

January 7, 1971

LEGISLATIVE HISTORY OF R.S. 54:11D-1 et seq.  
(Distribution of certain tax revenues to municipalities)

Copy No. 2

L.1966 - Chap.135 - A855.

May 31 - Introduced by Tanzman and others.

Amended during passage (copies enclosed of original bill and amendment)

No statement on bill.

This law was part of a package of taxation laws passed in 1966. A copy is enclosed of a statement by the Governor on signing A855 of 1966 and the rest.

Amended by:

L.1967 - Chap.50 - A824.

April 3 - Introduced by Tanzman.

Amended during passage (copies enclosed of original bill and amendment).

No statement on bill.

L.1967 - Chap.261 - S525.

November 20 - Introduced by Waddington.

Not amended during passage.

No statement on bill.

L.1967 - Chap.286 - A956.

November 20 - Introduced by Hauser.

Amended during Passage.

Statement on bill. The section of the statement pertaining to chapter 11D of Title 54 reads:

Sections 21, to reinsert a paragraph omitted by error from the 1967 amendment (P.L.1967, C.50) of P.L.1966, Chapter 135, Section 4.

L.1968 - Chap.104 - S281

January 22 - Introduced by Dumont and others.

Amended during passage (copy enclosed of original bill with amendment).

No statement on bill.

Vetoed by Governor (copy enclosed of veto message)

Passed over Governor's veto

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Hearings and Reports:

974.90 New Jersey. Legislature. Senate.  
T235 Committee on Taxation.  
1968

Public hearing before Senate and Assembly  
Committees on Taxation...  
Held March 27, 1968. Trenton, N.J. 1968

This report discusses possible amendments to R.S.  
54:11D-2 and S281 (L.1968, C.104) beginning at  
page 88.

JH/EH  
Enclosure

ASSEMBLY, No. 855

STATE OF NEW JERSEY

INTRODUCED MAY 31, 1966

Assemblymen TANZMAN, FEKETY, WILENTZ, DOREN, BRIGIANI,  
BIBER and Assemblywoman KORDJA

Referred to Committee on Business Affairs

AN ACT concerning the distribution of certain tax revenues to the municipalities  
of this State and supplementing Title 54 of the Revised Statutes.

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

1 1. The taxes received from the following:

2 (a) An act imposing an unincorporated business tax;

3 (b) An act imposing a State assessed tax on business personal prop-  
4 erty;

5 (c) An act imposing a retail gross receipts tax; and

6 (d) An act amending the Corporation Business Tax Act (c. 162, L.  
7 1945) but only with respect to the difference between that portion of the  
8 tax on allocated net income at the rate of 1.75% and on allocated net in-  
9 come at the rate of 3%,

10 shall be for the benefit of the municipalities of this State in replacement of  
11 the revenues derived by such municipalities from the local taxation of per-  
12 sonal property used in business.

1 2. The Director of the Division of Taxation shall determine the greatest  
2 amount received by each municipality from the local levy upon personal  
3 property used in business in 1964, 1965 or 1966, exclusive of the amount  
4 raised from the personal property tax on the personal property of persons,

5 partnerships, associations or corporations subject to tax under chapter 4 of  
6 the laws of 1940, and shall, on or before February 15, 1968, certify to the  
7 State Treasurer the amounts so determined for each municipality and the  
8 total amount for all municipalities.

1     3. The Director of the Division of Taxation shall, on or before May 15,  
2 1968 and on or before May 15 annually thereafter, determine from the in-  
3 formation then available the total amount of revenue (1) that will be raised  
4 during the 12-months period ending on or before October 1 of that calendar  
5 year from the taxes set forth in section 1 of this act and (2) that will be  
6 available by way of appropriation for the purposes of this act, and shall  
7 certify this amount to the State Treasurer.

8     The director shall, on or before October 15, 1968 and on or before  
9 October 15 annually thereafter, certify to the State Treasurer any changes or  
10 adjustments in the certification filed earlier in the year.

1     4. If the amount determined by the director in section 3 hereof shall  
2 exceed the amount determined by the director in section 2 hereof, the direc-  
3 tor shall allocate such excess amount among the municipalities of this State  
4 in accordance with the following formula:

5     There shall be allocated to each municipality such amount as will be in  
6 the same ratio to such excess amount, as the local property tax levied in the  
7 municipality in the preceding calendar year upon commercial, industrial and  
8 farm real estate (excluding railroad property) is to the total taxes levied  
9 upon such property in all municipalities in the State in the same year.

10     The director shall total the amounts allocated to each municipality under  
11 the provisions of this section and shall certify this amount to the State Treas-  
12 urer on or before October 15, 1968 and on or before October 15 annually  
13 thereafter.

1     5. The State Treasurer annually, on or before the date set forth in section  
2 6 of this act, upon the certification of the Director of the Division of Taxation  
3 and upon the warrant of the State Comptroller, shall pay and distribute to  
4 each municipality the amount determined in accordance with the provisions of  
5 sections 2 and 4 of this act:

6 (a) from the moneys collected from the taxes described in section 1 of  
7 this act; and

8 (b) from such other funds as shall be appropriated by law for this  
9 purpose.

1 6. The distribution required to be made by the State Treasurer under this  
2 act shall be made as follows: The first installment shall be payable annually  
3 on June 1, commencing on June 1, 1968 and shall consist of  $\frac{1}{2}$  of the amount  
4 certified under section 2 hereof; and the second installment shall be pay-  
5 able on the succeeding November 1 of each year and shall consist of the  
6 balance of the amount certified under section 2 hereof plus the municipality's  
7 distributive share of the excess, if any, allocated under section 4 hereof.

1 7. No appeal or review may be taken by any person or any municipality  
2 with respect to any of the provisions of this act except in the case of an  
3 arithmetical or typographical error in the calculation of the distribution here-  
4 under.

1 8. (a) The Director of the Division of Taxation is authorized to make  
2 such rules and regulations, and to require such facts and information from  
3 local tax assessors, county boards of taxation and agencies of the State  
4 Government as he may deem necessary to carry out the provisions of this  
5 act.

6 (b) The director may delegate to any officer or employee of his division  
7 such of his powers as he may deem necessary to carry out efficiently the pro-  
8 visions of this act, and the person or persons to whom such power has been  
9 delegated shall possess and may exercise all of the powers and perform all  
10 of the duties herein conferred and imposed upon the director.

1 9. This act shall take effect immediately.

ASSEMBLY COMMITTEE AMENDMENTS TO

ASSEMBLY, No. 855

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STATE OF NEW JERSEY

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ADOPTED JUNE 6, 1966

Amend page 3, section 6, line 7, after section 6 add the following new section:

“7. For the purpose of apportioning the amounts to be raised in the respective taxing districts of the county under Revised Statutes 54:4-49, the county board of taxation shall, for each taxing district, include in the equalization table for the county the assumed assessed value of the property represented by the money received by each taxing district pursuant to the provisions of this act.

“Commencing with the tax year 1969 and thereafter, the assumed assessed value of such property in each taxing district shall be determined by the county board of taxation in the following manner: (a) the amount of money received by each taxing district during the preceding tax year pursuant to the provisions of this act, shall be divided by the general tax rate of the taxing district for such preceding tax year to obtain an assumed assessed value of such property; (b) this assumed assessed value shall be divided by the fraction produced by dividing the aggregate assessed value by the aggregate true value of the real property, exclusive of Class II railroad property, in the taxing district; and (c) the resulting quotient shall be included in the net valuation of each taxing district on which county taxes are apportioned.

“For the tax year 1968, there shall be included in the equalization table for the county (a) 65% of the aggregate fair value of machinery, implements, and equipment and all other personal property used in business, other than inven-

tories, farm machinery, farm livestock, crops and produce and (b) 25% of the aggregate fair value of inventories (except inventories of raw materials, supplies and small tools) including 25% of the aggregate fair value of farm machinery, farm livestock, crops and produce, used in business, as determined for county apportionment purposes for the tax year 1967.”.

Amend page 3, section 7, line 1, delete “7.”, and insert in lieu thereof “8.”.

Amend page 3, section 8, line 1, delete “8.”, and insert in lieu thereof “9.”.

Amend page 3, section 9, line 1, delete “9.”, and insert in lieu thereof “10.”.

CHAPTER 135 LAWS OF N. J. 1966  
APPROVED 6/12/66

[OFFICIAL COPY REPRINT]

ASSEMBLY, No. 855

STATE OF NEW JERSEY

INTRODUCED MAY 31, 1966

By Assemblymen TANZMAN, FEKETY, WILENTZ, DOREN, BRIGIANI,  
BIBER and Assemblywoman KORDJA

Referred to Committee on Business Affairs

AN ACT concerning the distribution of certain tax revenues to the municipalities  
of this State and supplementing Title 54 of the Revised Statutes.

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

1 1. The taxes received from the following:

2 (a) An act imposing an unincorporated business tax;

3 (b) An act imposing a State assessed tax on business personal prop-  
4 erty;

5 (c) An act imposing a retail gross receipts tax; and

6 (d) An act amending the Corporation Business Tax Act (c. 162, L.  
7 1945) but only with respect to the difference between that portion of the  
8 tax on allocated net income at the rate of 1.75% and on allocated net in-  
9 come at the rate of 3%,

10 shall be for the benefit of the municipalities of this State in replacement of  
11 the revenues derived by such municipalities from the local taxation of per-  
12 sonal property used in business.

1 2. The Director of the Division of Taxation shall determine the greatest  
2 amount received by each municipality from the local levy upon personal  
3 property used in business in 1964, 1965 or 1966, exclusive of the amount  
4 raised from the personal property tax on the personal property of persons,

**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 partnerships, associations or corporations subject to tax under chapter 4 of  
6 the laws of 1940, and shall, on or before February 15, 1968, certify to the  
7 State Treasurer the amounts so determined for each municipality and the  
8 total amount for all municipalities.

1 3. The Director of the Division of Taxation shall, on or before May 15,  
2 1968 and on or before May 15 annually thereafter, determine from the in-  
3 formation then available the total amount of revenue (1) that will be raised  
4 during the 12-months period ending on or before October 1 of that calendar  
5 year from the taxes set forth in section 1 of this act and (2) that will be  
6 available by way of appropriation for the purposes of this act, and shall  
7 certify this amount to the State Treasurer.

8 The director shall, on or before October 15, 1968 and on or before  
9 October 15 annually thereafter, certify to the State Treasurer any changes or  
10 adjustments in the certification filed earlier in the year.

1 4. If the amount determined by the director in section 3 hereof shall  
2 exceed the amount determined by the director in section 2 hereof, the direc-  
3 tor shall allocate such excess amount among the municipalities of this State  
4 in accordance with the following formula:

5 There shall be allocated to each municipality such amount as will be in  
6 the same ratio to such excess amount, as the local property tax levied in the  
7 municipality in the preceding calendar year upon commercial, industrial and  
8 farm real estate (excluding railroad property) is to the total taxes levied  
9 upon such property in all municipalities in the State in the same year.

10 The director shall total the amounts allocated to each municipality under  
11 the provisions of this section and shall certify this amount to the State Treas-  
12 urer on or before October 15, 1968 and on or before October 15 annually  
13 thereafter.

1 5. The State Treasurer annually, on or before the date set forth in section  
2 6 of this act, upon the certification of the Director of the Division of Taxation  
3 and upon the warrant of the State Comptroller, shall pay and distribute to  
4 each municipality the amount determined in accordance with the provisions of  
5 sections 2 and 4 of this act:

6 (a) from the moneys collected from the taxes described in section 1 of  
7 this act; and

8 (b) from such other funds as shall be appropriated by law for this  
9 purpose.

1 6. The distribution required to be made by the State Treasurer under this  
2 act shall be made as follows: The first installment shall be payable annually  
3 on June 1, commencing on June 1, 1968 and shall consist of  $\frac{1}{2}$  of the amount  
4 certified under section 2 hereof; and the second installment shall be pay-  
5 able on the succeeding November 1 of each year and shall consist of the  
6 balance of the amount certified under section 2 hereof plus the municipality's  
7 distributive share of the excess, if any, allocated under section 4 hereof.

1 \*7. *For the purpose of apportioning the amounts to be raised in the*  
2 *respective taxing districts of the county under Revised Statutes 54:4-49, the*  
3 *county board of taxation shall, for each taxing district, include in the equal-*  
4 *ization table for the county the assumed assessed value of the property*  
5 *represented by the money received by each taxing district pursuant to the*  
6 *provisions of this act.*

7 *Commencing with the tax year 1969 and thereafter the assumed assessed*  
8 *value of such property in each taxing district shall be determined by the*  
9 *county board of taxation in the following manner: (a) the amount of money*  
10 *received by each taxing district during the preceding tax year pursuant to*  
11 *the provisions of this act, shall be divided by the general tax rate of the tax-*  
12 *ing district for such preceding tax year to obtain an assumed assessed value*  
13 *of such property; (b) this assumed assessed value shall be divided by the*  
14 *fraction produced by dividing the aggregate assessed value by the aggregate*  
15 *true value of the real property, exclusive of Class II railroad property, in*  
16 *the taxing district; and (c) the resulting quotient shall be included in the net*  
17 *valuation of each taxing district on which county taxes are apportioned.*

18 *For the tax year 1968, there shall be included in the equalization table*  
19 *for the county (a) 65% of the aggregate fair value of machinery, imple-*  
20 *ments, and equipment and all other personal property used in business, other*

21 *than inventories, farm machinery, farm livestock, crops and produce and (b)*  
22 *25% of the aggregate fair value of inventories (except inventories of raw*  
23 *materials, supplies and small tools) including 25% of the aggregate fair*  
24 *value of farm machinery, farm livestock, crops and produce, used in business,*  
25 *as determined for county apportionment purposes for the tax year 1967.\**

1     \***[7.]**\* \*8.\* No appeal or review may be taken by any person or any mu-  
2 nicipality with respect to any of the provisions of this act except in the case  
3 of an arithmetical or typographical error in the calculation of the distribution  
4 hereunder.

1     \***[8.]**\* \*9.\* (a) The Director of the Division of Taxation is authorized to  
2 make such rules and regulations, and to require such facts and information  
3 from local tax assessors, county boards of taxation and agencies of the State  
4 Government as he may deem necessary to carry out the provisions of this  
5 act.

6     (b) The director may delegate to any officer or employee of his division  
7 such of his powers as he may deem necessary to carry out efficiently the pro-  
8 visions of this act, and the person or persons to whom such power has been  
9 delegated shall possess and may exercise all of the powers and perform all  
10 of the duties herein conferred and imposed upon the director.

1     \***[9.]**\* \*10.\* This act shall take effect immediately.

FROM: OFFICE OF THE GOVERNOR

FOR IMMEDIATE RELEASE: FRIDAY  
June 17, 1966

STATEMENT BY GOVERNOR RICHARD J. HUGHES  
ON SIGNING OF BUSINESS TAX REFORM BILLS

The package of bills which I have approved today provides for the most sweeping reform of business taxes in the history of New Jersey. Together with the reform of State taxation, made possible through the earlier enactment of a broad-based tax, these measures -- most particularly the ones repealing and replacing the almost universally condemned Chapter 51 -- will enable New Jersey to offer, in addition to its other great attractions, an equitable tax structure to industries seeking a favorable location in which to grow and prosper. As an example, the benefits to manufacturing in this State will be enhanced by the elimination of sales allocation formulas which have burdened it for many years.

These reforms will bring tax stability without unduly burdening the business and industrial community and will resolve the perplexing problem of personal property taxation that has plagued this State during the past decade.

At this moment, I wish to express the extreme gratitude of the State to the members of the Governor's Committee on Local Property Taxation whose efforts have made this reform program possible and, most especially, to Assemblyman Tanzman whose leadership in the Legislature contributed substantially to the enactment of these measures.

A similar tribute must be extended to the Speaker of the General Assembly, Maurice Brady, the prime sponsor of Assembly Bill No. 862 which implemented the Eleventh Report of the Tax Policy Commission by providing for the reform of the taxation of Class II railroad property. This measure maintains the financial stability of the communities in which railroad property is located at the same time that it provides a more equitable method for the taxation of this property. Together with the new Department of Transportation, which I intend to approve in the near future, this bill will permit New Jersey to deal realistically and effectively with our commuter crisis and the modern problems associated with mass transportation.

The 1966 session of the New Jersey Legislature has distinguished itself in almost every area of governmental activity. This is certainly true with regard to education, law enforcement, motor vehicle safety and labor reforms. I believe, however, that it may be in the area of tax reform and business relief and assistance that this Legislature will have made one of its most lasting and significant contributions. No society and certainly no government in this day and age can function meaningfully without a stable economic base. In recognition of this, the Legislature has provided a strong and durable economic foundation for the future of New Jersey businesses and government.

(more)

The other measures which have been approved are also of extreme importance and indicate the great breadth of attention that has been given to the problems of business, industry and the economy of New Jersey during the past legislative session. The State Economic Development Assistance Act, for example, will give New Jersey a tool to encourage the location of business in this State. The revision of the Area Redevelopment Act will help provide financial assistance to businesses seeking to establish and prosper in this State, and the provisions of Senate Bill No. 21 will encourage both new and old businesses to conduct their activities with a regard for their responsibilities to the public to prevent the pollution of our vital resources.

No one realizes better than I that even the great achievements which we celebrate today do not resolve all of our problems confronting business and industry. Unquestionably, further improvements are possible, and we will strive to achieve them. It seems most appropriate, therefore, that at this moment of accomplishment we undertake to commit ourselves to continue our efforts to improve the climate of New Jersey not only for business and industry but for all of our citizens.

Earlier today I asked representatives of organized labor to work with this administration to achieve a better New Jersey. I ask this same cooperation from business and industry so that all segments of our society can work together to bring about these greater goals.

(A complete list of measures approved by Governor Hughes today is attached hereto.)

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ASSEMBLY, No. 824

STATE OF NEW JERSEY

INTRODUCED APRIL 3, 1967

By Assemblymen TANZMAN

Referred to Committee on Business Affairs

AN ACT to amend "An act concerning the distribution of certain tax revenues to the municipalities of this State and supplementing Title 54 of the Revised Statutes," approved June 17, 1966 (P. L. 1966, c. 135).

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

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

5 2. The Director of the Division of Taxation shall determine the  
6 greatest amount [received] *levied, as certified pursuant to Revised*  
7 *Statutes 54:4-55*, by each municipality from the local levy upon  
8 personal property used in business in 1964, 1965 or 1966, exclusive  
9 of the amount raised from the personal property tax on the personal  
10 property of persons, partnerships, associations or corporations  
11 subject to tax under chapter 4 of the laws of 1940, and shall, on or  
12 before February 15, 1968, certify to the State Treasurer the  
13 amounts so determined for each municipality and the total amount  
14 for all municipalities.

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

17 4. If the amount determined by the director in section 3 hereof  
18 shall exceed the amount determined by the director in section 2  
19 hereof, the director shall allocate such excess amount among the  
20 municipalities of this State in accordance with the following  
21 formula:

22 There shall be allocated to each municipality such amount as will  
23 be in the same ratio to such excess amount, as the local property  
24 tax levied, *as certified pursuant to Revised Statutes 54:4-55*, in the  
25 municipality in the preceding calendar year upon commercial,  
26 industrial and farm real estate (excluding railroad property) is  
27 to the total taxes levied upon such property in all municipalities in

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

1 the State in the same year.

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

4 7. For the purpose of apportioning the amounts to be raised in  
5 the respective taxing districts of the county under Revised Statutes  
6 54:4-49, the county board of taxation shall, for each taxing district,  
7 include in the equalization table for the county the assumed assessed  
8 value of the property represented by the money received by each  
9 taxing district pursuant to the provisions of this act.

10 Commencing with the tax year 1969 and thereafter the assumed  
11 assessed value of such property in each taxing district shall be  
12 determined by the county board of taxation in the following manner:

13 (a) the amount of money received by each taxing district during  
14 the preceding tax year pursuant to the provisions of this act, shall  
15 be divided by the general tax rate of the taxing district for such  
16 preceding tax year to obtain an assumed assessed value of such  
17 property; (b) this assumed assessed value shall be divided by the  
18 fraction produced by dividing the aggregate assessed value by the  
19 aggregate true value of the real property, *as determined by the*  
20 *county board of taxation for equalization purposes in the current*  
21 *tax year*, exclusive of Class II railroad property, in the taxing  
22 district; and (c) the resulting quotient shall be included in the net  
23 valuation of each taxing district on which county taxes are  
24 apportioned.

25 For the tax year 1968, there shall be included in the equalization  
26 table for the county (a) 65% of the aggregate fair value of ma-  
27 chinery, implements, and equipment and all other personal property  
28 used in business, other than inventories, farm machinery, farm  
29 livestock, crops and produce and (b) 25% of the aggregate fair  
30 value of inventories (except inventories of raw materials, supplies  
31 and small tools) including 25% of the aggregate fair value of farm  
32 machinery, farm livestock, crops and produce, used in business, as  
33 determined for county apportionment purposes for the tax year  
34 1967. *Provided, however, that in calculating the amounts to be*  
35 *included under (a) of the foregoing sentence, there shall be ex-*  
36 *cluded the 1967 valuations determined for the personal property of*  
37 *telephone, telegraph and messenger systems companies, corpora-*  
38 *tions or associations.*

39 4. This act shall take effect immediately.

SENATE COMMITTEE AMENDMENTS TO

ASSEMBLY, No. 824

STATE OF NEW JERSEY

ADOPTED MAY 1, 1967

Amend page 1, section 1, line 7, after the word "Statutes", delete "54:4-55," and insert "54:4-52,".

