

10:5-3 et al

LEGISLATIVE HISTORY CHECKLIST

NJSA 10:5-3 et al (Extends "Law Against Discrimination" to include nationality)

Laws of 1977 Chapter 96

Bill No. A2334

Sponsor(s) Shapiro

Date Introduced November 9, 1976

Committee: Assembly Judiciary, Law, Public Safety & Defense

Senate -----

Amended during passage Yes

Not Substituted for S3072 (enclosed). Amendments during passage denoted by asterisks

Date of passage: Assembly February 17

Senate February 17

Date of approval May 19, 1977

Following statements are attached if available:

Sponsor statement	Yes	No
Committee Statement:	Assembly Yes	No
	Senate Yes	No
Fiscal Note	Yes	No
Veto message	Yes	No
Message on signing	Yes	No

Following were printed:

Reports	Yes	No
Hearings	Yes	No

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10/4/76

CHAPTER 96 LAWS OF N. J. 1977
APPROVED 5-19-77

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ASSEMBLY, No. 2334

STATE OF NEW JERSEY

INTRODUCED NOVEMBER 9, 1976

By Assemblymen SHAPIRO and PELLECCIA

Referred to Committee on Judiciary, Law, Public Safety and Defense

AN ACT to amend the "Law Against Discrimination," approved
April 16, 1945 (P. L. 1945, c. 169).

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

1 1. Section 3 of P. L. 1945, c. 169 (C. 10:5-3) is amended to
2 read as follows:

3 3. The Legislature finds and declares that practices of discrimi-
4 nation against any of its inhabitants, because of race, creed, color,
5 national origin, ancestry, age, sex, marital status, [or because of
6 their] liability for service in the Armed Forces of the United
7 States, or nationality, are a matter of concern to the government
8 of the State, and that such discrimination threatens not only the
9 rights and proper privileges of the inhabitants of the State but
10 menaces the institutions and foundation of a free democratic
11 State[.]; provided, however, that nothing in this expression of
12 policy prevents the making of legitimate distinctions between citi-
13 zens and aliens when required by Federal law or otherwise neces-
14 sary to promote the national interest.

15 *The Legislature further declares its opposition to such practices*
16 *of discrimination when directed against any person by reason of*
17 *the race, creed, color, national origin, ancestry, age, sex, marital*
18 *status, liability for service in the Armed Forces of the United*
19 *States, or nationality of that *person or that* person's *spouse,**
20 *partners, members, stockholders, directors, officers, managers,*
21 *superintendents, agents, employees, business associates, suppliers,*
22 *or customers, in order that the economic prosperity and general*
23 *welfare of the inhabitants of the State may be protected and*
24 *ensured.*

1 **[2. Section 5 of P. L. 1945, c. 169 (C. 10:5-5) is amended to
2 read as follows:

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

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

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

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

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

16 d. "Unlawful employment practice" and "unlawful discrimina-
17 tion" includes only those unlawful practices and acts specified in
18 section 11 of this act.

19 e. "Employer" does not include a club exclusively social or a
20 fraternal, charitable, educational or religious association or cor-
21 poration, if such club, association or corporation is not organized
22 and operated for private profit.

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

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

32 h. "Division" means the Division on Civil Rights" created by
33 this act.

34 i. "Attorney General" means the Attorney General of the State
35 of New Jersey or his representative or designee.

36 j. "Commission" means the Commission on Civil Rights created
37 by this act.

38 k. "Director" means the Director of the Division on Civil
39 Rights.

40 l. "A place of public accommodation," shall include, but not be
41 limited to: any tavern, roadhouse, hotel, motel, trailer camp, sum-
42 mer camp, day camp, or resort camp, whether for entertainment
43 of transient guests or accommodation of those seeking health,
44 recreation or rest; any producer, manufacturer, wholesaler, dis-

45 tributor, retail shop, store, establishment, or concession dealing
46 with goods or services of any kind; any restaurant, eating house
47 or place where food is sold for consumption on the premises; any
48 place maintained for the sale of ice cream, ice and fruit prepara-
49 tions or their derivatives, soda water or confections, or where
50 any beverages of any kind are retailed for consumption on the
51 premises; any garage, any public conveyance operated on land or
52 water, or in the air, any stations and terminals thereof; any bath-
53 house, boardwalk or seashore accommodation; any auditorium,
54 meeting place, or hall; any theatre, motion-picture house, music
55 hall, roof garden, skating rink, swimming pool, amusement and
56 recreation park, fair, bowling alley, gymnasium, shooting gallery,
57 billiard and pool parlor, or other place of amusement; any comfort
58 station; any dispensary, clinic or hospital; any public library; any
59 kindergarten, primary and secondary school, trade or business
60 school, high school, academy, college and university, or any edu-
61 cational institution under the supervision of the State Board of
62 Education, or the Commissioner of Education of the State of New
63 Jersey. Nothing herein contained shall be construed to include or
64 to apply to any institution, bona fide club, or place of accommoda-
65 tion, which is in its nature distinctly private; nor shall anything
66 herein contained apply to any educational facility operated or
67 maintained by a bona fide religious or sectarian institution, and
68 the right of a natural parent or one in loco parentis to direct the
69 education and upbringing of a child under his control is hereby
70 affirmed; nor shall anything herein contained be construed to bar
71 any private secondary or post-secondary school from using in good
72 faith criteria other than race, creed, color, national origin or
73 ancestry, in the admission of students.

74 m. "A publicly assisted housing accommodation" shall include
75 all housing built with public funds or public assistance pursuant
76 to P. L. 1949, c. 300, P. L. 1941, c. 213, P. L. 1944, c. 169, P. L. 1949,
77 c. 303, P. L. 1938, c. 19, P. L. 1938, c. 20, P. L. 1946, c. 52, and P. L.
78 1949, c. 184, and all housing financed in whole or in part by a loan,
79 whether or not secured by a mortgage, the repayment of which
80 is guaranteed or insured by the Federal Government or any agency
80A thereof.

81 n. The term "real property" includes real estate, lands, tene-
82 ments and hereditaments, corporeal, and incorporeal, and lease-
83 holds, provided, however, that, except as to publicly assisted
84 housing accommodations, the provisions of this act shall not apply
85 to the rental: (1) of a single apartment or flat in a two-family

86 dwelling, the other occupancy unit of which is occupied by the
87 owner as his residence or the household of his family at the time
88 of such rental; or (2) of a room or rooms to another person or
89 persons by the owner or occupant of a one-family dwelling occupied
90 by him as his residence or the household of his family at the time
91 of such rental. Nothing herein contained shall be construed to
92 bar any religious or denominational institution or organization,
93 or any organization operated for charitable or educational pur-
94 poses, which is operated, supervised or controlled by or in con-
95 nection with a religious organization, in the sale, lease or rental
96 of real property, from limiting admission to or giving preference
97 to persons of the same religion or denomination or from making
98 such selection as is calculated by such organization to promote
99 the religious principles for which it is established or maintained.

