itself. *See generally Stern v. Massachusetts Indemnity and Life Insurance Co.*, 360 F. Supp. 433, 438 (E.D. Pa. 1973). The Commissioner's rate approval is the very act being challenged and the Division's lack of jurisdiction to review his conduct means that the entire complaint should be dismissed.

We conclude that the Legislature conferred exclusive jurisdiction on the Commissioner of Insurance to review proposed insurance rates and to evaluate their fairness. This exclusive jurisdiction comports with the legislative intent to promote uniformity in rate-making and to place reliance on the Commissioner's expertise in such matters. Consequently, the Division on Civil Rights lacks jurisdiction under the Law Against Discrimination to review the Commissioner's approval of insurance rates.

Very truly yours,
WILLIAM F. HYLAND
Attorney General

By: RAYMOND A. NOBLE
Deputy Attorney General

* The complainant's contention that use of sex and marital criteria necessarily constitutes invidious discrimination even when it is based on actuarial loss statistics contradicts the only case precedent construing a similar question. In *Stern v. Massachusetts Indemnity and Life Insurance Co.*, 360 F. Supp. 433 (E.D. Pa. 1972), a female complainant was denied partial summary judgment on her claims of sex discrimination against an insurer and Pennsylvania's Insurance Commissioner, despite the insurer's admitted use of separate, state-approved disability insurance policies for men and for women. While holding that the complaint stated a cause of action under the federal Civil Rights Act of 1871, 42 U.S.C.A. §1983, the court held that defendants' contention that the classification was based on actuarial evidence stated a valid defense against the charge, requiring a factual determination. Thus, complainant's express admission that the rate classification was based on actuarial loss statistics would seem to rebut his own claim. We need not decide this question, however, in view of our conclusion regarding jurisdiction.

February 13, 1975

DR. FRED. G. BURKE, *Commissioner*
Department of Education
225 West State Street
Trenton, New Jersey 08625

FORMAL OPINION NO. 3–1975

Dear Dr. Burke:

You have asked what effect Laws of 1974, C. 191 has upon statutes governing elections in Type II and regional school districts and upon statutes governing the preparation of budgets in Type I, Type II and regional school districts.

The Act was signed by Governor Brendan T. Byrne on December 26, 1974, to

take effect immediately. Its purpose was to mitigate the confusion experienced by local school districts because of the Legislature's inability to devise a method of educational financing consistent with the decision of the New Jersey Supreme Court in *Robinson v. Cahill,* 62 N.J. 473 (1973). To achieve this purpose, "the various timelines for preparation of budgets and for school elections" were extended for one month (Statement on Bill).

Although no program of educational financing has yet been developed by the Legislature, the Supreme Court has taken action to avoid fiscal chaos in the local school districts. By Order dated January 23, 1975, the court directed no change in the present statutory scheme for the school year 1975-76 and stated that the

> ". . .Commissioner of Education may immediately advise all school districts of the amount of estimated State aid funds for said year based on present law." Order, *Robinson v. Cahill,* at 4.

In taking this action, the court noted that:

> "All school districts must, *even under recent legislation extending timetable dates,* commence within a very few days the process of adopting budgets for the school year 1975-76, arranging for elections and attending to other matters relevant thereto and must be advised prior thereto of the amount of state aid funds of various categories estimated to be received during said school year." (Emphasis added).

The legislation referred to by the Supreme Court, and which is the subject of the present inquiry, specifically provides that the annual school election for the year 1975 for each Type II local school district shall be held on March 11, 1975 and for regional districts on:

> "(1) March 11, 1975 in any all purpose regional district consisting of a consolidated school district, or of a school district comprising two or more municipalities, which is itself a constituent district of a larger regional district, or
> (2) March 4, 1975 in all other regional districts."

The remaining sections of the law concern the preparation of school budgets. Section 2 extends the date for the preparation of school budgets to (1) March 1, 1975 in districts having a board of school estimate, (2) February 11, 1975 for districts, other than regionals, not having a board of school estimate and (3) February 4, 1975 in regional districts. The dates for holding public hearings on school budgets, as required by N.J.S.A. 18A:22-10, are extended by Section 3 to (1) between March 1 and March 15 for districts having a board of school estimate, (2) between February 11 and March 1 for districts other than regionals, with no board of school estimate, and (3) between February 4 and February 25 for regional districts. Finally, Section 4 extends the last date on which the board of school estimate of a Type I district must fix and determine the budget to March 15, 1975 while Section 5 similarly extends the time for Type II districts.