Amend page 1, section 1, line 7, after the word "municipality", delete the words "from the local levy".

Amend page 1, section 1, line 9, after the word "amount", insert the word "levied", and delete the words "raised from the personal property tax".

Amend page 1, section 1, line 14, after the word "municipalities", insert a new sentence as follows: "In calculating the amount levied for the year 1966, the director shall also include for each municipality the aggregate amount of increases, if any, in taxable valuations of business personal property (exclusive of the personal property of persons, partnerships associations or corporations subject to tax under chapter 4 of the laws of 1940), determined by the county board of taxation during said year upon appeals.".

Amend page 1, section 2, line 24, after the word "levied," insert "as reflected in the county table of aggregates certified pursuant to Revised Statutes 54:4-52," and delete "as certified pursuant to Revised Statutes 54:4-55,".

Amend page 2, section 3, line 37, delete lines 37 and 38, and insert "persons, partnerships, associations or corporations subject to tax under chapter 4 of the laws of 1940.".



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APPROVED 577237 67

[OFFICIAL COPY REPRINT]

## ASSEMBLY, No. 824

# STATE OF NEW JERSEY

INTRODUCED APRIL 3, 1967

By Assemblyman TANZMAN

Referred to Committee on Business Affairs

AN ACT to amend "An act concerning the distribution of certain tax revenues to the municipalities of this State and supplementing Title 54 of the Revised Statutes," approved June 17, 1966 (P. L. 1966, c. 135).

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

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

5 2. The Director of the Division of Taxation shall determine the  
6 greatest amount [received] levied, as certified pursuant to Revised  
7 Statutes \***[54:4-55,]**\* \*54:4-2\* by each municipality \***[from the**  
8 **local levy]**\* upon personal property used in business in 1964, 1965  
9 or 1966, exclusive of the amount \***[raised from the personal prop-**  
10 **erty tax]**\* *levied* on the personal property of persons, partner-  
11 ships, associations or corporations subject to tax under chapter 4  
12 of the laws of 1940, and shall, on or before February 15, 1968,  
13 certify to the State Treasurer the amounts so determined for each  
14 municipality and the total amount for all municipalities. *In cal-*  
15 *culating the amount levied for the year 1966, the director shall also*  
16 *include for each municipality the aggregate amount of increases;*  
17 *if any, in taxable valuations of business personal property (exclu-*  
18 *sive of the personal property of persons, partnerships, associations*  
19 *or corporations subject to tax under chapter 4 of the laws of 1940);*  
20 *determined by the county board of taxation during said year upon*  
21 *appeals.\**

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

24 4. If the amount determined by the director in section 3 hereof  
25 shall exceed the amount determined by the director in section 2  
26 hereof, the director shall allocate such excess amount among the  
27 municipalities of this State in accordance with the following  
28 formula:

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

1 There shall be allocated to each municipality such amount as will  
1A be in the same ratio to such excess amount, as the local property  
1B tax levied, \***[as certified pursuant to Revised Statutes 54:4-55,]**\*  
1C *\*as reflected in the county table of aggregates certified pursuant to*  
1D *Revised Statutes 54:4-52,\** in the municipality in the preceding  
1E calendar year upon commercial, industrial and farm real estate  
1F (excluding railroad property) is to the total taxes levied upon such  
1G property in all municipalities in the State in the same year.

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

4 7. For the purpose of apportioning the amounts to be raised in  
5 the respective taxing districts of the county under Revised Statutes  
6 54:4-49, the county board of taxation shall, for each taxing district,  
7 include in the equalization table for the county the assumed assessed  
8 value of the property represented by the money received by each  
9 taxing district pursuant to the provisions of this act.

10 Commencing with the tax year 1969 and thereafter the assumed  
11 assessed value of such property in each taxing district shall be  
12 determined by the county board of taxation in the following manner:

13 (a) the amount of money received by each taxing district during  
14 the preceding tax year pursuant to the provisions of this act, shall  
15 be divided by the general tax rate of the taxing district for such  
16 preceding tax year to obtain an assumed assessed value of such  
17 property; (b) this assumed assessed value shall be divided by the  
18 fraction produced by dividing the aggregate assessed value by the  
19 aggregate true value of the real property, *as determined by the*  
20 *county board of taxation for equalization purposes in the current*  
21 *tax year*, exclusive of Class II railroad property, in the taxing  
22 district; and (c) the resulting quotient shall be included in the net  
23 valuation of each taxing district on which county taxes are  
24 apportioned.

25 For the tax year 1968, there shall be included in the equalization  
26 table for the county (a) 65% of the aggregate fair value of ma-  
27 chinery, implements, and equipment and all other personal property  
28 used in business, other than inventories, farm machinery, farm  
29 livestock, crops and produce and (b) 25% of the aggregate fair  
30 value of inventories (except inventories of raw materials, supplies  
31 and small tools) including 25% of the aggregate fair value of farm  
32 machinery, farm livestock, crops and produce, used in business, as  
33 determined for county apportionment purposes for the tax year  
34 1967. *Provided, however, that in calculating the amounts to be*  
35 *included under (a) of the foregoing sentence, there shall be ex-*  
36 *cluded the 1967 valuations determined for the personal property of*

1 \*~~telephone, telegraph and messenger systems companies, corpora-~~  
2 ~~tions or associations.]~~\* \*persons, partnerships, associations or  
3 corporations subject to tax under chapter 4 of the laws of 1940.\*  
4 4. This act shall take effect immediately.

ASSEMBLY, No. 956

STATE OF NEW JERSEY

INTRODUCED NOVEMBER 20, 1967

By Assemblymen HAUSER and BEADLESTON

(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. The title of chapter 86 of the laws of 1964 is amended to read  
2 as follows:

3 "AN ACT concerning crimes and supplementing chapter 127  
4 of Title 2A of the New Jersey Statutes."

1 2. Section 2A:151-11 of the New Jersey Statutes is amended to  
2 read as follows:

3 2A:151-11. Any person under the age of 18 years who purchases,  
4 barter, borrows, acquires or exchanges any firearm, grenade,  
5 bomb or other explosive, [except a firearm as provided in section  
6 2A:151-33,] is guilty of a misdemeanor or an act of juvenile de-  
7 linquency as may be provided otherwise in the statutes; except  
8 that any such person may carry, fire or use any firearm in the  
9 actual presence or under the direct supervision of his father,  
10 mother, guardian or some other person who is himself a holder of  
11 a permit to carry a pistol or revolver or a firearms purchaser's  
12 identification card, or for the purpose of military drill under the  
13 auspices of a legally recognized military organization and under  
14 competent supervision, or for the purpose of competition or target  
15 practice in and upon a firing range approved by the governing body  
16 or the chief of police of the municipality in which such range is  
17 located or the National Rifle Association and which is under com-  
18 petent supervision at the time of such competition or target prac-  
19 tice, and except further that a minor under the age of 18 years who  
20 has successfully completed a hunter's safety course taught by a  
21 qualified instructor or conservation officer and carries in his pos-  
22 session a certificate indicating the successful completion of such a

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

23 course and has a valid hunting license in his own name, may carry  
24 and use a rifle or shotgun as otherwise provided in this chapter,  
25 for the purpose of hunting provided the regularly designated hunt-  
26 ing season.

1 3. Section 6 of chapter 104 of the laws of 1964 is amended to  
2 read as follows:

3 6. No hospital service corporation shall issue group contracts  
4 which are not experience rated pursuant to [sections 5 or 6] *sec-*  
5 *tion 5* of this act, until it shall have filed with the commissioner a  
6 full schedule of the rates which are to apply to such contracts.  
7 The commissioner may disapprove such schedule at any time if he  
8 finds that such rates are excessive, inadequate or unfairly discrimi-  
9 natory. It shall be unlawful for any corporation to effect any such  
10 group contract according to such rates thereafter.

1 4. Section 5 of chapter 105 of the laws of 1964 is amended to  
2 read as follows:

3 5. No medical service corporation shall issue group contracts  
4 which are not experience rated pursuant to [sections 4 or 5] *sec-*  
5 *tion 4* of this act, until it shall have filed with the commissioner a  
6 full schedule of the rates which are to apply to such contracts. The  
7 commissioner may disapprove such schedule at any time if he finds  
8 that such rates are excessive, inadequate or unfairly discrimi-  
9 natory. It shall be unlawful for any corporation to effect any such  
10 group contract according to such rates thereafter.

1 5. Section 3 of chapter 106 of the laws of 1967 is amended to read  
2 as follows:

3 3. (a) There is hereby created in the State Department of  
4 Health a Clean Air Council, which shall consist of 17 members, 3  
5 of whom shall be the Commissioner of Labor and Industry or a  
6 member of the Department of Labor and Industry designated by  
7 him, the Commissioner of Community Affairs or a member of the  
8 Department of Community Affairs designated by him, and the  
9 Secretary of Agriculture or a member of the Department of Agri-  
10 culture designated by him, who shall serve ex officio, 6 citizens of  
11 the State representing the general public at least one of whom  
12 shall be a medical doctor licensed to practice in this State and 8  
13 members to be appointed from persons to be nominated by the  
14 organizations hereinafter enumerated, by the Governor.

15 (b) Within 30 days following the effective date hereof and  
16 thereafter as required, at least 1 month prior to the expiration  
17 of the term of the member chosen from nominees of each organi-  
18 zation hereafter enumerated, each such organization shall submit

19 to the Governor a list of 3 recommended nominees for membership  
20 on the council from which list the Governor shall appoint one.

21 If any organization does not submit a list of recommended  
22 nominees at any time required by this act, the Governor may  
23 appoint a member of his choice.

24 The organizations which shall be entitled to submit recommended  
25 nominees are: New Jersey Health Officers Association, New Jersey  
26 State Chamber of Commerce, New Jersey Society of Professional  
27 Engineers, Inc., New Jersey Manufacturers Association, New  
28 Jersey Section of the American Industrial Hygiene Association,  
29 New Jersey State League of Municipalities, the New Jersey Free-  
30 holders' Association and the New Jersey State AFL-CIO.

31 (c) Of the [12] 14 members first to be appointed, [3] 4 shall be  
32 appointed for terms of 1 year, [3] 4 for terms of 2 years, 3 for  
33 terms of 3 years and 3 for terms of 4 years. Thereafter, all appoint-  
34 pointments shall be made for terms of 4 years. All appointed  
35 members shall serve after the expiration of their terms until their  
36 respective successors are appointed and shall qualify, and any  
37 vacancy occurring in the appointed membership of the council by  
38 expiration of term or otherwise, shall be filled in the same manner  
39 as the original appointment for the unexpired term only, notwith-  
40 standing that the previous incumbent may have held over and con-  
41 tinued in office as aforesaid. The Governor may remove any ap-  
42 pointed member of the council for cause after a public hearing.

43 (d) Members of the council shall serve without compensation  
44 but shall be reimbursed for expenses actually incurred in attend-  
45 ing meetings of the council and in the performance of their duties  
46 as members thereof.

47 (e) The council shall elect annually a chairman and vice-chair-  
48 man from its own membership.

1 6. Section 1 of chapter 109 of the laws of 1967 is amended to  
2 read as follows:

3 1. (a) There is hereby created in the State Department of Health  
4 a Clean Water Council, which shall consist of 18 members,  
5 7 of whom shall be the Commissioner of Labor and Industry or a  
6 member of the Department of Labor and Industry designated by  
7 him, the Commissioner of Community Affairs or a member of the  
8 Department of Community Affairs designated by him, the Presi-  
9 dent of the Public Utilities Commission or a member of the Depart-  
10 ment of Public Utilities designated by him, the Commissioner of  
11 Conservation and Economic Development or a member of the  
12 Department of Conservation and Economic Development desig-

13 nated by him, the Secretary of Agriculture or a member of the  
14 Department of Agriculture designated by him, the Chairman of  
15 the Water Policy and Supply Council in the Department of Con-  
16 servation and Economic Development and the Executive Director  
17 of the Delaware River Basin Commission, who shall serve ex  
18 officio, 5 citizens of the State representing the general public and  
19 6 members to be appointed from persons to be nominated by the  
20 organizations hereinafter enumerated, by the Governor.

21 (b) Within 30 days following the effective date hereof and  
22 thereafter as required, at least 1 month prior to the expiration of  
23 the term of the member chosen from nominees of each organization  
24 hereafter enumerated, each such organization shall submit to the  
25 Governor a list of 3 recommended nominees for membership on the  
26 council from which list the Governor shall appoint one.

27 If any organization does not submit a list of recommended  
28 nominees at any time required by this act, the Governor may  
29 appoint a member of his choice.

30 The organizations which shall be entitled to submit recommended  
31 nominees are: New Jersey State Chamber of Commerce, New  
32 Jersey Manufacturers Association, New Jersey State League of  
33 Municipalities, the New Jersey Freeholders' Association, New  
34 Jersey Society of Professional Engineers, Inc. and the New Jer-  
35 sey AFL-CIO.

36 (c) Of the [10] 11 members first to be appointed, [3] 4 shall be  
37 appointed for terms of 1 year, 3 for terms of 2 years, 2 for terms  
38 of 3 years and 2 for terms of 4 years. Thereafter, all appointments  
39 shall be made for terms of 4 years. All appointed members shall  
40 serve after the expiration of their terms until their respective  
41 successors are appointed and shall qualify, and any vacancy oc-  
42 ccurring in the appointed membership of the council by expiration  
43 of term or otherwise, shall be filled in the same manner as the  
44 original appointment for the unexpired term only, notwithstanding  
45 that the previous incumbent may have held over and continued in  
46 office as aforesaid. The Governor may remove any appointed  
47 member of the council for cause after a public hearing.

48 (d) Members of the council shall serve without compensation  
49 but shall be reimbursed for expenses actually incurred in attending  
50 meetings of the council and in the performance of their duties as  
51 members thereof.

52 (e) The council shall elect annually a chairman and vice-chair-  
53 man from its own membership.

1 7. Section 5 of Article II of chapter 149 of the laws of 1966 is  
2 amended to read as follows:

3 5. Officers. The board shall elect a chairman, vice-chairman, a  
4 secretary and a treasurer from among its membership and may  
5 elect such other officers as it desires from among its membership.  
6 The vice-chairman, and either the secretary or treasurer, shall not  
7 reside in the same State as the chairman. The chairman or vice-  
8 chairman shall be elected from among the State officials or ap-  
9 pointees of each party State. The remaining **【officer】** *officers*  
10 shall be selected from among the members representing the counties  
11 and municipalities.

1 8. Section 39:2-2 of the Revised Statutes is amended to read  
2 as follows:

3 39:2-2. The **【department】** *division* shall be administered by the  
4 Director of the Division of Motor Vehicles.

5 The director shall be appointed by the Governor **【by and】** with  
6 the advice and consent of the Senate **【for a term of 4 years but**  
7 **he shall continue in office after the expiration of his term until**  
8 **his successor shall be appointed and shall qualify】** *and shall serve*  
9 *during the term of office of the Governor appointing him and until*  
10 *the director's successor is appointed and has qualified.*

11 The director shall receive such salary as shall be provided by law.

12 The director shall give bond, conditioned for the faithful dis-  
13 charge of his duties, in the sum of \$50,000.00, which bond shall  
14 be approved by a justice of the Supreme Court or a judge of the  
15 Superior Court, and shall be filed with the State Treasurer.

16 The director shall take an oath before one of the Supreme Court  
17 justices or Superior Court judges, in form similar to that now  
18 required by the State Treasurer, which oath shall be filed with the  
19 Secretary of State.

20 **【Vacancies in the office of the director shall be filled by the**  
21 **Governor by and with the advice and consent of the Senate for**  
22 **the unexpired term only.】**

1 9. Section 3 of chapter 61 of the laws of 1967 is amended to read  
2 as follows:

3 3. Standards and conditions for planned unit development.  
4 Every ordinance adopted pursuant to the provisions of this act  
5 shall set forth the standards and conditions by which a proposed  
6 planned unit development shall be evaluated. The municipal  
7 authority may prescribe, from time to time, rules and regulations  
8 to supplement the standards and conditions set forth in the ordi-  
9 nance provided (1) said rules and regulations are not inconsistent



10 with said standards and conditions, (2) said rules and regulations  
11 are placed of public record, and (3) any amendment or change of  
12 said rules and regulations shall not apply to any plan for which an  
13 application for tentative approval has been made prior to the  
14 placing of public record of said amendment or change. Said  
15 standards and conditions and all supplementary rules and regula-  
16 tions established for a particular planned development authorized  
17 pursuant to such ordinance shall not be inconsistent with the  
18 following provisions:

19 (a) Permitted uses. An ordinance adopted pursuant to this act  
20 shall set forth the uses permitted in a planned unit development,  
21 which uses may include and shall be limited to (1) dwelling units  
22 in detached, semidetached, attached, groups of attached or clustered  
23 or multistoried structures, or any combination thereof; and (2)  
24 any nonresidential use, to the extent such nonresidential use is  
25 designed and intended to serve the residents of the planned unit  
26 development, and such other uses as exist or may reasonably be  
27 expected to exist in the future, and (3) public and private educa-  
28 tional facilities, and (4) industrial uses and buildings.

29 An ordinance may establish regulations setting forth the timing  
30 of development among the various types of uses and subgroups  
31 thereunder, and may specify whether some nonresidential uses are  
32 to be built before, after or at the same time as the residential uses.

33 (b) Residential density.

34 (1) An ordinance adopted pursuant to this act shall establish  
35 standards governing the density, or intensity of land use, in a  
36 planned unit development.

37 (2) Said standards shall take into account that the density,  
38 or intensity of land use, otherwise allowable on the site under  
39 the provisions of a zoning ordinance previously enacted pur-  
40 suant to Revised Statutes 40:55-30, et seq., may not be appro-  
41 priate for a planned unit development. The standards may  
42 vary the density, or intensity of land use, otherwise applicable  
43 to the land within the planned unit development in considera-  
44 tion of (a) the amount, location and proposed use of common  
45 open space, (b) the location and physical characteristics of the  
46 site of the proposed planned unit development, and (c) the  
47 location, design and type of dwelling units and other uses.

48 (3) In the case of a planned unit development proposed to  
49 be developed over a period of years, such standards may, to  
50 encourage the flexibility of housing density, design and type  
51 intended by this act, authorize a deviation in each section to be

52 developed from the density, or intensity of use, established for  
53 the entire planned unit development. The ordinance may  
54 authorize the municipal authority to allow for a greater con-  
55 centration of density, or intensity of land use, within some sec-  
56 tion or sections of development, whether it be earlier or later  
57 in the development, than upon others. The ordinance may  
58 require that the approval by the municipal authority of a  
59 greater concentration of density or intensity of land use for  
60 any section to be developed be offset by a smaller concentration  
61 in any completed prior stage or by an appropriate reservation  
62 of common open space on the remaining land by a grant of  
63 easement or by covenant in favor of the municipality, provided  
64 that such reservation shall, as far as practicable, defer the  
65 precise location of such common open space until an applica-  
66 tion for final approval is filed, so that flexibility of development  
67 which is a prime objective of this act, can be maintained.

68 (c) Common open space. The standards for a planned unit  
69 development established by an ordinance adopted pursuant to this  
70 act shall require that any common open space resulting from the  
71 application of standards for density, or intensity of land use, be set  
72 aside for the use and benefit of the residents in such development  
73 and shall include provisions by which the amount and location of  
74 any common open space shall be determined and its improvement  
75 and maintenance for common open space use be secured, subject,  
76 however, to the following:

77 (1) The ordinance may provide that the municipality may,  
78 at any time and from time to time, accept the dedication of  
79 land or any interest therein for public use and maintenance,  
80 but the ordinance shall not require, as a condition of the  
81 approval of a planned unit development, that land proposed  
82 to be set aside for common open space be dedicated or made  
83 available to public use. The ordinance may require that the  
84 landowner provide for and establish an organization for the  
85 ownership and maintenance of any common open space, and  
86 that such organization shall not be dissolved nor shall it dispose  
87 of any common open space, by sale or otherwise (except to an  
88 organization conceived and established to own and maintain  
89 the common open space), without first offering to dedicate the  
90 same to the municipality or any other government agency.

91 (2) In the event that the organization established to own and  
92 maintain common open space, or any successor organization,  
93 shall at any time after establishment of the planned unit

94 development fail to maintain the common open space in reason-  
95 able order and condition in accordance with the plan, the mu-  
96 nicipality may serve written notice upon such organization or  
97 upon the residents and owners of the planned unit development  
98 setting forth the manner in which the organization has failed  
99 to maintain the common open space in reasonable condition,  
100 and said notice shall include a demand that such deficiencies of  
101 maintenance be cured within 30 days thereof, and shall state the  
102 date and place of a hearing thereon which shall be held within  
103 14 days of the notice. At such hearing the municipality may  
104 modify the terms of the original notice as to the deficiencies  
105 and may give an extension of time within which they shall be  
106 cured. If the deficiencies set forth in the original notice or in the  
107 modifications thereof shall *not* be cured within said 30 days or  
108 any extension thereof, the municipality, in order to preserve  
109 the taxable values of the properties within the planned unit  
110 development and to prevent the common open space from be-  
111 coming a public nuisance, may enter upon said common open  
112 space and maintain the same for a period of 1 year. Said entry  
113 and maintenance shall not vest in the public any rights to use  
114 the common open space except when the same is voluntarily  
115 dedicated to the public by the residents and owners. Before  
116 the expiration of said year, the municipality shall, upon its  
117 initiative or upon the request of the organization theretofore  
118 responsible for the maintenance of the common open space, call  
119 a public hearing upon notice to such organization, or to the  
120 residents and owners of the planned unit development, to be  
121 held by the municipal authority, at which hearing such organ-  
122 ization or the residents and owners of the planned unit develop-  
123 ment shall show cause why such maintenance by the municipi-  
124 tality shall not, at the election of the municipality, continue for  
125 a succeeding year. If the municipal authority shall determine  
126 that such organization is ready and able to maintain said com-  
127 mon open space in reasonable condition, the municipality shall  
128 cease to maintain said common open space at the end of said  
129 year. If the municipal authority shall determine such organiza-  
130 tion is not ready and able to maintain said common open space  
131 in a reasonable condition, the municipality may, in its discre-  
132 tion, continue to maintain said common open space during the  
133 next succeeding year and subject to a similar hearing and  
134 determination, in each year thereafter. The decision of the  
135 municipal authority in any such case shall constitute a final  
136 administrative decision subject to judicial review.