100 o. "Real estate broker" includes a person, firm or corporation
101 who, for a fee, commission or other valuable consideration, or by
102 reason of promise or reasonable expectation thereof, lists for sale,
103 sells, exchanges, buys or rents, or offers or attempts to negotiate
104 a sale, exchange purchase or rental of real estate or an interest
105 therein, or collects or offers or attempts to collect rent for the
106 use of real estate, or solicits for prospective purchasers or assists
107 or directs in the procuring of prospects or the negotiation or clos-
108 ing of any transaction which does or is contemplated to result in
109 the sale, exchange, leasing, renting or auctioning of any real estate,
110 or negotiates, or offers or attempts or agrees to negotiate a loan
111 secured or to be secured by mortgage or other encumbrance upon
112 or transfer of any real estate for others; or any person who, for
113 pecuniary gain or expectation of pecuniary gain or expectation of
114 pecuniary gain conducts a public or private competitive sale of
115 lands or any interest in lands. In the sale of lots, the term "real
116 estate broker" shall also include any person, partnership, associa-
117 tion or corporation employed by or on behalf of the owner or
118 owners of lots or other parcels of real estate, at a stated salary,
119 or upon a commission, or upon a salary and commission, or other-
120 wise, to sell such real estate, or any parts thereof, in lots or other
121 parcels, and who shall sell or exchange, or offer or attempt or
122 agree to negotiate the sale or exchange, of any such lots or parcel
123 of real estate.

124 p. "Real estate salesman" includes any person who, for com-
125 pensation, valuable consideration or commission, or other thing of
126 value, or by reason of a promise or reasonable expectation thereof,
127 is employed by and operates under the supervision of a licensed

128 real estate broker to sell or offer to sell, buy or offer to buy or
 129 negotiate the purchase, sale or exchange of real estate, or offers
 130 or attempts to negotiate a loan secured or to be secured by a mort-
 131 gage or other encumbrance upon or transfer of real estate, or to
 132 lease or rent, or offer to lease or rent any real estate for others,
 133 or to collect rents for the use of real estate, or to solicit for pro-
 134 spective purchasers or lessees of real estate, or who is employed
 135 by a licensed real estate broker to sell or offer to sell lots or other
 136 parcels of real estate, at a stated salary, or upon a commission, or
 137 upon a salary and commission, or otherwise to sell real estate, or
 138 any parts thereof, in lots or other parcels.

139 q. "Physical handicap" means any physical disability, infirmity,
 140 malformation or disfigurement which is caused by bodily injury,
 141 birth defect or illness including epilepsy, and which shall include,
 142 but not be limited to any degree of paralysis, amputation, lack of
 143 physical coordination, blindness or visual impediment, deafness
 144 or hearing impediment, muteness or speech impediment or physical
 145 reliance on a seeing eye dog, wheelchair, or other remedial appli-
 146 ance or device.】**

147 *【r. "Discriminatory boycott" means the exercise of economic
 148 coercion, influence, or pressure, whether direct or indirect, with
 149 the purpose of restricting, prohibiting, or otherwise inhibiting or
 150 interfering with any business relationship on the basis of race,
 151 creed, color, national origin, ancestry, age, sex, marital status,
 152 liability for service in the Armed Forces of the United States, or
 153 nationality.】*

1 **【3.】** **2.** Section 11 of P. L. 1945, c. 169 (C. 10:5-12) is
 2 amended to read as follows:

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

5 a. For an employer, because of the race, creed, color, national
 6 origin, ancestry, age, marital status or sex of any individuals, or
 7 because of the liability for service in the Armed Forces of the
 8 United States【.】 or the nationality of any individual, to refuse to
 9 hire or employ or to bar or to discharge from employment such
 10 individual or to discriminate against such individual in compensa-
 11 tion or in terms, conditions or privileges of employment; provided,
 12 however, it shall not be an unlawful employment practice to refuse
 13 to accept for employment an applicant who has received a notice
 14 of induction or orders to report for active duty in the armed
 15 forces; provided further that nothing herein contained shall be
 16 construed to bar an employer from refusing to accept for employ-

17 ment any person on the basis of sex in those certain circumstances
18 where sex is a bona fide occupational qualification, reasonably
19 necessary to the normal operation of the particular business or
20 enterprise[.]; and provided further than an employer may restrict
21 employment to citizens of the United States where such restriction
22 is required by Federal law or is otherwise necessary to protect the
23 national interest.

24 b. For a labor organization, because of the race, creed, color,
25 national origin, ancestry, age, marital status or sex of any
26 individual, or because of the liability for service in the Armed
27 Forces of the United States[.], or nationality of an individual, to
28 exclude or to expel from its membership such individual or to
29 discriminate in any way against any of its members, against any
30 applicant for, or individual included in, any apprentice or other
31 training program or against any employer or any individual em-
32 ployed by an employer; provided, however, that nothing herein
33 contained herein shall be construed to bar a labor organization
34 from excluding from its apprentice or other training programs
35 any person on the basis of sex in those certain circumstances where
36 sex is a bona fide occupational qualification reasonably necessary
37 to the normal operation of the particular apprentice or other
38 training program.

39 c. For any employer or employment agency to print or circulate
40 or cause to be printed or circulated any statement, advertisement
41 or publication, or to use any form of application for employment,
42 or to make an inquiry in connection with prospective employment,
43 which expresses, directly or indirectly, any limitation, specifica-
44 tion or discrimination as to race, creed, color, national origin,
45 ancestry, age, marital status or sex or liability of any applicant
46 for employment for service in the Armed Forces of the United
47 States, or any intent to make any such limitation, specification or
48 discrimination, unless based upon a bona fide occupational
49 qualification.

50 d. For any person to take reprisals against any person because
51 he has opposed any practices or acts forbidden under this act or
52 because he has filed a complaint, testified or assisted in any
53 proceeding under this act.

