-*  
3 *dividual partners owning a 10% or greater interest in the partner-*  
4 *ship, as the case may be,\** shall be subject to a fine of \$1,000.00 to  
5 \$10,000.00 which shall be recovered in the name of the municipality  
6 in any court of record in the State in a summary manner pursuant  
7 to "The Penalty Enforcement Law" (N. J. S. 2A:58-1 et seq.).

1 5. This act shall take effect immediately.

ASSEMBLY MUNICIPAL GOVERNMENT COMMITTEE

STATEMENT TO  
ASSEMBLY, No. 23

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**STATE OF NEW JERSEY**

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DATED: APRIL 5, 1976

This bill would require all corporations applying to a municipal planning board, board of adjustment or governing body for permission to subdivide land into six or more lots, or for a variance to construct a multiple dwelling of 25 or more units, or for approval of a commercial site, to list the names and addresses of all stockholders owning at least 10% of its stock. All corporate stockholders of such corporation would have to reveal the names and addresses of their stockholders. The process shall continue until the names and addresses of the non-corporate stockholders of such corporations are revealed. The bill provides that no such application shall be approved until the corporation complies, and further provides for a fine of \$1,000.00 to \$10,000.00 for noncompliance.

The committee amended the bill to include partnerships as well as corporations. Such inclusion was added for reasons of equity and universality.

The committee acknowledged that the names and addresses of corporation stockholders are generally available to the public even without this disclosure requirement. The committee, however, felt that this disclosure requirement was in the general interest of public oversight of governmental deliberations, and would provide in one statement information which the public or governmental agency might, otherwise, have to go to considerable time and expense to collect.

SENATE STATE GOVERNMENT, FEDERAL AND  
INTERSTATE RELATIONS AND VETERANS  
AFFAIRS COMMITTEE

STATEMENT TO  
**ASSEMBLY, No. 23**  
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**STATE OF NEW JERSEY**

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DATED: NOVEMBER 8, 1976

This bill would require all corporations applying to a municipal planning board, board of adjustment or governing body for permission to subdivide land into six or more lots, or for a variance to construct a multiple dwelling of 25 or more units, or for approval of a commercial site, to list the names and addresses of all stockholders owning at least 10% of its stock. All corporate stockholders of such corporation would have to reveal the names and addresses of their stockholders. The process shall continue until the names and addresses of the noncorporate stockholders of such corporations are revealed. The bill provides that no such application shall be approved until the corporation complies, and further provides for a fine of \$1,000.00 to \$10,000.00 for non-compliance.

The bill was amended by the Assembly Municipal Government Committee to include partnerships as well as corporations.

While it is true that the names and addresses of corporation stockholders are presently available to the public the committee felt that this additional disclosure would facilitate public oversight of governmental deliberations by providing, in one statement, information which the public or governmental agency might, otherwise, have to go to considerable time and expense to collect.

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