137           (3) The cost of such maintenance by the municipality shall  
138           be assessed ratably against the properties within the planned  
139           unit development that have a right of enjoyment of the com-  
140           mon open space, and shall become a tax lien on said properties.  
141           The municipality, at the time of entering upon said common  
142           open space for the purpose of maintenance, shall file a notice of  
143           such lien in the office of the county clerk upon the properties  
144           affected by such lien within the planned unit development.

145           (d) Minimum number of dwelling units. No ordinance adopted  
146           pursuant to the provisions of this act shall authorize a planned unit  
147           that contains less than 5 dwelling units, or less than 5 commercial  
148           uses, or 3 industrial uses, singly or in combination.

149           (e) Public facilities. The authority granted a municipality by  
150           P. L. 1953, chapter 433 (C. 40:55-1.1 et seq.) to establish standards  
151           for the location, width, course and surfacing of public streets and  
152           highways, alleys, ways for public service facilities, curbs, gutters,  
153           sidewalks, street lights, parks, playgrounds, school grounds, storm  
154           water drainage, water supply and distribution, sanitary sewers and  
155           sewage collection and treatment, shall be vested in the municipal  
156           authority for the purposes of this act. The standards applicable to  
157           a planned unit development may be different than, or modifications  
158           of, the standards and requirements otherwise required of sub-  
159           divisions authorized under an ordinance adopted pursuant to P. L.  
160           1953, chapter 433 (C. 40:55-1.1 et seq.) provided however, that an  
161           ordinance adopted pursuant to this act shall set forth the limits  
162           and extent of any modifications or changes in such standards and  
163           requirements in order that a landowner shall be able to know the  
164           limits and extent of permissible modifications from the standards  
165           otherwise applicable to subdivisions. The limits of such modifica-  
166           tion or change established in an ordinance adopted pursuant to this  
167           act as well as the degree of modification or change within said  
168           limits authorized in a particular case by the municipal authority  
169           shall take into account that the standards and requirements estab-  
170           lished in an ordinance adopted pursuant to P. L. 1953, chapter 433  
171           (C. 40:55-1.1 et seq.), may not be appropriate or necessary for  
172           land development of the type or design contemplated by this act  
173           or for the planning and creation of a planned community.

174           (f) Other standards and conditions. An ordinance adopted pur-  
175           suant to this act shall set forth the standards and criteria by which  
176           the design, bulk and location of buildings shall be evaluated, and all  
177           standards and criteria for any feature of a planned unit develop-  
178           ment shall be set forth in such ordinance with sufficient certainty to

179 provide reasonable criteria by which specific proposals for a  
180 planned unit development can be evaluated. All standards in such  
181 ordinance shall not unreasonably restrict the ability of the land-  
182 owner to relate the plan to the particular site and to the particular  
183 demand for housing, commercial or industrial users existing at the  
184 time of development.

1 10. Section 1 of chapter 296 of the laws of 1966 is amended to  
2 read as follows:

3 1. In any municipality operating under the municipal manager  
4 form of government law which has established or shall establish  
5 jointly with one or more other municipalities a water commission  
6 pursuant to the provisions of section 40:62-129 of the Revised  
7 Statutes, the municipal **[counsel]** *council* shall appoint the member  
8 or members of the water commission to which the municipality is  
9 entitled.

1 11. The title of chapter 307 of the laws of 1966 is amended to  
2 read as follows:

3 AN ACT to amend sections 43:16-3 **[,]** and 43:16-4 **[and**  
4 43:16-17] of the Revised Statutes and section 12 of P. L. 1944, c.  
5 253, and repealing section 2 of P. L. 1960, chapter 108, and sections  
6 2 and 3 of P. L. 1962, chapter 40.

1 12. Section 3 of chapter 307 of the laws of 1966 and its amenda-  
2 tory clause are amended to read as follows:

3 3. Section **[43:16-17 of the Revised Statutes]** 12 of chapter 253  
4 of the laws of 1944 is amended to read as follows:

5 **[43:16-17]** 12. The following words and phrases as used in this  
6 act, unless a different meaning is plainly required by the context,  
7 shall have the following meaning:

8 (1) "Member" shall mean a person who on the effective date of  
9 the act of which this act is amendatory, that is on July 1, 1944, was  
10 a member of a municipal police department or paid or part-paid  
11 fire department or county police department or a paid or part-paid  
12 fire department of a fire district located in a township and who has  
13 contributed to the pension fund established under chapter 16 of  
14 Title 43 of the Revised Statutes and shall hereafter contribute to  
15 said fund.

16 (2) "Active member" shall mean any "member" who is a  
17 policeman, fireman, detective, lineman, driver of police van, fire  
18 alarm operator or inspector of combustibles and who is subject to  
19 call for active service or duty as such.

20 (3) "Employee member" shall mean any "member" who is not  
21 subject to call for active service or duty as a policeman, fireman,

22 detective, lineman, driver of police van, fire alarm operator or in-  
23 spector of combustibles.

24 (4) "Commission" shall mean the board having control of the  
25 fund and the administration of this act.

26 (5) "Physician or surgeon" shall mean the surgeon or surgeons,  
27 physician or physicians who shall be called upon to determine the  
28 disability of members as provided by this act.

29 (6) "Employer" shall mean the county, municipality or agency  
30 thereof, by which a member is employed.

31 (7) "Service" shall mean service rendered while a member is  
32 employed by a municipal police department, paid or part-paid fire  
33 department, county police department or paid or part-paid fire  
34 department of a fire district located in a township prior to the  
35 effective date of this act for such service to such departments there-  
36 after.

37 (8) "Pension" shall mean the amount payable to a member or  
38 his beneficiary under the provisions of this act.

39 (9) "Average salary" shall mean the average annual salary  
40 paid during the last 3 years of a member's service, or in the event  
41 he has been employed for less than 3 years, the average pay he  
42 received during the time he was employed.

43 (10) "Beneficiary" shall mean any person or persons, other  
44 than a member, receiving or entitled to receive a pension or benefit  
45 as provided by this act.

46 (11) "Dependent parent" shall mean the parent of a member  
47 who was receiving at least  $\frac{1}{2}$  of his support from the member in the  
48 12-month period immediately preceding the member's death. The  
49 dependency of such a parent will be considered terminated by  
50 marriage of the parent subsequent to the death of the member.

51 (12) "County police" shall mean all police officers having super-  
52 vision or regulation of traffic upon county roads.

53 (13) "Dependent widower" shall mean the man to whom a  
54 member was married before the date of her retirement or at least  
55 5 years before the date of her death and to whom she continued to  
56 be married until the date of her death and who was receiving at  
57 least  $\frac{1}{2}$  of his support from the member in the 12-month period  
58 immediately preceding the member's death. The dependency of  
59 such a widower will be considered terminated by marriage of the  
60 widower subsequent to the death of the member.

61 (14) "Widow" shall mean the woman to whom a member was  
62 married before the date of his retirement or at least 5 years before  
63 the date of his death and to whom he continued to be married until

64 the date of his death and who has not remarried subsequent to the  
65 member's death.

66 (15) "Child" shall mean a deceased member's unmarried child  
67 under the age of 18.

1 13. The title of chapter 30 of the laws of 1967 is amended to  
2 read as follows:

3 AN ACT concerning unemployment compensation and temporary  
4 disability benefits, and amending sections 43:21-3, 43:21-4,  
5 43:21-5, 43:21-7, 43:21-8 and 43:21-19 of the Revised Statutes,  
6 and sections 14, 15, and 16 of chapter 110 of the laws of 1948,  
7 amending section 1 of chapter 81 of the laws of 1944, supplement-  
8 ing Title 43 of the Revised Statutes and repealing [chapter 177 of  
9 the laws of 1950] *chapter 469 of the laws of 1948*.

1 14. Section 43:21-7 of the Revised Statutes is amended to read  
2 as follows:

3 43:21-7. (a) Payment.

4 (1) Contributions shall accrue and become payable by each em-  
5 ployer for each calendar year in which he is subject to this chapter  
6 (R. S. 43:21-1 et seq.), with respect to having individuals in his  
7 employ during such calendar year at the rates and on the basis  
8 hereinafter set forth. Such contributions shall become due and be  
9 paid by each employer to the Division of Employment Security for  
10 the fund in accordance with such regulations as may be prescribed,  
11 and shall not be deducted, in whole or in part, from the remunera-  
12 tion of individuals in his employ.

13 (2) In the payment of any contributions, a fractional part of a  
14 cent shall be disregarded unless it amounts to  $\frac{1}{2}$  cent or more, in  
15 which case it shall be increased to \$0.01.

16 (b) Rate of contributions. Each employer shall pay the follow-  
17 ing contributions:

18 (1) For the calendar year 1947, and each calendar year there-  
19 after,  $2\frac{7}{10}\%$  of wages paid by him during each such calendar year,  
20 except as otherwise prescribed by subsection (c) of this section.

21 (2) The "wages" of any individual, with respect to any one  
22 employer as the term is used in this subsection (b) and in subsec-  
23 tions (c), (d) and (e) of this section 7, shall include the first  
24 \$3,000.00 paid during each calendar year prior to January 1, 1968  
25 and the first \$3,600.00 paid during each calendar year commencing  
26 on or after January 1, 1968, for services performed either within  
27 or without this State; provided, that no contribution shall be re-  
28 quired by this State with respect to services performed in another  
29 State if such other State imposes contribution liability with respect

30 thereto. If an employer (hereinafter referred to as successor em-  
31 ployer) during any calendar year acquires substantially all the  
32 property used in a trade or business of another employer (here-  
33 inafter referred to as a predecessor), or used in a separate unit  
34 of a trade or business of a predecessor, and immediately after the  
35 acquisition employs in his trade or business an individual who  
36 immediately prior to the acquisition was employed in the trade or  
37 business of such predecessor, then, for the purpose of determining  
38 whether the successor employer has paid wages with respect to  
39 employment equal to \$3,000.00 to such individual during any  
40 calendar year prior to January 1, 1968, or equal to \$3,600.00 during  
41 any calendar year commencing on or after January 1, 1968, any  
42 wages paid to such individual by such predecessor during such  
43 calendar year and prior to such acquisition shall be considered  
44 as having been paid by such successor employer.

45 (c) Future rates based on benefit experience:

46 (1) a separate account for each employer shall be maintained  
47 and this shall be credited with all the contributions which he has  
48 paid on his own behalf on or before January 31 of any calendar  
49 year with respect to employment occurring in preceding calendar  
50 years; provided, however, that if January 31 of any calendar year  
51 falls on a Saturday or Sunday, an employer's account shall be  
52 credited as of January 31 of such calendar year with all the con-  
53 tributions which he has paid on or before the next succeeding day  
54 which is not a Saturday or Sunday. But nothing in this chapter  
55 (R. S. 43:21-1 et seq.) shall be construed to grant any employer or  
56 individuals in his service prior claims or rights to the amounts  
57 paid by him into the fund either on his own behalf or on behalf of  
58 such individuals. Benefits paid with respect to benefit years com-  
59 mencing on and after January 1, 1953, to any individual on or before  
60 December 31 of any calendar year with respect to unemployment in  
61 such calendar year and in preceding calendar years shall be charged  
62 against the account or accounts of the employer or employers in  
63 whose employment such individual established base weeks con-  
64 stituting the basis of such benefits. Benefits paid under a given  
65 benefit determination shall be charged against the account of the  
66 employer to whom such determination relates. When each benefit  
67 payment is made the division shall promptly send either a copy of  
68 the benefit check or other form of notification to the employer  
69 against whose account the benefits are to be charged. Such copy or  
70 notification shall identify the employer against whose account the  
71 amount of such payment is being charged, shall show at least the  
72 name and social security account number of the claimant and shall



73 specify the period of unemployment to which said check applies.  
74 If the total amount of benefits paid to a claimant and charged to  
75 the account of the appropriate employer exceeds 50% of the total  
76 base-year base week wages paid to the claimant by that employer,  
77 then such employer may apply to the division to have canceled from  
78 his account such excess benefit charges as specified above. Any  
79 such application for the cancellation of excess charges shall be sub-  
80 mitted by the employer within 6 months from the date of the benefit  
81 check, payment of which creates such charges. In no event will the  
82 erasure of such charges affect a contribution rate already assigned  
83 to the employer with respect to any fiscal year commencing prior  
84 to the date the application is received by the division.

85 The division shall furnish to each employer an annual summary  
86 statement of benefits charged to his account.

87 (2) The Division of Employment Security may prescribe regu-  
88 lations for the establishment, maintenance, and dissolution of joint  
89 accounts by 2 or more employers, and shall, in accordance with such  
90 regulations and upon application by 2 or more employers to  
91 establish such an account, or to merge their several individual  
92 accounts in a joint account, maintain such joint account as if it con-  
93 stituted a single employer's account.

94 (3) Each employer's rate shall be  $2\frac{8}{10}\%$ , except as otherwise  
95 provided in the following provisions: No employer's rate shall be  
96 other than  $2\frac{8}{10}\%$  unless and until there shall have been 3 calendar  
97 years throughout which any individual in his employ could have  
98 received benefits if eligible. No employer's rate shall be lower  
99 than  $2\frac{7}{10}\%$  unless assignment of such lower rate is consistent with  
100 the conditions applicable to additional credit allowance for such  
101 year under section 3303 (a) (1) of the Internal Revenue Code  
102 (U. S. Code Title 26, section 3303 (a) (1)), any other provision  
103 of this section to the contrary notwithstanding.

104 (4) (A) Each employer's rate for the 12 months commencing  
105 July 1 of any calendar year shall be determined on the basis of his  
106 record up to the beginning of such calendar year. If, at the begin-  
107 ning of such calendar year, the total of all his contributions, paid  
108 on his own behalf, for all past years exceeds the total benefits  
109 charged to his account for all such years, his contribution rate  
110 shall be:

111 (1)  $2\frac{5}{10}\%$ , if such excess equals or exceeds 4%, but less  
112 than 5% of his average annual payroll (as defined in para-  
113 graph (2), subsection (a) of section 43:21-19 of this Title);

114 (2)  $2\frac{2}{10}\%$ , if such excess equals or exceeds 5%, but is less  
115 than 6%, of his average annual payroll;

116 (3)  $1\frac{1}{10}\%$ , if such excess equals or exceeds 6%, but is less  
117 than 7%, of his average annual payroll;

118 (4)  $1\frac{6}{10}\%$ , if such excess equals or exceeds 7%, but is less  
119 than 8%, of his average annual payroll;

120 (5)  $1\frac{3}{10}\%$ , if such excess equals or exceeds 8%, but is less  
121 than 9%, of his average annual payroll;

122 (6) 1%, if such excess equals or exceeds 9%, but is less than  
123 10%, of his average annual payroll;

124 (7)  $\frac{7}{10}$  of 1%, if such excess equals or exceeds 10%, but is  
125 less than 11%, of his average annual payroll;

126 (8)  $\frac{4}{10}$  of 1%, if such excess equals or exceeds 11%, of his  
127 average annual payroll.

128 (B) If the total of an employer's contributions, paid on his own  
129 behalf, for all past periods for the purposes of this paragraph (4),  
130 is less than the total benefits charged against his account during  
131 the same period, his rate shall be  $3\frac{6}{10}\%$ ; provided, however, if the  
132 total of the contributions of such an employer for the past 120 con-  
133 secutive calendar months is more than the total benefits charged  
134 against his account during the same period, his rate shall be  $2\frac{8}{10}\%$ .

135 (C) The contribution rates prescribed by subparagraphs (A)  
136 and (B) of this paragraph (4) shall be increased or decreased in  
137 accordance with the provisions of paragraph (5) of this subsec-  
138 tion (c).

139 (5) (A) If on March 31 of any calendar year the balance in the  
140 Unemployment Trust Fund equals or exceeds 4% but is less than  
141 7% of the total taxable wages reported to the division as of that  
142 date in respect to employment during the preceding calendar year,  
143 the contribution rate, effective July 1 following, of each employer  
144 eligible for a contribution rate calculation based upon benefit  
145 experience, shall be increased by  $\frac{3}{10}$  of 1% over the contribution  
146 rate otherwise established under the provisions of paragraphs (3)  
147 or (4) of this subsection. If on March 31 of any calendar year the  
148 balance of the Unemployment Trust Fund is less than 4% of the  
149 total taxable wages reported to the Division of Employment  
150 Security as of that date in respect to employment during the pre-  
151 ceding calendar year, the contribution rate, effective July 1 follow-  
152 ing, of each employer eligible for a contribution rate calculation  
153 based upon benefit experience, shall be increased by  $\frac{1}{10}$  of 1% over  
154 the contribution rate otherwise established under the provisions of  
155 paragraphs (3) or (4) of this subsection; provided, that if on such  
156 March 31, such balance is less than  $2\frac{1}{2}\%$  of such total taxable  
157 wages, the contribution rate so effective, of any employer, shall be  
158 not less than  $2\frac{8}{10}\%$ ; provided further, that the contribution rate

159 of any employer increased pursuant to the provisions of this sub-  
160 paragraph, when so increased, shall not exceed  $4\frac{3}{10}\%$   $4\frac{2}{10}\%$ .

161 (B) If on March 31 of any calendar year the balance in the Un-  
162 employment Trust Fund equals or exceeds 10% but is less than  
163  $12\frac{1}{2}\%$  of the total taxable wages reported to the Division of Em-  
164 ployment Security as of that date in respect to employment during  
165 the preceding calendar year, the contribution rate, effective July 1  
166 following, of each employer eligible for a contribution rate calcula-  
167 tion based upon benefit experience, shall be reduced by  $\frac{3}{10}$  of 1%  
168 under the contribution rate otherwise established under the pro-  
169 visions of paragraphs (3) and (4) of this subsection; provided, that  
170 in no event shall the contribution rate of any employer be reduced  
171 to less than  $\frac{4}{10}$  of 1%. If on March 31 of any calendar year the  
172 balance in the Unemployment Trust Fund equals or exceeds  $12\frac{1}{2}\%$   
173 of the total taxable wages reported to the division as of that date in  
174 respect to employment during the preceding calendar year, the  
175 contribution rate, effective July 1 following, of each employer  
176 eligible for a contribution rate calculation based upon benefit  
177 experience, shall be reduced by  $\frac{6}{10}$  of 1% if his account for all past  
178 periods reflects an excess of contributions paid over total benefits  
179 charged of 3% or more of his average annual payroll, otherwise by  
180  $\frac{3}{10}$  of 1% under the contribution rate otherwise established under  
181 the provisions of paragraphs (3) and (4) of this subsection; pro-  
182 vided, that in no event shall the contribution rate of any employer  
183 be reduced to less than  $\frac{4}{10}$  of 1%.

184 (6) Additional contributions.

185 Notwithstanding any other provision of law, any employer who  
186 has been assigned a contribution rate pursuant to subsection (c)  
187 of this section for the year commencing July 1, 1948, and for any  
188 year commencing July 1 thereafter, may voluntarily make payment  
189 of additional contributions, and upon such payment shall receive  
190 a recomputation of the experience rate applicable to such employer  
191 including in the calculation the additional contribution so made.  
192 Any such additional contribution shall be made during the 30-day  
193 period following the date of the mailing to the employer of the  
194 notice of his contribution rate as prescribed in this section, unless,  
195 for good cause, the time for payment has been extended by the  
196 director for not to exceed an additional 60 days; provided, that in  
197 no event may such payments which are made later than 120 days  
198 after the beginning of the year for which such rates are effective be  
199 considered in determining the experience rate for the year in which  
200 the payment is made. Any employer receiving any extended period

201 of time within which to make such additional payment and failing  
202 to make such payment timely shall pay, in addition to the required  
203 amount of additional payment, a penalty of 5% thereof or \$5.00,  
204 whichever is greater, not to exceed \$50.00. Any adjustment under  
205 this subsection shall be made only in the form of credits against  
206 accrued or future contributions.

207 (7) Transfers.