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

57 f. For any owner, lessee, proprietor, manager, superintendent,
58 agent or employee of any place of public accommodation directly

59 or indirectly to refuse, withhold from or deny to any person any
60 of the accommodations, advantages, facilities or privileges thereof,
61 or to discriminate against any person in the furnishing thereof,
62 or directly or indirectly to publish, circulate, issue, display, post
63 or mail any written or printed communication, notice, or advertise-
64 ment to the effect that any of the accommodations, advantages,
65 facilities, or privileges of any such place will be refused, withheld
66 from or denied to any person on account of the race, creed, color,
67 national origin, ancestry, marital status, *sex or nationality* of such
68 person, or that the patronage or custom thereof of any person of
69 any particular race, creed, color, national origin, ancestry, marital
70 status, *sex or nationality* is unwelcome, objectionable or not ac-
71 ceptable, desired or solicited, and the production of any such
72 written or printed communication, notice or advertisement,
73 purporting to relate to any such place and to be made by any
74 owner, lessee, proprietor, superintendent, or manager thereof, shall
75 be presumptive evidence in any action that the same was authorized
76 by such person; provided, however, that nothing contained herein
77 shall be construed to bar any place of public accommodation which
78 is in its nature reasonably restricted exclusively to individuals of
79 one sex, and which shall include but not be limited to any summer
80 camp, day camp or resort camp, bathhouse, dressing room, swim-
81 ming pool, gymnasium, comfort station, dispensary clinic or
82 hospital, or school or educational institution which is restricted
83 exclusively to individuals of one sex, from refusing, withholding
84 from or denying to any individual of the opposite sex any of the
85 accommodations, advantages, facilities or privileges thereof on
86 the basis of sex; provided further, that the foregoing limitation
87 shall not apply to any restaurant as defined in R. S. 33:1-1 or place
88 where alcoholic beverages are served.

89 g. For the owner, lessee, sublessee, assignee or managing agent
90 of, or other person having the right of ownership or possession
91 of or the right to sell, rent, lease, assign, or sublease any real
92 property or part or portion thereof, or any agent or employee
93 of any of these:

94 (1) To refuse to sell, rent, lease, assign, or sublease or other-
95 wise to deny to or withhold from any person or group of persons
96 any real property or part or portion thereof because of the race,
97 creed, color, national origin, ancestry, marital status, *sex or*
98 *nationality* of such person or group of persons;

99 (2) To discriminate against any person or group of persons
100 because of the race, creed, color, national origin, marital status,

101 sex or nationality of such person or group of persons in the terms,
102 conditions or privileges of the sale, rental or lease of any real
103 property or part or portion thereof or in the furnishing of facilities
104 or services in connection therewith; or

105 (3) To print, publish, circulate, issue, display, post or mail, or
106 cause to be printed, published, circulated, issued, displayed, posted
107 or mailed any statement, advertisement, publication or sign, or to
108 use any form of application for the purchase, rental, lease, assign-
109 ment or sublease of any real property or part or portion thereof,
110 or to make any record or inquiry in connection with the prospective
111 purchase, rental, lease, assignment, or sublease of any real prop-
112 erty, or part or portion thereof which expresses, directly or
113 indirectly, any limitation, specification or discrimination as to race,
114 creed, color, national origin, ancestry, marital status, sex or
115 *nationality* or any intent to make any such limitation, specification
116 or discrimination, and the production of any such statement,
117 advertisement, publicity, sign, form of application, record, or
118 inquiry purporting to be made by any such person shall be presump-
119 tive evidence in any action that the same was authorized by such
120 person; provided, however, that nothing contained in this subsec-
121 tion shall be construed to bar any person from refusing to sell,
122 rent, lease, assign or sublease or from advertising or recording
123 a qualification as to sex for any room, apartment, flat in a dwelling
124 or residential facility which is planned exclusively for and occupied
125 by individuals by one sex to any individual of the exclusively
126 opposite sex on the basis of sex.

127 h. For any real estate broker, real estate salesman or employee
128 or agent thereof.

129 (1) To refuse to sell, rent, assign, lease or sublease, or offer for
130 sale, rental lease, assignment, or sublease any real property or
131 part or portion thereof to any person or group of persons or to
132 refuse to negotiate for the sale, rental, lease, assignment, or sub-
133 lease of any real property or part or portion thereof to any person
134 or group of persons because of the race, creed, color, national origin,
135 ancestry, marital status, sex or *nationality* of such person or group
136 of persons, or to represent that any real property to portion thereof
137 is not available for inspection, sale, rental, lease, assignment, or
138 sublease when in fact it is so available, or otherwise to deny or
139 withhold any real property or any part or portion or facilities
140 thereof to or from any person or group of persons because of the
141 race, creed, color, national origin, ancestry, marital status, sex or
142 *nationality* of such person or group of persons;

143 (2) To discriminate against any person because of his race,
144 creed, national origin, ancestry, marital status, sex *or nationality*
145 in the terms, conditions or privileges of the sale, rental, lease,
146 assignment or sublease of any real property or part or portion
147 thereof or in the furnishing of facilities or services in connection
148 therewith; or

149 (3) To print, publish, circulate, issue, display, post or mail, or
150 cause to be printed, published, circulated, issued displayed, posted
151 or mailed, any statement, advertisement, publication or sign, or
152 to use any form of application for the purchase, rental, lease,
153 assignment, or sublease of any real property or part or portion
154 thereof or to make any record or inquiry in connection with the
155 prospective purchaser, rental, lease, assignment, or sublease of
156 any real property or part or portion thereof which expresses,
157 directly or indirectly, any limitation, specification or discrimination
158 as to race, creed, color, national origin, ancestry, marital status,
159 sex *or nationality* or any intent to make any such limitation,
160 specification or discrimination, and the production of any such
161 statement, advertisement, publicity, sign, form of application,
162 record or inquiry purporting to be made by any such person shall
163 be presumptive evidence in any action that the same was authorized
164 by such person; provided, however, that nothing contained in this
165 subsection h., shall be construed to bar any person from refusing
166 to sell, rent, lease, assign or sublease or from advertising or
167 recording a qualification as to sex for any room, apartment, flat
168 in a dwelling or residential facility which is planned exclusively
169 for and occupied exclusively by individuals of one sex to any
170 individual of the opposite sex on the basis of sex.

171 i. For any person, bank, banking organization, mortgage com-
171A pany, insurance company or other financial institution, lender or
172 credit institution to whom application is made for any loan or
173 extension of credit including but not limited to an application for
174 financial assistance for the purchase, acquisition, construction,
175 rehabilitation, repair or maintenance of any real property or part
176 or portion thereof or any agent or employee thereof:

177 (1) To discriminate against any person or group of persons
178 because of the race, creed, color, national origin, ancestry, marital
179 status, sex *or nationality* of such person or group of persons or
180 of the prospective occupants or tenants of such real property or
181 part or portion thereof, in the granting, withholding, extending,
182 modifying, or renewing, or in the fixing of the rates, terms, condi-
183 tion, or provisions of any such loan, extension of credit or financial
184 assistance or in the extension of services in connection therewith; or

185 (2) To use any form of application for such loan, extension or
 186 credit or financial assistance or to make any record or inquiry in
 187 connection with applications for any such loan, extension of credit
 188 or financial assistance which expresses, directly or indirectly any
 189 limitation, specification or discrimination as to race, creed, color,
 190 national origin, ancestry, marital status, sex or *nationality* or any
 191 intent to make any such limitation, specification or discrimination;
 192 unless otherwise required by law or regulation to retain or use
 193 such information.