Within this framework, you have specifically asked:

1) Whether notices concerning military or absentee ballots must be republished because of the change in the date of the election (N.J.S.A. 18A:14-25); and

2) Whether the dates pertaining to filing of nominating petitions (N.J.S.A. 18A:14-9), drawing for position on the ballot (N.J.S.A. 18A:14-13, 14) and withdrawing of a candidate from the election (N.J.S.A. 18A:14-12.1) must be extended as a result of the enactment of Laws of 1974, C. 191.

With regard to your initial inquiry, N.J.S.A. 18A:14-25 provides that:

> "Not less than 40 days whenever possible, and always as nearly 40 days as possible, *prior to the date fixed for the holding of any school election,* the secretary of the board of education shall cause notices, of the character provided in section 7 of the 'Absentee voting law (1953)', (C. 19:57-7) to be published at least once in one newspaper published in the county or each county in which the district is situate and circulating in such county or in each such county. . . ." (Emphasis added)

This statute requires that notices be published as nearly as possible to forty days prior to the "holding of any school election." Furthermore, N.J.S.A. 19:57-7, which governs the form of the notice, requires that the date of the election be set forth therein. Therefore, any school districts which arranged for the publication of such notices prior to December 26, 1974 would have to republish so that such publication would be as close to forty days prior to the new election date as possible, and in order that such notices would recite the correct date of the election. Quite clearly, notices for absentee voting purposes would be of little value if they recited the incorrect election date.

The second inquiry relates to a series of statutory requirements also concerning school elections. N.J.S.A. 18A:14-9 provides that:

> "Each candidate to be voted upon at a school election shall be nominated directly by petition, signed by at least 10 persons none of whom shall be the candidate himself, *and file with the secretary of the board of education of the district on or before four P.M. of the fortieth day preceding the date of the election* except that nominating petitions for special elections to be held pursuant to section 18A:9-10 shall be *so filed on or before four P.M. of the fifteenth day before said special election.* . . ." (Emphasis added).

Thereafter, N.J.S.A. 18A:14-13 states that the drawing of names of candidates for position on the ballot shall take place "on the day following the last day for filing petitions for the annual school elections" (forty days prior to the date of the school election). Finally, pursuant to N.J.S.A. 18A:14-12.1, a person may withdraw his name as a candidate by filing a notice in writing "on or before four P.M. of the thirty-second day before the date of the school election."

Each of the aforementioned statutory provisions refer to the "date of the school election." Laws of 1974, C. 191 has changed the date for the 1975 school elections. Therefore, the new date must be utilized in all calculations required by the above statutes. Furthermore, any other statutory provisions or departmental regulations which require calculations based upon the date of the school election should utilize the date as set forth in the newly enacted statute. Such interpretation is entirely con-

sistent with the express legislative purpose that the "various timelines for preparation of budgets and for school elections" be extended for one month. It is well established that in absence of ambiguity, intent of the Legislature is to be found in the statute itself, *Borough of Highlands v. Davis,* 124 N.J. Super. 217 (Law Div. 1973), and that any construction which would render part of a statute meaningless is to be avoided. *Reisin Lumber & Millwork Co. v. Simonelli,* 98 N.J. Super. 335 (Law Div. 1967).

Based upon the foregoing considerations, please be advised that:

(1) Local school districts, consistent with N.J.S.A. 18A:14-25 and 19:57-7, must publish notices for absentee and military ballots as near as possible to forty days prior to the school election and these notices must set forth the correct date of such election; and

(2) The date of the school election set forth in Laws of 1974, C. 191 is to be used for the calculations required by N.J.S.A. 18A:14-9; 14-13; and 14-12.1 and for any other statutory provision or departmental regulations which require computations based on the "date of the school election."

Very truly yours,
WILLIAM F. HYLAND
Attorney General

By: MARY ANN BURGESS
Deputy Attorney General

April 14, 1975

LEONARD D. RONCO, *Director*
Division of Alcoholic Beverage Control
25 Commerce Drive
Cranford, New Jersey 07016

FORMAL OPINION NO. 4–1975

Dear Director Ronco:

You have requested an opinion as to whether Chapter 161 of the Laws of 1974, which amends and supplements Chapter 282 of the Laws of 1968 (titled "An Act relating to employment qualifications of rehabilitated convicted offenders"), applies to the Division of Alcoholic Beverage Control and municipal "other issuing authorities" as defined by N.J.S.A. 33:1-19. To place this inquiry in its proper perspective, some legislative background is in order.

The Alcoholic Beverage Law prohibits the issuance of any license of any class to any person who has been convicted of a crime involving moral turpitude, or to any partnership or corporation if any partner or any corporate officer or director or owner of more than 10% of the stock of the corporation is so criminally disqualified. N.J.S.A. 33:1-25; *Weinstein v. Div. of Alcoh. Bev. Control,* 70 N.J. Super. 164 (App. Div. 1961). Further, no person failing to qualify as a licensee personally may be