208 (A) Upon the transfer of the organization, trade or business, or  
209 substantially all the assets of an employer to a successor in interest,  
210 whether by merger, consolidation, sale, transfer, descent or other-  
211 wise, the Division of Employment Security shall transfer the em-  
212 ployment experience of the predecessor employer to the successor  
213 in interest, including credit for past years, contributions paid,  
214 annual payrolls, benefit charges, et cetera, applicable to such  
215 predecessor employer, pursuant to regulations adopted by the  
216 division, if the division finds that the employment experience of the  
217 predecessor employer with respect to the organization, trade, assets  
218 or business, which has been transferred, may be considered in-  
219 dicative of the future employment experience of the successor in  
220 interest. Unless the predecessor employer was owned or controlled  
221 (by legally enforceable means or otherwise), directly or indirectly,  
222 by the successor in interest, or the predecessor employer and the  
223 successor in interest were owned or controlled (by legally en-  
224 forceable means or otherwise), directly or indirectly, by the same  
225 interest or interests, the transfer of the employment experience  
226 of the predecessor shall not be effective if such successor in interest,  
227 within 4 months of the date of such transfer of the organization,  
228 trade, assets or business, or thereafter upon good cause shown,  
229 files a written notice with the division protesting the transfer of  
230 the employment experience of the predecessor employer.

231 (B) An employer, who transfers part of his or its organization,  
232 trade, assets or business to a successor in interest, whether by  
233 merger, consolidation, sale, transfer, descent or otherwise, may  
234 jointly make application with such successor in interest for trans-  
235 fer of that portion of the employment experience of the predeces-  
236 sor employer relating to the portion of the organization, trade,  
237 assets, or business transferred to the successor in interest, includ-  
238 ing credit for past years, contributions paid, annual payrolls,  
239 benefit charges, et cetera, applicable to such predecessor employer.  
240 The Division of Employment Security may allow such transfer of  
241 employment experience pursuant to regulations adopted by the  
242 division, only if it finds that the employment experience of the

243 predecessor employer with respect to the portion of the organiza-  
244 tion, trade, assets or business which has been transferred may be  
245 considered indicative of the future employment experience of the  
246 successor in interest. Credit shall be given to the successor in  
247 interest only for the years during which contributions were paid  
248 by the predecessor employer with respect to that part of the or-  
249 ganization, trade, assets or business transferred.

250 (C) A transfer of the employment experience in whole or in  
251 part having become final, the predecessor employer thereafter  
252 shall not be entitled to consideration for an adjusted rate based  
253 upon his or its experience or the part thereof, as the case may be,  
254 which has thus been transferred. A successor in interest to whom  
255 employment experience or a part thereof is transferred pursuant  
256 to this subsection shall, as of the date of the transfer of the organi-  
257 zation, trade, assets or business, or part thereof, immediately  
258 become an employer if not theretofore an employer subject to this  
259 chapter (R. S. 43:21-1 et seq.).

260 (d) (1) Contribution of workers; transfers to temporary dis-  
261 ability benefit fund.

262 Each worker shall contribute to the fund  $\frac{3}{4}$  of 1% of his wages  
263 paid by an employer with respect to his employment which occurs  
264 on and after January 1, 1953, and after such employer has satisfied  
265 the conditions set forth in subsection (h) of section 43:21-19 of this  
266 Title with respect to becoming an employer; provided, however,  
267 that such contribution shall be at the rate of  $\frac{1}{4}$  of 1% of wages  
268 paid with respect to employment while the worker is covered by an  
269 approved private plan under the Temporary Disability Benefits  
270 Law or while the worker is exempt from the provisions of the  
271 Temporary Disability Benefits Law under section 7 of that law.  
272 Each employer shall, notwithstanding any provisions of law in  
273 this State to the contrary, withhold in trust the amount of his  
274 workers' contributions from their wages at the time such wages  
275 are paid, shall show such deduction on his payroll records, shall  
276 furnish such evidence thereof to his workers as the division may  
277 prescribe, and shall transmit all such contributions, in addition  
278 to his own contributions, to the office of the Division of Employ-  
279 ment Security in such manner and at such times as may be pre-  
280 scribed. If any employer fails to deduct the contributions of any of  
281 his workers at the time their wages are paid, or fails to make a de-  
282 duction therefor at the time wages are paid for the next succeeding  
283 payroll period, he alone shall thereafter be liable for such con-  
284 tributions, and for the purpose of section 43:21-14 of this Title,

285 such contributions shall be treated as employer's contributions  
286 required from him. As used in this chapter (R. S. 43:21-1 et seq.),  
287 except when the context clearly requires otherwise, the term "con-  
288 tributions" shall include the contributions of workers pursuant  
289 to this section.

290 (2) (A) There shall be deposited in and credited to the State  
291 Disability Benefits Fund, as established by law,  $\frac{3}{4}$  of all worker  
292 contributions, received by the Division of Employment Security  
293 with respect to wages paid prior to January 1, 1953, and upon  
294 which the rate of contributions is 1%.

295 (B) There shall be deposited in and credited to the State Dis-  
296 ability Benefits Fund, as established by law,  $\frac{2}{3}$  of all worker con-  
297 tributions, received by the Division of Employment Security  
298 pursuant to paragraph (1) above after December 31, 1952, with  
299 respect to wages paid on and after January 1, 1953, and upon  
300 which the rate of contributions is  $\frac{3}{4}$  of 1%.

301 (3) If an employee receives wages from more than one employer  
302 during any calendar year, and either the sum of his contributions  
303 deposited in and credited to the State Disability Benefits Fund  
304 (in accordance with subparagraph (B) of paragraph (2) of this  
305 subsection) plus the amount of his contributions, if any, required  
306 towards the cost of benefits under one or more approved private  
307 plans under the provisions of section 9 of the Temporary Disability  
308 Benefits Law and deducted from his wages, or the sum of such  
309 latter contributions if the employee is covered during such calendar  
310 year, only by 2 or more private plans, exceeds \$15.00 in any  
311 calendar year prior to January 1, 1968, or \$18.00 in any calendar  
312 year commencing on or after January 1, 1968, the employee shall  
313 be entitled to a refund of the excess if he makes claim to the  
314 Division of Employment Security within 2 years after the end of  
315 the calendar year in which the wages are received with respect  
316 to which the refund is claimed and establishes his right to such  
317 refund. Such refund shall be made by the Division of Employment  
318 Security from the State Disability Benefits Fund. No interest  
319 shall be allowed or paid with respect to any such refund. The  
320 division shall, in accordance with prescribed regulations, determine  
321 the portion of the aggregate amount of such refunds made during  
322 any calendar year which is applicable to private plans for which  
323 deductions were made under section 9 of the "Temporary Dis-  
324 ability Benefits Law," such determination to be based upon the  
325 ratio of the amount of such wages exempt from contributions to  
326 such fund as provided in subparagraph (B) of paragraph (1) of

327 this subsection with respect to coverage under private plans to  
328 the total wages so exempt plus the amount of such wages subject  
329 to contributions to the disability benefits fund as provided in sub-  
330 paragraph (B) of paragraph (2) of this subsection. The division  
331 shall, in accordance with prescribed regulations, prorate the  
332 amount so determined among the applicable private plans in the  
333 proportion that the wages covered by each plan bears to the total  
334 private plan wages involved in such refunds, and shall assess  
335 against and recover from the employer, or the insurer if the  
336 insurer has indemnified the employer with respect thereto, the  
337 amount so prorated. The provisions of Revised Statutes, section  
338 43:21-14, with respect to collection of employer contributions shall  
339 apply to such assessments. The amounts so recovered by the  
340 division shall be paid into the State Disability Benefits Fund.

341 (4) If an individual does not receive any wages from the em-  
342 ploying unit which for the purposes of this chapter (R. S. 43:21-1  
343 et seq.) is treated as his employer, or receives his wages from  
344 some other employing unit, such employer shall nevertheless be  
345 liable for such individual's contributions in the first instance; and  
346 after payment thereof such employer may deduct the amount of  
347 such contributions from any sums payable by him to such employ-  
348 ing unit, or may recover the amount of such contributions from  
349 such employing unit, or, in the absence of such an employing unit,  
350 from such individual, in a civil action; provided, proceedings  
351 therefor are instituted within 3 months after the date on which  
352 such contributions are payable. General rules shall be prescribed  
353 whereby such an employing unit may recover the amount of such  
354 contributions from such individuals in the same manner as if it  
355 were the employer.

356 (5) Every employer who has elected to become an employer sub-  
357 ject to this chapter (R. S. 43:21-1 et seq.), or to cease to be an  
358 employer subject to this chapter (R. S. 43:21-1 et seq.), pursuant  
359 to the provisions of section 43:21-8 of this Title, shall post and  
360 maintain printed notices of such election on his premises, of such  
361 design, in such numbers, and at such places as the directors may  
362 determine to be necessary to give notice thereof to persons in his  
363 service.

364 (6) Contributions by workers, payable to the Division of Employ-  
365 ment Security as herein provided, shall be exempt from garnish-  
366 ment, attachment, execution, or any other remedy for the collection  
367 of debts.

368 (e) Contributions by employers to State Disability Benefits Fund.

369 (1) Except as hereinafter provided, each employer shall, in addi-  
370 tion to the contributions required by subsections (a), (b), and (c)  
371 of this section, contribute  $\frac{1}{4}$  of 1% of the wages paid by such em-  
372 ployer to workers with respect to employment after January 1,  
373 1949. Such contributions shall become due and be paid by each  
374 employer to the Division of Employment Security for the State  
375 Disability Benefits Fund as established by law, in accordance with  
376 such regulations as may be prescribed, and shall not be deducted,  
377 in whole or in part, from the remuneration of individuals in his  
378 employ. In the payment of any contributions, a fractional part of  
379 a cent shall be disregarded unless it amounts to  $\frac{1}{2}$  cent or more,  
380 in which case it shall be increased to \$0.01.

381 (2) During the continuance of coverage of a worker by an ap-  
382 proved private plan of disability benefits under the Temporary  
383 Disability Benefits Law, the employer shall be exempt from the  
384 contribution required by subparagraph (1) above with respect  
385 to wages paid to such worker.

386 (3) (A) The rates of contribution as specified in subparagraph  
387 (1) above shall be subject to modification as provided herein with  
388 respect to employer contributions due on and after July 1, 1951.

389 (B) A separate disability benefits account shall be maintained  
390 for each employer required to contribute to the State Disability  
391 Benefits Fund and such account shall be credited with contribu-  
392 tions deposited in and credited to such fund with respect to em-  
393 ployment occurring on and after January 1, 1949. Each employer's  
394 account shall be credited with all contributions paid on or before  
395 January 31 of any calendar year on his own behalf and on behalf  
396 of individuals in his service with respect to employment occurring  
397 in preceding calendar years; provided, however, that if January  
398 31, of any calendar year falls on a Saturday or Sunday an em-  
399 ployer's account shall be credited as of January 31 of such calendar  
400 year with all the contributions which he has paid on or before  
401 the next succeeding day which is not a Saturday or Sunday. But  
402 nothing in this act shall be construed to grant any employer or  
403 individuals in his service prior claims or rights to the amounts  
404 paid by him to the fund either on his own behalf or on behalf of  
405 such individuals. Benefits paid to any covered individual in ac-  
406 cordance with Article III of the Temporary Disability Benefits  
407 Law on or before December 31 of any calendar year with respect  
408 to disability in such calendar year and in preceding calendar  
409 years shall be charged against the account of the employer by  
410 whom such individual was employed at the commencement of such



411 disability or by whom he was last employed if out of employment.

412 (C) The division may prescribe regulations for the establish-  
413 ment, maintenance, and dissolution of joint accounts by 2 or more  
414 employers, and shall, in accordance with such regulations and upon  
415 application by 2 or more employers to establish such an account,  
416 or to merge their several individual accounts in a joint account,  
417 maintain such joint account as if it constituted a single employer's  
418 account.

419 (D) Prior to July 1 of each calendar year, the Division of Em-  
420 ployment Security shall make a preliminary determination of the  
421 rate of contribution for the 12 months commencing on such July  
422 1 for each employer subject to the contribution requirements of  
423 this subsection (e).

424 (1) Such preliminary rate shall be  $\frac{1}{4}$  of 1% unless on the pre-  
425 ceding January 31 of such year such employer shall have been a  
426 covered employer who has paid contributions to the State Dis-  
427 ability Benefits Fund with respect to employment in the 3 calendar  
428 years immediately preceding such year.

429 (2) If the minimum requirements in (1) above have been ful-  
430 filled and the credited contributions exceed the benefits charged  
431 by more than \$500.00, such preliminary rate shall be as follows:

432 (i)  $\frac{3}{10}$  of 1% if such excess over \$500.00 exceeds 1% but  
433 is less than  $1\frac{1}{4}$ % of his average annual payroll (as defined  
434 in this chapter (R. S. 43:21-1 et seq.));

435 (ii)  $\frac{15}{100}$  of 1% if such excess over \$500.00 equals or exceeds  
436  $1\frac{1}{4}$ % but is less than  $1\frac{1}{2}$ % of his average annual payroll;

437 (iii)  $\frac{1}{10}$  of 1% of such excess over \$500.00 equals or exceeds  
438  $1\frac{1}{2}$ % of his average annual payroll.

439 (3) If the minimum requirements in (1) above have been fulfilled  
440 and the contributions credited exceed the benefits charged but by  
441 not more than \$500.00 plus 1% of his average annual payroll, or  
442 if the benefits charged exceed the contributions credited but by  
443 not more than \$500.00, the preliminary rate shall be  $\frac{1}{4}$  of 1%.

444 (4) If the minimum requirements in (1) above have been fulfilled  
445 and the benefits charged exceed the contributions credited by more  
446 than \$500.00, such preliminary rate shall be as follows:

447 (i)  $\frac{35}{100}$  of 1% if such excess over \$500.00 is less than  $\frac{1}{4}$   
448 of 1% of his average annual payroll;

449 (ii)  $\frac{45}{100}$  of 1% if such excess over \$500.00 equals or exceeds  
450  $\frac{1}{4}$  of 1% but is less than  $\frac{1}{2}$  of 1% of his average annual  
451 payroll;

452 (iii)  $\frac{55}{100}$  of 1% if such excess over \$500.00 equals or exceeds

453  $\frac{1}{2}$  of 1% but is less than  $\frac{3}{4}$  of 1% of his average annual  
454 payroll;

455 (iv)  $\frac{65}{100}$  of 1% if such excess over \$500.00 equals or exceeds  
456  $\frac{3}{4}$  of 1% but is less than 1% of his average annual payroll;

457 (v)  $\frac{75}{100}$  of 1% if such excess over \$500.00 equals or exceeds  
458 1% of his average annual payroll.

459 (5) Determination of the preliminary rate as specified in (2),  
460 (3) and (4) above shall be subject, however, to the condition that  
461 it shall in no event be decreased by more than  $\frac{1}{10}$  of 1% of wages  
462 or increased by more than  $\frac{3}{10}$  of 1% of wages from the preliminary  
463 rate determined for the preceding year in accordance with (1),  
464 (2), (3) or (4), whichever shall have been applicable.

465 (E) (1) Prior to July 1 of each calendar year the Division of  
466 Employment Security shall determine the amount of the State  
467 Disability Benefits Fund as of December 31 of the preceding  
468 calendar year increased by the contributions paid thereto during  
469 January of the current calendar year with respect to employment  
470 occurring in preceding calendar years. If such amount exceeds  
471 the total of the amounts withdrawn from the unemployment trust  
472 fund pursuant to section 23 of the Temporary Disability Benefits  
473 Law plus the amount at the end of such preceding calendar year  
474 of the unemployment disability account (as defined in section 22  
475 of said law), such excess shall be expressed as a percentage of the  
476 wages on which contributions were paid to the State Disability  
477 Benefits Fund on or before January 31 with respect to employ-  
478 ment in the preceding calendar year.

479 (2) The Division of Employment Security shall then make a final  
480 determination of the rates of contribution for the 12 months com-  
481 mencing July 1 of such year for employers whose preliminary rates  
482 are determined as provided in (D) hereof, as follows:

483 (i) If the percentage determined in accordance with para-  
484 graph (1) of this subsection equals or exceeds  $1\frac{1}{4}\%$  of the final  
485 employer rates shall be the preliminary rates determined as  
486 provided in (D) hereof, except that if the employer's pre-  
487 liminary rate is determined as provided in (D) (2) or (D) (3)  
488 hereof, the final employer rate shall be the preliminary em-  
489 ployer rate decreased by such percentage of excess taken to  
490 the nearest  $\frac{5}{100}$  of 1%, but in no case shall such final rate be  
491 less than  $\frac{1}{10}$  of 1%.

492 (ii) If the percentage determined in accordance with para-  
493 graph (1) of this subsection equals or exceeds  $\frac{3}{4}$  of 1% and  
494 is less than  $1\frac{1}{4}$  of 1%, the final employer rates shall be the  
495 preliminary employer rates.

496 (iii) If the percentage determined in accordance with para-  
497 graph (1) of this subsection is less than  $\frac{3}{4}$  of 1%, the final  
498 employer rates shall be the preliminary employer rates deter-  
499 mined as provided in (D) hereof increased by the difference  
500 between  $\frac{3}{4}$  of 1% and such percentage taken to the nearest  
501  $\frac{5}{100}$  of 1%; provided, however, that no such final rate shall  
502 be more than  $\frac{1}{4}$  of 1% in the case of an employer whose pre-  
503 liminary rate is determined as provided in (D) (2) hereof,  
504 more than  $\frac{1}{2}$  of 1% in the case of an employer whose pre-  
505 liminary rate is determined as provided in (D) (1) and (D) (3)  
506 hereof, nor more than  $\frac{3}{4}$  of 1% in the case of an employer  
507 whose preliminary rate is determined as provided in (D) (4)  
508 hereof.

509 (iv) If the amount of the State Disability Benefits Fund  
510 determined as provided in paragraph (1) of this subsection  
511 is equal to or less than the total of the amounts withdrawn  
512 from the unemployment trust fund pursuant to section 23 of  
513 the Temporary Disability Benefits Law plus the amount at  
514 the end of the preceding calendar year of the unemployment  
515 disability account, then the final rate shall be  $\frac{3}{4}$  of 1% for  
516 all employers.

1 15. Section 11 of chapter 30 of the laws of 1967 is amended to  
2 read as follows:

3 11. [Chapter 177 of the laws of 1950] *Chapter 469 of the laws*  
4 *of 1948* is hereby repealed.

1 16. Section 45:9-21 of the Revised Statutes is amended to read  
2 as follows:

3 45:9-21. The prohibitory provisions of this chapter shall not  
4 apply to the following:

5 a. A commissioned surgeon or physician of the regular United  
6 States Army, Navy, or Marine hospital service while so commis-  
7 sioned and actively engaged in the performance of his official duties.  
8 This exemption shall not apply to reserve officers of the United  
9 States Army, Navy or Marine Corps, or to any officer of the  
10 National Guard of any State or of the United States;

11 b. A lawfully qualified physician or surgeon of another State  
12 taking charge temporarily, on written permission of the board,  
13 of the practice of a lawfully qualified physician or surgeon of this  
14 State during his absence from the State, upon written request to  
15 the board for permission so to do. Before such permission is  
16 granted by the board and before any person may enter upon such  
17 practice he must submit proof that he can fulfill the requirements

18 demanded in the other sections of this article relating to applicants  
19 for admission by examination or indorsement from another State.  
20 Such permission may be granted for a period of not less than 2  
21 weeks nor more than 4 months upon payment of a fee of \$25.00.  
22 The board in its discretion may extend such permission for further  
23 periods of 2 weeks to 4 months but not to exceed in the aggregate  
24 1 year;

25 c. A physician or surgeon of another State of the United States  
26 and duly authorized under the laws thereof to practice medicine  
27 or surgery therein, if such practitioner does not open an office or  
28 place for the practice of his profession in this State;

29 d. A person while actually serving as a member of the resident  
30 medical staff of any legally incorporated charitable or municipal  
31 hospital or asylum approved by the board. Hereafter such exemp-  
32 tion of any such resident physician shall not apply with respect  
33 to any individual after he shall have served as a resident physician  
34 for a total period of **[2] 5 years**, and such exemption of resident  
35 physicians, except with respect to persons who shall have com-  
36 menced service as resident physicians prior to July 1, 1939, shall  
37 apply only to persons who have been issued certificates under pro-  
38 visions contained in section 45:9-8 of this Title];

39 e. The practice of dentistry by any legally qualified and regis-  
40 tered dentist;

41 f. The ministrations to, or treatment of, the sick or suffering by  
42 prayer or spiritual means, whether gratuitously or for compensa-  
43 tion, and without the use of any drug or material remedy;

44 g. The practice of optometry by any legally qualified and regis-  
45 tered optometrist;

46 h. The practice of **[chiropody] podiatry** by any legally licensed  
47 **[chiropodist] podiatrist**;

48 i. The practice of pharmacy by a legally licensed and registered  
49 pharmacist of this State, but this exception shall not be extended  
50 to give to said licensed pharmacist the right and authority to carry  
51 on the business of a dispensary, unless the dispensary shall be in  
52 charge of a legally licensed and registered physician and surgeon  
53 of this State;

54 j. A person claiming the right to practice medicine and surgery  
55 in this State who has been practicing therein since before July 4,  
56 1890, if said right or title was obtained upon a duly registered  
57 diploma, of which the holder and applicant was the lawful pos-  
58 sessor, issued by a legally chartered medical institution which, in  
59 the opinion of the board, was in good standing at the time the  
60 diploma was issued;

61 k. A **[chiroprapist]** *podiatrist*, professional nurse, or a regis-  
 62 tered physical therapist, masseur, while operating in each particu-  
 63 lar case under the specific direction of a regularly licensed physician  
 64 or surgeon. This exemption shall not apply to such assistants of  
 65 persons who are licensed as osteopaths, chiropractors, optometrists  
 66 or other practitioners holding limited licenses;

67 l. A person while giving aid, assistance or relief in emergency  
 68 or accident cases pending the arrival of a regularly licensed physi-  
 69 cian, or surgeon or under the direction thereof; or

70 m. The operation of a bio-analytical laboratory by a licensed  
 71 bio-analytical laboratory director, or any person working under  
 72 the direct and constant supervision of a licensed bio-analytical  
 73 laboratory director.