194 j. For any person whose activities are included within the scope
 195 of this act to refuse to post or display such notices concerning the
 196 rights or responsibilities of persons affected by this act as the
 197 Attorney General may by regulation require.

198 k. For any real estate broker, real estate salesman or employee
 199 or agent thereof or any other individual, corporation, partnership,
 200 or organization, for the purpose of inducing a transaction for the
 201 sale or rental of real property from which transaction such person
 202 or any of its members may benefit financially, to represent that
 203 a change has occurred or will or may occur in the composition with
 204 respect to race, creed, color, national origin, ancestry, marital
 205 status sex or *nationality* of the owners or occupants in the block,
 206 neighborhood directly or indirectly, that this change will or may
 207 result in undesirable consequences in the block, neighborhood or
 208 area in which the real property is located, including, but not limited
 209 to the lowering of property values, an increase in criminal or anti-
 210 social behavior, or a decline in the quality of schools or other
 211 facilities.

212 l. *For any person to refuse to buy from, sell to, *lease from or to,*
 213 *license, contract with,*or trade with*, provide goods, service or*
 214 *information to, or otherwise do business with* any other person on*
 215 *the basis of the race, creed, color, national origin, ancestry, age,*
 216 *sex, marital status, liability for service in the Armed Forces of the*
 217 *United States, or nationality of such other person or of such other*
 218 *person's *spouse,* partners, members, stockholders, directors,*
 219 *officers, managers, superintendents, agents, employees, business*
 220 *associates, suppliers, or customers. This subsection shall ***[not***
 221 *apply to refusals arising out of labor disputes or made in connec-*
 222 *tion with a protest of unlawful discrimination.]* *not prohibit*
 223 *refusals or other actions (1) pertaining to employee-employer col-*
 224 *lective bargaining, labor disputes, or unfair labor practices, or*
 225 *(2) made or taken in connection with a protest of unlawful discrim-*
 226 *ination or unlawful employment practices.**

227 ...m. For any person to:

228 (1) Grant or accept any letter of credit or other document which
 229 evidences the transfer of funds or credit, or enter into any con-
 230 tract for the exchange of goods or services, where the letter of
 231 credit, contract, or other document contains any provisions requir-
 232 ing any person to discriminate against or to certify that he, she or
 233 it has not dealt with any other person on the basis of the race, creed,
 234 color, national origin, ancestry, age, sex, marital status, liability for
 235 service in the Armed Forces of the United States, or nationality
 236 of such other person or of such other person's *spouse,* partners,
 237 members, stockholders, directors, officers, managers, superintend-
 238 ents, agents, employees, business associates, suppliers, or
 239 customers.

240 (2) Refuse to grant or accept any letter of credit or other docu-
 241 ment which evidences the transfer of funds or credit, or refuse to
 242 enter into any contract for the exchange of goods or services, on the
 243 ground that it does not contain such a discriminatory provision
 244 or certification.

245 The provision of this subsection shall not apply to any letter of
 246 credit, contract, or other document which contains any provision
 247 pertaining to *employee-employer collection bargaining* a labor
 248 dispute or an unfair labor practice, or made in connection with the
 249 protest of unlawful discrimination *or an unlawful employment
 250 practice*, if the other provisions of such letter of credit, contract,
 251 or other document do not otherwise violate the provisions of this
 252 subsection.

253 ***[n.** For any person knowingly and willfully to impose, partici-
 254 pate in, or support a discriminatory boycott or commercial black-
 255 listing, or knowingly and willfully to aid or assist any other person
 256 to impose, participate in, or support any such boycott or black-
 257 listing, or willfully to commit any act or refrain from committing
 258 any act which enables any other person to take such discriminatory
 259 action. This subsection shall not apply to boycotts arising out of
 260 labor disputes or boycotts made in connection with the protest of
 261 unlawful discrimination.]*

262 *n. For any person to aid, abet, incite, compel, coerce, or induce
 263 the doing of any act forbidden by subsections 11(l) and (m) of
 264 this act, or to attempt, or to conspire to do so. Such prohibited
 265 conduct shall include, but not be limited to:

266 (1) Buying from, selling to, leasing from or to, licensing, con-
 267 tracting with, trading with, providing goods, services, or informa-
 268-269 tion to, or otherwise doing business with any person because that

270 person does, or agrees or attempts to do, any such act or any act
271 prohibited by this subsection (n); or

272 (2) Boycotting, commercially blacklisting or refusing to buy
273 from, sell to, lease from or to, license, contract with, provide goods,
274 services or information to, or otherwise do business with any person
275 because that person has not done or refuses to do any such act or
276 any act prohibited by this subsection (n);

277 provided that, this subsection (n) shall not prohibit refusals or
278 other actions either pertaining to employee-employer collective
279 bargaining, labor disputes, or unfair labor practices, or made or
280 taken in connection with a protest of unlawful discrimination or
281 unlawful employment practices.*

1 **[4.]** **3.** Section 16 of P. L. 1945, c. 169 (C. 10:5-17) is
2 amended to read as follows:

3 16. If, upon all evidence at the hearing, the director shall find
4 that the respondent has engaged in any unlawful employment
5 practice or unlawful discrimination as defined in this act, the
6 director shall state his findings of fact and conclusions of law and
7 shall issue and cause to be served on such respondent an order
8 requiring such respondent to cease and desist from such unlawful
9 employment practice or unlawful discrimination and to take such
10 affirmative action, including, but not limited to, hiring, reinstatement
11 or upgrading of employees, with or without back pay, or
12 restoration to membership, in any respondent labor organization,
13 or extending full and equal accommodations, advantages, facilities,
14 and privileges to all persons, as, in the judgment of the director,
15 will effectuate the purpose of this act, and including a requirement
16 for report of the manner of compliance. *If the conduct violative*
17 *of this act constitutes any form of unlawful economic discrimina-*
18 *tion prohibited in section 11, subsections l., m., and n. of this act,*
19 *the affirmative action taken by the director may include the award*
20 *of three-fold damages to the person or persons aggrieved by the*
21 *violation.* The director shall have the power to use reasonably
22 certain bases, including but not limited to list, catalogue or market
23 prices or values, or contract or advertised terms and conditions,
24 in order to determine particulars or performance in giving appropriate
25 remedy. If, upon all the evidence, the director shall find
26 that the respondent has not engaged in any such unlawful practice
27 or unlawful discrimination, the director shall state his findings of
28 fact and conclusions of law and shall issue and cause to be served
29 on the complainant an order dismissing the complaint as to
30 such respondent.

31 **[*5. If the provisions of any section, subsection or clause of
32 this act or the application thereof to any person shall be judged in-
33 valid by a court of competent jurisdiction, such order or judgment
34 shall be confined in its operation to the controversy in which it was
35 rendered, and shall not affect or invalidate the remainder of any
36 provision of any section, subsection or clause of this act or the
37 application of any part thereof to any other person or circumstance
38 and to that end, the provisions of each section, subsection and clause
39 of this act are hereby declared to be severable.]***

40 **4. Section 27 of P. L. 1945, c. 169 (C. 10:5-28) is amended to
41 read as follows :

42 27. If any clause, sentence, paragraph, or part of this act or any
43 amendment or supplement thereto or the application thereof to any
44 person or circumstances, shall, for any reason, be adjudged by a
45 court of competent jurisdiction to be invalid, such judgment shall
46 not affect, impair, or invalidate the remainder of this act.**

1 *[5.]* **[*6.]*** **5.** This act shall take effect immediately.

17 of this act constitutes any form of unlawful economic discrimina-
18 tion prohibited in section 11, subsections l., m., and n. of this act,
19 the affirmative action taken by the director may include the award
20 of three-fold damages to the person or persons aggrieved by the
21 violation. The director shall have the power to use reasonably
22 certain bases, including but not limited to list, catalogue or market
23 prices or values, or contract or advertised terms and conditions,
24 in order to determine particulars or performance in giving ap-
25 propriate remedy. If, upon all the evidence, the director shall find
26 that the respondent has not engaged in any such unlawful practice
27 or unlawful discrimination, the director shall state his findings of
28 fact and conclusions of law and shall issue and cause to be served
29 on the complainant an order dismissing the said complaint as to
30 such respondent.

1 5. This act shall take effect immediately.

STATEMENT

This bill, an amendment to the "Law Against Discrimination," extends the coverage of that law to discrimination based on nationality. It further prohibits discriminatory conduct based on the race, creed, color, national origin, ancestry, age, sex, marital status, military status or nationality of a person's business associates, suppliers, or customers. The bill provides that discriminatory boycotts, commercial blacklisting, and refusal to enter into contracts unless they contain discriminatory provisions are violations of the Law Against Discrimination which may result, in the discretion of the Director of the Division of Civil Rights, in the awarding of treble damages to persons aggrieved by such discriminatory practices.

ASSEMBLY JUDICIARY, LAW, PUBLIC SAFETY
AND DEFENSE COMMITTEE

STATEMENT TO
ASSEMBLY, No. 2334
with Committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 11, 1977

This bill, an amendment to the "Law Against Discrimination," extends the coverage of that law to discrimination based on nationality. It further prohibits discriminatory conduct based on the race, creed, color, national origin, ancestry, age, sex, marital status, military status or nationality of a person's business associates, suppliers, or customers. The bill provides that discriminatory boycotts, commercial blacklisting, and refusal to enter into contracts unless they contain discriminatory provisions are violations of the Law Against Discrimination which may result, in the discretion of the Director of the Division of Civil Rights, in the awarding of treble damages to persons aggrieved by such discriminatory practices.

The committee amendments would do the following:

1. Extend the prohibition against discrimination to cover discrimination based upon the nationality of a person's spouse.
2. Expand the ban against discrimination to include the refusal to provide goods, services or information on a discriminatory basis.
3. Clarify that the bill does not prohibit action taken in connection with employee-employer collective bargaining, labor disputes or unfair labor practices or protests made in response to unlawful discrimination or unlawful employment practices.
4. Include a prohibition against aiding a commercial boycott either by dealing with a person because that person agrees to participate in a boycott or by refusing to deal with a person because that person refuses to participate in such boycott.
5. Adds a severability clause to the bill.

ASSEMBLY COMMITTEE AMENDMENTS TO

ASSEMBLY, No. 2334

STATE OF NEW JERSEY

ADOPTED JANUARY 11, 1977

Amend page 1, section 1, line 19, after "that", insert "person or that"; after "person's", insert "spouse,".

Amend page 5, section 2, lines 147-153, omit in entirety.

Amend page 10, section 3, line 212, after "sell to," insert "lease from or to, license, contract with,"; after "trade with", insert ", provide goods, service or information to, or otherwise do business with".

Amend page 10, section 3, line 216, after "person's", insert "spouse,".

Amend page 10, section 3, lines 219-220, omit in entirety, insert "not prohibit refusals or other actions (1) pertaining to employee-employer collective bargaining, labor disputes, or unfair labor practices, or (2) made or taken in connection with a protest of unlawful discrimination or unlawful employment practices.".

Amend page 11, section 3, line 230, after "person's", insert "spouse,".

Amend page 11, section 3, line 240, after "pertaining to", insert "employee-employer collective bargaining,".

Amend page 11, section 3, line 241, after "discrimination", insert "or an unlawful employment practice".

Amend page 11, section 3, lines 244-252, omit in entirety, insert the following:

"n. For any person to aid, abet, incite, compel, coerce, or induce the doing of any act forbidden by subsections 11(1) and (m) of this act, or to attempt, or to conspire to do so. Such prohibited conduct shall include, but not be limited to:

(1) Buying from, selling to, leasing from or to, licensing, contracting with, trading with, providing goods, services, or information to, or otherwise doing business with any person because that person does, or agrees or attempts to do, any such act or any act prohibited by this subsection (n); or

(2) Boycotting, commercially blacklisting or refusing to buy from, sell to, lease from or to, license, contract with, provide goods, services or information to, or otherwise do business with any person because

that person has not done or refuses to do any such act or any act prohibited by this subsection (n); provided that, this subsection (n) shall not prohibit refusals or other actions either pertaining to employee-employer collective bargaining, labor disputes, or unfair labor practices, or made or taken in connection with a protest of unlawful discrimination or unlawful employment practices.”.

Amend page 12, section 4, line 30, after line 30 insert new section 5 as follows:

“5. If the provisions of any section, subsection or clause of this act or the application thereof to any person shall be judged invalid by a court of competent jurisdiction, such order or judgment shall be confined in its operation to the controversy in which it was rendered, and shall not affect or invalidate the remainder of any provision of any section, subsection or clause of this act or the application of any part thereof to any other person or circumstance and to that end, the provisions of each section, subsection and clause of this act are hereby declared to be severable.”.

Amend page 12, section 5, line 1, omit “5.”, insert “6.”.