74 n. *Any employee of a State or county institution holding the*  
 75 *degree of M.D. or D.O., regularly employed on a salary basis on*  
 76 *its medical staff or as a member of the teaching or scientific staff*  
 77 *of a State agency, may apply to the State Board of Medical Exam-*  
 78 *iners of New Jersey and may, in the discretion of said board, be*  
 79 *granted exemption from the provisions of this chapter; provided*  
 80 *said employee continues as a member of the medical staff of a*  
 81 *State agency or county institution or of the teaching or scientific*  
 82 *staff of a State agency and does not conduct any type of private*  
 83 *medical practice.*

84 *The provisions of this subsection (n) shall terminate on Decem-*  
 85 *ber 31, 1969.*

1 17. Section 20 of chapter 109 of the laws of 1962 is amended to  
 2 read as follows:

3 20. Notwithstanding the provisions of section **[3]** 4 of this act,  
 4 the first 5 persons appointed as members of the board shall not  
 5 be required, at the time of their first appointment to be licensed  
 6 to practice professional planning. Each shall, however, be a mem-  
 7 ber of the recognized organization representing professional plan-  
 8 ners in the State, and each shall have all the other qualifications  
 9 necessary for appointment specified in this act.

1 18. Section 9 of chapter 93 of the laws of 1967 is amended to  
 2 read as follows:

3 9. (a) It shall be unlawful for any person to act as a broker-  
 4 dealer, agent or investment advisor in this State unless he is regis-  
 5 tered under this act;

6 (b) It shall be unlawful for any broker-dealer or issuer to em-  
 7 ploy an agent in this State unless the agent is registered. The reg-  
 8 istration of an agent is not effective during any period when he

9 is not associated with a particular broker-dealer registered under  
10 this act or a particular issuer. When an agent begins or terminates  
11 a connection with a broker-dealer or issuer, or begins or terminates  
12 those activities which make him an agent, the agent as well as the  
13 broker-dealer or issuer shall promptly notify the bureau;

14 (c) It shall be unlawful for any person to transact business in  
15 this State as an investment advisor unless (1) he is so registered  
16 under this act, (2) he is registered as a broker-dealer without the  
17 imposition of a condition under section 11, paragraph (b) **[(6)]**  
18 (5); or (3) his only clients in this State are investment companies  
19 as defined in the Investment Company Act of 1940 or insurance  
20 companies;

21 (d) Every registration shall expire 2 years from its effective  
22 date unless renewed, except that the bureau chief may by rule  
23 provide that registrations shall all expire on the same date.

1 19. Section 6 of chapter 293 of the laws of 1966 is amended to  
2 read as follows:

3 6. (a) There is hereby established in the Department of Com-  
4 munity Affairs an Advisory Council on Community Affairs, an  
5 Office of Community Services, a Division of Local Finance, a  
6 Division of Housing and Urban Renewal, a Division of State and  
7 Regional Planning, a Division on Aging, *a Division of Youth,*  
8 and an Office of Economic Opportunity.

9 The commissioner also shall have authority to organize and main-  
10 tain in his offices an administrative division and to assign to em-  
11 ployment therein such secretarial, clerical and other assistants in  
12 the department as his office and the internal operations of the  
13 department shall require.

14 (b) In addition, the commissioner shall have the authority to  
15 reorganize the department and the several divisions, offices, bureaus  
16 and agencies established therein, in any manner which he deems  
17 to be necessary and desirable.

1 20. Section 53:1-2 of the Revised Statutes is amended to read  
2 as follows:

3 53:1-2. The Superintendent of State Police, hereinafter referred  
4 to as the superintendent, shall be appointed by the Governor, **[by**  
5 **and]** with the advice and consent of the Senate, **[for a term of 5**  
6 **years,]** *shall serve during the term of office of the Governor ap-*  
7 *pointing him and until the superintendent's successor is appointed*  
8 *and has qualified* and shall be removable by the Governor after  
9 charges have been preferred and a hearing granted.

10 The superintendent shall receive such salary as shall be provided

11 by law, and shall, before entering upon the duties of his office, give  
12 a bond to the State of New Jersey in the sum of \$20,000.00 for  
13 the faithful performance of his duties.

1 21. Section 4 of chapter 135 of the laws of 1966 is amended to  
2 read as follows:

3 4. If the amount determined by the director in section 3 hereof  
4 shall exceed the amount determined by the director in section 2  
5 hereof, the director shall allocate such excess amount among the  
6 municipalities of this State in accordance with the following  
7 formula:

8 There shall be allocated to each municipality such amount as will  
9 be in the same ratio to such excess amount, as the local property  
10 tax levied, as reflected in the county table of aggregates certified  
11 pursuant to Revised Statutes 54:4-52, in the municipality in the  
12 preceding calendar year upon commercial, industrial and farm real  
13 estate (excluding railroad property) is to the total taxes levied  
14 upon such property in all municipalities in the State in the same  
15 year.

16 *The director shall total the amounts allocated to each municipal-*  
17 *ity under the provisions of this section and shall certify this amount*  
18 *to the State Treasurer on or before October 15, 1968 and on or*  
19 *before October 15 annually thereafter.*

1 22. Section 26 of chapter 30 of the laws of 1966 is amended to  
2 read as follows:

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

14 (b) Any person failing to file a return required by this act,  
15 or filing or causing to be filed, or making or causing to be made,  
16 or giving or causing to be given any return, certificate, affidavit,  
17 representation, information, testimony or statement required or  
18 authorized by this act, which is willfully false, or willfully failing  
19 to file a bond required by this act, or failing to file a registration  
20 certificate and such data in connection therewith as the director

21 by regulation or otherwise may require, or to display or surrender  
 22 a certificate of authority as required by this act, or assigning or  
 23 transferring such certificate of authority, or willfully failing to  
 24 charge separately the tax herein imposed or to state such tax  
 25 separately on any bill, statement, memorandum or receipt issued  
 26 or employed by him upon which the tax is required to be stated  
 27 separately as provided in subsection (a) of section 12, or willfully  
 28 failing to collect the tax from a customer, [who shall refer or  
 29 cause] or referring or causing reference to be made to this tax in  
 30 a form or manner other than that required by this act, or failing  
 31 to keep any records required by this act, shall, in addition to any  
 32 other penalties herein or elsewhere prescribed, be guilty of a mis-  
 33 demeanor, punishment for which shall be a fine of not more than  
 34 \$1,000.00 or imprisonment for not more than 1 year, or both such  
 35 fine and imprisonment.

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

1 23. This act shall take effect immediately.

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#### STATEMENT

This bill is designed to correct miscellaneous errors in the statu-  
 tory law, as follows:

Section 1, to insert an omission in the title of P. L. 1964, chapter  
 86.

Section 2, to correct an error in N. J. S. 2A:151-11, as amended  
 by the 1966 gun control law, P. L. 1966, chapter 60.

Section 3, to correct an internal reference in P. L. 1964, chapter  
 104, section 6.

Section 4, to correct an internal reference in P. L. 1964, chapter  
 105, section 5.

Section 5, to correct certain members and terms of the Clean  
 Air Council in P. L. 1967, chapter 106, section 3.

Section 6, to correct certain members and terms of the Clean  
 Air Council in P. L. 1967, chapter 109, section 1.

Section 7, to change "officer" to "officers" in P. L. 1966, chapter  
 149, section 5, Article II.

Section 8, to conform language for the title of Director of the  
 Division of Motor Vehicles to the language contained in the "De-  
 partment of Law and Public Safety Act of 1948" in Revised  
 Statutes 39:2-2.



Section 9, to insert the word "not" omitted from P. L. 1967, chapter 61, section 3 (c) (2), the "Municipal Planned Unit Development Act (1967)".

Section 10, to correct a wrong word in P. L. 1966, chapter 296, section 1.

Section 11, to correct references in the title of P. L. 1966, chapter 307.

Section 12, to correct references in section 3 of P. L. 1966, chapter 307.

Section 13, to correct the title of P. L. 1967, chapter 30 to insert "and repealing chapter 469 of the laws of 1948" rather than "and repealing chapter 177 of the laws of 1950".

Section 14, to correct section 4 of P. L. 1967, chapter 30 to **[4 3/10 %]** and reinsert 4 3/10 %.

Section 15, to change section 11 to conform to the change in the title of P. L. 1967, chapter 30.

Section 16, Revised Statutes 45:9-21 was amended twice in 1963 by chapters 30 and 169. This amendment would re-enact the provisions of P. L. 1963, chapter 30 omitted from the later amendment to give effect to both of the 1963 amendments and change "chiroprody" and "chiropridist" to "podiatry" and "podiatrist".

Section 17, to correct an erroneous internal reference in P. L. 1962, chapter 109, section 20 which was noted in an opinion of the Supreme Court reported in 48 N. J. 581, at 592.

Section 18, to correct an internal reference in P. L. 1967, chapter 93, section 9.

Section 19, to insert the Division of Youth as a component part of the Department of Community Affairs, omitted by oversight from P. L. 1966, chapter 293, section 6.

Section 20, to conform language for the title of Superintendent of State Police to the language contained in the "Department of Law and Public Safety Act of 1948."

Section 21, to reinsert a paragraph omitted by error from the 1967 amendment (P. L. 1967, c. 50) of P. L. 1966, chapter 135, section 4.

Section 22, to correct a grammatical error in the Sales and Use Tax Act, P. L. 1966, chapter 30, section 26.

SENATE AMENDMENTS TO  
ASSEMBLY, No. 956

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STATE OF NEW JERSEY

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ADOPTED DECEMBER 11, 1967

Amend page 5, section 8, lines 1-22, omit in their entirety.

Amend pages 5-27, sections 9-19, renumber as sections "8" to "18".

Amend pages 27 and 28, section 20, lines 1-13, omit in their entirety.

Amend pages 28 and 29, sections 21-23, renumber as sections "19"  
to "21".

CHAPTER 227 (LAW) LAWS OF N. J. 1967

APPROVED 12-23-67

[OFFICIAL COPY REPRINT]

## ASSEMBLY, No. 956

# STATE OF NEW JERSEY

INTRODUCED NOVEMBER 20, 1967

By Assemblymen HAUSER and BEADLESTON

(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. The title of chapter 86 of the laws of 1964 is amended to read  
2 as follows:

3 "AN ACT concerning crimes and supplementing chapter 127  
4 *of Title 2A of the New Jersey Statutes.*"

1 2. Section 2A:151-11 of the New Jersey Statutes is amended to  
2 read as follows:

3 2A:151-11. Any person under the age of 18 years who purchases,  
4 barter, borrows, acquires or exchanges any firearm, grenade,  
5 bomb or other explosive, [except a firearm as provided in section  
6 2A:151-33,] is guilty of a misdemeanor or an act of juvenile de-  
7 linquency as may be provided otherwise in the statutes; except  
8 that any such person may carry, fire or use any firearm in the  
9 actual presence or under the direct supervision of his father,  
10 mother, guardian or some other person who is himself a holder of  
11 a permit to carry a pistol or revolver or a firearms purchaser  
12 identification card, or for the purpose of military drill under the  
13 auspices of a legally recognized military organization and under  
14 competent supervision, or for the purpose of competition or target  
15 practice in and upon a firing range approved by the governing body  
16 or the chief of police of the municipality in which such range is  
17 located or the National Rifle Association and which is under com-  
18 petent supervision at the time of such competition or target prac-  
19 tice, and except further that a minor under the age of 18 years who  
20 has successfully completed a hunter's safety course taught by a  
21 qualified instructor or conservation officer and carries in his pos-  
22 session a certificate indicating the successful completion of such a

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

23 course and has a valid hunting license in his own name, may carry  
24 and use a rifle or shotgun as otherwise provided in this chapter,  
25 for the purpose of hunting provided the regularly designated hunt-  
26 ing season.

1 3. Section 6 of chapter 104 of the laws of 1964 is amended to  
2 read as follows:

3 6. No hospital service corporation shall issue group contracts  
4 which are not experience rated pursuant to [sections 5 or 6] *sec-*  
5 *tion 5* of this act, until it shall have filed with the commissioner a  
6 full schedule of the rates which are to apply to such contracts.  
7 The commissioner may disapprove such schedule at any time if he  
8 finds that such rates are excessive, inadequate or unfairly discrimi-  
9 natory. It shall be unlawful for any corporation to effect any such  
10 group contract according to such rates thereafter.

1 4. Section 5 of chapter 105 of the laws of 1964 is amended to  
2 read as follows:

3 5. No medical service corporation shall issue group contracts  
4 which are not experience rated pursuant to [sections 4 or 5] *sec-*  
5 *tion 4* of this act, until it shall have filed with the commissioner a  
6 full schedule of the rates which are to apply to such contracts. The  
7 commissioner may disapprove such schedule at any time if he finds  
8 that such rates are excessive, inadequate or unfairly discrimi-  
9 natory. It shall be unlawful for any corporation to effect any such  
10 group contract according to such rates thereafter.

1 5. Section 3 of chapter 106 of the laws of 1967 is amended to read  
2 as follows:

3 3. (a) There is hereby created in the State Department of  
4 Health a Clean Air Council, which shall consist of 17 members, 3  
5 of whom shall be the Commissioner of Labor and Industry or a  
6 member of the Department of Labor and Industry designated by  
7 him, the Commissioner of Community Affairs or a member of the  
8 Department of Community Affairs designated by him, and the  
9 Secretary of Agriculture or a member of the Department of Agri-  
10 culture designated by him, who shall serve *ex officio*, 6 citizens of  
11 the State representing the general public at least one of whom  
12 shall be a medical doctor licensed to practice in this State and 8  
13 members to be appointed from persons to be nominated by the  
14 organizations hereinafter enumerated, by the Governor.

15 (b) Within 30 days following the effective date hereof and  
16 thereafter as required, at least 1 month prior to the expiration  
17 of the term of the member chosen from nominees of each organi-  
18 zation hereafter enumerated, each such organization shall submit

19 to the Governor a list of 3 recommended nominees for membership  
20 on the council from which list the Governor shall appoint one.

21 If any organization does not submit a list of recommended  
22 nominees at any time required by this act, the Governor may  
23 appoint a member of his choice.

24 The organizations which shall be entitled to submit recommended  
25 nominees are: New Jersey Health Officers Association, New Jersey  
26 State Chamber of Commerce, New Jersey Society of Professional  
27 Engineers, Inc., New Jersey Manufacturers Association, New  
28 Jersey Section of the American Industrial Hygiene Association,  
29 New Jersey State League of Municipalities, the New Jersey Free-  
30 holders' Association and the New Jersey State AFL-CIO.

31 (c) Of the [12] 14 members first to be appointed, [3] 4 shall be  
32 appointed for terms of 1 year, [3] 4 for terms of 2 years, 3 for  
33 terms of 3 years and 3 for terms of 4 years. Thereafter, all appoint-  
34 ments shall be made for terms of 4 years. All appointed  
35 members shall serve after the expiration of their terms until their  
36 respective successors are appointed and shall qualify, and any  
37 vacancy occurring in the appointed membership of the council by  
38 expiration of term or otherwise, shall be filled in the same manner  
39 as the original appointment for the unexpired term only, notwith-  
40 standing that the previous incumbent may have held over and con-  
41 tinued in office as aforesaid. The Governor may remove any ap-  
42 pointed member of the council for cause after a public hearing.

43 (d) Members of the council shall serve without compensation  
44 but shall be reimbursed for expenses actually incurred in attend-  
45 ing meetings of the council and in the performance of their duties  
46 as members thereof.

47 (e) The council shall elect annually a chairman and vice-chair-  
48 man from its own membership.

1 6. Section 1 of chapter 109 of the laws of 1967 is amended to  
2 read as follows:

3 1. (a) There is hereby created in the State Department of Health  
4 a Clean Water Council, which shall consist of 18 members,  
5 7 of whom shall be the Commissioner of Labor and Industry or a  
6 member of the Department of Labor and Industry designated by  
7 him, the Commissioner of Community Affairs or a member of the  
8 Department of Community Affairs designated by him, the Presi-  
9 dent of the Public Utilities Commission or a member of the Depart-  
10 ment of Public Utilities designated by him, the Commissioner of  
11 Conservation and Economic Development or a member of the  
12 Department of Conservation and Economic Development desig-

13 nated by him, the Secretary of Agriculture or a member of the  
14 Department of Agriculture designated by him, the Chairman of  
15 the Water Policy and Supply Council in the Department of Con-  
16 servation and Economic Development and the Executive Director  
17 of the Delaware River Basin Commission, who shall serve ex  
18 officio, 5 citizens of the State representing the general public and  
19 6 members to be appointed from persons to be nominated by the  
20 organizations hereinafter enumerated, by the Governor.

21 (b) Within 30 days following the effective date hereof and  
22 thereafter as required, at least 1 month prior to the expiration of  
23 the term of the member chosen from nominees of each organization  
24 hereafter enumerated, each such organization shall submit to the  
25 Governor a list of 3 recommended nominees for membership on the  
26 council from which list the Governor shall appoint one.

27 If any organization does not submit a list of recommended  
28 nominees at any time required by this act, the Governor may  
29 appoint a member of his choice.

30 The organizations which shall be entitled to submit recommended  
31 nominees are: New Jersey State Chamber of Commerce, New  
32 Jersey Manufacturers Association, New Jersey State League of  
33 Municipalities, the New Jersey Freeholders' Association, New  
34 Jersey Society of Professional Engineers, Inc. and the New Jer-  
35 sey AFL-CIO.

36 (c) Of the **[10]** 11 members first to be appointed, **[3]** 4 shall be  
37 appointed for terms of 1 year, 3 for terms of 2 years, 2 for terms  
38 of 3 years and 2 for terms of 4 years. Thereafter, all appointments  
39 shall be made for terms of 4 years. All appointed members shall  
40 serve after the expiration of their terms until their respective  
41 successors are appointed and shall qualify, and any vacancy oc-  
42 ccurring in the appointed membership of the council by expiration  
43 of term or otherwise, shall be filled in the same manner as the  
44 original appointment for the unexpired term only, notwithstanding  
45 that the previous incumbent may have held over and continued in  
46 office as aforesaid. The Governor may remove any appointed  
47 member of the council for cause after a public hearing.

48 (d) Members of the council shall serve without compensation  
49 but shall be reimbursed for expenses actually incurred in attending  
50 meetings of the council and in the performance of their duties as  
51 members thereof.

52 (e) The council shall elect annually a chairman and vice-chair-  
53 man from its own membership.

1 7. Section 5 of Article II of chapter 149 of the laws of 1966 is  
2 amended to read as follows:

3 5. Officers. The board shall elect a chairman, vice-chairman, a  
4 secretary and a treasurer from among its membership and may  
5 elect such other officers as it desires from among its membership.  
6 The vice-chairman, and either the secretary or treasurer, shall not  
7 reside in the same State as the chairman. The chairman or vice-  
8 chairman shall be elected from among the State officials or ap-  
9 pointees of each party State. The remaining **[officer]** *officers*  
10 shall be selected from among the members representing the counties  
11 and municipalities.

1 \***[8.** Section 39:2-2 of the Revised Statutes is amended to read  
2 as follows:

3 39:2-2. The **[department]** *division* shall be administered by the  
4 Director of the Division of Motor Vehicles.

5 The director shall be appointed by the Governor **[by and]** with  
6 the advice and consent of the Senate **[for a term of 4 years but**  
7 **he shall continue in office after the expiration of his term until**  
8 **his successor shall be appointed and shall qualify]** *and shall serve*  
9 *during the term of office of the Governor appointing him and until*  
10 *the director's successor is appointed and has qualified.*

11 The director shall receive such salary as shall be provided by law.

12 The director shall give bond, conditioned for the faithful dis-  
13 charge of his duties, in the sum of \$50,000.00, which bond shall  
14 be approved by a justice of the Supreme Court or a judge of the  
15 Superior Court, and shall be filed with the State Treasurer.

16 The director shall take an oath before one of the Supreme Court  
17 justices or Superior Court judges, in form similar to that now  
18 required by the State Treasurer, which oath shall be filed with the  
19 Secretary of State.

20 **[Vacancies in the office of the director shall be filled by the**  
21 **Governor by and with the advice and consent of the Senate for**  
22 **the unexpired term only.]]\***

1 \***[9.]** \*8.\* Section 3 of chapter 61 of the laws of 1967 is amended  
2 to read as follows:

3 3. Standards and conditions for planned unit development.  
4 Every ordinance adopted pursuant to the provisions of this act  
5 shall set forth the standards and conditions by which a proposed  
6 planned unit development shall be evaluated. The municipal  
7 authority may prescribe, from time to time, rules and regulations  
8 to supplement the standards and conditions set forth in the ordi-  
9 nance provided (1) said rules and regulations are not inconsistent

10 with said standards and conditions, (2) said rules and regulations  
11 are placed of public record, and (3) any amendment or change of  
12 said rules and regulations shall not apply to any plan for which an  
13 application for tentative approval has been made prior to the  
14 placing of public record of said amendment or change. Said  
15 standards and conditions and all supplementary rules and regula-  
16 tions established for a particular planned development authorized  
17 pursuant to such ordinance shall not be inconsistent with the  
18 following provisions:

19 (a) Permitted uses. An ordinance adopted pursuant to this act  
20 shall set forth the uses permitted in a planned unit development,  
21 which uses may include and shall be limited to (1) dwelling units  
22 in detached, semidetached, attached, groups of attached or clustered  
23 or multistoried structures, or any combination thereof; and (2)  
24 any nonresidential use, to the extent such nonresidential use is  
25 designed and intended to serve the residents of the planned unit  
26 development, and such other uses as exist or may reasonably be  
27 expected to exist in the future, and (3) public and private educa-  
28 tional facilities, and (4) industrial uses and buildings.