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ASSEMBLY AMENDMENTS TO
ASSEMBLY, No. 2334
[OFFICIAL COPY REPRINT]

STATE OF NEW JERSEY

ADOPTED FEBRUARY 1, 1977

Amend pages 1-5, section 2, lines 1-153, omit in entirety.

Amend page 5, section 3, line 1, omit "3.", insert "2.".

Amend page 12, section 4, line 1, omit "4.", insert "3.".

Amend page 13, section 5, lines 31-39, omit in entirety, insert new section 4. as follows:

"4. Section 27 of P. L. 1945, c. 169 (C. 10:5-28) is amended to read as follows:

27. If any clause, sentence, paragraph, or part of this act *or any amendment or supplement thereto* or the application thereof to any person or circumstances, shall, for any reason, be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this act."

Amend page 13, section 6, line 1. omit "6.", insert "5.".

SENATE, No. 3072

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 1, 1977

By Senators FELDMAN and AMMOND

(Without Reference)

AN ACT to amend the "Law Against Discrimination," approved
April 16, 1945 (P. L. 1945, c. 169).

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

1 1. Section 3 of P. L. 1945, c. 169 (C. 10:5-3) is amended to
2 read as follows:

3 3. The Legislature finds and declares that practices of discrimi-
4 nation against any of its inhabitants, because of race, creed, color,
5 national origin, ancestry, age, sex, marital status, [or because of
6 their] liability for service in the Armed Forces of the United
7 States, *or nationality*, are a matter of concern to the government
8 of the State, and that such discrimination threatens not only the
9 rights and proper privileges of the inhabitants of the State but
10 menaces the institutions and foundation of a free democratic
11 State[.]; *provided, however, that nothing in this expression of*
12 *policy prevents the making of legitimate distinctions between*
13 *citizens and aliens when required by Federal law or otherwise*
14 *necessary to promote the national interest.*

15 *The Legislature further declares its opposition to such practices*
16 *of discrimination when directed against any person by reason of*
17 *the race, creed, color, national origin, ancestry, age, sex, marital*
18 *status, liability for service in the Armed Forces of the United*
19 *States, or nationality of that person or that person's spouse,*
20 *partners, members, stockholders, directors, officers, managers,*
21 *superintendents, agents, employees, business associates, suppliers,*
22 *or customers, in order that the economic prosperity and general*
23 *welfare of the inhabitants of the State may be protected and*
24 *ensured.*

EXPLANATION: Material in bold-faced brackets in the above bill
is not enacted and is intended to be omitted in the law.

1 2. Section 11 of P. L. 1945, c. 169 (C. 10:5-12) is amended to read
2 as follows:

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

5 a. For an employer, because of the race, creed, color, national
6 origin, ancestry, age, marital status or sex of any individuals, or
7 because of the liability for service in the Armed Forces of the
8 United States[.] or the nationality of any individual, to refuse to
9 hire or employ or to bar or to discharge from employment such
10 individual or to discriminate against such individual in compensa-
11 tion or in terms, conditions or privileges of employment; provided,
12 however, it shall not be an unlawful employment practice to refuse
13 to accept for employment an applicant who has received a notice
14 of induction or orders to report for active duty in the armed
15 forces; provided further that nothing herein contained shall be
16 construed to bar an employer from refusing to accept for employ-
17 ment any person on the basis of sex in those certain circumstances
18 where sex is a bona fide occupational qualification, reasonably
19 necessary to the normal operation of the particular business or
20 enterprise[.]; and provided further than an employer may restrict
21 employment to citizens of the United States where such restriction
22 is required by Federal law or is otherwise necessary to protect the
23 national interest.

24 b. For a labor organization, because of the race, creed, color,
25 national origin, ancestry, age, marital status or sex of any
26 individual, or because of the liability for service in the Armed
27 Forces of the United States[.] or nationality of an individual, to
28 exclude or to expel from its membership such individual or to
29 discriminate in any way against any of its members, against any
30 applicant for, or individual included in, any apprentice or other
31 training program or against any employer or any individual em-
32 ployed by an employer; provided, however, that nothing herein
33 contained herein shall be construed to bar a labor organization
34 from excluding from its apprentice or other training programs
35 any person on the basis of sex in those certain circumstances where
36 sex is a bona fide occupational qualification reasonably necessary
37 to the normal operation of the particular apprentice or other
38 training program.

39 c. For any employer or employment agency to print or circulate
40 or cause to be printed or circulated any statement, advertisement
41 or publication, or to use any form of application for employment,
42 or to make an inquiry in connection with prospective employment,

43 which expresses, directly or indirectly, any limitation, specifica-
44 tion or discrimination as to race, creed, color, national origin,
45 ancestry, age, marital status or sex or liability of any applicant
46 for employment for service in the Armed Forces of the United
47 States, or any intent to make any such limitation, specification or
48 discrimination, unless based upon a bona fide occupational
49 qualification.

50 d. For any person to take reprisals against any person because
51 he has opposed any practices or acts forbidden under this act or
52 because he has filed a complaint, testified or assisted in any
53 proceeding under this act.

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

57 f. For any owner, lessee, proprietor, manager, superintendent,
58 agent or employee of any place of public accommodation directly
59 or indirectly to refuse, withhold from or deny to any person any
60 of the accommodations, advantages, facilities or privileges thereof,
61 or to discriminate against any person in the furnishing thereof,
62 or directly or indirectly to publish, circulate, issue, display, post
63 or mail any written or printed communication, notice, or advertise-
64 ment to the effect that any of the accommodations, advantages,
65 facilities, or privileges of any such place will be refused, withheld
66 from or denied to any person on account of the race, creed, color,
67 national origin, ancestry, marital status, *sex or nationality* of such
68 person, or that the patronage or custom thereof of any person of
69 any particular race, creed, color, national origin, ancestry, marital
70 status, *sex or nationality* is unwelcome, objectionable or not ac-
71 ceptable, desired or solicited, and the production of any such
72 written or printed communication, notice or advertisement,
73 purporting to relate to any such place and to be made by any
74 owner, lessee, proprietor, superintendent, or manager thereof, shall
75 be presumptive evidence in any action that the same was authorized
76 by such person; provided, however, that nothing contained herein
77 shall be construed to bar any place of public accommodation which
78 is in its nature reasonably restricted exclusively to individuals of
79 one sex, and which shall include but not be limited to any summer
80 camp, day camp or resort camp, bathhouse, dressing room, swim-
81 ming pool, gymnasium, comfort station, dispensary clinic or
82 hospital, or school or educational institution which is restricted
83 exclusively to individuals of one sex, from refusing, withholding
84 from or denying to any individual of the opposite sex any of the

85 accommodations, advantages, facilities or privileges thereof on
86 the basis of sex; provided further, that the foregoing limitation
87 shall not apply to any restaurant as defined in R. S. 33:1-1 or place
88 where alcoholic beverages are served.