29 An ordinance may establish regulations setting forth the timing  
30 of development among the various types of uses and subgroups  
31 thereunder, and may specify whether some nonresidential uses are  
32 to be built before, after or at the same time as the residential uses.

33 (b) Residential density.

34 (1) An ordinance adopted pursuant to this act shall establish  
35 standards governing the density, or intensity of land use, in a  
36 planned unit development.

37 (2) Said standards shall take into account that the density,  
38 or intensity of land use, otherwise allowable on the site under  
39 the provisions of a zoning ordinance previously enacted pur-  
40 suant to Revised Statutes 40:55-30, et seq., may not be appro-  
41 priate for a planned unit development. The standards may  
42 vary the density, or intensity of land use, otherwise applicable  
43 to the land within the planned unit development in considera-  
44 tion of (a) the amount, location and proposed use of common  
45 open space, (b) the location and physical characteristics of the  
46 site of the proposed planned unit development, and (c) the  
47 location, design and type of dwelling units and other uses.

48 (3) In the case of a planned unit development proposed to  
49 be developed over a period of years, such standards may, to  
50 encourage the flexibility of housing density, design and type  
51 intended by this act, authorize a deviation in each section to be



52 developed from the density, or intensity of use, established for  
53 the entire planned unit development. The ordinance may  
54 authorize the municipal authority to allow for a greater con-  
55 centration of density, or intensity of land use, within some sec-  
56 tion or sections of development, whether it be earlier or later  
57 in the development, than upon others. The ordinance may  
58 require that the approval by the municipal authority of a  
59 greater concentration of density or intensity of land use for  
60 any section to be developed be offset by a smaller concentration  
61 in any completed prior stage or by an appropriate reservation  
62 of common open space on the remaining land by a grant of  
63 easement or by covenant in favor of the municipality, provided  
64 that such reservation shall, as far as practicable, defer the  
65 precise location of such common open space until an applica-  
66 tion for final approval is filed, so that flexibility of development  
67 which is a prime objective of this act, can be maintained.

68 (c) Common open space. The standards for a planned unit  
69 development established by an ordinance adopted pursuant to this  
70 act shall require that any common open space resulting from the  
71 application of standards for density, or intensity of land use, be set  
72 aside for the use and benefit of the residents in such development  
73 and shall include provisions by which the amount and location of  
74 any common open space shall be determined and its improvement  
75 and maintenance for common open space use be secured, subject,  
76 however, to the following:

77 (1) The ordinance may provide that the municipality may,  
78 at any time and from time to time, accept the dedication of  
79 land or any interest therein for public use and maintenance,  
80 but the ordinance shall not require, as a condition of the  
81 approval of a planned unit development, that land proposed  
82 to be set aside for common open space be dedicated or made  
83 available to public use. The ordinance may require that the  
84 landowner provide for and establish an organization for the  
85 ownership and maintenance of any common open space, and  
86 that such organization shall not be dissolved nor shall it dispose  
87 of any common open space, by sale or otherwise (except to an  
88 organization conceived and established to own and maintain  
89 the common open space), without first offering to dedicate the  
90 same to the municipality or any other government agency.

91 (2) In the event that the organization established to own and  
92 maintain common open space, or any successor organization,  
93 shall at any time after establishment of the planned unit

94 development fail to maintain the common open space in reason-  
95 able order and condition in accordance with the plan, the mu-  
96 nicipality may serve written notice upon such organization or  
97 upon the residents and owners of the planned unit development  
98 setting forth the manner in which the organization has failed  
99 to maintain the common open space in reasonable condition,  
100 and said notice shall include a demand that such deficiencies of  
101 maintenance be cured within 30 days thereof, and shall state the  
102 date and place of a hearing thereon which shall be held within  
103 14 days of the notice. At such hearing the municipality may  
104 modify the terms of the original notice as to the deficiencies  
105 and may give an extension of time within which they shall be  
106 cured. If the deficiencies set forth in the original notice or in the  
107 modifications thereof shall *not* be cured within said 30 days or  
108 any extension thereof, the municipality, in order to preserve  
109 the taxable values of the properties within the planned unit  
110 development and to prevent the common open space from be-  
111 coming a public nuisance, may enter upon said common open  
112 space and maintain the same for a period of 1 year. Said entry  
113 and maintenance shall not vest in the public any rights to use  
114 the common open space except when the same is voluntarily  
115 dedicated to the public by the residents and owners. Before  
116 the expiration of said year, the municipality shall, upon its  
117 initiative or upon the request of the organization theretofore  
118 responsible for the maintenance of the common open space, call  
119 a public hearing upon notice to such organization, or to the  
120 residents and owners of the planned unit development, to be  
121 held by the municipal authority, at which hearing such organ-  
122 ization or the residents and owners of the planned unit develop-  
123 ment shall show cause why such maintenance by the municipi-  
124 pality shall not, at the election of the municipality, continue for  
125 a succeeding year. If the municipal authority shall determine  
126 that such organization is ready and able to maintain said com-  
127 mon open space in reasonable condition, the municipality shall  
128 cease to maintain said common open space at the end of said  
129 year. If the municipal authority shall determine such organiza-  
130 tion is not ready and able to maintain said common open space  
131 in a reasonable condition, the municipality may, in its discre-  
132 tion, continue to maintain said common open space during the  
133 next succeeding year and subject to a similar hearing and  
134 determination, in each year thereafter. The decision of the  
135 municipal authority in any such case shall constitute a final  
136 administrative decision subject to judicial review.

137           (3) The cost of such maintenance by the municipality shall  
138           be assessed ratably against the properties within the planned  
139           unit development that have a right of enjoyment of the com-  
140           mon open space, and shall become a tax lien on said properties.  
141           The municipality, at the time of entering upon said common  
142           open space for the purpose of maintenance, shall file a notice of  
143           such lien in the office of the county clerk upon the properties  
144           affected by such lien within the planned unit development.

145           (d) Minimum number of dwelling units. No ordinance adopted  
146           pursuant to the provisions of this act shall authorize a planned unit  
147           that contains less than 5 dwelling units, or less than 5 commercial  
148           uses, or 3 industrial uses, singly or in combination.

149           (e) Public facilities. The authority granted a municipality by  
150           P. L. 1953, chapter 433 (C. 40:55-1.1 et seq.) to establish standards  
151           for the location, width, course and surfacing of public streets and  
152           highways, alleys, ways for public service facilities, curbs, gutters,  
153           sidewalks, street lights, parks, playgrounds, school grounds, storm  
154           water drainage, water supply and distribution, sanitary sewers and  
155           sewage collection and treatment, shall be vested in the municipal  
156           authority for the purposes of this act. The standards applicable to  
157           a planned unit development may be different than, or modifications  
158           of, the standards and requirements otherwise required of sub-  
159           divisions authorized under an ordinance adopted pursuant to P. L.  
160           1953, chapter 433 (C. 40:55-1.1 et seq.) provided however, that an  
161           ordinance adopted pursuant to this act shall set forth the limits  
162           and extent of any modifications or changes in such standards and  
163           requirements in order that a landowner shall be able to know the  
164           limits and extent of permissible modifications from the standards  
165           otherwise applicable to subdivisions. The limits of such modifica-  
166           tion or change established in an ordinance adopted pursuant to this  
167           act as well as the degree of modification or change within said  
168           limits authorized in a particular case by the municipal authority  
169           shall take into account that the standards and requirements estab-  
170           lished in an ordinance adopted pursuant to P. L. 1953, chapter 433  
171           (C. 40:55-1.1 et seq.), may not be appropriate or necessary for  
172           land development of the type or design contemplated by this act  
173           or for the planning and creation of a planned community.

174           (f) Other standards and conditions. An ordinance adopted pur-  
175           suant to this act shall set forth the standards and criteria by which  
176           the design, bulk and location of buildings shall be evaluated, and all  
177           standards and criteria for any feature of a planned unit develop-  
178           ment shall be set forth in such ordinance with sufficient certainty to

179 provide reasonable criteria by which specific proposals for a  
 180 planned unit development can be evaluated. All standards in such  
 181 ordinance shall not unreasonably restrict the ability of the land-  
 182 owner to relate the plan to the particular site and to the particular  
 183 demand for housing, commercial or industrial users existing at the  
 184 time of development.

1 \***[10.]**\* \*9.\* Section 1 of chapter 296 of the laws of 1966 is  
 2 amended to read as follows:

3 1. In any municipality operating under the municipal manager  
 4 form of government law which has established or shall establish  
 5 jointly with one or more other municipalities a water commission  
 6 pursuant to the provisions of section 40:62-129 of the Revised  
 7 Statutes, the municipal **[counsel]** *council* shall appoint the member  
 8 or members of the water commission to which the municipality is  
 9 entitled.

1 \***[11.]**\* \*10.\* The title of chapter 307 of the laws of 1966 is  
 2 amended to read as follows:

3 AN ACT to amend sections 43:16-3 **[,]** and 43:16-4 **[and**  
 4 43:16-17] of the Revised Statutes and section 12 of P. L. 1944, c.  
 5 253, and repealing section 2 of P. L. 1960, chapter 108, and sections  
 6 2 and 3 of P. L. 1962, chapter 40.

1 \***[12.]**\* \*11.\* Section 3 of chapter 307 of the laws of 1966 and  
 2 its amendatory clause are amended to read as follows:

3 3. Section **[43:16-17 of the Revised Statutes]** *12 of chapter 253*  
 4 *of the laws of 1944* is amended to read as follows:

5 **[43:16-17]** 12. The following words and phrases as used in this  
 6 act, unless a different meaning is plainly required by the context,  
 7 shall have the following meaning:

8 (1) "Member" shall mean a person who on the effective date of  
 9 the act of which this act is amendatory, that is on July 1, 1944, was  
 10 a member of a municipal police department or paid or part-paid  
 11 fire department or county police department or a paid or part-paid  
 12 fire department of a fire district located in a township and who has  
 13 contributed to the pension fund established under chapter 16 of  
 14 Title 43 of the Revised Statutes and shall hereafter contribute to  
 15 said fund.

16 (2) "Active member" shall mean any "member" who is a  
 17 policeman, fireman, detective, lineman, driver of police van, fire  
 18 alarm operator or inspector of combustibles and who is subject to  
 19 call for active service or duty as such.

20 (3) "Employee member" shall mean any "member" who is not  
 21 subject to call for active service or duty as a policeman, fireman,

22 detective, lineman, driver of police van, fire alarm operator or in-  
23 spector of combustibles.

24 (4) "Commission" shall mean the board having control of the  
25 fund and the administration of this act.

26 (5) "Physician or surgeon" shall mean the surgeon or surgeons,  
27 physician or physicians who shall be called upon to determine the  
28 disability of members as provided by this act.

29 (6) "Employer" shall mean the county, municipality or agency  
30 thereof, by which a member is employed.

31 (7) "Service" shall mean service rendered while a member is  
32 employed by a municipal police department, paid or part-paid fire  
33 department, county police department or paid or part-paid fire  
34 department of a fire district located in a township prior to the  
35 effective date of this act for such service to such departments there-  
36 after.

37 (8) "Pension" shall mean the amount payable to a member or  
38 his beneficiary under the provisions of this act.

39 (9) "Average salary" shall mean the average annual salary  
40 paid during the last 3 years of a member's service, or in the event  
41 he has been employed for less than 3 years, the average pay he  
42 received during the time he was employed.

43 (10) "Beneficiary" shall mean any person or persons, other  
44 than a member, receiving or entitled to receive a pension or benefit  
45 as provided by this act.

46 (11) "Dependent parent" shall mean the parent of a member  
47 who was receiving at least  $\frac{1}{2}$  of his support from the member in the  
48 12-month period immediately preceding the member's death. The  
49 dependency of such a parent will be considered terminated by  
50 marriage of the parent subsequent to the death of the member.

51 (12) "County police" shall mean all police officers having super-  
52 vision or regulation of traffic upon county roads.

53 (13) "Dependent widower" shall mean the man to whom a  
54 member was married before the date of her retirement or at least  
55 5 years before the date of her death and to whom she continued to  
56 be married until the date of her death and who was receiving at  
57 least  $\frac{1}{2}$  of his support from the member in the 12-month period  
58 immediately preceding the member's death. The dependency of  
59 such a widower will be considered terminated by marriage of the  
60 widower subsequent to the death of the member.

61 (14) "Widow" shall mean the woman to whom a member was  
62 married before the date of his retirement or at least 5 years before  
63 the date of his death and to whom he continued to be married until

64 the date of his death and who has not remarried subsequent to the  
65 member's death.

66 (15) "Child" shall mean a deceased member's unmarried child  
67 under the age of 18.

1 \*~~13.~~\* \*12.\* The title of chapter 30 of the laws of 1967 is  
2 amended to read as follows:

3 AN ACT concerning unemployment compensation and temporary  
4 disability benefits, and amending sections 43:21-3, 43:21-4,  
5 43:21-5, 43:21-7, 43:21-8 and 43:21-19 of the Revised Statutes,  
6 and sections 14, 15, and 16 of chapter 110 of the laws of 1948,  
7 amending section 1 of chapter 81 of the laws of 1944, supplement-  
8 ing Title 43 of the Revised Statutes and repealing ~~chapter 177 of~~  
9 the laws of 1950] *chapter 469 of the laws of 1948.*

1 \*~~14.~~\* \*13.\* Section 43:21-7 of the Revised Statutes is amended  
2 to read as follows:

3 43:21-7. (a) Payment.

4 (1) Contributions shall accrue and become payable by each em-  
5 ployer for each calendar year in which he is subject to this chapter  
6 (R. S. 43:21-1 et seq.), with respect to having individuals in his  
7 employ during such calendar year at the rates and on the basis  
8 hereinafter set forth. Such contributions shall become due and be  
9 paid by each employer to the Division of Employment Security for  
10 the fund in accordance with such regulations as may be prescribed,  
11 and shall not be deducted, in whole or in part, from the remunera-  
12 tion of individuals in his employ.

13 (2) In the payment of any contributions, a fractional part of a  
14 cent shall be disregarded unless it amounts to  $\frac{1}{2}$  cent or more, in  
15 which case it shall be increased to \$0.01.

16 (b) Rate of contributions. Each employer shall pay the follow-  
17 ing contributions:

18 (1) For the calendar year 1947, and each calendar year there-  
19 after,  $2\frac{7}{10}\%$  of wages paid by him during each such calendar year,  
20 except as otherwise prescribed by subsection (c) of this section.

21 (2) The "wages" of any individual, with respect to any one  
22 employer as the term is used in this subsection (b) and in subsec-  
23 tions (c), (d) and (e) of this section 7, shall include the first  
24 \$3,000.00 paid during each calendar year prior to January 1, 1968  
25 and the first \$3,600.00 paid during each calendar year commencing  
26 on or after January 1, 1968, for services performed either within  
27 or without this State; provided, that no contribution shall be re-  
28 quired by this State with respect to services performed in another  
29 State if such other State imposes contribution liability with respect

30 thereto. If an employer (hereinafter referred to as successor em-  
31 ployer) during any calendar year acquires substantially all the  
32 property used in a trade or business of another employer (here-  
33 inafter referred to as a predecessor), or used in a separate unit  
34 of a trade or business of a predecessor, and immediately after the  
35 acquisition employs in his trade or business an individual who  
36 immediately prior to the acquisition was employed in the trade or  
37 business of such predecessor, then, for the purpose of determining  
38 whether the successor employer has paid wages with respect to  
39 employment equal to \$3,000.00 to such individual during any  
40 calendar year prior to January 1, 1968, or equal to \$3,600.00 during  
41 any calendar year commencing on or after January 1, 1968, any  
42 wages paid to such individual by such predecessor during such  
43 calendar year and prior to such acquisition shall be considered  
44 as having been paid by such successor employer.

45 (c) Future rates based on benefit experience:

46 (1) a separate account for each employer shall be maintained  
47 and this shall be credited with all the contributions which he has  
48 paid on his own behalf on or before January 31 of any calendar  
49 year with respect to employment occurring in preceding calendar  
50 years; provided, however, that if January 31 of any calendar year  
51 falls on a Saturday or Sunday, an employer's account shall be  
52 credited as of January 31 of such calendar year with all the con-  
53 tributions which he has paid on or before the next succeeding day  
54 which is not a Saturday or Sunday. But nothing in this chapter  
55 (R. S. 43:21-1 et seq.) shall be construed to grant any employer or  
56 individuals in his service prior claims or rights to the amounts  
57 paid by him into the fund either on his own behalf or on behalf of  
58 such individuals. Benefits paid with respect to benefit years com-  
59 mencing on and after January 1, 1953, to any individual on or before  
60 December 31 of any calendar year with respect to unemployment in  
61 such calendar year and in preceding calendar years shall be charged  
62 against the account or accounts of the employer or employers in  
63 whose employment such individual established base weeks con-  
64 stituting the basis of such benefits. Benefits paid under a given  
65 benefit determination shall be charged against the account of the  
66 employer to whom such determination relates. When each benefit  
67 payment is made the division shall promptly send either a copy of  
68 the benefit check or other form of notification to the employer  
69 against whose account the benefits are to be charged. Such copy or  
70 notification shall identify the employer against whose account the  
71 amount of such payment is being charged, shall show at least the  
72 name and social security account number of the claimant and shall

73 specify the period of unemployment to which said check applies.  
74 If the total amount of benefits paid to a claimant and charged to  
75 the account of the appropriate employer exceeds 50% of the total  
76 base-year base week wages paid to the claimant by that employer,  
77 then such employer may apply to the division to have canceled from  
78 his account such excess benefit charges as specified above. Any  
79 such application for the cancellation of excess charges shall be sub-  
80 mitted by the employer within 6 months from the date of the benefit  
81 check, payment of which creates such charges. In no event will the  
82 erasure of such charges affect a contribution rate already assigned  
83 to the employer with respect to any fiscal year commencing prior  
84 to the date the application is received by the division.

85 The division shall furnish to each employer an annual summary  
86 statement of benefits charged to his account.

87 (2) The Division of Employment Security may prescribe regu-  
88 lations for the establishment, maintenance, and dissolution of joint  
89 accounts by 2 or more employers, and shall, in accordance with such  
90 regulations and upon application by 2 or more employers to  
91 establish such an account, or to merge their several individual  
92 accounts in a joint account, maintain such joint account as if it con-  
93 stituted a single employer's account.

94 (3) Each employer's rate shall be  $2\frac{8}{10}\%$ , except as otherwise  
95 provided in the following provisions: No employer's rate shall be  
96 other than  $2\frac{8}{10}\%$  unless and until there shall have been 3 calendar  
97 years throughout which any individual in his employ could have  
98 received benefits if eligible. No employer's rate shall be lower  
99 than  $2\frac{7}{10}\%$  unless assignment of such lower rate is consistent with  
100 the conditions applicable to additional credit allowance for such  
101 year under section 3303 (a) (1) of the Internal Revenue Code  
102 (U. S. Code Title 26, section 3303 (a) (1)), any other provision  
103 of this section to the contrary notwithstanding.

104 (4) (A) Each employer's rate for the 12 months commencing  
105 July 1 of any calendar year shall be determined on the basis of his  
106 record up to the beginning of such calendar year. If, at the begin-  
107 ning of such calendar year, the total of all his contributions, paid  
108 on his own behalf, for all past years exceeds the total benefits  
109 charged to his account for all such years, his contribution rate  
110 shall be:

111 (1)  $2\frac{5}{10}\%$ , if such excess equals or exceeds 4%, but less  
112 than 5% of his average annual payroll (as defined in para-  
113 graph (2), subsection (a) of section 43:21-19 of this Title);

114 (2)  $2\frac{2}{10}\%$ , if such excess equals or exceeds 5%, but is less  
115 than 6%, of his average annual payroll;



116 (3)  $1\frac{1}{10}\%$ , if such excess equals or exceeds 6%, but is less  
117 than 7%, of his average annual payroll;

118 (4)  $1\frac{1}{10}\%$ , if such excess equals or exceeds 7%, but is less  
119 than 8%, of his average annual payroll;

120 (5)  $1\frac{3}{10}\%$ , if such excess equals or exceeds 8%, but is less  
121 than 9%, of his average annual payroll;

122 (6) 1%, if such excess equals or exceeds 9%, but is less than  
123 10%, of his average annual payroll;

124 (7)  $\frac{7}{10}$  of 1%, if such excess equals or exceeds 10%, but is  
125 less than 11%, of his average annual payroll;

126 (8)  $\frac{4}{10}$  of 1%, if such excess equals or exceeds 11%, of his  
127 average annual payroll.

128 (B) If the total of an employer's contributions, paid on his own  
129 behalf, for all past periods for the purposes of this paragraph (4),  
130 is less than the total benefits charged against his account during  
131 the same period, his rate shall be  $3\frac{1}{10}\%$ ; provided, however, if the  
132 total of the contributions of such an employer for the past 120 con-  
133 secutive calendar months is more than the total benefits charged  
134 against his account during the same period, his rate shall be  $2\frac{3}{10}\%$ .