89 g. For the owner, lessee, sublessee, assignee or managing agent
90 of, or other person having the right of ownership or possession
91 of or the right to sell, rent, lease, assign, or sublease any real
92 property or part or portion thereof, or any agent or employee
93 of any of these:

94 (1) To refuse to sell, rent, lease, assign, or sublease or other-
95 wise to deny to or withhold from any person or group of persons
96 any real property or part or portion thereof because of the race,
97 creed, color, national origin, ancestry, marital status, sex or
98 *nationality* of such person or group of persons;

99 (2) To discriminate against any person or group of persons
100 because of the race, creed, color, national origin, marital status,
101 sex or nationality of such person or group of persons in the terms,
102 conditions or privileges of the sale, rental or lease of any real
103 property or part or portion thereof or in the furnishing of facilities
104 or services in connection therewith; or

105 (3) To print, publish, circulate, issue, display, post or mail, or
106 cause to be printed, published, circulated, issued, displayed, posted
107 or mailed any statement, advertisement, publication or sign, or to
108 use any form of application for the purchase, rental, lease, assign-
109 ment or sublease of any real property or part or portion thereof,
110 or to make any record or inquiry in connection with the prospective
111 purchase, rental, lease, assignment, or sublease of any real prop-
112 erty, or part or portion thereof which expresses, directly or
113 indirectly, any limitation, specification or discrimination as to race,
114 creed, color, national origin, ancestry, marital status, sex or
115 *nationality* or any intent to make any such limitation, specification
116 or discrimination, and the production of any such statement,
117 advertisement, publicity, sign, form of application, record, or
118 inquiry purporting to be made by any such person shall be presump-
119 tive evidence in any action that the same was authorized by such
120 person; provided, however, that nothing contained in this subsec-
121 tion shall be construed to bar any person from refusing to sell,
122 rent, lease, assign or sublease or from advertising or recording
123 a qualification as to sex for any room, apartment, flat in a dwelling
124 or residential facility which is planned exclusively for and occupied
125 by individuals by one sex to any individual of the opposite
126 opposite sex on the basis of sex.

127 h. For any real estate broker, real estate salesman or employee
128 or agent thereof.

129 (1) To refuse to sell, rent, assign, lease or sublease, or offer for
130 sale, rental, lease, assignment, or sublease any real property or
131 part or portion thereof to any person or group of persons or to
132 refuse to negotiate for the sale, rental, lease, assignment, or sub-
133 lease of any real property or part or portion thereof to any person
134 or group of persons because of the race, creed, color, national origin,
135 ancestry, marital status, sex or *nationality* of such person or group
136 of persons, or to represent that any real property or portion thereof
137 is not available for inspection, sale, rental, lease, assignment, or
138 sublease when in fact it is so available, or otherwise to deny or
139 withhold any real property or any part or portion or facilities
140 thereof to or from any person or group of persons because of the
141 race, creed, color, national origin, ancestry, marital status, sex or
142 *nationality* of such person or group of persons;

143 (2) To discriminate against any person because of his race,
144 creed, national origin, ancestry, marital status, sex or *nationality*
145 in the terms, conditions or privileges of the sale, rental, lease,
146 assignment or sublease of any real property or part or portion
147 thereof or in the furnishing of facilities or services in connection
148 therewith; or

149 (3) To print, publish, circulate, issue, display, post or mail, or
150 cause to be printed, published, circulated, issued, displayed, posted
151 or mailed, any statement, advertisement, publication or sign, or
152 to use any form of application for the purchase, rental, lease,
153 assignment, or sublease of any real property or part or portion
154 thereof or to make any record or inquiry in connection with the
155 prospective purchaser, rental, lease, assignment, or sublease of
156 any real property or part or portion thereof which expresses,
157 directly or indirectly, any limitation, specification or discrimination
158 as to race, creed, color, national origin, ancestry, marital status,
159 sex or *nationality* or any intent to make any such limitation,
160 specification or discrimination, and the production of any such
161 statement, advertisement, publicity, sign, form of application,
162 record or inquiry purporting to be made by any such person shall
163 be presumptive evidence in any action that the same was authorized
164 by such person; provided, however, that nothing contained in this
165 subsection h., shall be construed to bar any person from refusing
166 to sell, rent, lease, assign or sublease or from advertising or
167 recording a qualification as to sex for any room, apartment, flat
168 in a dwelling or residential facility which is planned exclusively

169 for and occupied exclusively by individuals of one sex to any
170 individual of the opposite sex on the basis of sex.

171 i. For any person, bank, banking organization, mortgage com-
171A pany, insurance company or other financial institution, lender or
172 credit institution to whom application is made for any loan or
173 extension of credit including but not limited to an application for
174 financial assistance for the purchase, acquisition, construction,
175 rehabilitation, repair or maintenance of any real property or part
176 or portion thereof or any agent or employee thereof:

177 (1) To discriminate against any person or group of persons
178 because of the race, creed, color, national origin, ancestry, marital
179 status, sex *or nationality* of such person or group of persons or
180 of the prospective occupants or tenants of such real property or
181 part or portion thereof, in the granting, withholding, extending,
182 modifying, or renewing, or in the fixing of the rates, terms, condi-
183 tion, or provisions of any such loan, extension of credit or financial
184 assistance or in the extension of services in connection therewith; or

185 (2) To use any form of application for such loan, extension or
186 credit or financial assistance or to make any record or inquiry in
187 connection with applications for any such loan, extension of credit
188 or financial assistance which expresses, directly or indirectly any
189 limitation, specification or discrimination as to race, creed, color,
190 national origin, ancestry, marital status, sex *or nationality* or any
191 intent to make any such limitation, specification or discrimination;
192 unless otherwise required by law or regulation to retain or use
193 such information.

194 j. For any person whose activities are included within the scope
195 of this act to refuse to post or display such notices concerning the
196 rights or responsibilities of persons affected by this act as the
197 Attorney General may by regulation require.

198 k. For any real estate broker, real estate salesman or employee
199 or agent thereof or any other individual, corporation, partnership,
200 or organization, for the purpose of inducing a transaction for the
201 sale or rental of real property from which transaction such person
202 or any of its members may benefit financially, to represent that
203 a change has occurred or will or may occur in the composition with
204 respect to race, creed, color, national origin, ancestry, marital
205 status, sex *or nationality* of the owners or occupants in the block,
206 neighborhood directly or indirectly, that this change will or may
207 result in undesirable consequences in the block, neighborhood or
208 area in which the real property is located, including, but not limited
209 to the lowering of property values, an increase in criminal or anti-

210 social behavior, or a decline in the quality of schools or other
211 facilities.

212 1. For any person to refuse to buy from, sell to, lease from or to,
213 license, contract with, or trade with, provide goods, service or
214 information to, or otherwise do business with any other person on
215 the basis of the race, creed, color, national origin, ancestry, age,
216 sex, marital status, liability for service in the Armed Forces of the
217 United States, or nationality of such other person or of such other
218 person's spouse, partners, members, stockholders, directors,
219 officers, managers, superintendents, agents, employees, business
220 associates, suppliers, or customers. This subsection shall not pro-
221 hibit refusals or other actions (1) pertaining to employee-employer
222 collective bargaining, labor disputes, or unfair labor practices, or
223 (2) made or taken in connection with a protest of unlawful discrim-
224 ination or unlawful employment practices.

225 m. For any person to:

226 (1) Grant or accept any letter of credit or other document which
227 evidences the transfer of funds or credit, or enter into any con-
228 tract for the exchange of goods or services, where the letter of
229 credit, contract, or other document contains any provisions requir-
230 ing any person to discriminate against or to certify that he, she or
231 it has not dealt with any other person on the basis of the race, creed,
232 color, national origin, ancestry, age, sex, marital status, liability for
233 service in the Armed Forces of the United States, or nationality of
234 such other person or of such other person's spouse, partners, mem-
235 bers, stockholders, directors, officers, managers, superintendents,
236 agents, employees, business associates, suppliers, or customers.

237 (2) Refuse to grant or accept any letter of credit or other docu-
238 ment which evidences the transfer of funds or credit, or refuse to
239 enter into any contract for the exchange of goods or services, on the
240 ground that it does not contain such a discriminatory provision
241 or certification.

242 The provision of this subsection shall not apply to any letter of
243 credit, contract, or other document which contains any provision
244 pertaining to employee-employer collective bargaining a labor
245 dispute or an unfair labor practice, or made in connection with the
246 protest of unlawful discrimination or an unlawful employment
247 practice, if the other provisions of such letter of credit, contract,
248 or other document do not otherwise violate the provisions of this
249 subsection.

250 n. For any person to attempt to, abet, incite, compel, coerce, or induce
251 the doing of any act forbidden by subsections 11(l) and (m) of

252 *this act, or to attempt, or to conspire to do so. Such prohibited*
 253 *conduct shall include, but not be limited to:*

254 (1) *Buying from, selling to, leasing from or to, licensing, con-*
 255 *tracting with, trading with, providing goods, services, or informa-*
 256 *tion to, or otherwise doing business with any person because that*
 257 *person does, or agrees or attempts to do, any such act or any act*
 258 *prohibited by this subsection (n); or*

259 (2) *Boycotting, commercially blacklisting or refusing to buy*
 260 *from, sell to, lease from or to, license, contract with, provide goods,*
 261 *services or information to, or otherwise do business with any person*
 262 *because that person has not done or refuses to do any such act or*
 263 *any act prohibited by this subsection (n);*

264 *provided that, this subsection (n) shall not prohibit refusals or*
 265 *other actions either pertaining to employee-employer collective*
 266 *bargaining, labor disputes, or unfair labor practices, or made or*
 267 *taken in connection with a protest of unlawful discrimination or*
 268 *unlawful employment practices.*

1 3. Section 16 of P. L. 1945, c. 169 (C. 10:5-17) is amended to
 2 read as follows:

3 16. If, upon all evidence at the hearing, the director shall find
 4 that the respondent has engaged in any unlawful employment
 5 practice or unlawful discrimination as defined in this act, the
 6 director shall state his findings of fact and conclusions of law and
 7 shall issue and cause to be served on such respondent an order
 8 requiring such respondent to cease and desist from such unlawful
 9 employment practice or unlawful discrimination and to take such
 10 affirmative action, including, but not limited to, hiring, reinstatement
 11 or upgrading of employees, with or without back pay, or
 12 restoration to membership, in any respondent labor organization,
 13 or extending full and equal accommodations, advantages, facilities,
 14 and privileges to all persons, as, in the judgment of the director,
 15 will effectuate the purpose of this act, and including a requirement
 16 for report of the manner of compliance. *If the conduct violative*
 17 *of this act constitutes any form of unlawful economic discrimina-*
 18 *tion prohibited in section 11, subsections l., m., and n. of this act,*
 19 *the affirmative action taken by the director may include the award*
 20 *of three-fold damages to the person or persons aggrieved by the*
 21 *violation.* The director shall have the power to use reasonably
 22 certain bases, including but not limited to list, catalogue or market
 23 prices or values, or contract or advertised terms and conditions,
 24 in order to determine particulars or performance in giving appropriate
 25 remedy. If, upon all the evidence, the director shall find

rest of bill

26 that the respondent has not engaged in any such unlawful practice
27 or unlawful discrimination, the director shall state his findings of
28 fact and conclusions of law and shall issue and cause to be served
29 on the complainant a notice dismissing the said complaint as to
30 such respondent.

1 4. Section 27 of P. L. 1945, c. 169 (C. 10:5-28) is amended to
2 read as follows:

3 27. If any clause, sentence, paragraph, or part of this act *or any*
4 *amendment or supplement thereto* or the application thereof to any
5 person or circumstances, shall, for any reason, be adjudged by a
6 court of competent jurisdiction to be invalid, such judgment shall
7 not affect, impair, or invalidate the remainder of this act.

1 5. This act shall take effect immediately.

STATEMENT

This bill, an amendment to the "Law Against Discrimination," extends the coverage of that law to discrimination based on nationality.

MAY 19, 1977

FOR FURTHER INFORMATION

FOR IMMEDIATE RELEASE

BEN BOROWSKY

Governor Brendan Byrne today signed into law A-2334, which amends the state's "Law Against Discrimination."

The new legislation extends the coverage of that law to prohibit discrimination based on nationality. The bill also prohibits discriminatory boycotts or commercial blacklisting.

The bill extends the "Law Against Discrimination" to apply to discrimination against "any person" and not merely to inhabitants of New Jersey.

Governor Byrne said that "this bill is consistent with established New Jersey policy, a policy against discrimination."

The Governor had hoped that federal legislation against discriminatory boycotts would have been passed by this time "and we recognized in this bill the appropriateness of having the federal government deal with this legislation," he said.

Assemblyman Peter Shapiro and Senate President Matthew Feldman were seated next to the Governor as he signed the bill. Shapiro introduced the bill in the Assembly. Feldman introduced a similar bill in the Senate but then agreed to go along with the Assembly version.

"This bill establishes a principle," the Governor added. "In the political climate of today, it's Israel. Next year it could be Ireland, Poland or Italy."

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