135 (C) The contribution rates prescribed by subparagraphs (A)  
136 and (B) of this paragraph (4) shall be increased or decreased in  
137 accordance with the provisions of paragraph (5) of this subsec-  
138 tion (c).

139 (5) (A) If on March 31 of any calendar year the balance in the  
140 Unemployment Trust Fund equals or exceeds 4% but is less than  
141 7% of the total taxable wages reported to the division as of that  
142 date in respect to employment during the preceding calendar year,  
143 the contribution rate, effective July 1 following, of each employer  
144 eligible for a contribution rate calculation based upon benefit  
145 experience, shall be increased by  $\frac{3}{10}$  of 1% over the contribution  
146 rate otherwise established under the provisions of paragraphs (3)  
147 or (4) of this subsection. If on March 31 of any calendar year the  
148 balance of the Unemployment Trust Fund is less than 4% of the  
149 total taxable wages reported to the Division of Employment  
150 Security as of that date in respect to employment during the pre-  
151 ceding calendar year, the contribution rate, effective July 1 follow-  
152 ing, of each employer eligible for a contribution rate calculation  
153 based upon benefit experience, shall be increased by  $\frac{1}{10}$  of 1% over  
154 the contribution rate otherwise established under the provisions of  
155 paragraphs (3) or (4) of this subsection; provided, that if on such  
156 March 31, such balance is less than  $2\frac{1}{2}\%$  of such total taxable  
157 wages, the contribution rate so effective, of any employer, shall be  
158 not less than  $2\frac{3}{10}\%$ ; provided further, that the contribution rate

159 of any employer increased pursuant to the provisions of this sub-  
160 paragraph, when so increased, shall not exceed  $4\frac{3}{10}\%$   $4\frac{2}{10}\%$ .

161 (B) If on March 31 of any calendar year the balance in the Un-  
162 employment Trust Fund equals or exceeds 10% but is less than  
163  $12\frac{1}{2}\%$  of the total taxable wages reported to the Division of Em-  
164 ployment Security as of that date in respect to employment during  
165 the preceding calendar year, the contribution rate, effective July 1  
166 following, of each employer eligible for a contribution rate calcula-  
167 tion based upon benefit experience, shall be reduced by  $\frac{3}{10}$  of 1%  
168 under the contribution rate otherwise established under the pro-  
169 visions of paragraphs (3) and (4) of this subsection; provided, that  
170 in no event shall the contribution rate of any employer be reduced  
171 to less than  $\frac{4}{10}$  of 1%. If on March 31 of any calendar year the  
172 balance in the Unemployment Trust Fund equals or exceeds  $12\frac{1}{2}\%$   
173 of the total taxable wages reported to the division as of that date in  
174 respect to employment during the preceding calendar year, the  
175 contribution rate, effective July 1 following, of each employer  
176 eligible for a contribution rate calculation based upon benefit  
177 experience, shall be reduced by  $\frac{4}{10}$  of 1% if his account for all past  
178 periods reflects an excess of contributions paid over total benefits  
179 charged of 3% or more of his average annual payroll, otherwise by  
180  $\frac{3}{10}$  of 1% under the contribution rate otherwise established under  
181 the provisions of paragraphs (3) and (4) of this subsection; pro-  
182 vided, that in no event shall the contribution rate of any employer  
183 be reduced to less than  $\frac{4}{10}$  of 1%.

184 (6) Additional contributions.

185 Notwithstanding any other provision of law, any employer who  
186 has been assigned a contribution rate pursuant to subsection (c)  
187 of this section for the year commencing July 1, 1948, and for any  
188 year commencing July 1 thereafter, may voluntarily make payment  
189 of additional contributions, and upon such payment shall receive  
190 a recomputation of the experience rate applicable to such employer  
191 including in the calculation the additional contribution so made.  
192 Any such additional contribution shall be made during the 30-day  
193 period following the date of the mailing to the employer of the  
194 notice of his contribution rate as prescribed in this section, unless,  
195 for good cause, the time for payment has been extended by the  
196 director for not to exceed an additional 60 days; provided, that in  
197 no event may such payments which are made later than 120 days  
198 after the beginning of the year for which such rates are effective be  
199 considered in determining the experience rate for the year in which  
200 the payment is made. Any employer receiving any extended period

201 of time within which to make such additional payment and failing  
202 to make such payment timely shall pay, in addition to the required  
203 amount of additional payment, a penalty of 5% thereof or \$5.00,  
204 whichever is greater, not to exceed \$50.00. Any adjustment under  
205 this subsection shall be made only in the form of credits against  
206 accrued or future contributions.

207 (7) Transfers.

208 (A) Upon the transfer of the organization, trade or business, or  
209 substantially all the assets of an employer to a successor in interest,  
210 whether by merger, consolidation, sale, transfer, descent or other-  
211 wise, the Division of Employment Security shall transfer the em-  
212 ployment experience of the predecessor employer to the successor  
213 in interest, including credit for past years, contributions paid,  
214 annual payrolls, benefit charges, et cetera, applicable to such  
215 predecessor employer, pursuant to regulations adopted by the  
216 division, if the division finds that the employment experience of the  
217 predecessor employer with respect to the organization, trade, assets  
218 or business, which has been transferred, may be considered in-  
219 dicative of the future employment experience of the successor in  
220 interest. Unless the predecessor employer was owned or controlled  
221 (by legally enforceable means or otherwise), directly or indirectly,  
222 by the successor in interest, or the predecessor employer and the  
223 successor in interest were owned or controlled (by legally en-  
224 forcible means or otherwise), directly or indirectly, by the same  
225 interest or interests, the transfer of the employment experience  
226 of the predecessor shall not be effective if such successor in interest,  
227 within 4 months of the date of such transfer of the organization,  
228 trade, assets or business, or thereafter upon good cause shown,  
229 files a written notice with the division protesting the transfer of  
230 the employment experience of the predecessor employer.

231 (B) An employer, who transfers part of his or its organization,  
232 trade, assets or business to a successor in interest, whether by  
233 merger, consolidation, sale, transfer, descent or otherwise, may  
234 jointly make application with such successor in interest for trans-  
235 fer of that portion of the employment experience of the predeces-  
236 sor employer relating to the portion of the organization, trade,  
237 assets, or business transferred to the successor in interest, includ-  
238 ing credit for past years, contributions paid, annual payrolls,  
239 benefit charges, et cetera, applicable to such predecessor employer.  
240 The Division of Employment Security may allow such transfer of  
241 employment experience pursuant to regulations adopted by the  
242 division, only if it finds that the employment experience of the

243 predecessor employer with respect to the portion of the organiza-  
244 tion, trade, assets or business which has been transferred may be  
245 considered indicative of the future employment experience of the  
246 successor in interest. Credit shall be given to the successor in  
247 interest only for the years during which contributions were paid  
248 by the predecessor employer with respect to that part of the or-  
249 ganization, trade, assets or business transferred.

250 (C) A transfer of the employment experience in whole or in  
251 part having become final, the predecessor employer thereafter  
252 shall not be entitled to consideration for an adjusted rate based  
253 upon his or its experience or the part thereof, as the case may be,  
254 which has thus been transferred. A successor in interest to whom  
255 employment experience or a part thereof is transferred pursuant  
256 to this subsection shall, as of the date of the transfer of the organi-  
257 zation, trade, assets or business, or part thereof, immediately  
258 become an employer if not theretofore an employer subject to this  
259 chapter (R. S. 43:21-1 et seq.).

260 (d) (1) Contribution of workers; transfers to temporary dis-  
261 ability benefit fund.

262 Each worker shall contribute to the fund  $\frac{3}{4}$  of 1% of his wages  
263 paid by an employer with respect to his employment which occurs  
264 on and after January 1, 1953, and after such employer has satisfied  
265 the conditions set forth in subsection (h) of section 43:21-19 of this  
266 Title with respect to becoming an employer; provided, however,  
267 that such contribution shall be at the rate of  $\frac{1}{4}$  of 1% of wages  
268 paid with respect to employment while the worker is covered by an  
269 approved private plan under the Temporary Disability Benefits  
270 Law or while the worker is exempt from the provisions of the  
271 Temporary Disability Benefits Law under section 7 of that law.  
272 Each employer shall, notwithstanding any provisions of law in  
273 this State to the contrary, withhold in trust the amount of his  
274 workers' contributions from their wages at the time such wages  
275 are paid, shall show such deduction on his payroll records, shall  
276 furnish such evidence thereof to his workers as the division may  
277 prescribe, and shall transmit all such contributions, in addition  
278 to his own contributions, to the office of the Division of Employ-  
279 ment Security in such manner and at such times as may be pre-  
280 scribed. If any employer fails to deduct the contributions of any of  
281 his workers at the time their wages are paid, or fails to make a de-  
282 duction therefor at the time wages are paid for the next succeeding  
283 payroll period, he alone shall thereafter be liable for such con-  
284 tributions, and for the purpose of section 43:21-14 of this Title,

285 such contributions shall be treated as employer's contributions  
286 required from him. As used in this chapter (R. S. 43:21-1 et seq.),  
287 except when the context clearly requires otherwise, the term "con-  
288 tributions" shall include the contributions of workers pursuant  
289 to this section.

290 (2) (A) There shall be deposited in and credited to the State  
291 Disability Benefits Fund, as established by law,  $\frac{3}{4}$  of all worker  
292 contributions, received by the Division of Employment Security  
293 with respect to wages paid prior to January 1, 1953, and upon  
294 which the rate of contributions is 1%.

295 (B) There shall be deposited in and credited to the State Dis-  
296 ability Benefits Fund, as established by law,  $\frac{2}{3}$  of all worker con-  
297 tributions, received by the Division of Employment Security  
298 pursuant to paragraph (1) above after December 31, 1952, with  
299 respect to wages paid on and after January 1, 1953, and upon  
300 which the rate of contributions is  $\frac{3}{4}$  of 1%.

301 (3) If an employee receives wages from more than one employer  
302 during any calendar year, and either the sum of his contributions  
303 deposited in and credited to the State Disability Benefits Fund  
304 (in accordance with subparagraph (B) of paragraph (2) of this  
305 subsection) plus the amount of his contributions, if any, required  
306 towards the cost of benefits under one or more approved private  
307 plans under the provisions of section 9 of the Temporary Disability  
308 Benefits Law and deducted from his wages, or the sum of such  
309 latter contributions if the employee is covered during such calendar  
310 year, only by 2 or more private plans, exceeds \$15.00 in any  
311 calendar year prior to January 1, 1968, or \$18.00 in any calendar  
312 year commencing on or after January 1, 1968, the employee shall  
313 be entitled to a refund of the excess if he makes claim to the  
314 Division of Employment Security within 2 years after the end of  
315 the calendar year in which the wages are received with respect  
316 to which the refund is claimed and establishes his right to such  
317 refund. Such refund shall be made by the Division of Employment  
318 Security from the State Disability Benefits Fund. No interest  
319 shall be allowed or paid with respect to any such refund. The  
320 division shall, in accordance with prescribed regulations, determine  
321 the portion of the aggregate amount of such refunds made during  
322 any calendar year which is applicable to private plans for which  
323 deductions were made under section 9 of the "Temporary Dis-  
324 ability Benefits Law," such determination to be based upon the  
325 ratio of the amount of such wages exempt from contributions to  
326 such fund as provided in subparagraph (B) of paragraph (1) of

327 this subsection with respect to coverage under private plans to  
328 the total wages so exempt plus the amount of such wages subject  
329 to contributions to the disability benefits fund as provided in sub-  
330 paragraph (B) of paragraph (2) of this subsection. The division  
331 shall, in accordance with prescribed regulations, prorate the  
332 amount so determined among the applicable private plans in the  
333 proportion that the wages covered by each plan bears to the total  
334 private plan wages involved in such refunds, and shall assess  
335 against and recover from the employer, or the insurer if the  
336 insurer has indemnified the employer with respect thereto, the  
337 amount so prorated. The provisions of Revised Statutes, section  
338 43:21-14, with respect to collection of employer contributions shall  
339 apply to such assessments. The amounts so recovered by the  
340 division shall be paid into the State Disability Benefits Fund.

341 (4) If an individual does not receive any wages from the em-  
342 ploying unit which for the purposes of this chapter (R. S. 43:21-1  
343 et seq.) is treated as his employer, or receives his wages from  
344 some other employing unit, such employer shall nevertheless be  
345 liable for such individual's contributions in the first instance; and  
346 after payment thereof such employer may deduct the amount of  
347 such contributions from any sums payable by him to such employ-  
348 ing unit, or may recover the amount of such contributions from  
349 such employing unit, or, in the absence of such an employing unit,  
350 from such individual, in a civil action; provided, proceedings  
351 therefor are instituted within 3 months after the date on which  
352 such contributions are payable. General rules shall be prescribed  
353 whereby such an employing unit may recover the amount of such  
354 contributions from such individuals in the same manner as if it  
355 were the employer.

356 (5) Every employer who has elected to become an employer sub-  
357 ject to this chapter (R. S. 43:21-1 et seq.), or to cease to be an  
358 employer subject to this chapter (R. S. 43:21-1 et seq.), pursuant  
359 to the provisions of section 43:21-8 of this Title, shall post and  
360 maintain printed notices of such election on his premises, of such  
361 design, in such numbers, and at such places as the directors may  
362 determine to be necessary to give notice thereof to persons in his  
363 service.

364 (6) Contributions by workers, payable to the Division of Employ-  
365 ment Security as herein provided, shall be exempt from garnish-  
366 ment, attachment, execution, or any other remedy for the collection  
367 of debts.

368 (e) Contributions by employers to State Disability Benefits Fund.

369 (1) Except as hereinafter provided, each employer shall, in addi-  
370 tion to the contributions required by subsections (a), (b), and (c)  
371 of this section, contribute  $\frac{1}{4}$  of 1% of the wages paid by such em-  
372 ployer to workers with respect to employment after January 1,  
373 1949. Such contributions shall become due and be paid by each  
374 employer to the Division of Employment Security for the State  
375 Disability Benefits Fund as established by law, in accordance with  
376 such regulations as may be prescribed, and shall not be deducted,  
377 in whole or in part, from the remuneration of individuals in his  
378 employ. In the payment of any contributions, a fractional part of  
379 a cent shall be disregarded unless it amounts to  $\frac{1}{2}$  cent or more,  
380 in which case it shall be increased to \$0.01.

381 (2) During the continuance of coverage of a worker by an ap-  
382 proved private plan of disability benefits under the Temporary  
383 Disability Benefits Law, the employer shall be exempt from the  
384 contribution required by subparagraph (1) above with respect  
385 to wages paid to such worker.

386 (3) (A) The rates of contribution as specified in subparagraph  
387 (1) above shall be subject to modification as provided herein with  
388 respect to employer contributions due on and after July 1, 1951.

389 (B) A separate disability benefits account shall be maintained  
390 for each employer required to contribute to the State Disability  
391 Benefits Fund and such account shall be credited with contribu-  
392 tions deposited in and credited to such fund with respect to em-  
393 ployment occurring on and after January 1, 1949. Each employer's  
394 account shall be credited with all contributions paid on or before  
395 January 31 of any calendar year on his own behalf and on behalf  
396 of individuals in his service with respect to employment occurring  
397 in preceding calendar years; provided, however, that if January  
398 31, of any calendar year falls on a Saturday or Sunday an em-  
399 ployer's account shall be credited as of January 31 of such calendar  
400 year with all the contributions which he has paid on or before  
401 the next succeeding day which is not a Saturday or Sunday. But  
402 nothing in this act shall be construed to grant any employer or  
403 individuals in his service prior claims or rights to the amounts  
404 paid by him to the fund either on his own behalf or on behalf of  
405 such individuals. Benefits paid to any covered individual in ac-  
406 cordance with Article III of the Temporary Disability Benefits  
407 Law on or before December 31 of any calendar year with respect  
408 to disability in such calendar year and in preceding calendar  
409 years shall be charged against the account of the employer by  
410 whom such individual was employed at the commencement of such

411 disability or by whom he was last employed if out of employment.

412 (C) The division may prescribe regulations for the establish-  
413 ment, maintenance, and dissolution of joint accounts by 2 or more  
414 employers, and shall, in accordance with such regulations and upon  
415 application by 2 or more employers to establish such an account,  
416 or to merge their several individual accounts in a joint account,  
417 maintain such joint account as if it constituted a single employer's  
418 account.

419 (D) Prior to July 1 of each calendar year, the Division of Em-  
420 ployment Security shall make a preliminary determination of the  
421 rate of contribution for the 12 months commencing on such July  
422 1 for each employer subject to the contribution requirements of  
423 this subsection (e).

424 (1) Such preliminary rate shall be  $\frac{1}{4}$  of 1% unless on the pre-  
425 ceding January 31 of such year such employer shall have been a  
426 covered employer who has paid contributions to the State Dis-  
427 ability Benefits Fund with respect to employment in the 3 calendar  
428 years immediately preceding such year.

429 (2) If the minimum requirements in (1) above have been ful-  
430 filled and the credited contributions exceed the benefits charged  
431 by more than \$500.00, such preliminary rate shall be as follows:

432 (i)  $\frac{2}{10}$  of 1% if such excess over \$500.00 exceeds 1% but  
433 is less than  $1\frac{1}{4}$ % of his average annual payroll (as defined  
434 in this chapter (R. S. 43:21-1 et seq.));

435 (ii)  $\frac{15}{100}$  of 1% if such excess over \$500.00 equals or exceeds  
436  $1\frac{1}{4}$ % but is less than  $1\frac{1}{2}$ % of his average annual payroll;

437 (iii)  $\frac{1}{10}$  of 1% of such excess over \$500.00 equals or exceeds  
438  $1\frac{1}{2}$ % of his average annual payroll.

439 (3) If the minimum requirements in (1) above have been fulfilled  
440 and the contributions credited exceed the benefits charged but by  
441 not more than \$500.00 plus 1% of his average annual payroll, or  
442 if the benefits charged exceed the contributions credited but by  
443 not more than \$500.00, the preliminary rate shall be  $\frac{1}{4}$  of 1%.

444 (4) If the minimum requirements in (1) above have been fulfilled  
445 and the benefits charged exceed the contributions credited by more  
446 than \$500.00, such preliminary rate shall be as follows:

447 (i)  $\frac{35}{100}$  of 1% if such excess over \$500.00 is less than  $\frac{1}{4}$   
448 of 1% of his average annual payroll;

449 (ii)  $\frac{45}{100}$  of 1% if such excess over \$500.00 equals or exceeds  
450  $\frac{1}{4}$  of 1% but is less than  $\frac{1}{2}$  of 1% of his average annual  
451 payroll;

452 (iii)  $\frac{55}{100}$  of 1% if such excess over \$500.00 equals or exceeds



453  $\frac{1}{2}$  of 1% but is less than  $\frac{3}{4}$  of 1% of his average annual  
454 payroll;

455 (iv)  $\frac{65}{100}$  of 1% if such excess over \$500.00 equals or exceeds  
456  $\frac{3}{4}$  of 1% but is less than 1% of his average annual payroll;

457 (v)  $\frac{75}{100}$  of 1% if such excess over \$500.00 equals or exceeds  
458 1% of his average annual payroll.

459 (5) Determination of the preliminary rate as specified in (2),  
460 (3) and (4) above shall be subject, however, to the condition that  
461 it shall in no event be decreased by more than  $\frac{1}{10}$  of 1% of wages  
462 or increased by more than  $\frac{2}{10}$  of 1% of wages from the preliminary  
463 rate determined for the preceding year in accordance with (1),  
464 (2), (3) or (4), whichever shall have been applicable.

465 (E) (1) Prior to July 1 of each calendar year the Division of  
466 Employment Security shall determine the amount of the State  
467 Disability Benefits Fund as of December 31 of the preceding  
468 calendar year increased by the contributions paid thereto during  
469 January of the current calendar year with respect to employment  
470 occurring in preceding calendar years. If such amount exceeds  
471 the total of the amounts withdrawn from the unemployment trust  
472 fund pursuant to section 23 of the Temporary Disability Benefits  
473 Law plus the amount at the end of such preceding calendar year  
474 of the unemployment disability account (as defined in section 22  
475 of said law), such excess shall be expressed as a percentage of the  
476 wages on which contributions were paid to the State Disability  
477 Benefits Fund on or before January 31 with respect to employ-  
478 ment in the preceding calendar year.

479 (2) The Division of Employment Security shall then make a final  
480 determination of the rates of contribution for the 12 months com-  
481 mencing July 1 of such year for employers whose preliminary rates  
482 are determined as provided in (D) hereof, as follows:

483 (i) If the percentage determined in accordance with para-  
484 graph (1) of this subsection equals or exceeds  $1\frac{1}{4}\%$  of the final  
485 employer rates shall be the preliminary rates determined as  
486 provided in (D) hereof, except that if the employer's pre-  
487 liminary rate is determined as provided in (D) (2) or (D) (3)  
488 hereof, the final employer rate shall be the preliminary em-  
489 ployer rate decreased by such percentage of excess taken to  
490 the nearest  $\frac{5}{100}$  of 1%, but in no case shall such final rate be  
491 less than  $\frac{1}{10}$  of 1%.

492 (ii) If the percentage determined in accordance with para-  
493 graph (1) of this subsection equals or exceeds  $\frac{3}{4}$  of 1% and  
494 is less than  $1\frac{1}{4}$  of 1%, the final employer rates shall be the  
495 preliminary employer rates.

496 (iii) If the percentage determined in accordance with para-  
 497 graph (1) of this subsection is less than  $\frac{3}{4}$  of 1%, the final  
 498 employer rates shall be the preliminary employer rates deter-  
 499 mined as provided in (D) hereof increased by the difference  
 500 between  $\frac{3}{4}$  of 1% and such percentage taken to the nearest  
 501  $\frac{5}{100}$  of 1%; provided, however, that no such final rate shall  
 502 be more than  $\frac{1}{4}$  of 1% in the case of an employer whose pre-  
 503 liminary rate is determined as provided in (D) (2) hereof,  
 504 more than  $\frac{1}{2}$  of 1% in the case of an employer whose pre-  
 505 liminary rate is determined as provided in (D) (1) and (D) (3)  
 506 hereof, nor more than  $\frac{3}{4}$  of 1% in the case of an employer  
 507 whose preliminary rate is determined as provided in (D) (4)  
 508 hereof.

509 (iv) If the amount of the State Disability Benefits Fund  
 510 determined as provided in paragraph (1) of this subsection  
 511 is equal to or less than the total of the amounts withdrawn  
 512 from the unemployment trust fund pursuant to section 23 of  
 513 the Temporary Disability Benefits Law plus the amount at  
 514 the end of the preceding calendar year of the unemployment  
 515 disability account, then the final rate shall be  $\frac{3}{4}$  of 1% for  
 516 all employers.

1 \***[15.]**\* \*14.\* Section 11 of chapter 30 of the laws of 1967 is  
 2 amended to read as follows:

3 11. **[Chapter 177 of the laws of 1950]** *Chapter 469 of the laws*  
 4 *of 1948* is hereby repealed.

1 \***[16.]**\* \*15.\* Section 45:9-21 of the Revised Statutes is amended  
 2 to read as follows:

3 45:9-21. The prohibitory provisions of this chapter shall not  
 4 apply to the following:

5 a. A commissioned surgeon or physician of the regular United  
 6 States Army, Navy, or Marine hospital service while so commis-  
 7 sioned and actively engaged in the performance of his official duties.  
 8 This exemption shall not apply to reserve officers of the United  
 9 States Army, Navy or Marine Corps, or to any officer of the  
 10 National Guard of any State or of the United States;

11 b. A lawfully qualified physician or surgeon of another State  
 12 taking charge temporarily, on written permission of the board,  
 13 of the practice of a lawfully qualified physician or surgeon of this  
 14 State during his absence from the State, upon written request to  
 15 the board for permission so to do. Before such permission is  
 16 granted by the board and before any person may enter upon such  
 17 practice he must submit proof that he can fulfill the requirements

18 demanded in the other sections of this article relating to applicants  
19 for admission by examination or indorsement from another State.  
20 Such permission may be granted for a period of not less than 2  
21 weeks nor more than 4 months upon payment of a fee of \$25.00.  
22 The board in its discretion may extend such permission for further  
23 periods of 2 weeks to 4 months but not to exceed in the aggregate  
24 1 year;

25 c. A physician or surgeon of another State of the United States  
26 and duly authorized under the laws thereof to practice medicine  
27 or surgery therein, if such practitioner does not open an office or  
28 place for the practice of his profession in this State;

29 d. A person while actually serving as a member of the resident  
30 medical staff of any legally incorporated charitable or municipal  
31 hospital or asylum approved by the board. Hereafter such exemp-  
32 tion of any such resident physician shall not apply with respect  
33 to any individual after he shall have served as a resident physician  
34 for a total period of [2] 5 years[, and such exemption of resident  
35 physicians, except with respect to persons who shall have com-  
36 menced service as resident physicians prior to July 1, 1939, shall  
37 apply only to persons who have been issued certificates under pro-  
38 visions contained in section 45:9-8 of this Title];

39 e. The practice of dentistry by any legally qualified and regis-  
40 tered dentist;

41 f. The ministrations to, or treatment of, the sick or suffering by  
42 prayer or spiritual means, whether gratuitously or for compensa-  
43 tion, and without the use of any drug or material remedy;

44 g. The practice of optometry by any legally qualified and regis-  
45 tered optometrist;

46 h. The practice of [chiropody] *podiatry* by any legally licensed  
47 [chiropodist] *podiatrist*;

48 i. The practice of pharmacy by a legally licensed and registered  
49 pharmacist of this State, but this exception shall not be extended  
50 to give to said licensed pharmacist the right and authority to carry  
51 on the business of a dispensary, unless the dispensary shall be in  
52 charge of a legally licensed and registered physician and surgeon  
53 of this State;

54 j. A person claiming the right to practice medicine and surgery  
55 in this State who has been practicing therein since before July 4,  
56 1890, if said right or title was obtained upon a duly registered  
57 diploma, of which the holder and applicant was the lawful pos-  
58 sessor, issued by a legally chartered medical institution which, in  
59 the opinion of the board, was in good standing at the time the  
60 diploma was issued;

61 k. A [chiroprapist] *podiatrist*, professional nurse, or a regis-  
 62 tered physical therapist, masseur, while operating in each particu-  
 63 lar case under the specific direction of a regularly licensed physician  
 64 or surgeon. This exemption shall not apply to such assistants of  
 65 persons who are licensed as osteopaths, chiropractors, optometrists  
 66 or other practitioners holding limited licenses;

67 l. A person while giving aid, assistance or relief in emergency  
 68 or accident cases pending the arrival of a regularly licensed physi-  
 69 cian, or surgeon or under the direction thereof; or

70 m. The operation of a bio-analytical laboratory by a licensed  
 71 bio-analytical laboratory director, or any person working under  
 72 the direct and constant supervision of a licensed bio-analytical  
 73 laboratory director.

74 n. *Any employee of a State or county institution holding the*  
 75 *degree of M.D. or D.O., regularly employed on a salary basis on*  
 76 *its medical staff or as a member of the teaching or scientific staff*  
 77 *of a State agency, may apply to the State Board of Medical Exam-*  
 78 *iners of New Jersey and may, in the discretion of said board, be*  
 79 *granted exemption from the provisions of this chapter; provided*  
 80 *said employee continues as a member of the medical staff of a*  
 81 *State agency or county institution or of the teaching or scientific*  
 82 *staff of a State agency and does not conduct any type of private*  
 83 *medical practice.*

84 *The provisions of this subsection (n) shall terminate on Decem-*  
 85 *ber 31, 1969.*

1 \***[17.]**\* \*16.\* Section 20 of chapter 109 of the laws of 1962 is  
 2 amended to read as follows:

3 20. Notwithstanding the provisions of section **[3]** 4 of this act,  
 4 the first 5 persons appointed as members of the board shall not  
 5 be required, at the time of their first appointment to be licensed  
 6 to practice professional planning. Each shall, however, be a mem-  
 7 ber of the recognized organization representing professional plan-  
 8 ners in the State, and each shall have all the other qualifications  
 9 necessary for appointment specified in this act.

1 \***[18.]**\* \*17.\* Section 9 of chapter 93 of the laws of 1967 is  
 2 amended to read as follows:

3 9. (a) It shall be unlawful for any person to act as a broker-  
 4 dealer, agent or investment advisor in this State unless he is regis-  
 5 tered under this act;

6 (b) It shall be unlawful for any broker-dealer or issuer to em-  
 7 ploy an agent in this State unless the agent is registered. The reg-  
 8 istration of an agent is not effective during any period when he

9 is not associated with a particular broker-dealer registered under  
 10 this act or a particular issuer. When an agent begins or terminates  
 11 a connection with a broker-dealer or issuer, or begins or terminates  
 12 those activities which make him an agent, the agent as well as the  
 13 broker-dealer or issuer shall promptly notify the bureau;

14 (c) It shall be unlawful for any person to transact business in  
 15 this State as an investment advisor unless (1) he is so registered  
 16 under this act, (2) he is registered as a broker-dealer without the  
 17 imposition of a condition under section 11, paragraph (b) ~~[(6)]~~  
 18 (5); or (3) his only clients in this State are investment companies  
 19 as defined in the Investment Company Act of 1940 or insurance  
 20 companies;

21 (d) Every registration shall expire 2 years from its effective  
 22 date unless renewed, except that the bureau chief may by rule  
 23 provide that registrations shall all expire on the same date.

1 \*~~19.~~\* \*18.\* Section 6 of chapter 293 of the laws of 1966 is  
 2 amended to read as follows:

3 6. (a) There is hereby established in the Department of Com-  
 4 munity Affairs an Advisory Council on Community Affairs, an  
 5 Office of Community Services, a Division of Local Finance, a  
 6 Division of Housing and Urban Renewal, a Division of State and  
 7 Regional Planning, a Division on Aging, *a Division of Youth,*  
 8 and an Office of Economic Opportunity.

9 The commissioner also shall have authority to organize and main-  
 10 tain in his offices an administrative division and to assign to em-  
 11 ployment therein such secretarial, clerical and other assistants in  
 12 the department as his office and the internal operations of the  
 13 department shall require.

14 (b) In addition, the commissioner shall have the authority to  
 15 reorganize the department and the several divisions, offices, bureaus  
 16 and agencies established therein, in any manner which he deems  
 17 to be necessary and desirable.

1 \*~~20.~~ Section 53:1-2 of the Revised Statutes is amended to read  
 2 as follows:

3 53:1-2. The Superintendent of State Police, hereinafter referred  
 4 to as the superintendent, shall be appointed by the Governor, ~~by~~  
 5 ~~and~~ with the advice and consent of the Senate, ~~for a term of 5~~  
 6 ~~years,~~ *shall serve during the term of office of the Governor ap-*  
 7 *pointing him and until the superintendent's successor is appointed*  
 8 *and has qualified* and shall be removable by the Governor after  
 9 charges have been preferred and a hearing granted.

10 The superintendent shall receive such salary as shall be provided

11 by law, and shall, before entering upon the duties of his office, give  
12 a bond to the State of New Jersey in the sum of \$20,000.00 for  
13 the faithful performance of his duties.]\*

1 \***[21.]**\* \*19.\* Section 4 of chapter 135 of the laws of 1966 is  
2 amended to read as follows:

3 4. If the amount determined by the director in section 3 hereof  
4 shall exceed the amount determined by the director in section 2  
5 hereof, the director shall allocate such excess amount among the  
6 municipalities of this State in accordance with the following  
7 formula:

8 There shall be allocated to each municipality such amount as will  
9 be in the same ratio to such excess amount, as the local property  
10 tax levied, as reflected in the county table of aggregates certified  
11 pursuant to Revised Statutes 54:4-52, in the municipality in the  
12 preceding calendar year upon commercial, industrial and farm real  
13 estate (excluding railroad property) is to the total taxes levied  
14 upon such property in all municipalities in the State in the same  
15 year.

16 *The director shall total the amounts allocated to each municipal-*  
17 *ity under the provisions of this section and shall certify this amount*  
18 *to the State Treasurer on or before October 15, 1968 and on or*  
19 *before October 15 annually thereafter.*

1 \***[22.]**\* \*20.\* Section 26 of chapter 30 of the laws of 1966 is  
2 amended to read as follows:

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

14 (b) Any person failing to file a return required by this act,  
15 or filing or causing to be filed, or making or causing to be made,  
16 or giving or causing to be given any return, certificate, affidavit,  
17 representation, information, testimony or statement required or  
18 authorized by this act, which is willfully false, or willfully failing  
19 to file a bond required by this act, or failing to file a registration  
20 certificate and such data in connection therewith as the director

21 by regulation or otherwise may require, or to display or surrender  
22 a certificate of authority as required by this act, or assigning or  
23 transferring such certificate of authority, or willfully failing to  
24 charge separately the tax herein imposed or to state such tax  
25 separately on any bill, statement, memorandum or receipt issued  
26 or employed by him upon which the tax is required to be stated  
27 separately as provided in subsection (a) of section 12, or willfully  
28 failing to collect the tax from a customer, [who shall refer or  
29 cause] or referring or causing reference to be made to this tax in  
30 a form or manner other than that required by this act, or failing  
31 to keep any records required by this act, shall, in addition to any  
32 other penalties herein or elsewhere prescribed, be guilty of a mis-  
33 demeanor, punishment for which shall be a fine of not more than  
34 \$1,000.00 or imprisonment for not more than 1 year, or both such  
35 fine and imprisonment.

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

1 \***[23.]**\* \*21.\* This act shall take effect immediately.

SENATE, No. 281

STATE OF NEW JERSEY

INTRODUCED JANUARY 22, 1968

By Senator DUMONT

Referred to Committee on Taxation

AN ACT to amend "An act concerning the distribution of certain tax revenues to the municipalities of this State and supplementing Title 54 of the Revised Statutes," approved June 17, 1966 (P. L. 1966, c. 135).

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

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

3 2. The Director of the Division of Taxation shall determine the  
4 greatest amount levied, as certified pursuant to Revised Statutes  
5 54:4-52, by each municipality upon personal property used in busi-  
6 ness in 1964, 1965 **[or]**, 1966 *or* 1967, exclusive of the amount lev-  
7 ied on the personal property of persons, partnerships, associations  
8 or corporations subject to tax under chapter 4 of the laws of 1940,  
9 and shall, on or before February 15, 1968, certify to the State Treas-  
10 urer the amounts so determined for each municipality and the total  
11 amount for all municipalities. In calculating the amount levied for  
12 the **[year]** *years* 1966**[,]** *and* 1967 the director shall also include  
13 for each municipality the aggregate amount of increases, if any, in  
14 taxable valuations of business personal property (exclusive of the  
15 personal property of persons, partnerships, associations or corpo-  
16 rations subject to tax under chapter 4 of the laws of 1940), deter-  
17 mined by the county board of taxation during said **[year]** *years*  
18 upon appeals.

1 2. This act shall take effect immediately.

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



SENATE COMMITTEE AMENDMENTS TO  
**SENATE, No. 281**

—•—  
**STATE OF NEW JERSEY**  
—•—

ADOPTED FEBRUARY 8, 1968

Amend page 1, section 1, line 12, omit "years", insert "year"; omit "and 1967", insert a ",".

Amend page 1, section 1, line 17, omit "years", insert "year".

Amend page 1, section 1, line 18, after line 18, insert a new paragraph as follows:

"The director shall, on or before June 15, 1968, certify to the State Treasurer any changes or adjustments in the certification filed on or before February 15, 1968."

VETOED 6/3/68  
[OFFICIAL COPY REPRINT]

SENATE, No. 281

STATE OF NEW JERSEY

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11 amount for all municipalities. In calculating the amount levied for  
12 the **[year]** **\*[years]** **\*year\*** 1966**[,]** **\*[and 1967]** **\*\***,\* the director  
13 shall also include for each municipality the aggregate amount of  
14 increases, if any, in taxable valuations of business personal prop-  
15 erty (exclusive of the personal property of persons, partnerships,  
16 associations or corporations subject to tax under chapter 4 of the  
17 laws of 1940), determined by the county board of taxation during  
18 said **[year]** **\*[years]** **\*year\*** upon appeals.

19 *\*The director shall, on or before June 15, 1968, certify to the*  
20 *State Treasurer any changes or adjustments in the certification*  
21 *filed on or before February 15, 1968.\**

1 2. This act shall take effect immediately.

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

STATE OF NEW JERSEY  
EXECUTIVE DEPARTMENT

June 3, 1968

SENATE BILL NO. 281

to the Senate:

I herewith return Senate Bill No. 281, without my approval, for the reasons set forth below.

Senate Bill No. 281 would amend chapter 135, Laws of 1966, as it relates to the distribution to municipalities of revenue derived from the so-called "Chapter 51 Replacement Tax Package" of 1966. By this amendment the State Legislature would extend the save harmless provision of the 1966 law which was designed to protect municipalities from revenue loss occasioned by the coincident repeal of the locally imposed business personalty tax. Section 2 of the 1966 Act provided that under no circumstances would the fund returned to each municipality be less than the greatest amount of revenue levied by it in any one of three base years; the years 1964, 1965 and 1966. By Senate Bill No. 281, the Legislature would add the year 1967 as an alternative base year and thereby increase the cost to the State by some \$5.4 million.

The "Replacement Tax Package", substituted in 1966 for the business personal property tax, consisted of a combination of four taxes to be uniformly administered at the State level. These were the State business personal property tax, the unincorporated business tax, the retail gross receipts tax and an increase in the corporation net income tax rate. These new "replacement" taxes were not designed to extract additional revenue from the business community, but rather to establish a stable tax program by eliminating the threat of "tax lightning" which chapter 51 formerly posed, while at the same time giving to the municipalities the same amount of revenue as previously derived from local tax on tangible personal property. In enacting chapter 135, the Legislature added the year 1966 to render the new tax most current with existing circumstances.

STATE OF NEW JERSEY  
EXECUTIVE DEPARTMENT

Senate Bill No. 281

- 2 -

At the time of its enactment, the "Chapter 51 Replacement Tax Package" was hailed for the predictability and uniformity which it brought to the property tax in New Jersey. It is those very virtues which are now severely undermined by Senate Bill No. 281. I am informed that if the year 1967 were to be included in the save harmless provisions, 262 of this State's 567 municipalities would benefit. Obviously, the remainder would not. I am told that the year 1967 ought to be included in this formula because these 262 municipalities should not be penalized because the State has introduced a uniform tax. When taxpayers in municipalities that do not benefit are asked to pay the cost of benefits to other municipalities, there can be no true uniformity consistent with the acknowledged purpose of chapter 135 of the Laws of 1966.

Obviously, Senate Bill No. 281 was introduced when it became clear early this year that the revenues from the business personalty tax element of the 1966 package would exceed original estimates by approximately \$10 million. Hence, the argument that the State could afford to include the year 1967 in the save harmless formula. This argument loses sight, however, of the fact that there were four elements in the 1966 package and that the present estimates of revenue to be derived from all four elements indicate that the net return from all four sources would fall approximately \$4 million short. The inclusion of the year 1967 therefore would mean that \$5.4 million will have to be paid out of sources unrelated to the chapter 51 replacement taxes. It is this fact which occasions my concern.

STATE OF NEW JERSEY  
EXECUTIVE DEPARTMENT

Senate Bill No. 251

- 3 -

While I do not deny the necessity of relieving the tax burden upon our municipalities, I cannot view Senate Bill No. 281 as the most effective measure to accomplish that result. There is pending before this Legislature a proposal for the assumption by the State of 75 per cent of the non-federal cost of welfare which, if adopted, would relieve taxpayers in those municipalities where the burdens are greatest and the needs most exigent. At a time of crisis such as exists in the State of New Jersey today, our limited State resources should not be expended in any way which does not fully come to grips with the needs of our society. Among those municipalities listed as beneficiaries under Senate Bill No. 281 are some of the most affluent municipalities in this State. The measure then has little relation to the needs of the day and I consequently must withhold my approval of it.

Respectfully,

/S/ RICHARD J. HUGHES

GOVERNOR

[Seal]

Attest:

/S/ LAWRENCE BILDER

Secretary to the Governor

CHAPTER 164 LAWS OF N. J. 19 68

[OFFICIAL COPY REPRINT] Filed with Sec. of State 6/24/68

SENATE, No. 281 Passed 6/13/68  
Governor's Objections Notwithstanding

# STATE OF NEW JERSEY

INTRODUCED JANUARY 22, 1968

By Senator DUMONT

Referred to Committee on Taxation

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11 amount for all municipalities. In calculating the amount levied for  
12 the **[year]** \***[years]**\* \*year\* 1966**[,]** \***[and 1967]**\* \* ,\* the director  
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16 associations or corporations subject to tax under chapter 4 of the  
17 laws of 1940), determined by the county board of taxation during  
18 said **[year]** \***[years]**\* \*year\* upon appeals.

19 \*The director shall, on or before June 15, 1968, certify to the  
20 State Treasurer any changes or adjustments in the certification  
21 filed on or before February 15, 1968.\*

1 2. This act shall take effect immediately.

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

## SENATE, No. 282

FROM: OFFICE OF THE GOVERNOR

S-281

FOR IMMEDIATE RELEASE:  
JUNE 13, 1968

### STATEMENT BY GOVERNOR RICHARD J. HUGHES

The Assembly has shown a careless disregard for fiscal responsibility and sound priorities by voting today to reenact Senate Bill No. 281 over my veto.

I have warned repeatedly that we must husband our limited financial resources and use them effectively, not wastefully, on unnecessary scattershot and non-priority items. Nevertheless the Assembly has chosen to gobble up \$10.2 million -- the sum by which payments required under this bill will exceed collections under the tax replacement package -- that could otherwise have gone to essential education, employment, and other programs that I have recommended.

I assume that Assemblymen from Union County, when they voted to reenact S281, were aware that they were providing the struggling community of Summit with \$31,338 while they were providing Elizabeth with \$21,284. I assume also that they were aware that the net loss to Elizabeth under the majority's urban aid program, as compared with my own, is \$14.7 million and that the net loss to Plainfield is \$4.9 million.

I trust that the Assemblymen from Camden County when they voted to override my veto, were aware that they were handing over \$113,514 to one township, Pennsauken, of a total of \$190,764 to the entire County of Camden, while they were depriving the City of Camden of a single cent. I trust also that they were aware that the City of Camden's net loss under their urban aid program, as compared with my own, is \$23.5 million. I trust finally that they were aware of the fact that the substantial state funds that must now be expended under S281 could better be used for port development in Camden, in which they profess much interest.

For a legislative body that has claimed to be responsible, fiscally sane, and concerned about priorities, this is a careless act indeed. By its action today the Assembly has done a great disservice to New Jersey.